

POLICING GENDER

Gender policing has, like race-based policing, always been a part of this nation's bloody history.

- TransJustice¹, Call To First Annual Trans Day of Action for Social and Economic Justice, 2005

Law enforcement agencies not only enforce systemic power relations based on race and class through racial profiling, race-based policing, and targeting of low-income communities of color, they also police gender lines, enforcing dominant racialized gender norms. Yet, the gendered aspects and manifestations of law enforcement violence are often invisible in organizing and advocacy around both police brutality and gender-based violence.

⇒ ENFORCING THE GENDER BINARY

Sometimes police enforcement of the gender binary — the idea that there are only two genders, male and female, each of which is characterized by specific conduct and appearance — is obvious. For instance, until just a few decades ago, cops used to enforce what were known as “sumptuary laws,” which required individuals to wear “gender appropriate” clothing, and subjected people to arrest for “impersonating” another gender.² Today, such regulations remain in effect in prisons, and are enforced through disciplinary infractions and punitive segregation.³ These regulations still inform law enforcement conduct - for instance, the **New York City Police Department's current arrest paperwork still has a box to check for “impersonating a female.”**

Additionally, requests for identification, which may not match a person's gender identity, often lead to police presumptions that transgender people are fraudulent, deceitful, or inherently suspicious. **This can in turn lead to verbal abuse, harassment, and physical abuse.** Law enforcement officers also regularly subject trans and gender non-conforming people to invasive and abusive searches to satisfy their curiosity, humiliate, or to involuntarily assign a gender based on genital status.⁴

An African American transgender woman arrested by LAPD and taken to the county jail reported: “The officers wanted to see my chest. They wanted to see if I had tits or not.” They reportedly came into her cell and instructed her to remove her shirt. After she complied, they left.⁵

A transgender man was arrested during a political protest in San Francisco. He showed the officer a drivers' license that identified him as legally male and was placed in a holding pen with the other male detainees. One officer got curious about the activist's gender status and came into the cell, then reportedly pushed him around, dragged him out and belligerently accused him of having a fraudulent identification card. A second officer asked him if he had a “dick” and groped his crotch and chest to “verify his gender.”⁶



Please visit www.incite-national.org for more info!

POLICING GENDER

Trans and gender non-conforming people of color are also often arbitrarily **arrested and subjected to brutality by police for using the “wrong bathroom”** — even though there is generally no law requiring individuals who use bathrooms designated as for “men” or “women” to have any particular set of characteristics.⁷ **For instance:**

In Washington, D.C., in 2004 an African American woman who plays on a women's football team was violently arrested after using the women's bathroom at a local restaurant.

The Esperanza Center in San Antonio, TX reports that, in 2003, a female attorney wearing a suit and tie was arrested for using the women's bathroom.

The Sylvia Rivera Law Project in New York City has organized around the case of Christina Sforza, a transgender woman of color who went with two friends to a McDonald's in New York City in 2006. When Ms. Sforza went to use the bathroom, the men's toilet was out of order and a McDonald's employee told her to use the women's. While she was inside, someone began yelling “I'm going to kill you, faggot. I'm going to kill you” while banging on the door. When she opened the door, a man in a blue McDonald's shirt hit her repeatedly about the head and body with a lead pipe and then choked her, saying, “I'm going to kill you, you fucking fag, I don't want any fags in here.” A crowd of McDonald's staff and customers cheered, yelling “kill the fag.” Fearing for their safety, one of Ms. Sforza's friends called the police for help. When the cops arrived on the scene, they talked to the man who had beaten Ms. Sforza, who told them that she had attacked him. Ms. Sforza was arrested, placed in handcuffs despite injuries to her arm, refused medical treatment, and subsequently charged with “assault with intent to cause physical injury” and “harassment in the second degree.” She later attempted to file a criminal complaint against the man who beat her, only to be turned away on six different occasions, the last time on threat of arrest for “attempting to make a false report.”⁸

Fear of such abuse and arbitrary arrests leads many trans and gender non-conforming people of color to avoid using bathrooms in public places, often leading to severe and painful health consequences.



Please visit www.incite-national.org for more info!

