



MODEL PROTOCOLS FOR:  
**Interactions with Trans, Intersex, and Gender Nonconforming Individuals**

Issue Date:	Effective Date:
Applicable to: All employees	Approval Authority:

**PURPOSE:**

This directive establishes guidelines and operating procedures for employees when interacting with trans, intersex, and gender nonconforming people to provide for their safety and dignity.

Department members will maintain professionalism and:

1. Treat all persons with the courtesy and dignity which is inherently due every person as a human being; and
2. **Not** exhibit bias, prejudice, or discriminate against a trans, intersex, and/or gender nonconforming person or group of persons.

**DEFINITIONS**

**The following terms are defined as follows:**

1. **Sex Assigned at Birth** The sex assigned to someone at birth can refer to genitalia or chromosomal make-up. (**Also known as Biological Sex**)
2. **Gender Identity and Gender Expression**- A gender-related identity, appearance, expression or behavior of an individual, regardless of the individual's assigned sex at birth. Gender identity can be thought of as any person's self-identified gender; whereas gender expression can be thought of as how someone outwardly expresses gender identity.
3. **Gender Nonconforming** – A description meaning that an individual's gender expression is different from the stereotyped expectations of how the individual should look or act.
4. **Intersex**- A person with an intersex condition is born with reproductive or sexual characteristics that do not seem to fit the typical definitions of male or female
5. **TLGBQ**- (Also sometimes stated as LGBTQ) An acronym for trans, lesbian, gay, bisexual, and queer
6. **Sexual Orientation**- A person's attraction to members of the same gender and/or a different gender. Examples of sexual orientations include, but are not limited to, gay, lesbian, heterosexual, and bisexual.
7. **Trans**- Is viewed as an inclusive term for transgender people, transsexual people, trans men, trans women, transfeminine, transmasculine, cross-dresser etc. The term is sometimes seen in written form using the asterisk (\* = an includer) and a way for a broad community to stand in solidarity with each other.

**GENERAL PROVISIONS:**

- A. Members will respectfully treat trans, intersex and gender nonconforming individuals in a

manner appropriate to the individual's gender identity and/or expression, which may be different than their sex assigned at birth or listed on their official government issued identification. This includes:

- a. Using pronouns as requested by the individual (e.g. "she, her" for an individual who requests she/her pronouns; "he, his" for an individual who requests he/his pronouns; "they, them" for an individual who requests "they/them" pronouns.)
- b. Addressing all individuals, including trans-identified individuals, by the name and gender pronoun they prefer to be called.
- c. If it is unclear what gender the person identifies as, members shall politely and discreetly ask individuals what gender pronoun they prefer and if there is a name they would like to be called.
- d. When an individual self-identifies as being trans or states their name or gender, members shall not question this identity.

**B. Members will not:**

- a. Inquire about intimate details of an individual's genitals, anatomy or medical history to determine an individual's gender.
- b. Use language that is demeaning or derogatory to another person, in particular, language aimed at a person's actual or perceived gender identity, gender expression, or sexual orientation. This includes "he-she," "tranny," "faggot," "punk," "it," "shim," "thing," "dyke," "bull-dagger" or any other derogatory term.
- c. Engage in any sexual harassment of the public, while on or off duty.
- d. Consider an individual's preferred or legal name, gender identity, gender expression, or actual or perceived sexual orientation as reasonable suspicion or prima facie evidence that the individual is or has engaged in a crime, including but not limited to prostitution.
- e. Use an individual's name, gender identity, gender expression, or actual or perceived sexual orientation as a reason to stop and question that individual.
- f. Stop, detain or frisk any person in whole or in part for the purpose of determining that person's gender or in order to call attention to the person's gender identity or expression.
- g. Disclose an individual's identity, former name and/or medical information to other arrestees, members of the public, or non-Department members, absent of a proper law enforcement or safety purpose.

## **GENDER IDENTIFICATION AND WRITTEN DOCUMENTATION**

- A. Members shall note the preferred name and gender pronoun for individuals on any forms that result, such as arrest forms, to minimize other members from having to ask the individual each time throughout the duration of the interaction.

- B. When a situation arises where there is a question or doubt about gender identification, the member shall politely and discreetly inquire how the individual wishes to be addressed (e.g., Sir, Miss, Ms., Mr., he, she) and the name by which the individual wishes to be addressed. This name shall be noted on all police reports and documents if it differs from the individual's legal name.
- C. Members shall not consider or document someone's preferred name as an "alias" or "nickname" or accuse them of falsely identifying themselves. Forms shall allow a space for "Preferred Name" and "Legal Name (if different from above)"
- D. If an individual has had their name or gender marker legally changed, members shall not question this or ask for an individual's birth name or which sex they were assigned at birth.
- E. No member of this department shall detain, arrest, harass, or discriminate against any individual based on that individual's name. An individual perceived to be male shall not be detained, arrested, harassed, or discriminated against on the basis of providing a traditionally feminine name in a verbal statement or identification document. An individual perceived to be female shall not be detained, arrested, harassed, or discriminated against on the basis of providing a traditionally masculine name in a verbal statement or identification document. Gender-based stereotypes are not a basis for reasonable suspicion or probable cause.

## **BATHROOM USE**

- A. Trans, intersex and gender nonconforming individuals shall be allowed to use the restroom in accordance with their gender identity while in police custody. However, if the individual has safety concerns with using the restroom, that individual may use the restroom they feel will be safest for them.
- B. Individuals shall not be stopped for "using the wrong restroom" in public, including in bus stations or in shelters.

