


FAILING  
TO  
PROTECT  
AND  
SERVE:

POLICE  
DEPARTMENT  
POLICIES

TOWARDS  
TRANSGENDER  
PEOPLE



This report is for advocates in and outside of law enforcement agencies who are dedicated to improving the treatment and safety of transgender, non-binary, and gender non-conforming individuals by updating police department policies. The model policies presented in this report are meant as a starting point for advocates and Departments to use in collaboration to improve trust and police-community relations.


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## Introduction

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

The purpose of this report is to promote stronger and more fair policies when it comes to police interactions with transgender people. This report focuses primarily on policies specifically governing police interactions with transgender people, including non-discrimination statements, recognition of non-binary identities in applicable policies, use of respectful communication, recording information in department forms, search procedures, transportation, placement in temporary lock-up facilities, access to medication, removal of appearance related items, training, and bathroom access. For each topic, model policies are provided that can and should be adopted by police departments in collaboration with transgender leaders in their communities.



However, even if every transgender-related policy in this report was adopted, it would not be enough to ensure that all transgender people are treated fairly by police. It is clear that the issues facing transgender people can't be separated from broader issues of police reform and oversight. There are so many other policy changes that are critically important to the transgender community and other social movements seeking fairness and equitable treatment for all. We selected a few key policy areas to evaluate including officer sexual misconduct, the use of condoms as evidence of prostitution-related offenses, cooperation with immigration enforcement, and civilian oversight systems to ensure that police departments and officers do not abuse their power. By including these additional policies in our evaluation, this report is meant to support the larger work of various communities and movements working for police reform and accountability, especially those working on racial profiling and sex work decriminalization.

***We will not stop  
the widespread violence against  
trans people  
until we change how  
our communities are policed.***

This report's findings show that while there has been some policy progress in recent years, police departments around the country have a long way to go to ensure safety and fairness and build trust with transgender communities. There are police departments and officers who are deeply interested in improving their policies and their treatment of transgender people, and there are many transgender advocates and allies committed to helping police departments improve their policies and practices. This report is for all of you.

## Methodology

This report analyzes policies for the 25 largest police departments (based on the number of full-time sworn personnel), and grades them on 17 criteria reflecting areas of interaction between law enforcement and transgender people. While these categories 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 these or any other policies impacting transgender people.

Department policies were collected by searching department websites, contacting each department, and consulting with local advocates and organizations invested in police reform. We compared these department policies to principles reflecting national best practices for police officers' interactions with transgender people. The majority of these policies were originally developed by the National LGBT/HIV Criminal Justice Working Group (Working Group) along with a broader set of model policies addressing issues including police sexual misconduct and issues faced by people living with HIV. Specific areas of the original model policy were updated and modified as needed.

**The larger Working Group's model policies, developed by Andrea J. Ritchie and the nearly 40 member organizations including NCTE,** can be found in the appendices of the Community Oriented Policing Services (COPS) [“Gender, Sexuality, and 21st Century Policing”](#) report. The Working Group's model policies were the foundation for the criteria in this report and were updated and modified by NCTE as needed.

Each policy was assessed based on whether the written department policy fully reflects, partially reflects, or does not reflect national best practices. We simplified these findings with the colors green, yellow, and red for this report. Generally, a green grade meant a department met the criteria of our recommended policy; a yellow grade meant the department partially met the recommended policy and should improve their policy; and a red grade meant that the department either failed to address the policy area or contradicted the recommended policy.

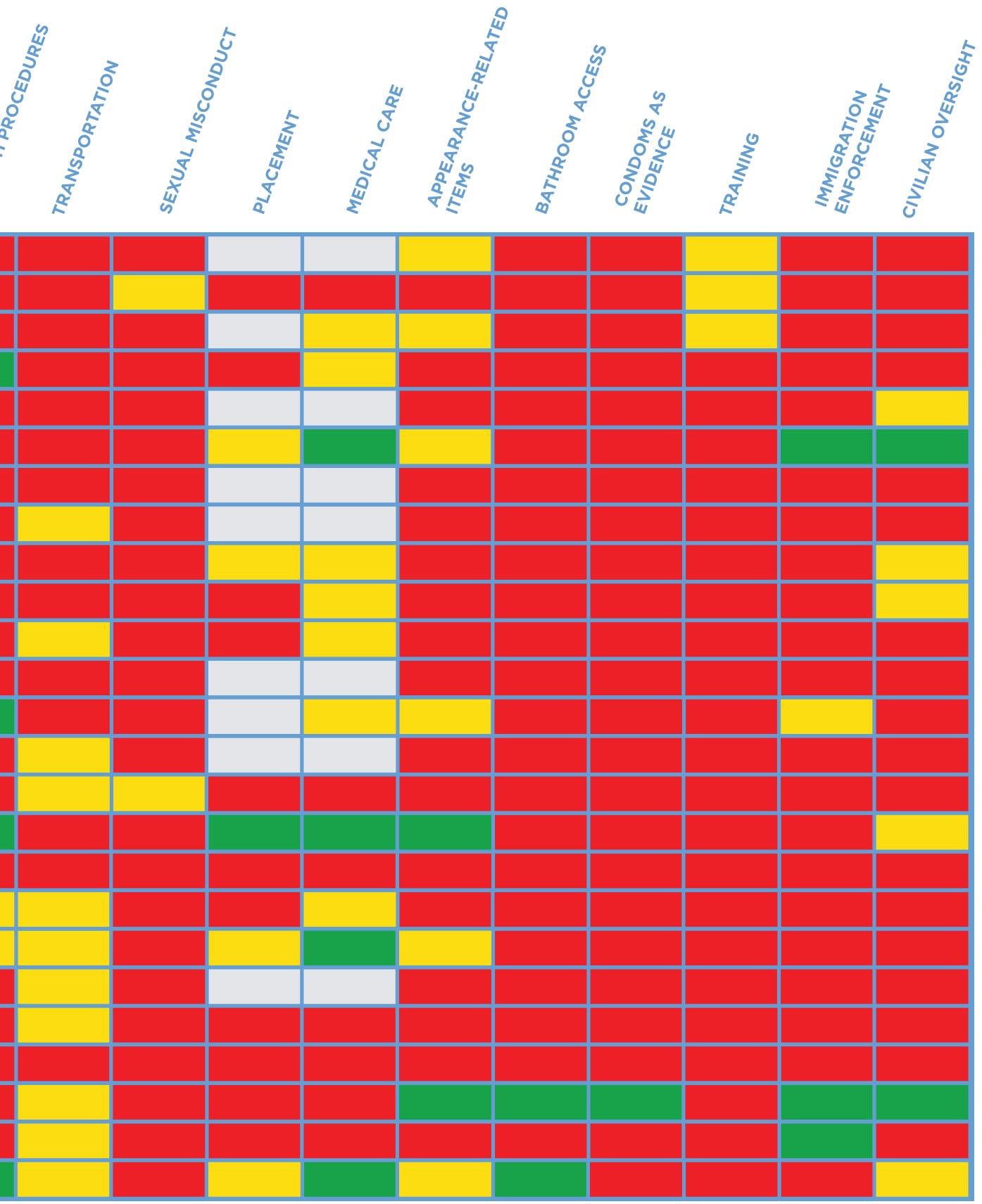
In areas where policies are often gender-specific, such as search procedures and temporary lock-up placement, we treated any policy that did not specify how it applied to transgender people as not reflecting national best practices.

EVALUATION OF POLICE DEPARTMENT

	POLICY AVAILABILITY	GENDER IDENTITY	SEXUAL ORIENTATION	NON-BINARY RECOGNITION	RESPECTFUL COMMUNICATION	DEPARTMENT FORMS	SEARCH
ATLANTA	Green	Red	Yellow	Yellow	Green	Red	Red
BALTIMORE COUNTY	Green	Red	Green	Yellow	Red	Red	Red
BALTIMORE CITY	Green	Yellow	Green	Red	Red	Yellow	Red
BOSTON	Yellow	Red	Green	Red	Green	Yellow	Green
CHARLOTTE-MECKLENBURG	Red	Red	Green	Red	Red	Red	Red
CHICAGO	Green	Yellow	Green	Red	Green	Yellow	Red
COLUMBUS	Red	Red	Yellow	Red	Red	Red	Red
DALLAS	Red	Red	Yellow	Red	Red	Red	Red
DETROIT	Red	Red	Red	Red	Red	Red	Red
HONOLULU	Red	Yellow	Yellow	Red	Red	Red	Red
HOUSTON	Red	Red	Red	Red	Red	Red	Red
LAS VEGAS	Red	Red	Green	Red	Red	Red	Red
LOS ANGELES	Green	Yellow	Green	Red	Green	Yellow	Green
MEMPHIS	Red	Red	Yellow	Red	Red	Red	Red
MIAMI-DADE	Red	Red	Yellow	Red	Red	Red	Red
MILWAUKEE	Green	Yellow	Green	Red	Green	Yellow	Green
NASSAU COUNTY, NY	Red	Red	Red	Red	Red	Red	Red
NEW YORK	Green	Red	Green	Red	Green	Red	Yellow
PHILADELPHIA	Green	Yellow	Green	Yellow	Green	Yellow	Yellow
PHOENIX	Red	Red	Red	Red	Red	Red	Red
SAN ANTONIO	Red	Red	Green	Red	Red	Red	Red
SAN DIEGO	Red	Yellow	Green	Red	Red	Red	Red
SAN FRANCISCO	Green	Green	Green	Green	Green	Yellow	Red
SUFFOLK COUNTY, NY	Red	Red	Yellow	Red	Red	Red	Red
WASHINGTON, DC	Green	Green	Green	Yellow	Green	Red	Green



# MENT POLICIES TOWARDS TRANSGENDER PEOPLE



# Grading Criteria and Recommended Policies

## #1: Availability of Policy on Transgender Interactions:

**GREEN** Policies related to transgender people are readily available to the public online and appears on Department's website free of charge without filing a Freedom of Information Request.

**YELLOW** Policies related to transgender people are somewhat accessible online through external search engines (e.g. Google), but not readily available on the Department's website.

**RED** Policies related to transgender people are not easily accessible, or the Department has no policies addressing interactions with transgender people.

### Best Practice:

Department's Transgender policies should be readily accessible to the public at no cost via the Department's website and external search engines. An ideal policy would include all of the following criteria, either in a "Transgender Policy" or cross referenced from other sections within said policy.

## #2: Non-Discrimination and Profiling Based on Gender Identity:

- GREEN**
1. Policy explicitly prohibits the use of gender identity or expression to any degree as a basis to stop, question, search, or arrest any individual, as a sole basis for initiating contact, or as evidence of any crime, including prostitution-related offenses.
  2. Policy explicitly prohibits sexual harassment or use of language that is demeaning or derogatory on the basis of gender identity or expression.
  3. Policy states that trans/GNC people are never to be asked invasive questions about their anatomy, medical history, or sexual practices that are not relevant to an investigation.

**YELLOW** Policy outlines two of the three criteria above.

**RED** Department does not have a policy on profiling or harassment based on gender identity by members of the department or policy only covers one of the criteria above.

### **Model Policy:**

1. Members shall *not*:
  - A. Request identification or otherwise initiate contact solely based on actual or perceived sexual orientation or gender identity or expression
  - B. Inquire about intimate details of an individual's sexual practices, genitals, anatomy or medical history, or conduct a search to determine a person's anatomy or assign gender.
  - C. Use language that is demeaning or derogatory to another person, in particular, language aimed at a person's actual or perceived gender identity, gender expression, or sexual orientation. This includes "he-she," "tranny," "faggot," "punk," "it," "shim," "thing," "dyke," "bull-dagger" or any other derogatory term.
  - D. Engage in any sexual harassment of members of the public, while on or off duty, as defined by the department's policy on sexual misconduct.
  - E. Consider an individual's gender identity, gender expression, or actual or perceived sexual orientation as a reason to stop, question, search or arrest that individual, a basis for reasonable suspicion, or as prima facie evidence that the individual is, has or is about to engage in a crime, including, but not limited to, prostitution or lewd conduct.
2. Officers should be aware that the presence of needles may be indicative of prescribed hormone treatment and/or therapy and is not necessarily indicative of illegal drug possession, use or drug paraphernalia.

### #3: Non-Discrimination Based on Sexual Orientation:

- GREEN** Policy clearly prohibits profiling, harassment and other forms of discrimination based on actual or perceived sexual orientation.
- YELLOW** Policy prohibits discrimination based on sexual orientation but does not explicitly include profiling or harassment within this prohibition.
- RED** Policy fails to provide explicit language protecting against profiling, harassment, and other forms of discrimination by members of the Department based on sexual orientation or perceived sexual orientation.

#### Model Policy:

Policy must clearly prohibit profiling, harassment, and discrimination based on sexual orientation or perceived sexual orientation. See criteria #2 for recommended policy language.

### #4: Non-Binary Recognition:

- GREEN** Policies acknowledge the existence of individuals with non-binary gender identities and describes how gender-specific policies (e.g., pronouns, searches, placement) apply to non-binary people.
- YELLOW** Policies mention non-binary individuals, but fail to state how gender-specific policies apply to them.
- RED** Policies fail to mention non-binary individuals or how gender-specific policies apply to them.

**Note:** Model policy language on non-binary identities is included in each of the gender-specific model policies that follow: *Use of Respectful Language, Department Forms/Records, Search Procedures, Transportation, Removal of Appearance Related Items, Bathroom Use, and Training.*

## HOW A POLICE DEPARTMENT CAN DESCRIBE NON-BINARY PEOPLE IN EASY-TO-UNDERSTAND LANGUAGE AND GIVE BASIC INFORMATION ABOUT USING PRONOUNS

Most people – including most transgender people – are either male or female. But some people don't neatly fit into the categories of "man" or "woman," or "male" or "female." For example, some people have a gender that blends elements of being a man or a woman, or a gender that is different than either male or female. Some people don't identify with any gender. Some people's gender changes over time.

People whose gender is not male or female use many different terms to describe themselves, with non-binary being one of the most common. Other terms include genderqueer, agender, bigender, and more. None of these terms mean exactly the same thing – but all speak to an experience of gender that is not simply male or female.

Different non-binary people may use different pronouns. Many non-binary people use "they" while others use "he" or "she," and still others use other pronouns. Asking whether someone should be referred to as "he," "she," "they," or another pronoun may feel awkward at first, but is one of the simplest and most important ways to show respect for someone's identity.

### #5: Use of Respectful Communication and Language:

- GREEN** Policy requires addressing members of the public with names and pronouns they currently use.
- RED** Policy does not require use of correct names and pronouns; or policy uses offensive language to describe transgender people.

