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**SUBJECT: DEPARTMENT INTERACTIONS WITH TRANSGENDER INDIVIDUALS
PLEAC 1.8.3**

1. POLICY (PLEAC 1.8.3)

- A. This directive establishes policies and procedures for police personnel during their interactions with transgender individuals and for the protection of the constitutional rights of all residents and visitors.
 - B. Consistent with the Philadelphia Police Department’s Mission Statement and Oath of Office, personnel will safeguard the rights of all people without consideration of a person’s actual or perceived race, color, sex, gender, gender identity, gender expression, religious creed, sexual orientation, age, national origin, ancestry or disability.
 - C. Personnel will treat all persons with the courtesy and dignity which is inherently due to every person. Department members will act, speak, and conduct themselves in a professional manner, recognizing their obligation to safeguard life and property, and maintain a courteous and professional attitude during all contacts with the public.
 - D. Personnel will not exhibit any bias, nor will they pre-judge, or discriminate against an individual or group of members based on their actual or perceived sexual orientation, gender identity, or gender expression.
 - E. Personnel will address members of the public using pronouns, titles of respect, and name as expressed by the individual, regardless of what is listed on their government issued identification.
 - F. Personnel will not make discourteous or disrespectful remarks regarding another person's actual or perceived race, color, sex, gender, gender identity, gender expression, religious creed, sexual orientation, age, national origin, ancestry or disability.
 - G. Personnel will adhere to the following procedures during departmental contacts with and arrests of transgender individuals.
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2. DEFINITIONS

Sex Assigned at Birth:

Refers to the sex a person was told they were. The sex assigned at birth is usually determined by a doctor who looks at the infant's external genitalia, but this may or may not be the same as the person's gender identity.

Gender identity:

How someone identifies their own gender.

Transgender:

An umbrella term for a person whose gender identity differs from the sex they were assigned at birth. For example, if a person is born and then assigned female, but ultimately identifies as a male, that person would be described as a transgender male.

Gender Expression:

How a person expresses their gender. This can include clothing, hairstyles, makeup, mannerisms, behavior, speech patterns, and more.

Sexual Orientation:

A person's attraction to others. This attraction could be physical, romantic or emotional. Common sexual orientation labels include heterosexual/straight, gay, lesbian, bisexual, and queer. It is important to note that sexual orientation and gender identity are not the same; not all transgender people are gay and not all gay people are transgender.

Officer:

For this directive, the term "officer" includes Philadelphia Police Correctional Officers (PCOs) and all sworn members of the Philadelphia Police Department.

3. PROFESSIONAL GUIDELINES

A. Personnel **WILL**:

1. Respect an individual's gender identity and gender expression.
2. Use pronouns as requested by the individual (e.g., "she, her, hers" for an individual who self-identifies as a female; "he, him, his" for an individual who self-identifies as a male; and "they, them, their" for an individual who self-identifies as non-binary).

NOTE: Police Officers shall respectfully ask the individuals: "What pronouns do you use?"

3. Always address the individual by the name and pronouns they request to use, regardless of whatever may be listed on their government-issued identification.

4. Conduct **ALL** searches (custodial and/or strip) in accordance with Directive 5.7 “Search Warrants,” and existing departmental procedures listed in Section 5 of this directive.

B. Personnel **WILL NOT**:

1. Stop, detain, frisk, or search any person for the purpose of determining that person’s gender identity, sex assigned at birth, gender expression, or sexual orientation. (PLEAC 1.8.3)

NOTE: The above limitation does not prevent an officer from following the established department procedures relative to ensuring the proper processing of arrestees.

