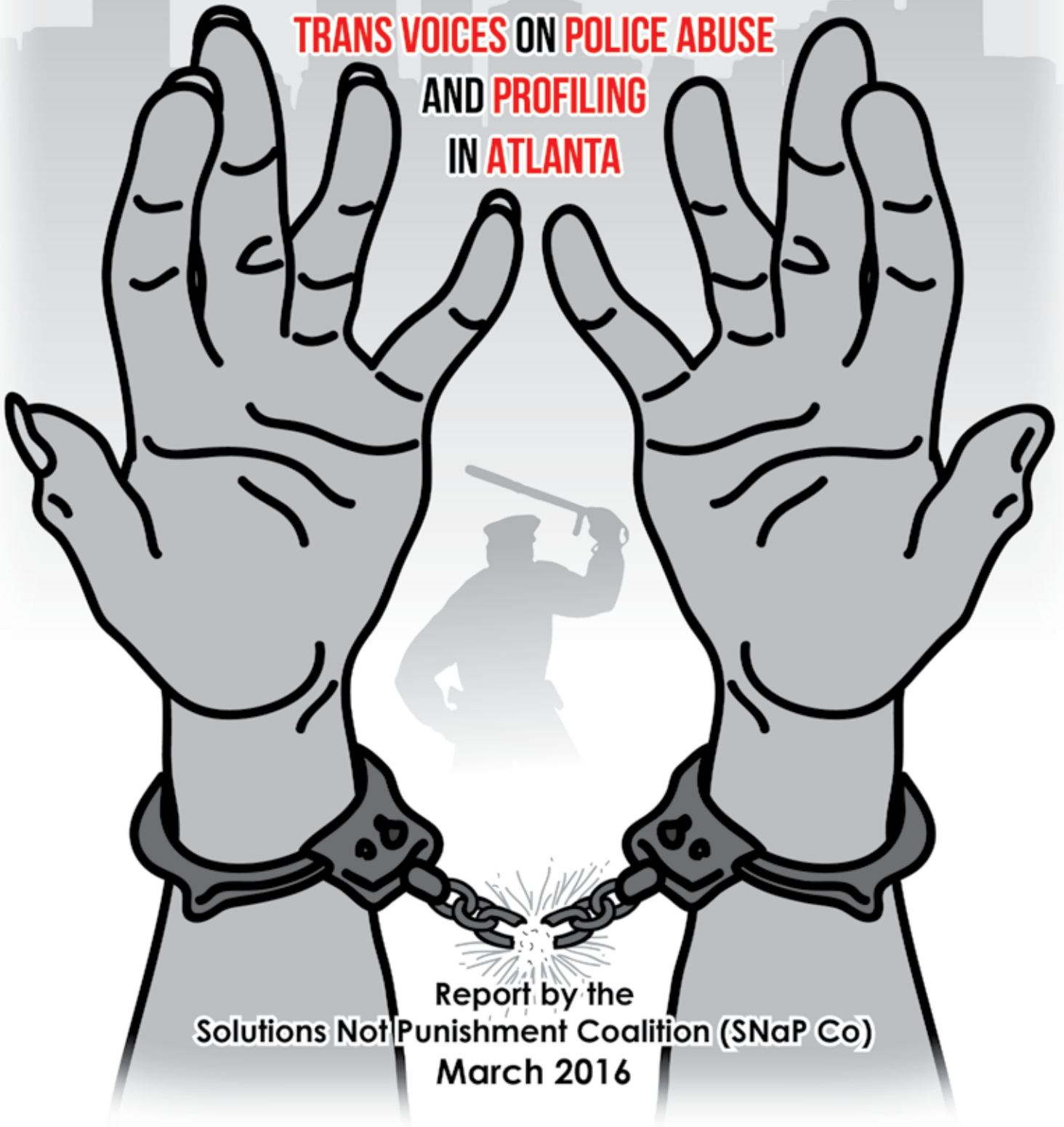


**“The Most **DANGEROUS**  
Thing Out Here  
Is The **POLICE**”**

**TRANS VOICES ON POLICE ABUSE  
AND PROFILING  
IN ATLANTA**



Report by the  
Solutions Not Punishment Coalition (SNaP Co)  
March 2016

**“The Most** **DANGEROUS**  
**Thing Out Here** **POLICE”**  
**Is The**

**TRANS VOICES**  
**ON POLICE ABUSE AND PROFILING IN ATLANTA**

A report by the Solutions Not Punishment Coalition (SNaP Co)

First published in 2016 by:

**SOLUTIONS**  
**NOT PUNISHMENT**

Solutions Not Punishment Coalition  
2861 East Point Street  
East Point, GA 30344  
[www.rjactioncenter.org](http://www.rjactioncenter.org)  
404-458-6904

The illustrated cover was designed by Budah Balenciaga,  
featuring a police officer and hands breaking a chain of oppression in Atlanta.

© Copyright 2016 Solutions Not Punishment Coalition (SNaP Co). Some rights reserved.

SNaP Co encourages and grants permission to reproduce and distribute this report in whole or in part, and to use this work in whole or in part in the creation of non-derivative works, provided credit is given to the Solutions Not Punishment Coalition (SNaP Co), and such works are licensed under the same terms.

# CONTENTS

<b>Executive Summary</b> .....	Page 1
Key Finding #1 .....	Page 3
Key Finding #2 .....	Page 4
Key Finding #3 .....	Page 5
<b>By the Numbers</b> .....	Page 6
<b>Calls to Action</b> .....	Page 8
Recommendation #1 .....	Page 8
Recommendation #2 .....	Page 8
Recommendation #3 .....	Page 9
Recommendation #4 .....	Page 10
<b>A Note on Language</b> .....	Page 11

# EXECUTIVE SUMMARY



People come to Atlanta from all over the South, nation, and world to get free – to be able to be live full lives, to escape economic and social violence and intolerance, to have opportunities to thrive, to be unapologetic about who they are. Those born in Atlanta desire – and deserve - the same. Known as the “city too busy to hate” and the “Black and/or Gay Mecca,”<sup>1</sup> the potential for Atlanta to be a beacon and a safe haven for all people, including trans people of color is tremendous.