#### Model Policy:

1. Members shall:
  - A. Address the public using names, pronouns and titles of respect appropriate to the individual's gender identity as expressed by the individual (e.g. "she, her" for an individual who requests she/her pronouns; "he, his" for an individual who requests he/his pronouns; "they, them" for an individual who requests "they/them" pronouns.).

- B.** Respectfully treat trans, intersex and gender-nonconforming individuals in a manner appropriate to the individual's gender identity and/or expression, which may be different from their sex assigned at birth or what is listed on their official government-issued identification.
- 2.** Members should be aware that individuals' names may change over time, whether due to marriage, changes in gender identity, or other factors, and should always use the name currently used by individuals.

## #6: Department Forms/Records: Name, Gender, and Pronouns

**GREEN** Policy details how members are to record the arrestee's current name (if different from legal name) and gender pronouns in records, forms and other official documents; and indicates that a current name that is not also the individual's legal name is not listed under "alias" or "nicknames."

Gender is recorded based on individuals expressed identity, regardless of anatomy, surgical status, or whether or not their identity is reflected in legal ID.

**YELLOW** Policy instructs members to record the arrestee's current name, to the extent that it is different than the name reflected on their identification, under "alias" or "nickname," in records, forms and other official documents.

**RED** Policy does not require officers to record an arrestee's currently used name or pronoun, and instead requires officers to list name and gender according to ID documents or previous department forms and records.

### Best Practices:

All departmental forms and records should include a space for "Name currently used (if different from legal name)," and "Legal Name" in addition to any spaces currently designated for "alias." (e.g. a transgender woman might use the name Jane Doe ("Name Currently Used"), her nickname might be JD ("Alias"), and the legal name on her ID might be different ("Legal Name"). Pronouns should be recorded along with "Name Currently Used."

All forms and records should include designations for male, female, a gender-neutral designation (such as “non-binary” or the abbreviation “X”), and “Unknown” for instances where the gender of the individual has not been disclosed and is otherwise unknown.

### **Model Policy:**

Members shall:

- 1.** Record an individual’s currently used name under “Name Currently Used” in all Department forms and records if different from legal name. Members shall use this name when addressing, recording, or referring to an individual.
- 2.** Record an individual’s legal name as stated on government issued ID or other legal paperwork under “Legal Name” in all Department forms and records.
- 3.** Note an individual’s gender as “M,” “F,” “X,” or “Unknown” based on the individual’s expressed gender identity. If unsure or if the individual has not disclosed, members shall respectfully ask for how the individual identifies regardless of gender marker on government ID.
- 4.** Pronouns shall be recorded as stated by the individual.

*Some states and municipalities allow for a gender neutral designation (usually “X”) on identification documents. Members shall consider identification with X gender markers as legal forms of identification.*

Members shall *not*:

- 1.** Consider or document the name an individual currently uses as an “alias” or “nickname.”

## #7: Search Procedures:

**GREEN** Policy clearly and completely prohibits searching or frisking persons for the purposes of assigning gender or subjecting transgender people to more invasive searches than non transgender people. Policy allows for a transgender arrestee to determine the gender of the officer who they feel most comfortable conducting a physical search.

**YELLOW** Policy clearly prohibits searches and frisks for the purposes of determining gender and subjecting transgender people to more invasive searches than non transgender people. Policy allows for the arrestee to be searched consistent with the arrestee's gender identity or request a supervisor be present to observe the search.

**RED** Department does not have a policy, or policy requires searches to be performed by a member of the department according to the arrestee's anatomy/surgical status or ID documents. Policy authorizes or does not address searches for the purpose of gender determination.

### Model Policy:

1. Under no circumstances shall members of the department frisk or search any person, including searches premised on an individual's consent, for the purpose of viewing or assigning gender based on the person's anatomy or genitalia or for any demeaning or harassing purpose.
2. Trans, intersex, and gender-nonconforming individuals shall not be subject to more invasive searches or frisk procedures than other individuals in the field or in police holding facilities.
3. Before searching an individual when no other lawful basis exists for the search, members shall inform the individual of their right to refuse a search based on consent (if applicable), and ask for the written consent of the individual to be searched. If no such consent is provided, then no search will be conducted.
4. Before conducting any search of an individual in the field or at a police holding facility, officers conducting the search will ask the individual to be searched their preference with respect to the gender of the officer conducting the search (i.e. a trans woman may prefer to be searched by female members of the department). This request will be honored



absent exigent circumstances, which shall be documented in writing as set forth below. This provision does not apply to frisks conducted to ensure officer safety.

- A.** If exigent circumstances exist or the search involves a frisk conducted to ensure officer safety and there is no time to determine whether the individual would feel safer being searched by a male or female officer, then the default should be for the individual to be searched by a female officer, unless a male officer is explicitly requested prior to or during the search. A search of a transgender, gender non-conforming, or intersex person by an officer of the same sex as the person's gender identity or of the requested gender shall be considered a proper "same-sex" search for purposes of PREA and any other applicable law.
  - a.** If no officer of the gender requested is available, then the members shall:
    - i.** Summon an officer who is of the gender requested by the individual to conduct the search; and if no such officer is available or the individual's request is not honored for any other reason, the member shall document the individual's preference with respect to the gender of the officer performing the search, and the reason the individual's preference was not honored, in the command log.
    - ii.** If an officer of the requested sex is not available to conduct a legally necessary strip search, then such a search may only be conducted in private by a physician as a last resort.

## #8: Transportation:

**GREEN** Policy requires all members to contact dispatch at the beginning and end of transport and to document mileage from start to finish of each trip to transport arrestees. When transporting trans, intersex, and/or gender-nonconforming individuals, members shall transport individuals with other arrestees of the same self-identified gender unless the individual has expressed a safety concern and wish to be transported alone or with people of a different gender. If a person does not identify as male or female, they shall be transported with arrestees of the gender they express to be safest for them.

**YELLOW** Policy outlines one of the requirements listed above.

**RED** Policy fails to require members of the Department to contact dispatch and document mileage when transporting arrestees and fails to require transportation of arrestees with members of their gender identity/expression or where they feel most safe.

### Model Policy:

1. All members are required to contact dispatch at the beginning and end of transport and to document mileage from start to finish of each trip to transport arrestees.
2. When transporting trans, intersex, and/or gender-nonconforming individuals, members shall transport with other arrestees of the same self-identified gender unless the individual has expressed a safety concern and wish to be transported alone or with people of a different gender.
3. If a person does not identify as male or female, they shall be transported with arrestees of the gender they express to be safest for them.

## #9: Officer Sexual Misconduct:

- GREEN**
1. Policy clearly and completely prohibit all of the following:
    - A. Any on-duty sexual activity by officers
    - B. Any on- or off-duty sexual activity using department/city property
    - C. Using official position to coerce, persuade, force, or initiate sexual contact
    - D. Failure to report sexual misconduct
    - E. Non-exigent searches of women by male officers
  2. Policy includes two or more specific, meaningful prevention and oversight mechanisms, such as post-arrest exit interviews by independent victim service providers; regular unannounced supervision; regular “sting” audits for officer sexual misconduct; annual independent audits for sexual misconduct compliance; or publishing annual data on alleged incidents of sexual misconduct
  3. Policy fully incorporates PREA lockup standards.


**YELLOW** Policy includes two of the three areas addressed above or has a general prohibition on sexual misconduct by police officers against members of the public.

**RED** Policy fails to mention or address sexual misconduct by Department members against members of the public or policy only includes one of the sections in the model policy.

### Model Policy:

This department has a zero tolerance policy with respect to sexual harassment, sexual assault, sexual misconduct, sexual abuse, and rape of any member of the public by any member of the department. Engaging in such conduct will be grounds for immediate discipline, up to and including suspension and termination from the force.

1. Members are prohibited from:
  - A. Engaging in any on-duty sexual activity by officers
  - B. Engaging in any on- or off-duty sexual activity using department/city property
  - C. Using official position to coerce, persuade, force, or initiate sexual contact
  - D. Failing to report sexual misconduct
  - E. Performing non-exigent searches of women by male officers

- 
2. Department shall employ the following prevention and oversight measures:
    - A. partner with independent victim service providers to conduct post-arrest exit interviews;
    - B. Conduct regular unannounced supervision;
    - C. Conduct regular “sting” audits for officer sexual misconduct;
    - D. Conduct annual independent audits for sexual misconduct compliance;
    - E. Publish annual data on alleged incidents of sexual misconduct
  
  3. Department shall fully incorporates PREA lockup standards.
    - A. Abuse Prevention Planning (hiring, training, searches)
    - B. Evidence and Referral Protocols
    - C. Training and Education
    - D. Risk Screening
    - E. Reporting
    - F. Official Response to a Report
    - G. Investigations
    - H. Staff Discipline and Prosecutions
    - I. Medical and Mental Care
    - J. Data Collection and Review
    - K. Audits and Corrective Action

## #10: Placement in Temporary Lockup:

**GREEN** Policy allows for transgender and gender nonconforming arrestees to determine housing placement where they feel most safe, and not be segregated unless requested.

**YELLOW** Policy requires that:

1. Trans arrestees must be housed according to their gender identity or allows for that possibility in a case-by-case determination that is not contingent on anatomy/surgical status or ID documents. OR
2. Policy states that trans arrestees must be automatically housed in single cells.

**RED** Department does not have a policy, or policy does not allow for trans arrestees to be housed according to gender identity or where they feel most safe, or requires housing based on gender assigned at birth, anatomy/surgical status or ID documents.

### Model Policy:

1. In the event that a transgender or gender-nonconforming person is in police custody and held in an area segregated by gender:
  - A. The individual shall be consulted on where they feel most safe before placement, and every effort will be made to ensure the person will be placed where they say they will feel most safe.
    - a. Should the individual's assessment of their safety change over the course of detention, they will immediately be moved to a location where they feel safer.

### #11: Access to Medical Care in Lockup:

- GREEN** Policy requires providing necessary medical care in a timely manner, and makes clear that hormone medications and other medical needs of transgender people in lockup will be treated equally to medical needs of non transgender people.
- YELLOW** Policy requires providing access to prescription medications, but it does not address hormone medications specifically.
- RED** Policy fails to address medical care or access to medications generally; policy fails to clarify that transgender individuals must be treated equally including with respect to medication access; or policy places unreasonable or discriminatory restrictions on access to medications or care for transgender people.

### Model Policy:

1. Prescription hormones shall be treated like any other prescription medication necessary for an individual's health and wellbeing.
2. Whenever a trans, intersex, and/or gender-nonconforming individual expresses a need for medical attention, members shall handle the situation with the same urgency and respect as any medical need or injury.

### #12: Removal of Appearance Related Items:

(e.g. prosthetics, bras, clothes, undergarments, wigs, chest binders, or cosmetic items)

- GREEN** Policy allows for transgender arrestees to retain appearance related items regardless of whether such items would be removed for non-trans people.

**YELLOW** Policy states that the removal of appearance related items will be the same for transgender and non-LGBT persons across-genders or specifically those of the same gender identity.

**RED** Department does not have a policy, or only requires trans people to remove appearance related items (e.g., requires removal only if perceived to be of “opposite sex”), or requires removal of appearance related items consistent with housing assignment.

### Model Policy:

1. Transgender people shall not be asked to remove appearance-related items (such as prosthetics, bras, clothes, undergarments, wigs, chest binders, or cosmetic items), regardless of where they are housed, if non-transgender individuals of the same gender identity are not also required to do so.
  - A. If the individual does not identify as male or female, they should be allowed to keep appearance-related items regardless of placement, unless the items are disallowed for all arrestees regardless of gender.
  - B. Whenever practicable, removal of items shall be conducted in private.

### #13: Bathroom Use:

**GREEN** Policy explicitly states that 1) trans, intersex, and gender non-conforming individuals shall not, on the basis of gender identity or expression, be stopped, questioned, or arrested for using a gender-segregated or single-sex restroom including public restrooms, and 2) shall be allowed to use the restroom in accordance with their gender identity or where they feel the most safe while in police custody.

**YELLOW** Policy explicitly states at least one of the two points listed above.

**RED** Policy fails to address bathroom usage or restricts restroom use for transgender people.

### Model Policy:

1. Trans, intersex, and gender non-conforming individuals shall not, on the basis of gender identity or expression, be stopped, questioned, or arrested for using a gender-segregated or single-sex restroom including public restrooms.

2. Trans, intersex and gender-nonconforming individuals shall be allowed to use the restroom in accordance with their gender identity or where they feel the most safe while in police custody.

## #14: Use of condoms as evidence for prostitution-related offenses:

*Many people participate in sex work, drug sales, and other activities that are currently criminalized (“underground economy”) to earn an income, or in exchange for food, a place to sleep, or other goods or services. The commercial sex trade exists in a variety of forms, including street-based and online sex work. Participation in the sex trade is often higher among those who have faced family rejection, poverty, or unequal opportunities in employment, housing, and education. Numerous studies have documented higher levels of participation in sex work among transgender people, and in particular people of color and those facing homelessness or poverty.*

### GREEN

- Policy prohibits members from
1. confiscating unused condoms from individuals under any circumstances;
  2. citing or relying on the presence or possession of condoms to any degree as the basis for reasonable suspicion or probable cause to believe that an individual has engaged in or intends to engage in any prostitution-related charge, including patronizing, promoting, maintaining a premise, or trafficking;
  3. commenting on the presence or possession of unused condoms, or ask individuals questions regarding the purpose and intended use of condoms, or regarding their sexual practices;
  4. harassing individuals or businesses engaged in the distribution of condoms, or threaten to use presence or possession of condoms as a basis for ongoing harassment or initiation of any law enforcement action.

### YELLOW

Policy includes two of the four areas covered in the model policy.

### RED

Policy addresses only one of the areas covered in the model policy or policy fails to address or authorizes the confiscation or citation of condoms as evidence of prostitution related offenses.

## Model Policy:

Members of the service are advised that confiscating, citing, and invoicing condoms as arrest evidence for any prostitution-related offenses may compromise public health by creating a disincentive for individuals to carry,

distribute, share, or receive condoms in order to engage in safer sex practices.

Members shall *not*:

1. Confiscate unused condoms from individuals under any circumstances.
2. Cite or rely on the presence or possession of condoms to any degree as the basis for reasonable suspicion or probable cause to believe that an individual has engaged in or intends to engage in any prostitution-related charge, including patronizing, promoting, maintaining a premise, or trafficking.

## #15: Training:

**GREEN** Policy requires regular, LGBT-specific training for all personnel, including new recruits, current members, supervisors and commanders. Policy provides for multiple hours of training and includes participation of community members in training development or delivery.

**YELLOW** Policy requires regular, LGBT-specific training for all new and current personnel, but does not require multiple hours or community participation.

