

RESEARCH THAT MATTERS

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# LAW ENFORCEMENT AND LGBTQ PEOPLE

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## EXECUTIVE SUMMARY

LGBTQ<sup>1</sup> people have faced a long history of discrimination and harassment by law enforcement and have been targeted by laws that criminalize their identity and behavior. Mistreatment of LGBTQ people by law enforcement continues to the present day, especially against LGBTQ people of color, those with lower incomes, youth, and transgender individuals.

Discrimination and harassment by law enforcement against LGBTQ communities is an ongoing and pervasive problem across the U.S. This report presents research and other evidence from the past 25 years showing that LGBTQ individuals and communities face profiling, discrimination, and harassment at the hands of law enforcement officers. These experiences have been documented in a wide range of sources, including government and private surveys, incident reports and government investigations, qualitative research, court cases, and anecdotal reports published in the media and other sources. Across many types of research, we find that LGBTQ people of color, youth, transgender people, and LGBTQ people with lower incomes face particularly high rates of mistreatment by law enforcement.

## KEY FINDINGS

- The United States has a significant history of mistreatment of LGBTQ people by law enforcement, including profiling, entrapment, discrimination, and harassment by officers. The Department of Justice summarized this history of discrimination against LGBTQ people in its brief to the United States Supreme Court in *Windsor v. United States*.
- **Survey data and other quantitative research.** Surveys conducted by the government and private organizations indicate that LGBTQ people are more likely than non-LGBTQ people to report being stopped by police, searched by police, arrested, and falsely accused of an offense. LGBTQ people also report substantial rates of verbal harassment, physical harassment, sexual harassment, and assault perpetrated at the hands of law enforcement. This body of research also indicates that LGBTQ people are less likely to feel comfortable seeking help from the police and more likely to distrust law enforcement compared to non-LGBTQ people. Examples of these studies include:
  - A 2024 report by the ACLU based on a nationally representative probability sample found that LGBTQ+ people were significantly more likely than non-LGBTQ+ people to have been stopped by police (51% vs. 42%), searched by police (27% vs. 16%), arrested (20% vs. 14%), and held in custody (19% vs. 14%) over the course of their lives. One-fifth (21%) of LGBTQ+ people reported at least one police-initiated contact in the prior 12 months compared to 15% of non-LGBTQ+ people. Bisexual and transgender respondents were especially likely to report police-initiated interactions.
  - A 2023 analysis of data from the National Transgender Discrimination Survey, a non-probability survey of over 6,000 respondents, found that nearly half (46%) of the sample felt reluctant to contact the police if they needed help, compared to 33% who felt comfortable doing so.

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<sup>1</sup> Throughout this piece, we use a variety of terms to refer to LGBTQ communities, including LGBTQ+ and LGBT. The terms used reflect used in the underlying study being discussed. Where no term was chosen by the underlying study, we use the term LGBTQ.

- A 2022 report by Lambda Legal, in collaboration with Black and Pink National, surveyed over 2,500 people who were LGBTQ+ and/or living with HIV in the United States. More than half of respondents (57%) reported having an in-person encounter with police in the last five years. Almost half (45%) of respondents who interacted with police reported experiencing misconduct, including being accused of an offense they did not commit (31%), being verbally assaulted (25%), and being sexually harassed (13%). Researchers also found that police misconduct especially impacted Black people and those living with HIV.
- A 2022 analysis of data from the nationally representative 2000-2001 National Longitudinal Study of Adolescent to Adult Health found that among young adults, sexual minority respondents were 1.86 times more likely to ever be stopped by police, were stopped 1.6 times as often, and were stopped at younger ages compared to heterosexual youth. Sexual minority women were 2.18 times more likely to be stopped, were stopped 2.44 times as often, and were stopped at younger ages than heterosexual women.
- A 2021 Williams Institute report analyzing data from the 2015 Police-Public Contact Survey and the 2016-2018 Generations study, a nationally representative probability survey, found that LGBTQ people were nearly six times as likely as the general population (6% vs. 1%) to have been stopped by police in a public space. More than one in ten (13%) LGBTQ people said they did not call the police even when they needed help, and LGBTQ people were almost four times as likely to indicate that they would probably not contact the police again as compared to the general population (22% vs. 6%).
- A 2020 nationally representative survey conducted by the Center for American Progress asked over 1,500 LGBTQI+ people about experiences of discrimination and harassment, including mistreatment by law enforcement. The survey found that 15% of respondents had experienced discrimination at the hands of law enforcement. Among Black respondents, one quarter (25%) reported experiencing discrimination when interacting with law enforcement compared to 13% of white respondents.
- The 2015 U.S. Transgender Survey, a non-probability survey of nearly 28,000 respondents, found that 40% of the sample interacted with law enforcement in the prior year. Among those who said the officers thought or knew they were transgender, 58% experienced mistreatment, including verbal harassment (20%), repeated misgendering (49%), physical assault (4%), and sexual assault (3%). Respondents of color were more likely to have experienced at least one form of mistreatment, with 74% of Native American, 71% of multiracial, 66% of Latinx, 61% of Black, and 60% of Asian respondents reporting harassment or discrimination.
- **Incident reports and government investigations.** Incident reports and documents derived from government investigations provide insight into the experiences of LGBTQ people when interacting with police. A series of annual reports published by the National Coalition of Anti-Violence Programs documented many incidents of hate violence, defined as violence targeting people based on their actual or perceived identities, from 2000 to 2017. The reports show that some incidents of hate violence are perpetrated by police, particularly against transgender people and people of color. These reports have also documented instances of mistreatment when survivors of hate violence have attempted to report their victimization to law enforcement. In addition, a government investigation of the New Orleans police department documented discrimination and abuse against LGBTQ communities in that city. Examples include:

- A 2018 report by the National Coalition of Anti-Violence Programs (NCAVP) examined over 800 incidents of hate violence directed at LGBTQ and HIV-affected people within the prior year. Of survivors who interacted with police following an incident of hate violence (43%), many indicated that police had mistreated them during these interactions, including through verbal abuse (16%), slurs or biased language (32%), physical violence (8%), and sexual violence (1%).
- In a 2017 report, NCAVP analyzed 1,036 incidents of violence against LGBTQ+ and HIV-affected people in the prior year. There were 52 survivors who reported experiencing police misconduct, including unjustified arrest (59%), excessive force (24%), police raids (10%), and entrapment (7%). Black survivors were nearly three times more likely to experience excessive force at the hands of police than non-Black survivors.
- A 2016 report by NCAVP analyzed 1,253 incidents of hate violence in the prior year. Of 126 people who reported information on negative police behavior, 33% experienced verbal abuse, 16% physical violence, 8% said police used slurs or biased language against them, and 3% experienced sexual violence by police.
- In 2011, the Civil Rights Division of the U.S. Department of Justice released a report finding that LGBT people were often the victims of “discriminatory policing” by the New Orleans Police Department. LGBT citizens and officers agreed that LGBT community members in particular were subject to “harassment and disrespectful treatment, and unfairly target[ed] for stops, searches, and arrests.”
- **Qualitative research.** Qualitative research studies provide more detailed information about interactions between police and LGBTQ people. Participants in these studies have described being stopped for no reason, encountering hostile treatment when police discovered they were transgender, and having officers assume they were engaging in sex work or other illegal activities. Participants in several studies shared that they have concerns related to their LGBTQ identity about contacting the police or that they avoid police in order to avoid negative interactions. In a few studies, participants reported positive interactions with officers who were sensitive to or knowledgeable about LGBTQ communities, such as LGBTQ liaisons. Recent examples include:
  - A 2024 study based on interviews with 21 transgender women living in Chicago documented experiences of police stopping them for being in public places, with one participant noting that one of the first questions police ask is whether she has any warrants. Some participants shared that they avoided police as much as possible to minimize uncomfortable interactions.
  - A 2024 study based on interviews with 44 transgender people in Virginia documented two instances of transgender women being pulled over for broken taillights and then being mistreated once officers discovered they were transgender based on their IDs.
  - In a 2023 study based on interviews with 23 transgender women about their experiences with criminalization, one woman discussed being arrested by an undercover officer for sex work only after the sex act was completed.

- A 2022 study based on interviews with 19 Black transgender women from Baltimore and Washington, D.C., identified a theme of revictimization while seeking help from police. One participant noted that male officers asked what she did to cause her own abuse. Other participants expressed that when a knowledgeable officer was present, such as an LGBTQ+ liaison, they felt more inclined to reach out for help. In one instance, a transgender woman called the LGBTQ+ liaison after another officer blamed the robbery she suffered on her style of dress. The liaison reprimanded the officer, and the officer was suspended.
- In a 2021 focus group study asking 32 transgender people living in Los Angeles about their experiences with hate crimes and police, a transgender man described being stopped by police while walking across campus and being placed in handcuffs. Police asked no questions, but told him, “Oh, you want to be a man. I’m going to treat you like a man.” A transgender woman also relayed how, after being assaulted in a public restroom, she reported what happened to police. Upon showing them her identification, they told her they couldn’t do anything.
- In a 2020 study, researchers assessed how policing practices affect LGBTQ+ youth who are in unstable housing based on interviews with 40 youth in Austin and San Antonio, Texas. Thirty-six of the youth had had interactions with police, and 31 said they had been arrested. One transgender girl described police shoving her, taking off her wig, and placing the wig at the back of her head. A lesbian youth relayed that police placed her in a men’s cell, despite knowing she was a woman, saying, “You want to be like a man, then I’ll put you in a man’s cell.”
- **Lawsuits and anecdotal reports.** Lawsuits and anecdotal reports have also documented experiences of discrimination and harassment against LGBTQ people by law enforcement. Many of these reports detail extreme violence perpetrated by police, with some incidents requiring medical attention. In addition, police officers still engage in tactics such as raids and entrapment, leading to distrust between LGBTQ communities and law enforcement. Examples include:
  - In 2019, a transgender woman filed suit against the New York Police Department for unjustly charging her with “false personation” and for mocking and harassing her throughout her detention. While crossing through a closed park late at night, the officers stopped the woman to question her. She spoke limited English, and when the officers asked for her name, she gave her former legal name, believing she was required to do so. The police then arrested her for trespassing and brought her to the station, where she explained to a Spanish-speaking officer that she was transgender and had changed her name. Officers then accused her of knowingly misrepresenting her identity and placed her in a cell by herself overnight in pink handcuffs. The officers repeatedly misgendered her and used her former name, in direct violation of their patrol manual. A settlement was reached, part of which required that all NYPD officers of the 44th precinct receive training on interacting with transgender communities.
  - In 2018, a gay resident of Palo Alto brought a lawsuit against the Palo Alto Police Department, alleging violation of his civil rights due to their use of excessive force and targeting him for his sexual orientation. A video recording from the man’s surveillance camera at his home showed the officers slamming him against a car and into the windshield because they suspected him of driving with a suspended license. The



microphone worn by one of the officers captured the officer mocking the man, using a “flamboyant, high-pitched tone” when imitating him. The parties settled the lawsuit, with \$572,500 given to the resident and a two-hour mandatory LGBTQ-awareness training for all officers in the department. The offending officer was placed on administrative leave and retired in 2019. For this incident, the officer involved was charged with assault under color of authority and for lying on a police report.

- **Impact of discrimination and harassment.** A growing body of research shows that negative interactions with police impact LGBTQ people beyond the immediate incident. Research has found associations between police violence and harassment and binge drinking, stress, depression, and other negative health outcomes.

Interactions between LGBTQ communities and law enforcement can be improved through several measures. These include (1) legal and policy reform, (2) enhanced accountability and representation within law enforcement agencies, (3) community engagement and support, and (4) continuous data collection and evaluation of these initiatives. These measures are described in further detail below, with a focus on recommendations for the State of California and localities within the state.

## FINDINGS

### LGBTQ PEOPLE IN THE US

Recent research indicates that approximately 16 million people aged 13 and older in the U.S. identify as LGBT.<sup>2</sup> Using data from the 2021-2022 Behavioral Risk Factor Surveillance System (BRFSS), a government survey jointly administered by the U.S. Centers for Disease Control and Prevention alongside states, the Williams Institute estimated that 5.5% of adults, or 13.9 million people, in the U.S. identify as LGBT.<sup>3</sup> A separate Williams Institute analysis, using data from the 2015-2017 Youth Risk Behavior Survey, found that two million youth ages 13-17 identify as LGBT.<sup>4</sup>

Like the general population, LGBT adults are racially and ethnically diverse. Nearly half (47.7%) of LGBT adults in the U.S. are people of color, including 2.3 million Latinx adults, 1.2 million Black adults, 600,000 Asian Americans, 285,000 American Indian/Alaskan Natives, 40,000 Native Hawai'ian/Pacific Islanders, and 1.1 million adults who identify as a race other than white.<sup>5</sup>

LGBTQ adults, particularly those who are transgender or people of color, are more likely to experience poverty and other economic hardships compared to non-LGBTQ adults. A Williams Institute analysis using 2018-2021 BRFSS data found that 17% of LGBT adults were living in poverty compared to 12% of non-LGBT adults.<sup>6</sup> Both groups saw a substantial decline in poverty rates from the previous year (from 23% for LGBT adults and 16% for non-LGBT adults), which could reflect the impact of COVID-19 economic relief efforts.<sup>7</sup> Despite the overall drop in poverty rates, both LGBT people of color and transgender people continued to experience significantly higher rates of poverty compared to their white and cisgender counterparts. In 2021, 25% of LGBT people of color lived in poverty compared to 13% of white LGBT adults.<sup>8</sup> One-fifth (21.2%) of transgender adults were experiencing poverty in 2021.<sup>9</sup>

<sup>2</sup> ANDREW R. FLORES & KERITH J. CONRON, ADULT LGBT POPULATION IN THE UNITED STATES 1 (2023), <https://williamsinstitute.law.ucla.edu/wp-content/uploads/LGBT-Adult-US-Pop-Dec-2023.pdf>.

<sup>3</sup> *Id.*

<sup>4</sup> KERITH J. CONRON, LGBT YOUTH POPULATION IN THE UNITED STATES 1, 5 (2020), <https://williamsinstitute.law.ucla.edu/wp-content/uploads/LGBT-Youth-US-Pop-Sep-2020.pdf>.

<sup>5</sup> *Race and Well-Being Among LGBT Adults*, WILLIAMS INST. (2022), <https://williamsinstitute.law.ucla.edu/visualization/lgbt-race-comparison/>; BIANCA D.M. WILSON ET AL., LATINX LGBT ADULTS IN THE U.S.: LGBT WELL-BEING AT THE INTERSECTION OF RACE 3 (2021) <https://williamsinstitute.law.ucla.edu/wp-content/uploads/LGBT-Latinx-SES-Sep-2021.pdf>; SOON KYU CHOI, BIANCA D.M. WILSON & CHRISTY MALLORY, BLACK LGBT ADULTS IN THE U.S.: LGBT WELL-BEING AT THE INTERSECTION OF RACE 3 (2021), <https://williamsinstitute.law.ucla.edu/wp-content/uploads/LGBT-Black-SES-Jan-2021.pdf>; BIANCA D.M. WILSON, LAUREN BOUTON & CHRISTY MALLORY ET AL., AMERICAN INDIAN AND ALASKAN NATIVE LGBT ADULTS IN THE U.S.: LGBT WELL-BEING AT THE INTERSECTION OF RACE 3 (2021), <https://williamsinstitute.law.ucla.edu/wp-content/uploads/LGBT-AIAN-SES-Oct-2021.pdf>; SOON KYU CHOI ET AL., AAPI LGBT ADULTS IN THE U.S.: LGBT WELL-BEING AT THE INTERSECTION OF RACE 10 (2021), <https://williamsinstitute.law.ucla.edu/wp-content/uploads/LGBT-AAPI-SES-May-2021.pdf>

<sup>6</sup> BIANCA D.M. WILSON ET AL., LGBT POVERTY IN THE UNITED STATES: TRENDS AT THE ONSET OF COVID-19 6 (2023), <https://williamsinstitute.law.ucla.edu/wp-content/uploads/LGBT-Poverty-COVID-Feb-2023.pdf>.

<sup>7</sup> *Id.* at 6, 11.

<sup>8</sup> *Id.* at 9.

<sup>9</sup> *Id.* at 7. The rates of poverty for non-transgender people were 9.4% for straight cisgender men, 10.3% for gay cisgender men,



Research also indicates that LGBTQ people are more likely to experience food insecurity and housing instability than non-LGBTQ people. A Williams Institute analysis of data from the Census Bureau's 2021 Household Pulse Survey found that 12.7% of LGBT adults reported sometimes or often not having enough food to eat compared to 7.8% of non-LGBT adults.<sup>10</sup> Rates of food insufficiency were higher for both LGBT people of color and transgender people. A little over 17.3% of LGBT people of color reported sometimes or often not having enough food to eat compared to 10.1% of white LGBT people.<sup>11</sup> Transgender adults were more likely to experience food insecurity (19.9%) compared to cisgender men and women.<sup>12</sup> Another Williams Institute analysis, based on data from the Generations and TransPop studies conducted in 2016-2018,<sup>13</sup> found that, in the prior year, 8.3% of transgender adults and 2.5% of LGBQ adults had experienced homelessness, compared to 1.4% of non-LGBT adults.<sup>14</sup> About one in six LGBQ adults (16.9%) had experienced homelessness at some point in their lives, compared to 6.2% of the general population.<sup>15</sup> A separate analysis of data from the 2022 U.S. Transgender Survey found that 30% of transgender adults had experienced homelessness at some point in their lives.<sup>16</sup> A growing body of evidence also indicates that LGBT youth are at heightened risk of experiencing homelessness,<sup>17</sup> which may stem in part from a lack of acceptance both in and outside of the home.<sup>18</sup>

Both survey and anecdotal data indicate that transgender individuals interact with police more frequently than non-transgender people. According to data from the 2015 U.S. Transgender Survey, about 40.3% of transgender and gender diverse people reported interacting with police within the last year, compared with 21.1% of the general population.<sup>19</sup>

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12.9% for bisexual cisgender men, 13.6% for straight cisgender women, 17.5% for lesbian cisgender women, and 19.9% for bisexual cisgender women.

<sup>10</sup> KERITH J. CONRON ET AL., FOOD INSUFFICIENCY AMONG LGBT ADULTS DURING THE COVID-19 PANDEMIC 4 (2022), <https://williamsinstitute.law.ucla.edu/wp-content/uploads/LGBT-Food-Insufficiency-Apr-2022.pdf>.

<sup>11</sup> *Id.* at 7.

<sup>12</sup> *Id.* The rates of food insufficiency included 7.5% for straight cisgender men, 8.1% for straight cisgender women, 10% for gay cisgender men, 12.4% for lesbian cisgender women, 12.7% for bisexual cisgender women, and 14.2% for bisexual cisgender men.

<sup>13</sup> The Generations study was a five-year study examining health and well-being across three generations of LGB people; see GENERATIONS, [generations-study.com](https://generations-study.com) (last visited Oct. 15, 2025). The TransPop study was the first national health survey on the U.S. transgender population; see TRANSPop: U.S. TRANSGENDER POPULATION HEALTH SURVEY, [transpop.org](https://transpop.org) (last visited Oct. 15, 2025).

<sup>14</sup> BIANCA D.M. WILSON ET AL., HOMELESSNESS AMONG LGBT ADULTS IN THE US 3 (2020), <https://williamsinstitute.law.ucla.edu/wp-content/uploads/LGBT-Homelessness-May-2020.pdf>.

<sup>15</sup> *Id.* at 5.

<sup>16</sup> SANDY E. JAMES ET AL., EARLY INSIGHTS: A REPORT OF THE 2022 U.S. TRANSGENDER SURVEY 21 (2024), [https://transequality.org/sites/default/files/2024-02/2022%20USTS%20Early%20Insights%20Report\\_FINAL.pdf](https://transequality.org/sites/default/files/2024-02/2022%20USTS%20Early%20Insights%20Report_FINAL.pdf).

<sup>17</sup> See SOON KYU CHOI ET AL., SERVING OUR YOUTH: THE NEEDS AND EXPERIENCES OF LESBIAN, GAY, BISEXUAL, TRANSGENDER, AND QUESTIONING YOUTH EXPERIENCING HOMELESSNESS 4 (2015), <https://truecolorsunited.org/wp-content/uploads/2015/05/Serving-Our-Youth-June-2015.pdf>.

<sup>18</sup> MATTHEW H. MORTON ET AL., MISSED OPPORTUNITIES: YOUTH HOMELESSNESS IN AMERICA, NATIONAL ESTIMATES 13 (2017), [https://www.chapinhall.org/wp-content/uploads/ChapinHall\\_VoYC\\_NationalReport\\_Final.pdf](https://www.chapinhall.org/wp-content/uploads/ChapinHall_VoYC_NationalReport_Final.pdf).

<sup>19</sup> Madeline R. Stenersen, Kathryn Thomas & Sherry McKee, *Police and Transgender and Gender Diverse People in the United States: A Brief Note on Interaction, Harassment, and Violence*, 37 J. INTERPERSONAL VIOLENCE NP23527, NP23534 (2022).

## HISTORICAL CRIMINALIZATION OF LGBTQ PEOPLE IN THE US

Until relatively recently, same-sex sexual behavior constituted criminal conduct, which often forced LGBTQ people to hide their identity from law enforcement officers and prevented them from seeking police assistance. Prior to 1961, every state had an anti-sodomy law.<sup>20</sup> Twenty-one states still had sodomy laws in 2003,<sup>21</sup> when the U.S. Supreme Court declared such laws unconstitutional in *Lawrence v. Texas*.<sup>22</sup> In 14 states, the laws were still being enforced at the time *Lawrence* was decided.<sup>23</sup> Even after *Lawrence*, 12 states still have anti-sodomy laws on the books,<sup>24</sup> with some state legislators declining to repeal the laws in order to send a message of moral disapproval.<sup>25</sup>

Such criminalization was one of the foundations for a significant history of mistreatment of LGBTQ people by law enforcement in the United States, which included profiling, entrapment, discrimination, and harassment against LGBTQ people by law enforcement; victimization that was often ignored by law enforcement; and discrimination against LGBTQ people who sought employment in law enforcement. The U.S. Department of Justice summarized this history of discrimination against LGBTQ people in its brief to the Supreme Court in *Windsor v. United States*:

*Gay and lesbian people have suffered a significant history of discrimination in this country. No court to consider the question has concluded otherwise, and any other conclusion would be insupportable. [26]*

<sup>20</sup> Joel Brinkley, *Supreme Court Strikes Down Texas Law Banning Sodomy*, N.Y. TIMES (June 26, 2003), <https://www.nytimes.com/2003/06/26/politics/supreme-court-strikes-down-texas-law-banning-sodomy-2003062692153018362.html>. Illinois was the first state to repeal its sodomy law in 1961. See also *History of Sodomy Laws and the Strategy that Led Up to Today's Decision*, ACLU (June 16, 2013), [http://www.aclu.org/lgbt-rights\\_hiv-aids/history-sodomy-laws-and-strategy-led-todays-decision](http://www.aclu.org/lgbt-rights_hiv-aids/history-sodomy-laws-and-strategy-led-todays-decision).

<sup>21</sup> ALA. CODE § 13A-6-65(a)(3) (2003); ARK. CODE ANN. § 5-14-122 (2003); FLA. STAT. ANN. § 800.02 (West 2003); GA. CODE ANN. § 16-6-2 (West 2003); IDAHO CODE ANN. § 18-6606 (West 2003); KAN. STAT. ANN. § 21-3505 (West 2003); KY. REV. STAT. ANN. § 510.100 (West 2003); LA. REV. STATE. ANN. § 14:89 (2003); MD. CODE ANN. CRIM. LAW § 3-321 (West 2003); MASS. GEN. LAWS ANN. ch. 272 §§ 34, 35 (West 2003); MICH. COMP. LAWS ANN. § 750.158 (West 2003); MINN. STAT. ANN. § 609.293 (West 2003); MISS. CODE ANN. § 97-29-59 (West 2003); MO. ANN. STAT. § 566.09 (West 2003); MONT. CODE ANN. § 45-5-505 (West 2003); N.C. GEN. STAT. ANN. § 14-177 (West 2003); OKLA. STAT. ANN. tit. 21 § 886 (West 2003); S.C. CODE ANN. § 16-15-120 (2003); TEX. PENAL CODE ANN. § 21.06 (West 2003); UTAH CODE ANN. § 76-5-403 (West 2003); VA. CODE ANN. § 18.2-361 (West 2003).

