

Overall, police departments across the U.S. are failing to protect and serve transgender people. Of the largest 25 police departments:

- Only ten of the 25 departments include gender identity and/or expression language in their non-discrimination policy, which is the best way to clarify that transgender people are protected.
- Only one department fully addressed how gender-specific policies applied to people with non-binary (not exclusively male or female) gender identities and/or gender markers.
- Most department policies (15 out of 25), including those that specifically address transgender interactions, lack any policies regarding correct use of names and pronouns.
- Six departments required that gender be documented based on identification documents, 18 departments did not provide clear instructions on documenting a person's gender, and one provided guidance regarding gender-neutral markers.
- A majority of departments (16 of 25) fail to provide search procedures for transgender individuals and/or require members to perform searches based on sex.
- Out of the sixteen departments with holding facilities, 10 failed to provide specific guidance on housing placement for transgender individuals (such as being placed with other women, men, or separately).
- Only two department's policy explicitly allows for transgender people to retain all appearance-related items (e.g. prosthetics, bras, clothes, undergarments, wigs, chest binders, or cosmetic items).
- No department explicitly requires multiple hours of regular training on transgender policies for all members across rank.
- Only two department clearly prohibits officers from restricting transgender individuals' access to restrooms in public places or department facilities.
- Twenty-three departments do not have policies prohibiting officer sexual misconduct towards members of the public.
- Only one department explicitly prohibits the use of condoms as evidence in prostitution-related offenses.



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FAILING TO PROTECT AND SERVE:

Police Department Policies Towards Transgender People

EXECUTIVE SUMMARY

American policing is in grave need of reform. Reports of racial and religious profiling, killings of unarmed civilians, and sexual abuse and other forms of misconduct by police across the nation are all too common.

Transgender people often feel, accurately, that they can do nothing about this mistreatment, knowing that they risk falling victim to additional mistreatment by those tasked with conducting and overseeing the complaint process.

As we make groundbreaking advancements towards transgender equality, many members of our communities continue to be affected by disproportionate contact with, and often by bias and abuse within, policing and the criminal justice system. Transgender people face staggering levels of violence, homelessness, and poverty in the United States, with transgender people of color experiencing the greatest disparities. Thus, it is not surprising that, even though transgender people are more likely to be victims of violent crime than non-transgender people, over half (57%) of all USTS respondents feel uncomfortable calling the police for help when they need it.

Over half (58%) of transgender people who interacted with law enforcement in the last year reported experiences of harassment, abuse or other mistreatment by the police according to the US Transgender Survey (USTS).

This report is for advocates inside and outside of law enforcement agencies who are dedicated to modernizing police department policies relating to interactions with transgender people. This report focuses primarily on policies specifically governing police officer's interactions with transgender people and includes broader policy areas impacting transgender people such as immigration, sex work, and civilian oversight. Model policies are provided for each category that can and should be adopted by police departments in collaboration with transgender leaders in their communities.

The full report, *Failure to Protect and Serve: Police Department Policies Towards Transgender People*, and the model policies are available separately at transequality.org/police.

EVALUATION OF POLICE DEPARTMENT POLICIES TOWARDS TRANSGENDER PEOPLE

A Note on Methodology

This report analyzed policies for the 25 largest police departments and graded them on 17 criteria. **For most criteria, we drew directly from model policies developed by Andrea J. Ritchie and the National LGBTQ/ HIV Criminal Justice Working Group, a coalition of nearly 40 organizations including NCTE, and later published in the appendices of the Community Oriented Policing Services (COPS) “Gender, Sexuality, and 21st Century Policing” report (see full report for authors).**

The Working Group’s model policies were the foundation for the criteria in this report and were updated and modified as needed. While these criteria cover critical areas of concern for transgender individuals, they do not encompass the expansive range of police policies or practices affecting transgender people across communities. This report is an evaluation of specific police policies only and does not purport to evaluate the implementation of policies.

Each policy was assessed on a green, yellow, red scale based on whether the written department policy:

- met the criteria of our recommended policy
- partially met the recommended policy and should improve their policy
- failed to address the policy area or contradicted the recommended policy

Gray squares indicate that the department does not have holding facilities, rendering those categories not applicable.

