



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

Baltimore 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 ■

Department policy explicitly prohibits the use of gender identity or expression as a basis to stop, question, search, or arrest any individual, as a sole basis for initiating contact, or as evidence of a crime. Policy generally prohibits the use of demeaning or derogatory language. However, policy does not prohibit asking invasive questions of transgender and gender-nonconforming people that are not relevant to the police interaction.

Nondiscrimination Based on Sexual Orientation ■

Department policy prohibits profiling, harassment, and discrimination against any individual based on the person's actual or perceived sexual orientation.

Non-Binary Recognition ■

Policy fails to mention non-binary identities or how search, lockup, or other policies apply to them.

Use of Respectful Communication ■

Policy requires addressing members of the public with appropriate pronouns, but fails to explicitly require members to also use the name they currently use.

Department Forms ■

Policy requires members to record current name used as an alias and to classify gender as it appears on government ID, but does not instruct members to record pronouns.

Search Procedures ■

Department's policy clearly prohibits searches and frisks for the purposes of determining "sex." Department is subject to a 2017 consent decree requiring searches be conducted by an officer of the gender requested by a transgender individual, and prohibiting more invasive searches of transgender individuals. At the time of this writing, the Department policies have not been updated to incorporate these protections.

Transportation ■

Department's Transportation of Passengers policy requires members to contact dispatch at the beginning and end of transport and to document mileage from start to finish of each trip when transporting a person of the "opposite sex," but fails to state how this applies to transgender arrestees. At the time of this writing, a draft policy requires transporting transgender arrestees with individuals of the same gender identity and expression, unless the individual expresses a safety concern or the officer identifies a safety concern, in which case the individual shall be transported alone.

Officer Sexual Misconduct ■

Department policies fail to clearly define and prohibit sexual misconduct on behalf of 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 ■

While the Department does not have temporary holding facilities, the Department's "Persons in Police Custody" (1114) addresses medical care and detainee access to prescribed medications. However, policy fails to make clear that transgender individuals must be treated equally including with respect to access to hormone therapy.

(Policy 1114 Persons in Police Custody)



Removal of Appearance-Related Items ■■

Policy allows for transgender arrestees to maintain appearance related items in accordance with 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 ■■

Policy requires regular, LGBT-specific training for all new and current personnel but does not require multiple hours or community participation

Cooperation with Immigration ■■

Policies do not address immigration enforcement.

Civilian Oversight ■■



The Civilian Review Board is an independent agency that has the power and authority to conduct investigations independently, and recommend discipline. The Board requires all complaints to be notarized and does not process anonymous complaints, or produce annual reports. Under the 2017 consent decree, the Community Oversight Task Force is studying and will make recommendations for strengthening the Board, which would require action by City Council. Policies have not been updated as of this writing.

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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