

**The Bill Blackwood
Law Enforcement Management Institute of Texas**

**The Pink Triangle and the Thin Blue Line:
How Leadership Can Transform Law Enforcement**

**A Leadership White Paper
Submitted in Partial Fulfillment
Required for Graduation from the
Leadership Command College**

**By
Shelley Knight**

**Dallas County Sheriff's Department
Dallas, Texas
July 2015**

ABSTRACT

The United States of America is a country based on individual liberties. All people have freedom of religion, freedom of speech, and the freedom to live their life with the idea of being protected from discrimination. No one can discriminate based on race, religion, color, sex, national origin, age, or disability. There is a class of citizen that can be discriminated against, and that is the lesbian, gay, bisexual, or transgender person. This paper will address the problems that many lesbian, gay, bisexual, and transgender (LGBT) police officers face throughout the country and what the leaders of all police agencies can do to address the issues. This paper will show documented cases, including news accounts, of discrimination towards LGBT officers and their families by government agencies. Issues such as religious views, death benefits, and basic protections are addressed. The inclusion of LGBT officers within the ranks of a department is an issue that departments are facing and the leaders must be prepared to handle the situation. Leaders should educate themselves about the LGBT community inside and outside of their departments, learn the issues these officers are facing and develop policies and training to address them. The job is not over when the policy is written and the training is completed. Leaders need to make sure that all officers have a safe environment to work, free from harassment and worry of being discriminated against.

TABLE OF CONTENTS

	Page
Abstract	
Introduction	1
Position	2
Counter Position	6
Recommendation	8
References	11
Appendix A	13
Appendix B	14

INTRODUCTION

Traditionally, police officers were essentially described as the tall, strong, macho, white male. Over the past four decades, women and racial minorities started entering the ranks, changing the perception of what a police officer looks like. Today, seeing a police officer that is not a white male is not a big deal and is widely accepted. The newest minority coming out into the realm of law enforcement is the lesbian, gay, bisexual, or transgender officer (LGBT). Employing and protecting LGBT officers is one of the most controversial topics that law enforcement will ever face. This issue directly confronts the religious beliefs of individual officers, the criminality of the issue in some states, and the moral values of individuals.

LGBT law enforcement officers have been around for many years, but they have been hiding in fear of how employers, coworkers, family, and friends would treat them. For these reasons, LGBT officers have historically stayed closeted. They live in fear of losing their jobs, family, friends, and even their lives. Society is changing and officers are beginning to come out from hiding.

Events, such as the raid on the Rainbow Lounge in Fort Worth, Texas, which resulted in a gay man suffering head injuries and several officers either losing their jobs or being reprimanded in some fashion, are causing departments to take notice of the issues of the LGBT community. Departments are being faced with challenges never seen before, like officers taking time off to have gender reassignment surgery, or officers being killed in the line of duty and their life partners asking for the same benefits that heterosexual couples receive. The inclusion of LGBT officers within the ranks of a department is an issue that departments are facing and the leaders must be prepared to

handle the situation. Leaders should educate themselves about the LGBT community inside and outside of their departments and learn the issues these officers are facing to develop policies and training to address them.

POSITION

For years, the lesbian, gay, bisexual, and transgender people of the world have suffered abuse, discrimination, and hatred. Nowhere is this more prevalent than in the law enforcement community. No one wants to work with a “pansy, pussy, or fag.” Because of this, many police officers have led and are continuing to lead double lives. When an officer is even suspected of being gay, the other officers will talk behind his/her back. They may refuse to be partnered with that officer and even not respond to back them up. Officers across the country are witnesses to this type of behavior. People who have taken an oath to protect and serve will just abandon an officer because he/she is gay.

In 1982, in Springfield, Massachusetts, Officer Michael Carney joined the police department. Michael attended a graduation party soon after he graduated the police academy and observed a male coming out of the bathroom with a bloody nose. He later found out that the officer had been assaulted by a sergeant for bringing a male guest to the party. He received the message from that incident loud and clear. You cannot be gay and be a police officer. He suppressed his feelings for a few years and this took a toll on his mental and emotional health. He started drinking heavily and decided to resign from the force. He left the force and found help with coming to terms with his sexuality. The feelings he was having went against everything he believed in. He had been fighting the feelings his whole adult life and he was losing the battle. He

knew that if he stayed on at the department, his work would suffer. In 1992, he reapplied at Springfield, Massachusetts. While in the interview process, they asked why he left and he told them the truth. The department, upon learning that he was gay, refused to rehire him. He sued the department and eventually won his job. To this day, he works for the department and openly speaks about his experiences (Cramer, 2007).