**RED** Policy does not mention training, or policy states that training is optional, is required only for a limited group of personnel (e.g., only new recruits), or is not repeated regularly.

### Best Practices:

1. The department should implement full and regular training of new recruits, current members of the department, supervisors, and commanders on this policy and other matters related to the LGB and trans, intersex, and gender-nonconforming community.
2. Trainings should be led or co-facilitated in meaningful part by members of the LGBT community who have experience with the department and by organizations knowledgeable about these issues and communities.
3. Training on trans, intersex, and gender-nonconforming issues should be incorporated throughout all officer trainings, including during search and seizure training and “cultural sensitivity” training.
4. Members should receive 8 hours of training specifically on trans, intersex, and gender-nonconforming issues and periodic roll-call trainings or other shorter “in-service” trainings.



## #16: Immigration Enforcement Cooperation:

**GREEN** Department has a clear policy of not honoring notification or detainer requests from U.S. Immigration and Customs Enforcement without a judicial warrant, and arrestee personal information, including country of birth or first language, is not disclosed to immigration authorities. Policy clearly prohibits police action for the purposes of determining immigration status, and requires the department to provide services to all individuals regardless of immigration status.

**YELLOW** Department or its local or state jurisdiction has a clear policy of not honoring ICE notification or detainer requests in some cases, but allows for exceptions (e.g., based on past convictions) even in the absence of a judicial warrant. Policy clearly prohibits police action for the purposes of determining immigration status, and requires the department to provide services to all individuals regardless of immigration status.

**RED** Department (and its local and state jurisdiction) have no clear policy on collaboration with immigration authorities, or an explicit policy of generally honoring notification and detainer requests, or have a Section 287(g) agreement with ICE to proactively participate in civil immigration enforcement.

### Best Practices:

NCTE encourages Police Departments to work with their local communities to establish comprehensive immigration and oversight policies and mechanisms for their jurisdiction. The following criteria are meant as a starting point to describe the overall position of the Department towards the communities they police.

Members shall *not*:

1. Honor civil immigration notification and hold requests from USDHS (“detainer requests”) by continuing to hold in custody without a judicial warrant an individual who is eligible for release on a criminal matter, or by sharing that individual’s information, including release date, with USDHS for purposes of aiding them with civil immigration enforcement.
2. Take police action for the purposes of determining immigration status.
3. Inquire about individuals’ immigration status, country of birth, or

first language.

Members shall:

1. Provide police services to all persons, including those who are undocumented, to ensure a safe environment.

## #17: Civilian Oversight:

**GREEN** The jurisdiction has an independent police oversight body that meets all 4 criteria.

**YELLOW** Oversight body meets at least 3 of the 4 criteria, but must meet #1 and #2.

**RED** Oversight body meets 2 or fewer criteria, committee does not meet criteria #1 or #2, or there is no citizen oversight body committee.

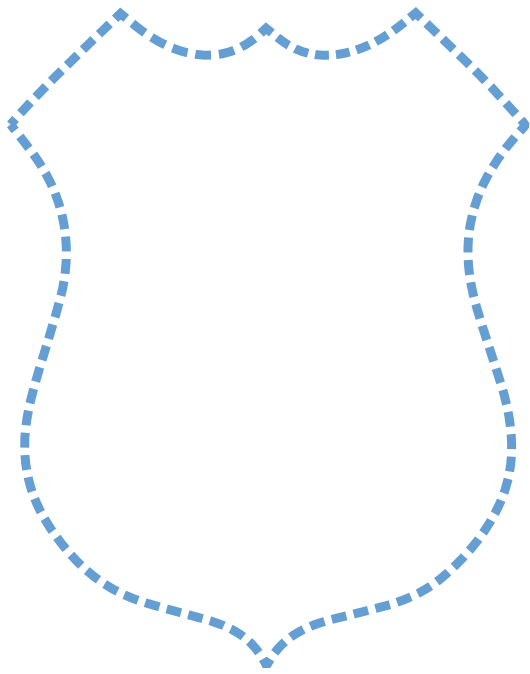
### Best Practices:

Independent oversight bodies should:

1. Be a standing body, independent of both law enforcement and political interference.
2. Have the authority to initiate and conduct investigations independently, including subpoena power and the authority to impose discipline up to and including terminating an officer for misconduct.
3. Report annually on the types of complaints received and their dispositions, and work collaboratively with community members and organizations to address issues and situations related to the community, even when official reprimand or discipline was not implemented.
4. Accept and investigate anonymous complaints, whether filed by the individual or by third parties/organizations on their behalf.

# Individual Department Reports





## Atlanta Police Department

### Availability of Policy on Transgender Interactions ■

Department's policies on transgender interactions are readily available through the department's website.

### Nondiscrimination Based on Gender Identity ■

Policy prohibits the use of derogatory language based on gender identity or expression. However, policy fails to prohibit 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. Additionally, policies fail to prohibit invasive questioning regarding gender identity.

### Nondiscrimination Based on Sexual Orientation ■

Policy requires "all sworn employees" to "exercise their authority in a manner that does not unlawfully discriminate against individuals based solely on race, ethnic background, gender, sexual orientation," but does not explicitly include profiling or harassment. (SOP 3080 General Procedures)

### **Non-Binary Recognition** ■■■

Department's policy acknowledges non-binary individuals and requires members to respectfully ask for pronouns. However, policy does not address placement, and directs that non-binary individuals be searched by female personnel without regard to their preference.

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

Policy requires members address individuals by their "preferred" name and pronouns.

### **Department Forms** ■■■

Policy requires members to document name and sex as it appears on government issued identification. Policy allows for other names used to be recorded only as an "alias," and does not require recording pronouns.

### **Search Procedures** ■■■

Policy requires that all transgender and non-binary individuals be automatically searched by female members. Policy does not clearly prohibit searches for the purpose of determining gender, and allows for "cross-gender" searches when members of the arrestees' gender identity are not available

### **Transportation** ■■■

Policies fail to require members to contact dispatch and document mileage when transporting arrestees (unless the arrestee is a juvenile or a female prisoner transported by a male officer), and fail to require transportation of arrestees with members of their gender identity/expression. The Department's Female Prisoner policy (SOP 3030) fails to specify if the policy applies to transgender women.

### **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 does not have temporary holding facilities.

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

Department does not have temporary holding facilities.

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

Policy states that the removal of appearance related items will be consistent with requirements for the removal of similar items for non-transgender individuals.



## **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** ■

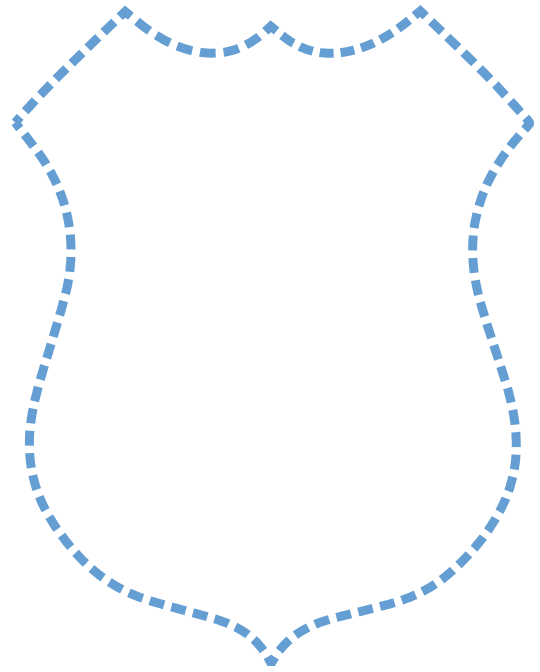
Department LGBT Liaison Unit is required to provide quarterly training on “working with the LGBT community” to all sworn personnel, however, the policy does not require multiple hours of training or community participation in training development or delivery.

## **Cooperation with Immigration** ■

Department does not have a clear policy on honoring ICE detainers, but prohibits members from asking for a person’s immigration documents. However, policy requires members suspecting that individuals they detain in violation of a felony are undocumented contact ICE for guidance and “put a hold on the subject if necessary.”

## **Civilian Oversight** ■

The Atlanta Citizen Review Board (ACRB) is an independent body from the Department that produces semi-annual complaint reports. They have the authority to initiate investigations, but are not able to impose discipline or accept anonymous complaints.



## Baltimore County Police Department

### Availability of Policy on Transgender Interactions ■

Department does not have a transgender specific policy, but addresses transgender interactions throughout policies that are available online and through the department's website.

### Nondiscrimination Based on Gender Identity ■

Policy fails to explicitly prohibit 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. The policy also fails to prohibit invasive questioning regarding gender identity or the the use of derogatory language based on gender identity or expression.

### Nondiscrimination Based on Sexual Orientation ■

Policy clearly prohibits profiling, harassment, and discrimination based on sexual orientation or perceived sexual orientation.

### **Non-Binary Recognition** ■■

Policy acknowledges the existence of individuals with gender nonconforming identities, but fails to address non-binary identities or how pronoun, search, or lockup policies apply to non-binary people.

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

Policies fail to require the use of correct names and pronouns in interactions with members of the public.

### **Department Forms** ■■

Policies do not address whether or how to record an arrestee's currently used name, gender or pronoun.

### **Search Procedures** ■■

Search policy requires that detainees shall be searched by "members of the same gender," but does not state how this applies to transgender people. Policy states that arrestees will not be searched or examined for the sole purpose of determining their "genital status," but does not address field searches of transgender people.

### **Transportation** ■■

Policy only requires contacting dispatch and documenting mileage when transporting an individuals of "the opposite sex or juveniles." Policy fails to provide guidelines for transporting transgender individuals.

### **Officer Sexual Misconduct** ■■

This department has a zero tolerance policy with respect to sexual harassment and assault of any member of the public by any member of the department, but fail to explicitly list prohibited actions. Additionally, policy mandates reporting of misconduct and incorporates 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 generally.

### **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 or to explicitly permit individuals to use the restroom consistent with their gender identity in Department buildings.



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

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

## **Trainings** ■

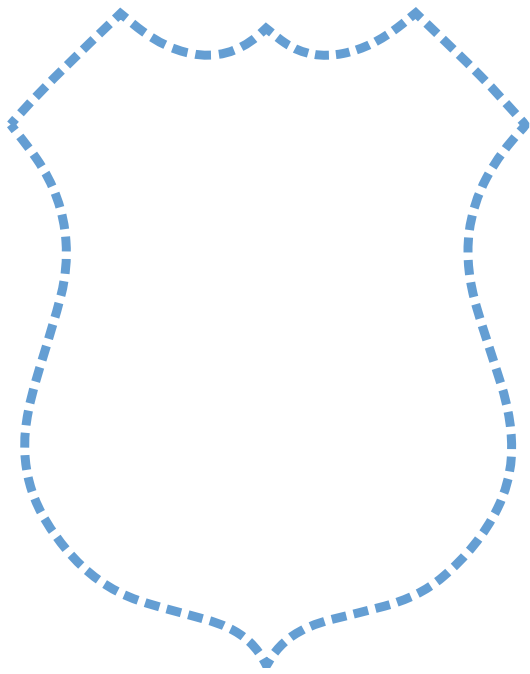
Policy requires regular, LGBT-specific training for all new and current personnel, but does not require multiple hours or community participation.

## **Cooperation with Immigration** ■

Department does not have an explicit policy on honoring detainer requests. Additionally, policy fails to prohibit determining immigration status as a matter of police action, or require members to provide services to all individuals regardless of immigration status.

## **Civilian Oversight** ■

The Civilian Review Board of Baltimore City is an independent agency that has the authority to conduct investigations involving abusive language, excessive force, false arrest, false imprisonment, and harassment, but does not have the authority to impose discipline. The CRB does not publicly release annual reports or provide an anonymous complaint system. In 2017, the City Office of Civil Rights issued a report with 15 recommendations to strengthen the Board.



## **Baltimore Police Department**

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

Department's policies on transgender interactions are readily available through the department's website.

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

Department policy explicitly prohibits 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 generally prohibits the use of demeaning or derogatory language. However, policy does not prohibit asking invasive questions of transgender and gender-nonconforming people that are not relevant to the police interaction.

### **Nondiscrimination Based on Sexual Orientation** ■

Department policy prohibits profiling, harassment, and discrimination against any individual based on the person's actual or perceived sexual orientation.

## **Non-Binary Recognition** ■■

Policy fails to mention non-binary identities or how search, lockup, or other policies apply to them.

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

Policy requires addressing members of the public with appropriate pronouns, but fails to explicitly require members to also use the name they currently use.

## **Department Forms** ■■

Policy requires members to record current name used as an alias and to classify gender as it appears on government ID, but does not instruct members to record pronouns.

## **Search Procedures** ■■

Department's policy clearly prohibits searches and frisks for the purposes of determining "sex." Department is subject to a 2017 consent decree requiring searches be conducted by an officer of the gender requested by a transgender individual, and prohibiting more invasive searches of transgender individuals. At the time of this writing, the Department policies have not been updated to incorporate these protections.

## **Transportation** ■■

Department's Transportation of Passengers policy requires members to contact dispatch at the beginning and end of transport and to document mileage from start to finish of each trip when transporting a person of the "opposite sex," but fails to state how this applies to transgender arrestees. At the time of this writing, a draft policy requires transporting transgender arrestees with individuals of the same gender identity and expression, unless the individual expresses a safety concern or the officer identifies a safety concern, in which case the individual shall be transported alone.

## **Officer Sexual Misconduct** ■■

Department policies fail to clearly define and prohibit sexual misconduct on behalf of 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 does not have temporary holding facilities.

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

While the Department does not have temporary holding facilities, the Department's "Persons in Police Custody" (1114) addresses medical care and detainee access to prescribed medications. However, policy fails to make clear that transgender individuals must be treated equally including with respect to access to hormone therapy.

*(Policy 1114 Persons in Police Custody)*

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

Policy allows for transgender arrestees to maintain appearance related items in accordance with non-transgender individuals.

### **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** ■■

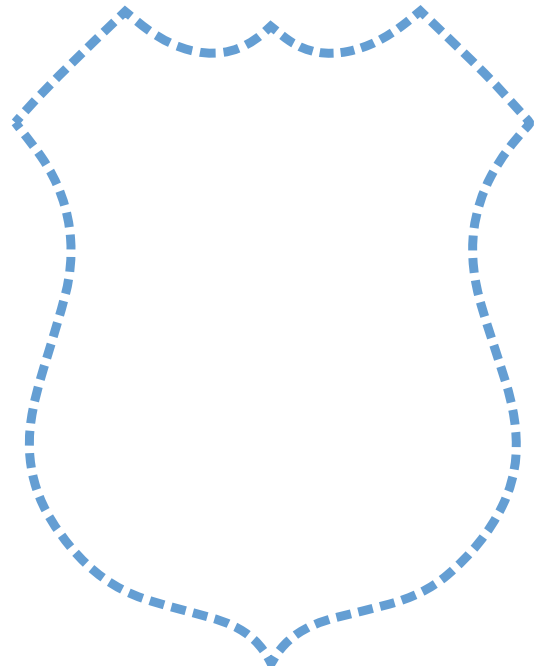
Policy requires regular, LGBT-specific training for all new and current personnel but does not require multiple hours or community participation

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

Policies do not address immigration enforcement.

