
CENTERING BLACK WOMEN, GIRLS, GENDER NONCONFORMING PEOPLE AND FEM(ME)S IN CAMPAIGNS FOR EXPANDED SANCTUARY AND FREEDOM CITIES



A Policy Brief by
Andrea J. Ritchie and Monique W. Morris, Ed.D.
National Black Women's Justice Institute
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ABOUT THE MS. FOUNDATION

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ABOUT THE NATIONAL BLACK WOMEN'S JUSTICE INSTITUTE

The National Black Women's Justice Institute (NBWJI) is a nonprofit organization focused on reducing racial and gender disparities across the justice continuum affecting cisgender and transgender Black women, girls, and their families, by conducting research, providing technical assistance, engaging in public education, promoting civic engagement, and advocating for informed and effective policies.

ABOUT THE AUTHORS

Monique W. Morris, Ed.D. is an award-winning author and social justice scholar with nearly three decades of experience in the areas of education, civil rights, juvenile and social justice. Dr. Morris is the author of *Pushout: The Criminalization of Black Girls in Schools* (The New Press, 2016), *Black Stats: African Americans by the Numbers in the Twenty-First Century* (The New Press, 2014), and *Too Beautiful for Words* (MWM Books, 2012). She worked with Kemba Smith on her book, *Poster Child: The Kemba Smith Story* (IBJ Book Publishing, 2011) and has written dozens of articles, book chapters, and other publications on social justice issues and lectured widely on research, policies, and practices associated with improving juvenile justice, educational, and socioeconomic conditions for Black girls, women, and their families.

Andrea J. Ritchie is a Black lesbian immigrant, attorney, policy advocate and consultant, and a Researcher in Residence on Race, Gender, Sexuality and Criminalization at the Barnard Center for Research on Women. She is a nationally recognized expert and sought after commentator on policing issues, and the author of *Invisible No More: Police Violence Against Black Women* (Beacon Press, 2017) and co-author of *Say Her Name: Resisting Police Brutality Against Black Women and Girls* (AAPF, 2015) and *Queer (In)Justice: Criminalization of LGBT People in the United States* (Beacon Press 2011).

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Designed by Nashiha Alam

EXECUTIVE SUMMARY

In recent decades, as anti-immigrant rhetoric has intensified and policing, detention, and deportations of immigrants have dramatically increased, social movements have responded with calls for the creation of sanctuary spaces, institutions and cities offering protections to immigrants. In response, a growing number of municipalities have declared themselves “sanctuary cities” by enacting administrative policies and legislation limiting collaboration with federal immigration authorities to varying degrees. In the wake of 2017 federal executive orders and a proposed 2018 federal budget advancing an agenda of mass deportation which relies on criminalization of immigrants as both a mechanism and justification for deportation and exclusion, immigrant rights and racial justice groups have issued renewed – and expanded – calls for sanctuary. Progressive legislators and institutions have responded to this call to action – and to attacks on “Sanctuary Cities” by the federal government – by recommitting to protecting immigrant communities.

Organizations like BYP100, Mijente, and Black Alliance for Just Immigration (BAJI) are also going beyond existing frameworks to call for sanctuary for all communities experiencing aggressive criminalization, policing, and incarceration, including and especially Black communities, both immigrant and U.S. born, launching national campaigns for “Expanded Sanctuary” and “Freedom Cities.” Building on municipalities’ and institutions’ declared intentions to resist federal efforts to target immigrants by remaining or becoming “sanctuary cities,” these campaigns call on policymakers – and on all of us – to not only resist egregious federal efforts to coerce cities and counties to participate in discriminatory and harsh immigration enforcement efforts, but also to dream bigger and do more. Expanded Sanctuary and Freedom City campaigns call for an end to all policing and immigration enforcement practices that target Black and Brown communities, immigrant and U.S. born. They also call on us to envision and build the communities we want, through reinvestment of resources away from surveillance, punishment and exclusion and toward addressing community needs. Focusing on shared experiences of racial profiling, criminalization, and exclusion between immigrant and U.S. born Black and Brown communities offers opportunities to build bridges across divides of race, immigration status, gender, sexuality, and faith in a time of division and scapegoating. It also facilitates building strong coalitions rooted in mutual aid and shared commitment to protecting all members of our communities.

A rallying cry of campaigns for Expanded Sanctuary and Freedom Cities has been “Black people need sanctuary too” – referring not only to Black immigrants, but also affirming that non-immigrant Black communities are entitled to protections from police profiling, discriminatory and abusive policing, as well as collaboration between police and other public institu-

tions such as schools and hospitals that contribute to criminalization and mass incarceration, in the same ways that immigrants are entitled to protection. In this policy brief, we expand and deepen that call to say “Black women, girls, gender nonconforming people and fem(me)s need sanctuary too!” and outline a series of concrete steps policymakers, institutions and communities can take to protect Black women, girls, trans and gender nonconforming people.

Often invisible in conversations about profiling, policing, criminalization, mass incarceration and deportation, Black women, girls, and fem(me)s face unique forms and sites of criminalization, state violence, and intra-community violence. It is essential that as we dream of Expanded Sanctuary and Freedom Cities, we center Black women, girls, and femmes in our vision, advocacy, organizing, and implementation. In order to protect Black women, girls, gender nonconforming people and fem(me)s sanctuary cities, institutions, and spaces must:

- ♦ Offer the maximum degree of protection from information sharing and collaboration between police, public and private institutions, and immigration authorities;
- ♦ Protect sensitive locations such as churches, hospitals, health care and birthing facilities, shelters, courtrooms, social service agencies, foster care facilities, schools and other learning institutions and other locations where Black women and girls may be vulnerable to immigration enforcement agents;
- ♦ Decriminalize offenses most likely to funnel Black women and girls into the criminal and deportation systems, including drug offenses, “broken windows” and poverty-based offenses, and prostitution-related offenses, and offenses imposing higher penalties on people living with HIV;
- ♦ Create and support culturally competent pre-arrest diversion programs;
- ♦ Eliminate mandatory arrest policies;
- ♦ Remove police and end criminalization of students in schools and other learning environments;
- ♦ Protect women, girls, trans and gender nonconforming people from gender-specific police abuses including police sexual violence and violations of the rights of trans and gender nonconforming people;
- ♦ Imagine, develop, implement, and assess community-based responses to violence that will ensure safety for Black women, girls, gender nonconforming people and fem(mes) within our families, homes, relationships, communities, and institutions.

Finally, beyond providing sanctuary or building toward freedom by challenging and eliminating immigration enforcement and policing practices that cause harm to Black women, we have a responsibility to create conditions that will ensure safety from interpersonal and intra-communal violence for Black women, girls, gender nonconforming people and fem(me)s.

WHAT ARE CAMPAIGNS FOR EXPANDED SANCTUARY OR FREEDOM CITIES?

This brief identifies and explores policy arenas in which particular attention to the experiences of Black women, girls, gender nonconforming people and fem(me)s¹ - both immigrant and U.S. born - is warranted within the broader context of campaigns for Expanded Sanctuary and Freedom Cities, and outlines specific policy demands that would reduce risk of criminalization, deportation, and harm, while simultaneously increasing safety from multiple forms of violence, for Black women, girls, gender nonconforming people and fem(me)s. These policy recommendations also offer opportunities for organizations working with Black women, girls, and fem(me)s to engage with broader campaigns for Expanded Sanctuary and Freedom Cities.

