



# FAILING TO PROTECT AND SERVE: POLICE DEPARTMENT POLICIES TOWARDS TRANSGENDER PEOPLE

## Atlanta Police Department

### Availability of Policy on Transgender Interactions ■

Department's policies on transgender interactions are readily available through the department's website.

### Nondiscrimination Based on Gender Identity ■

Policy prohibits the use of derogatory language based on gender identity or expression. However, policy fails to prohibit the use of gender identity or expression as a basis for stopping, questioning, searching, or arresting any individual, as a sole basis for initiating contact, or as evidence of a crime. Additionally, policies fail to prohibit invasive questioning regarding gender identity.

### Nondiscrimination Based on Sexual Orientation ■

Policy requires "all sworn employees" to "exercise their authority in a manner that does not unlawfully discriminate against individuals based solely on race, ethnic background, gender, sexual orientation," but does not explicitly include profiling or harassment. (SOP 3080 General Procedures)

## **Non-Binary Recognition** ■■■

Department's policy acknowledges non-binary individuals and requires members to respectfully ask for pronouns. However, policy does not address placement, and directs that non-binary individuals be searched by female personnel without regard to their preference.

## **Use of Respectful Communication** ■■■

Policy requires members address individuals by their "preferred" name and pronouns.

## **Department Forms** ■■■

Policy requires members to document name and sex as it appears on government issued identification. Policy allows for other names used to be recorded only as an "alias," and does not require recording pronouns.

## **Search Procedures** ■■■

Policy requires that all transgender and non-binary individuals be automatically searched by female members. Policy does not clearly prohibit searches for the purpose of determining gender, and allows for "cross-gender" searches when members of the arrestees' gender identity are not available

## **Transportation** ■■■

Policies fail to require members to contact dispatch and document mileage when transporting arrestees (unless the arrestee is a juvenile or a female prisoner transported by a male officer), and fail to require transportation of arrestees with members of their gender identity/expression. The Department's Female Prisoner policy (SOP 3030) fails to specify if the policy applies to transgender women.

## **Officer Sexual Misconduct** ■■■

Policies fail to prohibit sexual misconduct by members of the Department, establish prevention or accountability mechanisms for officer sexual misconduct, or fully incorporate the PREA Lockup Standards.

## **Placement in Temporary Lockup** ■■■

Department does not have temporary holding facilities.

## **Access to Medical Care in Lockup** ■■■

Department does not have temporary holding facilities.

## **Removal of Appearance-Related Items** ■■■

Policy states that the removal of appearance related items will be consistent with requirements for the removal of similar items for non-transgender individuals.



## **Bathroom Use** ■

Department policy fails to prohibit police from monitoring public restroom use or address bathroom use in stations.

## **Use of Condoms as Evidence for Sex Work** ■

Policies fail to prohibit the confiscation or use of condoms as evidence.

## **Trainings** ■

Department LGBT Liaison Unit is required to provide quarterly training on “working with the LGBT community” to all sworn personnel, however, the policy does not require multiple hours of training or community participation in training development or delivery.

## **Cooperation with Immigration** ■

Department does not have a clear policy on honoring ICE detainers, but prohibits members from asking for a person’s immigration documents. However, policy requires members suspecting that individuals they detain in violation of a felony are undocumented contact ICE for guidance and “put a hold on the subject if necessary.”

## **Civilian Oversight** ■

The Atlanta Citizen Review Board (ACRB) is an independent body from the Department that produces semi-annual complaint reports. They have the authority to initiate investigations, but are not able to impose discipline or accept anonymous complaints.

# About the National Center for Transgender Equality

The National Center for Transgender Equality advocates to change policies and society to increase understanding and acceptance of transgender people. In the nation's capital and throughout the country, NCTE works to replace disrespect, discrimination, and violence with empathy, opportunity, and justice.



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