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Policing the Rainbow: Sexual and Gender Minority Experiences and Perceptions of Law Enforcement

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Introduction

        LGBTQ+ people have faced a long history of criminalization and over-policing. Over the course of the 20th century, raids on gay bars were common and often resulted in the mass arrest of LGBTQ+ patrons (Lvovsky 2021). Indeed, one such raid on the Stonewall Inn in New York City on June 28, 1969 became a catalyst for the modern LGBTQ+ movement (then called the "gay rights movement"). Yet even before Stonewall, queer and trans people confronted law enforcement's unfair practices against the LGBTQ+ community in demonstrations at the Black Cat Tavern in Los Angeles and Compton's Cafeteria in San Francisco, the latter of which was notably led by trans women (Silverman and Stryker 2005). Moreover, during much of the 20th century, laws prohibited the gathering of LGBTQ people, the wearing of clothes of the "opposite" sex, and same-sex intimacy (this final prohibition was not lifted until the *Lawrence v. Texas* Supreme Court decision in 2003). In other words, skirmishes with law enforcement have been at the center of the struggle for LGBTQ+ rights for more than 100 years.

        Nevertheless, during the late-20th and early-21st centuries, laws criminalizing LGBTQ+ people have largely been repealed or fallen into disuse, while new laws meant to protect LGBTQ+ people—such as hate crimes statutes and anti-discrimination ordinances—have been put in place. At the same time, police departments across the country have made efforts to improve relations with LGBTQ+ communities by, for example, engaging in community policing of LGBTQ+ neighborhoods and instituting LGBTQ+ liaison officers (Dwyer 2014; Mallory, Hasenbush, and Sears 2015; Wolff and Cokely 2007).

        While we have seen attempts to improve LGBTQ-police relations and offer new protections to LGBTQ+ communities, LGBTQ+ people continue to be over-criminalized through other avenues, such as laws aimed at sex workers (Goldberg et al. 2019). Laws criminalizing poverty and the over-policing of less economically advantaged neighborhoods also disproportionately harm LGBTQ+ people—particularly LGBTQ+ youth and LGBTQ+ people of color—who are more likely to experience poverty (Goldberg et al. 2019). We are also increasingly witnessing new efforts to criminalize LGBTQ+ people, including transgender bathroom bans, prohibitions on drag performances, and the banning of books with LGBTQ+ content. Indeed, according to the Human Rights Campaign, more than 500 anti-LGBTQ+ bills were introduced in 2023 alone.[1]

        Thus, despite new protections, LGBTQ+ people continue to have disproportionate contact with law enforcement (Luhur, Meyer, and Wilson 2021), endure disproportionate harm from the criminal justice system (Mogul, Ritchie, and Whitlock 2011; Somjen et al. 2023) and are incarcerated at three times the rate of the general population (Meyer et al. 2017). Studies conducted by academics, human rights groups, and advocacy organizations alike consistently find that LGBTQ+ people—and especially LGBTQ+ people of color—experience profiling and discriminatory treatment by law enforcement agents based on actual or perceived sexual orientation, gender, or gender identity/expression (Hanssens et al. 2014; Somjen et al. 2023). For instance, a recent national survey found that 6% of LGBQ people (compared to 1% of the general population) reported being stopped by the police in

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[1] https://www.hrc.org/press-releases/roundup-of-anti-lgbtq-legislation-advancing-in-states-across-the-country

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a public space (Luhur et al. 2021). Even more glaringly, the 2016 U.S. Transgender Survey—a national non-probability-based survey of trans and gender diverse people—found that 40.3% of respondents reported having interacted with the police in the past year, compared to only 21% of the general population who reported the same (Stenersen, Thomas, and McKee 2022). Similarly, a recent survey of LGBTQ+ people by Lambda Legal and Black & Pink found that Black and multiracial LGBTQ+ people were more likely to have had contact with police in the last 5 years than white LGBTQ+ people and were also more likely to have experienced police misconduct during those interactions (Somjen et al. 2023).