### **Civilian Oversight** ■■

The Civilian Review Board is an independent agency that has the power and authority to conduct investigations independently, and recommend discipline. The Board requires all complaints to be notarized and does not process anonymous complaints, or produce annual reports. Under the 2017 consent decree, the Community Oversight Task Force is studying and will make recommendations for strengthening the Board, which would require action by City Council. Policies have not been updated as of this writing.



## **Boston Police Department**

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

Department issued a special order 13-025 on transgender interactions in 2013 covering the following categories: Non-Discrimination Based on Sexual Orientation, Use of Respectful Communication, Name and Pronouns on Department Forms, Search Procedures, Transportation, Placement in Temporary Lockup, Access to Medical Care in Lockup, and Training. However, the special order is not easily accessible, is not referenced in the Department's Rules and Procedures page, and can only be found via a 2013 press release.

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

Department policies do not 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. Policies do not prohibit use of language based on gender identity or targeting transgender people for invasive questions that are not relevant to the police interaction.

Department's Conduct, Rights and Responsibilities policy addresses derogatory comments based on race or sexual orientation but not gender/gender identity. Bias Free Policing policy prohibits profiling based on "gender," but does not specify gender identity.

## **Nondiscrimination Based on Sexual Orientation** ■

Department policy prohibits profiling, harassment, and discrimination against any individual based on the person's actual or perceived sexual orientation.

## **Non-Binary Recognition** ■

Policies fail to mention people with non-binary gender identities or how policies on pronouns, searches, or placement apply to interactions with them.

## **Use of Respectful Communication** ■

Department transgender policy requires officers address individuals by their "adopted name" and appropriate pronouns.

## **Department Forms** ■

Department's policy requires members to document "chosen name" as an "a.k.a" when it is not the individual's legal name, and legal name shall be recorded as the primary name for "legitimate law enforcement purposes." Policy does not address documenting gender or pronouns.

## **Search Procedures** ■

Department policy prohibits the use of searches to determine gender, anatomy, or transgender status and the use of more invasive searches for transgender people. Department policy allows for transgender individuals to request the gender of the two officers to perform a search. Additionally, if members of the requested gender are not available policy requires that two members perform the search, and that they complete a "Statement of Search Preference Form." If transgender individuals do not make a search preference, they shall be searched based on their gender "expression."

## **Transportation** ■

Policy fails to require members of the Department to contact dispatch and document mileage when transporting arrestees. Policy requires members transport transgender individuals alone, and they shall ensure that additional units are called.

## **Officer Sexual Misconduct** ■

Department policies fail to clearly define and prohibit sexual misconduct on behalf of members of the Department, establish prevention or accountability mechanisms for officer sexual misconduct, or fully incorporate the PREA Lockup Standards. Department policies do impose a general duty to report officer misconduct.

## **Placement in Temporary Lockup** ■

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

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

Department policy states that transgender individuals requiring medical attention will be treated equally with other prisoners requiring medical attention, but fails to explicitly mention access to hormone medication.

## **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 or to explicitly permit individuals to use the restroom consistent with their gender identity in Department buildings.

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

Policies fail to prohibit the confiscation or use of condoms as evidence in prostitution related cases.

## **Trainings** ■■

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

## **Cooperation with Immigration** ■■

The Boston municipal Trust Act prohibits the Department from complying with immigration detainer requests, except in the case that the individual meets any of the following criteria:

“(1) ICE has a criminal warrant for the individual;

(2) The individual has ever been convicted of a violent crime as defined in Massachusetts General Laws Chapter 140, Section 121;

(3) In the past ten (10) years, the individual has been convicted of a felony as defined in Massachusetts General Laws Chapter 274, Section 1;

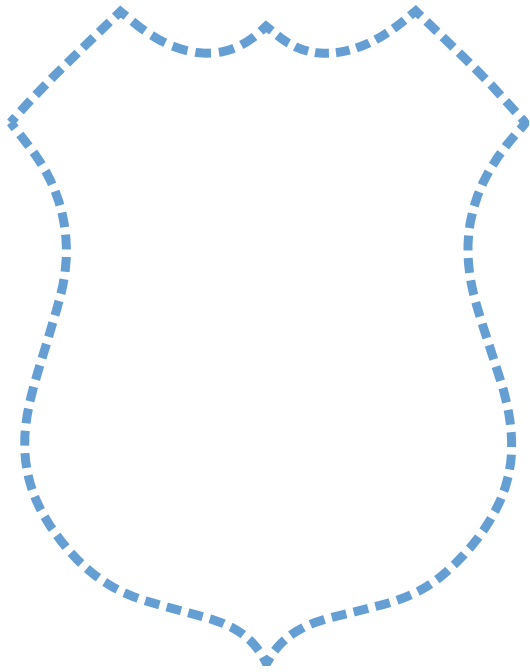
(4) The individual is a current registrant on the Massachusetts Sex Offender Registry;

(5) The individual is identified in the federal government’s consolidated Terrorist Watchlist”

However, the Department does not have an available policy outlining the parameters of the Trust Act.

## **Civilian Oversight** ■■

The Community Ombudsman Oversight Panel is an independent body that reviews complaints against the department’s Internal Investigations team and produces annual reports. However, the panel may only review appeals not initiate investigations or impose discipline. It is unclear if the panel accepts anonymous complaints.



## Charlotte-Mecklenburg Police Department

### Availability of Policy on Transgender Interactions ■

Department policies are available online, but fail to address interactions with transgender individuals.

### Nondiscrimination Based on Gender Identity ■

Department policies 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 also fails to prohibit use of language that is demeaning or derogatory; or asking invasive questions of transgender and gender-nonconforming people that are not relevant to the police interaction.

### Nondiscrimination Based on Sexual Orientation ■

Policy clearly prohibits profiling, harassment, and discrimination against any individual based on the person's actual or perceived sexual orientation.



### **Non-Binary Recognition** ■■

Policies fail to mention people with non-binary gender identities or how policies apply to interactions with 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** ■■

Policies do not address recording an arrestee's name, gender or pronoun.

### **Search Procedures** ■■

Policies only specify that strip searches should be performed by officers of the "same sex" as the arrestee but fails to provide guidance for searching transgender individuals.

### **Transportation** ■■

Policy only requires contacting dispatch and documenting mileage when transporting an individuals of "the opposite sex, juveniles or a disruptive or combative prisoner." Policy fails to provide guidelines for transporting transgender individuals.

### **Officer Sexual Misconduct** ■■

Department 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 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** ■■

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** ■

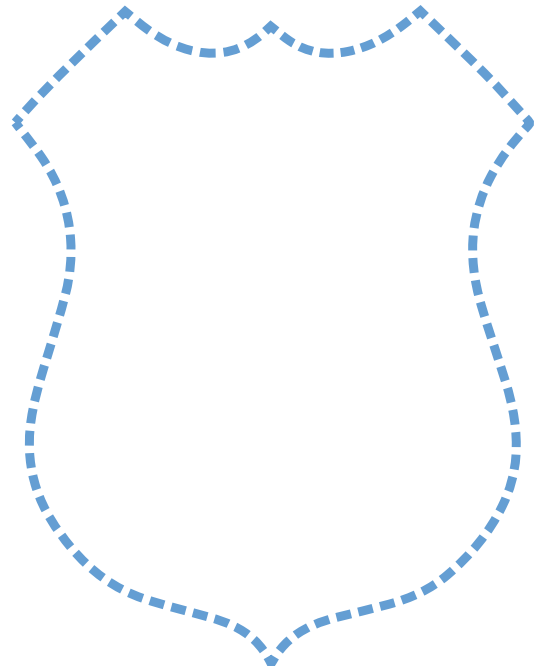
Department policies do not require training on interactions with transgender people as part of any officer training. However, the department does “provide training regarding arbitrary profiling to all officers during recruit training and on an annual basis through in-service training.”

## **Cooperation with Immigration** ■

Department policy explicitly prohibits members from taking police action based on an individual’s citizenship status. However, policies fail to address cooperation with ICE detainer request, and provide police services to all regardless of citizenship status.

## **Civilian Oversight** ■

The Citizen Review Board (CRB) of the City of Charlotte is independent from the Department’s Internal Affairs Bureau and may hear appeals of complaints regarding alleged violations of the following rules: use of force, unbecoming conduct, arrest, search and seizure, and arbitrary profiling. While CRB has the authority to initiate investigations, they do not have the ability to impose discipline. The CRB produces annual reports, but it is unclear if they process anonymous complaints.



## Chicago Police Department

### Availability of Policy on Transgender Interactions ■

Department's policies on transgender interactions are readily available through the department's website.

### Nondiscrimination Based on Gender Identity ■

Department policy explicitly prohibits 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 prohibits use of language that is demeaning or derogatory. However, policy does not clearly prohibit asking invasive questions of transgender and gender-nonconforming people that are not relevant to the police interaction.

### Nondiscrimination Based on Sexual Orientation ■

Policies explicitly prohibit profiling, harassment, or discrimination against any individual based on the person's actual or perceived sexual orientation.

### **Non-Binary Recognition** ■

Policy refers to gender nonconforming people, but does not explicitly recognize non-binary gender identities, or state how policies on pronouns, searches, or placement apply to them.

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

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

### **Department Forms** ■

Policy requires members to record current name, but list it as an alias and does not require documenting pronoun. Additionally, policy requires members to classify gender as it appears on government ID with an exception based on surgical status.

### **Search Procedures** ■

Policy prohibits members from conducting searches to determine gender, or to subject transgender individuals to more frequent or more invasive searches. However, policy states that all searches shall be “performed by persons of the same gender” “as it appears on the individual’s government-issued identification card,” with an exemption for individuals who are “post operative” (undefined).

### **Transportation** ■

Policy fails to require members to contact dispatch at the beginning and end of transport and to document mileage from start to finish of each trip to transport transgender arrestees. Department policy does allow for transgender arrestees to request an officer of their gender identity be present for their transport, but requires transgender individuals be transported separately from other arrestees.

### **Officer Sexual Misconduct** ■

Department 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** ■

“Whenever practical, TIGN arrestees will be maintained in single cell occupancy.” However, space not permitting, policy requires housing contingent on surgical status or identification documents.

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

Policy explicitly states that all medications, including hormone treatment for transgender arrestees, will be treated equally under Department supervision. Additionally, members are instructed to not interpret the possession of needles as evidence of a crime.

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

Policy states that the removal of appearance related items will be consistent across genders.

### **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** ■

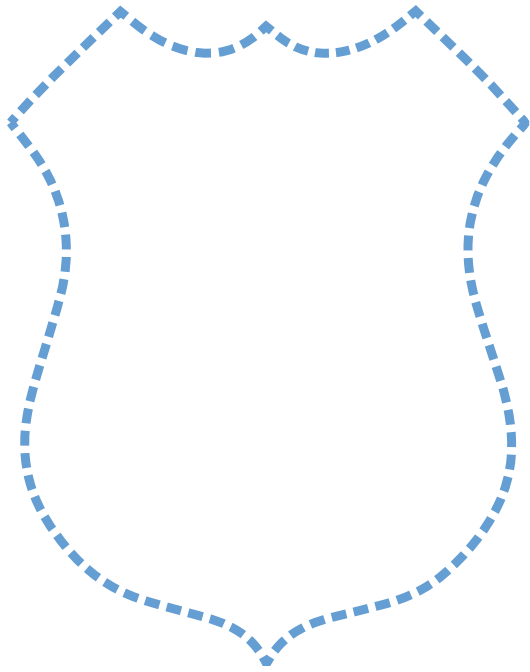
Policy does not require training on interactions with transgender individuals.

### **Cooperation with Immigration** ■

Department policy clearly states 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 states that members will not detain, or continue to detain, a person based upon an immigration detainer, pursuant to local law.

### **Civilian Oversight** ■

The Civilian Office of Police Accountability (COPA) is an independent agency has the power and authority to conduct investigations independently, produces annual reports, and provides trainings to Department members. The office accepts anonymous complaints, but this is not made clear through information on the website. COPA may recommend discipline of Department members, and if the Department does not concur the Police Board--a separate, independent civilian body-- may decide the case.



## Columbus 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 biased 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. Policies do not explicitly prohibit sexual harassment or use of language that is demeaning or derogatory. Policy does not prohibit asking invasive questions of transgender and gender-nonconforming people that are not relevant to the police interaction.

### Nondiscrimination Based on Sexual Orientation ■

Department policy prohibits profiling and other discriminatory policing based on sexual orientation, but fails to explicitly prohibit harassment based on sexual orientation.

### **Non-Binary Recognition** ■

Policy fails to mention individuals 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** ■

Policies do not address whether or how to record an arrestee's name, gender or pronouns.

### **Search Procedures** ■

Department policy requires officers to make an attempt to contact an officer of the "same sex" as the individual to perform the search. However, policy fails to provide guidelines for searching transgender individuals.

### **Transportation** ■

Policy only requires contacting dispatch and documenting mileage when transporting an individual of "the opposite sex," but fails to provide guidelines for transporting transgender individuals.

### **Officer Sexual Misconduct** ■

Department policies fail to clearly define and prohibit sexual misconduct on behalf of 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 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** ■

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 in prostitution-related cases.



## **Trainings** ■

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

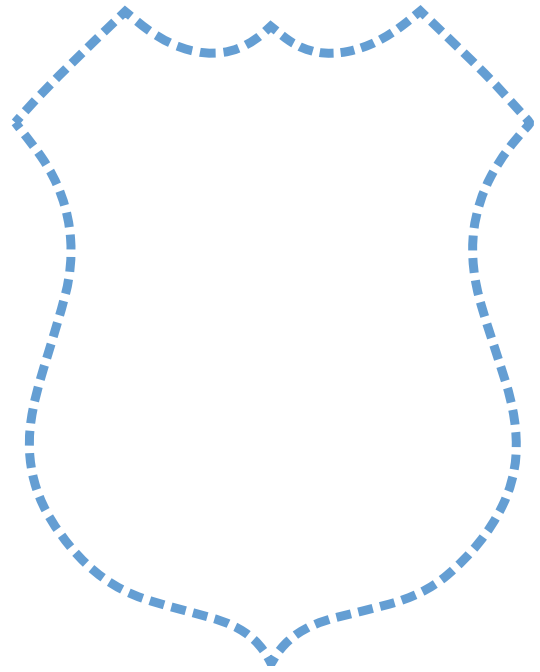
## **Cooperation with Immigration** ■

Department policy requires members “arresting a suspected illegal immigrant” to contact ICE, and to cooperate with ICE warrants. However, Department policies clearly state that immigration status shall not be a matter of police action.