But, sadly, Atlanta has not yet realized that potential – and especially not for trans and gender non-conforming (“trans”)<sup>2</sup> people, in particular people of color. In our city, trans people face intense barriers to stable housing, adequate health care, and employment with a living wage. Well-documented, widespread discrimination results in trans people of color being unemployed at four times the national average.<sup>3</sup> In addition, at least 41% of Black trans people in the U.S. have been homeless at least once in their life- over five times the general U.S. population rate.<sup>4</sup> HIV/AIDS also disproportionately impacts trans communities: 2.9% of non-binary identified trans people and 2% of trans men are HIV-positive – over twice the general population rate of 0.6%.<sup>5</sup> And a meta analysis released by the Center for Disease Control indicates that 28% of trans women are living with HIV.<sup>6</sup>

# EXECUTIVE SUMMARY

In addition to (and often because of) these social and economic realities, our community is also especially vulnerable to violence and abuse, both interpersonal and at the hands of law enforcement. Black trans people faced extraordinary levels of violence in 2015 with over 23 reported murders of members of our community. In Atlanta, 25-year-old, Shaneku McCurthy, a queer, gender non-conforming woman was murdered by three teenage boys.<sup>7</sup> In the summer of 2015, a Black trans woman was arrested for defending herself against her attackers at a MARTA station.<sup>8</sup> Even within our own homes and relationships, between 31.1% and 50% of trans people have experienced intimate partner violence.<sup>9</sup> This violence and abuse has devastating impacts on our community as a whole. Suicide attempt rates for trans people who have experienced physical violence at work or school are an astonishing 63-64%.<sup>10</sup> And recent reports indicate that trans women of color have a life expectancy of only 35 years.<sup>11</sup>

Given these realities, law enforcement and city leaders should be paying special attention and engaging specific policies and practices to protect and serve our communities, recognizing that we are particularly marginalized and especially vulnerable to discrimination and hate-based violence.

