

Waltham Police Department

CHAPTER 67

TRANSGENDER

General Order #: GO-01 2015

Effective Date: 03/2015, 08/2020, 03/2024

PURPOSE:

The purpose of this policy is to establish guidelines for when members of this Department come into contact with transgender individuals. All persons will be treated with and afforded civility and respect.

1. DEFINITIONS:

- a. **ADOPTED NAME:** Non-birth name that a transgender individual uses in self-reference (may or may not be the individual's legal name)
- b. **GENDER:** An individual's biological or anatomical identity as a male or female.
- c. **EXPRESSED GENDER IDENTITY:** An individual's self-conception as being male or female, as distinguished from actual biological sex.
- d. **LEGAL NAME:** The name used to identify someone for legal and administrative purposes; the name that would be used on government issued identifications and documents.
- e. **TRANSGENDER INDIVIDUAL:** A person whose gender identity differs from their gender.

2. TRANSITION TYPES & FORMS OF ADDRESS:

- a. **FEMALE-TO-MALE (FTM):**
 - 1. A person who was assigned female gender at birth but identifies and lives as a male.
 - 2. A female-to-male should be addressed using masculine pronouns (i.e. he, him, his), regardless of surgical status.

b. MALE-TO-FEMALE (MTF):

1. A person who was assigned male gender at birth but identifies and lives as a female.
2. A male-to-female should be addressed using feminine pronouns (i.e. she, her, hers), regardless of surgical status.

Officers should address transgender individuals by the individual's adopted name. This is true even if the adopted name is not legally recognized. If officers are uncertain about what pronouns or name is appropriate, then officers will respectfully ask the individual.

3. USE OF NAME:

- a. The transgender individual will be referred to by their adopted name in interactions with officers.
- b. The transgender arrestee will be booked under their legal name. The transgender individual's legal name will be used in police reports and documents.
- c. The arrestee's adopted name will also be added to their "Master Name Index" (MNI) file. This can be done by entering the name in the main section of the MNI entry screen or in the "Name History" section.

4. FRISKS:

- a. Officers shall continue to use standard practices and procedures when conducting "frisks" in the field.
- b. When tactically sound and possible a transgender person should be treated according to their expressed gender.
- c. Searches of a transgender individual should be conducted by two officers of the gender requested by the transgender individual, when officer safety and staffing permit it.
- d. If the transgender individual does not specify a preference, then the search/frisk will be conducted by officers of the same gender as the transgender individual's gender expression (e.g., a female-to-male transgender individual expressing no preference should be searched as a male).

5. TRANSPORT:

An officer shall call in the mileage and have the time documented at the start and end of the transport for all transgender detainees.

6. HOLDING CELL:

- a.** Efforts should be made to put transgender detainees in an unoccupied cell block.
- b.** If an unoccupied cell block is not available the transgender detainees should be placed in the cell block that corresponds with their expressed gender.