## **Civilian Oversight** ■

Jurisdiction lacks an independent civilian oversight body.





## Dallas Police Department

### Availability of Policy on Transgender Interactions ■

Department policies are available online, but fail to address interactions with transgender individuals.

### Nondiscrimination Based on Gender Identity ■

Policy fails 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 or use of language that is demeaning or derogatory

### Nondiscrimination Based on Sexual Orientation ■

Policies fail to explicitly prohibit profiling and other forms of discrimination based on sexual orientation. However, the Department's Code of Conduct does prohibit members from making demeaning comments or ridiculing individuals based on their sexual orientation, and prohibit searches solely based on sexual orientation.

### **Non-Binary Recognition** ■

Policy fails to mention non-binary identities or how to search, lockup, or other policies apply to them.

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

Department policies do not require the use of correct names and pronouns, and department policies on respectful communications and bias policing and conduct fail to address bias based on gender identity.

### **Department Forms** ■

Policy does not address where or if to record an arrestee's currently used name or pronoun, and fails to state guideline on recording sex for transgender individuals.

### **Search Procedures** ■

Policy specifies search criteria for male and female prisoners, but fails to state how these applies to transgender individuals.

### **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 state how this applies to transgender individuals.

### **Officer Sexual Misconduct** ■

Department policies fail to prohibit sexual misconduct on behalf of 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 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** ■

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** ■

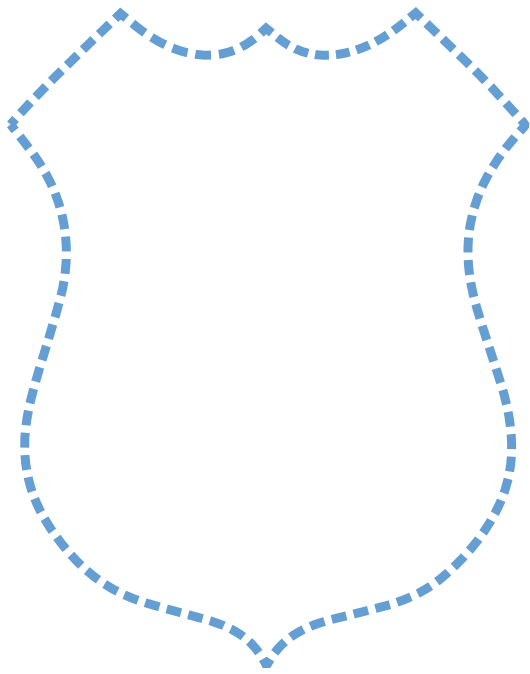
Department policies do not required training on interactions with transgender people.

## **Cooperation with Immigration** ■

Department policy explicitly prohibits members from detaining or arresting someone based on their immigration status. However, the policy requires members comply with ICE detainer requests.

## **Civilian Oversight** ■

The Citizen Police Review Board is an independent body with the authority to produce annual reports. However, it is unclear if they conduct independent investigations or accept and process anonymous complaints.



## **Detroit Police Department (policy not available online)**

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

Department policies are readily available online, but fail to address how they apply to transgender individuals except for when determining placement.

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

Department policies 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 or use of language that is demeaning or derogatory to transgender people

### **Nondiscrimination Based on Sexual Orientation** ■

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

### **Non-Binary Recognition** ■

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

Policies fail to address recording an arrestee's name, gender or pronoun.

### **Search Procedures** ■

Search policy requires that detainees shall be searched by "a member of the same sex," but does not state how this applies to transgender people. (305.1- 4.4 Custodial Search)

### **Transportation** ■

Policy only requires members to contact dispatch and document mileage when transporting female arrestees and fails to provide guidance for transporting transgender arrestees.

### **Officer Sexual Misconduct** ■

Department 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.

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

Policy states that "all detainee prescription medications shall be dispensed and stored in compliance with department policy, based upon recommendations from a professional health care provider." However, policy fails to make clear that transgender individuals must be treated equally including with respect to hormone therapy. (305.5)

### **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** ■■

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

## **Trainings** ■■

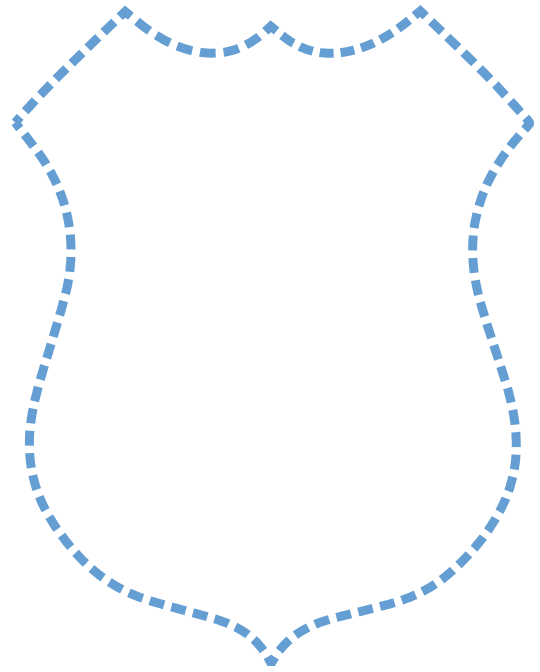
Department policies do not require training on interactions with transgender people as part of officer training.

## **Cooperation with Immigration** ■■

Department policies fail to address immigration enforcement.

## **Civilian Oversight** ■

The independent Board of Police Commissioners has the authority to investigate complaints, impose discipline, and produce annual reports. However, it is unclear if the Commission accepts anonymous complaints.



## Honolulu Police Department

### Availability of Policy on Transgender Interactions ■

Department policies are available online, but fail to address interactions with transgender individuals.

### Nondiscrimination Based on Gender Identity ■

Department's Standards of Conduct prohibit members from discrimination based on "gender identification," but does not explicitly prohibit using 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. Department policies prohibit members from "engaging in bias based profiling in traffic contacts, field contacts, asset seizures, and forfeiture efforts or any other law enforcement contact with the public based solely on a trait common to a group," and "using harsh, violent, degrading, or insolent language" towards members of the public.

### Nondiscrimination Based on Sexual Orientation ■

Department's Bias Based Profiling policy prohibits discrimination based on sexual orientation but does not explicitly include profiling or harassment within this prohibition.

### **Non-Binary Recognition** ■

Policy fails to mention individuals with non-binary gender identities or 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** ■

Policies fail to address appropriate procedure for recording an arrestee's currently used name, gender or pronoun.

### **Search Procedures** ■

Department policy states that searches shall be performed by "authorized employees of the same sex," but fails to prohibit searches for gender determination or provide guidelines for searching transgender individuals.

### **Transportation** ■

Policy fails to require members of the Department to contact dispatch and document mileage when transporting arrestees and to provide guidelines for transporting transgender arrestees.

### **Officer Sexual Misconduct** ■

Policy prohibits "sexual contact, sexual abuse, and sexual harassment between arrested persons and between departmental personnel and arrested persons." Additionally, policy requires member to report "acts or attempted acts of sexual misconduct." However, policy fails to explicitly define sexual misconduct in this or other settings, establish meaningful prevention or oversight mechanisms, 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** ■

Department's policy addresses medical care and detainee access to prescribed medications, but fails to make clear that transgender individuals must be treated equally including with respect to hormone therapy.

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

Policies only allow for arrestees to "retain items that are worn or attached for medical reasons," and fails to address the removal of appearance related items.  
Policy Number 7.01



## **Bathroom Use** ■■

Policies 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** ■■

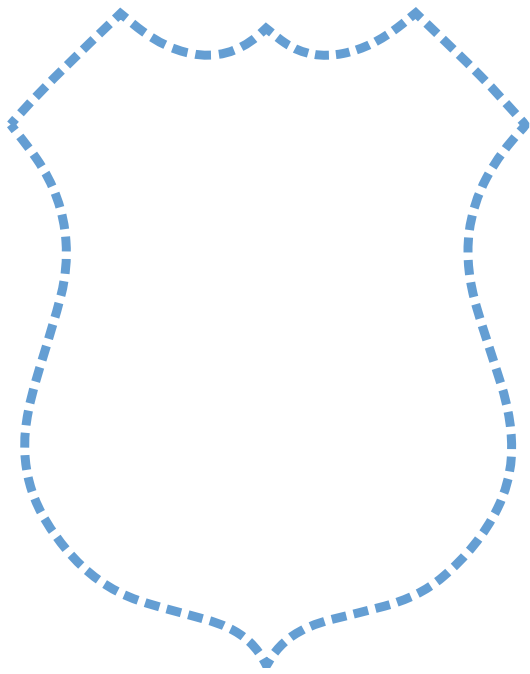
Department policies do not require training on interactions with transgender people as part of officer training.

## **Cooperation with Immigration** ■■

Department policy does not address immigration enforcement

## **Civilian Oversight** ■

The Honolulu Police Commission is an independent commission that has the authority to initiate investigations and impose discipline. While the Commission produced annual reports, it requires all complaints to be notarized and does not process anonymous complaints.



## Houston Police Department

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

Department policies obtained through open records request are available through external search engines, and fail to address interactions with transgender individuals.

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

Department policies 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. Policies do not mention sexual harassment or use of language that is demeaning or derogatory, 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 how policies apply to interactions with 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** ■

Policies fail to address appropriate procedure for recording an arrestee's currently used name, gender or pronoun.

### **Search Procedures** ■

Search policy requires that searches of arrestees "shall be performed by employees of the same sex as the prisoner," but does not state how this applies to transgender people.

### **Transportation** ■

Policy requires officers transporting arrestees to document "origin and destination of the transport" and "sex of the person being transported," but fails to state guidelines for transporting transgender people.

### **Officer Sexual Misconduct** ■

Policy states that "there shall be a zero-tolerance regarding sexual abuse and sexual harassment as mandated by the PREA," but does not clearly define officer sexual misconduct, establish prevention or oversight mechanisms, or fully incorporate PREA Lockup Standards

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

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

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

Policy provides for access to prescription medications in lockup generally, but does not address transgender people or hormone therapy. Policy specifies that a physician can only administer prescription medications provided the legitimacy of the prescription. (Gen. Order 500-02,500-02)

### **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** ■■

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

## **Trainings** ■■

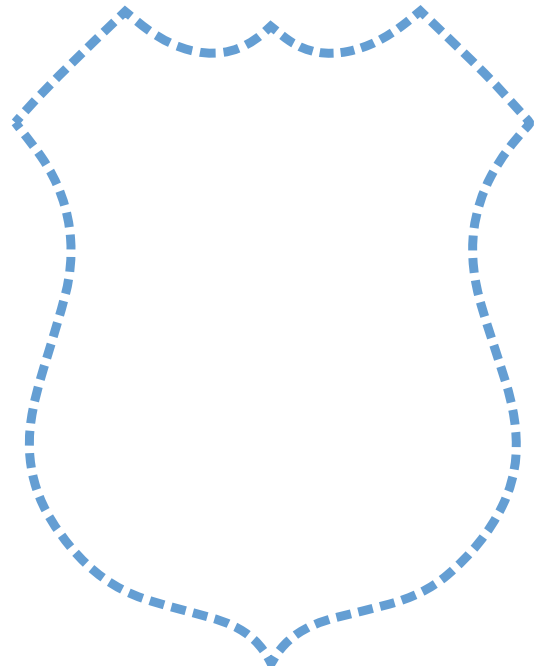
Department policies do not require training on interactions with transgender people as part of officer trainings.

## **Cooperation with Immigration** ■■

Department policy explicitly prohibits members from detaining or arresting someone based on their immigration status. However, the policy requires members comply with ICE detainers and grants ICE full access to HPD facilities.

## **Civilian Oversight** ■■

The Independent Police Oversight Board reviews all internal affairs investigations alleging excessive force and discharge of firearms, but cannot initiate an investigation or impose disciplinary action. The board does not produce an annual report or address the filing of anonymous complaints.



## Las Vegas Metropolitan Police Department

### Availability of Policy on Transgender Interactions ■

Department policies are available online, but fail to address interactions with transgender individuals.

### Nondiscrimination Based on Gender Identity ■

Policy fails 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 or use of language that is demeaning or derogatory to transgender people. Policy fails to explicitly prohibit asking invasive questions of transgender and gender-nonconforming people that are not relevant to the police interaction.

### Nondiscrimination Based on Sexual Orientation ■

Department's Prohibition Against Biased-Based Policing 4/103.26 prohibits profiling, harassment and discrimination based on sexual orientation or perceived sexual orientation.

### **Non-Binary Recognition** ■

Department Manual fails to mention individuals with non-binary gender identities or how search, lockup, or other policies apply to them.

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

Policy generally prohibits members from using “harsh, coarse, violent, profane, insolent, indecent, suggestive, sarcastic, or insulting language,” and requires members to “treat all persons with the courtesy and dignity inherently due every person as a human being.” However, policy does not require use of correct names and pronouns.

### **Department Forms** ■

Policies do not address how to record name, gender or pronoun.

### **Search Procedures** ■

Department’s policy states that all searches and pat downs should be performed by officers of the “same sex,” but fails to address how this applies to transgender individuals. (Searches and Pat Downs of Persons 5/200.02)

### **Transportation** ■

Department’s policy requires members document mileage when transporting prisoners of the “opposite sex.” However, the policy fails to provide clear guidelines or protections for transporting transgender individuals.

### **Officer Sexual Misconduct** ■

Policy states that “there shall be a zero-tolerance regarding sexual abuse and sexual harassment as mandated by the PREA,” but does not clearly define officer sexual misconduct, establish prevention or oversight mechanisms, or fully incorporate 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** ■

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** ■

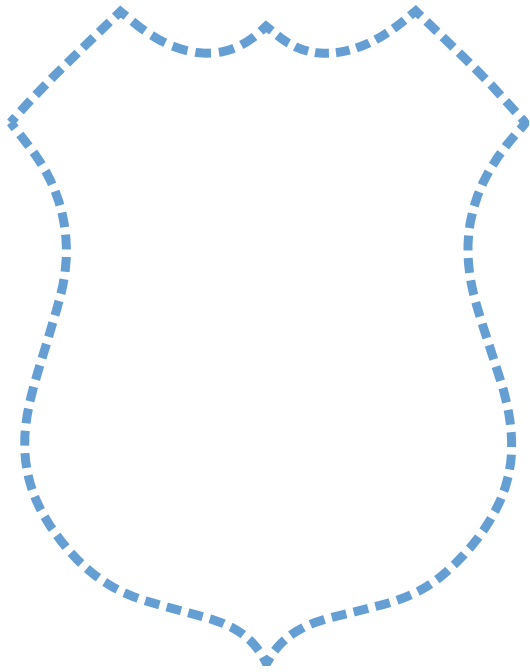
Department policies do not require training on interactions with transgender people as part of officer training.

