



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

Milwaukee 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 prohibits the use of gender identity or expression as a basis for suspicion of a crime, and prohibits the use of language that is demeaning or derogatory. However, policy fails to clearly prohibit asking invasive questions of transgender and gender-nonconforming people that are not relevant to the police interaction.

Nondiscrimination Based on Sexual Orientation ■

Policy prohibits members from exhibiting any bias, prejudice or discrimination based on sexual orientation or perceived sexual orientation.

Non-Binary Recognition ■

Policy provides definitions for non-binary identities, but fails to mention or explain how pronoun, search, or placement policies apply to them. However, policy does require members to recognize “X” and “-” gender markers.

Use of Respectful Communication ■

Policy requires addressing members of the public with names and pronouns they currently use, and defines terms appropriately.

Department Forms ■

Department’s policy requires members to record current name used as an “alias,” and to classify gender as it appears on government ID. However, policy requires members to record discrepancies between names, and gender identity and legal gender marker in a field interview card. Policy does not require members to record pronouns.

Search Procedures ■

Policy requires members to ask transgender individuals for their search preference, and to honor the request unless exigent circumstances require an immediate search. However, if individuals do not express a preference, a member of the same sex as their legal gender marker shall perform the search and, if possible, two officers shall be present for the search.* Additionally, policy fails to prohibit searches or frisks for the purposes of assigning gender or subjecting transgender people to more invasive searches.

*NCTE’s criteria does not address the circumstance of an individual failing to state a search preference.

Transportation ■

Policy requires members to notify the facility the individual is being transported to of their pronoun and gender marker. However, policy fails to set guidelines for transporting transgender individuals and documenting time and mileage.

Officer Sexual Misconduct ■

Department policies do not prohibit sexual misconduct towards members of the public, establish prevention or accountability mechanisms for officer sexual misconduct, or fully incorporate the PREA Lockup Standards.

Placement in Temporary Lockup ■

Policy requires transgender arrestees be asked where they would feel most safe, and unless they express a safety concern, they will be placed based on gender identity.

Access to Medical Care in Lockup ■■

Policy requires providing necessary medical care and makes clear that hormone medications and other medical needs of transgender people in lockup will be treated equally.

Removal of Appearance-Related Items ■■

Policy allows for transgender arrestees to maintain appearance related items used to convey gender identity “unless there is an articulable and specific law enforcement reason to do so.”

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 ■■

Policy states that possession of condoms shall not, in itself, constitute reasonable suspicion of engaging in prostitution. However, policy still allows for their confiscation with probable cause and fails to explicitly prohibit harassment or questioning regarding their possession.

Trainings ■■

Department policy does not require training on interactions with transgender individuals.

Cooperation with Immigration ■■

Department does not have a clear or explicit policy regarding ICE detainer requests. However, 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.

Civilian Oversight ■■

The Fire and Police Commission is an independent commission that has complete policy oversight over the Fire and Police Departments, as well as the authority to initiate investigations, impose discipline, and release annual reports. It is unclear if the Commission process anonymous complaints - however, “While identity verification via a notary public is not required to submit a complaint, it may be needed at a later point to continue the investigatory process.”

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.



1133 19th Street, NW, Suite 302
Washington, DC 20036
202-642-4542
ncte@transequality.org
www.transequality.org

 TransEqualityNow
 @TransEquality

For assistance in policy development and/or review, please contact Racial and Economic Justice Policy Advocate, Mateo De La Torre, at mdelatorre@transequality.org or 202-804-6045, or NCTE@transequality.org or 202-642-4542.

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