<sup>22</sup> 539 U.S. 558 (2003).

<sup>23</sup> Brinkley, *supra* note 20.

<sup>24</sup> FLA. STAT. ANN. § 800.02 (West 2014); GA. CODE ANN. § 16-6-2 (West 2014); KAN. STAT. ANN. § 21-5504 (2011); KY. REV. STATE. ANN. § 510.100 (West 2014); LA. STAT. ANN. § 14:89 (2014); MASS. GEN. LAWS ANN. ch. 272 §§ 34, 35 (West 2014); MICH. COMP. LAWS ANN. § 750.158 (West 2014); MISS. CODE ANN. § 97-29-59 (West 2014); N.C. GEN. STAT. ANN. § 14-177 (West 2014); OKLA. STAT. ANN. tit. 21 § 886 (West 2014); S.C. CODE ANN. § 16-15-120 (2014); TEX. PENAL CODE ANN. § 21.06 (West 2014).

<sup>25</sup> See Justin Peligri, *Ken Cuccinelli's New Website Defends Anti-Sodomy Law*, NBC NEWS (July 17, 2013, 10:17 PM), <https://www.nbcnews.com/id/wbna52505368>; John Wright, *Texas Lawmaker Cites 'Moral Standard,' 'Bestiality' In Defending Unconstitutional Sodomy Ban*, Towler Road (Mar. 16, 2015), <https://www.towleroad.com/2015/03/texas-lawmaker-says-sodomy-ban-should-stay-on-books-because-it-upholds-moral-standard/>.

<sup>26</sup> See, e.g., *Massachusetts v. United States Dept of Health & Human Servs.*, 682 F.3d 1, 11 (1st Cir. 2012) (<sup>2</sup>[G]ays and lesbians have long been the subject of discrimination.<sup>2</sup>), petitions for cert. pending, Nos. 12-13 (filed June 29, 2012), 12-15 (filed July 3, 2012), and 12-97 (filed July 20, 2012); *High Tech Gays v. Defense Indus. Sec. Clearance Office*, 895 F.2d 563, 573 (9th Cir. 1990) (<sup>2</sup>[W]e do agree that homosexuals have suffered a history of discrimination.<sup>2</sup>); *Ben-Shalom v. Marsh*, 881 F.2d 454, 465 (7th Cir. 1989) (<sup>2</sup>Homosexuals have suffered a history of discrimination and still do, though possibly now in less degree.<sup>2</sup>), cert. denied, 494 U.S. 1004 (1990).

*Perhaps most stark is the history of criminal prohibitions on the sexual intimacy of gay and lesbian people: that history ranges from colonial laws ordering the death of “any man [that] shall lie with mankind, as he lieth with womankind,”<sup>[27]</sup> to state laws that, until very recently, “demean[ed] the[] existence” of gay and lesbian people “by making their private sexual conduct a crime.”<sup>[28]</sup> “[T]hat declaration in and of itself [wa]s an invitation to subject homosexual persons to discrimination both in the public and in the private spheres.”<sup>[29]</sup> The federal government, state and local governments, and private parties all have contributed to a regrettable history of discrimination against gay and lesbian people in a variety of contexts:*

*Employment: By the 1950s, based on Presidential and other directives, the federal government investigated its civilian employees for “sexual perversion,” i.e., homosexuality. Until 1975, “[t]he regulations of the Civil Service Commission for many years ha[d] provided that immoral or notoriously disgraceful conduct, which includes homosexuality or other types of sex perversion, are sufficient grounds for denying appointment to a Government position or for the removal of a person from the Federal service.”<sup>[30]</sup> Intrusive investigations by the FBI and other agencies forced thousands of federal employees out of their positions based on the suspicion that they were gay or lesbian.<sup>[31]</sup> The same was true on the state and local government level<sup>[32]</sup>, and pervasive employment discrimination persists to this day....*

*Hate crimes: After racial minorities, gay and lesbian people are the most frequent victims of reported hate crimes.<sup>[33]</sup> From 2007 to 2011 (the latest year for which data has been reported), hate crimes motivated by sexual orientation increased 3%, even as hate crimes overall decreased 19%.<sup>[34]</sup>....*

*Police enforcement: Liquor licensing laws were used to raid establishments patronized by gay and lesbian people long before the Stonewall riots of 1969.<sup>[35]</sup> Police similarly relied on laws prohibiting lewdness, vagrancy, and disorderly conduct to harass gay and lesbian people when congregating in public.<sup>[36]</sup>*

<sup>27</sup> Public Statute Laws of the State of Connecticut, 1808 tit. LXVI, ch. 1, § 2, 294-295 & n.l (enacted 1642; rev. 1750).

<sup>28</sup> *Lawrence*, 539 U.S. at 578.

<sup>29</sup> *Id.* at 575.

<sup>30</sup> Employment of Homosexuals and Other Sex Perverts in Government, Interim Report submitted to the Committee by its Subcommittee on Investigations pursuant to S. Res. 280, S. Doc. No. 241, 81st Cong., 2d Sess. 8 (1950).

<sup>31</sup> See, e.g., *id.* at 6-8; BRAD SEARS ET AL., THE WILLIAMS INSTITUTE, DOCUMENTING DISCRIMINATION ON THE BASIS OF SEXUAL ORIENTATION AND GENDER IDENTITY IN STATE EMPLOYMENT, CH. 5 AT 7 Sept. 2009, <http://williamsinstitute.law.ucla.edu/research/workplace/documenting-discrimination-on-the-basis-of-sexual-orientation-and-gender-identity-in-state-employment/>.

<sup>32</sup> *Id.* at 18-34.

<sup>33</sup> See FBI, *Incidents, Offenses, Victims, and Known Offenders by Bias Motivation*, HATE CRIME STATISTICS 2011, <http://www.fbi.gov/about-us/cjis/ucr/hate-crime/2011/tables/table-1> (last visited Dec. 10, 2014) (hate crimes motivated by victim’s sexual orientation constituted second highest category reported with 1508 offenses or over 20% of total).

<sup>34</sup> Compare *id.* with FBI, *Incidents, Offenses, Victims, and Known Offenders by Bias Motivation*, HATE CRIME STATISTICS 2007, [http://www2.fbi.gov/ucr/hc2007/table\\_01.htm](http://www2.fbi.gov/ucr/hc2007/table_01.htm) (last visited Dec. 10, 2014).

<sup>35</sup> See William N. Eskridge, Jr., *Privacy Jurisprudence and the Apartheid of the Closet, 1946-1961*, 24 FLA. ST. U. L. REV. 703, 761-766 (1997).

<sup>36</sup> See, e.g., *Pryor v. Municipal Court*, 599 P.2d 636, 644 (Cal. 1979); Steven A. Rosen, *Police Harassment of Homosexual Women and Men in New York City, 1960-1980*, 12 COLUM. HUM. RTS. L. REV. 159, 162-164 (1980); FLORIDA STATE LEGISLATIVE INVESTIGATION

The history of criminalization and related tensions between law enforcement and LGBTQ communities have legacies that extend to the present day. Recent years have seen a rise in anti-LGBTQ legislation, with many of these new laws imposing criminal penalties. For example, a Tennessee law prohibits drag performances on public property or in locations where they could be seen by a minor.<sup>37</sup> Violations of this law can result in a misdemeanor for the first offense and a felony for subsequent offenses.<sup>38</sup> In South Dakota, it is a misdemeanor if a person enters a restroom that does not align with their sex at birth.<sup>39</sup> A similar law in Utah restricts the use of changing rooms according to a person's legal sex in government facilities that are open to the public.<sup>40</sup> Both laws from Utah and South Dakota were passed in the first months of 2025. At the federal level, the Trump administration has enacted executive orders that have the potential to further expose LGBTQ people and their allies to law enforcement interactions and mistreatment. For example, one of these executive actions, titled *Ending Radical Indoctrination in K-12 Schooling*, directs the head of the Department of Justice to work with state and local officials to take action against teachers who support transgender students by referring to them with their chosen name and pronouns.<sup>41</sup> Another executive order, *Protecting Children from Chemical and Surgical Mutilation*, seeks to limit access to gender affirming care for minors.<sup>42</sup> While the executive order does not direct the Department of Justice to prosecute providers of gender-affirming care, some organizations worry that the executive order's reference to the unlawful practice of female genital mutilation will conflate the two issues and could lead to criminalization of gender-affirming care providers.<sup>43</sup> These state laws and executive orders represent growing efforts to criminalize LGBTQ people, potentially exposing LGBTQ communities to additional interactions with police.

## EVIDENCE OF CONTINUING DISCRIMINATION AND HARASSMENT AGAINST LGBTQ COMMUNITIES BY LAW ENFORCEMENT

For decades, LGBTQ communities, particularly LGBTQ people of color, youth, and transgender and gender nonconforming people, have been subjected to profiling, entrapment, discrimination, harassment, and violence by law enforcement. Recent survey data, incident reports and government investigations, qualitative research, court cases, and anecdotal evidence indicate that such mistreatment of LGBTQ people is ongoing and widespread. Research further indicates that these experiences make LGBTQ people less likely to report when they have been victims of crimes, as well as less likely to cooperate with law enforcement generally.

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COMMITTEE, REPORT: HOMOSEXUALITY AND CITIZENSHIP IN FLORIDA 14 (1964).

<sup>37</sup> TENN. CODE ANN. 7-51-1401 (2023); TENN. CODE ANN. 7-51-1407 (2023).

<sup>38</sup> § 7-51-1407.

<sup>39</sup> H.B. 1259, 100th Leg. Sess. (S.D. 2025).

<sup>40</sup> UTAH CODE ANN. § 63G-31-302 (LexisNexis 2025).

<sup>41</sup> Exec. Order 14,190, 90 Fed. Reg. 8853 (Feb. 3, 2025).

<sup>42</sup> Exec. Order 14,187, 90 Fed. Reg. 8771 (Feb. 3, 2025).

<sup>43</sup> See *Sahiyo Condemns Recent Executive Order Conflating Female Genital Mutilation/Cutting With Gender-Affirming Care*, SAHIYO (Jan. 31, 2025), <https://sahiyo.org/sahiyo-blog/sahiyo-condemns-recent-executive-order-conflating-female-genital-mutilation-cutting-with-gender-affirming-care.html>; *Trump's Executive Order Hijacks the Real and Serious Issue of Female Genital Mutilation/Cutting to Target Transgender Youth*, THE U.S. END FGM/C NETWORK (Feb. 7, 2025), <https://endfgmnetwork.org/blog/trumps-executive-order-hijacks-the-real-and-serious-issue-of-female-genital-mutilation-cutting-to-target-transgender-youth/>.

## Survey Data and Other Quantitative Research

Surveys conducted by the government and private organizations indicate that LGBTQ people are more likely than non-LGBTQ people to report being stopped by police, searched by police, arrested, and falsely accused of an offense. LGBTQ people also report substantial rates of verbal harassment, physical harassment, sexual harassment, and assault. This body of research also indicates that LGBTQ people are less likely to feel comfortable seeking help from the police and more likely to distrust law enforcement compared to non-LGBTQ people.

- A 2024 report published by the American Civil Liberties Union assessed policing experiences among a nationally representative probability sample of 798 LGBTQ+ and 682 non-LGBTQ+ people living across the United States.<sup>44</sup> LGBTQ+ respondents were more likely to report having interactions initiated by police, as opposed to initiated by the respondent themselves, compared to those who were not LGBTQ+. <sup>45</sup> One-fifth (21%) of LGBTQ+ people reported at least one police-initiated contact in the prior 12 months, while 15% of non-LGBTQ+ people reported the same. <sup>46</sup> Bisexual and transgender respondents were especially likely to report police-initiated interactions. For example, one third (32.8%) of transgender people reported police-initiated contact within the past year compared to 17.1% of cisgender LGBTQ+ men and 22.4% of cisgender LGBTQ+ women. <sup>47</sup> LGBTQ+ people who are white, Black, Hispanic, Indigenous, multiracial, or identify as “another race” reported higher rates of police-initiated contact over the course of their lives when compared to their non-LGBTQ+ counterparts. <sup>48</sup> In terms of the types of police-initiated contacts, LGBTQ+ people were significantly more likely than non-LGBTQ+ people to have been stopped by police (51% vs. 42%), searched by police (27% vs. 16%), arrested (20% vs. 14%), and held in custody (19% vs. 14%) over the course of their lives. <sup>49</sup> Transgender people were more likely than cisgender LGBTQ+ men and women to have been searched by the police (45% vs. 27% and 24%, respectively) and to have been arrested (31% vs. 21% and 18%, respectively). <sup>50</sup> LGBTQ+ people were also more than twice as likely to be subjected to insulting language from police compared to non-LGBTQ+ people (22% vs. 10%). <sup>51</sup>
- An analysis published in 2024 used data from the nationally representative 2003-2021 National Crime Victimization Survey to understand the factors that influence LGBTQ+ people to refrain from reporting hate crimes committed against them. <sup>52</sup> The majority of respondents, who included 1,901 LGBTQ+ and non-LGBTQ+ people, indicated that they did not report their victimization to the police because they reported it to another official (15.6%), they did

<sup>44</sup> JORDAN GRASSO ET AL., POLICING PROGRESS: FINDINGS FROM A NATIONAL SURVEY OF LGBTQ+ PEOPLE’S EXPERIENCES WITH LAW ENFORCEMENT 10 (2024), <https://www.aclu.org/publications/policing-progress-findings-from-a-national-survey-of-lgbtq-peoples-experiences-with-law-enforcement>.

<sup>45</sup> *Id.* at 14.

<sup>46</sup> *Id.* at 18.

<sup>47</sup> *Id.*

<sup>48</sup> *Id.* at 19.

<sup>49</sup> *Id.* at 22.

<sup>50</sup> *Id.* at 21-22.

<sup>51</sup> *Id.* at 25.

<sup>52</sup> Kayla G. Jachimowski, Carly Pinskey & Gianna Donate, *LGBTQ+ Hate Crimes: Understanding Victim Reasons for Non-Reporting*, 70 CRIME & DELINQ. 3688, 3694-95, 3697 (2024).

not think police would consider it important (13.1%), or they were unsure if it was a crime (13.1%).<sup>53</sup> Among those who did not report, 10.5% were victims of an anti-LGBQ+ hate crime.<sup>54</sup> Of the total sample, 26.9% indicated that their negative perception of police impacted their decision not to report.<sup>55</sup> Victims of hate crimes that were motivated by sexual orientation bias were nine times more likely to not report because of their perception of police compared to victims of hate crimes motivated by other characteristics.<sup>56</sup>

- A study published in 2024 analyzed the relationship between police stops, discrimination, and suicidal behavior among Black and white participants, both heterosexual and LGBQ.<sup>57</sup> The study was based on a survey of over 6,000 adults, including LGBQ and non-LGBQ people, from New Jersey, Minnesota, and Mississippi.<sup>58</sup> For Black respondents, racial disparities in incarceration rates within the state were associated with higher odds of past-year police stops, regardless of sexuality.<sup>59</sup> For Black LGBQ respondents but not white LGBQ respondents, the absence of hate crime laws that address anti-LGBQ bias, absence of a law banning the gay panic defense, and the existence of HIV criminalization laws were associated with higher odds of past year police stops.<sup>60</sup> For all respondents, regardless of race or sexuality, police stops were positively associated with discrimination, and discrimination was positively associated with suicidal ideation and behavior.<sup>61</sup>
- The Early Insights Report of the 2022 U.S. Transgender Survey presented findings from a non-probability survey of over 90,000 transgender people who currently reside in a U.S. state or territory, or on a U.S. military base.<sup>62</sup> The majority of respondents reported they would feel uncomfortable asking the police for help: 47% reported feeling “very uncomfortable,” and 26% said “somewhat uncomfortable.”<sup>63</sup> Sixty-two percent of respondents indicated their discomfort was related to their gender identity or expression.<sup>64</sup>
- A 2023 analysis of data from the 2008-2009 National Transgender Discrimination Survey, a non-probability survey of more than 6,000 transgender people in the U.S., found that 55% of respondents had an interaction with police.<sup>65</sup> This figure exceeded the percentage of the general population that interacted with police in 2008 (16.9%) by more than three times.<sup>66</sup>

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<sup>53</sup> *Id.* at 3698.

<sup>54</sup> *Id.*

<sup>55</sup> *Id.*

<sup>56</sup> *Id.* at 3700.

<sup>57</sup> Devin English et al., *Systemic White Supremacy: U.S. State Policy, Policing, Discrimination, and Suicidality Across Race and Sexual Identity*, 133 J. OF PSYCHOPATHOLOGY & CLINICAL SCI. 321, 323 (2024).

<sup>58</sup> *Id.* Those states were selected to ensure the sample included people living under different geographics, politics, demographics, gun violence rates, and firearm ownerships.

<sup>59</sup> *Id.* at 323, 328.

<sup>60</sup> *Id.* at 325, 328.

<sup>61</sup> *Id.* at 327, 328.

<sup>62</sup> JAMES ET AL., *supra* note 16, at 6.

<sup>63</sup> *Id.* at 22.

<sup>64</sup> *Id.*

<sup>65</sup> Young-Joo Lee & Luis Santiago, *Race, Class, and Gender Identity: Implications for Transgender People’s Police Help Seeking*, 24 POLICE PRAC. & RSCH. 17, 21, 23 (2023).

<sup>66</sup> *Id.*



Nearly half (46%) of participants expressed reluctance to contact the police, compared to 33% who felt very or somewhat comfortable contacting the police.<sup>67</sup> Transgender men generally felt more reluctant to seek police assistance compared to transgender women, and gender nonconforming people felt more reluctant than both transgender men and women.<sup>68</sup> The likelihood of feeling the highest level of reluctance, which indicated being very uncomfortable seeking police help, was 8.1% higher for transgender men and nonbinary people assigned male at birth, and 12.1% higher for nonbinary people assigned female at birth, compared to transgender women.<sup>69</sup> Respondents with a lower household income, previous experiences of incarceration, or without a permanent living situation displayed more reluctance to seek police assistance.<sup>70</sup>

- Using data from the Vera Institute of Justice’s 2017 Survey of Opinion and Experiences with Crime and Hate, a 2023 report assessed hate crime experiences, reporting, and perceptions of law enforcement.<sup>71</sup> The sample included more than 1,000 students and other community members in California and New Jersey.<sup>72</sup> The data showed that sexual minority respondents were significantly less likely to see police as legitimate and more likely to hold cynical views of the legal system than heterosexual respondents.<sup>73</sup> Sexual minority respondents were also moderately less likely to indicate that they would report any future hate crime victimizations to the police.<sup>74</sup>
- A 2023 study surveyed 480 transgender youth across the United States, aged 14-25, on their perceptions of police.<sup>75</sup> Researchers utilized two scales—the Perceptions of Police Scale (POPS), which aims to quantitatively measure people’s perception of police and police bias, and the Perceived Police Perception (PPP) scale, which adapts the POPS to measure transgender youth’s understanding of how police perceive transgender communities.<sup>76</sup> Respondents’ PPP scores were significantly higher than their POPS scores, indicating that transgender youth rated how police view them and their communities more negatively than they rated their general perceptions of police and police bias.<sup>77</sup> Respondents aged 14-17 rated their perceptions of police and police bias less negatively than respondents aged 18-25 on both POPS and the PPP scale.<sup>78</sup>

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<sup>67</sup> *Id.*

<sup>68</sup> *Id.* at 23-24.

<sup>69</sup> *Id.*

<sup>70</sup> *Id.*

<sup>71</sup> Jordan C. Grasso, Valerie Jenness & Stefan Vogler, *Understanding the Context for Police Avoidance: The Impact of Sexual Identity, Police Legitimacy and Legal Cynicism on Willingness to Report Hate Crime*, 35 CURRENT ISSUES IN CRIM. JUST. 269, 270, 275 (2023).

<sup>72</sup> *Id.* at 276.

<sup>73</sup> *Id.* at 279.

<sup>74</sup> *Id.* at 280.

<sup>75</sup> Allison E. Lloyd & Erika N. Fountain, *Measuring Trans Youths’ Perceptions of Police and Police Bias: Exploring the Use of the Perceptions of Police Scale*, 29 PSYCH., PUB. POL’Y, & L. 336, 339-40 (2023).

<sup>76</sup> *Id.* at 336, 340-41.

<sup>77</sup> *Id.* at 342.

<sup>78</sup> *Id.*

- A study published in 2023 analyzed police-related stress among 4,236 cisgender men, transgender men, and transgender women aged 16-49 in the U.S. who were at risk for HIV.<sup>79</sup> Black, Latinx, and multiracial respondents showed significantly increased odds of reporting extreme police stress.<sup>80</sup> Compared to white people, Black, Latinx, and multiracial respondents were 2.67, 1.22, and 1.5 times more likely to report extreme police stress, respectively.<sup>81</sup> People engaged in sex work were 1.33 times more likely to experience police stress compared to non-sex workers.<sup>82</sup> The odds of reporting police stress increased twofold among respondents who had experienced sexual orientation or identity-based discrimination from police.<sup>83</sup>
- A 2022 report by Lambda Legal, in collaboration with Black and Pink National, analyzed LGBTQ+ people's experiences with law enforcement based on a non-probability survey of more than 2,500 people who were LGBTQ+ and/or living with HIV in the United States.<sup>84</sup> More than half of respondents (57%) reported having an in-person encounter with police in the last five years.<sup>85</sup> Almost half (45%) of respondents who interacted with police reported experiencing misconduct, including being accused of an offense they did not commit (31%), being verbally assaulted (25%), and being sexually harassed (13%).<sup>86</sup> Researchers also found that police misconduct especially impacted Black people and those living with HIV. Compared to 40% of non-Black respondents, 71% of Black respondents reported police misconduct.<sup>87</sup> Of those living with HIV, 61% reported police misconduct compared to 38% of those without HIV.<sup>88</sup> Nearly a quarter (24%) of respondents stopped by police reported that law enforcement asked for proof of their immigration status.<sup>89</sup> Black people were more than three times as likely as non-Black people to be asked for proof of their immigration status (57% vs. 17%).<sup>90</sup> Nearly one-third (31%) of respondents reported not trusting their local police department.<sup>91</sup> Both transgender and gender nonconforming or nonbinary people were twice as likely as cisgender people to report not trusting the police at all (47% and 46%, respectively, vs. 23%).<sup>92</sup> Compared to 30.9% of white people, almost all other racial groups reported higher levels of police distrust, including 40.3% of Middle Eastern/Arab-American, 37.1% of multiracial, 36% of Black, 31.7% of Indigenous, and 31.1% of Asian/Pacific Islander respondents.<sup>93</sup>

<sup>79</sup> Erinn C. Bacchus, *Experiences of Police-Related Stress Among a U.S. National Cohort of Gay and Bisexual Men*, 72 AM. J. CMTY. PSYCH. 89, 92-93 (2023).

<sup>80</sup> *Id.* at 93-94.

<sup>81</sup> *Id.* at 93.

<sup>82</sup> *Id.* at 94.

<sup>83</sup> *Id.*

<sup>84</sup> SOMJEN FRAZER ET AL., PROTECTED & SERVED?: 2022 COMMUNITY SURVEY OF LGBTQ+ PEOPLE AND PEOPLE LIVING WITH HIV'S EXPERIENCES WITH THE CRIMINAL LEGAL SYSTEM 1, 3 (2023), <https://www.protectedandserved.org/2022-report-full-report>.

<sup>85</sup> *Id.* at 17.

<sup>86</sup> *Id.* at 19.

<sup>87</sup> *Id.*

<sup>88</sup> *Id.*

<sup>89</sup> *Id.*

<sup>90</sup> *Id.*

<sup>91</sup> *Id.* at 13.

<sup>92</sup> *Id.* at 94.

<sup>93</sup> *Id.* at 15.

