

eliminating racism
empowering women
ywca



WE DESERVE SAFETY

**ENDING THE CRIMINALIZATION
OF WOMEN & GIRLS OF COLOR**

ABOUT YWCA

YWCA USA is on a mission to eliminate racism, empower women, stand up for social justice, help families, and strengthen communities. We are one of the oldest and largest women's organizations in the nation, serving over 2 million women, girls, and their families.

YWCA has been at the forefront of the most pressing social movements for more than 150 years — from voting rights to civil rights, from affordable housing to pay equity, from violence prevention to health care reform. Today, we combine programming and advocacy in order to generate institutional change in three key areas: racial justice and civil rights, empowerment and economic advancement of women and girls, and health and safety of women and girls.

YWCA'S RACIAL JUSTICE HISTORY

Throughout our history, the women of YWCA have worked to build an inclusive organization and to pursue racial equity in our movement and in our world. What began as a focus on “race relations” and “interracial education” started to move towards a new focus on eliminating institutional policies and practices that produce and maintain racial disparities between 1946 and 1970. Our work as part of a national movement to address the institutional dimensions of racism was further solidified in 1991 by the video recording of Rodney King being beaten by police in Los Angeles, the subsequent non-conviction of the officers involved in the incident, and the protests that followed. In the wake of the King case, YWCA USA began public policy advocacy on racial profiling. In 1992, we proclaimed the last Thursday in April to be the YWCA USA National Day of Commitment to Eliminate Racism, an organizing focal point that helped YWCA local associations integrate racial justice into their work. And in 2015 “Stand Against Racism” became a signature campaign for YWCA USA.

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At YWCA USA, we know that not all violence is physical, visible, acknowledged, or responded to equally, especially violence against women and girls. We know as well that the intersection of race, gender and violence is often unexplored in mainstream discussions of criminalization and racial profiling. While recent high profile incidents focus on Black men and boys, girls and women of color are also at risk.

Like men of color, women of color commonly experience racial profiling and criminalization outside of the home—in traffic stops, airport security screening, border checkpoints, schools, and other interactions with government institutions and law enforcement. Recent incidents make clear, however, that women of color also experience profiling, criminalization, and police violence in their homes and other spaces that should be safe, in front of children, and when in need of help. From police responses to domestic violence and threats in their homes and neighborhoods, to the policing of pregnancy and motherhood, to their experiences of “driving while female,” girls and women of color experience criminalization and racial profiling by law enforcement in ways that are overlooked by the current policy narrative.

This briefing paper describes unique and particular ways in which girls and women of color experience racial profiling and criminalization across a range of situations and settings. Where available, we have referenced studies and reports that document patterns, trends, and statistical comparisons between racial and ethnic groups. Because the experiences of girls and women of color are so often overlooked in formal research settings, we also reference news articles and media accounts to illustrate their experiences. Where publicly available, we have included names to ensure that their stories and experiences are humanized and not forgotten.

YWCA’s review of studies, reports, and media accounts paints a disturbing picture of the gendered racial profiling and criminalization that girls and women of color experience, and offers a compelling rationale for systemic reforms and policy solutions that will better ensure their safety.

Racial profiling and criminalization are a harsh daily reality for women and girls of color, especially Black women and girls.

Traffic Stops

Women of color experience higher rates of adverse outcomes during routine traffic stops than White women. For example, one study of police interactions in New York City found that Black women were 53 percent of all women stopped,¹ but made up less than 24 percent of New York City residents.² Another 2012 study of traffic stops found that while women overall were less likely than men to be ticketed, arrested, or searched during a traffic stop for speeding, stop sign violations, or similar reasons, White women were more likely to receive only a warning or have no outcome during a traffic stop than Black women and Latinas. In contrast, Black women and Latinas experienced more negative outcomes from traffic stops and were ticketed, arrested, or searched at rates similar to White men.³

WHAT IS CRIMINALIZATION?

