

## Lav Law Policing Plenary

### ShowFlow

Pre-record: June 29, 9:00-11:00 am PT/12:00-2:00 pm ET

Live Q&A: July 29, 10:40-11:00 PT/1:40-2:00 ET [Please log in 20 min early for tech check]

## Reimagining Policing: LGBTQ+ and Racial Equity Issues in Law Enforcement

Moderator: **Dean Karen DeMeola** (University of Connecticut School of Law)

**Gabriel Arkles** (Transgender Legal Defense & Education Fund)

**Jon W. Davidson** (Freedom for All Americans)

**Anjelica Hendricks** (Philadelphia Policy Advisory Commission)

**Senator Jamie Pedersen** (Washington State Senate)

*The spring and summer of 2020 sparked a national call for a reimagining of how law enforcement is conducted and what we all accept as the core aspects of policing, as well as for how it is planned and funded as part of healthy state and local community budgeting. While the wide-spread demand for a reassessment of community priorities with respect to the role of law enforcement versus other social agencies, and the understanding of the connection between law enforcement and systems that uphold white supremacy, are relatively nascent for many Americans, this new recognition of truths long-known to people of color in America echoes a long-term tension between law enforcement and LGBTQ+ advocates. From illegal bar raids to unequal enforcement of public decency laws to "walking while trans" arrests, LGBTQ+ people have been inequitably targeted by police for decades. This panel will assess the ways in which law enforcement overreach has harmed both communities of color and LGBTQ+ communities, and the substantial harms done where those communities overlap. The panel will spend time discussing what "reimagining policing" could look like, and what considerations policymakers need to take into account for maximum equity. Moderated by Karen DeMeola.*

- I. Welcome and Introductions: Overview of the problem of over-policing of communities of color and of LGBTQ+ communities - setting the stage particularly with regard to what the nation has come to see more clearly in the past year since George Floyd's murder, with respect to police brutality against Black and Brown people.
  - A. Relevant CLE Materials: **Policing the Boundaries of Whiteness: The Tragedy of Being "Out of Place" from Emmett Till to Trayvon Martin.** This article provides a thoughtful analysis of how policing in America is grounded in maintaining whiteness and white supremacy, and helps to provide a basis for the audience to recognize that policing protects and maintains existing power structures, particularly those for white people.
- II. History to Present-Day
  - A. History of LGBT & GNC community encounters with police (pre-Stonewall, Stonewall, sex stings and unequal treatment of offenders, Lawrence v. Texas, Eagle Bar Raids, etc.)

1. Relevant CLE Materials: **Lambda Legal’s “Little Black Book”**: This “Know Your Rights” piece (originally published at a time when panelist Jon Davidson served as Lambda Legal’s Legal Director) highlights the realities of police “sting” operations against gay men and demonstrates the climate that persisted for the gay community of the 1970s through at least the late 1990s. **Strader & Hay article: Lewd Stings: Extending Lawrence v. Texas to Discriminatory Enforcement**. This law review article reviews the modern history of LGBTQ+ community experience with law enforcement and argues that strong operations against “vice crimes” are rooted in transphobia and homophobia. **Communities United for Police Reform’s Know Your Rights! Help End Discriminatory, Abusive & Illegal Policing! Flyer**. This “Know Your Rights” flyer is a modern and comprehensive companion piece to Lambda Legal’s “Little Black Book,” written for anyone stopped by the police in New York City and designed to inform community members (including people of color, immigrants, people under age 16, and LGBTQ+ people) of their rights should they be detained by police while walking, protesting, etc.
  - B. History of Trans-specific community encounters and treatment by police, particularly for transgender people of color (“walking while trans” harassment and arrests, police brutality and prison system continuation of abuse and indignities). Continued discussion of school-to-prison pipeline and how LGBTQ+ youth – particularly those of color - are overrepresented in that system.
    1. Relevant CLE Materials: **Excerpted portion of Amnesty International Report United States of America Stonewalled: Police abuse and misconduct against lesbian, gay, bisexual and transgender people in the U.S. (2005)**. This report provides an extremely thorough review of how LGB and particularly T people have been subjected to police profiling and selective enforcement, followed by abusive detainment techniques; it further suggests how such conduct is allowed to occur and proposes reform measures. The excerpted portion of the 200 page report includes the Glossary and the Introduction.
  - C. Investigations of officer misconduct and recent empirical analysis of community interactions with police.
    1. Relevant CLE Materials: **Williams Institute 2021 Report: Policing LGBQ People. This source provides recent empirical evidence that LGBQ people encounter police more frequently than the general population and that such disproportionate encounters may be grounded in bias-based profiling of LGBT communities.**
  - D. Washington State 2021 Legislative Session with regard to overpolicing and reform potential
- III. Reform Efforts
- A. Challenges to meaningful reform
  - B. Constructive paths to reform
  - C. How can the momentum continue at the local, state, federal levels?

- D. Relevant CLE Materials: **Paul Butler, The System Is Working the Way It Is Supposed to: The Limits of Criminal Justice Reform** (2016). This article makes the case that criminal justice reform efforts are inherently bounded by the U.S. legal system's having been designed to maintain a system of expansive policing and punishment which predominantly targets Black men. **YouTube clip of WA State Sen Jamie Pedersen's remarks upon the signing of Washington's Police Accountability and Reform Legislation (May 2021)**. In this video clip Senator Pedersen (a panelist) describes the importance of continuing to push toward reform efforts that will help eradicate longstanding and serious racial inequities in policing. **ESSB 5051 (WA, effective July 25, 2021)**. ESSB 5051 is the most comprehensive piece of Washington State's 2021 policing reform legislation, widely lauded as the nation's most sweeping law enforcement reform legislation to date (including bans on no-knock warrants and chokeholds, requiring substantial de-escalation techniques to be used before the use of force, and creating a new state agency to independently investigate any officer's use of deadly force.) The panelists will be discussing this legislation and other reform efforts in progress around the country.

IV. Audience Q&A

V. Closing