- A 2022 nationally representative survey conducted by the Center for American Progress asked over 1,800 LGBTQI+ adults about their experiences with discrimination.<sup>94</sup> Thirty percent of respondents reported avoiding law enforcement in order to avoid discrimination.<sup>95</sup> Transgender and nonbinary respondents avoided law enforcement at a higher rate than LGBTQI+ respondents generally, with 51% reporting avoidance.<sup>96</sup>
- In 2022, the Transgender Law Center and Southerners on New Ground published the results of a survey of 135 transgender and gender nonconforming people from 13 Southern states.<sup>97</sup> Overall, 41% of respondents experienced high levels of police violence.<sup>98</sup> Among people of color, over half (52%) reported high levels of police violence.<sup>99</sup>
- A 2022 study used data from the 2015 U.S. Transgender Survey, a non-probability survey of 27,715 transgender and gender diverse adults, to analyze police interactions, harassment, and violence among the transgender community.<sup>100</sup> Among respondents, 40.3% reported interacting with police in the prior year, compared to 21.1% of the general population who reported an interaction with police in 2015.<sup>101</sup> Respondents who engaged in sex work or other illegal work had the highest likelihood of interacting with police in the prior year.<sup>102</sup> Of those who interacted with the police at least once in the prior year, 45.7% said they were harassed or subjected to physical violence.<sup>103</sup> Respondents reported being referred to with the wrong pronouns (38.1%), asked about their transition (18.2%), and verbally harassed (16.6%).<sup>104</sup> Factors associated with a higher likelihood of verbal harassment included younger age, lower income, Latinx or Hispanic identity, and being a sex worker or engaged in other illegal work.<sup>105</sup> Of those who experienced physical police harassment or violence, 4.8% were physically attacked, 2.3% reported unwanted sexual contact from an officer, and 0.9% were forced to have sex with an officer to avoid arrest.<sup>106</sup> Sex workers also had a higher likelihood of experiencing all types of physical or sexual police violence.<sup>107</sup> Sex workers were nearly 11 times more likely to be forced to have sex with an officer to avoid arrest compared to non-sex

<sup>94</sup> Caroline Medina & Lindsay Mahowald, *Discrimination and Barriers to Well-Being: The State of the LGBTQI+ Community in 2022*, CTR. FOR AM. PROGRESS (Jan. 12, 2023), <https://www.americanprogress.org/article/discrimination-and-barriers-to-well-being-the-state-of-the-lgbtqi-community-in-2022/>

<sup>95</sup> *Id.*

<sup>96</sup> *Id.*

<sup>97</sup> SOUTHERNERS ON NEW GROUND & TRANSGENDER LAW CENTER, *THE GRAPEVINE: A SOUTHERN TRANS REPORT 2, 3* (2022), [https://transgenderlawcenter.org/wp-content/uploads/2022/09/grapevine\\_report\\_eng-FINAL.pdf](https://transgenderlawcenter.org/wp-content/uploads/2022/09/grapevine_report_eng-FINAL.pdf)

<sup>98</sup> *Id.* at 6.

<sup>99</sup> *Id.*

<sup>100</sup> Stenersen, Thomas & McKee *supra* note 19 at NP23529; SANDY E. JAMES ET AL., NAT'L CTR. TRANSGENDER EQUAL., *THE REPORT OF THE 2015 U.S. TRANSGENDER SURVEY 62* (2016), <https://transequality.org/sites/default/files/docs/usts/USTS-Full-Report-Dec17.pdf>. This study used a sample size of 22,456 transgender people due to the exclusion of respondents who had missing data on the variables of interest.

<sup>101</sup> Stenersen, Thomas & McKee, *supra* note 19, at NP23532, NP23534.

<sup>102</sup> *Id.* at NP23532.

<sup>103</sup> *Id.*

<sup>104</sup> *Id.*

<sup>105</sup> *Id.*

<sup>106</sup> *Id.*

<sup>107</sup> *Id.*

workers.<sup>108</sup> In addition, people of color were more likely to experience physical and sexual attacks by police compared to white people.<sup>109</sup> In fact, Black respondents were three times more likely to report experiencing all types of physical or sexual violence by police.<sup>110</sup>

- A 2022 analysis of data from the 1994-1995 National Longitudinal Study of Adolescent to Adult Health, a nationally representative survey of nearly 15,000 adolescents in grades 7-12, assessed the level of police exposure experienced by sexual minority youth.<sup>111</sup> The analysis used the 2000-2001 follow-up survey when respondents were aged 18-26.<sup>112</sup> Compared to heterosexual respondents, sexual minority respondents were 1.86 times more likely to ever be stopped by police, were stopped 1.6 times as often, and were stopped at younger ages.<sup>113</sup> Among women, this difference was particularly pronounced, with sexual minority women being 2.18 times more likely to be stopped, stopped 2.44 times as often, and stopped at younger ages compared to heterosexual women.<sup>114</sup>
- A study published in 2021 analyzed data collected through a non-probability survey of 629 transgender women in the San Francisco Bay Area to examine hate crime victimization.<sup>115</sup> Of the 45.8% of respondents who were victims of a hate crime, slightly more than half (51.1%) did not report it to the police.<sup>116</sup> Respondents who had ever been undocumented were about 2.57 times more likely to report hate crime victimizations to police compared to those who had never been undocumented.<sup>117</sup> Transgender women who felt they passed as cisgender women were 3.67 times more likely to report a hate crime to the police compared to those who did not feel they passed at all.<sup>118</sup> Furthermore, Black transgender women were more likely to report that police or the courts discriminated against them based on both their gender and race or ethnicity (64%) compared to white transgender women, who were more likely to report discrimination based on gender identity or presentation alone (91.5%).<sup>119</sup>
- An analysis published in 2021 used data from the nationally representative 2016-2018 National Longitudinal Study of Adolescent to Adult Health to study police encounters among LGB adults in their 30s.<sup>120</sup> Researchers found that gay women were nearly four times more likely to report experiencing a police encounter they perceived as unfair compared to heterosexual women, though some of the disparity was explained by higher rates of mental

<sup>108</sup> *Id.* at NP23532, NP23534.

<sup>109</sup> *Id.*

<sup>110</sup> *Id.*

<sup>111</sup> Gabriel L. Schwartz, Jaquelyn L. Jahn & Amanda Geller, *Policing Sexuality: Sexual Minority Youth, Police Contact, and Health Inequity*, 20 SSM-POPULATION HEALTH 1, 1-3 (2022).

<sup>112</sup> *Id.*

<sup>113</sup> *Id.* at 3.

<sup>114</sup> *Id.* at 4.

<sup>115</sup> Akua O. Gyamerah et al., *Experiences and Factors Associated with Transphobic Hate Crimes Among Transgender Women in the San Francisco Bay Area: Comparisons Across Race*, 21 BMC PUB. HEALTH 1, 1-4 (2021).

<sup>116</sup> *Id.* at 4.

<sup>117</sup> *Id.* at 6.

<sup>118</sup> *Id.*

<sup>119</sup> *Id.* at 4.

<sup>120</sup> Valerio Bacak, Lauren Wilson & Katherine Bright, *Gendered Association Between Sexual Self-Identification and Police Encounters Perceived as Unfair*, 63 ANNALS OF EPIDEMIOLOGY 41, 42 (2021).

illness, criminal history, and drug use.<sup>121</sup> Researchers also found that gay men were less likely than straight men to ever experience a police encounter they perceived as unfair.<sup>122</sup>

- A study published in 2021 based on a non-probability survey of over 1,000 Black gay and bisexual men and Black transgender women from six major cities in the United States found that police harassment was more common among transgender respondents (78.3%) than cisgender respondents (58.7%).<sup>123</sup> Researchers also assessed participants for psychological distress.<sup>124</sup> Respondents who were harassed by police were 1.57 times more likely to experience high distress when experiencing homophobia outside of their interactions with police.<sup>125</sup>
- A 2021 Williams Institute report analyzing data from the 2015 Police-Public Contact Survey, a nationally representative sample of over 90,000 people, and the 2016-2018 Generations study, a nationally representative probability survey, found that LGBTQ people across the United States were more likely than the general population to have had contact with police in the prior year.<sup>126</sup> LGBTQ people were nearly six times as likely as the general population (6% vs. 1%) to have been stopped by police in a public space, and seven times as likely to have been stopped by police for reasons unrelated to driving or riding in a vehicle (7.3% vs. 1.1%).<sup>127</sup> LGBTQ people were also more likely to seek help from the police than the general population (22% vs. 11%).<sup>128</sup> Further, 13% of LGBTQ people said they did not call the police even when they needed help, and LGBTQ people were almost four times as likely to indicate that they would probably not contact the police again as compared to the general population (22% vs. 6%).<sup>129</sup> Finally, LGBTQ adults were less likely than the general population to report that the police behaved properly during their interactions (81% vs. 91%).<sup>130</sup>
- A study published in 2021 analyzed experiences with stop-and-frisk practices using data from a population-based sample of more than 600 young sexual minority men in New York City from 2014-2019.<sup>131</sup> Forty-three percent of respondents reported at least one experience of stop-and-frisk within the prior year.<sup>132</sup> Stop-and-frisk practices were higher for Black (47%) and Hispanic/Latinx (45%) respondents than for white (38%) respondents.<sup>133</sup> At the time the study was initiated, the maximum number of stops reported was 20 for Black respondents, 23 for

<sup>121</sup> *Id.*

<sup>122</sup> *Id.*

<sup>123</sup> Molly Remch et al., *Police Harassment and Psychosocial Vulnerability, Distress, and Depressive Symptoms Among Black Men Who Have Sex with Men in the U.S.: Longitudinal Analysis of HPTN 061*, 13 SSM – POPULATION HEALTH 1, 2-3 (2021).

<sup>124</sup> *Id.*

<sup>125</sup> *Id.*

<sup>126</sup> WINSTON LUHUR, ILAN H. MEYER & BIANCA D.M. WILSON, *POLICING LGBTQ PEOPLE* 5 (2021), <https://williamsinstitute.law.ucla.edu/wp-content/uploads/Policing-LGBTQ-People-May-2021.pdf>.

<sup>127</sup> *Id.* at 1.

<sup>128</sup> *Id.* at 3.

<sup>129</sup> *Id.* at 1-2.

<sup>130</sup> *Id.* at 4-5.

<sup>131</sup> Maria R. Khan et al., *Racial and Ethnic Disparities in “Stop-and-Frisk” Experience Among Young Sexual Minority Men in New York City*, 16 PLoS ONE e0256201, at 3 (2021).

<sup>132</sup> *Id.* at 6.

<sup>133</sup> *Id.*

Hispanic respondents, and 12 for white respondents.<sup>134</sup> Among both white and Latinx young sexual minority men, the rate of stop-and-frisk decreased by at least 80% from the first survey through the end of the study period, which concluded after 36 months.<sup>135</sup> Among Black young sexual minority men, however, the frequency of stop-and-frisk decreased 75% from the first survey to follow-up at 24 months but then increased by 66% at 36 months.<sup>136</sup> Researchers also calculated that the odds of stop-and-frisk and multiple police encounters for those identifying as nonbinary were nearly five times higher than those identifying as men or women.<sup>137</sup> Young sexual minority men who reported any stop-and-frisk or multiple encounters with police had consistently higher odds of severe depressive symptoms, severe anxiety levels, and childhood victimization.<sup>138</sup>

- A 2020 nationally representative survey of over 1,500 LGBTQI+ people conducted by the Center for American Progress asked about experiences of discrimination and harassment, including mistreatment by law enforcement.<sup>139</sup> The survey found that 15% of respondents had experienced discrimination at the hands of law enforcement.<sup>140</sup> Among Black respondents, one quarter (25%) reported experiencing discrimination when interacting with law enforcement compared to 13% of white respondents.<sup>141</sup> Additionally, when asked about measures taken to avoid discrimination, 30% of respondents overall indicated that they avoided law enforcement.<sup>142</sup> Rates of avoidance were higher among Black respondents and transgender respondents. Half (50%) of transgender respondents and 40% of Black respondents reported avoiding law enforcement in order to avoid discrimination.<sup>143</sup>
- A prospective longitudinal cohort study published in 2020 examined police violence based on a 2016-2017 survey of 250 cisgender and 63 transgender sex workers in Baltimore, Maryland.<sup>144</sup> Researchers found that 44% of cisgender and 49% of transgender sex workers experienced police violence in their lifetime.<sup>145</sup> The authors calculated that among transgender sex workers, recent police violence was associated with reductions in the ability to adapt in response to adversity.<sup>146</sup>
- A 2020 study assessed LGBTQ people's experiences with law enforcement in a Midwestern city based on a non-probability survey of 116 LGBTQ people.<sup>147</sup> Nearly two-thirds (66.4%)

<sup>134</sup> *Id.*

<sup>135</sup> *Id.*

<sup>136</sup> *Id.*

<sup>137</sup> *Id.* at 10.

<sup>138</sup> *Id.*

<sup>139</sup> LINDSEY MAHOWALD, SHARITA GRUBERG & JOHN HALPIN, THE STATE OF THE LGBTQ COMMUNITY IN 2020 at 1-2 (Oct. 2020), <https://www.americanprogress.org/wp-content/uploads/sites/2/2020/10/LGBTQpoll-report.pdf>.

<sup>140</sup> *Id.* at 4.

<sup>141</sup> Lindsey Mahowald, *Black LGBTQ Individuals Experience Heightened Levels of Discrimination*, CTR. FOR AM. PROGRESS (July 13, 2021), <https://www.americanprogress.org/article/black-lgbtq-individuals-experience-heightened-levels-discrimination/>

<sup>142</sup> MAHOWALD, GRUBERG & HALPIN, *supra* note 140, at 12.

<sup>143</sup> *Id.*

<sup>144</sup> Saba Rouhani et al., *Resilience among Cisgender and Transgender Women in Street-Based Sex Work in Baltimore, Maryland*, 31 WOMEN'S HEALTH ISSUES 148, 149 (2021).

<sup>145</sup> *Id.* at 152.

<sup>146</sup> *Id.* at 149, 153.

<sup>147</sup> Jessica P. Hodge & Lori Sexton, *Examining the Blue Line in the Rainbow: The Interactions and Perceptions of Law Enforcement*



had been questioned by police at some point.<sup>148</sup> People of color were more likely to have been questioned compared to white respondents (91.3% vs. 60.2%).<sup>149</sup> Among all respondents, 42.6% had been harassed by police, and 16% reported sexual advances from law enforcement.<sup>150</sup> Transgender respondents (60%) were more likely to report the police as either “incompetent” or “poor” when calling for help compared to cisgender respondents (24%).<sup>151</sup> When asked to rate their interactions with police, heterosexual respondents were significantly more likely to rate police positively than LGB respondents.<sup>152</sup> About 80% of heterosexual respondents rated their interactions as “good” or “excellent” compared to only 57% of gay and lesbian respondents and 27% of bisexual respondents.<sup>153</sup> People of color were also more likely to rate police as “incompetent” or “poor” than white people (31.8% vs. 10.2%).<sup>154</sup> Those who identified as transgender were significantly less likely than cisgender people to agree with the statements that they trusted their local police, that police would take their concerns seriously if called, and that they would be treated fairly or respectfully if police were called.<sup>155</sup>

- A 2020 study based on a survey of 138 Black transgender women in Atlanta and Chicago found that 55.8% of respondents experienced anti-transgender mistreatment by police, and 26.1% reported discomfort seeking police assistance.<sup>156</sup>
- A 2020 report by the Prison Policy Institute, using probability-sampled data from the 2019 National Survey on Drug Use and Health, found that LGB people are arrested at higher rates than non-LGB people and are overrepresented at every stage of the criminal justice system.<sup>157</sup> The rate of arrests of lesbian and bisexual women was about four times that of straight women in the prior year, and gay and bisexual men were arrested at rates about 1.35 times that of straight men.<sup>158</sup> Overall, LGB people across the board were 2.25 times more likely to be arrested than non-LGB people in the prior year.<sup>159</sup>
- A 2018 study based on a national non-probability survey of 787 LGBT and non-LGBT people asking about perceptions of law enforcement found that LGB respondents were less likely to report that their prior experiences with police had been positive compared with non-LGB respondents.<sup>160</sup> Transgender respondents viewed police more negatively than both non-LGBT

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*Among Lesbian, Gay, Bisexual, Transgender and Queer Communities*, 21 POLICE PRAC. & RSCH. 246, 248 (2020).

<sup>148</sup> *Id.* at 251.

<sup>149</sup> *Id.*

<sup>150</sup> *Id.*

<sup>151</sup> *Id.*

<sup>152</sup> *Id.*

<sup>153</sup> *Id.*

<sup>154</sup> *Id.*

<sup>155</sup> *Id.*

<sup>156</sup> Kris Rosentel et al., *Black Transgender Women and the School-to-Prison Pipeline: Exploring the Relationship Between Anti-Trans Experiences in School and Adverse Criminal-Legal System Outcomes*, 18 SEXUALITY RSCH. & SOC. POL’Y 481, 486 (2021).

<sup>157</sup> Alexi Jones, *Visualizing the Unequal Treatment of LGBTQ People in the Criminal Justice System*, PRISON POL’Y INST. (March 2, 2021), <https://www.prisonpolicy.org/blog/2021/03/02/lgbtq/>.

<sup>158</sup> *Id.*

<sup>159</sup> *Id.*

<sup>160</sup> Stephen S. Owen et al., *Perceptions of the Police by LGBT Communities*, 43 AM. J. CRIM. JUST. 668, 678-80 (2018).

respondents and LGB respondents.<sup>161</sup> Additionally, LGB and non-LGBT respondents alike were more likely to view transgender people, in comparison to LGB people, as recipients of unfair treatment by police.<sup>162</sup>

- A 2017 study, based on a non-probability survey of 266 people, found that transgender people held significantly less positive perceptions of police than cisgender men and women.<sup>163</sup> Transgender people also felt less comfortable interacting with and reporting crimes to the police.<sup>164</sup>
- The 2015 U.S. Transgender Survey report, based on a survey of nearly 28,000 transgender people, found that many respondents experienced recent harassment and unfair treatment at the hands of law enforcement.<sup>165</sup> Forty percent of all respondents reported that they had interacted with law enforcement in the prior year, and 65% of them believed the officers thought or knew they were transgender.<sup>166</sup> Among those who said the officers thought or knew they were transgender, 58% experienced mistreatment.<sup>167</sup> Mistreatment included verbal harassment (20%), repeated misgendering (49%), physical assault (4%), and sexual assault (3%), including being forced to engage in sexual activity to avoid arrest (1%).<sup>168</sup> Respondents of color were more likely to have experienced at least one form of mistreatment, with 74% of Native American, 71% of multiracial, 66% of Latinx, 61% of Black, and 60% of Asian respondents reporting harassment or discrimination compared to 55% of white respondents.<sup>169</sup> Over half (57%) of respondents who interacted with officers in the prior year who knew the respondent was transgender said they were never or only sometimes treated with respect.<sup>170</sup> People of color, particularly Black (70%) and American Indian respondents (72%), were more likely to say that they had never or only sometimes been treated with respect in these interactions.<sup>171</sup> Although only 2% of respondents who interacted with police in the prior year were arrested overall, rates of arrest were three times higher for unhoused individuals (6%), Black women (6%), and Native American women (6%).<sup>172</sup> Of respondents who had been arrested, 44% indicated that police used condoms in their possession as evidence of sex work,<sup>173</sup> and 22% believed they were arrested because they were transgender.<sup>174</sup> Among all respondents, over half (57%) said they would feel uncomfortable asking the police for help if they needed it.<sup>175</sup>

<sup>161</sup> *Id.*

<sup>162</sup> *Id.* at 680-81.

<sup>163</sup> Christine Serpe & Kevin Nadal, *Perceptions of Police: Experiences in the Trans\* Community*, 29 J. GAY & LESBIAN SOC. SERVICES 280, 284, 292 (2017).

<sup>164</sup> *Id.*

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<sup>166</sup> JAMES ET AL., *supra* note 100, at 185.

<sup>167</sup> *Id.* at 186.

<sup>168</sup> *Id.*

<sup>169</sup> *Id.* at 187.

<sup>170</sup> *Id.* at 185.

<sup>171</sup> *Id.* at 186.

<sup>172</sup> *Id.* at 189.

<sup>173</sup> *Id.* at 163.

<sup>174</sup> *Id.* at 189.

<sup>175</sup> *Id.* at 185.

- A 2015 report used data from the 2008-2009 National Transgender Discrimination Survey to examine the experiences of nearly 700 transgender people who had engaged in sex work.<sup>176</sup> More than three-fourths (79.1%) of transgender sex workers reported interacting with police compared to half (51.6%) of transgender people who were not sex workers.<sup>177</sup> Higher levels of interactions were reported among Black and Black multiracial respondents (87.3%).<sup>178</sup> Transfeminine sex workers reported higher levels of police interactions compared to transmasculine sex workers (83.9% vs. 65.8%).<sup>179</sup>
- A 2015 Urban Institute report, based on interviews with approximately 300 LGBTQ youth engaging in survival sex<sup>180</sup> in New York City, found that 71% of respondents were stopped, questioned, and/or frisked by law enforcement at some point in their lives, with 19% reporting weekly or daily run-ins with police.<sup>181</sup> Reasons the youth reported the police gave for stopping them, besides perceived illegal activity (50%), included that the youth looked like someone they were looking for (20%) or that youth looked “suspicious” due to race, gender, or neighborhood (20%).<sup>182</sup> In 13% of stops, no reason was given at all.<sup>183</sup> However, nearly half of youth who had run-ins with police (49%) believed they were stopped due to profiling.<sup>184</sup> Seventy percent of youth reported at least one arrest, with many arrests for “quality-of-life” and misdemeanor offenses.<sup>185</sup> Of those who had been arrested, 49% said they did not feel safe in the patrol car, 46% did not feel safe in the precinct, and 33% did not feel safe while being processed.<sup>186</sup> The majority of youth discussed a variety of tactics to avoid police, with only 8% reporting no efforts to avoid them at all.<sup>187</sup>
- A 2014 report based on information collected from 86 queer and trans youth in New Orleans found that youth of color and transgender youth were more likely to have had contact with police and to experience mistreatment than white and cisgender youth.<sup>188</sup> Nearly

<sup>176</sup> ERIN FITZGERALD ET AL., NAT’L CTR. TRANSGENDER EQUAL., MEANINGFUL WORK: TRANSGENDER EXPERIENCES IN THE SEX TRADE 12 (2015), [https://transequality.org/sites/default/files/Meaningful%20Work-Full%20Report\\_FINAL\\_3.pdf](https://transequality.org/sites/default/files/Meaningful%20Work-Full%20Report_FINAL_3.pdf).

<sup>177</sup> *Id.* at 17.

<sup>178</sup> *Id.*

<sup>179</sup> *Id.*

<sup>180</sup> The Urban Institute report does not define the term “survival sex.” The term has been defined in other sources as “the exchange of sex for food, money, shelter, drugs, and other needs and wants.” N. Eugene Walls & Stephanie Bell, *Correlates of Engaging in Survival Sex Among Homeless Youth and Young Adults*, 48 J. SEX RSCH. 423, 424 (2011). Other studies use the term “survival sex” specifically because it “emphasizes the extreme need-driven sex that connotes a precarious economic aspect to the sex transaction.” Sarah E. Clingan et al., *Survival Sex Trading in Los Angeles County, California USA*, 57 J. SEX RSCH. 943, 943 (2020).

<sup>181</sup> MEREDITH DANK ET AL., LOCKED IN: INTERACTIONS WITH THE CRIMINAL JUSTICE AND CHILD WELFARE SYSTEMS FOR LGBTQ YOUTH, YMSM, AND YSWW WHO ENGAGE IN SURVIVAL SEX 16 (2015), <https://www.urban.org/sites/default/files/publication/71446/2000424-Locked-In-Interactions-with-the-Criminal-Justice-and-Child-Welfare-Systems-for-LGBTQ-Youth-YMSM-and-YSWW-Who-Engage-in-Survival-Sex.pdf>.

<sup>182</sup> *Id.* at 18-19.

<sup>183</sup> *Id.* The remaining 6% were given another reason, such as “community safety” or being seen with someone suspicious.

<sup>184</sup> *Id.* at 21.

<sup>185</sup> *Id.* at 1.

<sup>186</sup> *Id.* at 42.

<sup>187</sup> *Id.* at 53.

