

**3ORLANDO POLICE DEPARTMENT POLICY AND PROCEDURE
1141.0, TRANSGENDER PERSONS**

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CONTENTS:

1. PHILOSOPHY
2. DEFINITIONS
3. AUTHORITY AND RESPONSIBILITY
4. PROHIBITED PRACTICES
5. COMPLAINT PROCEDURES
6. TRAINING
7. COMMUNITY OUTREACH

POLICY:

It is the policy of the Orlando Police Department to treat every person with courtesy and respect. The purpose of this order is to establish guidelines for the appropriate treatment of transgender individuals who come into contact with and/or require the services of the Orlando Police Department. As interactions with transgender individuals become more common, it is important that our personnel know, understand and utilize the appropriate nomenclature and preferable manners of address, and be aware of laws as to public accommodations and other issues attendant to this population.

PROCEDURES:

1. PHILOSOPHY

While treatment of all persons with respect and dignity continues to be fundamental tenets of this department and our officers, the following considerations are a codification of existing procedures and practices.

Personnel of this department shall not engage in activity that will serve to unduly embarrass, humiliate or otherwise shame transgender individuals with whom we come into contact.

2. DEFINITIONS

Adopted Name: This is a non-birth name that a transgender individual uses in self-reference. This may or may not be the individual's legal name, and may or may not be the same name that the transgender individual's personal documents (i.e., driver's license, passport, etc.) reflect. Be aware that the use of an adopted name does not automatically equate to an attempt to hide one's legal identity or that the individual is misrepresenting him- or herself.

Gender: Describes the characteristics that a society or culture delineates as *masculine* or *feminine*.

Gender Expression: External and outward characteristics and behaviors that are socially viewed as masculine or feminine. Gender expression is the external manifestation of one's *gender identity*. (*The gender that the individual presents to others.*)

Gender Identity: A person's gender-related identity, appearance or behavior, whether that gender-related identity, appearance, or behavior is different from that traditionally associated with the person's physiology or gender assigned at birth. (*The gender that the individual feels is his or her true gender notwithstanding birth sex.*)

Sex: Refers to an individual's biological or anatomical identity as *male* or *female*.

Transgender Individual: A person whose gender identity differs for his/her birth assigned sex.

- Female-to-Male: A person who transitions from female to male, meaning a person who was assigned female at birth, but identifies and lives as a male.
- Male-to-Female: A person who transitions from male to female, meaning a person who was assigned male at birth, but identifies and lives as a female.

3. AUTHORITY AND RESPONSIBILITY

As always, during verbal discourse with members of the public, officers shall remain professional and speak with the level of decorum that is appropriate for the given situation. Officers shall address transgender individuals by the individual's adopted name. This is true even if the individual has not received legal recognition of the adopted name. In addressing or discussing a transgender person, officers will use pronouns appropriate for that person's gender identity. A female-to-male individual should be addressed using masculine pronouns (i.e., he, him, his), regardless of surgical status. A male-to-female individual should be addressed using feminine pronouns (i.e., she, her, hers), regardless of surgical status. If officers are uncertain about which pronouns are appropriate, then officers will respectfully ask the individual which they would prefer.

Officers do have a right to obtain a person's legal name and sex within the scope of their lawful duties. This may be required in the event of arrest warrants or recording of other official documents. In the event a transgender person's legal name is required, absent extenuating circumstances, an officer should ask the person for his or her legal name in a one-on-one situation. If the contact is in a group environment, the officer should ask the person to step outside the group to obtain the legal name.

In the event gender identity is required during an investigation, gender-related identity may be shown by providing evidence including, but not limited to, medical history, care or treatment of the gender-related identity, consistent and uniform assertion of the gender-related identity or any other evidence that the gender-related identity is sincerely held as part of a person's core identity.

If an officer asks a transgender person for his or her legal name in the presence of others, that officer must have a compelling and professional reason for having done so. The reason(s) shall be properly documented in an incident report.

3.1 OFFICER RESPONSIBILITIES

Calls for service or complaints generated by transgender individuals shall be addressed and investigated in a manner that is consistent with all Department policies. No officer shall fail to respond to a call for service based on the gender identity or expression of the caller.

