



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

## Phoenix Police Department

### Availability of Policy on Transgender Interactions ■■

The department does not have a transgender-specific policy, and all policies fail to address how they apply to transgender individuals.

### Nondiscrimination Based on Gender Identity ■■

Department policies explicitly prohibit members from using gender identity or expression as a basis to “arrest, stop, detain, or contact an individual,” as well as prohibit stop and frisks based on gender identity or expression. Policies do not mention sexual harassment or the use of language that is demeaning or derogatory towards members of the public, and 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 ■■

Policies fail to provide explicit language prohibiting profiling, harassment, or other discrimination by members of the Department based on actual or perceived sexual orientation.

### **Non-Binary Recognition** ■

Policies fail to mention people with non-binary gender identities or explain how pronoun, search, or placement 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** ■

Policy does not address if or where to record an arrestee's currently used name or pronoun.

### **Search Procedures** ■

Policy states that "when practical," searches must be made by officers of the same sex, and fails to provide guidelines for searching transgender arrestees. (Order 7.1 Prisoners)

### **Transportation** ■

Policy requires members to record mileage when transporting prisoners, and prohibits any stops during prisoner transport. Policy fails to specify guidelines for transporting transgender arrestees.

### **Officer Sexual Misconduct** ■

Policy prohibits members from engaging in sexual activity on duty and off duty on city property. However, policy fails to explicitly prohibit coercion or force and to mandate reporting of sexual misconduct. Policy does not establish clear prevention or accountability mechanisms for officer sexual misconduct, or fully incorporate the 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** ■

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. Additionally, policy states that “employees having custody of detainees of the opposite sex will have a qualified employee of the same sex escort the detainee to the bathroom,” but fails to specify guidelines for transgender detainees while in custody.

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

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

## **Trainings** ■

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

## **Cooperation with Immigration** ■

Department policy prohibits members from detaining or arresting someone based on their immigration status, and cooperating with ICE on federal civil immigration holds. However, policy requires members to verify citizenship status for every arrestee, and gives members the ability to do so prior to arrest if “a person is detained for a violation of any law and during this detention an officer develops reasonable suspicion the detained person is unlawfully present in the U.S., the officer shall make a reasonable attempt to contact ICE and verify the person’s immigration status (ARS 11-1051.B).” (Operations Order 4.48) Additionally, policy fails to explicitly provide police services to all regardless of immigration status.

## **Civilian Oversight** ■



Jurisdiction lacks an independent civilian oversight body.

# 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](mailto:mdelatorre@transequality.org) or 202-804-6045, or [NCTE@transequality.org](mailto:NCTE@transequality.org) or 202-642-4542.

Recommended Citation:  
National Center for Transgender Equality. (2019). Failing to Protect and Serve: Police Department Policies Towards Transgender People. Available at: [transequality.org/police](http://transequality.org/police)

Published May 2019.

© 2019 The National Center for Transgender Equality. We encourage and grant permission for the reproduction and distribution of this publication in whole or in part, provided that it is done with attribution to the National Center for Transgender Equality. Further written permission is not required.