## **COMPLAINTS AND CALLS FOR SERVICE INVOLVING TRANS, INTERSEX, AND GENDER NONCONFORMING INDIVIDUALS**

- A. The department shall track all concerns and complaints concerning the quality of police services on the basis of gender identity, gender expression, and/or sexual orientation and make this data publicly available and accessible.
- B. Copies of all complaints against members concerning the quality of police services on the basis of gender identity, gender expression, and/or sexual orientation shall be brought to the attention of the Internal Affairs.
- C. A member shall not fail to respond to a call for service or complaint on the basis of the gender identity, gender expression, and/or sexual orientation of the caller or complainant.

- D. A member shall not fail to respond to an individual, fail to investigate crimes, or fail to take requests or complaints seriously on the basis of someone's actual or perceived trans, intersex, or gender nonconforming status, including calls to report cases of domestic violence.
- E. When responding to calls for service relating to domestic violence, assault, or other concerns, members shall not make assumptions about which individuals may be victims and/or suspects based on the individual's gender identity, gender expression, and/or sexual orientation."

## **FIELD SEARCHES**

- A. Under **no** circumstances shall members of the Police Department search any person solely for the purpose of determining that person's anatomy or genitalia.
- B. Trans, intersex, and gender nonconforming individuals shall not be subject to more invasive searches or frisk procedures than other individuals.
- C. Before searching an individual, members shall:
  - a. Ask for written consent of the individual to be searched and inform them of their rights to refuse a search
  - b. Ask by which gender the individual would prefer to be searched (i.e. A trans woman may prefer to be searched by female members of the department)
- D. If the individual would prefer to be searched by either a man or a woman member of the department and there is no member of that gender present, then the members shall:
  - a. Summon an officer who is of the gender requested by the individual to conduct the search; and
  - b. Document the individual's preference to be searched by another gender and the summoning of another member to the scene.
- E. At no time shall a member refuse to search someone based on their actual or perceived gender identity or gender expression.

## **ARRESTS**

- A. All information that the arresting officer obtains (including pronoun preference and preferred name) concerning the individual shall be passed on to the transporting officers and backup or any officer who is interacting with the individual. However, information about an individual's trans or intersex status should be kept on a "need-to-know" basis to ensure the individual's privacy and confidentiality is fully respected.
- B. The arresting officer shall understand that a trans, intersex, or gender nonconforming individual may experience violence, abuse, and harassment from law enforcement personnel and/or other arrestees once in the custody of law enforcement, juvenile bureau, jails, and prisons and therefore mark on any documents given to other officers at booking or intake that the individual may be at increased risk for abuse and violence while in custody. However, information about an individual's trans status should be kept

on a “need-to-know” basis to ensure the individual’s privacy, confidentiality and safety is fully respected.

- C. In the event that an arrestee is in police custody and held in an area that is segregated by gender, the individual shall be consulted on where they feel most safe before placement and every effort will be made to ensure the trans person will be placed where they say they will feel most safe. This includes if trans people feel most safe housed in accordance with their gender identity.
- D. Trans individuals shall not be asked to remove appearance-related items (such as prosthetics, clothes and undergarments of the presenting gender, wigs, or cosmetic items) if non-trans individuals are not also required to do so. Requests to remove appearance-related items shall be consistent across genders while in police custody. Removal of items, whenever practicable, shall be done in private.

### **TRANSPORTING TRANS, INTERSEX, AND GENDER NONCONFORMING INDIVIDUALS**

- A. All members are required to document mileage from start to finish of each trip to transport arrestees.
- B. In transporting trans, intersex, and/or gender nonconforming individuals, members shall classify their gender based on the individual’s gender identity and expression.

### **HANDLING JUVENILE TRANS ARRESTEES**

- A. This policy shall also apply to juveniles as a compliment to any special provisions already in place for juvenile arrestees.
- B. Members shall not disclose sensitive information they discover about an individual’s gender identity, gender expression, or sexual orientation to parents or guardians. This information shall be kept private so the juvenile can inform their parent themselves and not be put at increased risk for violence or rejection in the home. Communication about the individual with the parent or guardian post-arrest shall not be the responsibility of the member.

### **MEDICAL TREATMENT OF TRANS, INTERSEX, AND/OR GENDER NONCONFORMING ARRESTEES**

- A. If an individual is arrested and allowed to take prescription items with them, prescription hormones shall be treated like any other prescription medication necessary for an individual’s health and wellbeing.
- B. Whenever a trans, intersex, and/or gender nonconforming individual expresses a need for medical attention, members shall handle the situation with the same urgency and respect as any other illness or injury, including for injuries sustained during arrest.

### **TRAINING**

- A. The department shall implement full training on this policy and other matters related to the trans, intersex, and gender nonconforming community in [insert city]

- B. Trainings shall be led or co-facilitated in meaningful part by members of the community with experience with the department and by organizations knowledgeable about these issues and communities.
- C. Training on trans, intersex, and gender nonconforming issues shall be incorporated throughout all officer trainings, including during Search and Seizure Training and Cultural Sensitivity Training. Members shall receive 8 hours of training specifically on trans, intersex, and gender nonconforming issues and periodic roll-call trainings or other shorter “refresher” trainings.

#### **ADDITIONAL OVERSIGHT PROVISIONS**

- A. The department shall have zero tolerance for any member’s sexual misconduct or harassment directed toward a trans, intersex, or gender nonconforming individual. Any substantiated claim of sexual contact or harassment may result in termination of the members’ employment, civil penalties, or other punitive actions as deemed appropriate.