

United States of America

Stonewalled – Still demanding respect: Police abuse and misconduct against lesbian, gay, bisexual and transgender people in the USA

FOCUS SHEETS

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**Sexism, misogyny and homophobia
Violence against lesbians in the USA**

In 2004 a lesbian from Athens, Georgia, filed a civil lawsuit alleging that a former Gwinnett County Deputy raped her because she is a lesbian. The officer reportedly forced her into her apartment at gunpoint before raping her. The woman said the officer vowed to "teach her a lesson" and said the world "needed at least one less dyke and he was going to make sure that happened." The officer was charged with rape, false imprisonment, aggravated assault with a deadly weapon, aggravated assault with intent to rape, and violating his oath of office. According to the Athens-Clarke County District Attorney's office, the officer was acquitted of most charges, but found guilty of violating his oath of office. The officer agreed to a deal whereby he received two years' probation during which he was to have no contact with the victim. The officer was banned from Athens-Clarke County and promised not to appeal the decision.

In virtually every culture in the world women experience gender-based violence. Survivors of violence against women tell of their profound feelings of shame and of the scepticism and disbelief with which society responds to them. Violence against women is often an invisible crime, usually committed behind closed doors and frequently dismissed as a "normal", and therefore unchangeable, fact of life. Even in countries where laws criminalize violence against women, tolerance of such violence may be found at all levels of society.

Gender discrimination is often combined with other forms of discrimination, including discrimination on the grounds of ethnicity and class. Sexism, misogyny, racism and homophobia often occur together and Amnesty International's research has shown that the prevalence of such discrimination puts lesbians and bisexual women at grave risk of abuse in a range of situations, including in the home and in the community. In most societies having a public or private identity that challenges or differs from the sexual and gender roles expected of men and women can put both men and women at risk. However, as a result of sexism, gender-based discrimination and misogyny, lesbians often face additional or different obstacles in defending their human rights from those faced by gay men. In short, lesbians are at risk of further human rights violations simply because they are women.

In the USA, as elsewhere, violence against lesbians and bisexual women is part of a spectrum of violence to which women can be subjected if they depart from accepted codes of sexual behaviour. Such violence is generally underreported, in large part because of the discrimination and marginalization faced by women who – in terms of their sexuality or gender expression – do not conform to social and cultural norms of femininity. Because women's sexual experience can more easily be controlled by the family and community, lesbians and bisexual women may face a different range of obstacles in resisting ill-treatment or seeking redress.

Amnesty International's research showed that discrimination means that lesbians and bisexual women are often blamed for the violence targeted at them. The violence is seen as a "punishment" for their failure to conform to social conventions. Activists told Amnesty

International that lesbians and bisexual women who are perceived as "too masculine" fear reporting abuse and violence as all too often they are seen as responsible for the violence committed against them.

A lesbian living in St Paul, Minnesota, reported that in July 2000 a man repeatedly pushed his shopping cart into her partner, eventually knocking her to the ground. She told Amnesty International: "an officer stationed at the front of the store said that if we wanted to press charges then he would have to arrest both my partner and the man since he did not know 'who started it.' When I informed him that the man had been following us for several minutes and had called my partner a 'dyke', he told me that if we 'chose that lifestyle we had to expect some people to have a problem.' He refused to take a report." She took down his badge number and reported the incident to the police precinct, where she was informed that since the officer had not filed any incident report, she could not file a complaint against him. Shortly afterwards she was reportedly fired from her job working for the state of Minnesota. She told Amnesty International she was informed by her employers that her involvement in the incident was "conduct unbecoming to a state employee".

A lesbian told Amnesty International in February 2004 that she was pulled over by police as she was driving one evening. She reported, "They patted me down, spending too long in the wrong places. Then I was told to lay on my stomach on the ground. They were asking me if I would like to know how it felt with a man. I was asked by one of the officers if I had a 'hot babe girlfriend' that I could call to meet us for 'fun'. When I tried to report them, I was laughed at and asked to leave."

Amnesty International's research shows that women whose sexuality or gender expression challenge society's stereotypes of what women should be often face particular difficulties when trying to report violence against them, including threats of further abuse or violence. As a result they may either not report the abuse at all, or tell only part of the story. The discrimination faced by lesbians and bisexual women in society at large also means that breaches of confidentiality by police, judges, prosecutors or other services can pose very real threats to their lives both at home and at work. Reporting violence can put them at risk of extortion, blackmail or public repudiation.

