



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

Memphis Police Department

Availability of Policy on Transgender Interactions ■

Department policies obtained through open records request are available through external search engines, and fail to address interactions with transgender individuals.

Nondiscrimination Based on Gender Identity ■

Department policy states that members shall not consider race, national origin, citizenship, religion, ethnicity, age, gender, sexual orientation, or socioeconomic status as a basis for taking enforcement action. However, policy fails to specify if “enforcement action” extends to prohibit officer’s ability to request identification, ask invasive questions of transgender and gender-nonconforming people that are not relevant to the police interaction, harassment, or use of language that is demeaning or derogatory to transgender people.

Nondiscrimination Based on Sexual Orientation ■

Policies prohibits members of the Department from engaging in discriminatory policing based on sexual orientation, but fails to provide explicit language prohibiting profiling and harassment.

Non-Binary Recognition ■

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

Use of Respectful Communication ■

Policies fail to require the use of correct names and pronouns in interactions with members of the public.

Department Forms ■

Policies do not address recording an arrestee's name, gender or pronoun.

Search Procedures ■

Search policy requires that searches of arrestees “be performed by officers of the same sex,” but does not state how this applies to transgender people. [1.2.8.b]

Transportation ■

Officers are required to contact dispatch and record odometer reading at the beginning and end of transport. However, policy fails to mention the transportation guidelines for trans, intersex, and/or gender-nonconforming individuals.

Officer Sexual Misconduct ■

Policy prohibits officers from abusing their authority to sexually harass individuals, but fails to establish prevention and oversight mechanisms or fully incorporating 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 ■

Policies do not address the removal of appearance related items.

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 of prostitution-related offenses.



Trainings ■

Policies fail to require Department-wide training on topics pertaining to the LGBT community. They do implement “search and seizure” and “cultural diversity” trainings that emphasize the rights of citizens to be free from unreasonable police action based on sexual orientation and gender, but fail to mention the length of trainings or if trainings are led or co-facilitated by members of the LGBT community.

Cooperation with Immigration ■

Department policy states that members shall not consider citizenship as a basis for taking enforcement action. However, Department does not have a clear policy on honoring notification or detainer requests from immigration authorities.

Civilian Oversight ■

The Civilian Law Enforcement Review Board (CLERB) is an independent agency with the authority to conduct investigations, but does not have authority to subpoena. The Board can recommend action on complaints concerning the City of Memphis Police Officers, but only after complaints have been filed with the Memphis Police Department’s Inspectional Service Bureau (ISB). CLERB does not provide annual reports, and does not have a visible anonymous complaint system on their website.

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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