<sup>188</sup> BREAKOUT!, WE DESERVE BETTER 15 (2014), <https://www.scribd.com/document/334018552/We-Deserve-Better-Report>.

nine in ten respondents of color (87%) reported being approached by the police, with 57% reporting harassment during the encounter, compared to the 33% of white respondents who were approached by police and 6% who reported harassment.<sup>189</sup> Three-quarters (75%) of respondents of color reported feeling targeted for their sexual orientation or gender identity, while only one-quarter (24%) of white respondents did.<sup>190</sup> While no white respondents were arrested after calling the police for help, 42% of respondents of color were.<sup>191</sup> Similarly, transgender respondents fared worse than their cisgender counterparts; 87% of transgender respondents reported being approached by the police, compared to 66% of cisgender respondents.<sup>192</sup> Half (50%) of transgender youth reported being called a slur during their encounter with police, compared to about one-fifth (22%) of cisgender respondents.<sup>193</sup>

- A 2014 Lambda Legal report based on a national survey of 2,376 LGBT people and people living with HIV found that 73% of respondents had contact with the police in the past five years.<sup>194</sup> Of those respondents, 21% reported hostile attitudes from officers, 14% reported verbal assault, 3% reported sexual harassment, and 2% reported physical assault at the hands of law enforcement.<sup>195</sup> Of those who were victims of crime, many reported inadequate police response to their reports: 62% of those who experienced physical assault, 49% of those who were victims of property crime, 41% of those who experienced intimate partner violence, and 39% of those who were victims of sexual assault reported that police failed to fully address their complaint.<sup>196</sup> Additionally, 71% of respondents who filed a police misconduct complaint in the last five years said their complaint was not fully addressed by those they reported it to.<sup>197</sup> Police abuse, neglect, and misconduct were consistently reported at higher frequencies by respondents of color and transgender and gender nonconforming respondents.<sup>198</sup>
- A 2012 report found that members of LGBTQ communities of color in Jackson Heights, Queens, New York, reported high rates of abuse from law enforcement.<sup>199</sup> The study surveyed more than 300 Queens residents about their interactions with police officers.<sup>200</sup> Over half (54%) of all LGBTQ respondents, and 59% of transgender respondents, reported that they had been stopped by police, compared to 28% of non-LGBTQ respondents.<sup>201</sup> According to the report, “many transgender interviewees reported being profiled as sex workers when they were conducting routine daily tasks in the neighborhood. They commonly reported stops that seem to be without basis, but in which the police officers later justified the stop

<sup>189</sup> *Id.* at 18.

<sup>190</sup> *Id.*

<sup>191</sup> *Id.*

<sup>192</sup> *Id.* at 19.

<sup>193</sup> *Id.*

<sup>194</sup> PROTECTED AND SERVED?, LAMBDA LEGAL 6 (2015), <https://www.protectedandserved.org/previous-survey>.

<sup>195</sup> *Id.*

<sup>196</sup> *Id.* at 7.

<sup>197</sup> *Id.* at 6.

<sup>198</sup> *Id.* at 9, 11.

<sup>199</sup> MAKE THE ROAD NEW YORK, TRANSGRESSIVE POLICING: POLICE ABUSE OF LGBTQ COMMUNITIES OF COLOR IN JACKSON HEIGHTS 4-5 (2012), <https://raceandpolicing.issuelab.org/resources/15045/15045.pdf>.

<sup>200</sup> *Id.* at 4.

<sup>201</sup> *Id.*

by charging the person with prostitution-related offenses because condoms were found in their possession. These arrests were frequently accompanied by verbal and physical abuse.”<sup>202</sup> Among those individuals who reported being stopped by police, 51% of all LGBTQ respondents and 61% of transgender respondents reported that they had been physically or verbally harassed by the police during the stop, compared with 33% of non-LGBTQ respondents.<sup>203</sup> Some respondents also reported being sexually abused by police, including individuals who reported being “forced to perform sexual acts under threat of arrest.”<sup>204</sup>

- A 2011 analysis of data from the nationally representative 1994-1995 and 2001-2002 National Longitudinal Study of Adolescent Health found that LGB young adults reported more police interactions and sanctions than their straight-identified counterparts, even when controlling for transgressive behaviors, race, and socioeconomic status.<sup>205</sup> LGB youth and young adults were 1.53 times more likely to be stopped by police, 1.60 times more likely to be arrested before the age of 18, 1.90 times more likely to have had a juvenile conviction, and 1.44 times more likely to have had an adult conviction than their straight peers.<sup>206</sup> These disparities were even greater for LGB young women, who were 2.48 times more likely to be arrested before age 18, 3.05 times more likely to have a juvenile conviction, over four times more likely to have been arrested after the age of 18, and more than twice as likely to have an adult conviction than their straight female counterparts.<sup>207</sup>
- A 2011 report on the Polling for Justice survey of New York City youth aged 14-21 found that LGBQ youth reported experiencing negative police contact more often than their straight counterparts (61.1% vs. 46.5%, respectively).<sup>208</sup> This was especially true for negative verbal experiences with the police, where 53.7% of LGBQ youth and 38.9% of non-LGBQ youth reported having such an experience.<sup>209</sup> More than one quarter (27.8%) of LGBQ youth also had a negative experience of a sexual nature with police compared to 10.2% of non-LGBQ youth.<sup>210</sup> Additionally, more than half of LGBQ youth reported feeling stressed or worried to some extent because of police.<sup>211</sup>
- A 2009 report based on a national survey of 414 individuals who work in the juvenile justice system found that almost 70% of respondents reported that police mistreatment was a problem for LGBT youth.<sup>212</sup> Additionally, among LGBT youth who participated in focus groups

<sup>202</sup> *Id.*

<sup>203</sup> *Id.* at 4-5.

<sup>204</sup> *Id.* at 5.

<sup>205</sup> Kathryn E. W. Himmelstein & Hannah Brückner, *Criminal-Justice and School Sanctions Against Nonheterosexual Youth: A National Longitudinal Study*, 127 PEDIATRICS 49, 50 (2011).

<sup>206</sup> *Id.* at 53.

<sup>207</sup> *Id.*

<sup>208</sup> Brett G. Stoudt, Michelle Fine & Madeline Fox, *Growing up Policed in the Age of Aggressive Policing Policies*, 56 N.Y. L. SCH. L. REV. 1331, 1351 (2011).

<sup>209</sup> *Id.*

<sup>210</sup> *Id.*

<sup>211</sup> *Id.* at 1354.

<sup>212</sup> KATAYOON MAJD, JODY MARKSAMER & CAROLYN REYES, HIDDEN INJUSTICE: LESBIAN, GAY, BISEXUAL, AND TRANSGENDER YOUTH IN JUVENILE COURTS 15, 61 (2009), [https://www.nclrights.org/wp-content/uploads/2014/06/hidden\\_injustice.pdf](https://www.nclrights.org/wp-content/uploads/2014/06/hidden_injustice.pdf). The cities included were New York, Los Angeles, Oakland, Salt Lake City, Seattle, and Nashville, and the two states were Louisiana and Utah.

for this report, many transgender youth reported being profiled as sex workers by police.<sup>213</sup> Additionally, several professionals in the juvenile justice system who were interviewed for the study agreed that LGBT youth were targeted by police because of their sexual orientation or gender identity.<sup>214</sup>

## Incident Reports & Government Investigations

Incident reports and documents derived from government investigations provide insight into the experiences of LGBTQ people when interacting with police. A series of annual reports published by the National Coalition of Anti-Violence Programs (NCAVP) from 2001 to 2018 documented many incidents of hate violence against LGBTQ people, including incidents perpetrated by police. NCAVP defines hate violence as violence that “explicitly targets people and groups based on their actual or perceived identities.”<sup>215</sup> These reports have also documented instances of mistreatment that occur when survivors<sup>216</sup> of hate violence have attempted to report their victimization to law enforcement. In addition, analyses of policing practices and complaints in New York and New Orleans documented discrimination and abuse against LGBTQ communities in those cities.

- A 2018 report by the National Coalition of Anti-Violence Programs examined over 800 incidents filed within the prior year of hate violence directed at LGBTQ and HIV-affected people, which included people who were HIV positive; people who were living with HIV or AIDS; and partners, friends, families, and communities impacted by HIV or AIDS.<sup>217</sup> The reports also documented incidents of hate violence perpetrated by law enforcement and responsiveness of law enforcement to reports of hate violence. Of the 43% of survivors who interacted with law enforcement following an incident of hate violence, 55% indicated that the police were indifferent, and 20% reported hostility.<sup>218</sup> Many respondents indicated that police had mistreated them during these interactions, including through verbal abuse (16%), slurs or biased language (32%), physical violence (8%), and sexual violence (1%).<sup>219</sup> Thirteen percent of respondents who interacted with the police reported police misconduct; among them, 56% experienced unjustified arrest and 44% suffered excessive force.<sup>220</sup>
- A 2017 NCAVP report analyzed 1,036 incidents of hate violence against LGBTQ+ and HIV-affected people collected by 12 local NCAVP organizations across 11 states within the prior year.<sup>221</sup> Forty-one percent of survivors reported interacting with police after experiencing

<sup>213</sup> *Id.* at 17, 62.

<sup>214</sup> *Id.* at 61.

<sup>215</sup> BEVERLY TILLERY ET AL., LESBIAN, GAY, BISEXUAL, TRANSGENDER, QUEER, AND HIV-AFFECTED HATE VIOLENCE AND INTIMATE PARTNER VIOLENCE IN 2017, at 35 (2018), <https://avp.org/wp-content/uploads/2019/01/NCAVP-HV-IPV-2017-report.pdf>.

<sup>216</sup> The NCAVP reports use the term “survivors” to describe victims of hate violence who did not die as a result of the incident and “victims” to describe victims of all victims of hate violence, including those who died as a result.

<sup>217</sup> TILLERY ET AL., *supra* note 215, at 15, 35.

<sup>218</sup> *Id.* at 56.

<sup>219</sup> *Id.*

<sup>220</sup> *Id.* at 8, 56.

<sup>221</sup> EMILY WATERS ET AL., LESBIAN, GAY, BISEXUAL, TRANSGENDER, QUEER, AND HIV-AFFECTED HATE VIOLENCE IN 2016, at 25 (2017), [https://avp.org/wp-content/uploads/2017/06/NCAVP\\_2016HateViolence\\_REPORT.pdf](https://avp.org/wp-content/uploads/2017/06/NCAVP_2016HateViolence_REPORT.pdf); the reporting states included California, Wisconsin, Michigan, Missouri, Ohio, Massachusetts, Illinois, Vermont, Arizona, New York, and Virginia.



an incident of hate violence.<sup>222</sup> Of those who interacted with police, 35% perceived police as indifferent and 31% perceived police as hostile.<sup>223</sup> There were 52 survivors who reported experiencing police misconduct, including unjustified arrest (59%), excessive force (24%), police raids (10%), and entrapment (7%).<sup>224</sup> The report found that Black survivors of hate violence were 2.8 times more likely to experience excessive force at the hands of police than non-Black survivors.<sup>225</sup> Additionally, in 94 incidents where respondents reported on the behavior of the police, 26% reported verbal abuse, 21% physical violence, 17% said police used slurs or biased language, 13% were arrested as the survivor of a hate incident, and 5% experienced sexual violence.<sup>226</sup>

- A 2016 report by the Civilian Complaint Review Board of New York City evaluated 446 LGBTQ-related complaints received between January 2010 and December 2015.<sup>227</sup> The report concluded that the data “revealed over-arching patterns that suggest some members of the LGBT community may experience misconduct due to their sexual orientation or gender expression.”<sup>228</sup> Significantly, the Board found that LGBTQ people of color were disproportionately subject to police misconduct related to sexual orientation or gender expression; 49% of victims were Black and 34% were Hispanic, while only 16% were white.<sup>229</sup>
- A 2016 NCAVP report analyzed 1,253 incidents of hate violence perpetrated against LGBTQ and HIV-affected people within the prior year from 13 local organizations across 12 states.<sup>230</sup> The proportion of survivors who reported incidents of hate violence to law enforcement decreased from more than half (54%) in 2014 to 41% in 2015.<sup>231</sup> Of those who reported on police attitudes, 41% said police responded with indifference, and 39% reported hostility.<sup>232</sup> Of 126 people who reported information on negative police behavior, 33% experienced verbal abuse, 16% physical violence, 8% said police used slurs or biased language against them, and 3% experienced sexual violence by police.<sup>233</sup>
- A 2015 NCAVP report analyzed over 1,359 incidents of hate violence against LGBTQ and HIV-affected people collected by 16 NCAVP organizations across 14 states within the prior year.<sup>234</sup>

<sup>222</sup> *Id.* at 34.

<sup>223</sup> *Id.*

<sup>224</sup> *Id.*

<sup>225</sup> *Id.*

<sup>226</sup> *Id.* at 41.

<sup>227</sup> NEW YORK CITY CIVILIAN COMPLAINT REVIEW BOARD, PRIDE, PREJUDICE, AND POLICING: AN EVALUATION OF LGBTQ-RELATED COMPLAINTS FROM JANUARY 2010 THROUGH DECEMBER 2015 (2016), [https://www1.nyc.gov/assets/ccrb/downloads/pdf/policy\\_pdf/issue\\_based/20160630\\_lgbtq-report.pdf](https://www1.nyc.gov/assets/ccrb/downloads/pdf/policy_pdf/issue_based/20160630_lgbtq-report.pdf)

<sup>228</sup> *Id.* at 4.

<sup>229</sup> *Id.* at 5.

<sup>230</sup> EMILY WATERS ET AL., LESBIAN, GAY, BISEXUAL, TRANSGENDER, QUEER, AND HIV-AFFECTED HATE VIOLENCE IN 2015, at 14 (2016), [https://avp.org/wp-content/uploads/2017/04/ncavp\\_hvreport\\_2015\\_final.pdf](https://avp.org/wp-content/uploads/2017/04/ncavp_hvreport_2015_final.pdf); the reporting states included California, Ohio, Michigan, Missouri, Kansas, Texas, New York, Minnesota, Vermont, Colorado, Arizona, and Massachusetts.

<sup>231</sup> *Id.* at 24.

<sup>232</sup> *Id.*

<sup>233</sup> *Id.*

<sup>234</sup> OSMAN AHMED ET AL., LESBIAN, GAY, BISEXUAL, TRANSGENDER, QUEER, AND HIV-AFFECTED HATE VIOLENCE IN 2014, at 8, 20 (2015), [https://avp.org/wp-content/uploads/2017/04/2014\\_HV\\_Report-Final.pdf](https://avp.org/wp-content/uploads/2017/04/2014_HV_Report-Final.pdf); the reporting states included Ohio, California, Michigan,

Of respondents who provided information on whether they reported their incident to law enforcement, over half (54.2%) reported to police.<sup>235</sup> Of those who provided information on police attitudes, 27.36% said police were hostile and 25.37% said police were indifferent.<sup>236</sup> Of 398 survivors who experienced hostility and police misconduct, more than half (57.38%) were unjustly arrested, 32.79% were subjected to excessive force, and nearly one in 10 (9.84%) experienced entrapment.<sup>237</sup> Respondents who reported information on police behavior reported verbal abuse (25%), being arrested as the victim of a hate crime (16.85%), having slurs or biased language lodged against them (14.67%), physical violence (14.13%), and sexual violence (3.8%).<sup>238</sup> Only 6.15% of hate violence incidents reported to police were classified as bias incidents.<sup>239</sup> Where survivors reported not personally knowing the hate violence offender, police made up 9.9% of offenders and other law enforcement made up 5.4%.<sup>240</sup> The report also found that transgender women were 5.8 times more likely to experience police violence compared to all other survivors.<sup>241</sup> Transgender survivors were less likely to report their hate crime victimizations to police compared to other survivors.<sup>242</sup> Transgender people of color were 6.2 times more likely to experience violence at the hands of police and were less likely to see police classify their incident as a hate incident compared to non-transgender people.<sup>243</sup> LGBTQ and HIV-affected people of color and young adults (19-29) were both more than twice as likely to experience police violence (2.4 and 2.2 times, respectively).<sup>244</sup>

- A 2014 NCAVP report analyzed 2,001 incidents of hate violence against LGBTQ and HIV-affected people reported within the prior year.<sup>245</sup> Over half (55%) of those who experienced police misconduct reported being unjustly arrested, and 28.3% were subject to excessive force.<sup>246</sup> Of survivors who reported hate violence to police and provided information on police attitudes, 32.2% reported hostility and 28.81% reported police indifference.<sup>247</sup> Of survivors who reported information on police behavior, nearly a quarter (24.46%) reported that police used slurs or biased language.<sup>248</sup> The report found that transgender people were seven times more likely to experience physical police violence than cisgender people.<sup>249</sup>

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Missouri, Kansas, Texas, New York, Minnesota, Vermont, Massachusetts, Arizona, Colorado, Illinois, and Virginia.

<sup>235</sup> *Id.* at 44.

<sup>236</sup> *Id.* at 44.

<sup>237</sup> *Id.* at 45.

<sup>238</sup> *Id.*

<sup>239</sup> *Id.* at 46.

<sup>240</sup> *Id.* at 53.

<sup>241</sup> *Id.* at 35.

<sup>242</sup> *Id.* at 9.

<sup>243</sup> *Id.*

<sup>244</sup> *Id.* at 10, 11.

<sup>245</sup> OSMAN AHMED ET AL., LESBIAN, GAY, BISEXUAL, TRANSGENDER, QUEER, AND HIV-AFFECTED HATE VIOLENCE IN 2013, at 8 (2014), [https://avp.org/wp-content/uploads/2017/04/2013\\_ncavp\\_hvreport\\_final.pdf](https://avp.org/wp-content/uploads/2017/04/2013_ncavp_hvreport_final.pdf); the reporting states included Ohio, Illinois, Colorado, California, Michigan, Massachusetts, New York, Vermont, Kansas, Missouri, Texas, Minnesota, and Arizona and included Puerto Rico.

<sup>246</sup> *Id.* at 11.

<sup>247</sup> *Id.* at 46.

<sup>248</sup> *Id.* at 48.

<sup>249</sup> *Id.* at 59.

- A 2013 NCAVP report analyzed over 2,000 incidents of hate violence directed at LGBTQ and HIV-affected people within the prior year.<sup>250</sup> Of the 56.5% of LGBT violence survivors who interacted with police in the prior year, 48.3% reported that they had experienced police misconduct.<sup>251</sup> Among those, 56.7% reported unjustified arrest, 28.3% reported use of excessive force, 11.7% reported entrapment, and 3.3% reported being involved in a police raid.<sup>252</sup> Additionally, respondents reported that they had experienced verbal abuse, physical violence, and sexual violence perpetrated by police officers.<sup>253</sup> Police officers accounted for 6% of known offenders reported by respondents; of offenders who were strangers to the victim, police made up 23.9%.<sup>254</sup> Of respondents who went to the police to report a crime, 26.8% reported that the police were “hostile,” and 30.6% reported that police were “indifferent.”<sup>255</sup> Transgender people were 3.32 times more likely to experience police violence and 2.46 times more likely to experience physical violence by police compared to cisgender victims.<sup>256</sup>
- A 2012 NCAVP report analyzed over 2,000 incidents of hate violence against LGBTQ and HIV-affected people across 16 states reported within the prior year.<sup>257</sup> Slightly more than half (52%) of victims reported their hate crime victimizations to police.<sup>258</sup> Of those who reported on the attitudes of police, 43% said police were courteous, 38% reported indifference, and 18% reported that police were hostile.<sup>259</sup> Of those who reported experiencing police misconduct, more than half (52%) were unjustly arrested, 27% experienced excessive force, 17% entrapment, and 5% a police raid.<sup>260</sup> Of those who reported the hate incident to police and provided information on police behavior, 39% were arrested as the survivor, 14% were verbally abused, 14% had slurs or biased language lodged at them, and 9% were subjected to physical violence.<sup>261</sup> Three percent of all incidents constituted police violence.<sup>262</sup> Where victims knew their offender, 9% were police.<sup>263</sup> Of those who did not know the offender, 8% were police and 2% were other law enforcement.<sup>264</sup> NCAVP also calculated that transgender people

<sup>250</sup> SHELBY CHESTNUT ET AL., LESBIAN, GAY, BISEXUAL, TRANSGENDER, QUEER AND HIV-AFFECTED HATE VIOLENCE IN 2012, at 8 (2013), [https://avp.org/wp-content/uploads/2017/04/ncavp\\_2012\\_hvreport\\_final.pdf](https://avp.org/wp-content/uploads/2017/04/ncavp_2012_hvreport_final.pdf); the reporting states included, but were not limited to, Ohio, Illinois, Colorado, California, Michigan, Massachusetts, Texas, New York, Vermont, South Carolina, North Carolina, Georgia, Tucson, Kansas, Missouri, and Minnesota.

<sup>251</sup> *Id.* at 38, 39.

<sup>252</sup> *Id.* at 39.

<sup>253</sup> *Id.*

<sup>254</sup> *Id.* at 46, 47.

<sup>255</sup> *Id.* at 38.

<sup>256</sup> *Id.* at 32.

<sup>257</sup> EJERIS DIXON ET AL., HATE VIOLENCE AGAINST LESBIAN, GAY, BISEXUAL, TRANSGENDER, QUEER, AND HIV-AFFECTED COMMUNITIES IN THE UNITED STATES IN 2011, at 16, 19 (2012), [https://avp.org/wp-content/uploads/2017/04/2011\\_ncavp\\_hate\\_violence\\_report.pdf](https://avp.org/wp-content/uploads/2017/04/2011_ncavp_hate_violence_report.pdf); the reporting states included Ohio, Illinois, California, Michigan, Massachusetts, New York, Texas, Vermont, South Carolina, North Carolina, Georgia, Arizona, Colorado, Kansas, Missouri, and Minneapolis.

<sup>258</sup> *Id.* at 19.

<sup>259</sup> *Id.* at 36.

<sup>260</sup> *Id.* at 37.

<sup>261</sup> *Id.* at 38.

<sup>262</sup> *Id.* at 34.

<sup>263</sup> *Id.* at 43.

<sup>264</sup> *Id.* at 44.

were 1.67 times more likely to experience police violence compared to non-transgender people and were 45% less likely to see police classify their hate incidents as such.<sup>265</sup>

Additionally, people of color under 30 and transgender people of color were more than two times more likely to experience police violence compared to those who were not people of color under 30 or transgender people of color, respectively.<sup>266</sup>

- In 2011, the Civil Rights Division of the U.S. Department of Justice released a report finding that LGBT people were often the victims of “discriminatory policing” by the New Orleans Police Department (NOPD). LGBT citizens and NOPD officers agreed that LGBT community members in particular were subject to “harassment and disrespectful treatment, and unfairly target[ed] for stops, searches, and arrests.”<sup>267</sup> More specifically, LGBT community members reported “harassment and even sexual and physical abuse by law enforcement,” as well as a “long-standing failure by NOPD to take complaints by LGBT individuals seriously.”<sup>268</sup> The LGBT community reported that these tactics “serve to drive a wedge between the police and the public, antagonizing and alienating members of the community.”<sup>269</sup>
- A 2011 NCAVP report analyzed information on 2,500 incidents of hate violence against LGBTQ and HIV-affected people reported within the prior year from 17 member and ally organizations across 15 states.<sup>270</sup> Half of survivors (50.1%) did not report nor plan to report their hate crime victimizations to police.<sup>271</sup> Of those who reported on the attitudes of police, 39.5% said police were courteous, 38.4% reported indifference, and 17.1% reported abusive behavior.<sup>272</sup> Nearly half (48.3%) of transgender people of color reported that police attitudes were indifferent, compared to 32.1% of those who were either transgender or people of color and to 7.7% of cisgender white people.<sup>273</sup> Transgender people of color were three times more likely to experience hate violence from police officers compared to white LGBTQ people.<sup>274</sup> Police officers constituted 7.7% of hate violence offenders.<sup>275</sup>

<sup>265</sup> *Id.* at 28.

<sup>266</sup> *Id.* at 30, 31.

<sup>267</sup> CIVIL RIGHTS DIV., U.S. DEP’T OF JUSTICE, INVESTIGATION OF THE NEW ORLEANS POLICE DEP’T ix (2011), [http://www.justice.gov/crt/about/spl/nopd\\_report.pdf](http://www.justice.gov/crt/about/spl/nopd_report.pdf).

<sup>268</sup> *Id.* at 37.

<sup>269</sup> *Id.*

<sup>270</sup> EJERIS DIXON ET AL., HATE VIOLENCE AGAINST LESBIAN, GAY, BISEXUAL, TRANSGENDER, QUEER, AND HIV-AFFECTED COMMUNITIES IN THE UNITED STATES IN 2010, at 7, 12 (2011), [https://avp.org/wp-content/uploads/2017/04/2011\\_NCAVP\\_HV\\_Reports.pdf](https://avp.org/wp-content/uploads/2017/04/2011_NCAVP_HV_Reports.pdf); the reporting states included, but are not limited to, Illinois, Colorado, California, Michigan, Massachusetts, New York, Louisiana, Texas, Vermont, Arizona, Ohio, Missouri, Wisconsin, and Minneapolis.