2. Except when legally necessary (i.e., processing an arrest), require proof of an individual’s gender or debate an individual’s gender identity.
3. Use demeaning or derogatory language; in particular, language aimed at a person’s actual or perceived gender identity, gender expression, or sexual orientation.
4. Disclose an individual’s sex assigned at birth, gender identity or sexual orientation to other arrestees, members of the public, or other governmental personnel, absent a proper law enforcement purpose (i.e., transfer of custody to other personnel to ensure proper security of the prisoner).
5. Make assumptions about an individual’s sexual orientation based upon an individual’s gender identity or gender expression.
6. Use a person’s actual or perceived gender identity or gender expression alone as reasonable suspicion that the individual is or has engaged in a crime, including prostitution. (PLEAC 1.8.3)

4. GENDER CLASSIFICATION GUIDELINES FOR TRANSGENDER INDIVIDUALS WHO HAVE BEEN ARRESTED

- A. An arrestee's gender will be classified as it appears on the individual’s government-issued identification card.
1. If an individual explicitly informs personnel that they are transgender, and an officer finds a record for an individual (NCIC or any other law enforcement record) that lists a different gender from what the individual is currently presenting, the officer shall notify the cell block assistant (CBA) or police correctional officer (PCO) before delivering the individual into their custody. The CBA/PCO will document the information in the “Notes” section on the Prisoner Flow Chart/Medical Checklist and in the “Prisoner Log.”

NOTE: If the individual refuses to provide their gender identity, the individual will be housed in a single cell according to their gender expression.

2. For the purposes of listing gender on citations, arrest reports, and other official documentation, members shall use the designation listed in the most recent records in official government databases, starting with the BMV records.
3. For purposes of listing the name, members shall always write an individual's name as it appears on the individual's government-issued identification card. If the arrestee identifies themselves using a different name, this name will be placed in the alias box on the arrest paperwork.

NOTE: While the PPD recognizes the potential negative connotation associated with the term "alias," the use of such term is institutional of the criminal justice system and is no way intended to be disrespectful to, or dismissive of, transgender individuals.

- B. In the event that a government-issued identification card is unavailable, the arrestee will be classified according to their self-identification.
- C. In the event that there is uncertainty regarding the appropriate classification of an arrestee's gender, a supervisor will be consulted for guidance on the appropriate classification (e.g., In situations in which the arrestee does not have identification, and will not speak to police, supervisors can attempt to establish communication necessary to make a determination of the arrestee's gender or use the arrestee's gender expression for classification).

5. PROCEDURES

A. Investigations

1. Officers will record the following information on all Investigation Reports (75-48A):
 - a. The advisement and request of gender preference.
 - b. The individual's response.
 - c. Whether or not the request was granted.
 - d. Reason for not granting the request, if applicable.

NOTE: If the transgender individual does not specify a gender preference, a female officer will conduct a frisk, if needed.

B. Searches

1. All searches will be conducted by officers of the gender requested by the detainee and in accordance with the established departmental procedures.

EXCEPTION: If the requested gender officer is not available, and it is imperative that an immediate search be conducted, officers will not compromise their safety or that of the public, in order to comply with this provision.

2. Officers taking individuals into custody, accepting custody of detainees, or conducting searches (custodial and/or strip) will be responsible for conducting a thorough search in accordance with departmental procedures.
3. Searches shall not be any more or less invasive than that of any other individual.
4. Requests to remove identity-related items such as prosthetics, clothing, wigs, and cosmetic items will be consistent with the requirements for the removal of similar items for non-transgender arrestees, as outlined in Directive 12.15 “Property taken into Custody,” Directive 7.8 “Adult Detainees in Police Custody,” and Directive 5.5 “Juveniles in Police Custody.”
5. The possession of a needle which is purported to be for hormonal use shall not be presumed to be evidence of criminal misconduct. Likewise, any medication recovered pursuant to a search shall not be discarded, rather, it shall be secured by the officer and presented to the nurse upon arrival at the PDU.
6. If a strip/body cavity search is to be conducted, the procedures outlined in Directive 5.7, Appendix B, “Strip and Body Cavity Searches” must be followed.

6. TRANSPORTATION, DETENTION, AND PROCESSING

- A. Absent exigent circumstances, transgender arrestees will be transported separately by prisoner transport van, EPW, or an RPC.
 1. An officer of the individual's gender identity, when practical, will be present during the transport.
 2. When a transgender arrestee is being transported from a police facility to a prison, the arrestee will be transported separately from the male and female prisoners.
 3. Transporting officers shall notify police radio with their beginning and ending mileage and record such information on their patrol log.

