

# La Plata Police Department – General Orders

	Title: <b>Interactions with the Transgender Community</b>		Order # <b>612</b>	
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Approved by: <b>Chief Carl Schinner</b>			CALEA 6 <sup>th</sup> Edition	
CALEA Standard: 1.2.8 1.2.9			Pages: 5	

**01 PURPOSE:** To provide guidelines to all personnel while interacting with transgender persons and members of the LGBTQIA community.

**02 POLICY:** The La Plata Police Department (LPPD) is committed to working with all our diverse communities which it serves, including the transgender community, with fairness and dignity. Police personnel, including sworn, non-sworn, and volunteers, shall interact with all citizens, including transgender citizens, in a manner that is professional, respectful, and courteous. The La Plata Police Department does not discriminate against anyone for any reason and will not assist in the discrimination against anyone.

**03 DEFINITIONS:**

- A. **Adopted Name:** Non-birth name that a transgender individual use in self-reference (this may or may not be in the individual’s legal name).
- B. **Gender Expression:** External characteristics and behaviors that are socially viewed as masculine, androgynous, or feminine. Gender expression is the external manifestation of one’s gender identity.
- C. **Gender Identity:** A person’s gender-related identity, appearance, or behavior. This may be different from what is traditionally associated with the person’s physiology or assigned gender at birth.
- D. **Sex:** An individual’s biological or anatomical identity as male, female, or intersex.
- E. **Transgender Individual:** A person whose gender identity differs from their assigned sex.
- F. **Transgender Man or Female to Male (FTM):** A person who transitions from female to male, meaning a person who assigned female at birth, but identifies and lives as a male or as a man. A female-to-male individual should be addressed using masculine pronouns (i.e. he, him, his), regardless of surgical status.
- G. **Transgender Woman or Male to Female (MTF):** A person who transitions from male to female, meaning a person who was assigned male at birth, but identifies and lives as female or woman. A male-to-female individual should be addressed using feminine pronouns (i.e. she, her, hers), regardless of surgical status.

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- H. **Intersex:** People who possess or develop physical sex characteristics that do not fit into conventional medical definitions of male or female. This can include chromosomes, genitals, hormones and more. Intersex people have been referred to in the past as “hermaphrodites”, however; “Intersex” is the preferred term.
- I. **Gender non-conforming:** A person’s physical appearance, characteristics and/or behaviors that do not conform to those typically associated with the person’s sex at birth or traditional societal gender expression. Some transgender people may not identify as male or female.

## **04 EMPLOYEES WILL NOT DISCRIMINATE WHEN HANDLING CALLS FOR SERVICE**

- A. Employee’s will, at all times, comply with the Department’s and Town of La Plata’s non-discrimination policy.

## **05 EMPLOYEES SHALL ADDRESS AND REFER TO TRANSGENDER INDIVIDUALS BY THEIR ADOPTED NAME AND PREFERRED PRONOUNS**

- A. Employees shall use the adopted name, even if that name is not legally recognized, in all conversations with the transgender individual or any other person when referring to the transgender individual. In addition, when addressing or referring to a transgender individual, employees will use pronouns preferred by the individual.

If employees are uncertain about which pronouns are appropriate, employees will respectfully ask the individual which pronouns are preferred.

-She, her, hers for an individual who is a transgender woman

-He, him, his for an individual who is a transgender man

-They, them, their for an individual who is gender non-conforming and/or prefers gender-neutral pronouns.

- B. When completing official LPPD documents, the arresting officer will include a transgender individual’s adopted name as the *Also Known As* (A.K.A) name.
- C. When booking a transgender individual into jail, officers will book the individual under the legal name and enter any adopted name as the A.K.A. name.
- D. If no identification is available, and the arresting officer cannot determine a transgender’s legal name, officers will use the adopted name or either the primary or the A.K.A. name.

## **06 TRANSGENDER STATUS IS NEVER BY ITSELF A LAWFUL BASIS FOR A STOP, SEARCH, OR ARREST**

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## **07 OFFICERS WILL NOT CONDUCT ANY SEARCHES TO DETERMINE AN INDIVIDUAL’S SEX**

- A. Officers will not subject transgender individuals to more invasive pat-down and/or search procedures than non-transgender individuals.