Origins of Sanctuary Cities

As anti-immigrant rhetoric and immigration enforcement efforts have intensified, so have movements to create and maintain sanctuary spaces, institutions and cities. The modern sanctuary movement traces its roots to the 1980s, when churches served as places of refuge from immigration authorities for Central American immigrants.

As the federal government increased immigration enforcement at the U.S. Mexico border and in the U.S. interior over the ensuing decades, a growing number of municipalities declared themselves “sanctuary cities” by enacting administrative policies and legislation limiting collaboration with federal immigration authorities to varying degrees.² These policies range from refraining from asking residents about immigration status to prohibiting collaboration with immigration enforcement efforts, up to and including requests from Immigration and Customs Enforcement (ICE) to local police or jails to detain immigrants subject to deportation proceedings beyond the period they would normally be held in criminal proceedings. Public discourse and policy makers largely frame “sanctuary” in terms of temporary respite from harsh immigration enforcement practices that violently separate families.

SANCTUARY CITY POLICIES

- ♦ Symbolic declarations of solidarity with immigrant communities;
- ♦ Administrative policies or laws³ prohibiting police officers and/or municipal employees from asking about people's immigration status. In many cities, there are broad exceptions to these rules, such as when a person is suspected of criminalized conduct. In some cities, municipal agencies and forms refrain from requesting information that could be used against individuals by immigration authorities, such as place of birth;
- ♦ Administrative policies or laws prohibiting city agencies from contacting immigration authorities during routine encounters or holding anyone on an immigration detainer⁴ without a warrant issued by a criminal court judge;
- ♦ Administrative policies or laws prohibiting immigration authorities from entering secured areas of local jails without a warrant issued by a criminal court judge;
- ♦ Administrative policies or laws prohibiting use of local resources to aid in immigration enforcement, including prohibitions on participation or collaboration by local law enforcement or other city employees in immigration enforcement actions, and refusal to enter into agreements deputizing local law enforcement agents to enforce federal immigration law⁵;
- ♦ Administrative policies or laws prohibiting immigration agents from being in public institutions or spaces without a warrant issued by a criminal court judge.^{6]}

.....
« *While many officials champion their status as 'sanctuary cities' and have taken meaningful steps to protect immigrant communities, sweeping criminal laws in these places leave many immigrants trapped within an arm's reach of deportation.* » ⁷

Calls for Expanded Sanctuary from BYP100 and Mijente

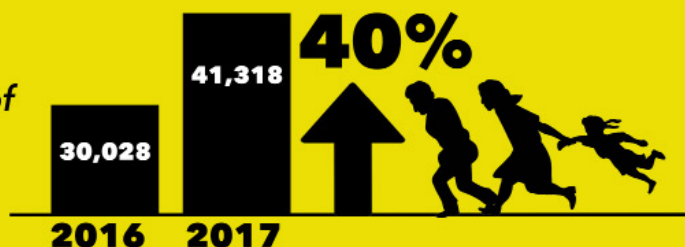
“In addition to local governments finding real ways to limit the federal reach into immigrants’ homes, and putting effective resources into defending and protecting immigrant communities, sanctuary...requires cities to dismantle the current policing apparatus that acts as a funnel to mass incarceration and the deportation machine. »

- Tania Unzueta, Mijente ⁸

In the wake of 2017 federal executive orders and a proposed 2018 federal budget advancing an agenda of mass deportation, mass incarceration, and exclusion, immigrant rights and racial justice groups Mijente and BYP100 have come together in a renewed – and expanded – call for sanctuary for immigrants targeted by expanded and intensified enforcement efforts, which rely on criminalization of immigrants as

IMMIGRATION ARRESTS FROM 2016-2017

From the end of January to the end of April 2017, ICE arrested **41,318 people**, at a rate of more than **400 people** per day.



78%



Since the end of January 2017, ICE has issued roughly **11,000 detainers** a month, a **78 percent** increase over the previous year.

The proposed 2018 budget calls for the hiring of an additional **1,500 immigration agents** at a cost of **\$300 million** and earmarks **\$1.5 billion** for expanding detention and deportation efforts.



x 2

The number of law enforcement agencies participating in 287(g) agreements has doubled since January.

DEMANDS OF BYP100 AND MIJENTE EXPANDED SANCTUARY CAMPAIGN

- ♦ No information sharing or collaboration between municipal institutions, including but not limited to, police, and federal immigration authorities,
- ♦ Reduce police contacts, stops and arrests by eliminating profiling and quotas for tickets and arrests, and by decriminalizing and deprioritizing enforcement of low-level, poverty and survival- related, and drug-related offenses which serve as entry points to the criminal legal and deportation systems;
- ♦ Eliminate gang databases;
- ♦ Eliminate school-based arrests;
- ♦ Eliminate criminal penalties for traffic and regulatory offenses;
- ♦ Increase use of pre-arrest diversion programs;
- ♦ Eliminate or mitigate potential points of contact between criminalized and immigrant communities and immigration authorities, including by ending cash bail;
- ♦ Decrease investment in policing and punishment and increase investment in meeting community needs, including mental health, drug treatment, and employment programs targeted toward marginalized communities, including transgender and gender nonconforming communities.¹³

.....
« *As long as the immigration
and criminal justice systems are
interconnected, creating real sanctuary
cities is an issue of linked fate and real,
practical, principled solidarity.* »

*- Janaé Bonsu,
National Policy Chair,
Black Youth Project 100¹⁴*

both a mechanism and justification for deportation and exclusion.⁹ They are also going beyond existing frameworks to call for sanctuary for all communities targeted by aggressive criminalization, policing, and incarceration, including and especially Black¹⁰ communities, both immigrant and U.S. born.

Building on municipalities' and institutions' declared intentions to resist federal efforts to target immigrants by remaining or becoming "sanctuary cities," current campaigns for Expanded Sanctuary¹¹ call on policymakers – and on all of us – to not only resist federal efforts to coerce cities and counties to participate in discriminatory and harsh immigration enforcement efforts, but also to dream bigger and do more.

Expanded Sanctuary campaigns call for an end to all policing and immigration enforcement practices that target Black and Brown communities, immigrant and U.S. born, and require us to demand safety for all communities under attack. They call on us not only to resist policies and practices that harm our communities, but also to envision and begin to build the communities we want, through reinvestment of resources away from surveillance, punishment and exclusion and toward addressing community needs. They require us to imagine spaces, institutions, and communities in which everyone can be free from all forms of state violence and exclusion, and to create conditions under which we can all be safe, prosper, and thrive.¹²

Campaign for Freedom Cities¹⁵ by Black Alliance for Just Immigration (BAJI), Ella Baker Center for Human Rights and New York Worker Center Federation

Launched as the new federal administration came into office, the campaign for Freedom Cities brings together immigrant rights, racial justice, and workers' rights organizations in an effort to make cities, towns, and communities safe for immigrants, Black people, Muslims, workers and all oppressed communities. The campaign is based on the premise that all people deserve to live with dignity and have the opportunity thrive without fear of physical or economic violence at the hands of the corporations, vigilantes or government.