Given these experiences, it is perhaps unsurprising that studies also find that LGBTQ+ people, compared to non-LGBTQ+ people, are less satisfied with their interactions with police and more reluctant to engage with law enforcement (Dario et al. 2020; Fileborn 2019; Miles-Johnson 2013; Owen et al. 2018; Shields 2021). As Colin P. Ashley, an organizer with the Reclaim Pride Coalition in New York City, told the *New York Times*, "For us, Stonewall is connected to a larger system of structural violence that includes mass incarceration... [T]hese institutions haven't really figured out how to deal with trans and queer people at all, or with people of color, and so they end up disproportionately harming them" (quoted in Stack 2019).

Taking this context as its backdrop, this report offers insights from the most comprehensive study of LGBTQ-police relations to-date.

Goals
The study seeks to understand LGBTQ experiences and perceptions of law enforcement. This will aid in identifying more effective community policing strategies, improving police service delivery, and increasing police legitimacy in marginalized communities.

Objectives
- Develop and field the first ever survey on LGBTQ people's attitudes toward and experiences with law enforcement that uses a nationally representative probability sample.
- Select respondents from the larger survey for follow-up in-depth qualitative interviews to more fully understand LGBTQ experiences with and perceptions of law enforcement.
- Disseminate this work through academic publications and reports and the popular press.
- Make this data set available to the general public at the end of the grant period as a resource for future research and replication.
- Develop a training module on interacting with and serving the LGBTQ community that can be used by law enforcement agencies and personnel.

Research questions
- What occurs in LGBTQ-police interactions? How do LGBTQ people experience those interactions?

- What are LGBTQ people's perceptions of law enforcement and (how) do they differ from those of non-LGBTQ people and across demographic groups within the LGBTQ population?
- Do differential experiences and perceptions engender different attitudes toward law enforcement for LGBTQ compared to non-LGBTQ people or for various demographic groups within the LGBTQ population?
- How does the likelihood of reporting crime or victimization differ between LGBTQ and non-LGBTQ populations and among various demographic groups within the LGBTQ community?
- Based on understanding these relationships, what are best practices for law enforcement interacting with LGBTQ people, and how can we best improve policing of LGBTQ communities and relations between law enforcement and the LGBTQ community?

Research design, methods, and analytical techniques
- This was a mixed methods study using a survey fielded to a national probability sample of both LGBTQ (N=798) and non-LGBTQ (N=682) people and in-depth interviews with a subset of survey respondents (N=59).
- Survey data were analyzed using various statistical approaches, including bivariate analyses (e.g., t-tests, chi-square tests) and regression analyses (e.g., linear regression and logistic regression).
- Qualitative data was thematically coded using Atlas.ti qualitative data analysis software.

To understand LGBTQ people's experiences with and perceptions of police, we fielded a survey to a nationally representative probability sample of both LGBTQ (N = 798) and non-LGBTQ individuals (N = 682), with a significant oversample of LGBTQ people.

The survey covered the following topics:
- Concern with crime
- Experiences with police and the content of those interactions, including whether respondent experienced mistreatment
- Friend and family experiences with police
- Perceptions of procedural justice in police interactions
- Perceptions of the legal system broadly and police specifically
- Willingness to engage with police in the future
- Crime victimization experiences
- Media exposure
- Views of one's community
- Views on social issues and police reform
- Demographic information

The survey was fielded in August of 2022 using NORC's AmeriSpeak Panel. The AmeriSpeak Panel is representative of approximately 97% of U.S. households. The sample was selected using 48 sampling strata based on age, race, Hispanic ethnicity, education, and gender. Black and Hispanic panelists were oversampled to ensure adequate representation. The survey was offered in English and Spanish and available for either an online or phone response. To encourage study participation, NORC sent email and SMS reminders to sampled panelists throughout the fielding period. Participants were compensated as members of the AmeriSpeak Panel. Out of the 5,886 invited panelists, a total of 1,598 respondents (27.1%) completed the survey and took on average 17 minutes to complete it. For most of the analyses we conducted, we draw on 1,480 completed surveys in which respondents answered both the sexual orientation and gender identity questions.