Lesbians have been subjected to violence by law enforcement officers because of their sexuality. In particular, women perceived as "masculine" tend to be seen by officers as non-compliant or resisting arrest and are generally treated with greater physical harshness.

Campaigners have told Amnesty International that some police officers respond to domestic violence involving lesbian couples, by trying "to get the girls to calm down and get along", or see it as a "fair fight". This failure to see such situations as "real" domestic violence stems from a misconception among many law enforcement officials that a determination of domestic violence is based primarily on the sex of the people in the couple. As a result many simply assign the label of "mutual abuse" and arrest both parties in a situation involving violence in a lesbian, gay, bisexual or transgender (LGBT) relationship.

A Latina woman living in Chicago was arrested and ordered to undergo counselling after her partner called the police, claiming she had been abused. The Latina woman had reportedly been beaten by her partner over a period of time, and neighbours had repeatedly called the police, who usually did not intervene. Despite this long history of abuse, when the police finally took action it was to arrest the long-term victim. An LGBT domestic violence activist told Amnesty International in February 2004 that the abusive partner was fluent in English and was for that reason taken more seriously by police. The victim was monolingual Spanish and unfamiliar with her rights in the USA and so was unable to defend herself verbally with police. As with most same-sex domestic violence cases the police assume both parties liable, and the one that can speak up and makes the first accusations is considered the victim.

What needs to be done

LGBT people in the USA continue to suffer serious police abuses, in some cases amounting to torture and ill-treatment. Despite some positive initiatives by law enforcement agencies and the justice system, much more needs to be done to protect LGBT people from police abuse and misconduct.

The US authorities must stop police violence against lesbians and bisexual women, including by taking the following steps:

Ö Take positive measures to prohibit and prevent rape and sexual abuse by law enforcement officials. The authorities should publicly recognize that rape by law enforcement officials constitutes torture and will not be tolerated. Sexual abuse is a form of ill-treatment that includes the deliberate use of body searches to degrade or humiliate and the use of sexually explicit language.

Ö Promptly and impartially investigate all allegations and reports of police abuse and misconduct, regardless of where they take place. All officers responsible for abuses should be disciplined appropriately and brought to justice. The US government must ensure that the victims receive fair and adequate reparations, including compensation.

Ö Ensure that law enforcement agencies conduct prompt investigations into all reports of LGBT domestic violence. They should ensure that officers are thoroughly trained in how to investigate such allegations, including how to identify the abuser.

Ö Ensure that all law enforcement training programmes are based on human rights standards and include LGBT sensitivity training.

Ö Establish at a local level an independent and effective mechanism for reporting complaints of sexual, physical or verbal abuse by law enforcement officials so that victims, relatives and witnesses can file complaints without fear of reprisal. Investigating and prosecuting authorities should respond with sensitivity to the difficulties faced by LGBT survivors of alleged ill-treatment in pursuing their complaints.

For more details see AI's report: Stonewalled – still demanding respect Police abuses against lesbian, gay, bisexual and transgender people in the USA (AI Index: AMR 51/001/2006), available from www.amnesty.org

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Equal access to justice

Discrimination, the police and the lesbian, gay, bisexual and transgender (lgbt) community in the USA

In many parts of the USA Amnesty International has found a pattern of police failing to respond appropriately to crimes against LGBT individuals. Police lack of understanding, or in more extreme cases hostility, has resulted in officers arresting the victims of the crime rather than the perpetrators. LGBT people also experience "profiling" where they are targeted for the selective enforcement of certain regulations because they are considered to have transgressed certain social "norms".

April Mora, a young lesbian of African American and Native American heritage, was reportedly attacked and slashed with razor blades, in Denver, Colorado, in March 2002. The men carved "dyke" into her forearm and "R.I.P." on her stomach. Of the police response, April said: "I think they're saying that, because I choose to look like this I deserve it or something. It's as if - if I want to look like a guy, I should get beat up like a guy."

One of the most striking aspects of crimes against LGBT individuals is the extent to which these crimes go unreported. The discriminatory attitudes of some law enforcement officials are denying many LGBT people equal access to justice. This is often exacerbated by other prejudices prevailing in society, including racism.

LGBT people often do not report crimes against them because they fear a dismissive, hostile or abusive response from the police. Some may fear revealing their sexual orientation or gender identity or expression to the police since this information could find its way to family, friends and employers. LGBT survivors of crime have been coerced into withdrawing complaints. In other cases police have dismissed the fears expressed by LGBT people and left them unprotected, sometimes with fatal consequences. Survivors of crimes motivated by homophobic discrimination or transphobia (discrimination or hostility towards transgender people) have themselves been threatened with arrest or arrested. In some cases officers have reportedly suggested that the victims were in some way responsible for the crimes committed against them.

