

# THURMONT POLICE DEPARTMENT

<b>GENERAL ORDER</b>	<i>Date Issued:</i> March 20, 2019	<i>Effective Date:</i> March 20, 2019	<i>Order No:</i> Chapter 2.22
<i>Authority: Chief of Police</i> <p style="text-align: center;"><i>Gregory L. Eyer</i></p>		<i>Manual Page No:</i>	
<i>Subject: Interaction with Transgender Persons</i>			<i>Replaces Page No:</i>
<i>Accreditation Standard:</i>	<i>Distribution: ALL</i>	<i>Amends:</i>	<i>Number of Pages: 5</i>
<i>Related Documents:</i>			<i>Rescinds:</i> New Policy

This Directive is for internal use only, and other than as contraindicated here this Directive does not create or enlarge this Department's, governmental entity's, any of this Department's officers, and/or any other entities' civil, criminal, and/or other accountability in any way. This Directive is not to be construed as the creation of a standard of safety or care in any sense, with respect to any complaint, demand for settlement, or any other form of grievance, litigation, and/or other action. Deviations from this Directive, if substantiated, can only form the basis for intra-Departmental administrative action(s) (including discipline and/or termination).

**I. PURPOSE:**

The purpose of this policy is to establish guidelines for interactions with the LGBTQ community, transgender persons, and non-conforming individuals.

**II. POLICY:**

It shall be the policy of this department to treat all individuals with the courtesy and dignity inherently due to every person. Employees shall act, speak and conduct themselves in a professional manner, recognizing their obligation to safeguard life and property. Employees shall maintain a courteous, professional attitude in all contacts with the public, and shall not exhibit any bias, prejudice or discrimination against transgender or non-conforming individuals.

**III. DEFINITIONS:**

**LGBTQ:** Acronym for Lesbian Gay Bi-sexual Transgender Queer

**Gender Identity / Expression:** The actual or perceived identity or behavior of a person as being male or female.

**Transgender:** Any person whose gender identity or expression differs from the one which corresponds to a person's anatomical sex at birth.

**Sexual Orientation:** An individual's enduring romantic, emotional, and or sexual attraction to individual(s) of a particular gender.

#### **IV. POLICY / PROCEDURE:**

##### **A. General:**

1. Crimes in which a transgender person or other member of the LGBTQ community is a reported victim will be fully investigated and the victim will be treated with the same respect, courtesy and dignity as non-transgender persons.
2. Officers will be cognizant that a crime involving LGBTQ persons as victim(s) may have been motivated by hate bias and will ensure all appropriate resources are recommended to the person.
3. Other requests for service or complaints generated by transgender persons will be addressed and investigated professionally and in accordance with Departmental policy.
4. Members of the Thurmont Police Department will interact with members of the LGBTQ community in a respectful and professional manner.
5. Members will address transgender person in a manner that is appropriate and requested by the person. When a person's sex or gender expression is uncertain, it is appropriate to inquire how the person wishes to be addressed. The Department member will then use the preferred gender/gender pronoun when addressing the person.

##### **B. Prohibited Conduct:**

Officers will not:

1. Use language that a reasonable person would consider demeaning or derogatory; in particular, language or expressions aimed at a person's gender identity or expression.
2. Conduct a search of person for the sole purpose of determining their anatomical gender.
3. Disclose to any person that a particular individual is transgender unless:
  - a. Necessary to ensure the person(s) safety; and
  - b. To inform other Law Enforcement personnel / agency to ensure particular agency protocols will be followed.

4. Assume that a member of the LGBTQ community is involved in criminal activity based solely on the fact the person is transgender.

**C. Gender Classification – Arrests:**

1. A person's gender will be classified as it appears on the individual's government issued identification card.
2. In the event the person does not have a government issued identification card available, the officer will respectfully ask if the person has male genitalia.
  - a. If the arrestee states they have male genitalia, they will be classified as a male.
  - b. If the arrestee states they do not have male genitalia, they will be classified as a female.
3. In the event the officer is uncertain of a person(s) gender classification or the person refuses to identify their gender classification, they will consult with their supervisor. These occurrences will be documented in the incident report narrative.
4. If the person utilizes a different name than as it appears on their government issued identification card, this name will be documented in the incident report as an alias.

**D. Searches Involving Transgender Person(s):**

1. Field searches will be conducted by an officer who is the same gender as the arrestee.
2. A person may request an officer of the same gender identity or expression to be present while the search takes place. When reasonable, an officer of the same gender expression as the arrestee will be requested to respond to the incident scene to be present for the field search.
3. If an arrestee objects to being searched by a female or male officer, the officer will inquire the nature of the objection. The officer will consult with their supervisor and document the objection in the incident report narrative, specifically indicating the person's stated preference.
4. Transgender persons will not be subject to more invasive search or pat down than non-transgender persons.
5. Identity-related items such as clothing, wigs, and other cosmetic items may be temporarily seized if:
  - a. Necessary to ensure officer safety
  - b. Consistent with procedures while processing non-transgender persons

6. Strip searches:

- a. The officer conducting the strip search will be the same gender as the arrestee, as determined in section C of this policy.
- b. The search will be witnessed by a supervisor or another officer of the same gender.

**E. Transporting Transgender Arrestees:**

1. Transgender arrestee(s) will be transported separately from other arrestees.
2. Transporting officers will notify Communications of both the beginning and ending mileage of the transport.
3. Transgender arrestees will be held separate from other arrestees while in the Holding Cell area at TPD.
4. The transporting officer will discretely inform intake personnel at Central Booking that the arrestee is transgender.

**DOCUMENT DATES:**

**Attachment:**

*Amended Date:*

*Review Date:*

*Review Date:*

*Review Date:*

*Rescinds:*

*Order Written By: Lt. P.A. Droneburg*

*Order Edited and Approved By: Chief Gregory L. Eyer*

*Accreditation Standards Included in this Order*

**CHAPTER**