Criminalization means, quite literally, to make an activity illegal or to treat someone as a criminal. In the context of civil rights and racial justice, researchers, advocates and justice system leaders have described both the criminalization of poverty and the criminalization of people of color as interactive dynamics that perpetuate negative societal stereotypes and perceptions such that being Black, or being poor, is itself viewed as criminal. Criminalization is at the root of the simultaneous and sustained over-policing of targeted individuals and communities and under-policing of others, as well as the disparate outcomes that result from that policing, such as harassment, expulsion from school, use of force, asset forfeiture, questionable searches and seizures, fines, detention, and incarceration.

Airport Security

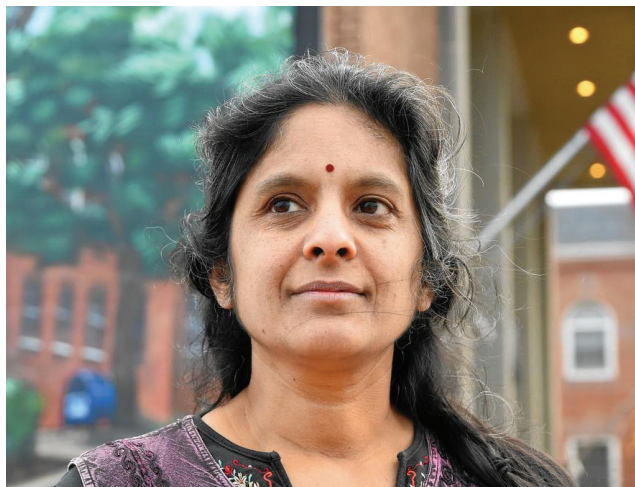
Airport security is another setting in which women of color are targeted and profiled. As far back as 2000, the U.S. Government Accounting Office documented that Black female airline passengers were more likely to be subjected to intrusive searches at U.S. airports despite being less likely to be found with illegal drugs or contraband than other demographic groups.⁴

In the years since, women of color have continued to experience heightened levels of surveillance. For example, in early 2015, TSA agreed to place special emphasis on hair pat-downs in its security training activities in response to multiple complaints that Black women were targeted at airports for unnecessary, unreasonable, and racially discriminatory hair searches.⁵ Later that year, the ACLU reached a \$40,000 settlement in a lawsuit filed against Frontier Airlines and several government defendants on behalf of Shoshana Hebshi, a mother of Saudi Arabian and Jewish descent, who was pulled off an airplane at gunpoint, strip-searched, and detained. Shoshana was seated in the same row as two Indian-American men who were also subjected to unwarranted and invasive searches because passengers were suspicious of the amount of time they spent in the bathroom.⁶ Also in 2015, Valeria Kaur, a Sikh-American woman was asked to show her breast pump to fellow Delta Airlines passengers to “prove she wasn’t a terrorist.”⁷

Immigration Enforcement

A rise in anti-immigrant sentiment, legislation, and policing has contributed to increased profiling and criminalization of Latinx communities, particularly in border states. For example, during one immigration raid, a U.S.-born Latina was taken into custody and kept for four hours to determine whether she was lawfully present in the United States. The only cause for her arrest was that she was a Latina who was at the location during the raid.⁸

Highly intrusive surveillance is often used against Latinx communities. In one case, undercover officers followed five Latina employees suspected of being undocumented for several days until their employment eligibility was verified. The women were followed dropping their children off at school, shopping for groceries, visiting relatives, and attending church. The officers claimed the surveillance was justified to ensure their own safety.⁹



Aravinda Pillalamarri. Credit: Matt Button, Aegis Staff/Baltimore Sun

One study of Latinas' sense of safety in Phoenix and Tucson showed widespread fear of leaving home, even among those with legal status. Former Maricopa County Sheriff Joe Arpaio (the self-styled “America’s toughest sheriff” who led a multi-year crusade against illegal immigration that utilized hard-line policing tactics, and was found guilty in 2017 of defying a 2011 court order to refrain from racially profiling Latinx people¹⁰) and his deputies were cited most often as the source of this fear.¹¹