Al Everton, a 74-year-old gay man, died in October 2003 in San Antonio, Texas, reportedly after being struck on the left temple with a baseball bat. Before he died, Al Everton identified his attacker to family, friends and the authorities and said that the man had shouted homophobic abuse as he beat him with the bat. Al Everton had initially refused to go to the authorities after earlier incidents of homophobic abuse from the alleged attacker because he did not want the police to know that he was gay. The discriminatory motivations of the crime were never investigated and no charges were filed in connection with his death.

Law enforcement officials frequently fail to identify crimes motivated by discrimination properly. The failure to consider if the sexual orientation or gender identity or expression of the victim was a factor in the crime can hinder the investigation.

Violence in the home is a serious problem in the USA for both heterosexual and same-sex couples. Police knowledge about LGBT domestic violence is minimal and survivors experience extreme isolation - a problem exacerbated by the scarcity of programmes and resources that exist for LGBT domestic violence survivors. Nearly three quarters of US police departments who responded to a survey conducted by Amnesty International reported that they have mandatory arrest policies which require officers to make an arrest when responding to a domestic violence call. In the absence of training that enables an officer to make an appropriate assessment as to who should be arrested, this requirement, when coupled with discriminatory attitudes, can lead to survivors being criminalized rather than protected.

LGBT people are often targeted for the selective enforcement of laws and regulations because of their sexual orientation or gender identity or expression. Such policing practices can affect virtually every sphere of the daily lives of LGBT people and often have an impact that goes far beyond the initial incident.

Vague public order or morals laws are one of the factors that increase the likelihood of these sorts of arrests. They often involve offences such "loitering with intent to solicit," "public lewdness" or "disorderly conduct". Such laws can lead to arbitrary arrest and detention because of the degree of discretion granted to officers in determining what is considered "offensive". In the absence of the checks and guidelines which clear legislation should provide, individual judgement can reflect discriminations which are prevalent in society - such as homophobia, transphobia, racism or sexism.

"The biggest problem we are having from the standpoint of wrongfully charged defendants, is that 95 per cent of them are so embarrassed by the charge -- either indecent exposure, lewd behavior or [sexual] assault on an officer -- they are afraid to fight."

Andrew Thomas, Civil Attorney, San Antonio, Texas, December 2003

Amnesty International's research has revealed a pattern of discrimination and misconduct in the application of "zero tolerance" and "quality of life" policing. These are law enforcement strategies that seek to maintain public order by aggressively enforcing laws against minor offences, for example, public drunkenness, loitering, vandalism, littering or public urination. Regulations on loitering, disorderly conduct and noise violations, for example, are frequently vague, giving individual police officers considerable discretion when enforcing them.

A young African American gay outreach worker was waiting at a bus stop in December 2003 when Chicago police officers allegedly arrested him for loitering with intent to solicit. Despite providing identification and corroborating information from the organization he represents, he was reportedly detained in a downtown precinct for two days.

Amnesty International's research indicates that so-called morals regulations are disproportionately applied to LGBT people. For example, acts that heterosexual couples can openly engage in, such as kissing, may result in police intervention on the grounds that they are regarded as "offensive" when engaged in by same-sex couples.

Reports from several cities suggest that police operations against "lewd conduct" target places where members of the Latino, African American, South Asian or immigrant communities tend to congregate.

"Quality of life" regulations even when more narrowly drawn – such as those criminalizing the consumption of alcohol, vandalism, littering or urination in public spaces – tend to be applied selectively towards certain communities. There appear to be significant disparities in the way in which these regulations are policed, depending on factors such as the alleged offender's race, age and socio-economic situation. It is therefore perhaps not surprising that LGBT members of ethnic minorities are disproportionately targeted for enforcement of "quality of life" regulations.

What needs to be done

LGBT people in the USA continue to suffer serious police abuses, in some cases amounting to torture and ill-treatment. Despite some positive initiatives by law enforcement agencies and the justice system, much more needs to be done to protect LGBT people from police abuse and misconduct.

The US authorities must tackle the police abuses that LGBT people face, including by taking the following steps:

Ö Promptly and impartially investigate all allegations and reports of police abuse and misconduct against LGBT people and adequately discipline and bring to justice officers responsible for abuses.