## **Cooperation with Immigration** ■

Department policy explicitly prohibits members from detaining or arresting someone based on their immigration status. However, the policy requires members to immediately notify ICE “if suspected that the person maybe a deportable alien.”

## **Civilian Oversight** ■

The Department’s Citizens Review Board is an independent committee that reviews complaints, and provides recommendations to the Department. However, the CRB does not produce annual reports, initiate investigations, or impose discipline.



## Los Angeles 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 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. Additionally, the policy prohibits use of language that is demeaning or derogatory. However, policy 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 ■

Policy clearly prohibits profiling, harassment, and discrimination against any individual based on the person's actual 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. However, advocates say that law enforcement generally assume transgender related policies to be applicable to non-binary and GNC individuals, but the Department's Suspect Description policy only allows for "male" and "female" classification. (See Name and Pronoun on Department Forms)

## **Use of Respectful Communication** ■

Policy requires members of the Department to address individuals by their "preferred" name and pronouns. Advocates indicate that while there seems to be a strong leadership commitment to this policy, officers still frequently misgender members of the public.

## **Department Forms** ■

Department policy requires "any information obtained about an individual's transgender status (e.g., preferred name and pronoun)" to be "documented and provided to relevant Department employees for the purpose of ensuring continuity of appropriate treatment." However, the policy instructs officers to document a "preferred name" as an AKA or alias.

The LAPD's 030.45 Description of Suspect policy provides guidance to be "used for all types of reports" that limits members of the Department from documenting sex as exclusively either "male" or "female."

Neither policy references the other resulting in inconsistencies across the transgender policy and the suspect description policy that specify recording arrestee's currently used name as an "AKA," and as "alias" or "nickname" respectively.

## **Search Procedures** ■

The Department's transgender policy states that individuals will be asked to state a preference for search by a male or female officer, but the Department's search policy does not reference this and simply states that searches will be conducted by an employee "of the arrestee's sex," that "a search or frisk shall not be performed for the sole purpose of determining an individual's anatomical gender," and that "transgender individuals shall not be subject to more invasive search or frisk procedures than non-transgender individuals." Additionally, the transgender policy states that "an officer shall not refuse to search a transgender arrestee based upon the arrestee identifying as transgender,"

Under the transgender policy members are also required to - if they have reason to believe that an arrestee is transgender - notify them that they are to be searched same as every other arrestee, and document the arrestees stated preference to be searched by a "male or female officer." However, the Department's 217. Searches of Suspects and Arrestees policy fails to reference the transgender policy.

## Transportation ■

Department policy requires members to report mileage and odometer reading when transporting an arrestee of the opposite sex, but fails to set guidelines for transporting transgender arrestees.

## 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 ■

The Department's transgender policy does not address temporary placement, and only references the Jail Division page for longer term placement. (GRAY)

## Access to Medical Care in Lockup ■

Department policy provides for arrestees prescribed medication to be administered, but does not clarify if this applies equally to hormone therapy for transgender people. However, local advocates believe that transgender arrestees have been able to receive their medication while in custody.

## Removal of Appearance-Related Items ■

Department policy states that "requests to remove appearance-related items, such as prosthetics, clothing that conveys gender identity, wigs, and cosmetics, shall be consistent with requirements for the removal of similar items for non-transgender individuals."

## Bathroom Use ■

Department policy fails to prohibit policing of public restroom use by members or address bathroom usage in stations.

## Use of Condoms as Evidence for Sex Work ■

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

## Trainings ■

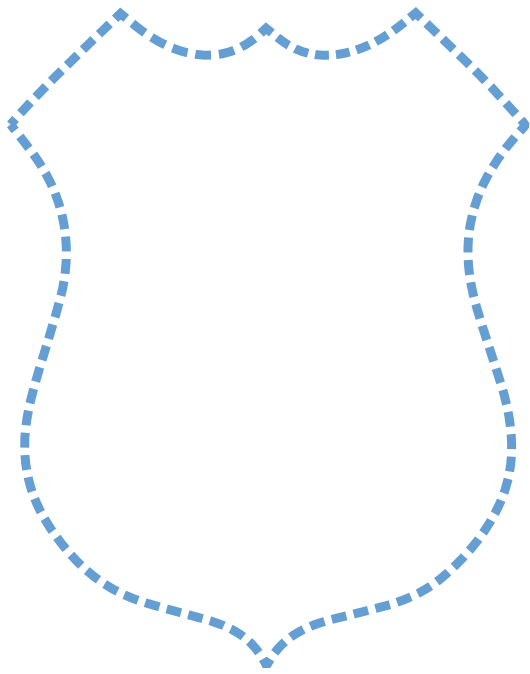
Department policy does not require training on interactions with transgender individuals to be included in officer training.

## Cooperation with Immigration ■

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. (390. UNDOCUMENTED ALIENS.) Policy explicitly prohibits members from arresting or booking persons for "Illegal Entry," but requires members honor arrest warrant for federal immigration crimes.

## **Civilian Oversight** ■

Jurisdiction lacks independent civilian oversight body. The Office of the Inspector General (OIG) is an independent body that reviews complaint investigations regarding officer misconduct, but the Department's Internal Affairs Group (IAG) conducts the complaint investigations. The IAG accepts and investigates anonymous complaints, and OIG produces reports on the investigations.



## Memphis Police Department

### Availability of Policy on Transgender Interactions ■

Department policies obtained through open records request are available through external search engines, and fail to address interactions with transgender individuals.

### Nondiscrimination Based on Gender Identity ■

Department policy states that members shall not consider race, national origin, citizenship, religion, ethnicity, age, gender, sexual orientation, or socioeconomic status as a basis for taking enforcement action. However, policy fails to specify if “enforcement action” extends to prohibit officer’s ability to request identification, ask invasive questions of transgender and gender-nonconforming people that are not relevant to the police interaction, harassment, or use of language that is demeaning or derogatory to transgender people.

### Nondiscrimination Based on Sexual Orientation ■

Policies prohibits members of the Department from engaging in discriminatory policing based on sexual orientation, but fails to provide explicit language prohibiting profiling and harassment.

### **Non-Binary Recognition** ■■

Policy fails to mention non-binary identities or how search, lockup, or other 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** ■■

Policies do not address recording an arrestee's name, gender or pronoun.

### **Search Procedures** ■■

Search policy requires that searches of arrestees “be performed by officers of the same sex,” but does not state how this applies to transgender people. [1.2.8.b]

### **Transportation** ■■

Officers are required to contact dispatch and record odometer reading at the beginning and end of transport. However, policy fails to mention the transportation guidelines for trans, intersex, and/or gender-nonconforming individuals.

### **Officer Sexual Misconduct** ■■

Policy prohibits officers from abusing their authority to sexually harass individuals, but fails to establish prevention and oversight mechanisms or fully incorporating 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** ■■

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** ■■

Policies fail to prohibit the confiscation or use of condoms as evidence of prostitution-related offenses.



## **Trainings** ■

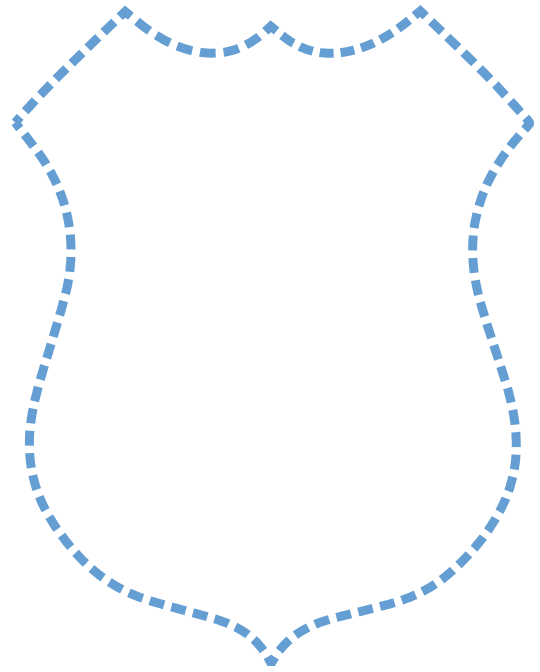
Policies fail to require Department-wide training on topics pertaining to the LGBT community. They do implement “search and seizure” and “cultural diversity” trainings that emphasize the rights of citizens to be free from unreasonable police action based on sexual orientation and gender, but fail to mention the length of trainings or if trainings are led or co-facilitated by members of the LGBT community.

## **Cooperation with Immigration** ■

Department policy states that members shall not consider citizenship as a basis for taking enforcement action. However, Department does not have a clear policy on honoring notification or detainer requests from immigration authorities.

## **Civilian Oversight** ■

The Civilian Law Enforcement Review Board (CLERB) is an independent agency with the authority to conduct investigations, but does not have authority to subpoena. The Board can recommend action on complaints concerning the City of Memphis Police Officers, but only after complaints have been filed with the Memphis Police Department’s Inspectional Service Bureau (ISB). CLERB does not provide annual reports, and does not have a visible anonymous complaint system on their website.



## Miami-Dade Police Department

### Availability of Policy on Transgender Interactions ■

Department policies were not available online and policies gathered through FOIA request by state advocates fail to address how they apply to transgender people.

### Nondiscrimination Based on Gender Identity ■

Policy fails to explicitly prohibit the use of gender identity or expression as basis to detain an individual or as evidence of a crime, or prohibit invasive questioning regarding gender identity. Policy also fails to prohibit the use of use of language that is demeaning or derogatory to transgender people.

### Nondiscrimination Based on Sexual Orientation ■

Department's bias-free policing policy prohibits members from using sexual orientation as the sole consideration in initiating contact, but does not explicitly prohibit profiling or harassment.

### **Non-Binary Recognition** ■■

Policy does not explicitly recognize non-binary gender identities, or state how policies on pronouns, searches, or placement 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** ■■

Policies do not address whether or how to record an arrestee's currently used name, gender, or pronoun.

### **Search Procedures** ■■

Search policy requires that detainees shall be searched by "officers of the same sex," but does not state how this applies to transgender people.

### **Transportation** ■■

Policy requires members to contact dispatch and record mileage from start to end of transport, but fails to require transportation of transgender arrestees with members of their gender identity/expression.

### **Officer Sexual Misconduct** ■■

This department has a zero tolerance policy with respect to sexual harassment and assault of any member of the public by any member of the department. Additionally, policy mandates reporting of misconduct, but fails to establish clear prevention or accountability mechanisms for officer sexual misconduct.

### **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 generally.

### **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** ■■

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



## **Trainings** ■

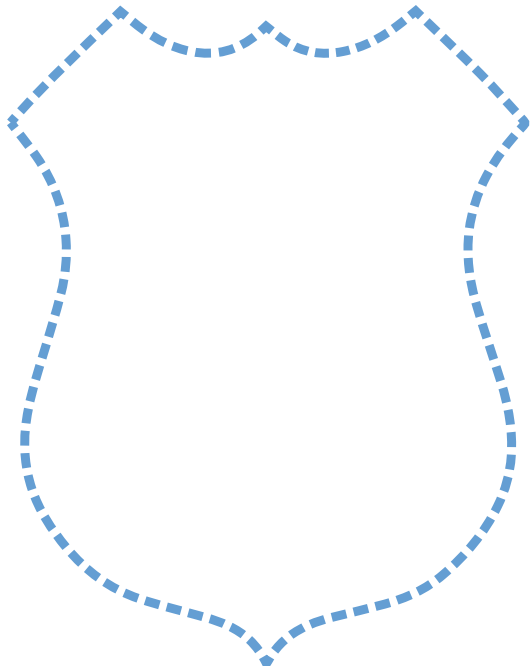
Department Bias-Free Policing requires personnel receive training on “fair and impartial policing, including the legal aspects of it,” but policy does not explicitly require training on interactions with transgender individuals.

## **Cooperation with Immigration** ■

Department does not have a clear policy on honoring detainer requests. However, the Department’s Fingerprinting policy implies that members can hold individuals for U.S. Immigration and Naturalization Service and other agencies, and Miami-Dade County has an explicit policy—subject to ongoing litigation—to “cooperat[e] with the federal government to the extent permissible by law.”

## **Civilian Oversight** ■

Jurisdiction lacks an independent civilian oversight body.



## Milwaukee 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 suspicion of a crime, and prohibits the use of language that is demeaning or derogatory. However, policy fails to clearly prohibit asking invasive questions of transgender and gender-nonconforming people that are not relevant to the police interaction.

### Nondiscrimination Based on Sexual Orientation ■

Policy prohibits members from exhibiting any bias, prejudice or discrimination based on sexual orientation or perceived sexual orientation.

### **Non-Binary Recognition** ■

Policy provides definitions for non-binary identities, but fails to mention or explain how pronoun, search, or placement policies apply to them. However, policy does require members to recognize “X” and “-” gender markers.

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

Policy requires addressing members of the public with names and pronouns they currently use, and defines terms appropriately.

### **Department Forms** ■

Department’s policy requires members to record current name used as an “alias,” and to classify gender as it appears on government ID. However, policy requires members to record discrepancies between names, and gender identity and legal gender marker in a field interview card. Policy does not require members to record pronouns.

### **Search Procedures** ■

Policy requires members to ask transgender individuals for their search preference, and to honor the request unless exigent circumstances require an immediate search. However, if individuals do not express a preference, a member of the same sex as their legal gender marker shall perform the search and, if possible, two officers shall be present for the search.\* Additionally, policy fails to prohibit searches or frisks for the purposes of assigning gender or subjecting transgender people to more invasive searches.

\*NCTE’s criteria does not address the circumstance of an individual failing to state a search preference.

### **Transportation** ■

Policy requires members to notify the facility the individual is being transported to of their pronoun and gender marker. However, policy fails to set guidelines for transporting transgender individuals and documenting time and mileage.

### **Officer Sexual Misconduct** ■

Department policies do not prohibit sexual misconduct towards members of the public, establish prevention or accountability mechanisms for officer sexual misconduct, or fully incorporate the PREA Lockup Standards.

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

Policy requires transgender arrestees be asked where they would feel most safe, and unless they express a safety concern, they will be placed based on gender identity.

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

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

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

Policy allows for transgender arrestees to maintain appearance related items used to convey gender identity “unless there is an articulable and specific law enforcement reason to do so.”