Additionally, we conducted 59 in-depth interviews with a subset of survey respondents. Respondents to our survey (described below) could indicate whether they were willing to be contacted for a follow-up interview. Of 798 LGBTQ survey respondents, 366 indicated a willingness to be interviewed. From that pool, we drew a sample that was diverse in terms of race, gender, sexual identity, and political ideology. If a respondent did not respond after three email attempts to be contacted or declined to participate, we sought to replace them with a demographically similar respondent. We attempted to oversample transgender respondents, people of color, and conservative respondents due to these groups' lower representation among respondents willing to be interviewed. All interviews were conducted via Zoom by a team of researchers, including the PI and co-PI and three trained research assistants. Interviews lasted approximately 1 hour and were audio recorded and transcribed for analysis. Interviews covered individuals' backgrounds and engagement with LGBTQ communities, most memorable and most recent experiences with police, willingness and comfort with engaging with police, and holistic views of the police and LGBTQ-police relations.

Expected applicability of the research
Findings from this study can aid in enhancing law enforcement's relationship to the LGBTQ community by identifying more effective community policing strategies, improving police service delivery, and increasing police legitimacy in the eyes of marginalized communities.

From this research, we derived the following recommendations regarding police conduct in relation to LGBTQ communities:
- Discontinue policies and practices that require or incentivize officers to engage in aggressive tactics, such as quotas for citations or arrests, to reduce negative encounters between police and community members.
- Adopt and enforce specific policies and practices that ensure fair and equitable treatment of LGBTQ+ people, including nondiscrimination and anti-harassment policies.
- Implement strong oversight of police policy and practice with meaningful community involvement to ensure police are held accountable for violations and mistreatment of LGBTQ+ people.

- Implement internal audits and external reporting systems that review police encounters with LGBTQ+ people and that require corrective action when warranted.
- Develop systems for the routine collection of accurate data on a range of police practices. Identify and implement best practices for accurate collection of demographic data of individuals stopped, searched, detained, and/or arrested by law enforcement, such as sexual orientation, gender identity, and race/ethnicity.

Participants and collaborating organizations
- NORC at the University of Chicago
- University of California, Irvine
- University of Illinois Urbana-Champaign

Changes in approach from original design
Due to unexpected staffing changes and budgetary limitations, we were unable to complete the proposed training module. More specifically, we unexpectedly lost three of our research assistants over the course of the project and had to retrain new staff, which used up both considerable time and money. As a result, we were unable to produce that final deliverable.

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Outcomes

Activities and accomplishments

- Developed and fielded the first-ever survey of LGBTQ and non-LGBTQ people to use a national probability sample on questions of experiences with, perceptions of, and attitudes toward law enforcement.
- Conducted 59 in-depth interviews with a subset of LGBTQ survey respondents.
- Funded and trained 5 graduate student research assistants on the project.
- Presented findings from the project at 13 conferences, universities, and public venues.
- Published a scholarly article in *Contexts* and prepared 5 other manuscripts to be sent out for publication in peer-reviewed journals.

Key results and findings from survey

Despite a higher likelihood of crime victimization among LGBTQ+ people, they exhibit a lower likelihood of reporting such incidents (74.3%) than non-LGBTQ+ people (80.8%), especially among those with intersecting marginalized identities.

- Lesbian and gay (81.0%) people are more likely to report their victimization to the police than bisexual (77.1%) and queer+ (61.6%) people.
- Within the LGBTQ+ community, transgender people (42.1%) and nonbinary+ people (52.4%) are about half as likely as cisgender men (82.4%) and women (77.3%) to have reported their victimization to the police even though, as a group, their victimization rates are higher.
- As a whole, Black LGBTQ+ people report their victimization to the police at similar rates as white LGBTQ+ people. However, when further disaggregated by gender, Black cisgender men have some of the highest rates of reporting, whereas Black transgender people have some of the lowest rates of reporting.

Although LGBTQ+ people are less likely than non-LGBTQ+ people to have reported prior victimization to the police, they are more likely to have requested emergency or non-emergency police services.

- Approximately one-quarter of LGBTQ+ people (25.1%), compared to 19.3% of non-LGBTQ+ people, requested police aid in the prior twelve months. Over 50% of all LGBTQ+ people (53.5%) requested assistance at some point in their life, compared to 41.3% of non-LGBTQ+ people.
- Among sexual minorities, bisexual people (57.1%) are more likely to have requested police assistance at some point in their lives compared to lesbian and gay people (46.6%).

