



City Council Community Development Committee Meeting
June 11, 2014

The New Orleans Police Department (NOPD) should adopt a policy to prohibit the use of condoms as evidence of prostitution, which would address both public health and public safety concerns in the community.

Several major U.S. cities have recently adopted policies to prohibit the use of condoms as evidence of prostitution, including New York, Washington, D.C., and San Francisco. Further, *BreakOUT!* participated in the recent development of federal policy recommendations in “*A Roadmap for Change: Federal Policy Recommendations for Addressing the Criminalization of LGBT People and People with HIV*,” which identify prohibiting the use of condoms as evidence as a best practice for police departments nationwide.

Bias-based policing policies and Stop & Frisk policies in the New Orleans Police Department should be strengthened to help increase public safety.

BreakOUT! pushed the NOPD to adopt Policy 402², which prohibits police profiling on the basis of gender identity, gender expression, and sexual orientation, and includes provisions on interactions with the LGBTQ community. However, the policy was adopted before the Department of Justice had a chance to review it, which was in contradiction with the NOPD Consent Decree, and took very little community feedback into consideration while drafting the policy. The policies should be strengthened in consultation with the Department of Justice, the Office of the Independent Police Monitor, and community groups in New Orleans.

New Orleans City Council should tell Governor Jindal and Representative Austin Badon know that they oppose HB 1158, which is awaiting the Governor’s signature, and could reverse policing reforms already achieved in New Orleans.

If signed, HB 1158 would lower the standards required for police to stop a person and could allow innocent citizens to be charged with an offense for simply approaching a car or getting in a car. HB 1158 would have a disproportionate impact on transgender women of color and anyone already profiled for sex work, perpetuating tensions between the LGBTQ community and the police.

¹ Available at: http://web.law.columbia.edu/sites/default/files/microsites/gender-sexuality/files/roadmap_for_change_full_report.pdf

² More information available at: <http://www.youthbreakout.org/content/new-orleans-police-department-issues-lgbtq-policy-anniversary-historic-stonewall-riots> and www.tinyurl.com/Policy402