Anti-immigrant sentiment has also contributed to the profiling and criminalization of other women of color—including Arabs, South Asians, Muslims, Sikhs, and others who are perceived as Muslim—in airport settings (noted above) and in communities. For example, in early 2017, Aravinda Pillalamarri, an Indian-American woman and U.S. citizen, was stopped by police while simply walking in her Maryland neighborhood and asked to reveal her immigration status.¹² The only cause for the stop was a report from a neighbor that an Indian-American woman walking in her neighborhood was “suspicious.”

Policing of Pregnancy and Motherhood

Women of color have experienced gendered and racialized policing of pregnancy in ways that are distinct from White women. One study conducted in Pinellas County, Florida found that Black women who prenatally exposed an infant to an illegal drug were 10 times more likely to be reported to civil authorities for termination of their parental rights than White women accused of the same conduct. A separate 2013 study by the National Advocates for Pregnant Women found that 59 percent of arrests and forced medical

interventions on pregnant women in the U.S. involved women of color. The study further found that Black women were significantly more likely to be arrested, reported to state authorities by hospital staff, and subjected to felony charges than White women (85 percent vs. 71 percent).¹³ Most cases studied involved an allegation related to illegal drug use.¹⁴

Women of color have also experienced gendered and racialized policing of motherhood. For example, in July of 2015, Laura Browder, a single Black mother was arrested for “abandoning” her children at a food court while she interviewed for a job less than 30 feet away, within sight of her children.¹⁵ Similarly, in 2015, Shanesa Taylor, a homeless Black mother, was charged with felony child abuse when she was unable to find child care and left her children in the car for 45 minutes to interview for a job.¹⁶

In another case, prosecutors charged a Black mother, Raquel Nelson, with vehicular manslaughter in the 2011 death of her son. Racquel’s four-year-old son was killed when his hand slipped out of hers as they crossed a street outside of the crosswalk. The woman was chasing after her son, carrying her two-year-old daughter, when a drunk driver hit the family, killing her son.¹⁷ Despite the fact that she was not driving a vehicle, Racquel was tried and convicted.

Sex Work and Profiling

Women of color, including transgender women of color, have been profiled by law enforcement as engaging in sex work when simply walking to the store or having drinks with friends. Examples of such profiling and criminalization include an August 2014 incident in which a security guard at a New York hotel asked three black women—a lawyer and two teachers—to stop soliciting when they were merely having drinks.¹⁸

Amnesty International has received reports of transgender women of color being specifically targeted in major U.S. cities, including Los Angeles, where transgender Latinx women reported being targeted as sex workers while walking down the street or hailing a cab.¹⁹ Consistent with these reports, in August 2013, Monica Jones, a Black transgender woman who was an activist and university student, was arrested and charged with manifesting prostitution for accepting a ride from an undercover officer as she walked to a bar while wearing what the police officer described as a “black, tight-fitting

dress.” Her conviction was later overturned on appeal.²⁰ And in late 2015, Meagan Taylor, a Black transgender woman, was arrested when hotel staff called police after she and her friend checked into the hotel on their way to a funeral, under suspicion that they were engaging in prostitution.²¹



Monica Jones. Photo Credit: Alec Robinson

Moreover, women of color who are sex workers are often disproportionately targeted by law enforcement. A recent study of data in North Carolina showed that Black female sex workers were arrested on charges of prostitution at higher rates than White female sex workers, and at rates disproportionate to their presence in online advertisements. While the percentage of escort ads for Black women was less than or proportionate to the percentage of Black women in the studied cities, Black women were two to three times more likely to be arrested on prostitution charges than White women.²²

