



# Colorado Springs Police Department

## General Order

### 310 LGBTQ+ Community Interactions

#### Section 300 – Special Populations

Effective Date: 4/5/2022

Supersedes Date: 1/19/2021

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## .01 Purpose

The purpose of this directive is to outline expectations for interacting with members of the LGBTQ+ community.

## .02 Cross Reference

[GO 104 Determining Probable Cause](#)

[GO 121 Fair & Impartial Policing](#)

[GO 122 Treatment of Victims/Witnesses and Victim's Rights Notifications](#)

[GO 1002 Field Interviews](#)

[GO 1009 Prisoner Processing](#)

[GO 1010 Holding Cells](#)

[DL-1009-01 Searching of Prisoners](#)

[DL-1840-01 Callout Criteria for the Investigations Division](#)

## .03 Discussion

Biases and prejudices in both the general public and law enforcement are based in part on misconceptions and lack of understanding surrounding LGBTQ+ persons. Additionally, historical and current efforts globally to curtail civil rights of LGBTQ+ persons influence community members' feelings of safety and their trust in government institutions. As a result, communications between law enforcement and LGBTQ+ persons can be strained due to a variety of influences, even if LGBTQ+ persons have not personally had any negative experiences with law enforcement.

Without question, there are some common operational issues associated with law enforcement interactions with LGBTQ+ persons that can present a unique set of challenges for both parties. For example, officers may be confused over a person's appearance or gender as recorded on government-issued identification compared to their current physical appearance, which may suggest a different gender. Additionally, officers may be uncertain about whether to address the person using masculine (he/him), feminine (she/her), or non-binary (they/them) pronouns.

The department seeks to continually improve relationships with LGBTQ+ communities. This is accomplished through implementation of agency policies that clearly address expectations around treatment of community members; training; and focused efforts to connect with LGBTQ+ communities.

## **.04 Policy**

It is the policy of CSPD to interact with persons of the LGBTQ+ community, as all community members, in a respectful and professional manner.

Employees are prohibited from engaging in discriminatory or biased behavior of any kind, as described in GO 121 Fair and Impartial Policing, to include any discriminatory or biased behavior based upon actual or perceived sexual orientation, gender identity, and/or gender expression.

The gender identity and expression of all persons will be respected by CSPD personnel, to include:

- Referring to a person by their adopted name and pronouns in interactions with and about the person, even if not legally recognized
- Treating the person in accordance with their gender identity when conversing with and/or about LGBTQ+ persons in both professional and open dialogue settings
- Not searching a person solely for the purpose of determining gender
- Not using language that is demeaning, offensive, lewd or harassing to others, including language aimed at a person's actual or perceived gender identity, expression, or sexual orientation
- Not using only demographic characteristics, including gender identity, gender expression, or sexual orientation as reasonable suspicion or probable cause that a person is committing, is about to commit, or has committed any crime
- Not question when a person who self-identifies as being LGBTQ+ except for articulable compelling reasons (e.g., the person's orientation, identity, or expression is related to a crime)
- Not making assumptions about a person's sexual orientation based upon a person's gender expression or identity, and only asking when the information is relevant and necessary in a police interaction.

When investigating crimes committed against LGBTQ+ persons, officers will refer to C.R.S. § 18-9-121, Bias-Motivated Crimes to determine if the crime should be classified as a bias-motivated crime. Those circumstances that are known or suspected to be a bias-motivated crime will be investigated and documented as such. Bias-motivated crimes require a mandatory call out of the Victim Advocacy Unit.

## **.05 Definitions**

*Bisexual:* A person emotionally, romantically or sexually attracted to more than one sex, gender or gender identity though not necessarily simultaneously, in the same way, or to the same degree.

*Gay:* A person who is emotionally, romantically or sexually attracted to members of the same gender. Men, women, and non-binary people may use this term to describe themselves.

*Gender:* Gender is the social construct used to classify a person as man, woman, both, or neither. Gender encompasses all relational aspects of social identity, psychological identity, and human behavior. Gender includes a person's gender identity and gender expression.

*Gender Expression:* An individual's way of reflecting and expressing their gender to the outside world, typically demonstrated through appearance, dress, and behavior (e.g., name, pronouns, clothing, haircut, behavior, voice, body characteristics, etc.). Gender expression may or may not conform to socially defined behaviors and characteristics typically associated with being either masculine or feminine.

*Gender Identity:* An individual's innate sense of the individual's own gender, which may or may not correspond with the individual's sex assigned at birth.

*Gender Nonconforming:* A person whose gender identity or gender expression does not conform to socially defined male or female gender norms. This term may apply to transgender persons, but it may also apply to others whose outward appearance, dress, and manner is inconsistent with their sex assigned at birth, but who do not necessarily identify as transgender. Related terms include genderqueer, non-binary, androgynous, and gender-variant. A person's Colorado driver's license may have an "X" for gender if they identify as non-binary or gender nonconforming.

*Gender Transition(ing):* Refers to the period during which a person takes steps to change their physical characteristics and/or gender expression to be consistent with their gender identity. Transition(ing) may include such procedures as hormonal therapy, facial hair removal, the implantation of prosthetics, changing legal documents, and sometimes, but not always, gender-affirming surgery. None of these changes are necessary for a person to identify in a particular way.