POLICING GENDER

⇒ PUNISHING GENDER NON-CONFORMITY

White trans activist, Leslie Feinberg, described her experience of gender policing as follows: “[t]he reality of why I was arrested was as cold as the cell’s cement floor: I am considered a masculine female. That’s a gender violation, even where the laws are not written down, police are empowered to carry out merciless punishment for sex and gender difference.”⁹ In addition to arbitrary and punitive arrests and prosecutions, trans and gender non-conforming people, and particularly trans and gender non-conforming people of color, are also **subjected to**

transphobic and homophobic verbal abuse and punishment, in the form of physical violence, for failure to “comply” with existing racialized norms of gender identity and expression. For instance:

**I know it wasn't because of me
Let the justice system call it
I'm a big black dyke
With no fears and not afraid to fight**

- excerpt from poem by Terrain Dandridge, one of the New Jersey 7.¹⁰ For more info about the New Jersey 7, please see the Sep 2008 LeftTurn article in this toolkit, "Re-Thinking 'The Norm' In Police/Prison Violence & Gender Violence: Critical Lessons From the New Jersey 7"

A Black butch lesbian arrested in Boston for “disruptive behavior” was handcuffed excessively tightly. When she complained, an officer responded “you want to act like a man, I’ll treat you like a man!” and punched her in the chest, yelling at her to “shut up bitch!” She was subsequently shackled and charged with assault on a police officer.¹¹

According to the New York City AIDS Housing Network, a police officer walked a Latina butch lesbian arrested at a demonstration in New York City by cells holding men, telling her “you think you’re a man, I’ll put you in there and we’ll see what happens to you.”

Recently, Duanna Johnson, a Black transgender woman arrested in Memphis, refused to respond to an officer who called her a “he-she” and “faggot” and was savagely beaten by one officer while another restrained her. No other officer in the area where she was being held intervened to stop the violence, demonstrating the systemic and uncontested nature of gender and homophobic policing.¹²

Sometimes gender policing is not so obvious, but is just as profound and devastating. Police officers also engage in more subtle gender policing: individuals perceived to be violating racialized gender norms are consciously or subconsciously framed by police as inherently “disorderly,” and therefore more likely to become objects of police suspicion and surveillance, and to be presumed to be threatening, criminal, fraudulent, deceitful, mentally unstable, substance abusers, or potentially violent. Such presumptions result in profiling, harassment, verbal abuse, arbitrary stops and detentions, invasive and abusive searches, use of excessive force during encounters with police, and ultimately, arrest and “punishment” or denial of protection by law enforcement as crime victims. Vaguely worded “quality of life regulations” [see fact sheet on “Quality of Life Policing” in this toolkit] provide law enforcement officers with even greater discretion and latitude to police race and gender, allowing for arbitrary arrests for vague offenses such as “disorderly conduct,” “lewd conduct,” or “loitering.”



POLICING GENDER

⇒ ENDNOTES

¹ TransJustice is a New York City-based political group created by and for Trans and Gender Non-Conforming people of color. For more info, go to: <http://www.alp.org/whatwedo/organizing>.

² “In the era of Stonewall, laws against cross dressing were common. Indeed, the most recent case of such archaic laws being stuck down was in San Diego, just a handful of years ago...Many of them required that a person...had to be wearing three items of their birth gender’s clothing. Some were more stringent, with some biological females having to get special licenses in order to wear pants in public.” Gwen Smith, *Transsexual Terrorism*, Washington Blade, October 3, 2003; see also Leslie Feinberg, *Trans Liberation: Beyond Pink or Blue*, Beacon Press (1999); Phyllis Frye, http://www.transhistory.org/history/TH_Phyllis_Frye.html (citing Houston Code struck down in 1981).

³ Personal communication, Julia Sudbury, author, *Global Lockdown: Race, Gender and the Prison-Industrial Complex* (Routledge 2005).

⁴ Amnesty International, *Stonewalled: Police Abuse and Misconduct Against Lesbian, Gay, Bisexual and Transgender People in the U.S.* 13, AMR 51/122/2005 (2005).

⁵ *Id.* at 54.

⁶ *Id.*

⁷ *Id.* at 20.

⁸ See also, Amnesty International Action, USA-New York Police Department – Serious allegations of abuse of transgender women (update), http://www.amnestyusa.org/outfront/Chris_and_Mariah_update_July_2007.pdf, July 2007.

⁹ Leslie Feinberg, *Trans Liberation: Beyond Pink or Blue*, Beacon Press (1999).

¹⁰ The excerpt from Terrain Dandridge’s poem is available as a result of the media justice work done by the Bay Area NJ4 Solidarity Committee. The New Jersey 7 is a group of seven young Black lesbians profiled and arrested by police, four of whom were also incarcerated, for defending themselves from a homophobic attack and sexual assault. For more information, see “Re-Thinking ‘The Norm’ In Police/Prison Violence & Gender Violence: Critical Lessons From the New Jersey 7,” Left Turn Magazine, September 2008. (Reprinted in this toolkit.)

¹¹ Amnesty International, *Stonewalled: Police Abuse and Misconduct Against Lesbian, Gay, Bisexual and Transgender People in the U.S.* 64, AMR 51/122/2005 (2005) and personal communication, Dr. Rebecca Young, Barnard College.

¹² LeiLani Dowell, *Memphis Cops Brutally Beat Transwoman*, Workers World, July 9, 2008.