Another instance of discrimination comes from Roseville, California Police Department. Here, two former officers and one current officer are suing the police department and individual officers for sexual orientation discrimination. Only one of the defendants is openly gay. The other two plaintiffs are heterosexual and married ("Police Officers Sue," 2010). As this story shows, the discrimination not always directed at openly gay officers. Much of the discrimination that happens is when other officers assume someone is gay. Others discriminate by telling jokes that are making fun of homosexuals or by stating things to other officers that can be intimidating. Some of the comments overheard by closeted gay officers usually focused on how the officers would like to physically hurt any gay person, especially any officer that was gay. Almost all of the comments are derogatory in nature.

Another concern of LGBT officers is what happens if they are killed in the line of duty. Many have not shared their personal lives with their coworkers. So, if they are killed or injured while they are working, no one will contact their partners. Their partner may learn of his or her death while watching the news. As seen across the nation, many same sex couples are getting married and raising families. If a gay officer is killed in the line of duty, in a state that does not recognize same sex marriages, then the spouse and possibly the children will receive no help from the state. The only way the

children will receive help is if they are the biological or adopted child of the officer. In Florida, Officer Lois Marrero was shot and killed by a robbery suspect. She had been in a ten year relationship with another female police officer. Her partner requested the benefits that a heterosexual partner would have received and she was denied (Herdy, 2002). In Missouri, state trooper Dennis Engelhard was killed in the line of duty. He shared his life with another man. They had been raising a child together and neither received benefits from his death ("Surviving Partner," 2010). In Dallas, Texas, Deputy Sheriff Suzanne Kays was shot and killed in the line of duty, and her partner did not receive benefits from the state or the department.

One benefit that LGBT families do have came from President George Bush. After the tragedy of September 11, 2001, a bill ("Mychal Judge," 2002) was introduced into congress that would amend the Omnibus Crime Control and Safe Streets Act of 1968 by giving the surviving beneficiary of the most recent life insurance policy of the deceased a federal death benefit. This benefit is for police and fire officials, including chaplains, who are killed while responding to an emergency. The benefit is \$250,000. The new amendment signed into law by President Bush in June of 2002 was made retroactive to September 11, 2001. With this amendment, LGBT couples will have to make sure that their most recent life insurance policy has their partner as the beneficiary or the funds will not go to him/her. Heterosexual couples, unless unmarried, do not have to do this. The spouse automatically gets the benefit (Bumiller, 2002). This is a step in the right direction, but most do not even know about the benefit.

In December of 2010, the controversial policy of "Don't Ask, Don't Tell" was overturned, and for the first time, LGBT servicemen and women can serve openly in the

armed forces (Department of Defense, 2011). With the military now allowing gays and lesbians among their ranks, law enforcement agencies around the country will begin to receive openly gay applicants. In the past, departments could turn down applicants that had been discharged from the military because of homosexual acts. These discharges ranged from general discharges with honorable conditions to dishonorable discharges (G.I. Rights Online, n.d.). Most departments have rules about not accepting applications from those with a less than honorable discharge. It was easy to rule the gays out because they had less than honorable discharges. Denying to even look at an applicant based on their sexual orientation will eventually bring trouble on a department.

Today, officers in 29 states can be fired just for being gay (Short, 2014) (See Appedix A). The State of Texas is one of the states that do not protect LGBT officers, but there is case law that shows that the Texas Penal Code 21.06 (2007) cannot be used to hire or fire anyone. The Dallas Police Department experienced this first hand in the early 1989, when Micah England applied to be a police officer. She told them in the beginning that she was a lesbian and they denied her employment based on her admission. The department had a policy in place prohibiting homosexuals from being hired. Ms. England sued the department, putting the Dallas Police Department on the front page of newspapers and on the evening news across the nation. Dallas lost the court battle and in 1993 after losing the appeals, changed their policy and currently have several openly gay officers, a liaison officer to the LGBT community, and a transgendered officer who is still going through transition. The department has changed policies to address this issue in a way to prevent discrimination in the future (*Dallas v. England v. Texas*, 1993).

Many departments use the term moral turpitude as their catch all phrase to fire officers that they suspect or know to be gay. Moral turpitude can be determined in a number of different ways depending on the individuals own moral standards. The problem that departments are going to start running into is that sexual orientation will become a protected class, no different than race, color, sex, religion, and national origin. Departments should be proactive and have policies and practices in place that do not tolerate discrimination of any kind.

COUNTER POSITION

The issue across the nation when it comes to homosexuality is that it is wrong and that the Bible states that homosexuals are an abomination. The hatred and beliefs toward homosexuals are very strong, especially in the Bible belt. Many will argue that homosexuals are sinners and that the government should not condone the relationships. The United States of America was formed around the United States Constitution and the Bill of Rights. The First Amendment gives the people of the United States the right to practice whatever religion they so choose (The Bill of Rights).