## **08 TWO OFFICERS WILL BE PRESENT FOR SEARCHES OF TRANSGENDER INDIVIDUALS**

- A. **Exception:** Under emergency circumstances, one officer may perform a search and document the reason for doing so.

## **09 OFFICERS WILL INFORM THE TRANSGENDER INDIVIDUALS OF THEIR RIGHT TO EXPRESS A PREFERENCE OF OFFICER GENDER FOR SEARCHES (CALEA 1.2.8.b)**

- A. Absent exigent circumstances, before performing any level of search of transgender individuals, officers will inform them of the right to express a preference for the gender of the officer who will conduct the search.
- B. Officers will record the following information on the Mobile Video System (MVS)/Body-Worn Camera (BWC):
  - 1. The advisement and request for preference
  - 2. The individual’s response
  - 3. Whether or not the request was granted
  - 4. Reason for not granting the request, if applicable
- C. If the transgender individual has a preference, at least one officer of the gender requested will conduct the search, whenever possible.
- D. Officers must take into account of the reasonableness of any delay created by waiting for another officer. If an officer of the preferred gender is not available, officers will proceed with the search per General Order 602 Section 10 – Search and Seizure.
- E. If the transgender individual does not specify a preference, at least one officer of the same gender as the transgender individual’s gender expression will conduct the search.

**Example:** A male officer would search a transgender man who indicates no preference for the search.

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- F. When in doubt regarding any searches of a transgender individual, officers will call a supervisor to the scene prior to searching. See also General Order 602 Section 11 – Search and Seizure.

## 10 OFFICERS WILL NOT SEIZE OR REMOVE APPEARANCE-RELATED ITEMS

- A. Officers will not seize or remove appearance-related items, such as clothing and undergarments, wigs, prosthetics, or make-up if those items would not be confiscated from non-transgender individuals.
- B. The possession of a needle which is purported to be for hormonal use will not be presumed to be evidence of criminal misconduct, especially, if the person being stopped or arrested has documentation from a physician for being in the process of a sex change.

**Exception:** Appearance-related-items may be seized if the items are evidence or a safety hazard

## 11 OFFICERS WILL TRANSPORT AND HOUSE TRANSGENDER INDIVIDUALS ALONE, WHENEVER POSSIBLE

- A. If necessary, officers will call additional officers to the scene to assist with transporting transgender individuals.
- B. Officers will house transgender suspects/prisoners in LPPD holding cells alone (FUTURE)

## 12 WHEN TRANSFERRING CUSTODY OF TRANSGENDER INDIVIDUALS, OFFICERS WILL RELAY INFORMATION

- A. When officers transport a transgender individual to the Charles County Detention Center or otherwise transfer custody to another law enforcement agency, the officers will verbally advise the receiving agency/officer that the individual is transgender.
- B. The officer will relay any other relevant identification related information, including how the individual would like to be addressed.

## 13 SUPERVISOR RESPONSIBILITIES (CALEA 1.2.9)

- A. Supervisors are responsible for promoting fair and impartial policing. They will make every effort to identify biased policing and will take corrective and/or disciplinary actions as appropriate to the situation. Supervisors shall ensure that all personnel in their command are familiar with the content of this policy and will be alert and respond to indications that biased policing is occurring.

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Violations of this policy shall result in corrective action, retaining, counseling and/or other remedial intervention as appropriate to the violation. All complaints of biased policing will be tracked through the Internal Affairs Office.

## **14 ANNUAL TRAINING AND REVIEW:**

- A.** Personnel shall receive annual training in unconscious bias, procedural justice, problem solving, building partnerships, cultural immersion and fair and impartial policing, including associated legal aspects. This training will include, at a minimum, techniques related to field contacts, traffic stops, search and seizure issues, asset seizure and forfeiture, interviews, cultural diversity, discrimination, and community support. It will be supported by, but not limited to, instruction received in In-Service training and Roll Call sessions. The Internal Affairs Commander will conduct a documented annual administrative review of the agency's procedures and practices, including a review of all complaints regarding biased policing and upon completion will report their findings to the Chief of Police, or designee. (CALEA 1.2.9)