Introductions: Presenter names and affiliations.

About DCTC: The DC Trans Coalition (DCTC) is a volunteer, grassroots, community-based organization dedicated to fighting for human rights, dignity, and equal access for transsexual, transgender and gender-diverse people in the District of Columbia. We organize in our local communities to spread awareness, democratize and decentralize access to information, and create the political space and cultural visibility necessary to ensure that our experiences are treated with respect and dignity. We also work to educate trans communities on the law so that we are prepared to defend our rights and live without fear. Finally, we work toward changing laws, policies and services to improve our lives and realize gender self-determination for all of DC’s trans communities. Formed in 2005 as the Coalition to Clarify the DC Human Rights Act, DCTC has not only secured the inclusion of gender identity and expression protections in DC law, but has also worked with the MPD, Department of Corrections, Department of Motor Vehicles, Office of Human Rights, and other District agencies to make sure those protections are enforced.

Possible activities:
1) What do you know or think you know about trans people and communities?
2) Ask participants to imagine what a just community looks like. Who has rights and who does not? What are some things that undergird a just community?
Our goal is that this training will raise awareness of trans rights in DC and injustices trans people face. We also want this training to facilitate full compliance with MPD’s policy on interactions with transgender people. This session is not simply a “trans 101,” but focuses on specific issues MPD officers need to know when dealing with transgender-related cases. Some of the basic terms are covered in the companion definitions sheet, and we may refer to those as we move along. The following are our objectives for this session.

- Recap definitions discussion on gender identity and gender expression.
- Understand inequalities trans and gender non-conforming people face.
- Know trans people’s rights in DC.
- Understand trans community perceptions of police and why those perceptions exist.
- Review MPD policies on interacting with trans individuals.
We’ll stop for questions at the end of each section this afternoon. Most importantly, are there any other issues you would like to see discussed as we move forward?
Let’s spend just a few minutes looking at gender identity and expression in greater detail. Could I get two volunteers, please?

[Have volunteers stand at front of room. Indicate a line in front of the screen. Say to volunteers:] All right, first, would both of you please stand where on the line to indicate your sex assigned at birth. Male is to your right, and female is to the left. Now, move to where your gender identity is. Remember that’s how you feel inside, and it doesn’t have to be at an extreme end of the line.

Finally, move to where you are in your gender expression right now – that’s how you present yourself to the world. If you were off-duty, would your gender expression change at all? Alternatively, has your gender expression changed over time?
Recap: Gender Identity and Expression

- Keep the spectrums in mind.
- Remember that self-identification is essential.
- Remember that trans communities are remarkably diverse.

In the meantime, are there any questions about the material we just covered?
Recap: Gender Identity and Expression

Questions?
[See supplemental materials]
The results of the National Transgender Discrimination Survey, released earlier this year, shed some light on depth of oppression trans people face. The chart on the left shows the extreme levels of harassment and violence trans people face in K-12 settings. Over 3/4 of those surveyed were harassed in school. A third were physically assaulted, and 12% were sexually assaulted. Feeling unsafe in school can obviously lead to dropping out, especially in high school years. That, of course, impacts employment rates in the trans community. On the right side, notice that the overall trans unemployment rate is twice that of the general population. For black trans people, the unemployment rate is 28%, four times the national average.

Here we see that 19% of trans people have experienced homelessness at some point in their lives, compared to 7.4% of the general population. Again, most in most trans communities of color (except Asian), the numbers are far higher, reaching 41% among African-American trans people. Discrimination doesn’t stop there – there are many reports of discrimination accessing, and inside, shelters.

Perhaps most disturbing are the rates of HIV infection among trans people. The HIV infection rate in the US is 0.6% of the general population, but among trans people, that rate is 2.4%. Here infection rates are even higher than that among trans communities of color, with a staggering 24.9% of black trans people reporting HIV infection.

You can start to see from this brief snapshot the interconnectedness of these issues, shown on the map with Sally earlier.
DCTC recently completed phase one of a new needs assessment study for DC’s trans population (more about that later). In this phase, participants in community meetings of about 20 people were asked to map DC as a trans city. These roundtable meetings happened among a number of different segments of the trans population, and ultimately 108 people participated. Yet the biggest concern that each group mentions -- regardless of age, race, class, gender identity, education level, or anything else -- is an enduring concern over safety and risk. It’s also important to note that “strolls” showed up most frequently in the maps, but as predominantly as places to build community, not as places to work.
DCTC did a survey in late 2008 that looked specifically at trans people’s experiences in gender-segregated spaces in DC, which also revealed a few other important pieces of information.

