



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

## **Los Angeles Police Department**

### **Availability of Policy on Transgender Interactions** ■

Department's policies on transgender interactions are easily 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. Additionally, the policy prohibits use of language that is demeaning or derogatory. However, policy does not state that transgender people are not to be asked invasive questions that are not relevant to the police interaction.

### **Nondiscrimination Based on Sexual Orientation** ■

Policy clearly 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 individuals with non-binary gender identities or address how search, lockup, or other policies apply to address situations faced by them. However, advocates say that law enforcement generally assume transgender related policies to be applicable to non-binary and GNC individuals, but the Department's Suspect Description policy only allows for "male" and "female" classification. (See Name and Pronoun on Department Forms)

## Use of Respectful Communication ■

Policy requires members of the Department to address individuals by their "preferred" name and pronouns. Advocates indicate that while there seems to be a strong leadership commitment to this policy, officers still frequently misgender members of the public.

## Department Forms ■

Department policy requires "any information obtained about an individual's transgender status (e.g., preferred name and pronoun)" to be "documented and provided to relevant Department employees for the purpose of ensuring continuity of appropriate treatment." However, the policy instructs officers to document a "preferred name" as an AKA or alias.

The LAPD's 030.45 Description of Suspect policy provides guidance to be "used for all types of reports" that limits members of the Department from documenting sex as exclusively either "male" or "female."

Neither policy references the other resulting in inconsistencies across the transgender policy and the suspect description policy that specify recording arrestee's currently used name as an "AKA," and as "alias" or "nickname" respectively.

## Search Procedures ■

The Department's transgender policy states that individuals will be asked to state a preference for search by a male or female officer, but the Department's search policy does not reference this and simply states that searches will be conducted by an employee "of the arrestee's sex," that "a search or frisk shall not be performed for the sole purpose of determining an individual's anatomical gender," and that "transgender individuals shall not be subject to more invasive search or frisk procedures than non-transgender individuals." Additionally, the transgender policy states that "an officer shall not refuse to search a transgender arrestee based upon the arrestee identifying as transgender,"

Under the transgender policy members are also required to - if they have reason to believe that an arrestee is transgender - notify them that they are to be searched same as every other arrestee, and document the arrestees stated preference to be searched by a "male or female officer." However, the Department's 217. Searches of Suspects and Arrestees policy fails to reference the transgender policy.

## **Transportation** ■■

Department policy requires members to report mileage and odometer reading when transporting an arrestee of the opposite sex, but fails to set guidelines for transporting transgender arrestees.

## **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** ■

The Department's transgender policy does not address temporary placement, and only references the Jail Division page for longer term placement. (GRAY)

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

Department policy provides for arrestees prescribed medication to be administered, but does not clarify if this applies equally to hormone therapy for transgender people. However, local advocates believe that transgender arrestees have been able to receive their medication while in custody.

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

Department policy states that "requests to remove appearance-related items, such as prosthetics, clothing that conveys gender identity, wigs, and cosmetics, shall be consistent with requirements for the removal of similar items for non-transgender individuals."

## **Bathroom Use** ■■

Department policy fails to prohibit policing of public restroom use by members or address bathroom usage in stations.

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

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

## **Trainings** ■■

Department policy does not require training on interactions with transgender individuals to be included in officer training.

## **Cooperation with Immigration** ■■

Department policies clearly state that immigration status is not a matter of police action, and that police services will be readily available to all regardless of their immigration status. (390. UNDOCUMENTED ALIENS.) Policy explicitly prohibits members from arresting or booking persons for "Illegal Entry," but requires members honor arrest warrant for federal immigration crimes.



## **Civilian Oversight** ■



Jurisdiction lacks independent civilian oversight body. The Office of the Inspector General (OIG) is an independent body that reviews complaint investigations regarding officer misconduct, but the Department's Internal Affairs Group (IAG) conducts the complaint investigations. The IAG accepts and investigates anonymous complaints, and OIG produces reports on the investigations.

# 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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