



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

## **San Antonio Police Department**

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

Department policies are readily available online, but fail to address how they apply to transgender individuals.

### **Nondiscrimination Based on Gender Identity** ■■■

Department policies prohibit bias policing based on “gender,” but fail to explicitly prohibit 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. Policy does not explicitly prohibit harassment, use of language that is demeaning or derogatory to transgender people, or invasive questions of transgender and gender-nonconforming people that are not relevant to the police interaction.

### **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 fails to mention individuals with non-binary gender identities or address how search, lockup, or other policies apply to address situations faced by 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 whether or how to record an arrestee's currently used name, gender or pronoun.

## **Search Procedures** ■■■

Department policies require female suspects be searched by female officers absent exigent circumstances. However, policy fails to provide guidelines on searching transgender people, and fails to prohibit searches for gender determination. (Procedure 601 - Prisoners)(Procedure 508 - Field Contact)

## **Transportation** ■■■

Policy requires officers transporting arrestees to contact dispatch with odometer reading at departure and arrival. Policy includes specific guidance for transporting female prisoners, but fails to address how this applies to transgender individuals.

## **Officer Sexual Misconduct** ■■■

Department policy clearly prohibits members "from engaging in sexual conduct while: 1. On-duty; 2. In uniform; 3. Working off-duty (extension of police services); 4. Officially representing the San Antonio Police Department; 5. In a mentoring capacity (including, but is not limited to: direct supervision, F.T.O., Academy Instructor or Explorer Advisor, etc.); or 6. Using their position with the San Antonio Police Department in any capacity." (Section 200 - Rules and Regulations) However, policy fails to establish prevention or accountability mechanisms for officer sexual misconduct towards members of the public or fully incorporate the PREA Lockup Standards.

## **Placement in Temporary Lockup** ■■■

Department policies fail to address lock-up placement for transgender people.

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

Policy fails to address medical care or access to medications outside of injury or mental illness.

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

Department 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** ■■■

Department's Human Trafficking policy allows for a "large quantity of condoms" to be used as indication of human trafficking. (Procedure 713)

## **Trainings** ■■■

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

## **Cooperation with Immigration** ■■■

Department does not have a clear or explicit policy of generally honoring 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. (Procedure 618)

## **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.



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