

OFFICE OF THE CHIEF OF POLICE

NOTICE
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April 10, 2012

TO: All Department Personnel

FROM: Chief of Police

SUBJECT: POLICE INTERACTIONS WITH TRANSGENDER INDIVIDUALS

The Los Angeles Police Department is committed to working with the diverse communities it serves. The Department has been working with the City of Los Angeles' Human Relations Commissions Transgender Working Group (TWG), the Mayor's Office, and the transgender community to establish procedures that create mutual understanding, prevent discrimination and conflict, and ensure the appropriate treatment of transgender individuals. In the absence of exigent circumstances, the guidelines below apply to all Department employees.

Key Terms

Transgender: a term used to refer to a person who is born with the genetic traits and anatomy of one sex (i.e., male or female) and self-identifies as another gender (i.e., feminine or masculine). A transgender person can be pre-operative, post-operative, or non-operative.

Gender identity: a person's sense of being a man or a woman.

Gender expression: displays of gender identity through dress, demeanor, and language.

Quite apart from one's birth sex as male or female, an individual may identify as a particular gender and express that gender various ways. For example, males express masculinity in different ways and females express femininity in different ways. Likewise, transgender individuals express femininity and masculinity in different ways and in ways that may not be consistent with their sex at birth.

Guidelines

The following guidelines are established to ensure police contacts with transgender individuals are professional, respectful, and courteous:

- Do not use language that a reasonable person would consider demeaning to another person, in particular language that references a person's gender identity, gender expression, or sexual orientation;
- Treat transgender persons in a manner that reveals respect for the individual's gender identity and gender expression, which includes addressing them by their preferred name and using gender pronouns appropriate to the individual's gender self-identity and expression; and,

- Recognize that non-traditional gender identities and gender expressions do not constitute reasonable suspicion or *prima facie* evidence that an individual is or has engaged in prostitution or any other crime.

Determining How to Address a Transgender Individual

- When a person identifies himself/herself as transgender, respect the expressed gender and do not question it;
- If the individual does not self-identify as transgender, the following guidelines apply:
 - A. When the intention of a person's gender presentation is clear to a reasonable person (based on attire and other cues), use this as a basis for gender determination.
 - B. When a person's sex is unclear or the officer is not certain of the person's gender identity, it is appropriate to inquire how the individual wishes to be addressed (e.g., Sir, Ma'am) and the name by which the individual wishes to be addressed. This name shall be noted as an (AKA) if it differs from the individual's legal name.
 - C. If a transgender person is unwilling to provide information that enables the officer(s) to know what name and/or gender is preferable, then the officer(s) should make a determination about the person's gender based on the person's gender expression (i.e., clothing, language demeanor, etc.) and any other evidence available to the officer(s). For example, if the person is clearly dressed like a woman and presenting as a woman, then the person should be recognized and addressed as a woman. A Department of Motor Vehicle Identification or any other government-issued form of identification (such as a passport) shall only be acceptable as initial proof of gender identity in the absence of self-identification by the individual or some other obvious expression of gender identity;
- Any information obtained about an individual's transgender status (e.g., preferred name and pronoun) should be documented and provided to relevant Department employees for the purpose of ensuring continuity of appropriate treatment; and,
- Under no circumstances shall Department employees disclose to non-involved persons that an individual is transgender. As with other policies, a "need to know" basis should guide decisions about disclosure.

During Field Searches Involving Transgender Individuals

- A search or frisk shall not be performed for the sole purpose of determining an individual's anatomical gender;
- Transgender individuals shall not be subject to more invasive search or frisk procedures than non-transgender individuals;
- When an individual is identified as transgender person, Department employees shall respect the gender identification expressed by the individual and shall not question this identity;
- Officers should not inquire about intimate details of an individual's anatomy or surgical status to determine an individual's gender because no proof of an individual's gender is required. This requirement can change for purposes of booking, as addressed in policies on booking;

- 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;
- When an arresting officer has reason to believe that the arrestee is a transgender person, the officer shall specifically inform the arrestee that, as with any other arrestee, he/she must be searched. Ask the arrestee if there is a preference to be searched by a male or female officer and document this preference in the Daily Field Activities Report (DFAR) or other appropriate log. If the arrestee's gender request can be reasonably and expeditiously accommodated without risk to officer safety, the request should be granted; and,
- An officer shall not refuse to search a transgender arrestee based upon the arrestee identifying as transgender.

Note: When an immediate cursory search for weapons is necessary for safety, it may be conducted in the field by an officer of either sex.

In addition to these guidelines, Jail Division is in the process of revising its Jail Operations Manual to include the proper processing, housing, custody and protection of transgender individuals. Questions on processing and housing of transgender arrestees at a jail facility shall be directed to the Commanding Officer, Jail Division.

Any questions regarding this Notice may be directed to Deputy Chief Terry S. Hara, Commanding Officer, Personnel and Training Bureau at (213) 486-7090.



CHARLIE BECK
Chief of Police

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