|  |  |  |  |
| --- | --- | --- | --- |
| **Subject:** | **Interaction with Transgender Individuals** | **Policy #** | **O-46** |
| **Effective Date:** |  | **Review Cycle:** | **2 Years** |
| **Distribution:** | **All Sworn Personnel** | **# of pages:** | **3** |
| **MLEAP:** | **N/A** |  |  |
|  | ***Rescinds All Previous Policies***  ***Related To This Current Policy*** |  |  |
| **Issuing**  **Authority:** | **Chief of Police** | | |

1. **INTRODUCTION:**

The purpose of this policy and procedure is to establish guidelines for the appropriate treatment of transgender individuals who meet and/or require the services of the XXXXX Police Department. As police interactions with transgender individuals become more common, it is important that our personnel know, understand and utilize the appropriate nomenclature, preferable manners of address, and be aware of laws as to public accommodations and other poignant issues attendant to this population.

While the act of treating all our citizens with respect and dignity continues to be fundamental tenets of this department and our officers, the following considerations are simply a classification of existing procedures and practices.

1. **POLICY:**

It is the policy of the XXXXX Police Department to treat all individuals with dignity, respect, and professionalism. Personnel of this department will not engage in activity that will serve to unduly embarrass, humiliate or otherwise shame transgender individuals whom we encounter.

1. **DEFINITIONS:**
2. **Gender**: describes the characteristics that a society or culture delineates as masculine or feminine.
3. **Sex**: refers to biological differences; chromosomes, hormonal profiles, internal and external sex organs, an individual's biological or anatomical identity as male or female
4. **Gender Identity**: A person's gender-related identity, appearance, or behavior, whether that gender-related identity, appearance, or behavior is different from that traditionally associated with the person's physiology or assigned gender at birth. Gender-related identity may be shown by providing evidence including, but not limited to, medical history, care or treatment of the gender-related identity, the consistent and uniform assertion of the gender-related identity, or any other evidence that the gender-related identity is sincerely held as part of a person's core identity; provided, however, gender-related identity shall not be asserted for any improper purpose. (The gender that the individual feels are his or her true gender, notwithstanding birth sex.)
5. **Gender Expression**: External and outward characteristics and behaviors that are socially viewed as masculine or feminine. Gender expression is the external manifestation of one's gender identity. (The gender that the individual presents to others as.)
6. **Transgender Individual** – A person whose gender identity differs from his/her birth-assigned sex.
   1. **Female-to-Male ("FTM")** – A person who transitions from "female-to-male," meaning a person who was assigned female at birth but identified and lives as a male. A "female-to-male" individual should be addressed using masculine pronouns (i.e., he, him, his), regardless of surgical status.
   2. **Male-to-Female ("MTF")** – A person who transitions from "male-to-female," meaning a person who was assigned male at birth but identified and lives as a female. A "male-to-female" individual should be addressed using feminine pronouns (i.e., she, her, hers), regardless of surgical status.
7. **Adopted Name:** This is a non-birth name that a transgender individual uses in self-reference. This may or may not be the individual's legal name and may or may not be the same name that the transgender individual's personal documents (i.e., driver's license, passport, etc.) reflect. Be aware that the use of an adopted name does not automatically equate to an attempt to hide one's legal identity or that the individual is misrepresenting his or herself.
8. **Gender non-conforming:** A person's physical appearance, characteristics, and/or behaviors that do not conform to those typically associated with the person's sex at birth or traditional societal gender expression. Some transgender people may not identify as male or female.
9. **Intersex:** People who possess or develop physical sex characteristics that do not \_t into conventional medical definitions of male or female. This can include chromosomes, genitals, hormones, and more. Intersex people have been referred to in the past as "hermaphrodites" However, "Intersex" is the preferred term.
10. **PROCEDURE:**
    1. **Forms Of Address**
       1. As always, during verbal interactions with citizens, all department employees (sworn and non-sworn) shall remain professional and speak with the level of professionalism that is appropriate for the given situation.
       2. Employees shall use the adopted name, even if that name is not legally recognized, in all conversations with the transgender individual or any other person when referring to the transgender individual.
       3. In addition, when addressing or referring to a transgender individual, employees will use pronouns preferred by the individual.
       4. If employees are uncertain about which pronouns are appropriate, employees will respectfully ask the individual which pronouns are preferred.
          1. ***She, her, hers*** for an individual who is a transgender woman
          2. ***He, him, his*** for an individual who is a transgender man
          3. ***They, them, their*** for an individual who is gender non-conforming and/or prefers gender-neutral pronouns.
11. **Calls For Service**

Calls for service or complaints generated by transgender individuals shall be addressed and investigated in a manner that is consistent with all Department policies. No officer shall fail to respond to a call for service based on the gender identity or expression of the caller.

1. **Field Searches** 
   1. For the purposes of stops and frisks, exigency searches, consent searches, personal searches pursuant to a warrant, and all other lawful searches of a person, officers shall continue to use standard practices and procedures when conducting these searches. In effecting the search of a transgender individual, the search ideally and where possible should be conducted by an officer of the sex who the transgender individual expresses;

* + 1. If the transgender individual presents feminine expression, the search shall be conducted by a female officer.
    2. If the individual presents masculine expression, the search shall be conducted by a male officer. If searching officers are uncertain as to the subject's gender expression, then officers will respectfully and in a professional manner ask the individual as to what their preference is with respect to the sex of the searching officer.
  1. At least two officers should be present for these searches when possible. It is understood that the dynamic, fluid, and emergent nature of some situations is such that immediate searches are necessary to preserve officer and public safety and to prevent the destruction of evidence. Accordingly, searches may be undertaken by any officer of either sex if necessary, by these developing conditions.
  2. A search or frisk shall not be performed for the sole purpose of determining an individual's anatomical gender, and transgender individuals shall not be subject to more invasive search or frisk procedures than non-transgender individuals.

1. **Transportation**:
   1. Whenever possible, a transgender prisoner shall be transported alone. If it is necessary to transport multiple prisoners, the transgender individual may be transported with other prisoners according to the gender expression; a transgender individual with feminine gender expression may be transported with women, and a transgender individual with masculine gender expression may be transported with men.
2. **Booking**
   1. The Booking Officer and associated cell room staff will process transgender prisoners, including persons held in protective custody and juveniles held in custody, according to normal booking procedures. As always, officers will conduct the booking process in a manner that preserves the dignity of the prisoner without undue embarrassment to him or her.
   2. The transgender prisoner is to be booked with an appearance that is consistent with the way that individual was arrested. Removal of clothing, wigs, hairpieces, makeup, and other appearance items are not to be conducted from the prisoner prior to booking. Removal of appearance items that represent a danger to the prisoner in a cell may be affected post-booking prior to placement in that prisoner's cell.
   3. When booking a transgender prisoner, the Booking Officer will include the prisoner's adopted name (i.e., name that the individual uses in self-reference) in the booking, either as the primary name or as the "also known as" (AKA) name. The transgender prisoner will be booked under the name appearing on the prisoner's government-issued identification, as well as under an AKA name where applicable. If no identification is available, then the Booking Officer will use the adopted name for booking purposes, either as the primary or the AKA name. The prisoner's birth name will be used only if it is the prisoner's legal name or it is required by a legitimate law enforcement purpose, including but not limited to a prior arrest record.
   4. If the transgender prisoner is transferred to \_\_\_\_\_\_\_\_\_\_ County Jail, the transporting officer will notify the jail intake staff of the individual's gender identity.