

What's this cop thing about?

Why is it that cops are so likely to be abusing us when they are supposed to be here to protect us? Most of us know cops who we like and think of as good people; so why is it that we get harassed so much?

One reason may be that individual officers are transphobic and therefore react to us in an abusive manner.

Another reason may be that we are wrong to assume that the police are here to protect us. Think about it. Police mostly protect property. One way to protect property is to protect the status quo.

But, the status quo in this country isn't just about property. It's also about gender and sexuality. While cops are protecting landlords and business owners, they are also protecting rigid definitions of gender and sexuality.

This used to mean pushing us into poor neighborhoods. Now, as the city gentrifies, it means trying to push us out altogether. The order to "clean up the streets" is interpreted to mean "clear out the trannies."

How do I protect myself?

The most important thing you can do is collect information. Write down names of cops and any witnesses involved. Make sure that any complaint you make to a cop or in a jail is documented by yourself AND the person to whom you're complaining. This information will be useful if you decide to file any type of complaint down the road.

2

Who is TransAction?

We're a group of Transgender and Transsexual (TG/TS) activists and our friends committed to exposing and ending the police misconduct and violence that our community experiences.

If you are interested in these issues, we encourage you to join with us. You can work on a number of different projects including leading workshops to inform people of their rights. You can call us at the below number or reach us via e-mail at [REDACTED] or the web at www.transactionsf.org.

Where can I get help?

TRANSACTION PoliceWatch
(415) 777-5500 x302 (415) 951-4844

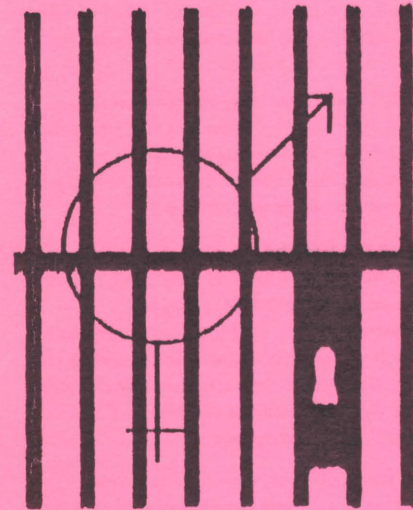
Community United Against Violence
(415) 777-5500

This brochure was provided to you by:

COMMUNITY UNITED AGAINST VIOLENCE
973 MARKET STREET, SUITE 500
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Cops are locking up Trannies!



So you better Know Your Rights.

Another fine publication from:

TRANSACTION

What's going on?

Well, it's a good news, bad news story.

Good News

San Francisco has some of the best laws in the country protecting transgender and transsexual people from discrimination.

Bad News

San Francisco Police Department doesn't follow them!

Good News

Knowledge is power. Knowing your rights may not always help you but in those instances when it doesn't at least you'll be prepared to get the information necessary to file a complaint or a law suit down the road.

Bad News

Civil rights are all well and good, but it's important to remember that if a cop really wants to bust you or "check your genitalia" she or he will more than likely find a way, usually an illegal one, to do so.

Who's it happening to?

A majority of us have some kind of problem when interacting with the police. That problem can vary from the high profile kinds of misconduct that make the news to the low-level harassment which happens on a daily basis. And while any of us can be targets for constant harassment, those of us who are low-income and/or people of color are targeted more frequently.

1

Cop Stops

Questioning and Detaining

A cop can ask you questions.

You don't HAVE to answer unless a cop detains you.

A cop must have reasonable suspicion that you are involved in a crime to detain you. Always ask, "am I being detained?" If the cop says "no" you can walk away or ignore any questions.

If the cop says "yes," you are required to produce identification and current address, but nothing else.

You can be pat-down if the officer believes her or his safety is jeopardized by you

or

if she/he is pretty sure that you are carrying a weapon or illegal contraband.

Addressing us

At all times during a non-violent encounter with citizens, officers are required to be polite and to address you as you choose to be addressed. If you are presenting as a woman, you must be addressed verbally and in written reports as a woman regardless if a cop thinks otherwise.

AKAs

If you have had your name and gender status updated on your identification, an officer may ask you if you are the same person as your AKA. But, the officer MAY NOT ask you if you are transgender or transsexual and must refer to you by your new name (i.e. if you are now Duane, an officer cannot refer to you as Darlene).

3

At the station house

If you haven't already been "clocked" it can, and often does, happen once you are in custody. This presents some problems:

Jail Housing

Cops can lock you up with folks who have similar genitalia as you do. Therefore, if you have a penis, you can be locked up with the men. If you have a vagina you can be locked up with women.

At the same time, they are required to maximize safety. If you feel that your safety is at risk in the housing you have been assigned, make sure to tell someone and get their name while you are at it.

"Gender Checks"

If police "aren't sure" of your gender, they can do some limited investigation. However, if they start to ask you questions which you are uncomfortable answering you have the right to be interviewed by a health care worker instead of an officer. You should request this right.

For some officers, the whole interview process is too time consuming so they'll go directly for the crotch. Yours that is.

As you read before, the police have some rights to search you. But time and again, police officers use both pat-down and strip searches just to identify genitalia. If you are being charged with a misdemeanor, this is always illegal. Unfortunately, if you are being charged with a felony the cops can strip search you for almost any reason.

4

Jail Time

Many of the concerns around housing and searches which happen at police stations also happen in San Francisco County Jails. Your rights are very similar, but due to the amount of time a jail stay generally involves another problem arises: hormones.

Hormone Availability

Hormones are available through the Public Health Unit which serves county inmates. When you first enter the jail system, you'll need to fill out a "medical needs form" just as you will for any other medical need you have. Not being provided with hormones is a form of abuse!

Prior medical history

Hormones are provided to everyone who has a medical history of being prescribed hormones before being incarcerated.

Street hormones

Of course, some of us can only get hormones on the streets and therefore don't have a prior medical history. The current policy of the public health unit is to provide hormones to everyone who has obviously been on them prior to incarceration.

Trouble getting them

If you have any difficulty getting your hormones, ask to speak directly with a Public Health worker. She or he should be more sympathetic than the average corrections officer. At the very least, your complaint will begin to establish a paper trail of the abuse you are suffering.

5

Staying in the U.S.

While the SFPD is a major concern for many of us, some of us have as much, if not more, to fear from the INS. Primarily targeting Latino/a and Asian Immigrants, INS often does sweeps on people's places of employment, their homes, and their bars or clubs.

The SFPD and the INS

The SFPD will often use the threat of calling the INS to get us to do what they want. But San Francisco has a law which says the SFPD can not report anyone to the INS. Therefore, legally, these are empty threats.

Unfortunately, that doesn't mean you shouldn't take them seriously. Cops often find ways to get information to the INS through friends and relatives. So while they can't legally turn you in, it is possible that a pissed off cop can still cause trouble for you.

Asylum

One of the best ways to get clear of the INS is to get documentation. More and more of us are being granted asylum based on our gender identity. If you are from a country where you would be the victim of official abuse or torture due to your gender identity you could qualify for asylum.

The International Lesbian and Gay Human Rights Commission in San Francisco (415 255-8680) has begun to provide free legal advice to transgender and transsexual people filing for asylum. Call them for information on their free legal clinics.

6