## **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** ■■

Policy states that possession of condoms shall not, in itself, constitute reasonable suspicion of engaging in prostitution. However, policy still allows for their confiscation with probable cause and fails to explicitly prohibit harassment or questioning regarding their possession.

## **Trainings** ■■

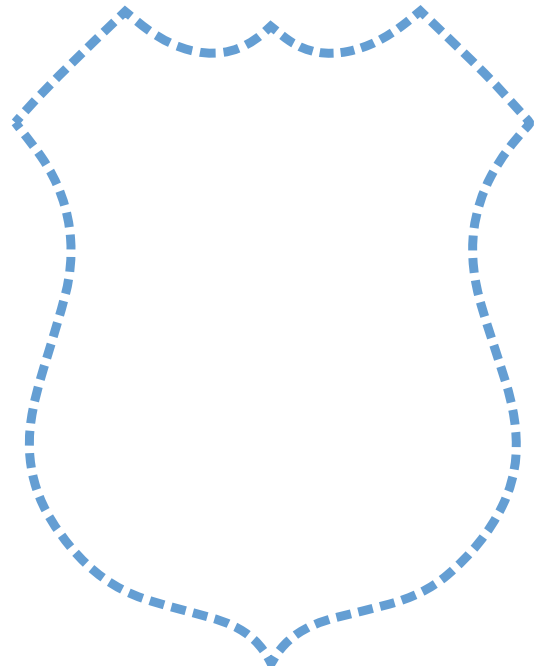
Department policy does not require training on interactions with transgender individuals.

## **Cooperation with Immigration** ■■

Department does not have a clear or explicit policy regarding 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.

## **Civilian Oversight** ■■

The Fire and Police Commission is an independent commission that has complete policy oversight over the Fire and Police Departments, as well as the authority to initiate investigations, impose discipline, and release annual reports. It is unclear if the Commission process anonymous complaints - however, “While identity verification via a notary public is not required to submit a complaint, it may be needed at a later point to continue the investigatory process.”



## Nassau County, NY Police Department

### Availability of Policy on Transgender Interactions ■

Department policies are not available online.

### Nondiscrimination Based on Gender Identity ■

No available policy.

### Nondiscrimination Based on Sexual Orientation ■

No available policy.

### Non-Binary Recognition ■

No available policy.

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

No available policy.

### **Department Forms** ■■

No available policy.

### **Search Procedures** ■■

No available policy.

### **Transportation** ■■

No available policy.

### **Officer Sexual Misconduct** ■■

No available policy.

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

Department has temporary holding facilities, but does not have an available policy on placement.

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

Department has temporary holding facilities, but does not have an available policy on access to medication.

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

No available policy.

### **Bathroom Use** ■■

No available policy.

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

No available policy.

### **Trainings** ■■

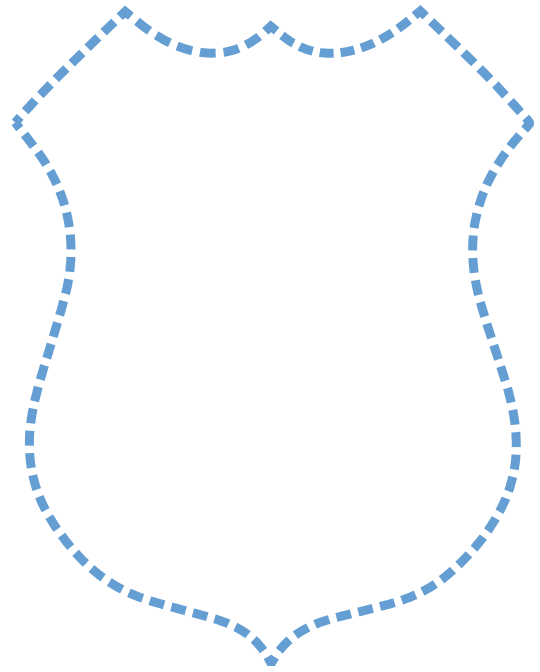
No available policy.

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

No available policy.

### **Civilian Oversight** ■■

Jurisdiction lacks an independent civilian oversight body.



## New York Police Department

### Availability of Policy on Transgender Interactions ■

Department's Patrol Guide is readily accessible online. The department does not have a transgender-specific policy, but policies on interactions with transgender individuals are spread through the document.

### Nondiscrimination Based on Gender Identity ■

Department policies 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. Policies explicitly prohibits the use of derogatory language based on gender identity, but 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 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 non-binary identities or how to search, lockup, or other policies apply to them.

## **Use of Respectful Communication** ■

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

## **Department Forms** ■

Policy instructs members to record the arrestee's name and gender as they appear on government ID, and does not require recording pronouns. Members are instructed to record "preferred" name on the "Prisoner Pedigree Card," "Prisoner Movement Slip," and "On-line Booking System Arrest Worksheet," but record it as "Nickname/Alias" under the "On-line Booking System Arrest Worksheet."

## **Search Procedures** ■

Department policy prohibits the use of searches to determine gender, anatomy, or transgender status, and allows for the arrestee to request the gender of the officer performing the search. Requests are to be honored and clearly documented reasoning should be provided when requests are not able to be honored.

However, policy fails to prohibit its members from subjecting transgender individuals to more invasive searches or frisk procedures than other individuals in the field or in police holding facilities.

"Under no circumstances shall members of the service conduct searches for the purpose of determining gender. Additionally, officers shall not ask questions about an arrestee's anatomy without a reasonable basis for doing so. Refer to P.G. 203-10, "Public Contact – Prohibited Conduct."

## **Transportation** ■

All members are required to contact dispatch at the beginning and end of transport and to document mileage of each trip and "gender" of arrestees. However, policy fails to set guidelines for transporting transgender individuals.

## **Officer Sexual Misconduct** ■

The Department policy does not clearly define or prohibit officer sexual misconduct towards members of the public, include meaningful prevention and oversight mechanisms, reporting requirements, or fully incorporate the PREA Lockup Standards. (Procedure 210-01 "Prisoners General Procedure", and Procedure 210-07 "Prisoners-Unusual Occurrence")



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

Department “Guidelines for Prisoner Holding Pens” (Procedure 210-08) policy states that “male and female prisoners” should at no time be held in the same cell, and references “Public Contact - Prohibited Conduct” (Procedure 203-10) on respecting gender identity. However, the policy does not clearly prohibit the practice of housing transgender prisoners based on surgical status or gender marker on ID documents. Lastly, although the Training Memo states that transgender prisoners are not to be automatically listed as “special Category,” policies fail to explicitly reference this under prisoners who “will not be designated as ‘Special Category’” under P.G. 210-17.

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

Department policy provides for arrestee’s prescribed medication to be administered, but does not clearly state that this applies equally to hormone medications for transgender people.

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

Department policy does 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** ■■

New York State law 240.37 “loitering for the purpose of prostitution” allows for the possession of condoms to be used as evidence in prostitution related crimes. Police Commissioner William Bratton in May 2014 announced that the NYPD would no longer use possession of condoms as evidence of prostitution, but would still allow for condoms to be used as evidence in trafficking cases. Police Commissioner Bratton’s comment is not reflected in the Patrol Guide.

## **Trainings** ■■

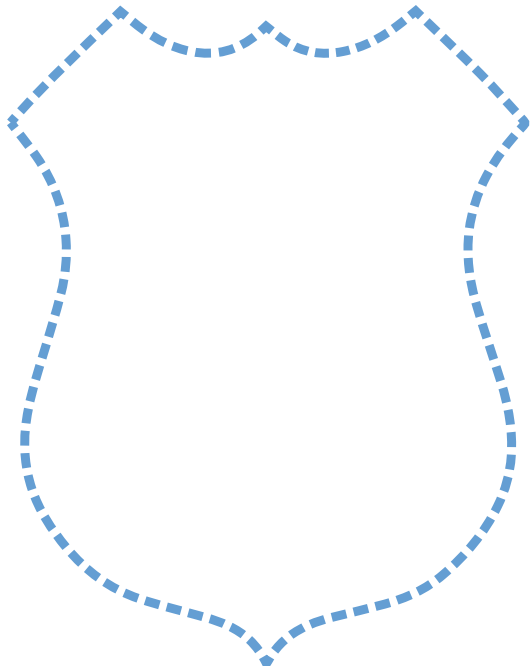
Department policy does not require training on interactions with transgender individuals as part of officer training

## **Cooperation with Immigration** ■■

Policies do not address cooperation with immigration enforcement.

## **Civilian Oversight** ■■

The Civilian Complaint Review Board (CCRB) is an independent committee that produces semi-annual reports. However, the committee does not have the authority to initiate investigations or impose discipline, and does not provide an anonymous complaint system.



## 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** ■

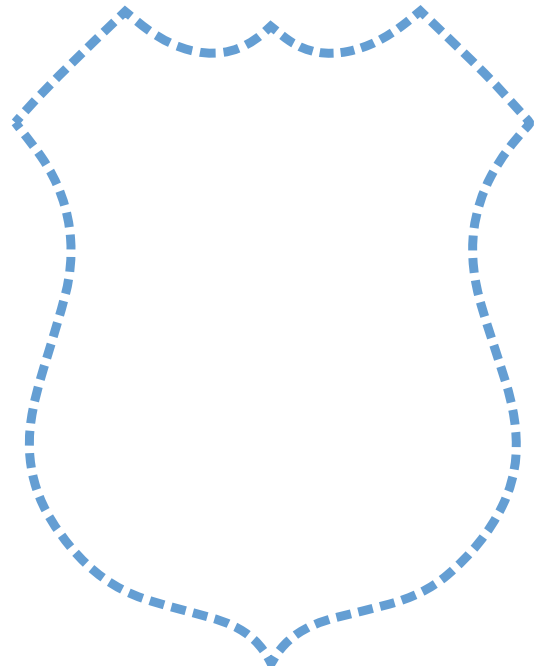
Department policy does not require training on interactions with transgender individuals.

## **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.



## 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** ■■

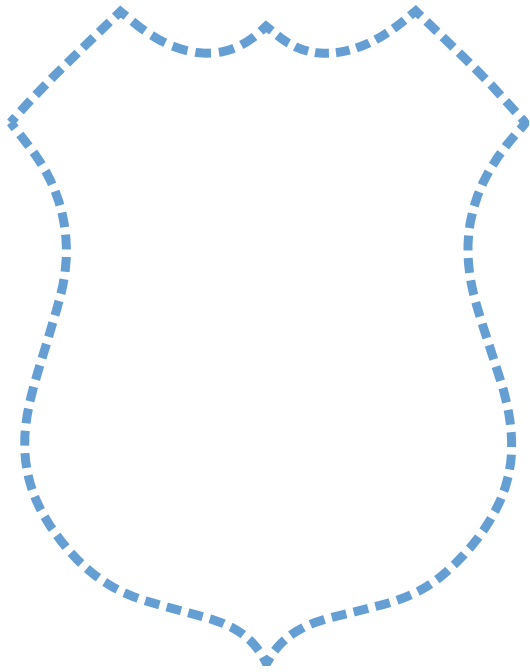
Department policies do not require training on interactions with transgender people as part of any officer training.

## **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.



## 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** ■■

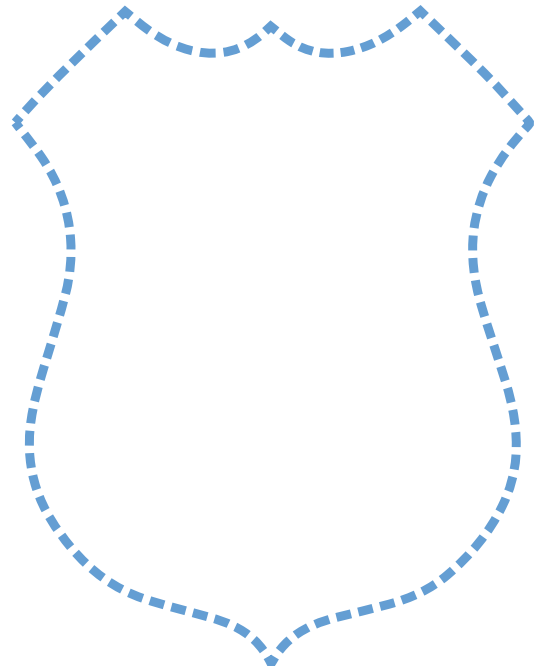
Department policies do not required training on interactions with transgender people as part of officer training.

## **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.



## San Diego Police Department

### Availability of Policy on Transgender Interactions ■

Department policies are readily available online, but do not address interactions with transgender individuals except for non-discrimination statements.

### Nondiscrimination Based on Gender Identity ■

Department policies prohibit profiling, harassment, and other discrimination based on gender identity or expression. Policy prohibits asking invasive questions of transgender and gender-nonconforming people that are not relevant to the police interaction

### Nondiscrimination Based on Sexual Orientation ■

Policies prohibit members from engaging in bias based policing and harassment based on sexual orientation.

### **Non-Binary Recognition** ■■

Policies fail to mention people with non-binary gender identities or how policies apply to interactions with 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** ■■

Policies do not address recording an arrestee's name, gender or pronoun.

### **Search Procedures** ■■

Department policy fails to set guidelines for searching transgender people, and to prohibit searches for gender determination.

### **Transportation** ■■

Policy only requires members to contact dispatch and document mileage when transporting female arrestees and fails to provide guidance for transporting transgender arrestees.

### **Officer Sexual Misconduct** ■■

Department policies fail to clearly define and prohibit sexual misconduct on behalf of members of the Department, establish prevention or accountability mechanisms for officer sexual misconduct, or fully incorporate the PREA Lockup Standards. Department policies do impose a general duty to report officer misconduct.

### **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 generally.

### **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** ■■

Policies fail to prohibit the confiscation or use of condoms as evidence in prostitution related cases.

## **Trainings** ■

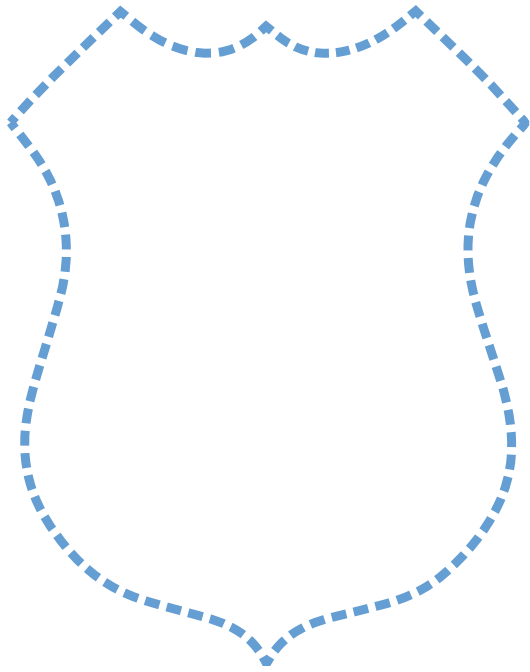
Department policies do not require training on interactions with transgender people as part of officer training.