Ö Train police officials to enable them to deal effectively with allegations of violence against LGBT individuals, including how to investigate allegations of domestic violence.

Ö Review all legislation that has in practice resulted in the arrest and detention of individuals because of their sexual orientation or gender identity.

Ö Take action to prevent any discriminatory application of the law by law enforcement officials. In particular, vague legislation which lends itself to discriminatory application should be amended to specifically describe the conduct prohibited and should explicitly require monitoring and oversight of enforcement practices in order to prevent selective enforcement.

Ö Review policing operations to ensure that they are not targeted in a discriminatory fashion, including operations involving the enforcement of "quality of life" regulations and policies.

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Multiple identities, multiple risks

Homophobia, transphobia and racism in the USA

"There is no such thing as a single-issue struggle because we do not live single-issue lives."

Audre Lorde, US writer and activist

Within the lesbian, gay, bisexual and transgender (LGBT) community in the USA, transgender individuals, people from ethnic or racial minorities, young people, homeless people, and sex workers are at particular risk of police abuse and misconduct.

Racism often occurs together with homophobia or transphobia (discrimination against or hostility towards transgender people). A significant proportion of reports of abuse against LGBT individuals involve people from racial or ethnic minority groups. Immigration status also contributes to the risk of abuse by law enforcement officials. This mirrors the systemic racism still found in many areas of policing in the USA.

Reported abuses include racist language, harassment, ill-treatment, unjustified stops and searches, false arrests, use of excessive force, unlawful shootings and torture.

Efforts to respond to and prevent violent crime against LGBT individuals are hindered by the lack of documentation and coordination between federal, state and local agencies and community groups. Nevertheless, despite the absence of systematic and consistent monitoring, a picture is emerging of widespread abuses against LGBT individuals. For example, official statistics show that in Chicago in 2003 and Los Angeles in 2002 LGBT people were the second largest group targeted for "hate crimes" (crimes motivated by discrimination) in both cities; only racially motivated crimes were more prevalent in this category of offence.

Amnesty International has found that "hate crimes" motivated by more than one prejudice mostly go unrecorded or are incompletely recorded. However, factors such as gender, race, age, ethnicity and immigration and economic status affect the likelihood of violent attacks against LGBT individuals. In a 2003 national survey, 51 per cent of LGBT individuals reporting "hate crime" were members of racial or ethnic minorities. In Los Angeles in 2002, the majority of "hate crimes" reported against transgender people were committed against low-income transgender women from ethnic minorities, in areas known to be frequented by street-based sex workers.

Stereotypes about gender and sexuality may conflict with stereotypes about race or ethnicity. In some circumstances this can put individuals who do not "fit" these preconceived notions at risk. For example, in late 2003, officers in Los Angeles reportedly denied a request by an African American gay man to be placed in a special unit for LGBT detainees, because in their view as an African American he did not conform to the stereotype of a gay man.

Discriminatory attitudes based on stereotypes of gender and sexuality are sometimes compounded by prejudices which view factors such as race, age or socio-economic status as indicators of criminality.

"Quality of life" policing – a strategy of aggressively enforcing laws or regulations against minor public order or morals offences, such as littering, loitering or public urination – has often targeted LGBT communities in the USA. Such policing methods may target an LGBT individual because of their race, ethnicity, age or socio-economic status. In many cases it is difficult to gauge whether they were also targeted on the basis of their sexual orientation or gender identity or expression. While a person may initially be targeted because of their race, for example, the likelihood of police abusing an individual increases when the person's sexual orientation or gender identity or expression becomes apparent.

X (name withheld), a Native American transgender woman, told Amnesty International that in October 2003 she was stopped in Los Angeles by two police officers as she was walking along a street in the early hours of the morning. The officers said they were taking her to jail for "prostitution" - a charge she denies. X alleges that the officers handcuffed her, put her in a patrol car and drove her to an alley off Hollywood Boulevard. The officers then stopped the car, pulled her out and began hitting her across the face and shouting sexual abuse at her. They then reportedly threw her back into the patrol car, ripped off her skirt and her underwear, and raped her. According to X, they then threw her on the ground and said, "That's what you deserve," and left her there.

Laws which are vaguely worded and do not clearly define the offence are particularly open to discriminatory enforcement. Such laws allow a great deal of discretion on the part of law enforcement officers when they are deciding who to stop, question or detain. In a context where members of particular communities are viewed (profiled) as potential criminals, the risk of discriminatory policing is greatly increased. Amnesty International's research shows that LGBT individuals from ethnic or racial minority groups are viewed with suspicion by law enforcement officials. Transgender women from racial or ethnic minority communities, for example, are frequently profiled as criminal suspects while going about everyday business.