Here we see that 68% of trans people have had difficulty accessing a bathroom. In public accommodations, 75% report harassment from staff, others being accommodated, or both. 42% were discriminated against while attending school. Over a quarter had trouble accessing a bathroom at work. Well over half avoid going out in public simply because of the lack of safe bathrooms.

Going to the bathroom may seem like a small thing, but as we can see, for trans people bathrooms can be a dangerous place. In DC, all single-occupancy bathrooms are supposed to be gender neutral, which helps alleviate this problem.
The national study we looked at earlier also found that 45% of trans people are reluctant to call the police when they need help. Yet we also know that in 2010, gender identity and expression-related bias crimes in the District comprised 15% of the total reported by MPD.

These numbers are very likely too low. Reluctance to report – which we explore in more depth later – and MPD’s only requiring mandatory reporting of whether or not something is a hate crime for the past year – call these rates into question. One of our hopes for this training is that with increased awareness, you can help reverse this trend, and paint a more accurate picture of the number and variety of bias crimes trans people face.
Are there any questions or thoughts you’d like to share at this juncture?
The DC Human Rights Act

- The DC Human Rights Act (HRA) was amended in 2005 to include gender identity and gender expression.
- Since then, DCTC and allies have worked with several District agencies to bring their policies into compliance with the HRA.

The DC Human Rights Act contains broad protections based upon gender identity and expression, and is widely considered one of the most progressive and comprehensive human rights laws in the nation.

As we use them here, human rights are respected (and sometimes have to be enforced) because they are based upon the basic human needs we all have. These can be lumped into three broad categories:

- Material needs and rights: Food, shelter, healthcare, etc. The very basic things we all need.
- Social needs and rights: Maintaining human dignity, security and safety, making one’s own decisions about life.
- Cultural needs and rights: Being who you are and having that identity respected, be it religious, ethnic, linguistic, sexual orientation, gender identity, etc.

Recalling our earlier discussion on human rights, let's now look at how DC’s human rights law helps protect trans people from the kinds of discrimination that are unfortunately endemic in our society.

DC law explicitly requires that a person’s gender identity and expression be fully respected. That means that self-identified name, pronouns, and gender must be respected by both government and private organizations. A person can use the bathroom of their choosing that's appropriate to their own identity, free from harassment, and all single-occupancy public restrooms are supposed to be gender neutral. No one can be denied a public service because of their gender identity or expression.
Part of respecting self-identity is respecting the right to non-disclosure. Each individual person retains the right to disclose whether or not they are trans. No one is entitled ask someone if they’re trans, if they’ve had surgery, etc, without a legitimate reason.
DC residents can get drivers licenses/ID cards that reflect their gender identity/expression from the DMV by filling out a short form.
Rights in DC Public Schools

- Students can wear clothing consistent with their gender identity, according to the established uniform or dress code.
- Schools cannot prevent students from participating in activities based on gender identity or expression.
- Verbal slurs based on gender identity (real or perceived) can result in punishment up to suspension; physical harassment results in off-site suspension.

Similar regulations apply in the schools. Students can dress in a manner consistent with their gender identity/expression, and cannot be prevented from participating in school activities because they're trans. In addition, harassment based on gender identity/expression leads to clearly defined punishments.
In early 2009, the DC Department of Corrections adopted a new policy related to housing and classifying trans inmates. Trans inmates are entitled to appear before a committee where they can state where they believe they can most safely be housed.

- Strip searches must be conducted in private.
- Hormone therapy can continue or begin while incarcerated.
- Trans inmates are recognized as at risk for mistreatment, and their safety must be ensured by DOC personnel.

Like in MPD, trans people must be classified as “at risk” and their safety must be ensured by DOC personnel. In addition, if a strip search is deemed necessary, it must be conducted in private. Such searches cannot be conducted solely to determine sex.
**Structural Violence**
Disparities, disabilities, and deaths result when systems, institutions, policies, or cultural beliefs meet some people's human needs and human rights at the expense of others. Structural violence creates relationships that cause secondary violence to occur.

