

	<p style="text-align: center;">ITHACA POLICE DEPARTMENT</p> <p style="text-align: center;">POLICY AND PROCEDURE GENERAL ORDER</p>	Distribution	General Order Number
		ALL PERSONNEL	<b>5.24</b>
		Original Issue Date	Reissue/Effective Date
		05/11/2020	05/11/2020
Order Title: <b>APPROPRIATE TREATMENT OF  DETAINED TRANSGENDER  INDIVIDUALS</b>		Accreditation Standard: NY 1.1; 40.2; 50.8; 55.5; 64.1	Section  5
		Section Title <b>PATROL FUNCTIONS</b>	
Rescinds:		 <b>Dennis Naylor, Chief of Police</b>	

*This General Order is for departmental use only and does not apply in any criminal or civil proceeding. This General Order should not be construed as creation of a higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this General Order will only form the basis for departmental administrative sanctions. Violations of law will form the basis for civil and criminal sanctions in a recognized judicial setting.*

**I. PURPOSE:**

The purpose of this general order is to establish guidelines for Ithaca Police Department officers to ensure the appropriate treatment of transgender individuals during the course of their duties.

**II. POLICY:**

The policy of the Ithaca Police Department (Department) is to treat all individuals with dignity, respect, and professionalism. Officers shall always abide by the Ithaca Police Department’s Mission and Core Values when interacting directly or indirectly with transgender individuals.

**III. DEFINITIONS:**

Please be aware that, while these general definitions are largely accepted by much of the community, the exact definitions of these words can vary from person to person. A word that is used as a source of pride for one person may be an insult to another person. Therefore, these definitions are supplied for your general reference only. Best practice is to not use words that have not been identified as appropriate by the transgender person. Instead, ask what language the individual prefers and use that language consistently in your interactions.

Adopted Name: Is the non-birth name that a transgender individual uses, in self-reference. (This may or may not be the individual’s legal name.)

Cross-dresser: While anyone may wear clothes associated with a different sex, the term *cross-dresser* is typically used to refer to men who occasionally wear clothes, makeup, and accessories culturally associated with women. Those men typically

identify as heterosexual. This activity is a form of gender expression and not done for entertainment purposes. Cross-dressers do not wish to permanently change their sex or live full-time as women. (*Replaces the term "transvestite".*)

Gender Expression: External appearance of one's gender identity, which may or may not conform to socially defined behaviors and characteristics typically associated with being either masculine or feminine.

Gender Identity: One's innermost concept of self as masculine, feminine, a blend of both, or neither – how individuals perceive themselves and what they call themselves. One's gender identity can be the same as or different from the gender typically associated with their sex assigned at birth.

Gender Transition: The process by which some individuals more closely align their outward appearance with their internal gender identity. Some individuals may socially transition, whereby they might begin dressing, using names and pronouns, and/or be socially recognized as another gender. Others may undergo physical transitions in which they modify their bodies through medical interventions.

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

Transgender: An umbrella term for people whose gender identity and/or gender expression differs from what is typically associated with the sex they were assigned at birth. Being transgender does not imply any specific sexual orientation. Therefore, transgender people may identify as straight, gay, lesbian, bisexual, etc. Examples of transgender individuals may include:

Female to Male ("FTM"): A person who transitions from "female-to-male," meaning a person whose assigned sex at birth was female but identifies and lives as a male. A "female-to-male" individual should be addressed using masculine pronouns (i.e. he, him, his), regardless of surgical status.

Gender Fluid: a person whose gender identity and/or expression changes as time progresses. Some people who use this term will change their expression and/or identity during the course of the day; for others, the shift may take place over much longer periods of time.

Gender Non-Conforming: A person who exhibits gender characteristics and identities perceived by some to be inconsistent with their sex assigned at birth. This individual may identify his/her gender as combining aspects of both a woman and a man, or as being neither a woman nor a man.

Male to Female ("MTF"): A person who transitions from "male to female," meaning a person whose assigned sex at birth was male, but identifies and

lives as a female. A “male-to-female” individual should be addressed using feminine pronouns (i.e. she, her, hers), regardless of surgical status.

Transsexual: An older term that originated in the medical and psychological communities. Still preferred by some people who have permanently changed, or seek to change, their bodies through medical interventions (including but not limited to hormones and/or surgeries). While some members of the transgender community may still use the term “transsexual”, **this term may be offensive to some individuals**. Because many transgender people do not identify as transsexual and prefer the word *transgender*, it is best to ask which term an individual prefers.

#### IV. PROCEDURES:

##### A. Forms of Address:

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 shall use pronouns appropriate for that person’s gender identity (e.g., she, her, hers for a prisoner who is male to female; he, him, his for a prisoner who is female to male). If officers are uncertain about which pronouns are appropriate, then officers will respectfully ask the individual which term the individual prefers.

