



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

### "QUALITY OF LIFE" OR "ZERO TOLERANCE" POLICING

*The practice of order maintenance policing is premised on society being divided into two groups, the "orderly" upstanding, law-abiding citizen and the "disorderly" criminal-in-the-making. Once in existence, this construct is used to justify policies that treat the disorderly person as one who "needs to be policed, surveilled, watched, relocated, controlled."* -- Bernard Harcourt, University of Chicago Law School

#### What are Quality of Life and Zero Tolerance Policing?

The concept of "zero tolerance" came out of federal drug enforcement policies of the 1980's. It refers to a policy of allocating additional law-enforcement resources to areas where some form of crime is said to be endemic and then applying immediate and harsh responses with little or no consideration to individual circumstances.

The term "quality of life" is thought to have first been used in a policing context in New York City in the early 90s, during the Giuliani administration. It refers to a practice of heavily policing a number of normally non-criminal activities such as congregating and/or drinking in public spaces, as well as minor offenses such as graffiti, public urination, panhandling, littering, and unlicensed street vending in public spaces because, the argument goes, if left unchecked, they will lead to an explosion of serious crime. When coupled with the "zero tolerance" approach, this type of policing favors arrests over service and conflict resolution, or in situations where a warning or citation would otherwise be issued. This in turn contributes to soaring numbers of arrests, largely of people of color, and increased police brutality.

When combined, these law enforcement practices are often referred to as "order maintenance policing."

#### Where did these practices come from?

The idea of "order maintenance" policing has its roots in the "broken windows" theory, which claims that tolerating minor infractions like graffiti, panhandling, sex work, public urination, and turnstile jumping encourages serious violent crime by 'signaling that the community is not in control.' Adoption of this theory led to a national trend toward "zero tolerance" approaches to street crime and school discipline, under which any infraction, no matter the circumstances or severity, is subject to harsh penalties.

*'New York City, in its effort to forge an identity as a safe cosmopolitan community welcoming to the professional and managerial class, has led the way in the last five years in criminalizing a broad swath of public activities that has led to unprecedented harassment and detention of poor, working class, and homeless people by the police. This policing strategy allows the police to detain, question, and thus regulate tens of thousands of mostly low-income people of color.'* -- Daniel HoSang, Colorlines

New York City has served as both a laboratory for implementation of the "broken windows" theory and a leading edge of the "zero tolerance" and "quality of life" law enforcement trend. As early as 1993, former New York City Mayor Giuliani introduced the "Quality of Life Initiative," openly citing the "broken windows" theory as the basis for "zero tolerance" policies enforced by the NYPD. Recently, New York's Quality of Life Initiative has extended to placing armed law enforcement officers in twenty-four New York City schools where there is severe overcrowding and the student population is predominantly low income and of color, despite a lack of evidence of increasing crime rates.

#### How has it spread?

A number of cities have been quick to follow New York's lead. Police in Tampa, Washington D.C., and Chicago, among others, have stepped up enforcement of "quality of life" laws. One of the first acts of the new police commissioner in New Orleans was to hire consultants familiar with the New York approach to train his officers. Some cities, such as Los Angeles, Oakland and Chicago, to name a few, have also initiated "anti-gang" policing campaigns using anti-loitering ordinances and youth curfews. In early 2007, the Denver Police department announced plans to expand "broken windows" policing to the Cole-Whittier neighborhoods, which are predominantly Black and Latino/a.

#### What does it look like?

The vague laws that underlie "quality of life" policing allow police officers almost unlimited discretion as to who and what conduct is deemed "disorderly." Regulations that are not vague, such as those criminalizing the consumption of alcohol, storage of belongings, and urination in public spaces tend to be discriminatorily applied against certain communities, and particularly people who, due to poverty and homelessness, have no choice but to engage in such activities in public spaces.



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Allowing broad police discretion to enforce vague "quality of life" laws leaves a lot of room for officers to act on racism, sexism, homophobia, transphobia and enforcement of gender conformity, and classism. Policing "order" becomes a pretext for enforcing racial, class, gender and sexual hierarchies.

Additionally, being targeted for "order maintenance policing" makes you less likely to be able to access existing systems to address interpersonal and community violence, rendering us more vulnerable to violence on every front. After all, what does it signal to people around you when a police officer tells you, or an outreach worker seeking to provide vital services, to "move on?"

"This devaluing of certain communities paves the way for socially destructive and dangerous polices such as...the 'Quality of Life' campaign, [which] allows communities whose very existence is tenuous to be disenfranchised and brutalized at even greater levels. As a result, the presence and actions of women and trans people of color, and particularly youth, sex workers, and homeless people, are always likely to be deemed 'disorderly,' causing 'quality of life policing' to curb our freedom of movement and legitimize and even facilitate police violence towards us."

- Audre Lorde Project

**Who's targeted?**

Police misconduct and brutality in the context of "order maintenance policing" extends beyond the experiences of young Black or Hispanic men or genderless "communities of color" to those who stand at the intersection of many

*In terms of criminalization, what we see is that because of the amount of police that are roaming the streets looking for quality of life ordinances in New York City, youth tend to be most vulnerable. But the other population are cross-gender communities, because of gender transgression and the kind of stigma that that carries in our society, I think that transgender folks tend to be singled out on an increased basis by the local police force." -- Trishala Deb, Audre Lorde Project*

identities, including young women of color, immigrant women of color, sex workers, street vendors, outreach workers, and trans and gender non-conforming people of color. It targets women and trans people of color who are the most marginalized, including street-based sex workers, homeless people, people with mental illness, and people with a drug addiction, or women and trans people of color who are profiled as such by police.

Because "order maintenance policing" increases the number of law enforcement officers on the streets, the frequency and likelihood with which women and trans people of color will encounter and engage with the police is also increased, widening the possibility that they will be subjected to police violence. Additionally, through "zero tolerance" policing, immigrant women find themselves drawn into the criminal justice system through arbitrary arrests for minor infractions, which can in turn lead to deportation, particularly post 9/11.

"Quality of life" provisions which are associated with congregating in and using public spaces or living on the streets disproportionately impact homeless, precariously housed, and low income women and trans people of color, as well as those providing vital outreach services to those communities. Young, homeless and poor women and trans people find themselves the direct targets of "quality of life" ordinances such as those banning sleeping in public places, "unreasonable noise," storing belongings, urinating and consuming alcohol in public or congregating in public spaces.

*Margaret Mitchell, a homeless 54-year-old Black woman, was pulling a shopping cart along the street in Los Angeles when two officers on bicycles approached and began harassing her. Under a California law, police can ticket people and confiscate their carts for supposedly not having a store's permission to take the carts onto the street. It is a law that is almost exclusively enforced against homeless people. Margaret walked away from the police. Her shopping cart held all her possessions, including a red blanket that had become her trademark with the people in the area. As she walked down the street, someone driving by recognized her, pulled over and tried to talk the cops out of hassling her. But the officers continued. One witness saw her running and pulling the cart behind her as the cops ran after her. "My first thought was, 'Oh, man. When they catch this person they're going to beat her.' That was my first thought. I didn't see the guns. I just saw the cops running. And I saw her in front of them running. And then I heard the bam! It was so sudden that I didn't even realize she was shot until moments later when I processed it and I saw her laying on the ground. One bystander was reported to have said "now I hesitate to call the police. You call the police and something worse happens. What's the right thing to do? I don't know who the cops are anymore; I don't know what to do."*