The grassroots researchers of this study spent the summer and fall of 2015 surveying 87 trans people in Atlanta about their experiences and interactions with the Atlanta Police Department (APD) to determine the current state of law enforcement-community relations and to explore whether and how trans people feel and are protected and served by the city's police department.

The findings inside "The Most Dangerous Thing Out Here is the Police" should serve as a call to action to all of us, but especially to city leaders and law enforcement officials. This report is the first of its kind in this city and it tells us an important story with lessons that must be heeded if we believe that trans people and gender non-conforming people are a part of this great community and deserve to be safe from violence and abuse. Far from feeling and being protected and served, trans and gender non-conforming people and especially trans women of color are currently being profiled, sexually abused, and physically and emotionally endangered by the actions and attitudes of APD officers. Instead of protecting the lives and rights of trans people, our police department is actively contributing to making life unsafe for us and our families. This is unacceptable and should spur us into immediate and decisive action to make significant changes in how our city polices in our communities.



# EXECUTIVE SUMMARY

The following are key findings from the research and data analysis and recommendations for city leadership and law enforcement:

## KEY FINDING #1: APD IS SEXUALLY ASSAULTING TRANS WOMEN OF COLOR

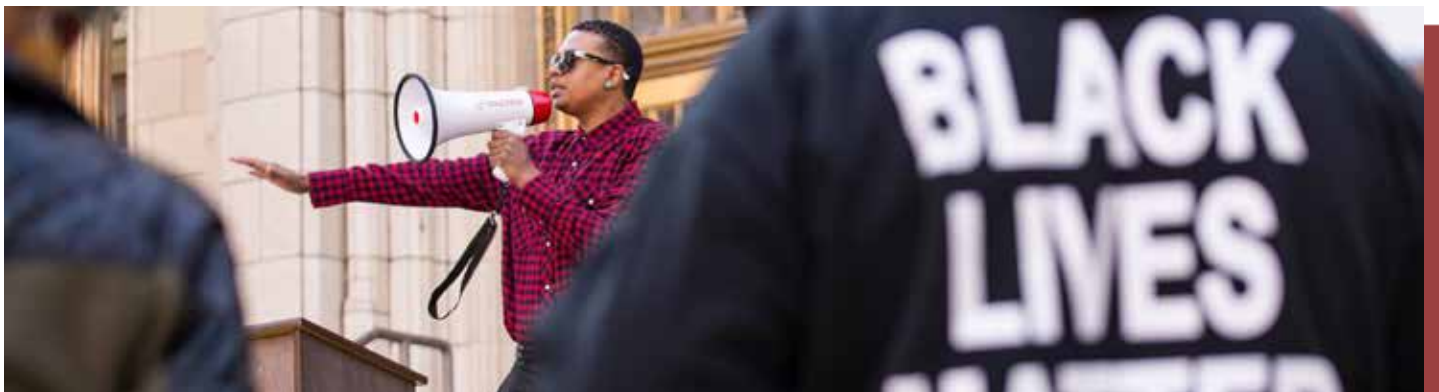
It is one of the most egregious violations of trust when law enforcement representatives abuse their power to sexually exploit or assault someone they are supposed to be serving and protecting.