##### B. Calls for Service:

Calls for service or complaints generated by transgender individuals shall be addressed and investigated in a manner that is consistent with all Departmental policies. No officer shall fail to respond to a call for service or take appropriate action based on the gender identity, gender expression, or any other demographic characteristic of the caller.

##### C. Identification of Individuals on Official Records and Reports:

1. To minimize inconsistency or confusion, any individual listed on any official Departmental reports shall 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.
  - a. Persons without any government identification shall be identified according to their assigned sex at birth.
  - b. 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 shall be consulted and the report shall note how the final decision was reached.

2. Legal names are only relevant for purposes of accurate legal record keeping. In all other interactions, an officer should address the person using their adopted name.

D. Investigative Detention/Terry Stop:

1. Officers shall continue to use standard practices and procedures when conducting “Investigative Detentions” and “Pat Downs,” and shall abide by all Departmental policies and procedures. Additionally, a search or pat down shall not be performed for the sole purpose of determining an individual’s anatomical sex, and transgender individuals shall not be subject to more invasive search or pat down procedures than non-transgender individuals.
2. If a 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 apply to a non-invasive pat down search for officer safety reasons.
3. Remember: Officer and public safety is the first priority. If an officer of the same gender is not immediately available and it is imperative that an immediate search be conducted, any officer may conduct that search.

E. Prisoners:

1. Transportation:

- a. As with all prisoners, a transgender prisoner shall be transported alone when possible. In cases of multiple arrests, officers should make efforts to ensure that additional units are called to assist with the transporting of transgender individuals.
- b. When requested by a transgender individual, an officer of the individual’s gender identity will conduct the transport or be present for the transport, if possible.

2. Booking and Processing:

- a. The Booking Officer will book a transgender prisoner under the name appearing on the prisoner’s government-issued identification according to normal booking procedures and protocols. The adopted name (i.e. name that the individual uses in self reference) of the transgender prisoner will be listed as an a.k.a. or alias. If insufficient

identification is available, then the Booking Officer will book the prisoner based on the identification information listed in AFIS/eJusticeNY Integrated Justice Portal (eJustice) records, if such records exist. If a determination cannot be made, reference [Section C\(1\)\(b\)](#) above.

- b. If an officer finds a previous record for an arrestee (e.g., LiveScan, eJustice, CJIS, NCIC, or any other law enforcement database) that lists a different gender from what the arrestee is currently presenting, Shift Supervisor or Shift Commander will be notified.
- c. Prisoner logs and other documents used to keep track of prisoners while they are in custody shall identify transgender individuals as stipulated above. The individual's adopted name, as well as gender identity/expression, shall be noted so subsequent shifts of officers may address the prisoner as the prisoner wishes to be addressed.
- d. Transgender prisoners will not be placed in cells with other prisoners.
- e. Officers transporting a transgender detainee to another facility (court, jail, etc.) shall advise the personnel at the receiving facility of the housing preference and gender status of the detainee and ensure that all paperwork accompanying the prisoner adequately describes the gender-related identity issues that are presented. This information shall be relayed in a discreet, respectful, and timely manner.

3. Statement of Search Preference Form:

- a. A "[Statement of Search Preference Form](#)" shall be completed and signed by booking personnel for each transgender individual that is processed in the Department's Detention Facility.
- b. If the transgender individual authorizes the Department to forward the completed form to the facility taking custody of the individual, a copy of the form shall be given to the agency receiving the individual, and the original copy shall be retained. If the individual does not authorize the Department to forward the form, then the form shall be retained by the IPD records division.
- c. In compliance with HIPAA privacy and security regulations, the Statement of Search Preference Form shall not be released without the written consent of the prisoner listed on the form.

## F. Searches

The search will be conducted by officers of the same gender as the transgender prisoner's gender identity, (e.g., a female-to-male prisoner stating no preference of who to be searched by should be searched by a male officer). Whenever possible, searches of the transgender prisoner's person will be conducted by two officers of the gender requested by the transgender prisoner; if two officers of the preferred gender are not available, the search shall nonetheless be conducted by two available officers. Officers shall refer to Departmental policy on proper search procedures.

## G. Medical Treatment

Whenever a transgender individual expresses a need for medical attention, members shall handle the situation with the same urgency and respect as any other illness or injury to detainees and document any treatment that is provided.

## H. Use of Bathrooms

1. Officers shall permit a detainee to use gendered facilities that correspond to that individual's identity. A detainee shall not be required to use the restroom of such individual's designated sex at birth.
2. Options for reasonable restroom access may be limited by the physical set-up of the Department's facilities. Fortunately, any of the following options can be employed:
  - a. Single-occupant, gender-neutral restroom facilities.
  - b. Multiple-occupant, gender-segregated restroom facilities with lockable single-occupant stalls.