"I think if we were white, the cops and people would treat us differently."

A young lesbian of African American and Native American heritage, Denver, Colorado, 2002

Negative profiling and selective enforcement of "quality of life" legislation can affect individuals in virtually every sphere of their daily lives and often has an impact that goes far beyond the initial incident. In a study published in 2004, Amnesty International USA found that the practice of racial profiling leaves its victims feeling humiliated, depressed, helpless and angry. It also creates fear and mistrust which in turn makes it harder for members of ethnic or racial minorities to report crimes and cooperate with police officers. A similar response was reported by LGBT communities and individuals who had experienced profiling or selective enforcement based on their sexual orientation or gender identity or expression, as well as race, age or other status.

Training for law enforcement officials on LGBT issues should not exist in a vacuum but needs to incorporate the way in which issues such as race, age, and socio-economic and immigration status impact on members of LGBT communities.

A gay Filipino survivor of domestic violence living in Los Angeles was reportedly beaten on several occasions by his partner, a white US citizen. When police responded to one altercation, they reportedly arrested the Filipino man and threatened to report him to the immigration authorities, saying: "You're not a citizen. We should deport you, you shouldn't be hitting Americans; you're not an American." The Filipino man was ordered to undergo 52 weeks of batterer's intervention (a programme of assessment and treatment for domestic violence offenders).

What needs to be done

LGBT people in the USA continue to suffer serious police abuses, in some cases amounting to torture and ill-treatment. Despite some positive initiatives by law enforcement agencies and the justice system, much more needs to be done to protect LGBT people from police abuse and misconduct.

The US authorities must tackle homophobia, transphobia and racism in policing, including by taking the following steps:

- Ö Review all legislation that has in practice resulted in the arrest and detention of individuals because of their sexual orientation or gender identity.
- Ö Take action to prevent any discriminatory application of the law by law enforcement officials.

Ö Ensure that "hate crime" statutes, where they exist, address acts of violence or discrimination based on actual or perceived sexual orientation and gender identity or expression.

Ö All law enforcement authorities should undertake comprehensive data collection on crimes motivated by hostility towards the victim's sexual orientation or gender identity or expression. Such documentation should include provision for monitoring violence based on multiple identity factors. Detailed and comprehensive statistics should be regularly published.

Ö Review policing operations, including operations involving the enforcement of "quality of life" regulations and policies, to ensure that they are not targeted in a discriminatory fashion.

Ö Ensure that law enforcement officials are trained to protect those who are attacked verbally or physically on grounds such as gender, race/ethnicity, sexual orientation or gender identity. All police officers should be given training to enable them to deal effectively with allegations of violence against LGBT individuals.

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Human rights, human dignity

Police abuses against transgender women and men in the USA

"I know to be respectful to police officers but I'm tired of the way they are treating us."

Alixxxa, a Latina transgender woman, January 2004

Transgender individuals in the USA – and elsewhere – are at risk of abuse because of their gender identity linked to pervasive discriminatory attitudes deeply ingrained in society. Amnesty International has received many reports of transgender women being stopped by police while they are going about routine, everyday tasks like hailing a cab, shopping or walking the dog and asked about their reasons for being on the street.

Comments made to Amnesty International by police officials suggest that there is a commonly held assumption that transgender women are sex workers. Community-based organizations and individuals report that this "profiling" of transgender women as sex workers frequently leads to arbitrary arrest and detention. For example, lesbian, gay, bisexual and transgender (LGBT) rights activists in Chicago told Amnesty International that officers see transgender women as easy targets when they need to meet their allotted "arrest quota".

In most jurisdictions transgender people's human rights are not legally recognized or protected. Transgender individuals are disproportionately targeted by law enforcement officials and transgender victims of crime are at risk of abuse from the officers called to assist them.

Once transgender people are in contact with the law, abuses often escalate, simply as a result of police reaction to their gender identity. Widespread verbal abuse, unless challenged by those responsible for overseeing police behaviour, can create a culture where discrimination and prejudice are seen to be the accepted norm. It can also create a climate of violence where verbal abuse is at risk of spilling over into physical abuse.