**Secondary Violence**
Reactions and responses to structural violence are secondary violence.

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<thead>
<tr>
<th>Self-Destruction</th>
<th>Community Destruction</th>
<th>National &amp; International Destruction</th>
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<tbody>
<tr>
<td>- Alcohol abuse</td>
<td>- Crime</td>
<td>- Rebel Movements</td>
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<tr>
<td>- Drug abuse</td>
<td>- Interpersonal</td>
<td>- Terrorism</td>
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<td>- Suicide</td>
<td>- Violence</td>
<td>- Civil Wars</td>
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<tr>
<td>- Depression</td>
<td>- Domestic Violence</td>
<td>- Revolutions/Coups</td>
</tr>
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<td>- Internalized oppression</td>
<td>- Rape</td>
<td>- Wars</td>
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[See Supplemental Materials]
That’s a broad overview of trans rights in the District. Are there any questions about these, or areas we may not have covered?
Some of the information in this section may be a bit hard for you to swallow. The information that follows is based upon local and national research studies with trans individuals (AI's Stonewalled, NCTE/Task Force, Move Along.) We present this information not to be accusatory, but to help you understand how police are seen by ordinary trans folks on the street. Our hope is that this information will help you better understand trans populations, and be better able to respond to their needs.

A lot of this mistrust has historic roots. For many years, wearing 3 articles of clothing associated with the “opposite” sex was considered a criminal offense in towns across the nation. Researchers have shown that LGBT people – especially trans women of color – and the places they gather are much more likely to be targeted for enforcement of so-called morals regulations, like laws against public drunkenness, etc.

At protests, rallies, and similar events, trans people are still more likely to be questioned or detained than both their LGB peers and the community at large. They are the subject of humiliating questions, public searches, and other degrading treatment.
As we see here, 71% of trans people surveyed nationwide reported being treated disrespectfully on the basis of their gender identity/expression. Like we mentioned earlier, 45% of trans people are reluctant to report crimes – even when they’ve been a victim – for fear of harassment by police. In one case in DC, a trans woman reported domestic abuse to MPD. When officers arrived, both she and her significant other were arrested and detained. She was housed with in a cell with men, and forced to strip naked repeatedly in front of other inmates. When she appeared in court, the judge sent her home, saying there was no reason for her to be detained in the first place. These kinds of interactions put a huge strain on police relations with trans communities.

We should note here that most jurisdictions don’t hold trainings like this one. But it’s also important to remember that the structural violence we discussed earlier has a direct correlation to how often trans people interact with police.
One of the most common complaints is that police officers use inappropriate language when dealing with trans people. This includes using the wrong name and pronoun, as well as any of a huge variety of derogatory terms. Actions like this clearly violate a person’s right to self-identify. Trans people also report that officers are quicker to resort to physical force than when they interact with others. In DC, there are continual reports of officers soliciting sexual favors in exchange for not arresting them for prostitution or solicitation.

We should also note that people who are victims of improper police conduct are highly unlikely to file a formal complaint. For some people, interactions with police are a common occurrence in their lives, and they fear retribution from the officer involved or his/her friends. Many also believe that filing a complaint or taking other formal action won’t actually result in the problem being rectified.
As we already noted, conducting strip searches in front of other officers and/or inmates is a common humiliation, and these are often conducted without cause.

Housing is also a challenge for trans people. Many are housed according to their birth sex, which leaves them susceptible to verbal and physical harassment, as well as sexual assault. Trans women are particularly vulnerable, and there is an incredibly high rate of sexual assault among that population.
A common complaint – especially in DC – is being stopped for “walking while transgender.” The common assumption is that these individuals – often trans women – are engaging in criminal conduct, even if they’re doing something as mundane as talking to a friend outside or walking home from work.

Reported Problems

Profiling

• Many trans people -- especially trans women of color -- report that police initiate interactions under the assumption that they are engaging in criminal activity, whether or not there is any evidence to justify stopping them.
• Most refer to this as being stopped for “walking while trans.”
“Walking while trans” issues are most commonly associated with charges of prostitution. In particular, improper enforcement of DC’s prostitution free zone law has led to improper arrests and increased police harassment. Some trans women report being questioned and arrested for carrying more than 2 condoms with them. A recent incident saw a woman detained for solicitation, with an officer referring to a prostitution free zone sign on a nearby street lamp, even though the date on the sign clearly indicated the PFZ had expired several weeks earlier. Many people and organizations believe this law opens the door to legal profiling, and both judicial and legislative challenges are currently being planned.