.....
« *What many people don't know is that Black immigrants, like African Americans [and Latinxs], live in communities subjected to over-policing, racial profiling, and practices such as broken windows, that result in them experiencing criminal contact more often than their white counterparts, and ultimately disproportionate deportation rates.*»

- Carl Lipscombe,
deputy director of BAJI.¹⁷

DEMANDS OF THE FREEDOM CITIES CAMPAIGN

- ♦ divestment from policing, criminalization and militarization and reallocation of tax dollars to programs that support communities and meet basic needs such as housing, jobs, quality and accessible public education, mental health and harm reduction services, and healthcare;
- ♦ safety beyond policing;
- ♦ community control of public institutions; and
- ♦ protection and expansion of workers' rights, cooperative and employment opportunities, an end to discrimination, increased wages, and the right to organize.

Campaigns for Freedom Cities also focus on supporting local communities, families and neighborhoods in creating systems to defend against state and community violence that engage businesses, religious groups and other local institutions.¹⁶

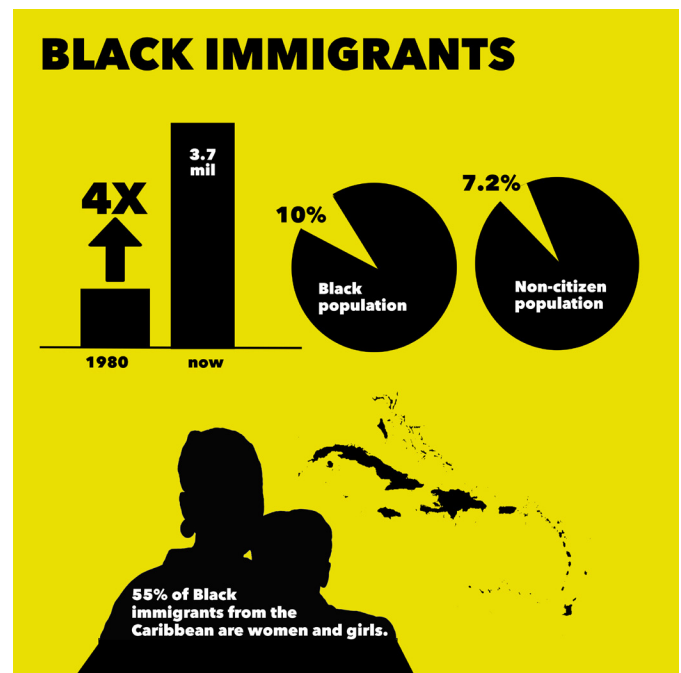
Both Expanded Sanctuary and Freedom City campaigns offer critical frameworks for coalition-based organizing in the face of assaults on communities of color on many different fronts in the current political climate. A focus on challenging shared experiences of racial profiling, criminalization, punishment, exile and exclusion between immigrant and U.S. born Black and Brown communities enables us to build bridges across divides of race, immigration status, gender, sexuality, and faith in a time of division and scapegoating, and to build strong coalitions rooted in mutual aid and shared commitment to protecting all members of our communities. It also illuminates the role played by the full continuum of the criminal legal system in funneling immigrants into the deportation system and fueling anti-immigrant sentiment, and closes important gaps in current sanctuary city rhetoric and policies. Working to create expanded sanctuary or freedom spaces, institutions, cities, or counties¹⁸ offers attainable opportunities to resist and reduce the impacts of federal policies in municipalities and institutions that have indicated an intention to offer protections to immigrant communities as “sanctuary cities,” and to build power and resistance at the local level in ways that can be nationally networked and leveraged to push back agendas of mass incarceration, detention, and deportation.

Finally, and perhaps most importantly, this approach pushes us to ask: what is our collective vision of “sanctuary” or “freedom”? What kinds of communities do we want, and how are we committing to building them in ways that decrease harm and increase safety both from without and from within? How will we work toward meeting the needs of communities currently criminalized and targeted for immigration enforcement and exclusion and prioritize our resources to building safe, prosperous and thriving communities?

CENTERING BLACK WOMEN, GIRLS, GENDER NON-CONFORMING PEOPLE AND FEM(ME)S IN EXPANDED SANCTUARY / FREEDOM CITY CAMPAIGNS

To date, mainstream discussions of “sanctuary cities” have largely focused on undocumented Latinx immigrants who enter the United States from Mexico. Black immigrants — documented and undocumented— including Black immigrant women, whose experiences are shaped by the intersections of identities as people of African descent, as women, as queer and trans people, as immigrants, and as Muslim, have largely been invisible in the debate. According to the Black Alliance for Just Immigration (BAJI), the number of Black immigrants in the United States is currently estimated at 3.7 million, representing a four-fold increase since 1980, now accounting for 10 percent of the Black population and 7.2 percent of all non-citizens.¹⁹ In 2009, women and girls made up the majority (55%) of Black immigrants from the Caribbean, shifting the gender balance of Black migrants in light of the historical tendency for immigrants from African nations to be men and boys.²⁰ Despite their relatively small proportion of the

immigrant population, Black immigrants are more likely than other immigrants to be detained and deported as a result of a criminal offense, largely as a result of increased police presence in Black communities as well as racial profiling and discriminatory policing practices.²¹



A rallying cry of campaigns for Expanded Sanctuary and Freedom Cities has been **“Black people need sanctuary too”** – referring not only to Black immigrants, but also affirming that non-immigrant Black communities are entitled to protections from police profiling, discriminatory and abusive policing, criminalization, and collaboration between police and other public institutions such as schools and hospitals that increase surveillance and contact with the criminal legal system, in the same ways that immigrants are entitled to protections from immigration enforcement.

In this policy brief, we expand and deepen that call to say **“Black women, girls, gender nonconforming people and fem(me)s need sanctuary too!”** In other words, it is essential that as we dream of Expanded Sanctuary and Freedom Cities, we center Black women, girls, and fem(me)s in our vision, advocacy, organizing, and implementation. Often invisible in conversations about profiling, policing, criminalization, mass incarceration and deportation, Black women, girls, and fem(me)s face unique forms and sites of criminalization, state violence, and intra-community violence that must be addressed if we are to truly build spaces of sanctuary and freedom for

all. It is also a call to Black women, girls and fem(me)s to join and lend their expertise, experiences, voices, and leadership to campaigns for Expanded Sanctuary and Freedom Cities.

This brief identifies and explores policy arenas in which particular attention to the experiences of Black women, girls, gender nonconforming people and fem(me)s - both immigrant and U.S. born - is warranted within the broader context of Expanded Sanctuary and Freedom Cities campaigns, and offers recommendations for specific policy demands that would reduce risk of criminalization, deportation, and harm.

For instance, Black women, girls and gender nonconforming people have been historically and uniquely targeted by law enforcement practices associated with the war on drugs, including in the context of pregnancy, during which Black women experience disproportionate rates of drug testing and criminalization.²² A trend toward reversing recent shifts toward public health rather than punitive approaches to drug use will likely place Black women, girls and gender nonconforming people at greater risk of criminalization, police violence, punishment, and deportation, thus requiring gender-specific and gender-inclusive policy responses.²³ Growing efforts to block and roll back non-discrimination provisions protecting the right of trans and gender non-conforming people to use public accommodations and public spaces in a manner consistent with their gender identity are also likely to contribute to increased police profiling, violence and criminalization of Black trans and gender nonconforming people and fem(me)s, and therefore must be central to our agendas. These and other current legislative and policy trends require specific policy responses within broader campaigns challenging criminalization of communities of color.