## **Cooperation with Immigration** ■

Department does not have a clear or explicit policy regarding ICE notification or detainer requests. However, policy states 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

## **Civilian Oversight** ■

The San Diego Community Review Board is an independent body that produces annual and semi-annual reports monitoring complaints against SDPD. However, The San Diego Community Review Board does not have the authority to conduct investigations or impose discipline, and does not investigate anonymous complaints.



## 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 nonbianry 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 “prefered pronoun” and “prefered 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 seraches for gender determination.

### **Transportation** ■■

Policy requires officers transporting transgender arrestees to follow procedures for transporting felames 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 baring 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.

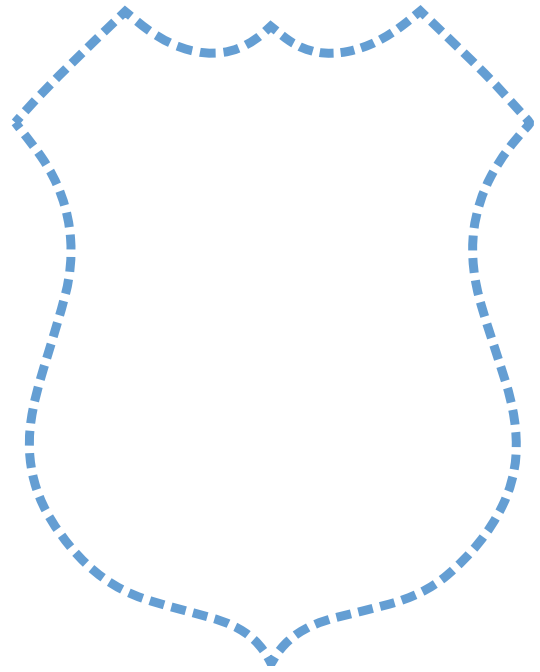
## **Cooperation with Immigration** ■

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.





## Suffolk County, NY Police Department

### Availability of Policy on Transgender Interactions ■

Limited policies are readily available on the Department website, but do not address interactions with transgender people. A larger collection of SCPD Rules and Procedures from 2009 were available through the NYCLU.

### Nondiscrimination Based on Gender Identity ■

Department policies 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. Policies do not explicitly prohibit harassment or derogatory language or invasive questions that are not relevant to a police interaction.

### Nondiscrimination Based on Sexual Orientation ■

Policies prohibit members from engaging in discriminatory policing based on sexual orientation, but fails to provide explicit language prohibiting profiling and harassment.

### **Non-Binary Recognition** ■

Policies fail to mention people with non-binary gender identities or how policies apply to interactions with 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 recording an arrestee's name, gender or pronouns.

### **Search Procedures** ■

Search policy requires searches to be performed by employees of the "same sex" as the prisoner, but fails to specify guidelines for searching transgender arrestees.

### **Transportation** ■

Policy requires members to contact dispatch at beginning and end of every transport and document mileage. However, policy fails to address transporting transgender arrestees in accordance with their gender identity.

### **Officer Sexual Misconduct** ■

Department policies fail to clearly define and prohibit sexual misconduct on behalf of 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 fail to address lock-up placement for transgender people.

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

Policy requires providing prisoners with medical assistance if requested. However, policy fails to make clear that transgender individuals must be treated equally including with respect to hormone medications.

### **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 does not have policies addressing the use of condoms as evidence for prostitution related offenses.

### **Trainings** ■

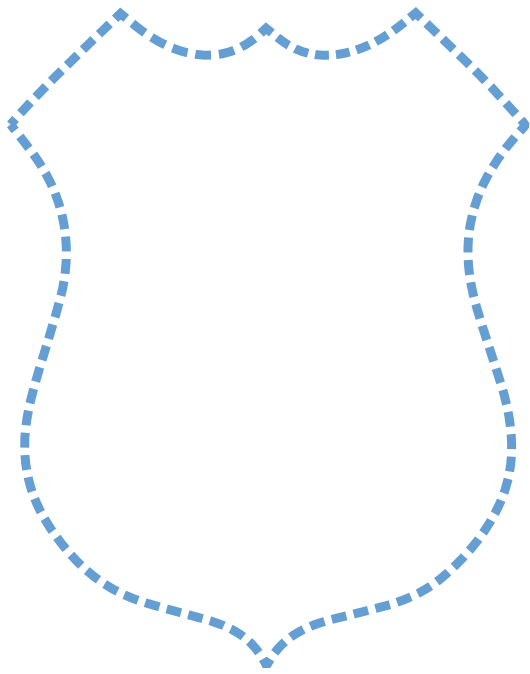
Department policies do not require training on interactions with transgender people as part of officer training.

### **Cooperation with Immigration** ■

Department policy clearly states 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 states that “arrestees shall not be detained solely pursuant to a request from ICE to hold the arrestee.”

### **Civilian Oversight** ■

Jurisdiction lacks an independent civilian oversight body. All complaints are processed and investigated by the Internal Affairs Bureau within the Department.



## Washington, DC Metropolitan 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 "presentation" or "expression" 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 ■

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

## **Non-Binary Recognition** ■■

Policy mentions individuals with non-binary gender identities, but does not explain how pronoun, search, or placement policies apply to them.

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

Department policy requires that members address the public with their “preferred” names and pronouns, and defines terms appropriately.

## **Department Forms** ■■

Department policy requires members to record a transgender person’s name as an “AKA” if different from their legal name. Policy fails to address recording gender or pronouns.

## **Search Procedures** ■■

Department policy prohibits the use of searches to determine gender, anatomy, or transgender status, and subjecting transgender individuals to more invasive searches. The policy instructs members to ask transgender individuals for their search preference, and to document and generally honor those requests.

## **Transportation** ■■

Policy requires members transporting transgender individuals to record mileage from start to end of transport, but fails to require members contact dispatch. Policy requires transgender individuals be transported separately from other individuals or be seated separately in cases with multiple arrestees.

## **Officer Sexual Misconduct** ■■

Department 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** ■■

Policy requires transgender arrestees be housed in a separate cell in the cell block area designated for arrestees of the same gender identity. In cases of exigent circumstances, transgender arrestees will be held with other transgender arrestees of the same gender identity, or with other persons of the same gender identity. (501-02)

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

Department policy explicitly requires that transgender individuals receive the same standards of care as other individuals, including as related to hormone medication and other transition related medical needs. (501-02)

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

Policy allows for transgender arrestees to maintain appearance related items to the same extent as non-transgender individuals.

## **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 policies fail to explicitly prohibit the use of condoms as evidence. However, in previous years, the Department distributed “know your rights” information in the form of palm cards stating that carrying condoms shall not be considered as evidence of a crime.

## **Trainings** ■

Department policies fail to require training on interactions with transgender individuals. However, in previous years, local advocates have been involved in LGBT cultural competency trainings for the entire department.

## **Cooperation with Immigration** ■

Department does not have a clear policy on honoring detainer requests. A local ordinance limits honoring detainer requests, but permits a 24 hold for individuals previously convicted of certain criminal offenses.

## **Civilian Oversight** ■

The Office of Police Complaints (OPC) is an independent body under the Police Complaint Board (PCB) that has jurisdiction to investigate and mediate complaints. OPC releases annual reports, issues subpoenas, and makes discipline recommendations to MPD, but cannot accept anonymous complaints.

## Report Findings

As workplaces, schools, hospitals, shelters, cities and states across the country implement non-discrimination laws and policies to protect transgender people from abuse and harassment, police departments are often falling behind. While many departments in this report have adopted policies addressing a few of the criteria we evaluated, no department has strong policies on all or almost all of the criteria. Most departments have provisions on specific issues scattered throughout their policies which makes it more difficult for officers to find the information they need, while only a few have one comprehensive policy on transgender interactions cross referencing related policy areas which is best practice. Many departments' policies are difficult to find online, making it harder for the public to understand local policies and know what to do if policies weren't followed. The findings in this report demonstrate a strong need for strengthening policies and training across the board.

Police frequently assumed that respondents—particularly transgender women of color—were sex workers. In the past year, of those who interacted with law enforcement officers who thought or knew they were transgender, one-third (33%) of Black transgender women and 30% of multiracial women said that an officer assumed they were sex workers.

*Source: 2015 U.S. Transgender Survey*

### Key findings related to police policies governing interactions with transgender people:

- 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. 14 departments include sexual orientation in their non-discrimination policies. The better non-discrimination policies explicitly prohibit profiling, harassment, and invasive questioning as types of discrimination.
- Only one department fully addressed how gender-specific policies applied to people with non-binary gender identities and/or gender markers, such as those regarding searches, placement in temporary holding cells, or use of pronouns. This leaves officers in the remaining 24 departments with no guidance on how to appropriately apply department policies to interactions with non-binary people.
- Most department policies (15 out of 25), including those that specifically address transgender interactions, lack any explicit policies regarding correct use of names and pronouns.
  - One additional department requires use of correct pronoun but not name.
- Recording name and pronoun: **Only one department required officers to record an individual's gender pronouns and provided a section in their forms to do so.**

- **No department required for officers to respectfully record the name currently being used by the individual that is separate from the spaces used for legal names or aliases in Department forms.** Instead, of the departments that instruct officers to list the name a transgender person uses, almost all required recording it as an alias or nickname which can have a negative implication.
- Recording gender: **Most department (18) policies do not provide clear instructions on recording a person’s gender. Six required that gender be recorded based on their identification documents, with one of those providing exceptions for those who have undergone transition related surgeries.**
  - Departments often use an individual’s gender as recorded by the department to determine how an individual is to be searched, transported and placed in holding facilities, greatly increasing the possibility of abuse of transgender individuals in police custody.
  - One Department provides guidance on how to record gender for individuals with a non-binary gender identity, or a gender neutral or “X” gender marker on identification.
- **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.** These unclear policies often lead to transgender people being subjected to invasive searches or cross-gender searches that they should not have to endure.
  - Only six departments clearly provide for individuals to be asked whether they should be searched by a male or female officer (in non-emergency situations).
  - A majority of departments (18 of 25) lack an explicit prohibition on more invasive searches for transgender individuals, and/or lack a prohibition on searches for the purposes of determining a person’s gender or anatomy.
- **No Department explicitly provides for transgender individuals to be transported along with individuals of the same gender identity.** Eleven departments provide specific guidance or protections for safe transportation practices such as requiring members to contact dispatch at beginning and end of transport or record odometer readings. These policies serve to reduce the opportunities officers have to commit various forms of misconduct and protect transgender people during transport.
  - Many departments require members to contact dispatch and/or document mileage when transporting women and other vulnerable populations, however, they fail to specify if these protective measures apply to transgender people.
- **Out of the sixteen departments with holding facilities, 10 failed to provide specific guidance on housing placement for transgender individuals.**
  - One department allows for individuals to be housed according to gender identity or where the individual feels most safe (earning a green rating), and four automatically segregate transgender individuals in single cells (earning a yellow rating).



- **Out of the sixteen departments with holding facilities, only four adequately address access to hormone medications.**
- **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).
  - Six department policies provide at least some protection to transgender people who need to retain appearance-related items, stating that removal of items will be consistent with non-transgender individuals or the same across gender.
- **No department explicitly requires multiple hours of regular training on transgender interaction policies for all members across rank.** Most departments with policies addressing transgender interactions also fail to require meaningful collaboration with community members in developing or delivering training.
  - Only three departments require new recruits and current personnel to receive trainings, but all three fail to require community participation or multiple hours of training.
- **Only two department clearly prohibits officers from restricting transgender individuals' access to restrooms in public places or department facilities.**
  - In some cases relevant non-discrimination laws or ordinances on these issues exist at the state or local level, but are not mentioned in department policies.

## Findings on other key topics:

- **Twenty-three departments do not have policies prohibiting officer sexual misconduct towards members of the public.**
  - The only two departments that have policies in place either failed to comprehensively define sexual misconduct or establish safeguards to prevent it.
- **Only one explicitly prohibits the use of condoms as evidence in prostitution-related offenses.**

Respondents who were arrested while doing or while police thought they were doing sex work were also asked whether police considered items in their possession, such as condoms, as “evidence of prostitution.” Forty-four percent (44%) said that the police considered condoms in their possession to be evidence of prostitution (Figure 11.9).

*Source: 2015 U.S. Transgender Survey*

The vast majority of transgender people who interacted with the police while doing sex work or while suspected of doing sex work reported being mistreated by police, including being verbally harassed, physically attacked, or sexually assaulted by law enforcement officers.

*Source: 2015 U.S. Transgender Survey.*

- **Only four departments explicitly prohibit collaboration with immigration enforcement,** prohibit profiling based on immigration status, and explicitly require police to serve all members of their communities.
  - No department has a 287g contract with ICE, however, some departments actively require members to contact immigration authorities upon arrest or fail to explicitly prohibit honoring ICE detainer/notification requests.
- **Only one department has an independent civilian oversight body that met all of our criteria.**
  - Five additional departments have an independent oversight body with power to investigate police misconduct and impose discipline, but lack an anonymous complaint filing process.
  - 13 departments’ oversight bodies lack the authority to review and investigate complaints of officer misconduct, and/or impose discipline.
  - Five departments do not have a civilian oversight body.

Transgender people experience high levels of mistreatment and harassment by police. According to the 2015 U.S. Transgender Survey, in the previous year, of respondents who interacted with police or law enforcement officers who thought or knew they were transgender, more than half (58%) experienced some form of mistreatment. This included being verbally harassed, repeatedly referred to as the wrong gender, physically assaulted, or sexually assaulted, including being forced by officers to engage in sexual activity to avoid arrest.

*Source: 2015 U.S. Transgender Survey.*

## Closing

There is often a large gap between policy and implementation, and this report evaluates only publicly available written policies. For this reason, this report should not be treated as a comprehensive evaluation of a department's success in ensuring fairness towards transgender people. Engaging the community in implementing strong policies is a necessary foundation for improving police-community interactions, and strong written policies must be accompanied by effective training, accountability mechanisms, and meaningful civilian oversight.

It is our hope that these findings encourage departments to evaluate and modernize their policies to respectfully serve transgender individuals.

NCTE is committed to working with the numerous advocates and departments looking to improve their policies and relationships with transgender individuals in their communities.

**For assistance in policy development and 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.**

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- National LGBTQ Task Force
- Racial Justice Action Center
- Southerners On New Ground
- TransLatin@ Coalition
- Vera Institute






# 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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