*Gender variant:* Used to describe individuals who dress, behave, or express themselves in a way that does not conform to the dominant gender norms.

*Intersex:* Intersex persons are born with chromosomes, external genitalia, and/or a reproductive system that varies from what is considered "standard" for either males or females. This condition may not become apparent until later in life, such as during puberty. Intersex persons may identify as male, female or non-binary.

*Lesbian:* A woman who is emotionally, romantically or sexually attracted to other women. Women and non-binary people may use this term to describe themselves.

*LGBTQ+*: An acronym for Lesbian, Bisexual, Gay, Transgender persons. The + is read as ‘plus’, denoting inclusivity of all other persons within this community, to include but not limited to intersex and non-binary persons. For the purposes of this policy, LGBTQ+ is utilized for ease of reading this policy and to establish professional expectations for CSPD personnel, which utilizes the LGBTQ+ acronym in its policies.

*Transgender (Person)*: An umbrella term for persons whose gender identity, gender expression, or behavior does not conform to that typically associated with the sex they were assigned at birth. Being transgender does not imply any specific sexual orientation. A person may be transgender without taking any specific gender transition steps, such as hormones or surgeries. A transgender woman is someone whose gender identity is a woman and was assigned male at birth, and a transgender man is someone whose gender identity is a man and was assigned female at birth.

*Non-binary (Person)*: Non-binary is an umbrella term for people with gender identities that fall somewhere outside of the traditional conceptions of strictly either female or male. People with non-binary gender identities may or may not use more specific terms to describe their genders, such as agender, genderqueer, gender fluid, two spirit, bigender, pangender, gender nonconforming, or gender variant. A person’s Colorado driver’s license may have an “X” for gender if they identify as non-binary or gender nonconforming.

*TGN*: An acronym for Transgender, Gender-Variant, and/or Nonbinary persons. TGN is utilized for ease of reading this directive and to establish professional expectations for CSPD personnel; which utilizes the TGN acronym in their policies.

*Sex*: The biological differences between males and females, such as genitalia and genetic differences.

*Sexual Orientation*: An individual’s identity or another individual’s perception of the person’s identity in relation to the gender or genders to which the individual is sexually or emotionally attracted and the behavior or social affiliation that may result from the attraction (e.g., heterosexuality, homosexuality, bisexuality, etc.)

## **.10 Determining Identity**

LGBTQ+ persons may disclose the identity or an officer may inquire, when appropriate:

- If the person advises the officer of their status
- Upon respectful inquiry by the officer for a specific reason directly related to the officer’s official duties in that interaction
- The officer has articulable reason to believe the person may be LGBTQ+, based upon prior interactions, background checks, and/or warrant information

- The status is relevant specifically to a particular call for service, complaint, witness, victim, or suspect description

## **.15 Respectful Communication**

If uncertain of the person's gender identity, the officer may respectfully ask for clarification on how they identify in terms of gender, sexual orientation, gender identity, or what sex they were assigned at birth. Officers will only make such an inquiry for a specific reason directly related to the officer's official duties in that interaction.

When inquiring for clarification, the officer may:

- Ask for their preferred pronoun, (e.g., he, she, they, ze, not listed, no preference, would rather not say)
- Ask about their sexual orientation (e.g., lesbian, gay, straight, bisexual, queer, something else, decline to answer)
- Ask about gender identity or how they identify (e.g., male, female, trans male/man, trans female/woman, genderqueer/nonconforming, something else, decline to answer)
- Ask what sex they were assigned at birth, when needed for incident reporting purposes (e.g., male, female, intersex)

Officers can then proceed according to the provided responses.

If the person is in the company of others and/or would prefer not to answer verbally, additional accommodations may be made for the person to respond in a discrete manner, such as writing their answers. Officers making such inquiries should do so with as much privacy as feasible in the situation, in part to avoid "outing" a person in front of others.

Nothing in this policy prohibits an officer from considering factors such as actual or perceived gender identity in combination with other legitimate factors (e.g., weight, age, height, dress, etc.) when obtaining or providing the description of a suspect, victim or witness.

## **.18 Forms of Address**

Use pronouns as requested by the person (e.g., "she, her, hers" for a person who self-identifies as female; "he, him, his" for a person who self-identifies as male; "they, their, theirs" for gender nonconforming). CSPD personnel are prohibited from referring to a person as "it" or other any other language considered derogatory/dehumanizing.

If a situation impedes the opportunity to access or identify appropriate pronouns or identities, use gender neutral terms and/or omit using a pronoun (e.g. “Step back, please.” or “Folks, please step back.”).

When completing incident reports, the person's sex will be classified as it appears on the person's government-issued identification. If the person identifies themselves using a different name, that name will be listed as an alias.

## **.20 Victimization of LGBTQ+ Persons**

The department values the rights of all victims, including those associated with the LGBTQ+ community. CSPD’s Victim Advocacy Unit (VAU) collaborates with multiple victim service agencies and will assist in determining how to best serve LGBTQ+ victims.

## **.30 LGBTQ+ Searches**

Searches involving members of the LGBTQ+ community will comply with the requirements of [DL-1009-01 Searching of Prisoners](#).

## **.40 Arrests, Searches, and Transportation**

If it is necessary to transport a passenger of the opposite sex or person whose gender identity is different than the officer's, it will be conducted in accordance with [GO 1009 Prisoner Processing](#).