<sup>271</sup> *Id.* at 16.

<sup>272</sup> *Id.* at 31.

<sup>273</sup> *Id.* at 20.

<sup>274</sup> *Id.*

<sup>275</sup> *Id.*

- A 2010 NCAVP report analyzed over 1,500 incidents of hate violence against LGBTQ and HIV-affected people reported within the prior year by 15 member organizations and allies across 13 states.<sup>276</sup> Only 24% of incidents were reported to police.<sup>277</sup> In 18% of incidents, victims attempted to file a police report, but the complaint was refused.<sup>278</sup> Eight percent of reporting survivors found themselves arrested.<sup>279</sup> Of those who reported on police attitudes, 23% said police were indifferent, 18% said police were verbally abusive, and 5% said police were physically abusive.<sup>280</sup> Where the relationship between the offender and the victim was known, 6% of offenders were law enforcement officers.<sup>281</sup>
- A 2009 NCAVP report analyzed 1,677 incidents of hate violence against LGBT people across 11 states reported within the prior year.<sup>282</sup> Twenty-eight percent of incidents were reported to the police.<sup>283</sup> In 13% of incidents, the victim attempted to report the incident to police, but the report was refused.<sup>284</sup> In 51 incidents, police verbally abused the victim, and in 25 incidents, police physically abused the victim.<sup>285</sup> In 38 cases, the victim was arrested.<sup>286</sup> Out of all offenders, law enforcement made up the third largest category, accounting for 9% of all incidents.<sup>287</sup>
- A 2008 NCAVP report analyzed nearly 2,000 incidents of hate violence from LGBT people across 13 states within the prior year.<sup>288</sup> In 49% of incidents, the victim did not report to the police, and in 4% of cases, the victim attempted to report to the police but their reports were refused.<sup>289</sup> Where reports were made and accepted, law enforcement classified 35% of these incidents as bias-motivated.<sup>290</sup> When describing police behavior, 46% of victims said law enforcement was courteous, 37% said police were indifferent, and 11% were verbally abused

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<sup>276</sup> MARYSE MITCHELL-BRODY ET AL., HATE VIOLENCE AGAINST THE LESBIAN, GAY, BISEXUAL, TRANSGENDER AND QUEER COMMUNITIES IN THE UNITED STATES IN 2009, at 8, 21 (2010), [https://avp.org/wp-content/uploads/2017/04/2009\\_NCAVP\\_HV\\_Report.pdf](https://avp.org/wp-content/uploads/2017/04/2009_NCAVP_HV_Report.pdf); the reporting states included California, Arizona, Colorado, Texas, Minneapolis, Wisconsin, Missouri, Illinois, Michigan, Ohio, New York, Massachusetts, and Vermont.

<sup>277</sup> *Id.* at 25.

<sup>278</sup> *Id.*

<sup>279</sup> *Id.*

<sup>280</sup> *Id.*

<sup>281</sup> *Id.* at 24.

<sup>282</sup> AVY A. SKOLNIK ET AL., HATE VIOLENCE AGAINST LESBIAN, GAY, BISEXUAL, AND TRANSGENDER PEOPLE IN THE UNITED STATES 3 (2009), [https://avp.org/wp-content/uploads/2017/04/2008\\_NCAVP\\_HV\\_Report.pdf](https://avp.org/wp-content/uploads/2017/04/2008_NCAVP_HV_Report.pdf); the reporting states included Illinois, Colorado, Ohio, Texas, Missouri, California, Michigan, Wisconsin, Minnesota, New York, and Pennsylvania.

<sup>283</sup> *Id.* at 5.

<sup>284</sup> *Id.* at 13.

<sup>285</sup> *Id.*

<sup>286</sup> *Id.*

<sup>287</sup> *Id.* at 15.

<sup>288</sup> AVY A. SKOLNIK ET AL., ANTI-LESBIAN, GAY, BISEXUAL AND TRANSGENDER VIOLENCE IN 2007, at 1, 2 (2008), [https://avp.org/wp-content/uploads/2017/04/2007\\_NCAVP\\_HV\\_Report.pdf](https://avp.org/wp-content/uploads/2017/04/2007_NCAVP_HV_Report.pdf); the reporting states included Illinois, Colorado, Ohio, Texas, Missouri, California, Massachusetts, Michigan, Minnesota, New York, Pennsylvania, Vermont, and Wisconsin.

<sup>289</sup> *Id.* at 9.

<sup>290</sup> *Id.* at 10.

by law enforcement.<sup>291</sup> Eight percent of all offenders were law enforcement, making them the fourth largest offender category.<sup>292</sup> NCAVP recorded 215 incidents of police misconduct.<sup>293</sup>

- A 2007 NCAVP report analyzed more than 1,000 incidents of hate violence against LGBT people reported within the prior year from 12 member organizations across 12 states.<sup>294</sup> Law enforcement personnel made up 9% of offenders.<sup>295</sup> Out of victims who described law enforcement behavior, 49% described law enforcement as courteous, 34% as indifferent, 11% as verbally abusive, and 6% as physically abusive.<sup>296</sup> In 83 cases, victims attempted to file a report but were refused by police.<sup>297</sup>
- A 2006 NCAVP report analyzed nearly 2,000 incidents of hate violence against LGBT people from 11 states reported within the prior year.<sup>298</sup> In 31% of incidents, victims reported their hate crime victimization to law enforcement.<sup>299</sup> In 13% of cases, victims attempted to file a complaint but were refused by law enforcement.<sup>300</sup> Of victims who reported police attitudes, 39% said police were courteous, 24% reported indifference, 7% reported verbal abuse, and 3% physical abuse.<sup>301</sup> Eight percent of all hate violence offenders were law enforcement.<sup>302</sup>
- A 2005 NCAVP report analyzed more than 1,500 incidents of hate violence against LGBT people across 10 states.<sup>303</sup> Of victims who reported information on police attitudes, 54% said police were courteous, and 32% said police were indifferent.<sup>304</sup> A quarter (25%) of hate crime reports were refused by the police.<sup>305</sup> Police accounted for 152 perpetrators of hate violence.<sup>306</sup>
- A 2004 NCAVP report analyzed about 2,000 incidents of hate violence against LGBT people from across nine states reported within the prior year.<sup>307</sup> Of victims who interacted with

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<sup>291</sup> *Id.* at 9.

<sup>292</sup> *Id.* at 3.

<sup>293</sup> *Id.*

<sup>294</sup> CLARENCE PATTON, ANTI-LESBIAN, GAY, BISEXUAL AND TRANSGENDER VIOLENCE IN 2006, at 1, 2 (2007), [https://avp.org/wp-content/uploads/2017/04/2006\\_NCAVP\\_HV\\_Report.pdf](https://avp.org/wp-content/uploads/2017/04/2006_NCAVP_HV_Report.pdf); the reporting states included Illinois, Missouri, Michigan, Minnesota, New York, California, Pennsylvania, Vermont, Colorado, Ohio, Texas, and Massachusetts.

<sup>295</sup> *Id.* at 11.

<sup>296</sup> *Id.* at 13.

<sup>297</sup> *Id.* at 12.

<sup>298</sup> CLARENCE PATTON, ANTI-LESBIAN, GAY, BISEXUAL AND TRANSGENDER VIOLENCE IN 2005, at 1, 70 (2006), [https://avp.org/wp-content/uploads/2017/04/2005\\_NCAVP\\_HV\\_Report.pdf](https://avp.org/wp-content/uploads/2017/04/2005_NCAVP_HV_Report.pdf); the reporting states included Illinois, Ohio, Colorado, Texas, Missouri, California, Massachusetts, Minnesota, New York, Pennsylvania, and Vermont.

<sup>299</sup> *Id.* at 9.

<sup>300</sup> *Id.*

<sup>301</sup> *Id.*

<sup>302</sup> *Id.*

<sup>303</sup> CLARENCE PATTON, ANTI-LESBIAN, GAY, BISEXUAL AND TRANSGENDER VIOLENCE IN 2004, at 1, 76 (2005), [https://avp.org/wp-content/uploads/2017/04/2004\\_NCAVP\\_HV\\_Report.pdf](https://avp.org/wp-content/uploads/2017/04/2004_NCAVP_HV_Report.pdf); the reporting states included Illinois, Ohio, Colorado, Texas, Massachusetts, Michigan, Minnesota, New York, Pennsylvania, and California.

<sup>304</sup> *Id.* at 44, 86.

<sup>305</sup> *Id.* at 44.

<sup>306</sup> *Id.* at 82.

<sup>307</sup> CLARENCE PATTON, ANTI-LESBIAN, GAY, BISEXUAL AND TRANSGENDER VIOLENCE IN 2003, at 1, 79 (2004), [https://avp.org/wp-content/uploads/2017/04/2003\\_NCAVP\\_HV\\_Report.pdf](https://avp.org/wp-content/uploads/2017/04/2003_NCAVP_HV_Report.pdf); the reporting states included Illinois, Ohio, Colorado, Connecticut, California,



police when reporting, 42% said police were courteous, 29% said police were indifferent, 11% reported verbal abuse by police, and 7% reported physical abuse.<sup>308</sup> In 14% of cases where the victim decided to report, the police refused to take the report.<sup>309</sup> Police officers made up 6% of all hate crime offenders.<sup>310</sup>

- A 2003 NCAVP report analyzed nearly 2,000 incidents of hate violence perpetrated against LGBT people across 10 states reported within the prior year.<sup>311</sup> Where victims tried to file a report with police, 20% were refused by law enforcement.<sup>312</sup> Police officers themselves made up 7% of hate incident offenders.<sup>313</sup>
- A 2002 NCAVP report analyzed 1,887 incidents of hate violence against LGBT people reported within the prior year across 10 states.<sup>314</sup> Of victims who interacted with police, 62% said police were either courteous or indifferent.<sup>315</sup> Police officers made up 7% of offenders.<sup>316</sup>
- A 2001 NCAVP report analyzed over 2,000 incidents of hate violence reported within the prior year against LGBT people across 10 states.<sup>317</sup> In more than 200 of the documented hate incident reports, police officers were the perpetrators of hate violence.<sup>318</sup>

## Qualitative and Other Research Methods

Qualitative research studies provide more detailed information about interactions between police and LGBTQ people. Participants in these studies have described being stopped for no reason, encountering hostile treatment when police discovered they were transgender, and having officers assume they were engaging in sex work or other illegal activities. Participants in several studies shared that they have concerns about contacting the police because of their LGBTQ identity or that they avoid police in order to avoid negative interactions. In a few studies, participants reported positive interactions with officers who were sensitive to or knowledgeable about LGBTQ communities, such as LGBTQ liaisons.

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Massachusetts, Minnesota, New York, and Pennsylvania.

<sup>308</sup> *Id.* at 89.

<sup>309</sup> *Id.* at 8.

<sup>310</sup> *Id.* at 85.

<sup>311</sup> CLARENCE PATTON, ANTI-LESBIAN, GAY, BISEXUAL AND TRANSGENDER VIOLENCE IN 2002, at 13, 73 (2003), [https://avp.org/wp-content/uploads/2017/04/2002\\_NCAVP\\_Bias\\_Report.pdf](https://avp.org/wp-content/uploads/2017/04/2002_NCAVP_Bias_Report.pdf); the reporting states included California, Minnesota, Colorado, Texas, Michigan, Illinois, Ohio, Massachusetts, Connecticut, and New York.

<sup>312</sup> *Id.* at 6.

<sup>313</sup> *Id.* at 29.

<sup>314</sup> CLARENCE PATTON, ANTI-LESBIAN, GAY, BISEXUAL AND TRANSGENDER VIOLENCE IN 2001, at 3, 55 (2002), [https://avp.org/wp-content/uploads/2017/04/2001\\_NCAVP\\_Bias\\_Report.pdf](https://avp.org/wp-content/uploads/2017/04/2001_NCAVP_Bias_Report.pdf); the reporting states included California, Colorado, Minnesota, Michigan, Illinois, Ohio, Massachusetts, New York, Texas, and Rhode Island.

<sup>315</sup> *Id.* at 22.

<sup>316</sup> *Id.* at 17.

<sup>317</sup> KEN MOORE, ANTI-LESBIAN, GAY, TRANSGENDER AND BISEXUAL VIOLENCE IN 2000, at 6, 67 (2001), [https://avp.org/wp-content/uploads/2017/04/2000\\_NCAVP\\_Bias\\_Report.pdf](https://avp.org/wp-content/uploads/2017/04/2000_NCAVP_Bias_Report.pdf); the reporting states included California, Colorado, Texas, Minnesota, Michigan, Illinois, Massachusetts, New York, Rhode Island, and Ohio.

<sup>318</sup> *Id.* at 73.

- A 2024 study interviewed 21 transgender women living in Chicago to show how they navigate the legal system and adjust their behavior according to their experiences.<sup>319</sup> Participants described experiences such as being stopped for being in public places, with one participant noting that one of the first questions police ask is whether she has any warrants.<sup>320</sup> Some participants shared that they avoided police as much as possible to minimize uncomfortable interactions.<sup>321</sup>
- A 2024 study interviewed 44 transgender people in Virginia to gain insight into police interactions with transgender people.<sup>322</sup> One participant explained that after police pulled her over for a malfunctioning brake light, they asked for her identification, which had not been updated to reflect her gender identity.<sup>323</sup> The officer then called two officers for backup and interrogated her for 40 minutes, asking the same questions over and over, which she described as an attempt to catch her in a lie.<sup>324</sup> Another woman detailed a similar story where she was pulled over for a broken taillight.<sup>325</sup> The interaction was uneventful until police asked for her identification and saw her gender marker.<sup>326</sup> He told her to get out of the car, searched it, and brought the K-9 unit to search for drugs.<sup>327</sup>
- A 2023 study interviewed 23 transgender women to assess their experiences with criminalization.<sup>328</sup> One participant described being arrested for engaging in sex work with an undercover officer only after the sex act was finished, and she asked him for money.<sup>329</sup> Another woman described surprise at being arrested for sex work, adding that usually, undercover police would let her go in exchange for sex.<sup>330</sup>
- A 2022 paper aimed to describe transgender women's experiences of victimization, negative impacts of victimization, and help-seeking behaviors.<sup>331</sup> Nineteen Black transgender women from Baltimore and Washington, D.C. were recruited.<sup>332</sup> Researchers identified a common theme of revictimization while seeking help from police. One participant noted that male officers asked what she did to cause her own abuse.<sup>333</sup> Some participants believed that

<sup>319</sup> Jane Hereth, "I Don't Think the Police Think We're Human": Legal Socialization Among Young Transgender Women, 71 J. HOMOSEXUALITY 2175, 2180 (2024).

<sup>320</sup> *Id.* at 2182-83.

<sup>321</sup> *Id.* at 2185-87.

<sup>322</sup> Susana Avalos & April Carrillo, "Took My Money, Called Me a Guy, and Made Me Sleep in Jail Overnight": Police Procedural Failings When Interacting with Trans Folx, 34 POLICING & SOC'Y 489, 491 (2024).

<sup>323</sup> *Id.* at 495.

<sup>324</sup> *Id.*

<sup>325</sup> *Id.*

<sup>326</sup> *Id.* at 496.

<sup>327</sup> *Id.*

<sup>328</sup> Dilara Yarbrough, *The Carceral Production of Transgender Poverty: How Racialized Gender Policing Deprives Transgender Women of Housing and Safety*, 25 PUNISHMENT & SOC'Y 141, 145 (2023).

<sup>329</sup> *Id.* at 150.

<sup>330</sup> *Id.*

<sup>331</sup> Athena D. F. Sherman et al., *Transgender and Gender Diverse Community Connection, Help-Seeking, and Mental Health Among Black Transgender Women Who Have Survived Violence: A Mixed-Methods Analysis*, 28 VIOLENCE AGAINST WOMEN 890, 895 (2022).

<sup>332</sup> *Id.*

<sup>333</sup> *Id.* at 906.

if police thought they were cisgender women, they were usually treated better, trusted by police, and seen as a victim rather than a perpetrator.<sup>334</sup> Another common theme that emerged was that having a connection to the transgender and gender-diverse community encouraged victims to seek help.<sup>335</sup> For example, in one instance, a transgender woman called the LGBTQ+ liaison after another officer blamed the robbery she suffered on her style of dress.<sup>336</sup> The liaison reprimanded the officer, and the officer was suspended.<sup>337</sup>

- A study published in 2022 based on a survey of 394 LGBTQ people in the U.S. assessed LGBTQ people's interactions with law enforcement.<sup>338</sup> Of all respondents, 148 had a negative experience with law enforcement, 67 had a positive interaction, 120 described their interaction as mixed, and 59 had a neutral experience.<sup>339</sup> The most commonly reported negative aspects of interacting with police included rude or judgmental demeanor and a lack of transparency.<sup>340</sup> Compared to white participants, people of color were significantly more likely to report that police did not take the complexity of the situation into account, overstepped bounds or operated beyond their role, acted with a lack of transparency or integrity, and abused their power.<sup>341</sup> The same study also included a separate sample of 160 LGBTQ people from a coastal region in the Western United States.<sup>342</sup> Researchers identified three positive themes in respondents' interactions with police.<sup>343</sup> These included police being pleasant to deal with, being sensitive to respondents' sexual orientation or gender identity, and doing one's job.<sup>344</sup> Researchers also identified six negative themes, including respondent distress when interacting with police, abuse of power, being difficult or unpleasant to deal with, exhibiting homophobic or transphobic behavior, not doing one's job, and exhibiting negative attitudes towards other minorities.<sup>345</sup>
- A 2021 focus group study asked 32 transgender people living in Los Angeles about their experiences with hate crimes and police.<sup>346</sup> One transgender man described being stopped by police while walking across campus and being placed in handcuffs.<sup>347</sup> Police asked no questions, but told him, "Oh, you want to be a man. I'm going to treat you like a man."<sup>348</sup> A transgender woman also relayed how, after being assaulted in a public restroom, she

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<sup>334</sup> *Id.*

<sup>335</sup> *Id.*

<sup>336</sup> *Id.*

<sup>337</sup> *Id.*

<sup>338</sup> Joshua A. Goodman et al., *Sexual and Gender Minorities' Positive and Negative Experiences with Law Enforcement*, 40 J. POLICE & CRIME PSYCH. 263, 263, 273 (2022).

<sup>339</sup> *Id.* at 273.

<sup>340</sup> *Id.*

<sup>341</sup> *Id.* at 275.

<sup>342</sup> *Id.* at 266.

<sup>343</sup> *Id.* at 268.

<sup>344</sup> *Id.*

<sup>345</sup> *Id.*

<sup>346</sup> Jane Gauthier, Kevin Medina & Carly Dierkhising, *Analysis of Hate Crimes in Transgender Communities*, 17 J. HATE STUD. 4, 6 (2021).

<sup>347</sup> *Id.* at 9.

<sup>348</sup> *Id.*

described what happened to police.<sup>349</sup> Upon showing them her identification, they told her they couldn't do anything.<sup>350</sup>

- A 2021 study gathered 98 LGBTQ focus group participants from Newark, New Jersey, to determine what factors contribute to reliance and non-reliance on law enforcement.<sup>351</sup> Among 43 participants who discussed whether they would contact the police, one-third indicated they would never.<sup>352</sup> Only four people in the study felt comfortable contacting the police under any circumstances.<sup>353</sup> Participants were also asked who they would initially contact if they were a victim of an anti-LGBTQ hate crime.<sup>354</sup> Of the 56 people who answered the question, 91% said the police would not be their first choice.<sup>355</sup> Instead, 47% of respondents indicated that they would reach out to family, 22% said they would reach out to friends, and 12% said they would fight back.<sup>356</sup>
- An analysis published in 2021 assessed hate crime underreporting by LGBTQ people.<sup>357</sup> The study interviewed 400 Latinx LGBTQ people living in Miami who had been hate crime victims.<sup>358</sup> Out of 875 people contacted for interviews, 47.8% reported being a victim of a hate crime at least once within the last five years.<sup>359</sup> Out of those victimized, 95% reported being targeted because of their sexual orientation or gender identity.<sup>360</sup> Of 400 participants selected for interviews, only 15.1% of cases were reported to the police, either by the victim or by someone else.<sup>361</sup> Interviews with victims also revealed that while 66.2% of people reported no concerns about reporting victimizations to police, 33.8% did express concern.<sup>362</sup> Specific concerns participants had included retaliation by the perpetrator (34.8%), believing the crime was not important enough (23%), wanting to deal with the incident a different way (8.9%), possible police harassment (4.4%), the low likelihood of arresting the offender (4.4%), and worries about revealing their LGBTQ identity (4.4%).<sup>363</sup> When asked how police interacted with victims who did report their victimization, 50% said police informed them about the investigation process, 28.3% said police referred them to a victim service provider, and 23.3% said police treated them worse because of their LGBTQ identity.<sup>364</sup> Researchers found that

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<sup>349</sup> *Id.* at 10.

<sup>350</sup> *Id.*

<sup>351</sup> Danielle M. Shields, *Stonewalling in the Brick City: Perceptions of and Experiences with Seeking Police Assistance among LGBTQ Citizens*, 10 SOC. SCIENCES, at 1, 5-7 (2021).

<sup>352</sup> *Id.* at 10.

<sup>353</sup> *Id.*

<sup>354</sup> *Id.* at 11.

<sup>355</sup> *Id.*

<sup>356</sup> *Id.*

<sup>357</sup> Neal A. Palmer & Besiki Luka Kutateladze, *What Prosecutors and the Police Should Do About Underreporting of Anti-LGBTQ Hate Crime*, 19 SEXUALITY RSCH. & SOC. POL'Y 1190, 1192 (2022).

<sup>358</sup> *Id.* at 1193.

<sup>359</sup> *Id.* at 1195.

<sup>360</sup> *Id.*

<sup>361</sup> *Id.*

<sup>362</sup> *Id.* at 1197.

<sup>363</sup> *Id.*

<sup>364</sup> *Id.*

participants who indicated concerns with reporting were less likely to notify police.<sup>365</sup> In contrast, the strongest predictor of reporting a hate crime was encouragement from friends.<sup>366</sup> Informing family members about a hate crime also increased the odds of reporting.<sup>367</sup>

- A 2021 study interviewed 21 transgender women and genderqueer people in Chicago about their experiences with interpersonal violence.<sup>368</sup> Some participants described being aggressively questioned by police. One participant was forced to show her breasts, and another was forced to show officers her genitals.<sup>369</sup> Interviews revealed a common theme of discomfort around seeking help, particularly because of concerns about gender identity discrimination.<sup>370</sup> Two participants described inaction from police after reporting an incident of violence.<sup>371</sup>
- A 2021 study interviewed 18 Latinx transgender women in Florida to assess their experiences.<sup>372</sup> Participants describe being stopped for no reason and being asked to leave public spaces because officers assumed they were sex workers.<sup>373</sup> In one instance, a transportation security guard threatened to “jump” and “fuck up” a woman after she corrected him for using the wrong pronouns.<sup>374</sup>
- In a 2020 publication, researchers assessed how policing practices affect LGBTQ youth who are in unstable housing.<sup>375</sup> Forty LGBTQ youth experiencing homelessness in Austin and San Antonio, Texas, were interviewed from January 2015 to June 2016.<sup>376</sup> Thirty-six of the youth had had interactions with police, and 31 said they had been arrested.<sup>377</sup> Some transgender girls and gender-expansive youth of color described being targeted for their gender expression, with officers assuming they were sex workers and even harassing and soliciting them for sex.<sup>378</sup> Youth also relayed their negative experiences with police. One transgender girl described police shoving her, taking off her wig, and placing the wig at the back of her head.<sup>379</sup> A lesbian youth relayed that police placed her in a men’s cell, despite knowing she was a woman, saying, “You want to be like a man, then I’ll put you in a man’s cell.”<sup>380</sup>

<sup>365</sup> *Id.* at 1198.

<sup>366</sup> *Id.*

<sup>367</sup> *Id.*

<sup>368</sup> Jane Hereth, “Where is the Safe Haven?” *Transgender Women’s Experiences of Victimization and Help-Seeking Across the Life Course*, 16 *FEMINIST CRIMINOLOGY* 461, 465 (2021).

<sup>369</sup> *Id.* at 469-70.