As we discussed earlier, we have found that many more things happen along so-called “strolls” than just sex work, and that these are sites of community building for many trans people.
According to the Move Along report, more than 60% of trans people report an unsatisfactory police response to their calls. Several people suggest they get poor treatment because they are assumed to be sex workers. There is also an impression that police officers are reluctant to classify an incident as a hate crime. For example, a 2009 incident where two women were brutally stabbed – one fatally – has yet to be classified as a hate crime, even though the surviving victim reports that the attacker was making transphobic taunts prior to the assault.
This diagram illustrates how overpolicing and profiling of low income people and of trans and gender non-conforming people intersect, producing a far higher risk than average of imprisonment, police harassment, and violence for low income trans people.

Low-income trans people are exposed to arrest, police harassment, incarceration and violence far more than the average person.

Trans people suffer additional gender-related harms while in custody of the criminal justice system.

Gender-segregated arrest procedures (searches, holding cells, policies and procedures, etc.) do not accommodate trans people. Low-income trans people are especially targeted due to lack of access to health care that would help them “pass” as non-trans people, as well as surgical procedures and are commonly misclassified by arresting officers as “male” or “female” based on their appearance or whether they’ve had genital surgery.

Denied access to hormones and other trans-specific health care while incarcerated. Forced to change gendered characteristics of appearance in prison (made to cut hair, give up prosthetics, clothing). This results in mental anguish and increased exposure to harassment and violence because appearance may conform even less to gender identity.

Isolated and/or subjected to increased sexual violence, harassment, and abuse at the hands of prisoners and corrections facility staff.

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[see supplemental materials]
If you want to learn more about the information presented here, all our sources are listed in the bibliography slide at the end of today’s presentation. Are there any questions about what we’ve just been over?
We now want to give you a brief overview of MPD’s general order on handling interactions with transgender people. You’ve all received copies of this order. There’s also a slightly more detailed training overview available for you via the Metropolitan Police Academy’s online training program.

You should feel proud that this policy is one of the most progressive in the nation, and one of only a handful of police department policies on this subject. It was developed with broad participation between MPD and the community, and went into effect in 2007. In late 2009, DCTC began having discussions with MPD on evaluating implementation of the policy. At MPD’s request, we submitted a Freedom of Information Act request with a variety of questions regarding implementation, and that process revealed some areas where goals had been reached, and others where more work needs to be done. We’ll clue you in to some of these issues as we move along.
As you can see, this policy follows along with the guidelines set forth in the Human Rights Act, and also seeks to counter some of the problems we just discussed.

Once again, it's important to respect someone's self-identification. Remember that you can't search someone simply to determine their sex, and that being transgender does not equal being a sex worker.
You’ll probably encounter people who’s gender expression doesn’t match their ID documents. In this case, policy stipulates that you politely ask how someone wants to be addressed. And, basically, that’s all you get to ask on the subject.

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**Stops and Detentions**

- If gender identity appears different from what is on ID documents, or is questionable in any other way, simply ask the person how they wish to be addressed.
- Officers cannot ask someone about their body, surgeries, hormones, etc.
- Under no circumstances can a “squat search” be conducted in front of other people or in public.
Trans people you encounter may be wearing items that help them make their outward appearance conform to their gender identity. These items are not to be confiscated unless they are a threat or are considered evidence.

Trans people can request to be searched by a male or female officer, and officers cannot refuse to conduct a search.

Trans people should be housed in individual cells. Their records should be marked “AT RISK.”

VERY IMPORTANT: arrest report forms (PD-163) regarding trans people should be marked “AT RISK” in red ink. Trans people should be housed individually while in MPD custody.
Likewise, trans people should be transported separately from other arrestees.

Part of respecting someone’s gender identity includes updating records to reflect their current name and gender identity. If that name doesn’t match what’s on the person’s identity documents, mark it down as “AKA.”

Medical care should always be provided in a timely manner.
Police Response Scenarios

[see supplemental materials]
That was the quick rundown of the general order. Are there any questions you have about this policy? And thinking about the discussion we had at the end of the last section, is there anything you would do differently now that we've been over the order? How would you make yourself a resource for those with whom you interact?
Community Resources

• Check out the resource list provided with your materials.
• Contact us:

DC Trans Coalition
Email: dctc@dctranscoalition.org
Phone: 202.681.DCTC (202.681.3282)
www.dctranscoalition.org
On behalf of the DC Trans Coalition, thanks so much for being here today. We appreciate your attention and your participation in this program, and we look forward to working with each of you in the future. Are there any final thoughts anyone would like to share?

Thanks again!
Bibliography


