



A testimony from FIERCE for the President's Task Force on 21st Century Policing

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Fabulous Independent Educated Radical for Community Empowerment, FIERCE, is a membership-based organization *building the leadership and power of lesbian, gay, bisexual, transgender, and queer (LGBTQ) youth of color* in New York City. We develop politically conscious leaders who are invested in improving ourselves and our communities through youth-led campaigns, leadership development programs, and cultural expression through arts and media. FIERCE is dedicated to cultivating the next generation of social justice movement leaders who are dedicated to ending all forms of oppression.

FIERCE was founded in 2000 in direct response to the NYPD killing of Amadou Diallo and the implementation of Broken Window Policing policies in the West Village. Over FIERCE's fifteen years of working with LGBTQ Youth of Color, we have heard countless stories of LGBTQ Youth being harassed by police officers. In 2012, the NYPD's 6th Precinct -which covers the West Village where FIERCE organizes- aggressively increased stop-and-frisks by 23% - the largest percentage increase in the whole of NYC. The New York Civil Liberties Union 2012 "Stop and Frisk" report found that while only 8% of the residents in the 6th Precinct area are black and Latino, an astounding 83.5% of all police stops were of blacks and Latinos. This striking statistic is indicative of the disproportionate profiling of communities of color who frequent the West Village and hidden in these statistics is the experience of LGBTQ youth of color. This targeting is a result of the discriminatory perception that these youth do not belong in the area they are in, a perception based on the intersecting factors of age, race, gender identity and expression, class and individual status as homeless or marginally housed. The racial and gender profiling of LGBTQ Youth of Color as well as heavy enforcement of 'Quality of Life' Laws' place LGBTQ youth in a cycle of poverty and criminalization.

In 1994, New York City Mayor Rudy Giuliani implemented Quality of life laws in New York City. Quality of Life laws take minor acts of misbehavior, i.e. taking up more than one seat on a public bench, blocking a sidewalk, public urination, and excessive noise, into a criminal act. These laws have made it a crime to be homeless and poor. According to the 2002 report by Picture the Homeless, "Pattern and Practice: Systemic Violations of the Civil Rights of Homeless New Yorkers by the NYPD,"¹ 81% of people interviewed said they were harassed by NYPD Officers for being homeless, 63% of respondents reported being stopped and frisked for no reason, and 61% reported being issued a summons or being arrested for doing things because they were homeless.

Given the disproportionately high rate of criminalizing interactions with law enforcement that the homeless community faces, it is important to note that LGBTQ youth make up an estimated 40 percent of the homeless population in New York City. While this data is specific to New York City, homelessness was reported as the top issue impacting LGBTQ youth in FIERCE's 2014 national report "Moving Up Fighting Back: Creating A Path To LGBTQ Youth Liberation." The report highlighted the top issues directly impacting LGBTQ youth across the country and reported data from a national survey FIERCE conducted that collected responses from 249 individuals spanning 58 organizations and 34 states across the United States. Survey participants listed the criminalization of

¹ http://www.picturethehomeless.org/Documents/Reports/Pattern_and_Practice_Civil%20Rights_Report_2002.pdf

LGBTQ youth as the second highest critical issue impacting LGBTQ youth.² **It is important to note that youth expressed concerns over being criminalized for being homeless.** In 2010, only 5 states in the United States (New Jersey, Maine, Utah, Washington, and Oregon) did not impose status offenses on runaway and homeless youth. Status offenses are any act that is punishable by law. Through this report and FIERCE's national work, we know that the issue of discriminatory policing is having a negative impact on the everyday lives of LGBTQ youth across the country. Approximately 300,000 gay and transgender youth are arrested and/or detained each year, of which more than 60 percent are black or Latino. Though gay and transgender youth represent just 5 percent to 7 percent of the nation's overall youth population, they compose 13 percent to 15 percent of those currently in the juvenile justice system.³ LGBTQ youth are often forced to leave physically, mentally, and emotionally abusive environments like their home or school, only to face further harassment from the police. It is unsurprising that almost half the LGBTQ youth in a recent survey were uncomfortable seeking police assistance when they needed it.⁴

We offer the following Recommendation to the Task Force:

- 1. End Discriminatory Policing Practices**
 - a. End the use of Broken Windows Theory to create and implement police policy
 - b. End the use of Quality of Life Laws
- 2. End the Criminalization of Runaway and Homeless LGBTQ Youth**
 - a. End the use of Status Offense to criminalize runaway and homeless LGBTQ youth
- 3. Federal Oversight and Transparency of Policing Practices**
 - a. Establish independent federal oversight committee on policing practices
 - b. Ensure local police data and stats are open to the public and disaggregated by age, race, gender, geographic location
- 4. Increase resources and access to safe spaces and employment opportunities for LGBTQ Youth**
 - a. Increase funding for services and beds for homeless youth
 - b. Re-authorize the Federal Runaway and Homeless Youth Act with non-discrimination policy mandate
 - c. Increase the number of slots available for youth in job development programs. Ensure that all slots have adopted similar state employment non-discrimination policies to protect LGBTQ youth.

² http://www.fiercencyc.org/sites/default/files/docs/MoveUpFightBackReport_Final.pdf

³ <https://www.americanprogress.org/issues/lgbt/report/2012/06/29/11730/the-unfair-criminalization-of-gay-and-transgender-youth/>

⁴ http://www.thetaskforce.org/static_html/downloads/reports/reports/ntds_full.pdf