

Hamden Police Department

General Orders

Policy Number: 004-013
Section: General Management
Title: Policy Regarding Interactions
with Lesbian, Gay, Bisexual, and
Transgender Individuals

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PURPOSE

This policy is written to: (a) provide clear direction regarding how lesbian, gay, bisexual and transgender individuals are to be treated when encountered by members of the Hamden Police Department; and (b) provide the members of the Hamden Police Department with a vocabulary for addressing transgender individuals in a respectful manner.

POLICY

- A. It is the policy of the Hamden Police Department that all members of the public are to be treated with courtesy, dignity and respect regardless of their actual or perceived race, color, sex, gender, gender identity/expression, religious creed, sexual orientation, age, national origin, ancestry or disability.
- B. Officers will not exhibit any bias or prejudice, nor will they discriminate against any individual or group of individuals based upon their actual or perceived race, color, sex, actual or perceived gender, gender identity/expression, religious creed, sexual orientation, age, national origin, ancestry or disability.
- C. Throughout this policy any reference to sexual orientation shall be construed to extend to gender identification or gender expression unless the context clearly requires otherwise.
- D. No officer shall fail to respond to a call for service, delay responding to any such call or otherwise treat any such call as less important than would otherwise be the case based upon the sexual orientation, gender identity or gender expression of the caller.
- E. In all oral communications, officers will address transgender members of the public using their adopted name(s), regardless of whether a person's adopted name is their legal name or is the name listed on their government issued identification. Pronouns used to identify individuals by gender shall be based upon the individual's chosen gender identity.

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If officers are uncertain, they should ask, respectfully, how the person prefers to be addressed.

- F. Officers will not use discourteous, derogatory or disrespectful terms regarding a person's actual or perceived ethnicity, race, religion, gender, gender identity/expression, sexual orientation or disability. References to a person's anatomy and/or surgical status should only be made as necessary to ensure proper medical treatment or where clearly necessary to provide an appropriate and professional response to the matter at hand.
- G. Officers will not require proof of a person's gender identity/expression or dispute a person's assertion of their gender identity/expression. This shall not be construed to prevent an officer from asking for government-issued identification which may contain information about the person's gender, provided that any other person would be asked to provide similar identification in similar circumstances.
- H. Officers will not disclose an individual's gender identity/expression or sexual orientation to other arrestees, members of the public or other governmental personnel unless a proper law enforcement purpose requires such disclosure
- I. Officers will not use a person's sexual orientation, gender or gender identity/expression alone as reasonable suspicion to believe that the individual is or has engaged in a crime.

Definitions

Adopted name: Non-birth name that a transgender individual uses in self-reference, typically to reflect their gender identity. This may or may not be the person's legal name.

Bisexual/Bi: Individuals who are sexually and emotionally attracted to members of both sexes or genders.

Gay: Men who are sexually and emotionally attracted to men.

Gender: A person's actual *or perceived* sex as male or female, which may be based upon that person's gender identity or gender expression, whether or not that gender identity or gender expression is traditionally associated with the sex assigned to that person at birth.

Gender Identity/Gender Expression: An individual's gender-related identity, appearance, or behavior, whether or not that identity, appearance, or behavior is perceived to be different from that traditionally associated with the sex assigned to that individual at birth.

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Lesbian: Women who are sexually and emotionally attracted to women.

Sex: The classification of people as male or female, usually as assigned at birth.

Sexual orientation: An individual's actual or perceived heterosexuality, homosexuality, or bisexuality.

Transgender: An umbrella term which refers to individuals whose gender, gender identity or gender expression diverges from societal expectations regarding how a person of that individual's birth-assigned sex should identify or express their gender. Examples of transgender individuals may include:

Cross-dressers: Individuals whose gender identity matches their birth-assigned sex, but whose gender expression sometimes includes wearing clothing which is not traditionally associated with their sex. Most individuals who consider themselves cross-dressers do not wear cross-gendered attire all of the time. The term "cross-dressers" should not be used to refer to individuals who are living as members of the opposite sex in accordance with their gender identity.

Female-to-Male (FTM), Transgender Man or Transman: A person whose assigned sex at birth was female but who knows himself to be male, and who lives as a male. Some members of this group will self-identify as "male."

Gender non-conforming: Individuals exhibiting gender characteristics and identities perceived by some to be inconsistent with their sex assigned at birth. They may identify their gender as combining aspects of both women and men, or as being neither women nor men.

