

April 21, 2014

Senator Ben Cardin
509 Hart Senate Office Building
Washington, DC 20510

Representative John Conyers
2426 Rayburn House Office Building
Washington, DC 20515

Dear Senator Cardin & Representative Conyers,

As members of the civil rights community, we look forward to the introduction of a comprehensive End Racial Profiling Act (ERPA) that would, consistent with the recently issued U.S. Department of Justice guidance on profiling and the recommendations of the Interim Report of the President's Task Force on 21st Century Policing, **expand the ban on racial profiling to include profiling based on gender, gender identity, and sexual orientation.**

As members of Black communities, communities of color, American Indian and Alaska Native peoples, homeless and low-income communities, and immigrant communities, women and LGBT people of color experience discriminatory policing in many of the same ways as other members of communities of color, as well as in ways that are specific to their gender, gender identity and/or sexual orientation.ⁱ A recent national survey of LGBT people found that one fourth of respondents who had contact with police experienced at least one type of misconduct or harassment, including profiling, false arrests, verbal or physical assault, or sexual harassment or assault.ⁱⁱ LGBT people of color, LGBT people under 30, low-income LGBT people, and transgender respondents were much more likely to report police misconduct or harassment than their counterparts.ⁱⁱⁱ LGBT people of color were five times more likely to be asked about their immigration status than white LGBT respondents.^{iv} Across the country, non-heterosexual youth are more likely to be stopped by the police and experience greater criminal justice sanctions not explained by greater involvement in violating the law or engaging in transgressive behavior. Further, analysis of stop and frisk data for New York City reveals that the racial disparities in stops, frisks and arrests are identical for women and men.

It is therefore critical that both ERPA's profiling ban and the enforcement mechanisms it creates address the multiple ways that people of color experience racial profiling, including profiling based on gender, gender identity and sexual orientation. The End Racial Profiling Act has always been an important piece of legislation for women and for the LGBT community, and we are grateful that the End Racial Profiling Act of 2015 recognizes that racial profiling often takes gender and sexuality-specific forms, and offers comprehensive remedies that will ensure that *all* members of our communities will be protected from all of the forms of racial profiling we experience.

We thank you for your leadership in championing this legislation that will bring us closer to the promise of equal protection of laws for all.

Sincerely,

American Civil Liberties Union
Arab American Association of New York
Black and Pink
Branching Seedz of Resistance
BreakOUT
Brooklyn Movement Center

Center for Constitutional Rights
Center for HIV Law and Policy
Center for Popular Democracy
Colorado Anti-Violence Project
ColorOfChange
Committee Against Anti-Asian Violence (CAAAV)
Community Justice Project, Inc.
Ella Baker Center for Human Rights
Equity Project
Gay-Straight Alliance Network
Gender Justice LA
Global Action Project
Lambda Legal
Legal Aid Society
Missourians Organizing for Reform and Empowerment
National Asian Pacific American Women's Forum
National Black Justice Coalition
National Center for Lesbian Rights
National Center for Transgender Equality
National Coalition of Anti-Violence Programs
National Latina Institute for Reproductive Health
National LGBTQ Task Force
National Queer Asian Pacific Islander Alliance
Out Now
Picture The Homeless
Providence Youth Student Movement
Streetwise and Safe
VOCAL
Young Women United

ⁱ Christy Mallory, Amira Hasenbush, Brad Sears, *Discrimination and Harassment by Law Enforcement Officers in the LGBT Community*, (The Williams Institute, 2015), available at: <http://williamsinstitute.law.ucla.edu/category/research/violence-crime/>; Lambda Legal, *Protected and Served?* (2014), available at: <http://www.lambdalegal.org/protected-and-served/police>; BreakOUT! and National Council on Crime and Delinquency, *We Deserve Better: A Report on Policing by and For Queer and Trans Youth* (2014), available at <http://www.youthbreakout.org/sites/g/files/g189161/f/201410/WE%20DESERVE%20BETTER%20REPORT.pdf>; Joey L. Mogul, Andrea J. Ritchie, and Kay Whitlock, *Queer (In)Justice: The Criminalization of LGBT People in the United States* (Boston: Beacon Press, 2011); Make the Road New York, *Transgressive Policing: Police Abuse of LGBTQ Communities of Color in Jackson Heights* (2012), available at http://www.maketheroad.org/pix_reports/MRNY_Transgressive_Policing_Full_Report_10.23.12B.pdf; Frank H. Galvan and Mohsen Bazargan, *Interactions of Latina Transgender Women with Law Enforcement* (Bienestar, 2012), available at <http://williamsinstitute.law.ucla.edu/wp-content/uploads/Galvan-Bazargan-Interactions-April-2012.pdf>; Brett G. Stoudt, Michelle Fine, and Madeline Fox, *Growing Up Policed in the Age of Aggressive Policing Policies* (New York Law School Law Review, vol. 56 2011-2012); Kathryn E. W. Himmelstein and Hannah Brückner, *Criminal-Justice and School Sanctions Against Nonheterosexual Youth: A National Longitudinal Study*, (American Academy of Pediatrics, 2011); Amnesty International, *Stonewalled: Police Abuse and Misconduct Against LGBT People in the United States* (2005), available at <http://www.amnesty.org/en/library/asset/AMR51/122/2005/en/2200113d-d4bd-11dd-8a23-d58a49c0d652/amr511222005en.pdf>

ⁱⁱ Lambda Legal, *Protected and Served?* (2012), available at <http://www.lambdalegal.org/protected-and-served>

ⁱⁱⁱ Id.

^{iv} Id.

^v Kathryn E. W. Himmelstein and Hannah Brückner, *Criminal-Justice and School Sanctions Against Nonheterosexual Youth: A National Longitudinal Study*, (American Academy of Pediatrics, 2011).