
Interaction with Transgender Diverse Individuals

432.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines that create mutual understanding, prevent discrimination and conflict, and ensure the appropriate treatment of transgender diverse individuals. These guidelines are created to ensure police contacts with transgender diverse individuals are professional, respectful and courteous.

432.2 CALIFORNIA LAW

SB-179 - Gender Recognition Act

SB-396 - Employment : Gender Identity, Gender Expression and Sexual orientation

These laws provide clarifications and protections to individuals and groups identifying as intersex, transgender, and non-binary (or gender nonconforming), or whose gender expression varies from societal norms.

432.3 DEFINITIONS

GENDER IDENTITY: One's innermost concept of self as male, female, a blend of both or neither - how individuals perceive themselves and what they call themselves. One's gender identity can be the same or different from their sex assigned at birth. Gender identification is fundamentally personal and should be respected.

GENDER EXPRESSION: External appearance of one's gender identity, usually expressed through behavior, clothing, and/or grooming and which may not conform to socially defined behaviors and characteristics typically associated with being either masculine or feminine.

TRANSGENDER DIVERSE: An umbrella term used to describe people whose gender identity or gender expression do not match the gender they were assigned at birth (CA SB-179). Even though many transgender people opt for medical intervention to physically conform to their gender identity, that is not always the case. Genital assignment should not determine a gender identity.

INTERSEX: an umbrella term used to describe natural bodily variations, which can include external genitalia, internal sex organs, chromosomes, or hormonal differences that transcend typical ideas of male and female.

NON-BINARY: An umbrella term for people with gender identities that fall somewhere outside of the traditional conceptions of strictly either female or male. People with non-binary gender identities may or may not identify as transgender, may or may not have been born with intersex traits, may or may not use gender-neutral pronouns, and may or may not use more specific terms to describe their genders, such as agender, genderqueer, gender fluid, Two Spirit, bigender, pangender, gender nonconforming, or gender variant.

PRONOUNS: Most common pronouns are:

- Masculine - HE/HIM/HIS

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- Feminine - SHE/HER/HERS
- Non-binary or Gender Nonconforming - THEY/THEM/THEIRS; some prefer no or less-known pronouns; in these cases refrain from using pronouns and use individual's preferred name.

432.4 POLICY

In the absence of exigent circumstances, these guidelines apply to all Department employees:

1. Do not use language that a reasonable person would consider demeaning to another person; in particular, language that references a person's gender identity, gender expression or sexual orientation;
2. Treat every person in a manner that reveals respect for the individual's gender identity and gender expression. This includes addressing individuals by their preferred name and using gender pronouns appropriate to the individual's gender self-identity and expression; and
3. Recognize that non-traditional gender identities and expressions do not constitute reasonable suspicion or prima facie evidence that an individual is or has engaged in any crime.

432.5 HOW TO ADDRESS AN INDIVIDUAL PERCEIVED TO BE GENDER DIVERSE

Challenging an individual's gender identity or expression can cause emotional distress and unnecessarily escalate tensions; use these steps as guidelines when gender identity is ever in question:

1. If a person self-identifies as a specific gender, respect the expressed gender and do not question it;
2. If the individual's gender is not obvious, simply ask their preferred name, gender identity, and pronouns; if the name given differs from their legal name, note preferred name as "AKA" on all reports and official documents. The following guidelines apply:
 - (a) If an individual is unable or unwilling to provide information that enables the officer(s) to know the preferred name and/or gender, then the officer(s) should make a determination about the person's gender based on the person's gender expression (i.e. clothing, language, demeanor, etc.) and any other evidence available.
 - (b) A Department of Motor Vehicles or any other form of government-issued identification (such as a passport) shall be accepted as initial proof of gender identity in the absence of self-identification.
 - (c) Any information obtained about an individual's gender status, such as preferred name and pronoun, should be documented and provided to relevant Department employees for the purpose of ensuring continuity of appropriate treatment; and
 - (d) Under no circumstances shall Department employees disclose to non-involved persons an individual's gender status. As with other policies, a "need to know" basis should guide decisions about disclosure.

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432.6 FIELD SEARCHES INVOLVING GENDER DIVERSE INDIVIDUALS

1. A search or frisk shall not be performed for the sole purpose of determining an individual's anatomic gender.
2. Gender Diverse individuals shall not be subjected to more invasive search or frisk procedures than anyone else.
3. Officers should not inquire about intimate details of an individual's anatomy or surgical status to determine an individual's gender. This requirement can change for purposes of booking, as addressed in policies on booking.
4. Requests to remove appearance-related items such as prosthetics, clothing that conveys gender identity, wigs, and cosmetics shall be consistent with requirements for the removal of similar items for any other individual.
5. When an arresting officer has reason to believe that the arrestee is a gender diverse person, the officer shall specifically inform the arrestee that, as with any other arrestee, they must be searched. Ask the arrestee if there is a preference to be searched by a male or a female officer and document this preference in the report. If the arrestee's gender request can be reasonably and expeditiously accommodated without risk to officer safety, the request should be granted.
6. An officer shall not refuse to search an arrestee based upon the arrestee identifying as gender diverse.
7. When an immediate cursory search for weapons is necessary for safety, it may be conducted in the field by an officer of any gender.