Intersex individuals: Individuals who, because of their chromosomal make-up or other biological reasons are born with physical characteristics that make their biological sex ambiguous.

Male-to-Female (MTF), Transgender Woman or Transwoman: A person whose assigned sex at birth was male but who knows herself to be female, and who lives as a female. Some members of this group will self-identify as "female."

Transsexuals: An older term, originating in the medical and psychological communities, which is used to refer to individuals who wish to change, or have changed their birth-assigned sex, through hormones, surgery or other physical procedures. While some members of the transgender community may still use the term "transsexual", to others it is an outdated term which may be offensive. This term should be avoided, and transgendered should be used in its place.

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The term “trans” is an abbreviated form of the term “transgender” and is not, in and of itself, a derogatory term.

Procedures

A. Identification of Individuals on Official Records and Reports:

1. To minimize inconsistency or confusion, an arrestee, victim, witness or other individual listed on any official case/incident report should be identified in a manner which is consistent with their current government-issued identification card. This applies to all personal information including name and gender. If the individual uses an adopted name, that name should be listed as any other alias would be. The following exceptions to this general rule will apply:
 - i. If a person has had gender conforming/affirming surgery since their government identification card was issued, an MTF individual will be identified as female and a FTM individual will be identified as male.
 - ii. If a person has no government-issued identification and states that their assigned sex at birth was male, they will be identified as a male. Otherwise they will be identified as a female.
 - iii. If any confusion exists regarding how to identify an individual's gender (for example, if the person has no government-issued identification and is unwilling or unable to speak with an officer about the matter), a supervisor should be consulted and the case/incident report should note how the final decision was reached.
2. In routine correspondence of a more conversational nature, an officer should address the person using their adopted name, in the same manner as a verbal communication would be conducted.

B. Searches/Seizures:

1. All searches will be conducted in accord with established policies and procedures by officers of the same gender as the person being searched. For purposes of this subsection, the procedures set forth in section A above shall be used to determine the gender of an individual. As with any arrest, if a

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transgender individual makes a request to be searched by an officer of a specific gender, that request shall be honored if it is reasonably possible to do so. This does not include a non-invasive pat down search for officer safety reasons.

Exception: Officer and public safety is the first priority. If an officer of the same gender is not immediately available and if it is imperative that an immediate search be conducted, any officer may conduct that search.

2. Officers will not conduct more invasive searches of transgender individuals than would be conducted of other individuals under similar circumstances. At no time will a search be conducted solely to determine a person's gender.
3. Transgender prisoners' personal property items will be taken from them and held only as is necessary to comply with section 027.001 of the Hamden Police Department Policy. Clothing, underclothing, prosthetics, wigs and other personal property which would not ordinarily be taken from any other prisoner shall not be taken from a transgender prisoner.

C. Transportation, Detention and Processing:

1. Whenever practical, transgender individuals will not be transported with other prisoners or detainees. In situations of multiple arrests or mass arrests or where individual transport is not practical, transgender arrestees will be transported according to their gender as determined in section A above.
2. When requested by a transgender individual, an officer of the individual's gender identity will conduct the transport or be present. If compliance with this requirement appears to be impractical, a supervisor may authorize alternative arrangements.
3. Transgender prisoners will not be placed in cells with other prisoners unless no alternative exists. Where no alternative exists, the transgender prisoner's views regarding their personal safety should be considered seriously when determining how to allocate prisoners between cells.
4. The medical needs of a transgender prisoner shall be respected, including making arrangements for any hormone therapy which must be administered according to a prescribed schedule or upon need.

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5. Prisoner logs and other documents used to keep track of prisoners while they are in custody shall identify transgender individuals in accord with section 3 above but shall also note their adopted name as well as gender identity/expression so subsequent shifts of officers may address the prisoner respectfully as they wish to be addressed.

D. Release of Information to the Public Regarding Transgender Individuals:

1. When addressing the public, including members of the media, regarding a transgender individual, officers shall use pronouns, titles of respect and names, including adopted names, as expressed by the individual regardless of the terms which may be used on their government issued identification.
2. If officers are uncertain how the person prefers to be addressed (if, for example, the person is deceased or is otherwise unable to communicate) they should then describe the person according to: (a) their adopted name, if it can be determined; (b) the name and/or gender appearing on their government issued identification; or (c) in the absence of government issued identification, the officer's best judgment based upon observed physical characteristics and other circumstances. When efforts are being made to identify an individual who is unable to communicate, officers should be alert to circumstances which suggest that the person's adopted name and/or gender identity may be different from their sex assigned at birth.