School Discipline Disparities

Over-policing, profiling, and criminalization of youth of color are driving factors behind the school discipline disparities that girls of color experience. For example, Black girls are suspended from school at higher rates (12 percent) than girls of any other race or ethnicity, and at higher rates than White boys (6 percent) and White girls (2 percent). American Indian/Alaska Native girls (7 percent) and Latinas (4 percent) are also suspended at rates that exceed those of White girls.²³ Suspension from school increases the likelihood of dropping out, having contact with the juvenile justice system, and other long-term consequences for Black and Latina girls.²⁴

Research makes clear that students of color are frequently disciplined for non-violent conduct for which White students are not disciplined – things like violating

school dress code and cell phone policies, or behavior that is subjectively interpreted as defiance or insubordination. This has a particularly alarming impact on Black girls, who experience harsher disciplinary interventions in large part due to implicit biases about acceptable behavior for girls.²⁵

Justice System Disparities

Over-policing, profiling, and criminalization of girls of color also play a role in their disparate rates of contact with and deeper levels of involvement in the juvenile justice system. Black girls are 14 percent of the general population nationally, but 33.2 percent of the girls who are detained and committed in juvenile justice systems. Native American/Alaska Native girls are 1 percent of the general youth population, but 3.5 percent of detained and committed girls.²⁶

In 2013, Black girls were nearly three times as likely as White girls to be referred to juvenile court for a delinquency offense; 20 percent more likely to be detained; and 20 percent more likely to be formally petitioned to court. American Indian and Alaska Native girls were 40 percent more likely to be referred to juvenile court for delinquency; 50 percent more likely to be detained; and 20 percent more likely to be adjudicated.²⁷ And for nonviolent, “public order” offenses such as gambling and prostitution, Latinx youth were more likely than White youth to be admitted to state public facilities, and were incarcerated more than 50 percent longer than White youth.

Girls of color also have the highest rates of confinement in juvenile facilities for non-violent status offenses typically associated with [responses to underlying trauma](#)—like truancy, curfew violations, and running away—that are only punishable because of a young person’s age. Native American girls are detained at a rate of 179 per 100,000, Black girls at a rate of 123 per 100,000, and Latinas at a rate of 47 per 100,000, while only 37 per 100,000 non-Hispanic White girls are confined for the same behaviors.²⁸

Similarly, women of color are disproportionately represented in the criminal justice system. Women of color are the fastest growing jail population. They represent only 38 percent of U.S. women, but 64 percent of women in jails across the country.^{29, 30} One in every 18 Black women and one in every 45 Latina women will go to prison during their lifetime, compared to one in

every 111 White women.³¹ Black women represent 30 percent of all incarcerated women in the U.S., but only 13 percent of the female population; Latinas represent 16 percent of incarcerated women, but only 11 percent of all women in the U.S.³² In 2014, the incarceration rate for Black women was more than double that of White women. Specifically, 109 out of every 100,000 Black women were sentenced to state or federal prison, compared to 53 out of every 100,000 White women.³³

Women and girls of color, including LGBTQ individuals, are at heightened risk of sexual violence and excessive force by police as they are dually targeted for their gender as well as their race.

Driving While Female

As far back as 2002, researchers documented three distinct institutional patterns of police misconduct that contribute to the phenomenon of “Driving While Female.”³⁴ These patterns include male police officers targeting women for traffic stops as a pretext for sexual harassment or even sexual abuse; the failure of police departments to investigate female victims’ complaints of harassment and abuse by police officers; and police department toleration of these practices by failing to make appropriate changes in supervision, training, and policy.³⁵

A 2014 study of 548 cases of arrests of police officers for sex-related crimes that occurred between 2005 and 2007 found that such cases involved a range of sexual misconduct, including forcible rape, statutory rape, and forcible fondling. The study also found that over half (51.3 percent) of the cases were for sexual misconduct on duty or when acting in an official capacity, and that while the majority of victims (76 percent) were adults, 24 percent of cases of on-duty police sexual

misconduct involved minors.³⁶

Recent news coverage confirms that these “Driving While Female” patterns of sexual harassment and sexual assault remain a reality for women of color across the country. Specific incidents and patterns that impact women of color include the following:

Strip Searches and Body Cavity Searches in Public Spaces

Strip searches and body cavity searches of Black women by law enforcement officers along roadsides and in other public spaces provide a particularly alarming illustration of the ways in which their gendered experiences with law enforcement are exacerbated by racial profiling. For instance, in June 2015, Charnesia Corley, a young Black woman was stripped and cavity searched in public at a gas station parking lot after a traffic stop when officers suspected her of possessing marijuana.³⁷ Earlier that year, another Black woman—a Texas Corrections Officer—was subjected to a body cavity search on the side of the road when state troopers pulled her boyfriend over for speeding.³⁸



Charnesia Corley. Photo Credit: ABC13 Houston

Rape and Sexual Assault of Black Women by Law Enforcement

High profile court cases involving police officers sexually assaulting Black women provide another alarming illustration of women of color being targeted by law enforcement because of both their gender and their racial or

ethnic background. In early 2016, former Oklahoma City police officer Daniel Holtzclaw was sentenced to 263 years in prison for raping and sexually assaulting at least 13 Black women who came forward to accuse him.³⁹ During the investigation and trial, it was discovered that Officer Holtzclaw intentionally targeted his victims because he thought no one would believe Black women.⁴⁰ Similarly, in 2004, Officers Roger Magaña and Juan Lara were convicted of sexually assaulting and raping 20 women, many of whom were often guilty of nothing more than driving or walking while Black.⁴¹

Vulnerability of Immigrants and Women Who Speak Languages Other than English

Immigrants and women who speak a language other than English are particularly vulnerable to sexual assault, harassment, and other forms of violence because they are perceived to be incapable of navigating the justice system.⁴² For instance, in 2012, Houston police officer Abraham Joseph was convicted and sentenced for sexually assaulting an undocumented waitress. Four other undocumented immigrants testified during his trial that they were sexually assaulted by Officer Joseph.⁴³ And in 2016, two teenage sisters fleeing violence in Guatemala were allegedly sexually assaulted

by a Customs and Border Patrol (CBP) officer in a Texas CPB intake office closet.⁴⁴

Use of Force Against Girls of Color

Girls of color have experienced violence and excessive force in interactions with law enforcement and school resource officers. For example, in 2015, Dajeria Becton, a 15-year-old Black girl attending a pool party, was thrown to the ground, kneeled on, and handcuffed by a Texas police officer responding to reports of trespassing in an upscale neighborhood; the officer also drew his weapon when friends attempted to help her.⁴⁵ In another 2015 incident, a police officer was caught on video tape flipping a Black schoolgirl in South Carolina out of her chair and dragging her across a classroom for being disobedient.⁴⁶ In 2016, a 12-year-old Latina Texas student, Janissa Valdez, was body-slammed to the ground by a school police officer.⁴⁷



Janissa Valdez. Photo Credit: People

WHAT IS RACIAL PROFILING?

Racial profiling is the systemic targeting, surveillance, policing, and harassment of people of color that begins with the assumption that people of color are more likely to be criminals. It occurs when government actors – such as police officers, court and corrections officials, border patrol agents, immigration and customs agents, and school personnel – rely on race, ethnicity, religion, national origin, immigration status, and even gender when choosing which individuals should be subjected to stops, searches, seizures, and frisks on the streets, during routine traffic stops, at national borders and in airports. Racial profiling is “based on the erroneous assumption that a person of one race or ethnicity is more likely to commit a crime than a person of another race or ethnicity.”⁷¹ Racial profiling can occur in a range of contexts, such as traffic stops, increased surveillance at airports and retail establishments, and the imposition of suspensions, expulsions, and other discipline in schools.

