

# Multiple identities, multiple risks

## Homophobia, transphobia and racism in the USA

*"There is no such thing as a single-issue struggle because we do not live single-issue lives."*

Audre Lorde, US writer and activist

Within the lesbian, gay, bisexual and transgender (LGBT) community in the USA, transgender individuals, people from ethnic or racial minorities, young people, homeless people, and sex workers are at particular risk of police abuse and misconduct.

Racism often occurs together with homophobia or transphobia (discrimination against or hostility towards transgender people). A significant proportion of reports of abuse against LGBT individuals involve people from racial or ethnic minority groups. Immigration status also contributes to the risk of abuse by law enforcement officials. This mirrors the systemic racism still found in many areas of policing in the USA.

Reported abuses include racist language, harassment, ill-treatment, unjustified stops and searches, false arrests, use of excessive force, unlawful shootings and torture.

Efforts to respond to and prevent violent crime against LGBT individuals are hindered by the lack of documentation and coordination between federal, state and local agencies and community groups. Nevertheless, despite the absence of systematic and consistent monitoring, a picture is emerging of widespread abuses against LGBT individuals. For example, official statistics show that in Chicago in 2003 and Los Angeles in 2002 LGBT people were the second largest group targeted for "hate crimes" (crimes motivated by discrimination) in both cities; only racially motivated crimes were more prevalent in this category of offence.

Amnesty International has found that "hate crimes" motivated by more than one prejudice mostly go unrecorded or are incompletely recorded. However, factors such as gender, race, age, ethnicity and immigration and economic status affect the likelihood of violent attacks against LGBT individuals. In a 2003 national survey, 51 per cent of LGBT individuals reporting "hate crime" were members of racial or ethnic minorities. In Los Angeles in 2002, the majority of "hate crimes" reported against transgender people were committed against low-income transgender women

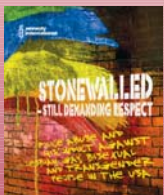
from ethnic minorities, in areas known to be frequented by street-based sex workers.

Stereotypes about gender and sexuality may conflict with stereotypes about race or ethnicity. In some circumstances this can put individuals who do not "fit" these preconceived notions at risk. For example, in late 2003, officers in Los Angeles reportedly denied a request by an African American gay man to be placed in a special unit for LGBT detainees, because in their view as an African American he did not conform to the stereotype of a gay man.

Discriminatory attitudes based on stereotypes of gender and sexuality are sometimes compounded by prejudices which view factors such as race, age or socio-economic status as indicators of criminality.

"Quality of life" policing – a strategy of aggressively enforcing laws or regulations against minor public order or morals offences, such as littering, loitering or public urination – has often targeted LGBT communities in the USA. Such policing methods may target an LGBT individual because of their race, ethnicity, age or socio-economic status. In many cases it is difficult to gauge whether they were also targeted on the basis of their sexual orientation or gender identity or expression. While a person may initially be targeted because of their race, for example, the likelihood of police abusing an individual increases when the person's sexual orientation or gender identity or expression becomes apparent.

X (name withheld), a Native American transgender woman, told Amnesty International that in October 2003 she was stopped in Los Angeles by two police officers as she was walking along a street in the early hours of the morning. The officers said they were taking her to jail for "prostitution" - a charge she denies. X alleges that the officers handcuffed her, put her in a patrol car and drove her to an alley off Hollywood Boulevard. The officers then stopped the car, pulled her out and began hitting her across the face and shouting sexual abuse at her. They then reportedly threw her back into the patrol car, ripped off her skirt and her underwear, and raped her. According to X, they then threw her on the ground and said, "That's what you deserve," and left her there.



For more details see AI's report: *Stonewalled – still demanding respect*  
*Police abuses against lesbian, gay, bisexual and transgender people in the USA* (AI Index: AMR 51/001/2006), available from [www.amnesty.org](http://www.amnesty.org)  
For further information see [www.amnestyusa.org/outfront/](http://www.amnestyusa.org/outfront/)

Laws which are vaguely worded and do not clearly define the offence are particularly open to discriminatory enforcement. Such laws allow a great deal of discretion on the part of law enforcement officers when they are deciding who to stop, question or detain. In a context where members of particular communities are viewed (profiled) as potential criminals, the risk of discriminatory policing is greatly increased. Amnesty International's research shows that LGBT individuals from ethnic or racial minority groups are viewed with suspicion by law enforcement officials. Transgender women from racial or ethnic minority communities, for example, are frequently profiled as criminal suspects while going about everyday business.

**"I think if we were white, the cops and people would treat us differently."**

**A young lesbian of African American and Native American heritage, Denver, Colorado, 2002**

Negative profiling and selective enforcement of "quality of life" legislation can affect individuals in virtually every sphere of their daily lives and often has an impact that goes far beyond the initial incident. In a study published in 2004, Amnesty International USA

found that the practice of racial profiling leaves its victims feeling humiliated, depressed, helpless and angry. It also creates fear and mistrust which in turn makes it harder for members of ethnic or racial minorities to report crimes and cooperate with police officers. A similar response was reported by LGBT communities and individuals who had experienced profiling or selective enforcement based on their sexual orientation or gender identity or expression, as well as race, age or other status.

Training for law enforcement officials on LGBT issues should not exist in a vacuum but needs to incorporate the way in which issues such as race, age, and socio-economic and immigration status impact on members of LGBT communities.

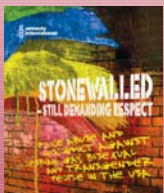
A gay Filipino survivor of domestic violence living in Los Angeles was reportedly beaten on several occasions by his partner, a white US citizen. When police responded to one altercation, they reportedly arrested the Filipino man and threatened to report him to the immigration authorities, saying: "You're not a citizen. We should deport you, you shouldn't be hitting Americans; you're not an American." The Filipino man was ordered to undergo 52 weeks of batterer's intervention (a programme of assessment and treatment for domestic violence offenders).

## What needs to be done

LGBT people in the USA continue to suffer serious police abuses, in some cases amounting to torture and ill-treatment. Despite some positive initiatives by law enforcement agencies and the justice system, much more needs to be done to protect LGBT people from police abuse and misconduct.

The US authorities must tackle homophobia, transphobia and racism in policing, including by taking the following steps:

- ⊗ Review all legislation that has in practice resulted in the arrest and detention of individuals because of their sexual orientation or gender identity.
- ⊗ Take action to prevent any discriminatory application of the law by law enforcement officials.
- ⊗ Ensure that "hate crime" statutes, where they exist, address acts of violence or discrimination based on actual or perceived sexual orientation and gender identity or expression.
- ⊗ All law enforcement authorities should undertake comprehensive data collection on crimes motivated by hostility towards the victim's sexual orientation or gender identity or expression. Such documentation should include provision for monitoring violence based on multiple identity factors. Detailed and comprehensive statistics should be regularly published.
- ⊗ Review policing operations, including operations involving the enforcement of "quality of life" regulations and policies, to ensure that they are not targeted in a discriminatory fashion.
- ⊗ Ensure that law enforcement officials are trained to protect those who are attacked verbally or physically on grounds such as gender, race/ethnicity, sexual orientation or gender identity. All police officers should be given training to enable them to deal effectively with allegations of violence against LGBT individuals.



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AI Index: AMR 51/026/2006