



GENERAL ORDER

DURHAM POLICE DEPARTMENT
DURHAM, NC

NUMBER:

4076 R-1

TRANSGENDER INTERACTIONS

Effective Date: 07/29/2016

Revision Dates: R-1 01/09/2017

INTRODUCTION

The Durham Police Department is committed to working with the diverse community it serves. This general order establishes guidelines and operating procedures for members to adhere to when interacting with transgender, intersex and gender nonconforming individuals. Members of the Durham Police Department will exhibit professionalism and courtesy during all interactions with the public and fellow employees, including transgender, intersex and gender nonconforming individuals.

DEFINITIONS

For the purpose of this policy, the following definitions apply:

Designated Sex/Sex Assigned at Birth – An individual’s sex (male or female) determined at birth based upon the individual’s genitalia, reproductive organs and/or chromosomes and designated on the individual’s birth certificate.

Gender expression – An individual’s public manifestation of being male or female through external characteristics and behaviors, such as clothing, haircut, body characteristics, and voice/speech patterns. “Gender expression” is determined by using stereotypical notions of what it means to appear as a man, a woman, masculine and feminine. Typically, transgender people seek to make their gender expression match their gender identity, rather than matching their sex assigned at birth.

Gender identity – An individual’s innate, deeply felt psychological identification as being a man or a woman, which may or may not correspond to the sex assigned to the individual at birth (as listed on the individual’s birth certificate).

Gender nonconforming – A description meaning that an individual’s gender expression is different from the stereotyped expectations of how the individual should look or act based upon the individual’s sex assigned at birth.

Intersex – A general term used to describe a variety of conditions in which a person is born with a variation of sex characteristics, including chromosomes, reproductive anatomy and/or genitals, and therefore cannot be distinctly identified as male or female. For example, a person may be born with genitalia that appear female, but with internal anatomy that is predominantly male. Being intersex is different from being transgender; the term “intersex” is not synonymous with the term “transgender”.

LGBT – An acronym for “lesbian, gay, bisexual and transgender”.

Non-binary – an umbrella term for people who do not identify strictly as male or female. Non-binary individuals may identify as both male and female or neither male nor female.

Transgender – An umbrella term for people whose gender identity differs from their sex assigned at birth. The term includes transsexuals, cross-dressers and many gender nonconforming individuals. Not everyone whose appearance or behavior is gender nonconforming will identify as transgender.

GENERAL TREATMENT & VERBAL COMMUNICATION

Employees shall not refer to or address any person in a derogatory manner because of their gender identity or gender expression. Members shall abide by all City of Durham and Durham Police Department policies regarding nondiscriminatory and respectful treatment of others when interacting with transgender, intersex and gender nonconforming individuals.

Employees will treat transgender, intersex and gender nonconforming individuals in a manner appropriate to the individual's **gender identity**, which may be different from the sex that the individual was assigned at birth or listed on their official government-issued identification.

Employees should use pronouns that match the gender identity of the individual during their communications.

When requested, employees should address transgender, intersex, and gender nonconforming individuals by their chosen name and pronoun rather than the name which is on their government-issued identification.

Members shall provide an individual's transgender, intersex and gender nonconforming information to other law enforcement officers and criminal justice personnel as reasonably necessary to ensure continuity of appropriate treatment. Members shall not disclose an individual's transgender, intersex or gender nonconforming information to other persons unless necessary for legitimate law enforcement functions or as otherwise required by law.

DETERMINING AN INDIVIDUAL'S GENDER IDENTITY

Employees may make an initial assumption about an individual's gender identity based upon the individual's gender expression to include general appearance, clothing, body characteristics, behavior, voice and hair cut/style.

Regardless of the individual's public appearance, employees should classify an individual's gender identity in accordance with statements or requests made by the individual, such as, if the individual asks the employee to use different pronouns. Members shall respect an individual's expressed gender identity and not question it. If an individual's gender identity is unclear to a member, the member may, in a respectful manner, inquire as to how the individual wishes to be addressed and the individual's preferred name.

SEARCH AND TRANSPORTATION

A frisk or search shall not be performed for the sole purpose of determining an individual's anatomical gender.

Transgender, intersex and gender nonconforming individuals shall not be subject to more invasive frisk or search procedures than non-transgender individuals.

Employees conducting any level of search or transporting of a transgender, intersex or gender nonconforming individual shall interact with and apply the appropriate departmental procedures based upon the individual's gender identity, unless the individual has expressed a different preference. Absent exigent circumstances, when

departmental policy indicates a preference or requirement that a frisk/search or transport be conducted by an officer of the “same sex” as the individual to be frisked/searched or transported, an officer shall ask the individual if there is a preference for the function to be performed by male or female officers. If the request can be reasonably accommodated without undue delay, the request shall be granted.

Removal of items related to the gender identity of a transgender, intersex, or gender nonconforming individual (such as prosthetics, clothing and wigs) shall only be performed as needed for compliance with established departmental policies and procedures regarding searches, arrestees, transport and processing of arrestees, and for the other reasonable reasons. The manner of removal shall comply with departmental policies and procedures, and shall be consistent with the removal of similar items from individuals who are not transgender, intersex or gender nonconforming.

Where the purpose(s) for removing items are satisfied by temporary removal, the individual shall be permitted to wear the removed items if/when all applicable policies and procedures are complete, and reasonable safety concerns are resolved.

Where permanent removal is required (e.g. item is evidence), the handling and storage of the removed items shall be consistent with the handling and storage of similar items pursuant to department policy and procedure.


When transporting a transgender, intersex or gender nonconforming individual to a detention facility, officers will notify the receiving officer that the prisoner has notified them of their transgender, intersex or gender nonconforming status. This notification will be documented in the appropriate report form by the transporting officer.

GENDER CLASSIFICATION ON DEPARTMENT DOCUMENTS

Employees preparing or completing a written document regarding a transgender, intersex or gender nonconforming arrestee, victim, witness, reporting party or any other individual shall classify the individual’s sex on the document as the individual’s sex listed on their official government-issued identification.

In the event that the individual does not have their official identification (e.g. driver’s license, state ID, passport, etc.) in their possession, employees should ask the individual what sex is listed on their official government-issued identification. The individual’s answer and the employee’s verification the information provided by the individual should be used to determine the appropriate manner in which to classify the individual’s sex on the document.

Any name used by the individual other than what is listed on his or her official government-issued identification card will be recorded as an alias in the appropriate report field. The report narrative will contain relevant information regarding the officer’s contact to include the individual’s expressed preferred name and pronoun, requests relevant to search or transports, whether or not those requests were accommodated and a reason if the request could not be accommodated.


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Chief of Police