Our research found that over 8% (nearly 1 in 12) of the trans women surveyed had been **forced to engage in sexual activity or experienced various forms of unwanted sexual contact from an APD officer in the last year.**

In addition, 20% (1 in 5) of the non-binary identified, genderqueer, or gender non-conforming community members surveyed who had been stopped or approached by law enforcement had **experienced unwanted sexual contact from an APD officer in the last year.**

*“Like two weeks ago a [man with a] bald head, and short, black square framed glasses, about 5’5 or 5’6 picked me up on a stroll in Midtown. He told me that he knew what I was doing, so I asked him, “What do you have for me?” He said “nothing - you are going to do this for free or I am taking your ass to jail.”*”

-Raven M., 28 years old



# EXECUTIVE SUMMARY

## KEY FINDING #2: ATLANTA POLICE DEPARTMENT HAS A PATTERN & PRACTICE OF PROFILING TRANS PEOPLE

Atlanta Police Department's mission is to "create a safer Atlanta...ensuring the safety of our citizens and building trust in partnership with our community." When it comes to trans people, however, Atlanta police are much more likely to harass than to protect us. Police profiling, harassment, and violence has a devastating impact on our communities – we suffer lasting psychological harm, increased risk of suicide, and get sent to prisons and jails where so many of us are hurt and mistreated.

The research found that:

- The **majority** of all survey respondents **reported having been approached or stopped by the APD within the last year.**
- **An overwhelming 80% of the trans women of color reported having been approached or stopped by the APD within the last year,** and of these, **nearly half (46%) said that police assumed they were sex workers. Many felt they had been profiled based on their gender identity.**
- In addition **60% of the trans men and 57% of gender queer, gender non-conforming and/or non-binary respondents surveyed reported being approached or stopped by the APD** within the last year. Of these, **most** felt they were either stopped due to police **"curiosity"** about their gender identity, **profiled based on their gender identity and race,** or assumed to be a sex worker.



*"I left Louisiana and moved to Atlanta...and I've been homeless ever since... I go to The Underground some mornings because we have to leave the Salvation Army [shelter] at 7 a.m. Every time I try to go to the restroom, an APD officer asks me for my ID. 7 times they've asked me! I don't really understand it, because I have never seen them asking anyone else for theirs before they go into the bathroom. I have repeatedly been sexual harassed in the bathroom by strangers. I never reported it, because I figured the police wouldn't believe me and I was right. The last time I used the bathroom I had a conversation with this guy and as we were walking out the police stopped both of us and asked us for our IDs. Without any questioning I was escorted to a security office and "banned" from The Underground for 3 months. Where am I going to go in the mornings? I had a routine that kept me safe from people who hate us on the street. Turns out the police just hate us even more."*

-Mia Z., 23 years old

# EXECUTIVE SUMMARY

## KEY FINDING #3: ENCOUNTERS WITH APD MAKE TRANS PEOPLE LESS SAFE

Research confirms that encounters with APD leave trans people less safe than they were before the encounter. This is true **even when** we have called the police ourselves for help because we were in danger or to report a crime.

A stunning 2 out of 5 trans women of color respondents (38.1%) reported having **called the APD for help - but ended up getting arrested instead.**

In addition (and perhaps as a result) the vast majority of respondents clearly stated that they **do not have trust** in the Atlanta Police Department. And 35% of trans women of color, one fifth of all trans women, one fifth of all trans men, and one-third of all genderqueer or non-binary identified respondents felt, at some time, **that their life was in danger because of an APD officer.**

Encounters with Atlanta Police that result in detention make trans people even less safe by exposing them to humiliating and often violent conditions that exist in our jails and prisons. At the Atlanta City Detention Center, an overwhelming **83% of trans women were housed in men's population**, while **17% were put into isolation.** And appallingly, though not surprisingly, it was reported that **officers or other prison staff had sexually assaulted respondents**, including trans women as well as non-binary identified or genderqueer people who'd been detained in the city jail.

