



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

Boston Police Department

Availability of Policy on Transgender Interactions ■

Department issued a special order 13-025 on transgender interactions in 2013 covering the following categories: Non-Discrimination Based on Sexual Orientation, Use of Respectful Communication, Name and Pronouns on Department Forms, Search Procedures, Transportation, Placement in Temporary Lockup, Access to Medical Care in Lockup, and Training. However, the special order is not easily accessible, is not referenced in the Department's Rules and Procedures page, and can only be found via a 2013 press release.

Nondiscrimination Based on Gender Identity ■

Department policies do not explicitly prohibit 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. Policies do not prohibit use of language based on gender identity or targeting transgender people for invasive questions that are not relevant to the police interaction.

Department's Conduct, Rights and Responsibilities policy addresses derogatory comments based on race or sexual orientation but not gender/gender identity. Bias Free Policing policy prohibits profiling based on "gender," but does not specify gender identity.

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 ■

Policies fail to mention people with non-binary gender identities or how policies on pronouns, searches, or placement apply to interactions with them.

Use of Respectful Communication ■

Department transgender policy requires officers address individuals by their "adopted name" and appropriate pronouns.

Department Forms ■

Department's policy requires members to document "chosen name" as an "a.k.a" when it is not the individual's legal name, and legal name shall be recorded as the primary name for "legitimate law enforcement purposes." Policy does not address documenting gender or pronouns.

Search Procedures ■

Department policy prohibits the use of searches to determine gender, anatomy, or transgender status and the use of more invasive searches for transgender people. Department policy allows for transgender individuals to request the gender of the two officers to perform a search. Additionally, if members of the requested gender are not available policy requires that two members perform the search, and that they complete a "Statement of Search Preference Form." If transgender individuals do not make a search preference, they shall be searched based on their gender "expression."

Transportation ■

Policy fails to require members of the Department to contact dispatch and document mileage when transporting arrestees. Policy requires members transport transgender individuals alone, and they shall ensure that additional units are called.

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. Department policies do impose a general duty to report officer misconduct.

Placement in Temporary Lockup ■

Department policies fail to address lock-up placement for transgender people.

Access to Medical Care in Lockup ■■

Department policy states that transgender individuals requiring medical attention will be treated equally with other prisoners requiring medical attention, but fails to explicitly mention access to hormone medication.

Removal of Appearance-Related Items ■■

Department policies do not address the removal of appearance related items.

Bathroom Use ■■

Policy fails to prohibit officers from policing public restroom use of transgender people or to explicitly permit individuals to use the restroom consistent with their gender identity in Department buildings.

Use of Condoms as Evidence for Sex Work ■■

Policies fail to prohibit the confiscation or use of condoms as evidence in prostitution related cases.

Trainings ■■

Department policies do not require training on interactions with transgender people as part of officer training.

Cooperation with Immigration ■■

The Boston municipal Trust Act prohibits the Department from complying with immigration detainer requests, except in the case that the individual meets any of the following criteria:

- “(1) ICE has a criminal warrant for the individual;
- (2) The individual has ever been convicted of a violent crime as defined in Massachusetts General Laws Chapter 140, Section 121;
- (3) In the past ten (10) years, the individual has been convicted of a felony as defined in Massachusetts General Laws Chapter 274, Section 1;
- (4) The individual is a current registrant on the Massachusetts Sex Offender Registry;
- (5) The individual is identified in the federal government’s consolidated Terrorist Watchlist”

However, the Department does not have an available policy outlining the parameters of the Trust Act.

Civilian Oversight ■■

The Community Ombudsman Oversight Panel is an independent body that reviews complaints against the department’s Internal Investigations team and produces annual reports. However, the panel may only review appeals not initiate investigations or impose discipline. It is unclear if the panel accepts 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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