Use of Force Against Pregnant Women of Color

Police have used Tasers, chokeholds, pepper spray, forcible takedowns, and other forms of excessive force against pregnant Black women. For instance, in 2012, Chicago police used a Taser on Tiffany Rent, a Black woman who was eight-months-pregnant, during a disagreement over a parking violation.⁴⁸ That same year, Raven Dozier, a Black woman who was nine-months-pregnant, was kicked in the stomach by a Georgia police officer during a domestic call to her house, leading to an emergency C-section.⁴⁹ In 2013, Springfield, Illinois police used a Taser on Lucinda White, a Black woman who was

eight-months-pregnant, during a dispute over a fender bender in a parking lot.⁵⁰

Use of Force Against Lesbian, Bisexual, Transgender, and Gender-Nonconforming Women of Color

Lesbian, bisexual, transgender, and gender-nonconforming women are at heightened risk of sexual harassment and sexual violence in their interactions with law enforcement, particularly when they are also women of color. In 2008, Duanna Johnson, a Black transgender woman profiled and arrested for prostitution was later beaten and pepper-sprayed by police when she refused to answer to homophobic and transphobic slurs. Though the incident was caught on security footage, the officer received a sentence of only two years. Duanna was later found shot to death.⁵¹ A 2012 report examining interactions between law enforcement and Latina transgender women in Los Angeles County found that two-thirds of the women reported being verbally harassed; 21 percent reported being physically assaulted; and 24 percent reported being sexually assaulted by law enforcement.⁵²

Moreover, when they experience violence at the hands of private individuals, LGBTQ and gender non-conforming women of color are not assured of remedies within the justice system. In 2007, an all-White jury in New York Supreme Court found a group of seven Black lesbian and gender non-conforming women guilty of “gang assault” when they defended themselves after being physically assaulted and threatened with rape by a man because they were lesbians. The judge sentenced the women to terms of up to 11 years until a campaign helped them win acquittals, new trials, and shorter sentences.⁵³ In 2011, a court in Hennepin County, Minnesota convicted CeCe McDonald, a Black transgender woman, of second-degree murder and sentenced her to 41 months in prison when she defended herself from a man who attacked her as she retreated from a racist, homophobic confrontation the man and his friends had started.⁵⁴

Use of Force against Latinx, Arab, Muslim, Sikh, and South Asian Women

Latinx women are particularly at risk of violence from both state and local law enforcement, and Customs

and Border Patrol. For example, in one instance, a Latina janitor and mother of four U.S.-born children was arrested when sheriffs burst into the landscaping office where she had worked for five years. They found her hiding under a table, and they “lifted her off her feet, and slammed her face into a wall,” causing injuries to her face, jaw, and teeth.⁵⁵

Several instances involving the Maricopa County Sheriff’s Office (MCSO) are also illustrative. In one, an MCSO officer stopped a Latina woman—a U.S. citizen who was five months pregnant—as she pulled into her driveway. When she refused to sit on the hood of her car after exiting, he dragged her to the patrol car and shoved her into the backseat, where he left her for 30 minutes without air conditioning. The initial charge of failure to provide identification was changed to failure to provide insurance, and was later dismissed.⁵⁶ In another instance, two MCSO officers followed a Latina woman—a U.S. citizen—for a quarter of a mile to her home. When the woman attempted to enter her home, the officers used force to take



Chaumtoli Huq. Photo Credit: Sapna NYC

her to the ground, kneed her in the back, and handcuffed her, citing her for “disorderly conduct.” The citation was later dismissed.⁵⁷