« We must not only demand sanctuary, sanctuary is something our movements must create and provide. »

- Alicia Garza, Black Lives Matter²⁴

Additionally, beyond providing sanctuary or building toward freedom by challenging and eliminating immigration enforcement and policing practices that cause harm to Black women, we have a responsibility to create conditions that will ensure safety from intrapersonal and intra-communal violence for Black women, girls, gender nonconforming people and fem(me)s. Indeed, underpinning the effort to expand the rhetoric around “sanctuary” and “freedom” is the recognition that we have the right to be free from all forms of violence, including state and interpersonal violence, as well as labor exploitation.

Promoting the physical, emotional, socioeconomic, and psychological well-being of Black women, girls, gender nonconforming people and fem(me)s requires us to develop and implement policies in ways that recognize and address the unique contexts in which they experience violence, and that are

responsive to the range of threats they face daily. For instance, at 18.8 percent, Black women and girls experience rape at disproportionately high rates. For every Black woman who reports a rape, there are 15 who do not.²⁵ Domestic and Intimate Partner Violence (IPV) impacts Black women at 2.5 times the rate of women of other racial groups, but they are less likely to access service or resources in response.²⁶ Black trans women experience domestic, community, and often fatal violence at alarming rates – with little to no protection from the police or private actors.²⁷ A study conducted by the Solutions Not Punishment Coalition in Atlanta found that 38 percent of trans women of color who had called the

police for help were arrested themselves instead. Adding insult to injury, Black women and girls' survival through self-defense is often punished through criminalization.²⁸ Yet societal failure to recognize and respond to Black women, girls, gender nonconforming people and fem(me)s' trauma has prevented their lived experiences from being centered in policies and practices designed to facilitate safety, further contributing to their criminalization. Creation of Expanded Sanctuary and Freedom Cities requires us to grapple with these realities, and to develop practices, institutions and conditions that will ensure safety from all forms of violence for Black women, girls, gender nonconforming people and fem(me)s.



POLICY INTERVENTIONS SPECIFICALLY ADDRESSING EXPERIENCES OF BLACK WOMEN, GIRLS, GENDER NONCONFORMING PEOPLE AND FEM(ME)S

Protection from Immigration Enforcement in Racialized, Gender Specific Contexts

Elimination of collaboration between local law enforcement and federal immigration enforcement is critical for immigrant Black women, girls, gender nonconforming people and fem(me)s. Campaigns for Expanded Sanctuary and Freedom Cities should therefore advocate for the maximum degree of protection from immigration enforcement, including:

- ◆ Prohibiting questioning or collection of information by any city agency, including local law enforcement, pre-trial and probation officers, concerning immigration status, place of birth, or first language, and purging this information from any existing city databases;²⁹
- ◆ Prohibiting collaboration between local law enforcement and detention facilities with immigration authorities, including prohibiting law enforcement officers from looking at civil immigration information in crime databases when determining whether to make an arrest, and refusing to enter into 287(g) agreements;
- ◆ Refusing to honor immigration detainers, barring immigration authorities in jails and places of detention, and refusing access to booking lists without a warrant;
- ◆ Barring federal immigration officials (absent a specific arrest warrant issued by a criminal judge) from public places, including hospitals, clinics, syringe exchange or methadone distribution centers, shelters, foster care facilities, welfare offices, court houses, social services, public housing, schools, and other locations where Black women, girls, gender nonconforming people and fem(me)s are likely to be found;
- ◆ Offering free/subsidized legal representation in immigration matters regardless of criminal history, as well as support to grassroots groups organizing for community defense and immigrant rights.

Sensitive Locations

It is especially critical to keep both police and immigration enforcement out of settings such as hospitals where Black women, girls and fem(mes) seek necessary care, including gender identity-related care, HIV-related care, and gynecological, prenatal, and birthing care.³⁰ Not only should police and immigration authorities not be stationed or permitted entry in hospitals and clinics where Black women, girls, and gender nonconforming people are receiving care, but hospital staff should be instructed to limit contact or calls to police to emergency situations. Hospitals, as sanctuary institutions, should be encouraged to develop responses to conflict or alleged fraud that do not involve engaging the police or criminal legal responses, and should commit to not contacting law enforcement or immigration authorities in cases of actual or suspected drug use or HIV diagnosis. Similarly, the arrest of a Latina trans domestic violence survivor while seeking an order of protection in family court³¹ indicates that in order to ensure sanctuary for all, courthouses, shelters, service providers, and other places where survivors of violence may be seeking services or protection must also be free of immigration authorities.

Gang Databases

Finally, police profiling of gender nonconforming Black women, girls, and gender nonconforming people leads many to be marked as gang members, as does association with family members, partners, children and grandchildren who are designated as gang members in law enforcement databases.³² Accordingly, to the extent gang databases are not eliminated altogether, due process and protections for individuals listed in gang databases must explicitly offer notification and protections to family and community members of people listed in the databases.

Protection from Criminalization in Racialized, Gender Specific Contexts

The following policy priorities are offered within, and in addition to, those currently embraced by campaigns for Expanded Sanctuary and Freedom Cities.

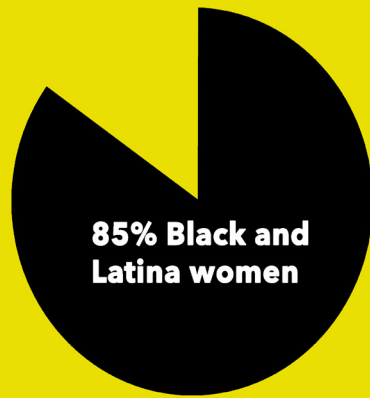
Decriminalization or Deprioritized Enforcement of “Broken Windows”³³ Drug, and Other Offenses

As campaigns for Expanded Sanctuary and Freedom Cities call for decriminalization and reduced enforcement of “broken windows” and other low-level offenses as a means of promoting safety, reducing police violence, and narrowing or eliminating pathways into the criminal legal, juvenile court, or deportation systems, it is critical to identify and attend to the unique and primary mechanisms of criminalization of Black women, girls, gender nonconforming people and fem(mes).

For instance, the New York City Young Women’s Initiative identified the top ten offenses young women were arrested for, which included petty larceny, assault, theft of services (using public transit without paying the designated fare), marijuana possession, criminal trespass, disorderly conduct, street vending and other license violations, and prostitution.

PROSTITUTION RELATED ARRESTS

IN NEW YORK CITY IN 2016



Accordingly, efforts to end “broken windows” policing as a pathway into the criminal legal and deportation systems could highlight the paradigm’s specific focus on criminalizing Black women, girls, and gender nonconforming people who are - or are profiled as - engaged in prostitution: recent research revealed that in 2016, 85 percent of prostitution-related arrests in New York City in 2016 were of Black and Latina women.³⁴ They could also highlight the fact that Black immigrant women frequently engage

in street vending and other informal economies in order to survive, but are unable to obtain licenses for economic reasons and reasons related to immigration status, and are therefore at risk of criminalization and deportation as a result. Similarly, efforts to decriminalize marijuana possession should highlight the unique ways in which Black women and girls are profiled and targeted as drug users and couriers, and frequently subjected to police violence, including violent, degrading and often unlawful strip searches and cavity searches, in the context of drug law enforcement.