*"I came to Atlanta at the age of 14...With no skills or resources I was forced to the streets. To pay for a place to lay my head, I hustled. I was locked up in the Atlanta jail, DeKalb jail and Gwinnett jail. What I experienced in each and every one of those jails was horrific for anyone, but most dangerous for trans women who were simply trying to survive on the streets."*

-Tomorrow V., 44 years old

### A Call To Action

The following recommendations are based on these findings:

1. Eliminate ordinances being used by police as an excuse to target, harass and sexually assault trans people
2. Decriminalize sex work & provide employment & social service opportunities to trans and gender non-conforming residents
3. Adopt Community Drafted & Supported Standard Operating Procedures & Implement Improved Policies & Protocols That Ensure Trans Equity
4. Conduct An Investigation Of Abuses By The Atlanta Police Against Trans Individuals & Develop A Clear Plan To Address Harm Done



# APD IS SEXUALLY ASSAULTING TRANS WOMEN OF COLOR

# 8%



NEARLY 1 IN 12 TRANS WOMEN

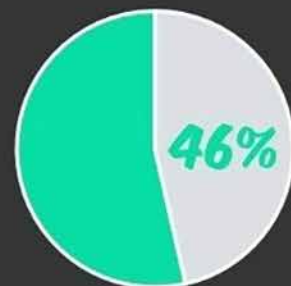
OF TRANS WOMEN SURVEYED HAD BEEN FORCED TO ENGAGE IN SEXUAL ACTIVITY OR EXPERIENCED VARIOUS FORMS OF UNWANTED SEXUAL CONTACT FROM AN APD OFFICER IN THE LAST YEAR.

# APD HAS A PATTERN & PRACTICE OF PROFILING TRANS PEOPLE

# 80%

OF TRANS WOMEN OF COLOR REPORTED HAVING BEEN APPROACHED OR STOPPED BY THE APD WITHIN THE LAST YEAR.

# TRANS WOMEN OF COLOR PROFILED AS SEX WORKERS



# APD ARRESTS TRANS VICTIMS

**38%** TRANS WOMEN OF COLOR RESPONDENTS

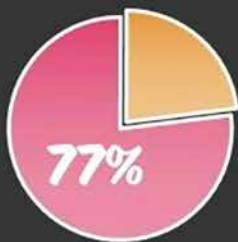


NEARLY 2 IN 5 TRANS WOMEN OF COLOR

REPORTED HAVING CALLED APD FOR HELP AND WERE ARRESTED INSTEAD.

# TRANS FOLKS DON'T TRUST APD!

TRANS WOMEN OF COLOR



TRANS WOMEN



TRANS MEN



NON-BINARY GENDERQUEER GENDER NON-CONFORMING



## \*PERCENT OF RESPONDENTS WHO DO NOT TRUST APD

MAJORITY OF TRANS WOMEN OF COLOR, 1/5 OF ALL TRANS WOMEN RESPONDENTS, AND 1/3 OF ALL GENDERQUEER OR NON BINARY IDENTIFIED RESPONDENTS FELT, AT SOME TIME, THAT THEIR LIFE WAS IN DANGER BECAUSE OF AN APD OFFICER.

# CALLS TO ACTION

## A Call To Action By Atlanta's Trans And Gender Non-Conforming Community

Based on the findings of this report, we recommend that all indicated parties swiftly and decisively take the following action steps:

### 1. ELIMINATE ORDINANCES BEING USED AS AN EXCUSE BY POLICE TO TARGET, HARASS AND SEXUALLY ASSAULT TRANS PEOPLE

The **City Council** should immediately repeal the ordinances that give police officers excuse and incentive to conduct pretextual stops that often lead to exploitation and abuse. Survey respondents repeatedly shared stories of being threatened with or actually arrested and detained for these non-criminal behaviors and actions. The ordinances that should be eliminated include but are not limited to:

- Idling and Loitering
- Pedestrian Walking in a Roadway
- Pedestrian Obstructing Traffic
- Pedestrian Cross Not at a Crosswalk
- Pedestrian Under the Influence
- Prohibited Conduct in a Park
- Unauthorized Person in a Vehicle
- Obstructing a Sidewalk
- Disorderly Conduct
- Breach of Peace

### 2. DECRIMINALIZE SEX WORK & PROVIDE EMPLOYMENT & SOCIAL SERVICE OPPORTUNITIES TO TRANS AND GENDER NON-CONFORMING RESIDENTS

The **Atlanta Police Department** should follow best practices and immediately stop conducting any arrests of or raids/stings against sex workers. These stings disproportionately harm trans people. In addition, the Atlanta Police should, as a policy, deprioritize any arrests or detentions of people for offenses that focus on criminalization of HIV/AIDS.