Compared to non-LGBTQ+ people (14.6%), LGBTQ+ people (21.0%) experience higher rates of police-initiated contact, including being stopped, searched, arrested, or held in custody.

- Lesbian and gay respondents (15.0%) experienced similar rates of police-initiated contact in the prior 12 months as their non- LGBTQ+ counterparts. However, one-quarter of all bisexual people (25.0%) had police-initiated contact.
- Transgender people (32.8%) are more likely to have had police-initiated contact in the past 12 months compared to cisgender LGBTQ+ men (17.1%) and women (22.4%).
- LGBTQ+ people of all racial groups, except LGBTQ+ people who are Asian, report higher rates of police-initiated contact over the course of their lives compared to their non-LGBTQ+ counterparts.

LGBTQ+ people contend with more adverse treatment by police than non-LGBTQ+ people. This is particularly pronounced among bisexual, transgender, and nonbinary+ people, who are more susceptible to experiencing insulting language and physical force from the police.
- Whereas lesbian and gay respondents (12.3%)— especially cisgender men and women—report experiencing insulting language only slightly more often than non-LGBTQ+ people (9.9%), more than one-fourth of all bisexual and queer+ respondents (25.4% and 26.8%, respectively) have experienced insulting language during a police interaction.
- Transgender and nonbinary+ respondents (44.9% and 33.1%) are significantly more likely than LGBTQ+ cisgender men (14.6%) to have experienced insulting language by the police.
- Black transgender people were the most likely to have experienced physical force by the police among all LGBTQ+ people by race. This is in line with extant research revealing high levels of police violence directed at transgender communities, often due to transphobia among law enforcement officers and misguided policies that encourage police to target suspected sex workers (e.g., Carpenter and Marshall 2017).

LGBTQ+ people are less likely to perceive their most recent police interaction as procedurally just compared to their non-LGBTQ+ counterparts.
- Bisexual and queer+ people report lower perceptions of fairness in their recent interactions with police than gay and lesbian people. Additionally, transgender and nonbinary+ people report worse perceptions of fairness than cisgender LGBQ+ people.
- Among LGBTQ+ people, Asian LGBTQ+ people report the highest perceptions of procedural justice. Black LGBTQ+ people and LGBTQ+ people who are multiracial or of "another race"i report significantly lower perceptions of procedural justice than their Asian counterparts.
- When comparing LGBTQ+ and non-LGBTQ+ identity within racial groups, there are substantial differences among all racial groups, except Black respondents, in perceptions of procedural justice. Thus, being LGBTQ+ negatively impacts all racial groups except among Black people, suggesting that race is a more substantial factor than LGBTQ+ identity for Black people in relation to law enforcement interactions.

A higher prevalence rate of LGBTQ+ people's negative encounters with the police is accompanied by less trust in police within the LGBTQ+ community.

- Lesbian and gay respondents report significantly better perceptions of the police than their bisexual and queer+ counterparts.
- Among LGBTQ+ people, cisgender men report the highest police legitimacy scores, and transgender and nonbinary+ people report significantly lower scores. Perceptions of police legitimacy are even lower among LGBTQ+ people who experience further marginalization because of their race and socioeconomic status.
- Black and Hispanic LGBTQ+ people report significantly lower perceptions of police legitimacy compared to white LGBTQ+ people. However, Asian LGBTQ+ people report the highest police legitimacy scores when comparing across race.

At the aggregate level, LGBTQ+ people are less willing to call the police for help in the future compared to non-LGBTQ+ people, and there are important differences based on sexual orientation and gender.
- Lesbian and gay people (80.4%) are almost as likely to say they would call the police for help as non-LGBTQ+ people (86.9%). However, 68.5% of bisexual and 60.2% of queer+ people indicate that they would call the police for help in the future.
- Transgender respondents (61.3%) are far less likely than cisgender LGBTQ+ men to call the police for help in the future, and approximately one-quarter of nonbinary+ people (27.4%) are willing to call the police for help. Cisgender LGBTQ+ women (71.5%) are also less likely to call the police for help than cisgender LGBTQ+ men.
- Among LGBTQ+ people, there is no significant difference between willingness to call the police for help between Black (77.0%) and white (74.1%) people. However, Hispanic LGBTQ+ (57.8%) people are significantly less likely to call the police for help in the future than their white counterparts.
- LGBTQ+ people with high socioeconomic status (SES) (83.1%) are significantly more likely to call the police for help than are LGBTQ+ people with low SES (67.9%).