Arab, Muslim, Sikh, and South Asian women also face violence at the hands of law enforcement. For example, in July of 2015, Itemad “Angel” Almatar, a Muslim woman, was running to catch the next train in Chicago when she was tackled by five police officers who

ripped off her hijab and demanded to know why she had placed food into her bag, why she was a Muslim, and why she was wearing a hijab. A Cook County judge later found her not guilty on charges of reckless conduct and resisting arrest.⁵⁸ And in 2014, Chaumtoli Huq, a Muslim Bangladeshi American woman was roughly handcuffed and forcibly dragged down a street in Manhattan when she refused to leave the sidewalk by a restaurant while waiting for her husband to return from taking their two small children to the restroom.⁵⁹

Risks of Death for Black Women

A report by the #SayHerName campaign has documented disturbing statistics regarding deaths of Black women as a result of interactions with law enforcement. Black women are outnumbered by White women 5:1 in the United States, but are killed by police in nearly the same numbers. Black women and girls are only 13 percent of the female population in the United States but account for 33 percent of all women shot to death by the police. In contrast, White women make up 64 percent of all women and 44 percent of fatal police shootings of women in the United States. Being arrested is nearly twice as deadly for Black individuals as it is for White individuals.⁶⁰ Black women are dying in high numbers in police custody as a result of neglect, denial of medical care, and use of force.^{61,62}

Women and girls of color are even at risk of police violence within the home, in front of children, and when in need of help.

Domestic Violence

Women of color, and particularly Black women, are more likely to experience death as a result of domestic violence than White women,⁶³ but when Black women turn to police for support, they often fail to secure safety. Examples of this include the February 2014 death of Yvette Smith, who was shot and killed by police who were responding to a call about a domestic dispute between two men in her household. Yvette opened the door

for police, and was immediately shot in the head and stomach. The officer who shot Yvette has been indicted for murder.⁶⁴ And in November of 2014, Aura Rosser was shot and killed by police when her boyfriend called police to their apartment over a domestic dispute. Aura was fatally shot upon their arrival. Police later claimed that Aura attacked them with a knife, but her boyfriend disputes their claim.⁶⁵

Mental Health Crises

Without adequate mental health resources for communities of color, police officers often act as the first and only responders for women of color who are experiencing a mental health crisis. Officers, however, lack the training and skills necessary to handle these crises, which can lead to tragic results. For example, in November of 2014, Tanisha Anderson was killed by officers when her family reached out for assistance calming their daughter during a mental health crisis. When Tanisha became agitated after officers separated her from her family and tried to place her in the patrol car, an officer performed a “take-down” move—slamming her to the concrete, kneeling her in the back, and handcuffing her.⁶⁶



Tanisha Anderson. Photo Courtesy of Joell Anderson

Other examples include the February 2015 killing of Natasha McKenna, who suffered from schizophrenia and bi-polar disorder, by officers during a transfer from one police department to another. Natasha was shocked four times with a stun gun while restrained with handcuffs and leg shackles. After the shocks, she

stopped breathing and was taken to a hospital, where she died a few days later.⁶⁷

In June of 2017, Charleena Lyles was shot and killed in her home by officers while pregnant and with three of her four children present. Charleena—whom the officers knew was mentally ill—had called police to report a burglary but, according to officers, pulled out a knife shortly after they arrived. The officers were recorded prior to entering the department discussing Charleena’s mental health history.⁶⁸

Bystander to Targets of Police Action

Women and girls of color are also killed even when they are not the targets of police action. Simply being in close proximity to the “real target”—Black men—often places Black women at risk of police violence. Aiyana Stanley-Jones, a seven-year old sleeping girl, was shot and killed by Detroit police officers in May of 2010 during a raid on her grandmother’s home searching for Aiyana’s uncle. The officer responsible for shooting Aiyana was tried twice and cleared of all charges.⁶⁹

In August of 2016, Korryn Gaines was fatally shot and killed by police in her home while holding her five-year-old son. When officers arrived to serve arrest warrants on Korryn (for failure to appear in traffic court, a non-violent offense) and on her boyfriend (for a felony assault charge), they found Korryn sitting on the floor holding her son and a firearm; her boyfriend fled. When Korryn threatened to kill the officers if they didn’t leave, they shot at her, killing her and injuring her son.⁷⁰



