



YARMOUTH POLICE DEPARTMENT POLICY AND PROCEDURE INTERACTIONS WITH TRANSGENDER INDIVIDUALS 2018-01

Issue Date: 2/5/2018

Review Date :

Revised:

Issuing Authority:

Chief Frank G. Frederickson

Certification Standards:

Accreditation Standards:

Optional Accreditation Standards:

Policy Statement

The purpose of this policy is to establish guidelines for the appropriate treatment of transgender individuals who come into contact with the Yarmouth Police Department. It is important that our personnel know, understand and utilize the appropriate nomenclature, preferable manners of address, and be aware of laws that deal with public accommodations and other issues affecting this population. Therefore, this policy shall be enforced in order to create mutual understanding, prevent discrimination and conflict, and ensure the appropriate treatment of transgender individuals within the community.

Policy

It is the policy of the Yarmouth 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 come into contact with.

Definitions

1. **Adopted Name:** Non-birth name that a transgender individual uses in self-reference (this may or may not be the individual's legal name).
2. **Gender Expression:** Displays of gender identity through dress, demeanor, and language.
3. **Gender Identity:** A person's gender-related, appearance, or behavior, whether or not that gender-related identity, appearance or behavior differs 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, 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, that gender-related identity shall not be asserted for any improper purpose.

4. **Gender:** An individual's biological or anatomical identity as male or female.
5. **Transgender Individual:** A person whose gender identity differs from his/her biological or anatomical gender.
 - a. **Female-to-Male ("FTM"):** A person who transitions from "female-to-male," meaning a person who was assigned female at birth, but identifies 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.
 - b. **Male-to-Female ("MTF")** A person who transitions from "male-to-female," meaning a person who was assigned male at birth, but identifies 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.
6. **Transsexual:** A person whose personal sense of gender conflicts with the person's biological or anatomical gender at birth.
7. **Transition:** The process of changing one's gender from the sex assigned at birth to one's gender identity.

Name Usage
and Forms of
Address

As always, during verbal discourse with citizens, officers shall remain professional and speak with the level of decorum that is appropriate for the given situation. Officers shall address transgender individuals by the individual's adopted name. This is true even if the individual has not received legal recognition of the adopted name. In addressing or discussing a transgender person, officers will use pronouns appropriate for that person's gender identity (e.g., she, her, her's for a person who is male-to-female; he, him, his for a person who is female-

to-male). If officers are uncertain about which pronouns are appropriate, then officers will respectfully ask the individual as to what is their preferred pronoun.

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.

Field Searches 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*; if the transgender individual presents feminine expression, the search shall be conducted by a female officer. 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 is their preference is with respect to the sex of the searching officer.

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 are 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 sex officer where made necessary by these emergent conditions.

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.

Handling Prisoners **Transportation:** Whenever possible and practical, a transgender individual shall be transported separately from other arrestees and in accordance with YPD Prisoner Transport Policy. This is to ensure the transgender individual's privacy, dignity, and safety.

Booking:

- a. Normal booking procedures will be followed, according to Department Policy *Prisoner Booking and Processing* when

booking a transgender individual, including those in protective custody and juveniles held in custody. During the booking process the Booking Officer shall include the individual's adopted name (i.e. the name that the individual uses in self-reference) either as the primary name or as the "also known as (a.k.a.) name. However, the individual shall be booked under the name appearing on the individual's government-issued identification, as well as under the a.k.a. name when applicable.

- b. If the individual does not have identification available, the Booking Officer shall use the adopted name as the primary name for booking purposes. The individual's birth name will be used only if it is the individual's legal name or is required by a legitimate law enforcement purpose, including but not limited to, determining whether as arrestee has a prior criminal record.
- c. If during the booking process a transgender individual requests to use the bathroom, an officer of the same gender as the transgender individual's gender expression shall escort the individual to the appropriate gender-assigned bathroom.

Searches:

- a. Whenever possible and practical, a search of a transgender individual will be performed by officers of the gender requested by the transgendered individual. Two officers of the gender requested by the transgendered individual will be present during the search. If two officers of the requested gender are not available, the search shall nonetheless be performed by two available officers. If the transgender individual does not express a preference regarding the gender of the searching officers, then two officers of the same gender as the transgender individual's gender expression will conduct the search (e.g. when a female-to-male individual does not express a preference, then two male officers will conducted the search).

Conditions during Police Custody:

Whenever possible, a transgender prisoner shall be held in a cell without other prisoners. Shift Supervisors and booking officers should make all efforts to ensure that the prisoner is held separately from other prisoners. Post booking, transgender prisoners should be placed into a cell corresponding with his or her gender expression; a transgender individual with feminine gender expression should be placed into the female cellblock area and a transgender individual with

masculine gender expression should be placed into the male cellblock area.

Confidentiality: All information relative to arrests and police investigations, to include photographs, is in varying degrees, considered to be Criminal Offender Record Information, or CORI. As such, information of this nature is to be kept confidential and excluded from public record. As this information is protected by federal and state law and by the rules and regulations of this department, improper disclosure of this sensitive information is prohibited