



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

San Francisco 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 explicitly prohibits the use of gender identity as a basis for reasonable suspicion of a crime. Policy prohibits use of language that is demeaning or derogatory, and prohibits invasive questions that are not relevant to the police interaction.

Nondiscrimination Based on Sexual Orientation ■

Department policies prohibit biased policing, including profiling, based on sexual orientation or perceived sexual orientation.

Non-Binary Recognition ■■

Policies explicitly mention gender-variant and non-binary gender identities and provides guidelines on how policies apply to interactions with them.

Use of Respectful Communication ■■

Department policy requires addressing transgender, gender-variant, and nonbinary persons by their “preferred name and by pronouns appropriate to their gender identity.”

Department Forms ■■

Department policy requires members to record a transgender person’s name as an “AKA” if different from their legal name, and gender as stated in legal documentation including “X” gender markers. Additionally, department forms include a section for documenting “preferred pronoun” and “preferred title” as expressed by the individual.

Search Procedures ■■

Department policy instructs members to ask transgender individuals for their search preference, to document the stated preference and to state the reason why if the request could not be honored in an incident report if one is generated. However, the policy fails to explicitly prohibit searches for gender determination.

Transportation ■■

Policy requires officers transporting transgender arrestees to follow procedures for transporting felons including contacting dispatch with odometer reading at departure and arrival. However, policy fails to set guidelines on how to transport transgender individuals.

Officer Sexual Misconduct ■■

Department policies fail to address officer sexual misconduct.

Placement in Temporary Lockup ■■

Department policies prohibit the detention of transgender, gender-variant, and nonconforming individuals in any district station, and instructs members to automatically transfer custody to “the appropriate detention facility.” However, policy allows for transgender individuals to be taken into department custody if there was a failed reasonable effort to “investigate, facilitate release, or arrange transfer” of the individual, and fails to provide clear guidelines for housing transgender individuals.

Access to Medical Care in Lockup ■■

Policy fails to address medical care or access to medications generally outside of immediate injury or psychological evaluations.

Removal of Appearance-Related Items ■

Policy allows for transgender arrestees to maintain appearance related items used to convey gender identity “unless such items present a safety hazard, impede the administration of medical attention, or are needed for evidentiary reasons.”

Bathroom Use ■

Members are required to allow individuals to use gender-specific facilities consistent with the individual’s gender identity or expression.

Use of Condoms as Evidence for Sex Work ■

Department Bulletin “Evidence Relating to Vice Crimes” (DB 13-062) describes a joint stipulation between the District Attorney’s office and the Public Defender’s Office barring any “discussion concerning the presence or absence of condoms as evidence in convicting or acquitting an individual of a prostitution-related crime.” Additionally, the department prohibits the confiscation, photographing, or documentation of the possession of open and unopened condoms.

Trainings ■

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

Cooperation with Immigration ■

Local law prohibits the Department from honoring ICE detainer requests. 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. Additionally, the Department explicitly prohibits members from cooperating with “ICE/CBP in any investigation, detention, or arrest procedures, public or clandestine, where in any such instance the purpose is enforcing federal immigration laws. Members shall not place an administrative (civil) immigration hold or detainer on an individual who is in custody.”

Civilian Oversight ■



The Department of Police Accountability (DPA) is an independent local governmental agency with authority to investigate and mediate all complaints and impose discipline against officers. DPA provides an anonymous complaint system and produces annual reports.

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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