There are many religions in the United States. Not all of these religions believe the same thing. The majority of the American society is Christian, and many of the Christian beliefs differ among denominations. Some of the Christian religions have strong beliefs against homosexuality, but some do not. In fact, the following is a list of religions who have issued statements in support of the LGBT community: Episcopal Church, Evangelical Lutheran Church, Hinduism, Reform and Reconstructionist Jewish Movement, Conservative Jewish Movement left it up to individual Rabbi, Presbyterian

Church (U.S.A.), Unitarian Universalist Association of Congregations, United Church of Christ, and the United Methodist Churches ("Religious Groups'," 2012).

Officers' individual beliefs about homosexuality should not dictate how others should believe. Their beliefs should not affect the way in which they treat others who do not believe the same. There is no room in law enforcement for discrimination based on religious beliefs. Police and sheriffs are expected to uphold the law and treat everyone with dignity and respect. If officers cannot even treat their own employees with dignity and respect, then the community cannot expect much more. It is important to the integrity of agencies across the country to not allow individual biases to interfere with the equal treatment of others.

Another counter point that is not used as much anymore is the belief that homosexual acts are against the law. According to the Texas Penal Code Chapter 21.06 Homosexual Conduct- a person commits an offense if he engages in deviate sexual intercourse with another individual of the same sex. This is a class "c" misdemeanor (2007). This law was found to be unconstitutional by the United States Supreme Court in 2003 with *Lawrence v. Texas*. The law remains in the Texas Penal Code in 2012 because the Texas Congress has failed to have it removed.

Another argument used against the LGBT community is just simply that it is wrong. It is just not natural. It is disgusting (Schlatter, 2010). These same statements were made about interracial marriages in the 1960's, 1970's, and even well into the 1980's. Society's view of interracial marriage has steadily progressed to one of tolerance and acceptance. The tension permeated today when the subject of homosexuality is mentioned is no different than it was just a couple decades ago when

interracial dating or marriages was mentioned. There is no evidence supporting the opinions of persons that homosexuality is not natural, that it is disgusting, or that it is wrong. In fact, one article discussed the fact that the word natural is used in biased way to fit whatever the author desires (Cole, Avery, Dodson, & Goodman, 2012).

Community leaders believe that LGBT officers just want special treatment. This is the farthest from the truth. A lesbian, gay, bisexual, or transgender officer just wants to be treated the same as the other officers ("Police Officers Sue," 2010). The officer wants to be able to place a picture of his/her significant other on his/her desk or locker without being ridiculed, assaulted (physically or verbally), discriminated against by being given the bad assignments, or even fired. The officers want to be able to bring their partners to social gatherings with other officers. They want to be able to talk about their lives openly and not make up lies to tell their coworkers. Many LGBT officers live two separate lives, and they hope every day that they will not be caught, because they fear what will happen to them if anyone found out (Cramer, 2007).

RECOMMENDATION

In 1998, researchers conducted a study of 70% of all the chiefs of police in the State of Texas and their attitudes toward hiring gay and lesbian police officers (Lyons, DeValve, & Garner, 2008). The study showed that a majority of the chiefs accepted the fact that they have a responsibility to hire gay and lesbian officers. They also had a belief that homosexuality was morally distasteful and constituted as moral turpitude (Lyons, DeValve, & Garner, 2008). This study was conducted before the United States Supreme Court ruled on the landmark decision *Lawrence v. Texas* (2003). A new survey should be conducted to see if the end of "Don't Ask, Don't Tell" or the Supreme

Court ruling on *Lawrence v. Texas* (2003) made any impact on the attitude towards LGBT officer.

LGBT officers have historically faced dangerous situations at work (Cramer, 2007). Not only do they have to deal with the normal day to day dangers that law enforcement faces, but they have the danger of losing their job, families, and friends. These officers must jump through hoops just to try to get benefits that are close to their heterosexual partners ("Surviving Partner," 2010). They face the reality that their partners will not be taken care of by their departments. Not only are they scared of being ridiculed for being gay, but many face being passed over for promotion, demoted, or even fired.

Organizations are reflections of the leaders. If the leader is discriminatory, the officers that work for him/her will feel free to discriminate. This opens the door to a very hostile work environment for LGBT officers. In order to correct this injustice, leaders should display a no tolerance attitude towards discrimination of any type. Leaders of organizations should be able to see what is going on around the country and take the steps necessary to stop discrimination of any sort within their hiring practices and agencies. Recognizing the problem is the first step, contacting another agency that has a policy in place or contacting a local LGBT community center would be a beneficial second step. The most important step of all is to provide information and training to all officers. The training should include members of the LGBT community and LGBT officers.

The job is not over when the policy is written and the training is completed. Leaders need to make sure that all officers have a safe environment to work, free from

harassment and worry of being discriminated against. A system will need to be set up that tracks any reports of problems within the agency. If a problem is reported by an officer, the leader must investigate and take action when needed.