3.2 SEARCHES OF TRANSGENDER PERSONS

For the purpose of lawful searches of a person, officers shall continue to use standard practices and procedures per policy when conducting person searches and comply with all policies and laws. Transgender individuals shall not be subject to more invasive search procedures than non-transgender individuals. In effecting the search of a transgender individual, the search ideally and where possible should be conducted by an officer the sex the transgender individual expresses. If the transgender individual presents feminine expression, the search should be conducted by a female officer if available. If the individual presents masculine expression, the search, under current policy, may be conducted by any officer. If searching officers are uncertain as to the subject's gender expression, officers will respectfully and in a professional manner ask the individual their preference with respect to the sex of the searching officer.

At least two officers should be present for these searches when possible. It is understood that the dynamic, fluid and emergent nature of some situations are such that immediate searches are necessary to preserve officer and public safety and to prevent the destruction of evidence. Accordingly, searches may be undertaken by any officer where made necessary by these emergent conditions or the lack of availability of the officer of a specific sex.

3.3 HANDLING TRANSGENDER PRISONERS

Whenever possible, a transgender person being transported shall be done so alone and not along with other persons. If there are multiple transports, transgender individuals may be transported with other transgender persons who share the same gender expression. Transport may also occur if the individuals, regardless of gender expression or sex, are known to each other and do not present a danger to each other.

All other policies regarding the transport and handling of prisoners shall be adhered to.

Transgender persons shall never be held in any interview room or holding area with other persons.

Appearance-related items, including but not limited to, prosthetics, clothes, wigs, or makeup should not be removed or confiscated from transgender persons unless such items present a safety hazard, impede the administration of medical attention, or are needed for evidentiary reasons. If an officer removes or confiscates appearance-related items, that officer shall provide a compelling and professional reason for having done so. The reason(s) shall be properly documented in the police report.

3.4 SUPERVISOR RESPONSIBILITIES

Supervisors shall ensure that all officers in their command are familiar with the content of this policy and follow the policies and procedures outlined in this directive.

An on-duty sergeant or higher-ranking officer shall promptly respond when advised that a person is making a complaint alleging that an officer's actions are not in compliance with the standards set forth in this policy.

The sergeant or higher-ranking officer shall discuss the incident with the complainant, and complete any appropriate forms, including documentation of such complaint in compliance with all other policies of the agency. Supervisors shall be particularly alert to any pattern or practice of possible discriminatory treatment by individual officers or squads and take appropriate action. Supervisors shall review complaints and respond at random to observe officers during the performance of their duties.

4. PROHIBITED PRACTICES

Gender identity/expression shall not be a factor in determining the existence of probable cause to place an individual in custody, or to arrest an individual, nor will be the only factor in determining a reasonable and articulable suspicion that an offense has been or is being committed to justify the detention of an individual or the investigatory stop of a motor vehicle. A physical description provided by a witness or victim may be used to aid in the identification of a suspect.

4.1 PROTECTION OF PRIVACY

An officer should not disclose that a person is transgender. Such shall only be disclosed in the furtherance of an investigation. If an employee does disclose such information as described, that employee shall document the compelling and professional reason for having done so. This shall be recorded in an incident report.

Notwithstanding the protection of privacy, Florida does have broad public record laws. If a person has self-identified as transgender, this information may be recorded in public records documents. If a person has not self-identified as transgender, this information should not be recorded in public documents. If an officer does record such information in any public document, that officer shall provide a compelling and professional reason for having done so. The reason(s) shall be recorded in the incident report.

If addressing the Media or the public regarding a transgender person, and absent extenuating circumstances, the individual should be referred to by their adopted name and declared gender identity/expression, including pronouns, without disclosing their legal status.

5. COMPLAINT PROCEDURES

Any person may file a complaint with the Department if he/she feels they have been stopped or searched based solely on their gender identity/expression by following the guidelines set forth in OPD P&P 1102, Bias-Free Policing.

6. TRAINING

Training on interactions with transgender persons, including legal aspects, and a review of the current agency policy shall be conducted as directed by the Professional Standards Division, with consultation of the LGBT liaison.

7. COMMUNITY OUTREACH

Orlando Police Department has an LGBT (Lesbian, Gay, Bisexual, Transgender) liaison appointed by the Chief of Police. The LGBT liaison works closely with associations and LGBT groups in the community and is able to address the needs of the community through referrals and professional police services. The LGBT liaison conducts training within the agency to provide all employees the information deemed necessary in order to stay apprised of changing cultural conditions so that they are able to also conduct community outreach.

Community education and awareness efforts will be made available by various means, to include the agency website, printed publications, public forums (i.e., media interviews, citizen academy courses, etc.) and news releases.