Repeated and unnecessary searches which are humiliating to the transgender person are reportedly common. Often such "checks" appear to be carried out in order to establish a transgender individual's biological sex. Some of these searches amount to sexual abuse and gross infringements of the right to privacy and dignity. There are reports of officers using sexually offensive language; of male police and prison staff touching transgender women's breasts and genitals; of female staff touching transgender men's genitalia; and of male or female staff and other detainees watching transgender detainees while they are naked.

Amnesty International's survey of police departments in the biggest cities in all 50 US states shows that while 62 per cent of police departments report that they train their officers in how to do strip searches, only 31 per cent instruct their officers in how to strip search a transgender individual and only 24 per cent of police departments reported that they had a policy regarding strip searches of transgender people.

Dean Spade - a transgender man and head of the Sylvia Rivera Law Project, a legal advocacy group for transgender and gender-variant people in the USA - was arrested in 2002 by a Port Authority police officer while using the men's room at Grand Central Station, New York. "I entered a restroom, a cop followed me into the restroom and asked me to show ID [identification]. I explained that I was in the right restroom." When two friends came to his assistance, the officer detained them and arrested all three of them. "The cop was really being aggressive," Dean Spade said. "We tried to leave and he pushed us against the wall... We spent 23 hours in jail and ultimately the charges were dropped because there was no legal basis for our arrests.

Amnesty International has documented serious abuses against transgender people in detention. This includes abuses perpetrated by police and corrections officers as well as by other inmates. Transgender people interviewed by Amnesty International expressed their very real fear of being held in gender-segregated cells according to their biological sex, rather than their gender identity. This kind of inappropriate detention puts transgender inmates – and especially transgender women detained with male prisoners – at risk of violence and sexual assault by other detainees. Of the 29 police departments who responded to Amnesty International's survey, 59 per cent had no policy on the detention of transgender people. The consequences for the rights of transgender people to physical safety and to justice can be far reaching. In New York activists reported that transgender individuals felt conditions in holding cells to be so dangerous that they were sometimes willing to plead guilty and get a criminal record for an offence they did not commit rather than run the risk of being detained pending trial.

Misunderstandings about transgender people which conflates gender identity with sexual orientation can lead to abuse. A transgender woman reported that when she was screened for a possible place in a special unit for LGBT detainees in Los Angeles, she was questioned extensively about gay male issues. She explained to the officers that she had no knowledge of such issues because she is transgender, not gay. She was subsequently housed with the general prison population.

"When I told them my real name, Rachel, they refused to recognize that and continued to call me by my male name... The State Troopers tried to keep their smirks and comments at a distance, but I still heard words like 'fag' and 'freak' a number of times."

Rachel Thompson, Lehigh Valley, Pennsylvania, March 2004

Some LGBT detainees have experienced great difficulty in accessing medication while in police holding cells. There are reports that transgender individuals in detention have been prevented from receiving hormone-related medication and denied access to personal items related to their gender identity or expression, such as wigs and make-up. In 1997, a US District Court in Sacramento ruled that the denial of hormone-related medication amounted to cruel and unusual punishment as "abrupt treatment cessation caused nausea, dizziness and reversal of the chemical castration process".

What needs to be done

LGBT people in the USA continue to suffer serious police abuses, in some cases amounting to torture and ill-treatment. Despite some positive initiatives by law enforcement agencies and the justice system, much more needs to be done to protect LGBT people from police abuse and misconduct.

US authorities must tackle the particular risks transgender individuals face within the criminal justice system including by taking the following steps:

Ö Make clear to police officers that sexual, physical or verbal abuse based on real or perceived sexual orientation or gender identity or expression will not be tolerated and that officers responsible for such abuse will be disciplined appropriately. Officers should address transgender individuals by the name they regularly use.

Ö A transgender individual's opinion about whether it would be safest to detain them in a men's or a women's detention facility must be a central consideration in decisions about housing transgender detainees. The authorities should consult transgender organizations to identify best practice for policies on making housing decisions in a detention facility.

Ö Transgender individuals should not be searched solely in order to challenge their gender identity. If a search is necessary, it should be carried out in private with full regard to the dignity of the person being searched. If the person is transgender, the search should be

carried out by two officers of the gender(s) requested by the individual. If a transgender individual does not specify a preference, then the search should be conducted by officers of the same gender as the detainee.

Ö Training should be provided to law enforcement officials on how to address transgender individuals with respect for their dignity, on how to conduct searches of transgender individuals, and on detention policies and procedures for LGBT individuals, to ensure that they are not targeted in a discriminatory fashion.

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