Policy interventions that would address these realities within the context of campaigns for Expanded Sanctuary or Freedom Cities could include:

- ♦ decriminalizing offenses such as “disorderly conduct,” using public transit without payment, marijuana possession, and prostitution;
- ♦ prohibiting police from arresting individuals for criminal trespass in public housing or when sleeping in public spaces;
- ♦ deprioritizing or eliminating enforcement of street vending regulations through criminal mechanisms;
- ♦ removing police from schools, where school-based citations, arrests, and use of restraints contribute to the criminalization and school pushout of Black girls;
- ♦ identifying and addressing individual and community needs driving theft offenses, offering pre-arrest diversion, medical and therapeutic interventions if appropriate, and community supports to meet these needs, and encouraging local businesses to address petit larceny through non-criminal responses;
- ♦ decriminalizing noise and nuisance offenses and encouraging community members, tenants’ associations, and landlords to develop responses to nuisances and noise violations through mediation and non-criminal responses rather than calling police;
- ♦ as an alternative to decriminalization, police should deprioritize and prosecutors should refuse to prosecute “broken windows” offenses, drug possession, and other minor offenses. If such offenses are prosecuted, prosecutors should consider charging offenses that will not trigger immigration consequences – for instance, instead of charging “theft of services,” charge “unauthorized entry.”

Additionally, Expanded Sanctuary/Freedom Cities should decriminalize offenses that disproportionately target people without stable housing. A 2014 study by the National Law Center on Homelessness and Poverty found that over half of cities in the United States ban sitting or lying down in particular public places, and 18 percent of cities ban sleeping in public altogether. In 43 percent of cities it is illegal to sleep in a car. A quarter of cities completely ban begging, and 76 percent ban soliciting for money in certain public places. Thirty-three percent of US cities ban loitering anywhere, while 65 percent ban it in

particular places.³⁵ Black women – and particularly trans women and girls, elders, and survivors of domestic or other forms of violence - experience high levels of poverty and homelessness, and make up a significant proportion of public housing residents, thus subjecting them to disproportionate risk of arrest for offenses related to alleged unauthorized presence (“criminal trespass”) in public housing and “broken windows” offenses targeting homeless or precariously housed people for engaging in everyday activities such as sleeping, eating, sitting or lying in public spaces.

HIV Criminalization

Black women are disproportionately impacted by HIV, and by HIV criminalization laws, particularly the context of laws criminalizing engaging in prostitution while HIV positive, regardless of precautions taken, risk or whether or not transmission occurs. In some cases, these laws require registration as a sex offender upon conviction.

While HIV criminalization laws are state laws, campaigns for Expanded Sanctuary and Freedom Cities can call on local health authorities to bar collaboration with criminalization and prosecution of HIV positive people, which has generally been found to increase rather than decrease the risk of transmission and adverse outcomes.

Pre-arrest diversion programs

In light of recent executive orders prioritizing deportation of individuals who have been convicted, charged, or even just accused of a crime, it is critical to advocate for pre-arrest diversion programs as an alternative to wholesale decriminalization, particularly for offenses Black women, girls, gender nonconforming people and fem(me)s are frequently charged with, including:

- ♦ prostitution-related offenses
- ♦ drug-related offenses
- ♦ “quality of life” or public order offenses
- ♦ theft of services and petty larceny
- ♦ DV child welfare-related offenses

Child Welfare

Policing of Black motherhood renders child welfare enforcement a primary pathway into the criminal legal system for Black mothers and parents.³⁶ While no harm should come to a child, all too often Black women’s parenting skills are judged by white middle class standards, with no attention to the conditions of

poverty that contribute to perceived or actual neglect. Pre-arrest diversion programs designed to identify and meet the needs of criminalized Black mothers and children can serve as an alternative to funneling Black mothers into criminal legal or deportation proceedings.

Mental Health Crisis

Additionally, Black women often experience violence, arrest, and criminalization in the context of law enforcement-based responses to mental health crises. Development of alternate responses rooted in treatment and supportive services is essential for diverting this vulnerable population from the criminal legal system.

CRIMINALIZING SURVIVORS

In January 2017, the federal Office on Violence Against Women released a summary report chronicling a roundtable discussion on criminalizing policies impacting Black women and girls, which concluded:

“Roundtable participants expressed concern that the increased use of mandatory arrest laws over the past two decades to address domestic violence also has had a disproportionate impact on African American women who try to defend themselves, particularly in the ways that stereotypes about Black women can influence arrest, charging, and sentencing decisions. Some African American survivors who may not trust calling the police because of the community’s negative experience with policing avoid doing so and rely on self-defense strategies and resistance instead. If they experience escalating violence and eventually call the police—or if someone else calls—they run the risk of being arrested, particularly if seen as an “angry Black woman.” Roundtable participants emphasized the importance of seeing and understanding the ways in which stereotypes of Black women as domineering, assertive, and masculine contribute to the invisibility result of these stereotypes, Black women are more likely to be seen as the perpetrator and aggressor when they stand up for themselves, regardless of the reality of their circumstances and the violence they face. Some biased perceptions even lead to the conclusion that Black women cannot be battered and the survivors of violence because they are violent and can protect themselves.”³⁹

Service providers surveyed in a recent study shared similar perspectives:

Police are much more interested in helping light skinned victims. I think this ties in to their inherent racial bias and ideas about who is a good, deserving victim and who is a troublemaker who brought this violence on. I think that there are especially dangerous stereotypes about assertive black women that the police buy into and keep them from helping black women who are victims of abuse.

My African-American clients seem to be treated worse by police. Police are more likely to suspect them of contributing to the violence or in some other way being at fault for what has happened. They also seem to take claims of black victims less seriously.⁴⁰

Elimination of Mandatory Arrest Policies

Black women and girls disproportionately experience gender-based violence, including Domestic Violence (DV), Intimate Partner Violence (IPV), and Sexual Assault (SA). Rates of violence against Black girls and trans women are particularly high. At 14 percent, the rate of teen dating violence is greatest among Black high school girls, compared to white girls (7.5%) and Latina girls (9.2%).³⁷ More than half of respondents to the U.S. Transgender Discrimination Survey reported experiencing intimate partner violence, and nearly half of respondents reported experiencing sexual assault, with higher rates among Black trans respondents.³⁸

Finally, over half of participants in a survey of National Domestic Violence Hotline callers said that they believed that contacting the police would make their situation worse, and a significant percentage of respondents specifically named fear of police violence or arrest as the reason they wouldn't call for help.

One in four women who did call the police for help were or were threatened with arrest.⁴¹

In this context, Black women survivors of IPV are overrepresented among women arrested pursuant to mandatory arrest policies. A significant majority (66 percent) of survivors of violence in a New York City study who had been arrested along with their abusers (dual arrest) or arrested as a result of a complaint lodged by their abuser (retaliatory arrest) were African American or Latina.⁴² Forty-three percent were living below the poverty line, and 19 percent were receiving public assistance at the time.⁴³ LGBTQ people, including Black lesbians, bisexual and trans women, also report high rates of arrest of survivors in the context of police responses to violence.⁴⁴ Arrests for domestic-violence related offenses are particularly dangerous for immigrant women. If unable to convince authorities that they are a survivor rather than a perpetrator of violence, a domestic violence arrest for what is considered a violent crime is a sure pathway to deportation proceedings.

