

GENERAL ORDER

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Immediately

III-36

Distribution: All Employees

Subject: **INTERACTIONS WITH TRANSGENDER INDIVIDUALS**

Index as:	Gender Identity Transgender	Transgender Female Transgender Identity	Transgender Juveniles Transgender Male
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Accreditation Standards: 1.2.4, 1.2.8, 1.2.9, 70.1.1, 70.1.3
 Cross Reference: G.O. II-38, Bias-Based Profiling
 G.O. III-10, Transporting and Booking Prisoners
 G.O. III-23, Incident Reports
 I.O. V.3:1, Hate Crimes Reporting,
 §101.21 §775.085, §877.19, §901.211, §901.215, §901.22, and §984.13 F.S.S.
 Replaces: Chief's Memo 15-79_Interactions with Transgender Individuals (September 02, 2015)

This Order provides members of the St. Petersburg Police Department with guidelines for the interaction with transgender individuals. It and consists of the following sections:

- I. Policy
- II. Purpose
- III. Definitions
- IV. Procedures

I. POLICY

It is the policy of the St. Petersburg Police Department to treat all individuals with dignity, respect, and professionalism. No person shall be discriminated against based on gender identity, sexual orientation, or any other basis prohibited by local, state, or federal laws.

II. PURPOSE

To establish guidelines for the appropriate, safe, and dignified interactions with transgender individuals by members of the St. Petersburg Police Department.

III. DEFINITONS

A. Transgender Female – A person whose gender at birth was male but identifies and lives as a female. Such persons should be addressed using feminine pronouns (i.e., she, her, and hers).

B. Transgender Identity – A person who utilizes or identifies themselves by gender or persona other than that assigned at birth.

C. Transgender Male – A person whose gender at birth was female but identifies and lives as a male. Such persons should be addressed using masculine pronouns (i.e., he, him, and his).

IV. PROCEDURES

A. Addressing Individuals

1. Employees shall address a transgender individual using the person's clearly stated gender identity, including preferred name and appropriate pronouns. Employees who are unsure which pronoun is appropriate shall respectfully ask the transgender person which they prefer.

2. If a person has not clearly stated their gender identity, but the person's intended gender presentation is reasonably clear based on attire and other cues, the individual shall be treated in accordance with their expressed gender.

3. If a person's self-identified or expressed gender is unclear, the Officer should make a determination based on any other available information. Gender information on government-issued identification and other documents may be used as presumptive evidence of gender identity, only in the absence of self-identification by the individual or some other obvious expression of gender identity.

4. Officers shall avoid unnecessary personal questions regarding an individual's anatomy or sexual history.

B. Calls for Service

1. All calls for service or complaints by transgender individuals shall be addressed and investigated in accordance with applicable Departmental policies for any other call for service or complaint.

C. Stop and Frisk

1. An Officer shall conduct all stop and frisk encounters, field interviews, searches, and seizures, with or without a warrant, in conformance with <J:\Research\GeneralOrders\II Administrative General Orders\II-38 Bias-Based Profiling.pdf>, <J:\Research\GeneralOrders\III Operational General Orders\III-25 Search of Persons.pdf>, and controlling state and federal law.

2. A stop, frisk, or search 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.

3. An Officer is cautioned not to treat a transgender individual or person who appears to be transgender, as the basis of suspicion and/or evidence of a crime.

4. An Officer should be aware that the presence of needles may be indicative of a prescribed hormone treatment and/or therapy, not necessarily illegal drug use.

D. Reporting

1. Case Reports, Case Supplemental Reports, Domestic Violence Supplemental Reports, Supervisor's Report of Control of Persons and other non-charging documents shall refer to the transgender individual's legal name.

a. The person's preferred name shall be listed as an alias or Also-Known-As (AKA).

b. The first paragraph of the report narrative shall note:

"The (complainant) (victim) (witness) (subject) is transgender."

c. Thereafter, the appropriate gender pronouns shall be used in the narrative. For example: If the person is male-to-female, mark the person as "female" and use the pronouns "she," "her" and "hers" within the report narrative.

2. In accordance with <J:\Research\GeneralOrders\III Operational General Orders\III-23 Incident Reports.pdf> and <J:\Research\GeneralOrders\V Instructional Orders\V3-01 Hate Crimes Reporting.pdf>, the appropriate Motivation Bias shall be indicated in the Field Base Reporting System.

E. Prisoners

1. Complaint/Arrest Affidavit

a. Complaint/Arrest Affidavits and all other official documents shall be prepared pursuant to <J:\Research\GeneralOrders\III Operational General Orders\III-23 Incident Reports.pdf>.

2. Search

a. An immediate cursory/pat-down search of a transgender person may be conducted by an Officer of either sex.

b. A prisoner shall not be frisked or searched for the purpose of determining genital status, presence or absence of breasts, or for any demeaning purpose.

c. A prisoner with a hairpiece, prosthetic, and/or items supportive of their gender presentation, shall be required to remove such items to the same extent required of other individuals, and in a manner to not cause humiliation or embarrassment.

d. A strip search shall be conducted pursuant to <J:\Research\GeneralOrders\III Operational General Orders\III-25 Search of Persons.pdf>.

e. A prisoner who is indifferent or refuses to specify their gender identity shall be searched by the Officer of the same gender as the prisoner's overt gender expression (e.g. female-to-male prisoners shall be searched by male Officers; male-to-female prisoners shall be searched by female Officers).

3. Transport

a. A transgender prisoner shall be secured and transported pursuant to <J:\Research\GeneralOrders\III Operational General Orders\III-10 Transporting and Booking Detainees.pdf> and the prisoner's stated gender identity. In addition to the policies set forth in General Order III-10:

b. A transgender prisoner shall not be transported with non-transgender prisoners in the same vehicle unless:

1) They are arrested as a result of the same incident, or

2) The Prisoner Transport Vehicle (PTV), equipped with a separate compartment which prohibits physical and visual contact with other prisoners, is used.

c. The transport Officer shall state their starting and ending mileage, and departure and destination locations, on the main communications channel when transporting any transgender prisoner.

F. Transgender Juveniles

A transgender juvenile shall be processed, secured, and transported pursuant to <J:\Research\GeneralOrders\III Operational General Orders\III-06 Juvenile Procedures.pdf>, <J:\Research\GeneralOrders\III Operational General Orders\III-10 Transporting and Booking Detainees.pdf> and the juvenile's stated gender identity.

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