The next step is to setup a LGBT liaison to the community. When LGBT officers are accepted into an agency, the community knows. A liaison will show the community that the department cares about them and that they too will get protection. The community will start trusting officers and feeling freer to report crimes that are committed against them. Protecting the community is the number one priority of law enforcement. The community is the biggest ally of any agency. There are many successful programs started throughout the United States, including Washington D.C. Metro, Los Angeles, Chicago, and San Francisco (See Appendix B). There is one group in Texas, The Lesbian & Gay Peace Officers Association – Austin, that created a video promoting the It Gets Better campaign that focused on the bullying of LGBT children (LGPOA, 2012). Leaders that take on the above recommendations will be showing their officers and members of the community their commitment to the law enforcement code of ethics, commitment to the community, and their commitment to their officers to be fair and non-discriminatory (Law Enforcement Code of Ethics, n.d.).

REFERENCES

- Bumiller, E. (2002, June 27). Washington Memo; The most unusual story behind a gay rights victory. *The New York Times*. Retrieved from <http://www.nytimes.com/2002/06/27/us/washington-memo-the-most-unusual-story-behind-a-gay-rights-victory.html>
- Cole, E., Avery, L., Dodson, C., & Goodman, K. (2012, March). Against nature: How arguments about the naturalness of marriage privilege heterosexuality. *Journal of Social Issues*, 68(1), 46-62.
- Cramer, M. (2007, September 5). Gay officer to speak out for job rights bill. *Boston Globe*. Retrieved from http://www.boston.com/news/local/articles/2007/09/05/gay_officer_to_speak_out_for_job_rights_bill/
- Dallas v. England v. Texas, 846 S.W. 2d 957 (Tex. Ct. App. 1993).
- Department of Defense. (2011, October 28). *Repeal of "don't ask, don't tell"*. Retrieved from http://www.defense.gov/home/features/2010/0610_dadt/Quick_Reference_Guide_Repeal_of_DADT_APPROVED.pdf
- G.I. Rights Online. (n.d.). Homosexual conduct discharge (rescinded) fact sheet. Retrieved from <http://girightshotline.org/en/military-knowledge-base/topic/homosexual-conduct-discharge>
- Herdy, A. (2002, July 6). A year cannot heal slain officer's family. *St. Petersburg Times Online Tampa Bay*. Retrieved from http://www.sptimes.com/2002/07/06/TampaBay/A_year_cannot_heal_sl.shtml

Homosexual Conduct, Tex. Pen. Code, 21.06 (2007).

Law Enforcement Code of Ethics. (n.d.). Retrieved from

http://www.ct.gov/post/lib/post/pdf_documents/law_enforcement_code_of_ethics.pdf

Lawrence v. Texas, 539 U.S. 558 (2003).

LGPOA. (2012, August 1). Austin police: It gets better. Retrieved from <http://lgpoa-austin.org/2012/08/01/it-gets-better/>

Lyons, P., DeValve, M., & Garner, R. (2008, March). Texas police chiefs' attitudes toward gay and lesbian police officers. *Police Quarterly*, 11(1) 102-117.

Police officers sue over antigay harassment. (2010, March 25). Retrieved from <http://www.advocate.com/news/news-features/2010/03/25/police-officers-sue-over-antigay-harassment>

Religious groups' official positions on same-sex marriage. (2012, December 7).

Retrieved from <http://www.pewforum.org/2012/12/07/religious-groups-official-positions-on-same-sex-marriage/>

Schlatter, E. (2010, Winter). 18 anti-gay groups and their propaganda. Retrieved from <http://www.splcenter.org/get-informed/intelligence-report/browse-all-issues/2010/winter/the-hard-liners>

Short, K. (2014, October 30). The 29 states where you can still be fired for being gay. Retrieved from http://www.huffingtonpost.com/2014/10/30/fired-for-being-gay_n_6076492.html

Surviving partner of Missouri State Trooper killed on duty challenges discriminatory benefits policy. (2010, December). Retrieved from <http://www.aclu.org/lgbt-rights/surviving-partner-missouri-state-trooper-killed-duty-challenges-discriminatory-benefits->

The Bill of Rights.

Mychal Judge Police and Fire Chaplains Public Safety Officers' Benefit Act of 2002. (2002, June). Retrieved from <http://www.gpo.gov/fdsys/granule/STATUTE-116/STATUTE-116-Pg719/content-detail.html>

Appendix B

Florida LEGAL www.fla-legal.com

Gay and Lesbian Liaison Unit of the Metropolitan Police

<http://mpdc.dc.gov/page/gay-and-lesbian-liaison-gllu>

Gay Peace Officers Association of Southern California www.gpoasc.org

Lesbian and Gay Peace Officers Association www.lgpoa-austin.org

LGPA/GOAL Chicago www.goalchicago.info