Aiyana Stanley-Jones. Photo Courtesy of Upton Magazine

While a complicated situation, Korryn’s story remains alarming: a Black woman accused of a non-violent offense, killed by law enforcement while holding her child, as they served a warrant on her boyfriend for a violent offense, even after he had fled the premises and been apprehended. Had they not been serving an arrest warrant on her boyfriend for a violent felony assault charge, it is doubtful that police would have executed the arrest warrant in the manner that led to Korryn’s death and injury to her son. People should not have to be “perfect victims” for police to be held accountable or for society to recognize the ways in which racial profiling and criminalization shape interactions between law enforcement and women and girls of color.



Samantha Davis, YWCA USA, delivers an advocacy training

POLICY RESPONSES THAT MAKE A DIFFERENCE

The studies, reports, and media accounts cited in this policy brief paint a disturbing picture of the gendered racial profiling and criminalization that girls and women of color experience. Systemic reforms and policy solutions that will better ensure their safety include:

LEGISLATION: Passing legislation that addresses the underlying causes and consequences of racial profiling and criminalization of women and girls of color, including:

- **End Racial (and Religious) Profiling Act** (S.411/H.R.1498) to require that local law enforcement agencies receiving federal funds maintain adequate cultural competency policies and procedures for eliminating racial profiling.
- **Pretrial Integrity and Safety Act of 2017** (S.1593) to encourage states to replace the practice of money bail, which has a disproportionately negative impact on women of color.
- **Dignity for Incarcerated Women Act of 2017** (S.1524) to reduce the negative impact incarceration has on the family members of women behind bars, especially their children, and better prepare incarcerated women to return to their communities.
- **Trauma-Informed Care for Children and Families Act** (S.774/H.R.1757) to identify and disseminate best practices; train key stakeholders; test new models for prevention and care; improve the understanding of trauma; improve treatment capacity; and improve community coordination to support children who have experienced trauma.
- **Juvenile Justice Reform Act** (S.860/H.R.1809) to help improve state juvenile justice systems by focusing on education and rehabilitation.
- Passing legislation specifically **prohibiting roadside strip searches and body cavity searches** during traffic stops, and that prohibits strip searches and body cavity searches conducted in any other location unless an officer first obtains a warrant.

DATA COLLECTION: Requiring comprehensive, robust, publicly available data collection disaggregated by race, ethnicity, and gender.

- Such data should be collected and disseminated by justice, immigration, and education agencies on key indicators of criminalization and racial profiling, such as stops, searches, arrests, and use of force by law enforcement, immigration officers, and school safety officers.
- Priority should be given to studying and objectively assessing the impact on girls and women of color.
- National data should also be collected on police violence, including sexual violence, against civilians through the Police-Public Contact Survey and other national surveys.

POLICY CHANGES: Enacting and enforcing policies within law enforcement agencies is essential. Such policy changes should:

- Ensure appropriate training, supervision, and discipline regarding sexual harassment and sexual assault of members of the public by law enforcement officers.
- Impose strict bans on the use of force against pregnant persons.
- Prohibit officers from conducting strip searches and body cavity searches on roadsides or in other public spaces.
- Explicitly ban officers from groping or searching people to identify anatomical features as a means of assigning gender, and require officers to respect gender identity and expression in all police interactions.

TRAINING: Establishing comprehensive, robust national standards for mandatory training of all law enforcement, school resource officers, and immigration agents on implicit bias. Topics should include:

- The ineffectiveness of racial profiling
- Guidelines on use of force
- De-escalation techniques
- Procedural justice
- Other topics that support effective and ethical policing.

See also YWCA USA's policy recommendations in "[Girls of Color and Trauma.](#)"

ENDNOTES

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