Black girls also disproportionately experience criminalization in contexts where the violence they experience at the hands of family members, intimate partners, and authorities is a contributing factor.⁴⁵ Perceptions of Black girls rooted in oppressive characterizations of Black femininity play a role in fueling this phenomenon: Black girls' behaviors are generally read as more adult-like, are sexualized, and/or perceived as aggressive in ways that render them vulnerable to contact with the criminal or juvenile legal systems.⁴⁶ Researchers also note that Black girls' resistance to discrimination, harassment and violence are often read through a lens that leads to criminalization and punishment rather than protection and support.⁴⁷ As a result, Black girls are particularly and

disproportionately vulnerable to arrest and incarceration or detention in the context of domestic disputes, because they are perceived as the aggressor in cases where they are survivors of violence.⁴⁸ This reality is exacerbated by policies mandating arrest in domestic violence cases, including altercations between children and parents. In fact, Black girls who engage in physical confrontations with a parent or guardian are often responding to violence or a lack of protection from physical, sexual or emotional harm. Such arrests increase the likelihood that Black girls will have repeated and more severe contact with the criminal and juvenile legal systems, further calling into question notions of "safety" in the context of responding to sexual or domestic violence.

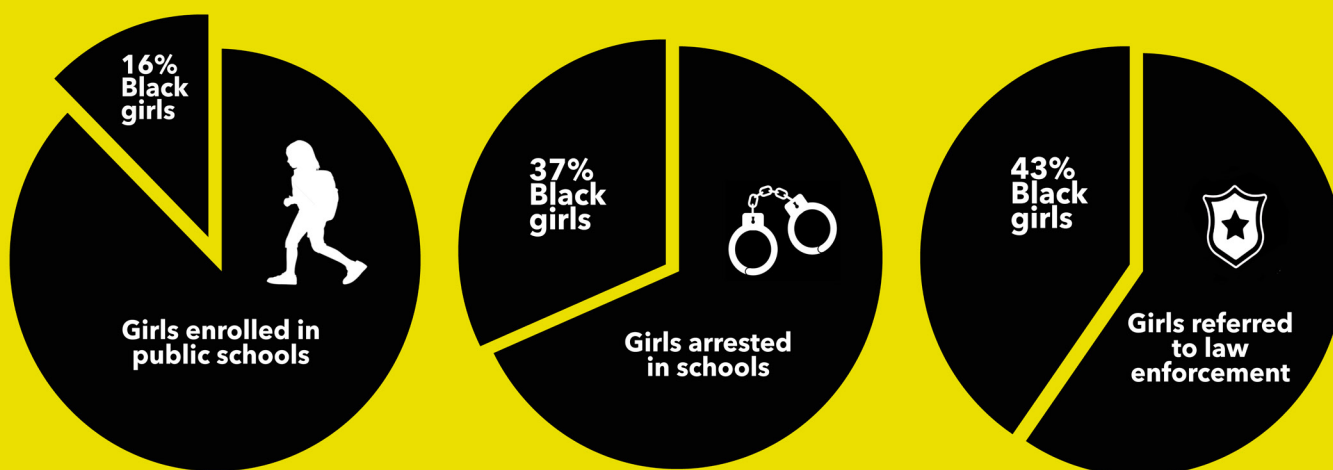
It is therefore essential that campaigns for Expanded Sanctuary and Freedom Cities address the criminalization of Black women, girls, and femmes as a function of responses to gender-based violence by:

- ♦ eliminating mandatory and pro-arrest statutes and policies in the context of responses to domestic and intimate partner violence, and embracing non-criminalizing responses to domestic violence while continuing to center survivor safety. For instance, the 2017 OVW report on criminalization of Black women and girls recommends offering alternatives for “survivors [of gender-based violence] who do not want to engage with the criminal legal system as their first or only choice.”⁴⁹
- ♦ exploring and developing community-based responses to high rates of sexual and physical violence against Black women and girls;
- ♦ advancing policies to address sexual violence at the hands of state actors, including police and immigration authorities, who are particularly likely to target undocumented and criminalized women, girls, gender nonconforming people and femmes for sexual violence or extortion of sexual acts. Municipalities and institutions should be required to adopt and effectively enforce policies to deter, detect, and ensure accountability for sexual violence by law enforcement and immigration agents, including measures offering immunity to criminalized survivors who come forward.

Criminalization in Schools

Black girls disproportionately experience exclusion, suspension, and discipline in schools. While they represent approximately 16 percent of girls enrolled in the nation's public schools, they are 37 percent of girls arrested in schools, nearly four times more likely than their white counterparts.⁵⁰ Black girls are also 43 percent of girls referred to law enforcement, nearly three times more likely to be referred to law enforcement.⁵¹ This is an issue that has been recently linked to the perception among adults that Black girls are more adult-like and less worthy of protection or positive intervention.⁵² Transgender and gender nonconforming girls also report high rates of physical and sexual violence in schools, as well as denial of access to appropriate restroom facilities, leading to disproportionate rates of leaving school or being expelled.⁵³

BLACK GIRLS IN SCHOOLS



Children who identify as Black girls need culturally competent and gender-responsive interventions to problematic behaviors, not punitive interventions that do little more than exacerbate conditions that make them vulnerable to harm. In many districts, law enforcement is neither responsive to the conditions underlying conflict between students nor are they trained to effectively repair harm between individuals in conflict. A 2017 study by the Georgetown Center on Poverty and Inequality and the National Black Women's Justice Institute found that quality relationship-building and positive communication with girls of color is essential to reducing criminalization, and that girls of color, particularly Black girls, are more likely to feel safe in schools where they are able to build relationships with adults that are responsive to the root causes of student conflict and vulnerability--issues that research has found are best handled by counselors, therapists, and trained educators, not police officers.

In addition to seeking elimination of zero tolerance policies and police presence in schools, replacing them with adults who are better equipped to teach children how to solve conflict without using violent, oppressive measures that have historically marginalized communities of color, meeting the needs of Black women, girls, and fem(me)s would require:

- ♦ removal of instruments of surveillance, including video cameras, searches and metal detectors, which are frequent sites and enablers of sexual harassment and violence by police officers stationed in schools;
- ♦ exclusion of other forms of law enforcement, including immigration and probation officers, patrolling and stationed in schools;
- ♦ co-creation of school safety with students and their families based on a continuum of healing-informed interventions designed to address the root causes of conflict and harm in schools, which include Black girls' physical and emotional vulnerability to adult biases about their intersectional identities, low expectations of adults charged with supporting their scholarly endeavors, and increased risk of victimization both on and off school campuses.

Corporal punishment is another form of violence that is implemented by schools that disproportionately impacts Black girls: **Black girls make up 42 percent of girls who experience being hit, spanked, or having to endure, as articulated in North Carolina, the “intentional infliction of physical pain...as a disciplinary measure.”⁵⁴**

The use of corporal punishment is currently legal in 19 states. While many

states already reject the use of corporal punishment, corporal punishment has no place in any Expanded Sanctuary or Freedom City. The federal Ending Corporal Punishment in Schools Act of 2017 was introduced in the House of Representatives with the intention to “end the use of corporal punishment in schools, and for other purposes.”⁵⁵ While the federal bill is currently before the Education and Workforce committee, it can serve as a model for local advocacy to end corporal punishment in schools.