<sup>370</sup> *Id.* at 470.

<sup>371</sup> *Id.* at 471.

<sup>372</sup> Roberto L. Abreu et al., “We Are Our Own Community”: *Immigrant Latinx Transgender People Community Experiences*, 68 *J. COUNSELING PSYCH.* 390, 392-93 (2021).

<sup>373</sup> *Id.* at 397.

<sup>374</sup> *Id.*

<sup>375</sup> Brandon Andrew Robinson, *The Lavender Scare in Homonormative Times: Policing, Hyper-Incarceration, and LGBTQ Youth Homelessness*, 34 *GENDER & SOC’Y* 210, 215 (2020).

<sup>376</sup> *Id.*

<sup>377</sup> *Id.* at 216.

<sup>378</sup> *Id.* at 218-19.

<sup>379</sup> *Id.* at 220.

<sup>380</sup> *Id.* at 222.

- A study published in 2020 interviewed 60 sexual minority men who had been sexually assaulted in order to assess their experiences reporting.<sup>381</sup> The interviews took place in Atlanta, Georgia, and New York City from July 2016 to August 2017.<sup>382</sup> Thirty-seven participants did not report their sexual assault to the police, with the most common reason for non-reporting being the belief that police would not take violence seriously.<sup>383</sup> Almost half of those who did report mentioned their fear that police would mock or belittle their experience of sexual assault.<sup>384</sup> Out of the 23 people who reported one of their sexual assault experiences to police, 21 described their experience reporting as negative.<sup>385</sup> Half of participants of color were not surprised that the response from police was negative, but they were surprised that officers said negative things about their sexuality.<sup>386</sup> White gay and bisexual men over 40 were not surprised that police responded negatively, describing experiences from their youth where police would beat them, beat their friends, and raid bars.<sup>387</sup> In contrast, white queer men younger than 40 were surprised that police were not more supportive.<sup>388</sup> One participant explained to officers who had been called to his apartment that he had been fighting with his partner over a sexual assault.<sup>389</sup> The police responded by saying, “You’re sitting here wearing earrings, and you expect us to take you seriously?”<sup>390</sup> Another participant told police that his partner raped him twice, and the officer said, “Don’t you guys like rough sex anyway?”<sup>391</sup> The participant wished he had followed his gut and not called the police for help.<sup>392</sup>
- A 2020 study on the lived experiences of LGBTQ+ people of color in New Orleans and their perceptions of police highlighted disparate experiences based on race and gender identity.<sup>393</sup> Not only did some participants report that law enforcement targeted Black women and transgender women, but participants also believed those women received harsher treatment and consequences.<sup>394</sup> Research has shown that Black and transgender women in New Orleans were disproportionately charged under the Crimes Against Nature Solicitation law, a felony offense that requires registration as a sex offender.<sup>395</sup> Consistent with this research, study participants believed white women were more likely to receive a “slap on the wrist”

<sup>381</sup> *Id.* at 228, 232-33.

<sup>382</sup> Doug Meyer, “*So Much for Protect and Serve*”: *Queer Male Survivors’ Perceptions of Negative Police Experiences*, 36 J. CONTEMP. CRIM. JUST. 228, 232-33 (2020).

<sup>383</sup> *Id.* at 234.

<sup>384</sup> *Id.*

<sup>385</sup> *Id.*

<sup>386</sup> *Id.* at 236.

<sup>387</sup> *Id.* at 237, 243-44.

<sup>388</sup> *Id.* at 237.

<sup>389</sup> *Id.* at 240.

<sup>390</sup> *Id.*

<sup>391</sup> *Id.*

<sup>392</sup> *Id.*

<sup>393</sup> Tia Sheree Gaynor & Brandi Blessett, *Predatory Policing, Intersectional Subjection, and the Experiences of LGBTQ People of Color in New Orleans*, 58 URB. AFF. REV. 1305 (2021).

<sup>394</sup> *Id.* at 1325.

<sup>395</sup> *Id.* at 1308; see Susan Dewey & Tonia P. St. Germain, *Sex Workers/Sex Offenders: Exclusionary Criminal Justice Practices in New Orleans*, 10 FEMINIST CRIMINOLOGY 211 (2015).



or, at most, be charged with prostitution, a misdemeanor.<sup>396</sup> Participants discussed how transgender women of color were profiled and assumed to be sex workers, stopped and searched without reason, and taken to jail upon discovery of condoms in their possession.<sup>397</sup> Transgender respondents also reported numerous incidents of misgendering, verbal harassment, monitoring, spatial management, and intimidation.<sup>398</sup> This resulted in a lack of trust in law enforcement.<sup>399</sup>

- A 2019 report analyzed law enforcement policies regarding interactions with transgender people at the 25 largest police departments in the U.S.<sup>400</sup> The majority (15) of departments did not mention gender identity and/or expression in their non-discrimination policies.<sup>401</sup> Additionally, 16 out of 25 departments either failed to provide search procedures for transgender individuals altogether or required members to perform searches based on sex at birth.<sup>402</sup> Eighteen out of 25 departments lacked clear guidance on recording a person's gender,<sup>403</sup> and no department required the recording of the name currently used by the individual.<sup>404</sup> Only one department expressly prohibited the use of condoms as evidence of prostitution-related offenses, and only one department had an independent civilian oversight body that allowed for investigation of police misconduct and anonymous complaints.<sup>405</sup> No department explicitly required regular training on interactions with transgender individuals, and most departments that did have policies on transgender interactions failed to require meaningful community collaboration.<sup>406</sup>
- A 2017 qualitative study examined reactions to mandatory LGBTQ-specific diversity training within a police department in a Western U.S. city with historic tensions with LGBTQ communities.<sup>407</sup> The study highlighted the culture within the department, reflected in officers' responses to the training. Officers displayed some receptivity to the training, including by asking for clarification, guidance, and resources, displaying concern over how to make LGBTQ people more comfortable, recognizing LGBTQ discrimination and the need for law enforcement improvement, or even expressing appreciation for the training and aiding in its success.<sup>408</sup> However, there was also resistance.<sup>409</sup> Officers sometimes posited the real problem was with the LGBTQ community, rather than law enforcement, and insisted that

<sup>396</sup> *Id.* at 1308, 1326.

<sup>397</sup> *Id.* at 1325.

<sup>398</sup> *Id.* at 1324.

<sup>399</sup> *Id.* at 1328.

<sup>400</sup> NAT'L CTR. TRANSGENDER EQUAL., *FAILING TO PROTECT AND SERVE: POLICE DEPARTMENT POLICIES TOWARDS TRANSGENDER PEOPLE 7* (2019), [https://transequality.org/sites/default/files/docs/resources/FTPS\\_FR\\_v3.pdf](https://transequality.org/sites/default/files/docs/resources/FTPS_FR_v3.pdf).

<sup>401</sup> *Id.* at 103.

<sup>402</sup> *Id.* at 104.

<sup>403</sup> *Id.*

<sup>404</sup> *Id.*

<sup>405</sup> *Id.* at 106.

<sup>406</sup> *Id.* at 105.

<sup>407</sup> Tania Israel et al., *Reactions of Law Enforcement to LGBTQ Diversity Training*, 28 HUM. RES. DEV. Q. 197 (2017).

<sup>408</sup> *Id.* at 211-15.

<sup>409</sup> *Id.* at 205.

officers treated everyone the same and had no bias against LGBTQ people.<sup>410</sup> Some officers were more concerned about media attention and felt that the mandatory training only contributed to negative perceptions about the police department.<sup>411</sup> Others questioned the statistics about LGBTQ harassment and discrimination, claiming that LGBTQ people “allege discrimination to get out of trouble” or “seek special treatment[.]”<sup>412</sup> Additionally, some officers felt that LGBTQ-specific concerns were no longer as much of an issue due to greater general acceptance.<sup>413</sup> Defensiveness was also a common response, with officers saying they just follow protocol and do not have enough time to engage with these issues or “go digging for evidence of a hate crime.”<sup>414</sup> Finally, some officers, believing that LGBTQ people should take language less seriously, expressed reluctance to intervene when the matter potentially involved free speech.<sup>415</sup>

- In 2016, a study based on interviews with 10 LGBTQ young adults of color, all of whom had spent time in girls’ juvenile justice facilities in New York, highlighted community-level profiling and criminalization experienced at the hands of law enforcement.<sup>416</sup> The interviews revealed a common theme of bodily surveillance and targeted provocation and violence, particularly through stop-and-frisk tactics.<sup>417</sup> Participants recounted being stopped daily and multiple times within a few blocks, due to race, sexual orientation, and masculine gender presentation.<sup>418</sup> In one instance, a participant explained that she had been arrested after pulling a knife on a man who had physically groped her girlfriend; the arresting officer proceeded to verbally harass the participant, saying, “You want to act like a man and dress like a man? I’ll teach you what it means to be with a man.”<sup>419</sup>
- A 2012 report by the Center for Constitutional Rights regarding the New York City Police Department’s stop-and-frisk practices found that “LGBTQ/GNC [Gender Nonconforming] communities are heavily impacted by stops and frisks. Among 54 people interviewed for the report, several described stops where police treated them in a cruel or degrading manner because of their actual or perceived sexual orientation, or gender identity, or expression, or because they were gender non-conforming.”<sup>420</sup> Transgender women in particular were found to be “a huge target for NYPD discrimination.”<sup>421</sup>

<sup>410</sup> *Id.* at 206-07.

<sup>411</sup> *Id.* at 207.

<sup>412</sup> *Id.* at 208.

<sup>413</sup> *Id.* at 209.

<sup>414</sup> *Id.*

<sup>415</sup> *Id.* at 209-10.

<sup>416</sup> Sarah E. Mountz, *That’s the Sound of the Police: State-Sanctioned Violence and Resistance Among LGBT Young People Previously Incarcerated in Girls’ Juvenile Justice Facilities*, 31 J. WOMEN & SOC. WORK 287, 290-292 (2016).

<sup>417</sup> *Id.* at 292-93.

<sup>418</sup> *Id.* at 293.

<sup>419</sup> *Id.* at 293-94.

<sup>420</sup> CENTER FOR CONSTITUTIONAL RIGHTS, STOP AND FRISK: THE HUMAN IMPACT 3, 11 (2012), <https://ccrjustice.org/sites/default/files/attach/2015/08/the-human-impact-report.pdf>.

<sup>421</sup> *Id.* at 12.

- A 2012 report examining the interactions of law enforcement with 220 Latina transgender women in Los Angeles County found that these women reported high rates of discrimination and mistreatment.<sup>422</sup> Among respondents, 66% reported that they had been verbally harassed by police, 21% had been physically assaulted by police, and 24% had been sexually assaulted by police.<sup>423</sup> Additionally, nearly 60% of participants reported baseless stops, and two-thirds felt police mishandled the complaints they had filed.<sup>424</sup>
- In 2009, several LGBT youth across the country reported in interviews conducted by NGOs and legal groups that they had been discriminated against and harassed by the police because of their sexual orientation or gender identity. One youth reported that after he told police that he was bisexual during an arrest, they repeatedly told him that he was “sick and disgusting.”<sup>425</sup> Two interviewees described situations in which they were approached by police while walking down the street because they were assumed to be sex workers.<sup>426</sup>
- A 2005 study, which included surveying police departments, interviewing individuals, and reviewing media reports, found that LGBT people reported experiencing mistreatment by law enforcement in localities across the country.<sup>427</sup> LGBT respondents reported incidents of sexual abuse by law enforcement in Chicago; Los Angeles; New York; San Antonio, Texas; Philadelphia; Washington D.C.; Athens, Georgia; Montgomery, Alabama; and San Francisco.<sup>428</sup> The incidents reported included rape, sexual assault, threatened sexual assault, sexual contact, and sexually explicit language and gestures.<sup>429</sup> The data collected also showed that respondents commonly reported being physically assaulted and verbally harassed, with reports from individuals in Los Angeles; Chicago; New York; San Antonio, Texas; Pennsylvania; Washington D.C.; Oakland, California; Lincoln, Rhode Island; and Connecticut.<sup>430</sup>

## Lawsuits and Anecdotal Reports

Lawsuits and anecdotal reports have also documented experiences of discrimination and harassment against LGBTQ people by law enforcement. Reports like these continue to be shared in the present day, indicating that these issues are ongoing. Many of these reports detail extreme violence perpetrated by police, with some incidents requiring medical attention. In addition, police officers still

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<sup>422</sup> FRANK H. GALVAN & MOHSEN BAZARGAN, INTERACTIONS OF LATINA TRANSGENDER WOMEN WITH LAW ENFORCEMENT 3 (2012), <https://williamsinstitute.law.ucla.edu/wp-content/uploads/Latina-Trans-Women-Law-Enforcement-Apr-2012.pdf>

<sup>423</sup> *Id.* at 6.

<sup>424</sup> *Id.* at 8.

<sup>425</sup> MAJD, ET AL., *supra* note 212.

<sup>426</sup> *Id.* at 62.

<sup>427</sup> AMNESTY INT’L U.S., STONEWALLED: POLICE ABUSE AND MISCONDUCT AGAINST LESBIAN, GAY, BISEXUAL AND TRANSGENDER PEOPLE IN THE U.S. 12-14 (2005), <https://www.amnesty.org/en/documents/amr51/122/2005/en/>.

<sup>428</sup> *Id.* at 58-62.

<sup>429</sup> *Id.*

<sup>430</sup> *Id.* at 62-78.

engage in tactics such as raids<sup>431</sup> and entrapment,<sup>432</sup> leading to distrust between LGBTQ communities and law enforcement.

- In a 2024 case, a transgender woman sued the city of Watertown, New York, alleging that police approached her after she was involved in a domestic dispute with a man.<sup>433</sup> During the interaction, she told officers that she was transgender.<sup>434</sup> One officer called her a “guy,” a “man dressed like a woman,” and asked about her sexuality and genitals.<sup>435</sup> At some point, she explained that she was going to walk home, but the officer said she had serious mental problems, referencing her transgender identity, and said they couldn’t let her walk home “looking and dressed like that.”<sup>436</sup> The officer disputes this, arguing that they arrested her for criminal mischief and possession of MDMA.<sup>437</sup> During the booking process, the officers ordered her to remove her wig, despite testifying that they could identify her with and without a wig.<sup>438</sup> She also alleges that after telling the officer she was wearing a hairclip, he threw her to the ground and ripped off her wig, along with some of her natural hair.<sup>439</sup> The officer then told her, “You are going to go to the jail and get strip-searched ... we are going to show you that you are a man. You are going to love that.”<sup>440</sup>
- In 2020, a media outlet reported that the New York City Police Department used excessive force against protestors in a peaceful march commemorating the 51st anniversary of the Stonewall Riots.<sup>441</sup> Although the Pride parade had been cancelled due to COVID-19, a group of activists called Reclaim Pride organized a march to commemorate the 51st anniversary.<sup>442</sup> NYPD contends that a group of people began vandalizing an NYPD vehicle, leading to a scuffle and three arrests.<sup>443</sup> Videos showed officers rushing the crowd, using pepper spray, and shoving protestors to the ground with batons.<sup>444</sup>

<sup>431</sup> A raid happens when the police suddenly enter a place to find someone or something. Raid, Cambridge, <https://dictionary.cambridge.org/us/dictionary/english/raid>. Historically, police would raid gay bars to arrest patrons. Erin Blakemore, *How the Stonewall Uprising Ignited the Modern LGBTQ Rights Movement*, NAT’L GEOGRAPHIC (Sept. 24, 2024), <https://education.nationalgeographic.org/resource/how-stonewall-uprising-ignited-modern-lgbtq-rights-movement/>.

<sup>432</sup> Entrapment occurs when a government agent, or law enforcement officer, induces a person to commit a crime they wouldn’t have committed but for the involvement of the officer. 645. *Entrapment—Elements*, U.S. DEP’T JUST.: ARCHIVES, <https://www.justice.gov/archives/jm/criminal-resource-manual-645-entrapment-elements> (last visited Oct. 7, 2025). Historically, police officers would try to entrap gay men into committing sexual acts in public. See *Ginger Rogers Beach: A Place of LGBTQ+ Expression and Organizing since 1940s*, ONE INST., <https://www.oneinstitute.org/ginger-rogers-beach/> (last visited Oct. 15, 2025); Connor Richards, *How California Police Departments Targeted Gay Men in Sting Operations for a Century*, PENINSULA PRESS (Dec. 19, 2018), <https://peninsulapress.com/2018/12/19/how-california-police-departments-targeted-gay-men-in-sting-operations-for-a-century/>.

<sup>433</sup> *LeTray v. City of Watertown*, 718 F. Supp. 3d 192, 197 (N.Y. N. Dist. Ct. 2024).

<sup>434</sup> *Id.*

<sup>435</sup> *Id.*

<sup>436</sup> *Id.*

<sup>437</sup> *Id.*

<sup>438</sup> *Id.* at 198.

<sup>439</sup> *Id.*

<sup>440</sup> *Id.* at 199.

<sup>441</sup> Ivan Pereira, *NYPD Clashes with Protestors During Pride Rally on Anniversary of Stonewall Riots*, ABC NEWS (June 29, 2020), <https://abcnews.go.com/US/nypd-clashes-protesters-pride-rally-anniversary-stonewall-riots/story?id=71510651>.

<sup>442</sup> *Id.*

<sup>443</sup> *Id.*

<sup>444</sup> *Id.*

- In 2020, a media outlet reported that the Tallahassee Police Department fatally shot a Black transgender man after responding to reports of a stabbing.<sup>445</sup> His death “sparked outcry,” particularly as he was killed only two days after the highly publicized murder of George Floyd at the hands of police, which led to mass protests across the nation.<sup>446</sup> Accounts from residents who witnessed the event reportedly heard the police use racial slurs.<sup>447</sup> Both the police and the media repeatedly deadnamed and misgendered the victim.<sup>448</sup>
- In 2019, a media outlet reported that a transgender woman filed suit against the New York Police Department for unjustly charging her with “false personation” and for mocking and harassing her throughout her detention.<sup>449</sup> While crossing through a closed park late at night, the officers stopped the woman to question her.<sup>450</sup> She spoke limited English, and when the officers asked for her name, she gave her former legal name, believing she was required to do so.<sup>451</sup> The police then arrested her for trespassing and brought her to the station, where she explained to a Spanish-speaking officer that she was transgender and had changed her name.<sup>452</sup> Officers then accused her of knowingly misrepresenting her identity and placed her in a cell by herself overnight in pink handcuffs.<sup>453</sup> The officers repeatedly misgendered her and used her former name, in direct violation of their patrol manual.<sup>454</sup> A settlement was reached, part of which required that all NYPD officers of the 44th precinct receive training on interacting with the transgender community.<sup>455</sup>
- In 2018, a media outlet reported that a gay resident of Palo Alto brought a lawsuit against the Palo Alto Police Department, alleging violation of his civil rights due to their use of excessive force and targeting him for his sexual orientation.<sup>456</sup> A video recording from the man’s surveillance camera at his home showed the officers slamming him against a car and into the windshield because they suspected him of driving with a suspended license.<sup>457</sup> The microphone worn by one of the officers captured the officer mocking the man, using a “flamboyant, high-pitched tone” when imitating him.<sup>458</sup> The parties settled the lawsuit, with

<sup>445</sup> Meredith Deliso, *LGBTQ Community Calls for Justice After Tony McDade, a Black Trans Man, Shot and Killed by Police*, ABC News (June 2, 2020), <https://abcnews.go.com/US/lgbtq-community-calls-justice-black-trans-man-shot/story?id=71022981>.

<sup>446</sup> *Id.*

<sup>447</sup> Katelyn Burns, *Why Police Often Single Out Trans People for Violence*, Vox (June 23, 2020), <https://www.vox.com/identities/2020/6/23/21295432/police-black-trans-people-violence>.

<sup>448</sup> *Id.*

<sup>449</sup> *Transgender Woman Sues NYPD Officers Over ‘False Personation’ Arrest*, NBC News (Jan. 24, 2019), <https://www.nbcnews.com/feature/nbc-out/transgender-woman-sues-nypd-officers-over-false-personation-arrest-n962236>.

<sup>450</sup> *Trans Advocate Sues NYPD For Charging Her with ‘False Personation’*, ACLU N.Y. (Jan. 22, 2019), <https://www.nyclu.org/en/press-releases/trans-advocate-sues-nypd-charging-her-false-personation>.

<sup>451</sup> *Id.*

<sup>452</sup> *Id.*

<sup>453</sup> *Id.*

<sup>454</sup> *Id.*

<sup>455</sup> *Court Cases: Dominguez v. City of New York*, ACLU (Nov. 12, 2020), <https://www.aclu.org/cases/dominguez-v-city-new-york>.

<sup>456</sup> Finbarr Toesland, *Police Departments Across U.S. Are Mandating LGBTQ Training*, NBC News (Sept. 25, 2021), <https://www.nbcnews.com/nbc-out/out-news/police-departments-us-are-mandating-lgbtq-training-rcna2250>.

<sup>457</sup> *Id.*

<sup>458</sup> *Id.*

\$572,500 given to the resident and a two-hour mandatory LGBTQ-awareness training for all officers in the department.<sup>459</sup> The offending officer was placed on administrative leave and retired in 2019.<sup>460</sup> For this incident, that officer was subsequently charged with assault under color of authority and for lying on a police report.<sup>461</sup>

- In 2018, a media outlet covered a story about a series of murders of Black transgender women across Florida, which highlighted law enforcement's mismanagement of such cases. In Jacksonville, Florida, three Black transgender women were fatally shot within six months, and the Jacksonville Sheriff's Office repeatedly identified the victims as men and refused to call them by their correct names.<sup>462</sup> When friends and activists called to address the issue, the Sheriff's Office reportedly refused to honor requests to refer to victims with their chosen name and gender identity, citing agency policy requiring that they report the name and sex listed on the medical examiner's report.<sup>463</sup> Additionally, the Sheriff's Office expressed little concern over the alarming pattern of murders.<sup>464</sup> Similarly, the Orlando County Sheriff's Department mishandled the murder investigation of a Black transgender woman.<sup>465</sup> Law enforcement used anti-transgender slurs when working with the victim's friends to identify her body and misgendered her as a man in a press release.<sup>466</sup> Although the Orlando County Sheriff's Office later apologized,<sup>467</sup> the Jacksonville Sheriff's Office has yet to do so.<sup>468</sup>
- In 2017, a media outlet reported that the Volusia County Sheriff's Office in Florida carried out an undercover sting operation that seemingly targeted and forcibly outed gay men.<sup>469</sup> Plain clothes officers stationed at six parks across the county arrested 18 men they accused of lewd activity, though some argue the policing tactics amounted to entrapment.<sup>470</sup> Following the arrests, the Sheriff's Office posted the full names, ages, and mug shots of the arrestees.<sup>471</sup> Although the Sheriff's Office claimed the operation was merely carried out in response to complaints, some felt it was a clear targeting of gay men looking to meet other gay men and was a disproportionate, Draconian response.<sup>472</sup>

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<sup>459</sup> *Id.*

<sup>460</sup> *Id.*

<sup>461</sup> *Id.*

<sup>462</sup> Lucas Waldron & Ken Schwencke, *Deadnamed*, PROPUBLICA (Aug. 10, 2018), <https://www.propublica.org/article/deadnamed-transgender-black-women-murders-jacksonville-police-investigation>.

<sup>463</sup> *Id.*

<sup>464</sup> *Id.*

<sup>465</sup> HRC Mourns Sasha Garden and Calls for Review of Police Conduct During Investigation, HUM. RTS. CAMPAIGN (July 20, 2018), <https://www.hrc.org/news/hrc-mourns-sasha-garden-and-calls-for-review-of-police-conduct-during-inves>.

<sup>466</sup> *Id.*

<sup>467</sup> Monivette Cordeiro & Colin Wolf, *Say Her Name*, ORLANDO WKLY. (Jul. 25, 2018), <https://www.orlandoweekly.com/news/say-her-name-16401599>.

<sup>468</sup> Waldron & Schwencke, *supra* note 473.

<sup>469</sup> Frank Fernandez, *Civil Rights Group Criticizes Volusia Sheriff's Park Sex Sting*, DAYTONA BEACH NEWS-J. (July 4, 2017), <https://www.news-journalonline.com/story/news/crime/2017/07/04/civil-rights-group-criticizes-volusia-sheriffs-park-sex-sting/20371269007/>.

