



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

## Philadelphia 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 stopping, questioning, searching, or arresting any individual, as a sole basis for initiating contact, or as evidence of a crime, and prohibits the use of demeaning or derogatory language. However, policy fails to explicitly prohibit asking invasive questions of transgender and gender-nonconforming people that are not relevant to the police interaction. Instead, the policy encourages officers to ask transgender arrestees about their genitalia in the event that a government-issued identification is unavailable.

### Nondiscrimination Based on Sexual Orientation ■

Policies prohibit profiling, harassment and discrimination by members of the Department based on sexual orientation or perceived sexual orientation.

## **Non-Binary Recognition** ■■

Policy acknowledges the existence of individuals with non-binary gender identities, but does not address how pronoun, search, or lockup policies apply to them.

## **Use of Respectful Communication** ■■

Policy requires addressing members of the public with names and pronouns they currently use.

## **Department Forms** ■■

Department's policy requires members to record name as it appears on official documents, while a person's current name can be listed as an alias. Policy requires members to classify gender as it appears on government ID with an exception based on surgical status. Department policy does not require recording pronouns.

## **Search Procedures** ■■

Policy requires individuals to be searched based on government identification or genitalia. However, policy allows for the arrestee to request an officer of the same gender identity to be present for the search. Policy clearly prohibits searches and frisks for the purposes of determining gender and subjecting transgender people to more invasive searches.

## **Transportation** ■■

Policy require members of the Department to contact dispatch and document mileage when transporting any arrestees. Policy requires transgender arrestees be transported alone when possible and with other individuals of the same sex assigned at birth.

## **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** ■■

Department policies require transgender detainees be placed in single cells separated from all other detainees, and does not provide guidance for when single cells are not available.

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

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

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

Policy allows for trans arrestees to maintain appearance-related items consistent with requirements for the removal of similar items for non-transgender arrestees.

### **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** ■

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

### **Cooperation with Immigration** ■

Policy requires members to contact Immigration and Naturalization Services when an “alien” is in custody in “any case where it is suspected that a defendant is not a legal alien in the United States.”

### **Civilian Oversight** ■



The Police Advisory Commission is an independent body with the authority to initiate investigations, and while not authorized to enforce discipline, they do make disciplinary recommendations. The Commission publishes an annual report, and it is unclear if they accept 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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