Criminalization of Gender Identity

One of the current federal administration’s first acts was to rescind guidance issued by the federal Department of Education recommending that schools respect the right of transgender students to use the bathrooms and sex-segregated facilities consistent with their gender identity.⁵⁶ Across the country states and municipalities are seeking to enact legislation and policies that would explicitly require individuals using sex-segregated public facilities to do so based on the gender they were assigned at birth rather than their current gender, or that would prohibit institutions and localities from banning discrimination based on gender identity. While such laws are civil in nature, they are often enforced using criminal penalties. For instance, if the police are called by another person using the facility or by the manager or owner of a facility to complain about a person’s presence in a sex segregated facility, they will likely enforce the provision by arresting the person who they believe to be violating the law for “disorderly conduct” or “criminal trespass,” contributing to the criminalization of Black trans women, girls, gender nonconforming people and femmes.⁵⁷ This builds the case for decriminalizing these and other “broken windows” offenses used to police and punish sexual and gender non-conformity.

In order to address criminalization of trans and gender nonconforming people, cities, localities, and institutions must:

- ♦ Adopt expansive prohibitions against profiling and police discrimination based on gender identity and expression alongside race, religion, gender, age, immigration status, sexual orientation, disability, HIV status, housing status, and socio-economic status, as recommended by the NAACP;⁵⁸
- ♦ Adopt policies governing police interactions with LGBTQ people consistent with the recommendations of the President's Task Force on 21st Century Policing;
- ♦ Rescind or block legislation or policies permitting discrimination against transgender people in the use of public spaces, and prohibit the use of criminal law to enforce current policies governing use of public facilities according to gender identity.

CONCLUSION

The goal of ensuring sanctuary and freedom for all requires an intersectional approach to wellbeing and safety. Though this document offers initial recommendations toward encouraging the participation and leadership of Black women, girls, gender nonconforming people and femmes and centering policy demands centering their experiences within campaigns for Expanded Sanctuary and Freedom Cities, many questions remain, including:

- ♦ How are we defining “Black women, girls, and fem(mes)” and how do we hold the diversity of experiences among these populations at both the intersections of systems and along the continuum of sexual and gender identity and expression?
- ♦ How are different ethnic, national, religious and cultural groups captured under the umbrella term “Black” affected by criminalization, and how are different experiences among these groups addressed in interventions?
- ♦ How can we further center the leadership, needs, and vision of Black women, girls, gender nonconforming people and fem(mes) in our campaigns for Expanded Sanctuary and Freedom Cities?
- ♦ What additional policy reforms would reduce the criminalization of Black women, girls, gender nonconforming people and fem(me)s?
- ♦ What alternatives to criminalization are most conducive to the safety, transformation and liberation of Black women, girls, gender nonconforming people and fem(mes)?
- ♦ What methods should we be using as a community of scholars, policymakers, advocates and survivors to determine which strategies are most effective?
- ♦ How can we advance these policies in places where the “Expanded Sanctuary” or “Freedom City” framework has been rejected by city officials?

Perhaps one of the most pressing questions is prompted by recognition that criminalization and incarceration are inadequate responses to the gender-based violence experienced by Black women, girls, gender nonconforming people and fem(mes), and often contribute to further gender-based violence at the hands of police and in the nation's prisons, jails, detention centers and other carceral facilities. There is a systemic lack of alternatives that genuinely and effectively promote and sustain the safety of Black women, girls, gender nonconforming people and fem(me)s, and that address the full range of contexts in which Black women, girls, gender nonconforming people and fem(me)s experience violence, including labor trafficking and exploitation of women workers, particularly in the agricultural, service, and domestic work sectors, involvement in the sex and drug trades, and homophobic and transphobic violence. In this context, we must imagine, develop, implement, and assess community-based responses to

violence that will ensure safety for Black women, girls, gender nonconforming people and fem(mes) within our families, homes, relationships, communities, and institutions. This work must be responsive to the unique conditions and historical legacies of racial and gender-based oppression that produce stereotyping and victim-blaming, rendering Black women's trauma invisible.

Collectively, we are charged with defining "safety" and "justice" beyond arrest, detention, and incarceration, embracing and enacting anti-oppression principles, and aligning harm-reduction strategies with genuine and transformative individual and collective accountability for violence against Black women, girls, gender nonconforming people and fem(me)s. While the question of how we will achieve this goal may be daunting, it is at the core of creating sanctuary and freedom for all.

Let us take this opportunity to answer the call.

CITATIONS

1. In this brief, the terms “women” and “girls” are emphatically inclusive of trans women and girls. The term “gender nonconforming” refers to individuals whose gender identity or expression does not necessarily align with social norms and expectations of the gender they were assigned at birth, and “femme” is used to describe people expressing a feminine gender identity, regardless of the gender assigned at birth. The term Latinx is used to refer to people of all gender identities and expressions of Latin American descent and may include people of African descent.
2. See Tania Unzueta, Expanding Sanctuary: What Makes a Sanctuary City Now?, Mijente, January 2017, available at: <http://mijente.net/2017/01/27/sanctuary-report/>; Immigrant Legal Resource Center, Searching for Sanctuary An Analysis of America’s Counties & Their Voluntary Assistance With Deportations, December 2016, available at: <https://www.ilrc.org/immigration-enforcement>; Immigrant Legal Resource Center, Local Options for Protecting Immigrants: A collection of City and County Policies to Protect Immigrants from Discrimination and Deportation, December 2016, available at: https://www.ilrc.org/sites/default/files/resources/local_options-20161215.pdf. In March of 2017, over 100 elected officials from 65 cities came together for a meeting in New York City to improve and defend sanctuary policies. Center for Popular Democracy, After Sanctuary Cities Convening, 100+ Local Lawmakers Pledge to Uphold and Expand Sanctuary Policies, April 12, 2017.
3. An administrative rule is a policy made by the Mayor or the head of a city or county agency like the police or health department. It can be made without passing a law – but can also be changed without any public consultation, and there is generally no way for members of the public to enforce the policy.
4. A detainer is a request to hold someone past the point when they would be released on a criminal charge so that ICE can pick them up on a civil immigration violation.
5. Such agreements are known as “287(g) agreements” after the section of the federal law that authorizes them.
6. Immigrant Legal Resource Center, Local Options for Protecting Immigrants: A collection of City and County Policies to Protect Immigrants from Discrimination and Deportation, December 2016, available at: https://www.ilrc.org/sites/default/files/resources/local_options-20161215.pdf
7. Fair Punishment Project, Immigrant Defense Project and Immigrant Legal Resource Center, The Promise of Sanctuary Cities and the Need for Criminal Justice Reforms in an Era of Mass Deportation (2017).
8. Tania Unzueta, Expanding Sanctuary.
9. See, e.g., remarks of Thomas Homan, Acting Director of ICE, quoted in Elise Foley, “ICE Director To All Undocumented Immigrants: ‘You Need To Be Worried,’” Huffington Post, June 13, 2017, available at: http://www.huffingtonpost.com/entry/ice-arrests-undocumented_us_594027c0e4b0e84514eebfbe
10. In this document, “Black” refers to people of Sub-Saharan African descent, alone or in combination with other racial and ethnic categories.
11. The campaign for Expanded Sanctuary is led by Mijente and Black Youth Project 100. In Chicago, both groups have joined with Organized Communities Against Deportation (OCAD) in seeking to close significant loopholes in the ban on collaboration between local law enforcement and federal immigration authorities in the city’s Welcoming City Ordinance, one of the most expansive in the country. The campaign also challenges mechanisms by which immigrants and communities of color are policed, punished, and denied safety, including through the presence of police in schools and through implementation of the city’s gang database. Together with allies from across the country, they have established a crowd-sourced site featuring model policies that can be used by local campaigns seeking to create Expanded Sanctuary in their communities. For more information, please visit: <https://mijente.net/expanding-sanctuary/> and watch Expand Sanctuary at: <https://vimeo.com/208527721>.
12. Research indicates that Sanctuary Cities are no less safe than cities that do not adopt sanctuary policies, and in fact may experience decreased crime rates upon adoption of sanctuary policies. See Loren Collingwood and Benjamin Gonzalez O’Brien, Jeff Sessions used our research to claim that sanctuary cities have more crime. He’s wrong. Washington Post, July 14, 2017; Benjamin Gonzalez, Loren Collingwood, Stephen Omar El-Katib, The Politics of Refuge: Sanctuary Cities, Crime and Undocumented Immigration, Urban Affairs Review, May 7, 2017.
13. See Tania Unzueta, Expanding Sanctuary; Expand Sanctuary at: <https://vimeo.com/208527721>; Freedom Cities, <http://freedomcities.org/>; see also Hannah Hafter, “Defining Sanctuary Cities – and Why that Definition Must Expand,” May 3, 2017 and May 4, 2017, available at: <http://www.uusc.org/defining-sanctuary-cities-definition-must-expand/> and <http://www.uusc.org/expanded-sanctuary-policies-resist-protect/>