Limitations
- Small sample sizes of some subgroups (e.g., Black transgender men) do not allow for detailed statistical analyses.
- Despite attempting to oversample transgender people for the qualitative interviews, we were unable to recruit transgender people of color for that part of the research.

Key results and findings from in-depth interviews
In-depth interviews revealed that LGBTQ people are highly ambivalent toward the police. We identified several cultural frames through which LGBTQ people make sense of their interactions with police and can legitimate both engaging and avoiding the police.
Our findings indicate that interviewees drew on six distinct rationales to make sense of and justify their decisions to either engage with or not engage with police. These

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rationales, defined below in Table 1, can have both positive and negative valences (with the possible exception of "pointless police"). For instance, the "pragmatic" explanation captures instrumental or practical logics for reporting to or interacting with the police and could justify both engaging and not engaging. That is, an interviewee might report that they would (or did) call the police as a means to a practical end for themselves, such as needing a police report for insurance purposes after a car accident or burglary. Conversely, they may have used this rationale to justify not calling the police for assistance because they were drunk driving or otherwise feared they might get in trouble if they interacted with police. Notably, some of these rationales (or something akin to them) have been identified by other authors. The pragmatic logic, for example, is similar to Bell's "institutional navigation" rationale (Bell 2016). Others differ or have not been discussed in the literature.

Findings also suggest that distinct sets of frames are evident along axes of social difference. For example, bisexual and queer+ (i.e., those identifying outside of traditional lesbian, gay, or bisexual labels) people were most likely to invoke the "political" and "pointless" logics." Transgender people were most likely to invoke "pragmatic," "political," and "peril" rationales. Similarly, White individuals were most likely to deploy the "political" and "pragmatic" rationales, while Black people indicated "pointless police" and "pragmatic" at similar rates. Hispanic individuals were most likely to say "pointless police" or "peril."

The differing deployments of these logics suggest that they may cluster in particular ways to produce distinct "repertoires of reporting" that vary across axes of social difference. It also suggests disparate orientations toward the police along multiple dimensions of identity that have not been fully explored before.

Table 1 – Cultural frames of action

Analytic Code	Definition
Pragmatic	Any instrumental and/or practical logic for reporting/interacting (or not) with the police reported by the interviewee. The interviewee reports that they would (or would not) call the police as a means to a practical end for themselves.
Protective	Interviewee would (or did) contact the police on behalf of someone else in particular (e.g., my son, my friend, etc.) who they perceived as needing help or safeguarding OR they did not contact the police because they were shielding someone they perceived would be harmed by the police.
Political	Interviewee indicates that they did or did not report for ideological reasons (i.e., reasons that are specifically and explicitly about the police and/or state power, power imbalances, or systemic inequalities). The interviewee may say they did report for ideological reasons, such as the belief that they were the best person to report because of their race, gender, etc. Conversely, they may not report due to ideological reasons, such as not wanting to get a Black man involved in the criminal legal system.

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Pointless police	Interviewee reports that they would not call the police because the police would not (or did not) help or would not respond or that the police response would be ineffectual. This indicates that the interviewee has some expectation of the police that would not be met or were not met. Interviewee may also report to police but not expect an effective or desired police response.
Personal responsibility	Interviewee indicates either that they believe they can/should handle situations without the police if at all possible (e.g., they were raised to handle problems on their own or not snitch) OR conversely, that they believe it is their responsibility to report crimes in order to help the police (e.g. I was taught to help the police/call 911 when there is a problem).
Peril	Interviewee discusses a risk or danger calculation in their decision to report or not to the police, indicating explicitly that their decision depends on the level of risk, danger, or seriousness.