<sup>470</sup> *Id.*

<sup>471</sup> John Paul Brammer, *Public Sex 'Sting Operation' Leads to Naming and Shaming of 18 Men*, NBC NEWS (June 8, 2017), <https://www.nbcnews.com/feature/nbc-out/public-sex-sting-operation-leads-naming-shaming-18-men-n769946>.

<sup>472</sup> Fernandez, *supra* note 480.



- According to an investigative report, in 2017, Texas A&M elected its first openly gay student body president, who subsequently received threats of physical harm and homophobic slurs.<sup>473</sup> When the student attempted to report the incident to law enforcement, he was told that it didn't "sound like a problem ... those are just some words."<sup>474</sup> The responding officer failed to take the report and allegedly laughed.<sup>475</sup>
- In 2016, a media outlet reported that a Superior Court judge concluded that the Long Beach Police Department's treatment of gay men amounted to discrimination.<sup>476</sup> The judge criticized the LBPD for conducting sting operations in public bathrooms that ultimately targeted gay men looking to meet other gay men.<sup>477</sup> This ruling came after the invalidation of the arrest of a man for lewd conduct and indecent exposure, who had been "ensnared by an undercover vice team that had set up a sting operation in a men's bathroom[.]"<sup>478</sup> The judge agreed the officer's behavior gave the arrested man reason to believe a sexual advance was being made, therefore justifying his actions, otherwise deemed lewd and indecent.<sup>479</sup> Furthermore, the vice squad reportedly only used male officers as undercover decoys and had only arrested male suspects throughout the operations, leading the judge to conclude the practice was discriminatory.<sup>480</sup> The court also rejected the argument that the policing tactic was in response to citizen complaints, finding little evidence of such reports specifically about men's public restrooms.<sup>481</sup>
- In 2016, a media outlet reported that an officer of the Mesa Police Department in Arizona shot and killed a transgender man with Asperger's Syndrome while performing a wellness check.<sup>482</sup> Three officers reportedly responded to a call about a suicidal individual.<sup>483</sup> When the individual emerged with a knife, one of the officers fired, despite the fact that both officers had stun guns and one had completed crisis intervention training.<sup>484</sup>
- In 2014, a lesbian woman filed suit against the city of Portland, Oregon, for false arrest and excessive force.<sup>485</sup> According to her complaint, she was a passenger in a vehicle leaving a well-known LGBT center.<sup>486</sup> A police car followed the vehicle from the center to a nearby gas

<sup>473</sup> Emma Keith & Katie Gagliano, *Lack of Trust in Law Enforcement Hinders Reporting of LGBTQ Crimes*, THE CTR. FOR PUB. INTEGRITY (August 24, 2018), available at <https://publicintegrity.org/politics/lack-of-trust-in-law-enforcement-hinders-reporting-of-lgbtq-crimes/>.

<sup>474</sup> *Id.*

<sup>475</sup> *Id.*

<sup>476</sup> James Queally & Hailey Branson-Potts, *Judge Slams Gay Sex Stings by Long Beach Police, Calling Them Discriminatory*, L.A. TIMES (April 29, 2016), <https://www.latimes.com/local/lanow/la-me-ln-gay-sex-stings-police-discriminatory-20160429-story.html>.

<sup>477</sup> *Id.*

<sup>478</sup> *Id.*

<sup>479</sup> *Id.*

<sup>480</sup> *Id.*

<sup>481</sup> *Id.*

<sup>482</sup> Ralph Ellis, *Transgender Man with Asperger's Killed by Mesa, Arizona Police*, CNN News (Feb. 7, 2016), <https://www.cnn.com/2016/02/06/us/transgender-man-with-aspergers-killed/index.html>.

<sup>483</sup> *Id.*

<sup>484</sup> *Id.*

<sup>485</sup> Complaint, *Wagoner v. City of Portland*, No. 14CV17648, (Cir. Ct. Or., Multnomah Cnty. Ct., Nov. 18, 2014) 2014 WL 6478959.

<sup>486</sup> *Id.* at 2.

station and questioned the driver and the passenger.<sup>487</sup> The passenger stated that the officer referred to her as a white male mockingly, even though she is a mixed-race woman, and the officer asked the driver, “How can you be gay if you have kids?”<sup>488</sup> The officer allegedly cited the passenger for failure to wear a seatbelt even though she stated she had removed it after they stopped at the gas station.<sup>489</sup> In the course of the arrest, the passenger alleged that the officer slammed her to the ground, chipped her tooth, and handcuffed her so tightly that she was left with bruises.<sup>490</sup> When she requested that a female officer search her, the male officer refused and pulled up her shirt and pulled down her pants to search her.<sup>491</sup> Once at the station, the passenger reported that officers laughed at her and took pictures with their cell phones while she cried in the holding cell.<sup>492</sup> All charges against her were later dismissed.<sup>493</sup>

- In 2013, according to a wrongful death lawsuit, a transgender woman in Berkeley, California, was killed when her friend called the police to provide mental health assistance for her.<sup>494</sup> Despite the officers’ knowledge of her mental illness, they sought out arrest warrants in her name rather than conducting a mental health evaluation.<sup>495</sup> When they found an arrest warrant with her birth name, though with a description of a person 20 years older than she was, the officers proceeded to arrest her.<sup>496</sup> In the course of the arrest, six officers allegedly piled on top of her, exacerbating her mental health emergency and restricting her airways.<sup>497</sup> Despite her screaming, they continued to restrain her until she lost consciousness.<sup>498</sup> The complaint alleged that officers called her “it” throughout the incident.<sup>499</sup> She died hours later.<sup>500</sup>
- In 2013, the Boston Police Department settled a case involving a transgender woman who alleged that police arrested her for using the women’s restroom at a homeless shelter where she was staying.<sup>501</sup> After taking her to the police station, she alleged that the officers forced her to remove her shirt and bra and jump up and down to humiliate and laugh at her.<sup>502</sup>

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<sup>487</sup> *Id.* at 3.

<sup>488</sup> *Id.* at 3-4.

<sup>489</sup> *Id.* at 4.

<sup>490</sup> *Id.* at 5.

<sup>491</sup> *Id.*

<sup>492</sup> *Id.* at 6.

<sup>493</sup> *Id.*

<sup>494</sup> Second Amended Complaint for Damages at 5, *Moore ex rel. Moore v. City of Berkeley*, No. 3:14-cv-00669-CRB (N.D. Cal. Oct. 10, 2014), 2014 WL 5449240.

<sup>495</sup> *Id.* at 5-6.

<sup>496</sup> *Id.* at 6-7.

<sup>497</sup> *Id.* at 7-8.

<sup>498</sup> *Id.* at 8.

<sup>499</sup> *Id.*

<sup>500</sup> *Id.* at 2.

<sup>501</sup> Maria Cramer, *Transgender Woman Settles Lawsuit with Boston over Treatment During 2010 Arrest*, [Boston.com](http://www.boston.com/news/local/massachusetts/2013/02/05/transgender-woman-settles-lawsuit-with-boston-over-treatment-during-arrest/jldg4ZWazhEU5srQSiYANI/story.html) (Feb. 5, 2013), <http://www.boston.com/news/local/massachusetts/2013/02/05/transgender-woman-settles-lawsuit-with-boston-over-treatment-during-arrest/jldg4ZWazhEU5srQSiYANI/story.html>; Complaint at 4-6, *Wernikoff v. City of Boston*, No. 12-12054, (D. Mass. Nov. 5, 2012).

<sup>502</sup> Complaint, *supra* note 496, at 7.

- In 2013, a media outlet reported that three gay men alleged that they were attacked by NYPD officers in Brooklyn, New York.<sup>503</sup> A witness reported that the officers called one of them “faggot” as they beat him.<sup>504</sup> The man’s injuries had to be treated at a hospital.<sup>505</sup>
- In 2013, a media outlet reported that a transgender Arizona State University student and activist was arrested in Phoenix, Arizona, for “manifesting prostitution” after she accepted a ride to a bar from two undercover police officers.<sup>506</sup> She is not a sex worker, but reports that police have suspected her of engaging in sex work on four separate occasions while she was walking down the sidewalk or having conversations with friends.<sup>507</sup>
- In 2011, a media outlet reported that a Philadelphia man filed a complaint based on mistreatment he and his partner experienced when police were called during a domestic dispute.<sup>508</sup> During the incident, police began beating the man’s partner, repeatedly calling him a “nigger” and “faggot.”<sup>509</sup> When the man complained of pain from being handcuffed, the officers said to him, “Shut up, you pussy faggot,” and “Let me hear you squeal, faggot.”<sup>510</sup> Both men had to be treated at a hospital for their injuries.<sup>511</sup>
- In 2011, a gay Latino man was reportedly stopped for a traffic offense in Oakland, California, when the arresting officer noticed his pink socks, called them “faggot socks,” and slammed the man’s ankle in the car door.<sup>512</sup> The man required medical treatment for his injury.<sup>513</sup>
- In 2009, a media outlet reported that a transgender woman was arrested by the NYPD for using her father’s discount subway card.<sup>514</sup> Officers asked her “whether she had a penis or a vagina” and chained her to a fence for 28 hours.<sup>515</sup> They repeatedly called her “faggot” and “transvestite” and refused to let her go to the bathroom.<sup>516</sup>
- In 2009, a media outlet reported that police entered a gay bar in Fort Worth, Texas, for a planned inspection and began forcibly arresting men for public intoxication.<sup>517</sup> One patron

<sup>503</sup> 3 Men Accuse NYPD Officers of Bias Attack in Bed-Stuy, NEWS 12 BROOKLYN (June 11, 2013), <http://brooklyn.news12.com/news/3-gay-men-accuse-nypd-officers-of-bias-attack-in-bed-stuy-1.5461203>

<sup>504</sup> *Id.*

<sup>505</sup> *Id.*

<sup>506</sup> Sunnive Brydum, *Arizona Activist Found Guilty of ‘Walking While Trans’*, ADVOCATE (Apr. 15, 2014), <http://www.advocate.com/politics/transgender/2014/04/15/arizona-activist-found-guilty-walking-while-trans>.

<sup>507</sup> *Id.*

<sup>508</sup> Jen Colletta, *Gay Couple Alleges Police Brutality*, PHILA. GAY NEWS (Jan. 20, 2011), <http://www.epgn.com/news/local/3117-11071516-gay-couple-alleges-police-brutality>.

<sup>509</sup> *Id.*

<sup>510</sup> *Id.*

<sup>511</sup> *Id.*

<sup>512</sup> AMNESTY INT’L U.S., *supra* note 435 at 70.

<sup>513</sup> *Id.*

<sup>514</sup> Chamonix Adams Porter, *Twenty-Eight Hours: Transgender People, Police Brutality, and State Violence*, BROAD RECOGNITION (Mar. 13, 2012), [broadrecognition.com/politics/twenty-eight-hours-transgender-people-police-brutality-and-state-violence/](http://broadrecognition.com/politics/twenty-eight-hours-transgender-people-police-brutality-and-state-violence/) [<https://web.archive.org/web/20130513172431/broadrecognition.com/politics/twenty-eight-hours-transgender-people-police-brutality-and-state-violence/#expand>].

<sup>515</sup> *Id.*

<sup>516</sup> *Id.*

<sup>517</sup> Eric Dexheimer, *TABC Fires 3 Over Fort Worth Gay Bar Raid*, AUSTIN AM.-STATESMAN (Dec. 12, 2018, 9:42 AM), <https://www.>

suffered a serious head injury as a result of the raid.<sup>518</sup> Witnesses said officers threw him against the wall and pushed his face into the pavement.<sup>519</sup> The city reached a \$400,000 settlement with the man in 2011.<sup>520</sup>

- In 2009, a media outlet reported that police officers allegedly physically attacked two lesbians outside of a club in Brooklyn, New York.<sup>521</sup> The women reported that police had gone to the bar area to break up a fight.<sup>522</sup> Despite not being involved in the fight, police threw them to the ground and hit them. The women and a witness reported that the police “beat them with nightsticks while shouting anti-lesbian epithets and taunts.”<sup>523</sup> One of the women was later treated for her injuries at a hospital.<sup>524</sup>
- In a 2007 case, a gay man brought suit against the Fresno Police Department in California for assaulting him prior to his arrest on suspicion of possessing drugs.<sup>525</sup> According to the man, one officer said to him, “I know where you faggots keep your shit,” and then performed an anal cavity search for drugs.<sup>526</sup> In the course of the search, he ruptured the lining of the man’s rectum.<sup>527</sup> The man began to “bleed profusely” and was taken to a medical center for treatment.<sup>528</sup>
- In 2003, a Native American transgender woman was raped in an alley by two officers of the Los Angeles Police Department.<sup>529</sup> During the encounter, the officer yelled at her, “You fucking whore, you fucking faggot,” and slapped her across the face.<sup>530</sup> Before they left, the second officer told her, “That’s what you deserve.”<sup>531</sup>
- In 2003, the Wayne County Sheriff’s Department in Michigan raided a private club in Detroit whose members were primarily African American gay men, lesbians, and transgender women.<sup>532</sup> Between 50 and 100 officers entered the club and “[o]ver 350 people...were handcuffed, forced to lie down on the floor, and detained for up to twelve hours, left to ‘sit in their and others’ urine and waste.’ Some were kicked in the head and back, slammed into

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statesman.com/story/news/2009/11/13/tabc-fires-3-over-fort/6677531007/.

<sup>518</sup> *TABC Fires 3 Over Gay Bar Raid*, NBC DFW (Aug. 28, 2009, 12:45 PM), <https://www.nbcdfw.com/news/local/tabc-fires-3-over-gay-bar-raid/2117738/>.

<sup>519</sup> Scott Gordon, *Man Injured in Gay Bar Raid: Cops Should be Prosecuted*, NBC DFW (July 5, 2009, 7:04 PM), <https://www.nbcdfw.com/news/local/main-injured-in-gay-bar-raid-cops-should-be-prosecuted/1839834/>.

<sup>520</sup> *Fort Worth Presents Settlement to Man Injured in Gay Bar Raid*, CBS DFW (Mar. 18, 2011), <https://www.cbsnews.com/texas/news/fort-worth-presents-settlement-to-man-injured-in-gay-bar-raid/>.

<sup>521</sup> Kat Long, *Two Lesbians Assaulted in Brooklyn*, AUDRE LORDE PROJECT (June 12, 2009), <https://alp.org/media/two-lesbians-assaulted-brooklyn>.

<sup>522</sup> *Id.*

<sup>523</sup> *Id.*

<sup>524</sup> *Id.*

<sup>525</sup> *Gonzales v. City of Fresno*, No. 1:06-cv-01751-OWW-TAG, 2007 WL 2288322 (E.D. Cal. Aug. 8, 2007).

<sup>526</sup> *Id.*

<sup>527</sup> *Id.* at \*2.

<sup>528</sup> *Id.*

<sup>529</sup> AMNESTY INT’L U.S., *supra* note 435 at 59.

<sup>530</sup> *Id.*

<sup>531</sup> *Id.*

<sup>532</sup> *Id.* at 46.

walls, and verbally abused. Officers on the scene were heard saying ‘it’s a bunch of fags’ and ‘those fags in here make me sick.’”<sup>533</sup>

- In 2002, when a transgender woman in Sacramento, California, was arrested, “she was pulled from [her] truck and thrown to the ground,” beaten, pepper-sprayed, and dragged across hot pavement by deputies.<sup>534</sup> Later, when she was returned to her cell after being treated for injuries caused when she was raped by another inmate, staff “taunted [her]...with accusations that she enjoyed being the victim of a sexual assault.”<sup>535</sup> The victim brought suit against the Sacramento Sheriff’s Department, which settled in 2006.<sup>536</sup>

## Impact of Discrimination and Harassment by Law Enforcement

A growing body of research shows that negative interactions with police impact LGBTQ people and communities beyond the immediate incident. Research has found associations between police violence and harassment and binge drinking, stress, depression, and other negative health outcomes.

- A study published in 2024 used the 2015 U.S. Transgender Survey, a non-probability survey of more than 27,000 transgender people, to analyze the relationship between transgender identity, binge drinking, and experiences of discrimination, harassment, and violence.<sup>537</sup> More than one-fifth (22.9%) of respondents reported mistreatment by officers of the Transportation Security Administration (TSA), and 10.3% reported anti-transgender mistreatment by police.<sup>538</sup> Transgender people who were harassed or treated unprofessionally by TSA were 1.33 times more likely to binge drink, and those who were harassed or treated unequally by police officers were 1.84 times more likely to binge drink compared to those who had not been harassed or treated unequally.<sup>539</sup>
- A 2024 study assessed the association between cumulative police exposures, police violence stress, and depressive symptoms among Black queer youth.<sup>540</sup> The study assessed how both direct and vicarious exposure to police relates to mental health outcomes. Researchers used data from the Survey of Police-Adolescent Contact Experiences, a survey of 345 Black youth aged 12-21 in Baltimore City, Maryland, which completed data collection from August 2022 to July 2023.<sup>541</sup> The study found that the average number of incidents where youth were exposed to police interactions was higher for bisexual (2.96) and queer (3.14) youth than lesbian or gay (1.77) youth.<sup>542</sup> The association between police exposures and depressive symptoms was

<sup>533</sup> *Id.*

<sup>534</sup> AMNESTY INT’L U.S., *supra* note 435 at 1.

<sup>535</sup> *Id.*

<sup>536</sup> Stipulation to Continue Limitation Regarding Final Disposition of Case, *Kelly McAllister v. Sacramento Cnty.*, No. CIV-S-03-2009 LKK GGH (E.D. Cal. May 10, 2006).

<sup>537</sup> Hugh Klein & Thomas Alex Washington, *The Relationship of Anti-Transgender Discrimination, Harassment, and Violence to Binge Drinking Among Transgender Adults*, 59 *SUBSTANCE USE & MISUSE* 583, 584 (2024).

<sup>538</sup> *Id.* at 584-85.

<sup>539</sup> *Id.* at 586.

<sup>540</sup> Dylan B. Jackson et al., *Cumulative Police Exposures, Police Violence Stress, and Depressive Symptoms: A Focus on Black LGBTQ Youth in Baltimore City, Maryland*, 101 *J. URB. HEALTH* 544, 544, 546 (2024).

<sup>541</sup> *Id.*

<sup>542</sup> *Id.* at 548

significantly higher for lesbian, gay, bisexual, and queer youth than for heterosexual youth, independent of stress about police interactions.<sup>543</sup> The association between police violence stress and depressive symptoms was particularly driven by bisexual and queer youth, who exhibited significantly higher levels of depressive symptoms compared to heterosexual youth, whereas lesbian and gay youth did not significantly differ from their heterosexual peers.<sup>544</sup> Researchers found that increased cumulative police exposures related to increases in depressive symptoms for queer youth (a 0.233 standard deviation increase), while queer youth saw significant increases on the depressive symptoms scale (a 2.117 standard deviation increase).<sup>545</sup>

- A study published in 2024 surveying 107 young Black sexual minority men in Chicago living with HIV analyzed the association between police violence and HIV care management.<sup>546</sup> Men with more exposure to police violence had more PTSD symptoms and were more likely to have missed HIV care appointments in the past year.<sup>547</sup> Those with experiences of police violence averaged 2.85 on the PTSD symptoms scale compared to those without police violence experiences who averaged 1.73.<sup>548</sup> One in five (19%) of those who experienced no police violence missed HIV care appointments in the past year, while nearly two-thirds (62%) of respondents who were subject to police violence missed appointments.<sup>549</sup>
- A study published in 2023 used data from the HIV Prevention Trials Network 061 study to analyze the relationship between healthcare distrust and police harassment based on race and sexual orientation among Black sexual minority men.<sup>550</sup> Enrollment in the study occurred from 2009 to 2010 in Atlanta, Georgia; Boston, Massachusetts; Los Angeles, California; New York, New York; San Francisco, California; and the District of Columbia.<sup>551</sup> Of 1,160 Black sexual minority male participants, 89.8% reported that they had experienced racialized or homophobia-based police harassment prior to either their baseline or six-month follow-up visit, with 57% reporting police harassment prior to both visits.<sup>552</sup> Researchers found that increasing frequency of police harassment at the six-month follow-up was associated with distrust in healthcare providers, utilizing the emergency room, and missing at least half of their healthcare visits.<sup>553</sup> At the 12-month follow-up appointment, increasing police harassment was associated with rising levels of distrust in healthcare providers and using the emergency room.<sup>554</sup>

<sup>543</sup> *Id.* at 550.

<sup>544</sup> *Id.*

<sup>545</sup> *Id.*

<sup>546</sup> Katherine G. Quinn et al., *Police Violence Experienced by Black Gay and Bisexual Men: The Effects on HIV Care Engagement and Medication Adherence*, 28 AIDS & BEHAV. 1642, 1643 (2024).

<sup>547</sup> *Id.* at 1645.

<sup>548</sup> *Id.*

<sup>549</sup> *Id.*

<sup>550</sup> Jonathan P. Feelemyer et al., *Associations Between Police Harassment and Distrust in and Reduced Access to Healthcare Among Black Sexual Minority Men: A Longitudinal Analysis of HPTN 061*, 18 PLoS ONE e0290378, 3 (2023).

<sup>551</sup> *Id.*

<sup>552</sup> *Id.* at 5.

<sup>553</sup> *Id.* at 5, 7.

<sup>554</sup> *Id.* at 7.



## RECOMMENDATIONS

Interactions between LGBTQ communities and law enforcement can be improved through several measures. These include (1) legal and policy reform, (2) enhanced accountability and representation within law enforcement agencies, (3) community engagement and support, and (4) continuous data collection and evaluation of these initiatives. These measures are described in further detail below, with a focus on recommendations for the State of California and localities within the state.

### LEGAL AND POLICY REFORM

#### Strengthen non-discrimination and anti-harassment protections

California law prohibits discrimination and harassment by law enforcement based on sexual orientation and gender identity, among other protected characteristics and identities.<sup>555</sup> Based on our findings that LGBTQ people continuously report mistreatment related to their gender or sexual identities, the state should consider strengthening these laws. These revisions could include ways to prevent biases from playing a role in law enforcement decisions regarding requests for help, including biases related to sexual orientation, gender identity, and other protected characteristics. In addition, the state should consider explicitly specifying that targeting LGBTQ people, including through assumptions that LGBTQ individuals are sex workers, constitutes unlawful discrimination, harassment, and profiling.

#### Expand mandated law enforcement training courses on sexual and gender minority groups

California law requires the Commission on Peace Officer Standards and Training to develop and implement training on sexual orientation and gender identity minority groups.<sup>556</sup> Currently, the law requires trainings to include 1) information about the differences between sexual orientation and gender identity and how the two aspects of identity relate to each other, race, culture, and religion; 2) terminology related to sexual orientation and gender identity; 3) guidance on creating an inclusive workplace within law enforcement for sexual orientation and gender identity minorities; 4) information about important moments in history related to sexual orientation and gender identity minorities and law enforcement; and 5) instruction on responding effectively to domestic violence and hate crimes involving sexual orientation and gender minorities.<sup>557</sup> The law is only one of a few in the country that mandates LGBTQ training for law enforcement, establishing California as a leader in this policy arena.<sup>558</sup> However, one large gap in this law is that it applies only to new recruits during basic academy training.<sup>559</sup> This means that a large number of current law enforcement officers are never required to complete this training.<sup>560</sup> Those who graduated before the 2018 adoption of the law, as

<sup>555</sup> CAL. CIVIL CODE § 52.3 (2000); CAL. GOV'T CODE § 11135 (2017); CAL. PENAL CODE § 13519.4 (2022).

<sup>556</sup> CAL. PENAL CODE § 13519.41 (2019).

<sup>557</sup> *Id.*

<sup>558</sup> Other states that require similar training on LGBTQ+ populations include Nevada and New Jersey. NEV. REV. STAT. ANN. § 62B.607 (2021); N.J. STAT. § 52:17B-77.13 (2021).

<sup>559</sup> STATE CAL. CIVIL RTS. DEP'T, COMM'N STATE HATE: 2023-2024 ANNUAL REPORT 66 (2025), <https://calcivilrights.ca.gov/wp-content/uploads/sites/32/2025/02/CSH-2023-2024-Annual-Report.pdf>.

<sup>560</sup> The law states law enforcement personnel in a variety of roles and ranks may take similar courses to fulfill their continuing

well as officers hired laterally from other jurisdictions without equivalent instruction, are excluded from its requirements. As a result, a substantial portion of California’s law enforcement officers, including many in leadership positions, may lack the knowledge, cultural competency, and skills this training is intended to provide.