14. Janaé Bonsu, "Black People Need Sanctuary Cities, Too," *Essence Magazine*, March 10, 2017, available at: <http://www.essence.com/news/politics/sanctuary-cities-black-families-immigrants>
15. When referring to Freedom City campaigns in this policy brief, we are referring to the campaign led by the Black Alliance for Just Immigration (BAJI), the Ella Baker Center, ENLACE, and New York Worker Center Federation (more information at <http://freedomcities.org>), not the campaign later launched by the American Civil Liberties' Union under the same name.
16. For more information on the campaign for Freedom Cities, please visit <http://freedomcities.org>.
17. Zenobia Jeffries, "Reality Check: More Police Officers Don't Equal Safer Neighborhoods," *YES Magazine*, July 4, 2017.
18. While to date cities have served as the organizing context for such campaigns, the relevant principles are transferable to any space, from a community of neighbors to a rural Indian reservation, from a school to a university system.
19. Juliana Morgan-Trostle, Kexin Zheng and Carl Lipscombe, *State of Black Immigrants 2016* (New York: Black Alliance for Just Immigration and New York University School of Law Immigrant Rights Clinic, 2017).
20. Thomas, Kevin J.A. 2012. *A Demographic Profile of Black Caribbean Immigrants in the United States*. Washington, DC: Migration Policy Institute, p. 15.
21. Renée Feltz, "Black immigrants much more likely to be deported over criminal offenses, data shows," *The Guardian*, October 3, 2016, available at: <https://www.theguardian.com/us-news/2016/oct/03/black-immigrants-us-deportation-rates-criminal-convictions>; Juliana Morgan-Trostle, Kexin Zheng and Carl Lipscombe, *State of Black Immigrants Part II: Black Immigrants in the Mass Criminalization System*, (New York: Black Alliance for Just Immigration and New York University School of Law Immigrant Rights Clinic, 2017).
22. See Andrea J. Ritchie, *Invisible No More: Police Violence Against Black Women and Women of Color*, Boston, MA: Beacon Press 2017; Amnesty International, *Criminalizing Pregnancy: Policing Pregnant Women Who Use Drugs in the USA*, AMR 51/6203/2017, May 2017, <https://www.amnesty.org/download/Documents/AMR5162032017ENGLISH.pdf>.
23. See, Andrea J. Ritchie, "Female Victims of the War on Drugs," *New York Times*, Sunday, July 23, 2017.
24. Alicia Garza keynote address at Allied Media Conference, June 16, 2017.
25. Connecticut Alliance to End Sexual Violence. *Women of Color and Sexual Assault*, 2017. <http://endsexualviolencect.org/resources/get-the-facts/women-of-color-and-sexual-assault/>
26. Women of Color Network. *Domestic Violence and Communities of Color, Facts and Stats Collection*. 2006. http://www.doj.state.or.us/victims/pdf/women_of_color_network_facts_domestic_violence_2006.pdf
27. National Center for Transgender Equality, *2015 US Trans Discrimination Survey* (2015), available at: <http://www.ustranssurvey.org/>
28. See Free Marissa Now Campaign, *FACT SHEET ON DOMESTIC VIOLENCE & THE CRIMINALIZATION OF SURVIVAL*, available at: <http://www.freemarissanow.org/fact-sheet-on-domestic-violence--criminalization.html>
29. Note: This recommendation excludes data collected and analyzed for purposes of examining and responding to racial/gender disparities in contact with juvenile and/or criminal legal systems. Such data is generally separated from personal information about specific individuals. State- and community-led efforts to reduce Disproportionate Minority Contact or Racial and Ethnic Disparities may require cooperation and collaboration between agencies. This recommendation is to prevent the usage of such data or collaboration to further criminalize communities.
30. See *This May Day, Join the HIV Community Movement for Expanded Sanctuary*, available at: <http://www.treatmentactiongroup.org/content/may-day-join-hiv-community-movement-expanded-sanctuary>.
31. Katherine Krueger, "ICE officers locked up an undocumented transgender victim of domestic violence," *Fusion*, February 16, 2017.
32. See Ana Muñoz, *Police, Power, and the Production of Racial Boundaries*, (Rutgers University Press: 2015); Joey L. Mogul, Kay Whitlock, and Andrea J. Ritchie, *Queer (In) Justice: The Criminalization of LGBT People in the United States* (Boston, MA: Beacon Press, 2011).
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37. Center for Disease Control, Physical Dating Violence Among High School Students, 2003. <http://www.cdc.gov/mmwr/preview/mmwrhtml/mm5519a3.htm>. Note that data on Latinx statistics do not further disaggregate by race.
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39. U.S. Department of Justice, Office on Violence Against Women. (January 2017) The Impact of Incarceration and Mandatory Minimums on Survivors Exploring the Impact of Criminalizing Policies on African American Women and Girls. Washington, DC.
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46. See Rebecca Epstein, Jamilia J. Blake, Thalia González, Girlhood Interrupted: The Erasure of Black Girls’ Childhood, Center on Poverty and Inequality at Georgetown Law School, June 2017, available at: <http://www.law.georgetown.edu/academics/centers-institutes/poverty-inequality/upload/girlhood-interrupted.pdf>; Monique W. Morris, Pushout: The Criminalization of Black Girls in Schools, New York: The New Press 2016.
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49. Ibid., p. 22.
50. U.S. Department of Education, Office of Civil Rights 2013-14 Discipline data.
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52. See Rebecca Epstein, et al, Girlhood Interrupted..
53. The Report of the 2015 US Transgender Survey (Washington, DC: National Center for Transgender Equality, 2016), available at: <http://www.ustranssurvey.org/>
54. See North Carolina Educational Legislation, Article 27. http://www.ncleg.net/EnactedLegislation/Statutes/HTML/ByArticle/Chapter_115C/Article_27.html
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57. See Mogul et al., Queer (In)Justice; Amnesty International, Stonewalled: Police Abuse and Misconduct Against Lesbian, Gay, Bisexual and Transgender People in the U.S (New York: Amnesty International, September 21, 2005).
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