| | POLICY AVAILABILITY | GENDER IDENTITY | SEXUAL ORIENTATION | NON-BINARY RECOGNITION | RESPECTFUL COMMUNICATION | DEPARTMENT FORMS | SEARCH PROCEDURES | TRANSPORTATION | SEXUAL MISCONDUCT | PLACEMENT | MEDICAL CARE | APPEARANCE-RELATED ITEMS | BATHROOM ACCESS | CONDOMS AS EVIDENCE | TRAINING | IMMIGRATION ENFORCEMENT | CIVILIAN OVERSIGHT |
|-----------------------|---------------------|-----------------|--------------------|------------------------|--------------------------|------------------|-------------------|----------------|-------------------|-----------|--------------|--------------------------|-----------------|---------------------|----------|-------------------------|--------------------|
| ATLANTA | Green | Red | Yellow | Yellow | Green | Red | Red | Red | Red | Gray | Gray | Yellow | Red | Red | Yellow | Red | Red |
| BALTIMORE COUNTY | Green | Red | Green | Yellow | Red | Red | Red | Yellow | Red | Red | Red | Red | Red | Red | Yellow | Red | Red |
| BALTIMORE CITY | Green | Yellow | Green | Red | Red | Yellow | Red | Red | Red | Gray | Yellow | Yellow | Red | Red | Yellow | Red | Red |
| BOSTON | Yellow | Red | Green | Red | Green | Yellow | Green | Red | Red | Red | Yellow | Red | Red | Red | Red | Red | Red |
| CHARLOTTE-MECKLENBURG | Red | Red | Green | Red | Red | Red | Red | Red | Red | Gray | Gray | Red | Red | Red | Red | Red | Yellow |
| CHICAGO | Green | Yellow | Green | Red | Green | Yellow | Red | Red | Red | Yellow | Green | Yellow | Red | Red | Red | Green | Green |
| COLUMBUS | Red | Red | Yellow | Red | Red | Red | Red | Red | Red | Gray | Gray | Red | Red | Red | Red | Red | Red |
| DALLAS | Red | Red | Yellow | Red | Red | Red | Yellow | Red | Red | Gray | Gray | Red | Red | Red | Red | Red | Red |
| DETROIT | Red | Red | Red | Red | Red | Red | Red | Red | Red | Yellow | Yellow | Red | Red | Red | Red | Red | Yellow |
| HONOLULU | Red | Yellow | Yellow | Red | Red | Red | Red | Red | Red | Red | Yellow | Red | Red | Red | Red | Red | Yellow |
| HOUSTON | Red | Red | Red | Red | Red | Red | Yellow | Red | Red | Red | Yellow | Red | Red | Red | Red | Red | Red |
| LAS VEGAS | Red | Red | Green | Red | Red | Red | Red | Red | Red | Gray | Gray | Red | Red | Red | Red | Red | Red |
| LOS ANGELES | Green | Yellow | Green | Red | Green | Yellow | Green | Red | Red | Gray | Yellow | Yellow | Red | Red | Red | Yellow | Red |
| MEMPHIS | Red | Red | Yellow | Red | Red | Red | Red | Yellow | Red | Gray | Gray | Red | Red | Red | Red | Red | Red |
| MIAMI-DADE | Red | Red | Yellow | Red | Red | Red | Red | Yellow | Yellow | Red | Red | Red | Red | Red | Red | Red | Red |
| MILWAUKEE | Green | Yellow | Green | Red | Green | Yellow | Green | Red | Red | Green | Green | Green | Red | Red | Red | Red | Yellow |
| NASSAU COUNTY, NY | Red | Red | Red | Red | Red | Red | Red | Red | Red | Red | Red | Red | Red | Red | Red | Red | Red |
| NEW YORK | Green | Red | Green | Red | Green | Red | Yellow | Yellow | Red | Red | Yellow | Red | Red | Red | Red | Red | Red |
| PHILADELPHIA | Green | Yellow | Green | Yellow | Green | Yellow | Yellow | Red | Red | Yellow | Green | Yellow | Red | Red | Red | Red | Red |
| PHOENIX | Red | Red | Red | Red | Red | Red | Red | Yellow | Red | Gray | Gray | Red | Red | Red | Red | Red | Red |
| SAN ANTONIO | Red | Red | Green | Red | Red | Red | Red | Yellow | Red | Red | Red | Red | Red | Red | Red | Red | Red |
| SAN DIEGO | Red | Yellow | Green | Red | Red | Red | Red | Red | Red | Red | Red | Red | Red | Red | Red | Red | Red |
| SAN FRANCISCO | Green | Green | Green | Green | Green | Yellow | Red | Yellow | Red | Red | Red | Green | Green | Green | Red | Green | Green |
| SUFFOLK COUNTY, NY | Red | Red | Yellow | Red | Red | Red | Red | Yellow | Red | Red | Red | Red | Red | Red | Red | Green | Red |
| WASHINGTON, DC | Green | Green | Green | Yellow | Green | Red | Green | Yellow | Red | Yellow | Green | Yellow | Green | Red | Red | Red | Yellow |

