
CHAPTER 6:
REFORMING POLICE AND ENDING
ANTI-TRANSGENDER VIOLENCE



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Transgender people today face an epidemic of anti-trans violence. Whether it occurs on our streets, in our schools, in our homes, or at the hands of law enforcement or other government officials, staggering levels of violence persist even as trans equality advances. The annual Transgender Day of Remembrance serves as a somber reminder of the losses suffered because of senseless and unjust acts of cruelty against transgender people. Twenty-six percent of respondents in the National Transgender Discrimination Survey have been physically assaulted on at least one occasion because of anti-trans bias.¹ Transgender people of color and transgender women are disproportionately affected, with nearly 3 out of 4 of lethal anti-LGBT hate crimes committed against trans women and girls.² Transgender people also experience heightened rates of domestic violence and sexual assault and are frequently re-victimized when they seek help.

Unfortunately, Law enforcement is as often a part of the problem as it is part of the solution. Half of transgender people report they are uncomfortable seeking police assistance.³ More than one-fifth (22%) of transgender people who had interacted with police reported police harassment, and 6% of transgender individuals reported that they experienced bias-motivated assault by officers. Black transgender people reported much higher rates of biased harassment and assault (38% and 15%).⁴ NCTE and transgender advocates around the country have joined national efforts to demand to demand police accountability and end racial profiling and other forms of discriminatory policing.

Transgender people who have done sex work or other activities in the street economy are often the most at risk for police violence—this includes 16% of all trans people, 34% of Latino/a trans people, and 53% of Black trans people.⁵ Trans people who have done street economy work are more than twice as likely to report physical assaults by police officers and four times as likely to report sexual assault by police.⁶ NCTE believes that dangerous conditions fostered by criminalization and police abuse are the primary threat to the safety of sex workers.

NCTE advocates for oversight, training, and policy changes for law enforcement, victim service providers, the courts, and other systems that impact anti-transgender violence and survivors of violence, as well as for data collection and research on violence against transgender people. We also advocate for reforms that would reduce the violence faced by sex workers and drug users by decriminalizing their behavior and emphasizing support and harm reduction over law enforcement.

Policy Advances

- The President's Task Force on 21st Century Policing recommended establishing LGBT-inclusive anti-profiling and anti-bias policies and training for police departments, and LGBT-inclusive research on the public's contacts with police. (2015)
- DOJ issued guidance prohibiting profiling by federal law enforcement agencies based on race, ethnicity, gender, national origin, religion, sexual orientation, or gender identity--though with dangerous loopholes for airport security or border or customs officials.
- DOJ issued guidance stating that VAWA grantees must respect the gender self-identification of survivors of violence, meaning that women's shelters must accept transgender women. (2014)
- DOJ made transgender cultural competency training available to law enforcement agencies through its Community Relations Service. (2014)

1 Injustice at Every Turn: A Report of the National Transgender Discrimination Survey, at 80.

2 National Coalition of Anti-Violence Programs, Lesbian, Gay, Bisexual, Transgender, Queer and HIV-Affected Hate Violence in 2013. New York, NY: NCAVP (2014). Available at: http://avp.org/storage/documents/2013_ncavp_hvreport_final.pdf.

3 NTDS, 162.

4 NTDS, 160.

5 NTDS, 64.

6 NTDS, 160.

- HHS required all domestic violence service grantees to adopt LGBT non-discrimination policies. (2013)
- Congress explicitly banned discrimination based on gender identity, sexual orientation, and sex in the Violence Against Women Act, which applies to all VAWA-funded programs. (2013)
- The FBI produced a new, trans-inclusive hate crime Training Manual and Hate Crimes Statistics Form for law enforcement agencies. (2012)
- DOJ settled with the New Orleans police over excessive force and profiling and it is the first police settlement to address anti-trans bias in policing. (2012)
- Congress passed the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act , providing federal support to state and local authorities to address hate crimes, and adding gender identity to hate crimes data collection. (2009)

Needed Policy Changes

- Congress should pass the End Racial Profiling Act, which would explicitly prohibit profiling on the basis of race, national origin, religion, gender, sexual orientation, or gender identity by federal, state, and local law enforcement agencies.
- The Department of Justice should take strong actions to implement the recommendations of the President’s Task Force on 21st Century Policing, including by conditioning federal grants to law enforcement agencies on adopting LGBT-inclusive anti-profiling and anti-bias policies.
- The Department of Justice should issue strong regulations to implement the Violence Against Women Act’s nondiscrimination provisions, including ensuring that transgender individuals have access to services and programs consistent with their gender identity.
- The Departments of Justice, Health and Human Services, and others agencies should ensure that efforts to combat human trafficking prioritize harm-reduction-based services and other needs identified by affected individuals themselves over “end demand” and law enforcement-based responses.
- The Centers for Disease Control and Prevention and DOJ should study the recommendation of the World Health Organization that all countries decriminalize sex work and drug use and work with the Department of Justice to make law and policy recommendations to Congress and the states to ensure that laws and enforcement practices do not conflict with public health strategies.
- The Department of Justice should require that gender identity and sexual orientation data be collected whenever demographic data is collected in programs for victims of crime.