The **City (including the City Council and Mayor's Office)** should invest in a **job training and placement program** specifically focused on serving the trans and gender non-conforming community, recognizing the unique obstacles we face due to widespread discrimination.

The **City and the County** should also work together **to expand funding and support for community-based, gender-affirming services** both as alternatives to jail and as stand alone community supports. Services should include but not be limited to harm reduction oriented drug treatment, safe & affirming housing, physical and mental health care, social services, and education. Service providers must ensure that groups, services, facilities and programs for survivors of sexual violence, intimate partner violence, and/or police violence are fully accessible and accountable to trans survivors.

This funding and support could be done, in part, through the continued investment in the Pre-Arrest Diversion Program, the design team and planning process of which was authorized in late 2015 by both the City Council and the County Board of Commissioners.



## CALLS TO ACTION

### 3. ADOPT COMMUNITY DRAFTED & SUPPORTED STANDARD OPERATING PROCEDURES & IMPLEMENT IMPROVED POLICIES & PROTOCOLS THAT ENSURE TRANS EQUITY

The APD should immediately amend the current SOPs to fully incorporate the provisions of The People's Standard Operation Procedures including bi-annual trainings conducted by a person of trans experience, knowledgeable of the involved issues.

In addition, APD should **immediately commit to regularly and publicly provide data** on stops, arrests, searches, and complaints, disaggregated by race and gender identity. The collection processes for data should allow for self-identification as trans and/or gender non-conforming and the reporting data should reflect these identities. This data and reporting will ensure that conditions and treatment of trans people are steadily improving and will assist in building trust based on real facts and data between the community and the department. To further build trust with the community and eliminate accusations of unlawful searches leading to arrests, APD should require all officers to **obtain written consent for a “consent search”** to be considered lawful.

In addition to these policy changes, the **Atlanta Department of Corrections (ADOC)** should immediately **adopt Standard Operating Procedures** that ensure the safety and equitable treatment of trans and gender non-conforming people while detained in the Atlanta City Detention Center (ACDC).

For all recommendations above for **APD and the ADOC**, **departmental leadership should ensure that materials and forms are available in all major community languages**, particularly Spanish, and people should be provided interpreters upon requests, particularly those making complaints.

Until the above are fully being implemented, thereby ensuring the safety and equitable treatment of trans and gender non-conforming people, **the Atlanta Police Department should refrain from arresting and detaining any trans or gender non-conforming person** on any city level offense and placing them in what is currently a dangerous housing situation where they may be exposed to violence and discrimination. Further, until the above is fully implemented, **the ADOC should release any trans and gender non-conforming individual currently in their custody.**





# CALLS TO ACTION

## 4. CONDUCT AN INVESTIGATION OF MISCONDUCT BY THE ATLANTA POLICE AGAINST TRANS INDIVIDUALS & DEVELOP A CLEAR PLAN TO ADDRESS HARM DONE

The **City of Atlanta, APD, and ADOC** should work with Solutions Not Punishment Coalition, community leaders, and an independent investigator to **conduct a thorough investigation into the abuses and misconduct of the police**. The purpose of the investigation is to understand the harms caused by police misconduct, and to create a plan for repairing that harm. A qualified restorative/transformational justice practitioner should be part of the process, to ensure that the investigation can be used as a basis to acknowledge and repair the harm done. Actions arising from such an investigation may include:

- Public apologies and acknowledgement on the part of the individuals and institutions responsible;
- Discipline, up to and including termination of officers who caused harm, failed to report and/or intervene, were complicit in wrong doing, or those who retaliated against individuals who expressed intent or in actuality did file complaints;
- Financial compensation for victims of APD assault and harassment including coverage for medical and mental health costs resulting from APD harm

Unlike a criminal investigation that asks whether there is sufficient evidence to prove criminal behavior beyond a reasonable doubt, this investigation focuses on the harm to trans and gender non-conforming people caused by Atlanta Police. Its primary purpose is to repair that harm.



## A NOTE ON LANGUAGE

Throughout our report, we use “we,” “our,” and “us” as we describe our methods, results, and experiences, rather than using distant or passive language. We do this because trans and/or gender non-conforming people are the experts on our own experiences and needs. Most of the people who developed the survey, conducted outreach, and contributed to this report are Black trans Atlanta residents. In other words, we did this research within our own local trans communities. Many of us have similar experiences, perspectives, and identities to our respondents. We are proud to raise up our communities' voices, document our communities' struggles, and to identify as part of our communities.

We also use words that may not be familiar to some readers. Below, please find definitions of commonly used terms in our report, and explanations for choosing some words over others.

**Trans:** An inclusive term for people whose gender identity or expression is different from their sex assigned at birth. Examples: transsexual women and men, transgender, cross-dressers, non-binary people, agender people, etc.

**Gender Non-Conforming:** Those whose gender expression does not conform to gendered expectations (e.g. masculine women, feminine men). Not all trans people are gender non-conforming.

**TGNC:** An acronym for “trans and/or gender non-conforming.”

**Non-Binary:** A person whose gender identity is neither man/boy/male nor woman/girl/female.

**Genderqueer:** Individuals whose gender identity or expression transcends categories of man/boy or woman/girl. May be used as an adjective (“a genderqueer woman”) or as a separate gender identity.

**TLGBQ:** An acronym for “trans, lesbian, gay, bisexual, queer, and questioning.” While we put the “T” first, we otherwise agree with Black and Pink’s explanation: “Even though we know that sexuality and gender are much bigger than these letters, we nevertheless use this limited acronym to include people who claim LGBTQ identities as well as many others, including but not limited to: same gender-loving . . . transsexual, transvestite, nelly, asexual, Two-Spirit . . . sissy, dyke. We continue to seek better words for people who identify outside of heteronormative and white supremacist categories . . .”

**LGBQ:** An acronym for “lesbian, gay, bisexual, queer, and questioning.” We use this term to describe researchers’ results when respondents were LGBQ but not explicitly trans or gender non-conforming.