The law requiring this training could be expanded in several ways. Based on our findings, we first recommend that the law be amended to require ongoing training for *all* law enforcement officers, including patrol officers, supervisors, training officers, and those who liaise directly with LGBTQ communities. Additionally, the training could be expanded to address the unique challenges faced by particularly vulnerable subpopulations within LGBTQ communities including LGBTQ people of color, transgender people, LGBTQ youth, and sex workers. It could also include best practices for interacting with transgender people and guidance on connecting LGBTQ victims with support services that are culturally competent and affirming. Lastly, the current law recommends that the training be developed in consultation with at least three people—both from law enforcement and from the community—who have expertise or lived experience with these topics, and specifically requires that “one male, one female, and one transgender person” be included.<sup>561</sup> To better reflect how identities beyond gender shape LGBTQ people’s interactions with law enforcement, we recommend that the state increase the number of people who develop the training and broaden these consultation participation requirements to include representation from LGBTQ individuals with diverse racial, ethnic, cultural, and other intersectional backgrounds. This group should include both those with direct expertise, such as researchers and policy specialists, and those with lived experience, including those impacted by police interactions.

Expanding training in this way could not only improve police interactions with LGBTQ communities but also enhance perceptions of law enforcement and increase community members’ willingness to seek help. For example, a recent survey of Los Angeles transgender and nonbinary residents found that among those who said they felt either neutral or uncomfortable seeking police help, 60% would feel more comfortable if they knew that police had received training on interacting respectfully with transgender and nonbinary people.<sup>562</sup> That same data revealed that among transgender Latina immigrants, specifically, 53% of those who felt neutral or uncomfortable seeking police help would feel more comfortable knowing police had received that same training.<sup>563</sup>

## Establish policies and best practices for interacting with transgender and nonbinary people

Our findings show that transgender and nonbinary individuals face disproportionately negative interactions with law enforcement. The state could encourage the adoption of targeted policies and

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professional training requirements. However, there is no mandate that officers complete this specific training once they are out of the academy.

<sup>561</sup> PENAL § 13519.41.

<sup>562</sup> JODY L. HERMAN ET AL., WILLIAMS INST., PARA MI PUNTO DE VISTA/FROM MY POINT OF VIEW: RESULTS OF THE 2023 LA COUNTY TRANS AND NONBINARY SURVEY 75 (2024), <https://williamsinstitute.law.ucla.edu/wp-content/uploads/LACo-Trans-NB-Jun-2024.pdf>.

<sup>563</sup> ELANA REDFIELD ET AL., WILLIAMS INST., EXPERIENCES OF IMMIGRANTS IN THE 2023 LA COUNTY TRANS & NONBINARY SURVEY WITH A SPECIAL FOCUS ON TRANS LATINA IMMIGRANTS 44 (2025), <https://williamsinstitute.law.ucla.edu/wp-content/uploads/LACo-TNB-Immigrants-Oct-2025.pdf>.

practices to improve interactions with, and strengthen protections for, transgender and nonbinary communities. Some California law enforcement departments, such as Los Angeles,<sup>564</sup> San Diego,<sup>565</sup> and San Francisco,<sup>566</sup> have adopted internal policies and best practices to guide interactions with transgender and nonbinary people. These policies establish standards for respecting individuals' pronouns and names as requested regardless of what appears on their legal documents, ensuring the safety and wellbeing of people in custody by transporting and housing them based on gender identity, conducting physical searches of transgender and nonbinary people in respectful ways, providing access to necessary medication for transgender individuals in custody, protecting individuals' privacy by not disclosing LGBTQ identities without consent, and avoiding the use of transgender identity as evidence of sex work or identity fraud.<sup>567</sup>

Based on our findings, we recommend that the state consider developing model policies and best practices to guide law enforcement interactions with LGBTQ communities, with particular attention to transgender and nonbinary individuals. This guidance should be developed in partnership with transgender and nonbinary individuals, especially those with prior interactions with law enforcement, and organizations that serve LGBTQ communities broadly and transgender and nonbinary people specifically. Additionally, given reports of police assuming transgender people are sex workers and resulting effects of increased police harassment, assault, and abuse, we recommend the state consider incentivizing or mandating the adoption of policies and best practices for law enforcement interactions with suspected sex workers.<sup>568</sup>

## ENHANCED ACCOUNTABILITY AND REPRESENTATION

### Encourage local law enforcement departments to form citizen complaint review boards

Citizens' ability to report complaints to an independent board is an important accountability mechanism for the law enforcement departments that serve them. For groups that are historically overpoliced or subject to discriminatory policing, including LGBTQ people, such mechanisms are even more important. Independent citizen complaint boards, often run by community volunteers, provide for complaints against law enforcement officers and agencies to be reviewed by an independent body, separate from those being investigated.<sup>569</sup> Although there are roughly 18,000 police agencies

<sup>564</sup> CHARLIE BECK, OFF. CHIEF POLICE, NOTICE 1.2: POLICE INTERACTIONS WITH TRANSGENDER INDIVIDUALS (2012), [https://www.sangabrielvalleyapiflag.com/uploads/1/4/3/6/14360710/lapd\\_memo\\_by\\_chief\\_beck\\_on\\_transgender\\_treatment.pdf](https://www.sangabrielvalleyapiflag.com/uploads/1/4/3/6/14360710/lapd_memo_by_chief_beck_on_transgender_treatment.pdf).

<sup>565</sup> S.D. POLICE DEP'T, DEP'T PROCEDURE 6.34: POLICE INTERACTIONS WITH TRANSGENDER AND GENDER NONBINARY INDIVIDUALS (2021), <https://evawintl.org/wp-content/uploads/634-Police-Interaction-with-Transgender-and-Gender-Non-Binary-Individuals.pdf>.

<sup>566</sup> S.F. POLICE DEP'T, GENERAL ORDER 5.17: INTERACTING WITH TRANSGENDER, GENDER-VARIANT, AND NONBINARY INDIVIDUALS (2018), <https://www.sanfranciscopolice.org/sites/default/files/2018-11/DGO5.22%20Interacting%20with%20Transgender%2C%20Gender-Variant%2C%20and%20Nonbinary%20Individuals.pdf>.

<sup>567</sup> BECK, *supra* note 577; S.D. POLICE DEP'T, *supra* note 578; S.F. POLICE DEP'T, *supra* note 579.

<sup>568</sup> See NEW ORLEANS POLICE DEP'T, CHAPTER 41.35: INTERACTING WITH SEX WORKERS OR VICTIMS OF SEX TRAFFICKING, (2023), <https://nola.gov/nola/media/NOPD/Policies/Chapter-41-35-Interacting-with-Sex-Workers-Effective-11-26-2023.pdf>.

<sup>569</sup> *Complaint About a San Francisco Police Department Officer or Police Practice?*, S.F. DEP'T POLICE ACCOUNTABILITY, [https://media.api.sf.gov/documents/English\\_DPA\\_2018\\_Complaint\\_Brochure\\_TdYKmpv.pdf](https://media.api.sf.gov/documents/English_DPA_2018_Complaint_Brochure_TdYKmpv.pdf) (last visited Aug. 12, 2025); *Community Police Review Agency*, CITY OAKLAND, <https://www.oaklandca.gov/Government/Departments/Community-Police-Review-Agency> (last visited Aug. 12, 2025); *About the Police Accountability Board*, U.C. DAVIS POLICE ACCOUNTABILITY Bd., <https://pab.ucdavis.edu/>

across the nation, there are only an estimated 160 civilian oversight entities in the United States.<sup>570</sup> Localities in California that have created these entities include Richmond,<sup>571</sup> San Diego,<sup>572</sup> Novato,<sup>573</sup> and Anaheim.<sup>574</sup>

We recommend that the state require or incentivize localities to create citizen complaint review boards at either the city or county level. Additionally, the state could implement a state-level citizen complaint review board to facilitate investigations not addressed locally. These citizen review boards should have the authority and resources to investigate complaints, document patterns and practices of police misconduct, and issue binding requirements to ensure accountability.<sup>575</sup> In addition, to ensure that these review boards are able to fully and fairly review complaints filed by LGBTQ people, the boards should include representation from LGBTQ communities, be required to undergo trainings related to LGBTQ people (such as those provided to law enforcement under state law), and agree to investigate and review complaints without bias related to personal characteristics, including sexual orientation and gender identity. Additionally, the state can promote awareness of both existing and newly established review boards by widely publicizing their purpose, authority, and contact information, ensuring communities know they exist and can use them to report complaints and seek accountability.

## Encourage the appointment of LGBTQ liaisons across law enforcement agencies

Several localities in California and in other states have created LGBTQ liaison positions within law enforcement departments. These positions, which do not necessarily require officers to identify as sexual or gender minorities, aim to bridge the gap between the city, law enforcement, and the LGBTQ community by addressing concerns, conducting training for officers, assisting other units in matters concerning LGBTQ community members, and attending meetings with LGBTQ community members and organizations.<sup>576</sup> Washington D.C.'s Metropolitan Police Department was one of the first to create

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about; <https://www.ci.richmond.ca.us/81/Community-Police-Review-Commission> (last visited Aug. 12, 2025); *About*, S.D. CNTY.: CITIZENS L. ENF'T REV. BD., <https://www.sandiegocounty.gov/content/sdc/clerb/about/> (last visited Aug. 12, 2025).

<sup>570</sup> Marlene Lenthag, *Police Oversight Boards Are Proliferating, But Do They Actually Work?*, ABCNews (June 4, 2021), <https://abcnews.go.com/US/police-oversight-boards-proliferating-work/story?id=77919091>.

<sup>571</sup> *Community Police Review Commission*, CITY RICHMOND, <https://www.ci.richmond.ca.us/81/Community-Police-Review-Commission> (last visited Oct. 8, 2025).

<sup>572</sup> *County of San Diego Citizens Law Enforcement Review Board*, S.D. CNTY., <https://www.sandiegocounty.gov/content/sdc/clerb.html> (last visited Oct. 8, 2025).

<sup>573</sup> *Police Advisory and Review Board*, City Novato, <https://www.novato.org/government/commissions-committees-boards/police-advisory-and-review-board> (last visited Oct. 8, 2025).

<sup>574</sup> *Police Review Board*, CITY ANAHEIM, <https://www.anaheim.net/4802/Police-Review-Board> (last visited Oct. 8, 2025).

<sup>575</sup> DARREL W. STEPHENS, ELLEN SCRIVNER & JOSIE F. CAMBARERI, U.S. DEP'T JUST., COMMUNITY ORIENTED POLICING SERVICES, CIVILIAN OVERSIGHT OF THE POLICE IN MAJOR CITIES 1 (2018), <https://portal.cops.usdoj.gov/ResourceCenter/content.ashx/cops-w0861-pub.pdf>.

<sup>576</sup> *LGBTQ+ Liaison*, DUBLIN, <https://dublin.ca.gov/2295/LGBTQ-Liaison> (last visited Aug. 12, 2025); *LGBTQ+ Liaison*, CITY RICHMOND, <https://www.ci.richmond.ca.us/3773/LGBTQ-Liaison> (last visited Aug. 12, 2025); *Office of Community Affairs*, CITY FRESNO, <https://www.fresno.gov/mayor/office-of-community-affairs/#lgbtq-support> (last visited Aug. 12, 2025); *LGBTQ+ Community*, L.A. CNTY. SHERIFF'S DEP'T, <https://lasd.org/lgbtq/> (last visited Aug. 12, 2025); *LGBTQ*, ORANGE CNTY. SHERIFF'S OFF., <https://www.ocso.com/en-us/lgbtq> (last visited Aug. 12, 2025); *LGBTQ Community Liaison*, SAN JOSE POLICE DEP'T, <https://www.sjpd.org/about-us/>

a Gay and Lesbian Liaison Unit (GLLU) as part of its community policing strategy over two decades ago.<sup>577</sup> The GLLU was created in response to several incidents of police harassment against LGBTQ people and a growing concern that hate crimes against LGBTQ people were underreported in the city.<sup>578</sup> In the year following the appointment of LGBTQ liaison officers, the reporting of hate crimes committed against LGBTQ people in Washington, D.C. doubled.<sup>579</sup> Additionally, the GLLU has been credited with raising awareness of same-sex intimate partner violence in the city.<sup>580</sup> In 2000, just before the unit was created, no cases of same-sex intimate partner violence had been reported.<sup>581</sup> About a decade later, the department had investigated 460 such cases.<sup>582</sup> Since then, many other cities, including Los Angeles<sup>583</sup> and San Diego,<sup>584</sup> have designated LGBTQ liaisons within their local law enforcement agencies. The 2023 Los Angeles County Trans and Nonbinary Survey found that out of respondents who felt either neutral or uncomfortable asking the police for help, 70% said they might feel more comfortable if the police department had an LGBTQ liaison.<sup>585</sup> Using that same data, researchers also found that among transgender Latina immigrants, specifically, 49% would feel more comfortable if the police had an LGBTQ liaison.<sup>586</sup> Based on our findings, we recommend that the state consider requiring or incentivizing local law enforcement departments to appoint liaisons to LGBTQ communities.

## COMMUNITY ENGAGEMENT AND SUPPORT

### Encourage local law enforcement departments to work with local businesses to create “Safe Places” for survivors of hate crimes

Several law enforcement agencies in California, including San Diego, San Francisco, and San Jose, have instituted “Safe Place” programs to aid survivors of hate crimes.<sup>587</sup> Created in 2015 by the Seattle Police Department, the Safe Place program is a partnership between the police department and local businesses designed to support survivors of hate crimes, including LGBTQ people.<sup>588</sup> The initiative allows local businesses to designate themselves as “Safe Places” that provide shelter to

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[organization/office-of-the-chief-of-police/lgbtq-community-liaison](#) (last visited Aug. 12, 2025).

<sup>577</sup> RODDRICK A. COLVIN, *GAY AND LESBIAN COPS: DIVERSITY AND EFFECTIVE POLICING* 110 (2012).

<sup>578</sup> *Id.* at 110-13.

<sup>579</sup> *Id.* at 113.

<sup>580</sup> *Id.* at 116.

<sup>581</sup> *Id.*

<sup>582</sup> *Id.*

<sup>583</sup> LAPD/LGBTQ Information Section, L.A. POLICE DEP’T, <https://www.lapdonline.org/lapd-lgbtq-information-section/> (accessed July 7, 2022).

<sup>584</sup> LGBTQ+ Liaison Officers, CITY S.D., <https://www.sandiego.gov/police/safeplace/lgbtq-liaison> (accessed July 8, 2022).

<sup>585</sup> HERMAN ET AL., *supra* note 575.

<sup>586</sup> REDFIELD ET AL., *supra* note 576.

<sup>587</sup> *Safe Place Hate Crime Reporting Initiative*, S.J. POLICE DEP’T, <https://www.sjpd.org/about-us/organization/office-of-the-chief-of-police/safe-place-hate-crime-reporting-initiative> (last visited Aug. 12, 2025); *Safe Place Program*, CITY S.D., <https://www.sandiego.gov/police/safeplace> (last visited Aug. 12, 2025); *Safe Place*, S.F. POLICE DEP’T, <https://www.sanfranciscopolice.org/community/programs/safe-place> (last visited Aug. 12, 2025).

<sup>588</sup> *History and Mission*, SEATTLE: SEATTLE POLICE DEP’T SAFE PLACE, <https://www.seattle.gov/spd-safe-place/history-and-mission> (last visited Aug. 12, 2025).

survivors while they contact law enforcement for help.<sup>589</sup> Businesses that participate in the program place a decal in their window indicating they have signed up for the program.<sup>590</sup> In the year following the launch of Safe Places, the Seattle Police Department saw reports of anti-LGBTQ harassment and hate crimes nearly triple, likely reflecting LGBTQ individuals' increased feelings of support by local businesses and greater comfort engaging with law enforcement.<sup>591</sup> Based on our findings, we recommend that the state consider requiring or incentivizing localities to work with local businesses to create Safe Place programs.

### Encourage creation of LGBTQ community advisory boards to gather input from LGBTQ citizens

Several localities in California, including Palm Springs, San Diego, San Francisco, and San Jose, have created LGBTQ community advisory boards to facilitate communication between law enforcement and LGBTQ communities and to solicit feedback and input on law enforcement practices from LGBTQ people.<sup>592</sup> For example, the Palm Springs' LGBTQ Outreach Committee is a volunteer group that "elevates the voice of the diverse realities and lived experiences of the LGBTQ+ community, offering suggestions to further the effectiveness of the Palm Springs Police Department's commitment to diversity."<sup>593</sup> The committee engages in several activities to strengthen relationships between LGBTQ citizens and the police department, including hosting town halls to gather input from LGBTQ citizens, reviewing the department's LGBTQ-related policies and procedures, supporting recruitment efforts, appearing at Pride events on behalf of the department, and consulting on security issues at celebrations and rallies.<sup>594</sup> Based on our findings, we recommend that the state consider requiring or incentivizing localities to create LGBTQ community advisory boards.

### Develop alternative ways for LGBTQ communities to receive support

Providing training, improving accountability, and increasing representation are some ways to improve LGBTQ communities' interactions with police. Another opportunity involves developing alternative ways to enhance community safety, provide support following criminal victimization, and foster trust between residents and local authorities. Prior research indicates that LGBTQ people are less willing to report victimization to the police and instead seek support from non-law enforcement organizations.<sup>595</sup> For example, in 2013, the city of West Hollywood launched a Security Ambassador

<sup>589</sup> *The Safe Place Program and SPD*, SEATTLE: SEATTLE POLICE DEP'T SAFE PLACE, <https://www.seattle.gov/spd-safe-place/the-safe-place-program-and-spd> (last visited Aug. 12, 2025).

<sup>590</sup> *Id.*

<sup>591</sup> *Id.*

<sup>592</sup> *LGBTQ Outreach Committee*, CITY PALM SPRINGS, <https://www.palmspringsca.gov/government/departments/police/community-policing/lgbt-outreach-committee> (last visited Aug. 12, 2025); *LGBTQ+ Chiefs Advisory Board*, CITY S.D., <https://www.sandiego.gov/police/safeplace/lgbtq-advisory-board> (last visited Aug. 12, 2025); *LGBTQ+ Advisory Forum*, S.F. POLICE DEP'T, <https://www.sanfranciscopolice.org/lgbtq-advisory-forum> (last visited Aug. 12, 2025); S.J. POLICE DEP'T, *supra* note 589 (scroll down to Police Chief's LGBTQ Advisory Board).

<sup>593</sup> CITY PALM SPRINGS, *supra* note 605.

<sup>594</sup> *Id.*

<sup>595</sup> *Victimization and Engagement with Police*, POLICING RAINBOW, <https://policingtherainbow.com/data-dashboard/victimization-and-engagement-with-police> (last visited Oct. 15, 2025) (under "Survey Question" select "If a crime were committed against me, I would report it to the police," toggle between "Gender" and "Sexual Orientation" under "Primary Demographic Group" to see results; under "Survey Question" select "If a crime were committed against me, I would report it to a non-law enforcement



Program, in which unarmed trained ambassadors patrol public spaces, offer support to community members, and act as liaisons between residents and law enforcement.<sup>596</sup> Additionally, other resources such as LGBTQ-specific crisis hotlines, community-led safety initiatives, and partnerships with local nonprofits offer complementary ways to ensure safety and support without relying solely on traditional policing.

Given these examples, the state should explore allocating resources toward alternative, community-centered approaches to safety. This could include incentivizing localities to develop programs similar to West Hollywood's Security Ambassador Program, funding crisis hotlines tailored to LGBTQ individuals, and supporting community-led initiatives that strengthen neighborhood trust and engagement. The state should also renew investments in the Stop the Hate Grant Program to support community-based organizations serving as first responders in their communities. By broadening the range of approaches and responses to issues of safety, policymakers can create more inclusive, effective, and sustainable strategies that address the diverse needs of LGBTQ communities while reducing overreliance on already overburdened law enforcement.

## CONTINUOUS EVALUATION AND DATA COLLECTION

### Provide resources for continuous evaluation of the effectiveness of these and other policies, regulations, and police interactions

While many of the recommendations outlined above have been shown to improve interactions between law enforcement and LGBTQ communities, ongoing evaluation is essential to ensure that policies are being effectively implemented and to address gaps that may emerge over time. Although some of these strategies have been evaluated in other jurisdictions, California's unique role as a leader in LGBTQ rights, protections, and diverse populations warrants sustained investment in continuous monitoring, research, and community-informed assessment. Evaluations should examine not only whether agencies are following through on potential reforms, but also how these changes impact the experiences of LGBTQ individuals. Effectiveness can be evaluated through several measures, including reductions in discriminatory incidents and complaints, increased trust and satisfaction among LGBTQ community members with diverse identities and experiences, greater diversity and cultural competency within law enforcement agencies, and demonstrable improvements in outcomes for LGBTQ individuals during law enforcement interactions.

### Enhance data collection and availability

Data collection should continue to be refined according to best practices related to gathering sexual orientation and gender identity data. Currently, the state is one among six that require the collection of law enforcement officers' perceptions of gender and sexual orientation of the people they stop under the Racial Identity and Profiling Act (RIPA).<sup>597</sup> To build on this foundation, agencies should also

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organization," toggle between "Gender" and "Sexual Orientation" under "Primary Demographic Group" to see results).

<sup>596</sup> *Security Ambassadors*, CITY WEST HOLLYWOOD, <https://www.weho.org/city-government/city-departments/community-safety/public-safety/sheriff-fire-security-ambassadors/security-ambassadors> (last visited Oct. 29, 2025).

<sup>597</sup> CAL. GOV'T CODE § 12525.5 (2023); CONN. GEN. STAT. § 51-1m (2023) (traffic stops); LA. STAT. ANN. § 32:390.10 (2024) (traffic stops); ME. REV. STAT. ANN. tit. 5 § 4752 (2023) (traffic stops); R.I. GEN. LAWS § 31-21.2-6 (2015) (motor vehicle stops); R.I. GEN. LAWS § 31-21.1-4 (2003); W. VA. CODE § 17G-1-2 (2004) (motor vehicle stops). Colorado requires the collection of "perceived demographic

collect information on individuals' self-identified gender identity (and when voluntarily provided, sexual orientation), as well as those indicated on official documents. All data should be stored and maintained in a manner that prioritizes privacy and security, ensuring that sensitive personal information is protected from misuse or unauthorized access, including inappropriate use by officers or unauthorized sharing with other agencies or institutions.

In addition, the state should continue to strengthen its capacity to collect, maintain, and provide resources for analyzing data through a centralized state database, including the ongoing development and enhancement of the Open Justice data portal. For example, the state should expand the existing mandate for reporting incidents of alleged police misconduct or complaints to include not only submissions from law enforcement agencies but also from civilian complaint boards, independent oversight bodies, and other relevant institutions. The state can also expand the collection efforts of complaints to include comprehensive information on these complaints, including the specific nature of the complaint, the types of evidence submitted, investigative outcomes, disciplinary actions taken, and specific demographic information related to the agency or officer accused of misconduct.

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information,” though no specific characteristics are listed; see COLO. REV. STAT. § 23-31-309 (2021) (in-person interactions initiated by the officer).

## CONCLUSION

As these studies and anecdotal reports indicate, widespread discrimination and harassment based on sexual orientation and gender identity against LGBTQ community members at the hands of police is well documented and continues to the present day. Quantitative research shows that LGBTQ people face more police violence and have more negative perceptions of police than non-LGBTQ people. These negative experiences are especially pronounced among LGBTQ people with multiple marginalized identities, including transgender and gender expansive people specifically. Anecdotal reports provide detailed information about harassment and violence, including instances of profiling transgender people as sex workers, soliciting LGBTQ people for sex, throwing LGBTQ people to the ground, and raiding gay bars. Qualitative studies involving in-depth interviews of LGBTQ victims of police violence have documented dismissive attitudes among law enforcement when approached for help. Transgender victims in particular discussed feeling like they would be treated better when police perceived them as cisgender. Experiences of discrimination, harassment, and violence at the hands of law enforcement affect the health and well-being of LGBTQ people. These experiences have been linked to binge drinking, stress, depression, and other negative health outcomes. Interactions between LGBTQ communities and law enforcement could be improved through legal and policy reform, enhanced accountability and representation within law enforcement agencies, community engagement and support, and continuous data collection and evaluation of these initiatives.

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