



**POLICE BRUTALITY AGAINST  
WOMEN OF COLOR & TRANS PEOPLE OF COLOR:  
A CRITICAL INTERSECTION OF GENDER VIOLENCE & STATE VIOLENCE**

**POLICING GENDER**

***“Gender policing has, like race based policing, always been part of this nation’s bloody history.”*** -- Transjustice, 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 through racial profiling, race-based policing, and targeting of communities of color, they also police gender lines, and enforce dominant racialized gender norms. Yet, the gendered aspects and manifestations of law enforcement violence are often invisible in organizing and advocacy against police brutality, and must be documented and addressed.

***Enforcing the Gender Binary***

Sometimes police enforcement of the gender binary - the notion that there are only two genders, male and female, with specific conduct and appearance mandated for each - is obvious. For instance, up 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. Today, such regulations remain in effect in prisons, and are enforced through disciplinary infractions and punitive segregation. And, they 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, police requests for identification, which may not match a person's gender identity, often lead to presumptions that transgender people are fraudulent, deceitful, or inherently suspicious, as well as to verbal abuse and harassment, physical abuse, and invasive and abusive searches to satisfy an officer's curiosity, humiliate, or assign an individual a gender based on their genital status.

Trans and gender non-conforming people of color are also often arbitrarily arrested and subjected to police 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. For instance:

- *In 2004 in DC, 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.*
- *In July 2006, Christina Sforza, a transgender woman of color, and two friends were at a McDonald’s in New York City. 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."*



**POLICE BRUTALITY AGAINST  
WOMEN OF COLOR & TRANS PEOPLE OF COLOR:  
A CRITICAL INTERSECTION OF GENDER VIOLENCE & STATE VIOLENCE**

**POLICING GENDER**

Fear of such abuse and arbitrary arrests leads many trans and gender nonconforming people of color to avoid using the bathroom in public places, often causing severe and painful health consequences.

***Punishing Gender Nonconformity***

***“The 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.’”*** – Leslie Fineberg, *Trans Liberation: Beyond Pink or Blue*.

Sometimes gender policing is not so obvious, but is just as profound and devastating. In the highly discretionary world of policing, people who do not conform to gender norms are perceived by law enforcement officers as "disorderly," suspicious, threatening, violent, fraudulent, deceitful, or mentally unstable because of their perceived gender disjuncture, and are therefore routinely profiled, harassed, and arbitrarily arrested for vague offenses such as "disorderly conduct." They are also subjected to transphobic and homophobic verbal abuse and punishment, in the form of physical violence, for failure to “comply” with prevalent norms of gender identity and expression. For instance:

- *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 told her to “shut up, bitch!” When she continued to ask that her cuffs be loosened, three officers tackled and beat her. She was subsequently shackled and charged with assault on a police officer.*
- *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.”*
- *In its 2005 report Stonewalled, Amnesty International found a widespread and systemic pattern of police profiling transgender women, and particularly transgender women of color, as sex workers.*

Additionally, transgender people are often not believed or deemed worthy of protection by police responding to domestic violence, sexual assault, or community violence against them, are frequently arrested as perpetrators of violence when they are in fact survivors, and are often detained for mental health evaluations. For instance:

- *A young African American transgender woman living in Los Angeles reports that she called the police for help on many occasions because her boyfriend was abusive, but they never investigated or took any action. However, one morning, following her most recent call, two undercover officers knocked on her door and arrested her pursuant to an old warrant for solicitation.*
- *In one incident which took place in the winter of 2002 in the District of Columbia, a transgender woman was choked by her male partner and chased through their apartment as she tried to defend herself. She managed to get him out of the apartment and call the police, who reportedly responded by arresting her, handcuffing her, and forcing her down the stairs. Her abuser was not arrested. She reports that as soon as officers saw her identification, they began referring to her by male pronouns, calling her “mister.” She was detained for seven or eight hours at the police station, and was charged with civil assault against her abuser. The charges against her were eventually dismissed.*