**Trans Man:** Generally, a man who was assigned female at birth.

**Trans Woman:** Generally, a woman who was assigned male at birth.

# ENDNOTES

- <sup>1</sup> The authors of this report recognize that the city of Mecca is a holy place for Muslims. At a time when Muslims in the U.S. face escalating violence and criminalization, we are committed to demonstrating solidarity with Muslim people across the country and world. We put this common reference to Atlanta as a “Black and/or Gay Mecca” in quotations because we understand the phrase is a cultural appropriation, and one we do not use ourselves.
- <sup>2</sup> Throughout this report, we use the term “trans” instead of “transgender.” By trans, we mean any person whose gender identity or expression is different from their sex assigned at birth or gendered expectations. Please see A Note on Language for more information.
- <sup>3</sup> Grant, J.M., Mottet, L.A., Tanis, J., Harrison, J., Herman, J.L., and Keisling, M. (2011). *Injustice at every turn: A report of the National Transgender Discrimination Survey*. Washington, D.C.: National Center for Transgender Equality and Gay and Lesbian Task Force. Retrieved October 2015, from [http://www.thetaskforce.org/downloads/reports/reports/ntds\\_full.pdf](http://www.thetaskforce.org/downloads/reports/reports/ntds_full.pdf).
- <sup>4</sup> Id.
- <sup>5</sup> Id.; Clements-Nolle K., Marx, R., Guzman, R., and Katz, M. (2001). HIV Prevalence, Risk Behaviors, Health Care Use, and Mental Health Status of Transgender Persons: Implications for Public Health Intervention. *American Journal of Public Health*, 91(6), 915-21.
- <sup>6</sup> Centers for Disease Control and Prevention. (n.d.). HIV Among Transgender People. Retrieved March 2016 from <http://www.cdc.gov/hiv/group/gender/transgender/index.html>, citing Baral, S.D., Poteat, T., Strömdahl, S., Wirtz, A.L., Guadamuz, T.E., and Beyrer, C. (2013). Worldwide burden of HIV in transgender women: a systematic review and meta-analysis. *Lancet Infectious Diseases*, 13(3), 214-22.  
Whitney, K. (2015, October 16). Community remembers young woman killed in DeKalb Co. carjacking. 11 Alive. Retrieved March 2016, from <http://legacy.11alive.com/story/news/crime/2015/10/26/community-remembers-young-woman-killed-dekalb-co-carjacking/74611388/>.
- <sup>8</sup> Willis, R. (2015, September 3). Transgender Activists Take Issue with MARTA, APD; Say Black Trans Lives Matter. *Atlanta Progressive News*. Retrieved March 2016 from <http://atlantaprogressivenews.com/2015/09/03/transgender-activists-take-issue-with-marta-apd-say-black-trans-lives-matter/>.
- <sup>9</sup> Langenderfer-Margruder, L., Whitfield, D.L., Walls, N.E., Kattari, S.K., and Ramos, D. (2014). Experiences of Intimate Partner Violence and Subsequent Police Reporting Among Lesbian, Gay, Bisexual, Transgender and Queer Adults in Colorado: Comparing Rates of Cisgender and Transgender Victimization. *Journal of Interpersonal Violence*, 1-17; Landers, S. and Gilsanz, P. (2009). *The Health of Lesbian, Gay, Bisexual and Transgender (LGBT) Persons in Massachusetts: A survey of health issues comparing LGBT persons with their heterosexual and non-transgender counterparts*. Boston, MA: Massachusetts Department of Public Health, at 11. Retrieved March 2016 from <http://www.masstpc.org/wp-content/uploads/2012/10/DPH-2009-lgbt-health-report.pdf>.
- <sup>10</sup> Haas, Ann and Philip Rodgers. (2014). *Suicide Attempts Among Transgender and Gender Non-Conforming Adults: Findings of the National Transgender Discrimination Survey*. Los Angeles: Williams Institute, UCLA School of Law, American Foundation for Suicide Prevention. Retrieved March 2016 from <http://williamsinstitute.law.ucla.edu/wp-content/uploads/AFSP-Williams-Suicide-Report-Final.pdf>.
- <sup>11</sup> Inter-American Commission on Human Rights. (2014). *An Overview of Violence Against LGBTI Persons: A registry documenting acts of violence between January 1, 2013 and March 31, 2014*. Retrieved in March 2016 from <http://www.oas.org/en/iachr/igtbi/docs/Annex-Registry-Violence-LGBTI.pdf>.

Throughout this report and as one of the guiding principals of SNaP Co we use the word "trans" instead of transgender or transsexual. This term is seen as both a form of community solidarity and as more inclusive and expansive language, especially when adding gender non-conforming (TGNC). Trans is not a shortcut or a replacement for transgender. We join others around the world who've adopted this language as recognition of those who've felt excluded by the use of the term transgender, in hopes that we will all feel safe and included enough to join us in this fight for our liberation and in celebration of all our lived experiences. This is the community naming itself!

Please see A note on language for more information (page 11)

# **SOLUTIONS** **NOT PUNISHMENT** For People Just Trying To Survive