- B. Transgender arrestees will be housed in a secure single cell. The designated holding facility of adult transgender arrestees will be the Police Detention Unit (PDU).
- C. A Licensed Clinical Social Worker (LCSW) is available during select hours to address any psychosocial needs that may arise as a result of contact with the Criminal Justice System.
- D. Transgender juvenile arrestees shall be taken directly to Divisional Headquarters and housed in a secure single cell. The only exceptions will be for detainees suspected of sexual offenses or homicide, which will be handled by the pertinent investigative unit.

NOTE: If there is no empty cell for a juvenile prisoner at Divisional Headquarters, the ORS at Divisional Headquarters will call other districts within their division for secure holding placement.

- 1. Transgender juveniles taken into custody for Status Offenses only, will be taken directly to the designated non-secure holding facility for that division and be guided by Directive 5.5, “Juveniles in Police Custody, Appendix B.”
- E. Personnel will record a transgender individual’s gender information on Department reports in accordance with Section 4 of this directive and all other demographic information as it appears on their government-issued identification. Any name used by the subject other than what is listed on their government-issued identification will be recorded in the alias box.

NOTE: While the PPD recognizes the potential negative connotation associated with the term “alias,” the use of such term is institutional of the criminal justice system and is no way intended to be disrespectful to, or dismissive of, transgender individuals.

- F. In the event a transgender individual requires immediate medical care or medication, including hormone therapy, the individual will be transported to the nearest medical facility to be treated by a physician, in accordance with Directive 7.8, Appendix C, “Prisoner Safety” and Directive 4.13, “Prisoners in Hospitals.”

NOTE: Thomas Jefferson University Hospital (132 S. 10th Street) is equipped to handle the needs associated with patients receiving hormone therapy.

- G. If an individual explicitly informs personnel that they are transgender, and an officer finds a record for an individual (NCIC or any other law enforcement record) that lists a different gender from what the individual is currently presenting, the officer shall notify the cell block assistant (CBA) or police correctional officer (PCO) before delivering the individual into their custody. The CBA/PCO will document the information in the “Notes” section on the Prisoner Flow Chart/Medical Checklist and in the "Prisoner Log" by entering:

- 1. “Transgender male assigned female at birth,”

2. “Transgender female assigned male at birth,”
3. “Non-binary gender assigned male at birth,” or
4. “Non-binary gender assigned female at birth.”

NOTE: If the individual refuses to provide their gender identity, the individual will be housed in a single cell according to their gender expression.

- H. In situations involving the transfer of transgender prisoners to county prisons or other police agencies, the CBA/PCO will ensure that the paperwork accompanying the prisoner adequately describes gender identity information.

7. RELEASE OF INFORMATION TO THE MEDIA REGARDING INCIDENTS INVOLVING TRANSGENDER INDIVIDUALS

- A. In all incidents involving transgender individuals (victim, witness, or arrestee), personnel will:
 1. Refer to the individual using the name based on their gender identity rather than that which is on their government issued identification.
 2. Use pronouns as requested by the individual (e.g., “she, her, hers” for an individual who self-identifies as a female; “he, him, his” for an individual who self-identifies as a male; and “they, them, their” for an individual who self-identifies as non-binary) and as used on the appropriate department reports (incident or arrest report).
- B. Even in the case of a person’s death, members of the Philadelphia Police Department will use pronouns and titles of respect appropriate to the individual's gender identity as expressed by the individual.
 1. In incidents where a transgender victim is deceased, personnel will refer to the victim’s statements while they were alive, as reported by their next-of-kin or friends and community members.

NOTE: If the individual’s self-reports of their identity conflict with government-issued identification or reports from their next-of-kin or friends and community members, the individual’s self-reports should take precedence.

8. CONFLICT PROVISION

If this directive conflicts with any Department directive, this directive will take precedence.

RELATED PROCEDURES: Directive 4.13, Prisoners in Hospitals
Directive 5.5, Juveniles in Police Custody
Directive 5.7, Search Warrants
Directive 7.8, Adult Detainees in Police Custody
Directive 12.15, Property Taken into Custody

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PLEAC Conforms to the standards according to the Pennsylvania Law Enforcement Accreditation Commission