Summary of results

Although police departments throughout the United States have implemented numerous LGBTQ+ specific programs and policies, disparities persist in police interactions within the LGBTQ+ community, albeit in varying ways. While LGBTQ+ people generally differ from their non-LGBTQ+ counterparts in various aspects, the findings reveal that LGBTQ+ experiences with and perceptions of the police are not homogenous. Rather, the findings presented in this report point to significant variation based on gender and sexual orientation. Disparities among LGBTQ+ people who are bisexual, queer+, transgender, and nonbinary+ are profound; they report more adverse experiences, including experiencing insulting language and physical force, and hold more negative perceptions of the police compared to their gay and lesbian counterparts. LGBTQ+ people who are further marginalized by race/ethnicity and SES face disproportionate interactions with the police, including negative experiences associated with those interactions. Similarly, preliminary findings from in-depth interviews suggest that LGBTQ+ people of various intersecting identities orient to the police in different ways, with consequences for whether and how they interact with police.

<div align="center">**Artifacts**</div>

Publication
- Vogler, Stefan and Valerie Jenness. 2023. "LGBTQ People's Views of the Police: Friend or Foe?" *Contexts* 22(3):68-70. https://doi.org/10.1177/15365042231192503

Website
- www.policingtherainbow.com

Data sets
- Data from the survey of LGBTQ (N=798) and non-LGBTQ (N=682) people is archived with NACJD.
- Data from the qualitative interviews of a subset of LGBTQ survey respondents (N=59) is archived with NACJD.

Dissemination activities
Conference presentations:
- Vogler, Stefan and Valerie Jenness. "Gender Policing and Willingness to Report Crime Victimization Among LGBTQ People." Annual Meeting of the American Criminological Society, Philadelphia, PA, November 2023.
- Vogler, Stefan and Valerie Jenness. "The Social Ecology of Willingness to Report Victimization Among LGBTQ People." Annual Meeting of the American Sociological Association, Philadelphia, PA, August 2023.
- Jenness, Valerie and Stefan Vogler. "Policing the Rainbow: An Empirical Examination of LGBTQ+ People's Perceptions of Police as Friend or Foe in the Context of 'Trust of Government'". Presented at the annual meeting of the International Sociological Association. Melbourne, Australia. June 2023
- Jenness, Valerie and Stefan Vogler. "Policing the Rainbow: A National View of LGBTQ+ People's Experiences with Law Enforcement and Perceptions of Police as Friend or Foe." Presented at the annual meeting of the Pacific Sociological Association. Bellevue, Washington. March 2023

Legislative Bodies, Government Organizations, and Non-Profit Organizations:
- Jenness, Valerie. June 2023. "A National Study of LGBTQ+ People's Experiences with and Perceptions of the Police: Select Findings and an Opportunity for Research in Los Angeles." Presented at the LGBT Center. Los Angeles, California.
- Jenness, Valerie. June 2023. "Policing the Rainbow: Contextualizing and Understanding LGBTQ+ People's Perceptions of the Police." Presented at the PRIDE celebration at Richard J. Donovan Correctional Facility. San Diego, California.
- Jenness, Valerie. March 2023. "Policing the Rainbow: A National Survey to Capture LGBTQ Experiences with Law Enforcement." Los Angeles Police Department and LGBTQ+ Working Group. Los Angeles, California.

Colleges/Universities:

- Vogler, Stefan. "Gender Policing and Willingness to Report Crime Victimization Among LGBTQ People." University of Chicago Critical Social Science Workshop. November 2023.
- Vogler, Stefan. "Gender Policing and Willingness to Report Crime Victimization Among LGBTQ People." American Bar Foundation Colloquium. October 2023.
- Jenness, Valerie. "Policing the Rainbow: Understanding LGBTQ+ People's Experiences with Law Enforcement, Perceptions of Police as Friend or Foe, and Willingness to Report Crime and Victimization." Presented to Vanderbilt University Sociology Department and LGBT Policy Lab. September 2023
- Jenness, Valerie. "Policing the Rainbow: Understanding LGBTQ+ People's Experiences with Law Enforcement and Perceptions of Police as Friend or Foe." The School of Social Sciences. Monash University. Melbourne, Australia. June 2023.
- Jenness, Valerie. "Policing the Rainbow: LGBTQ+ People's Experiences With & Perceptions of the Police. University Forum Public Lecture. University of Nevada, Las Vegas. Las Vegas, Nevada. February 2023.

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