

<b>University of Pennsylvania Police Department</b> 4040 Chestnut Street, Philadelphia, Pa 19104		 
<b>Directive:</b> 112	<b>Subject:</b> Interactions with Transgender Individuals	<b>Effective Date:</b> 08/06/2019
<b>Order of:</b> Gary Williams, Chief of Police		<b>Amended Date:</b> 08/01/2023

**I. Purpose**

This directive established policies for interactions with transgender individuals to provide for the safety of police officers and citizens, and for the protection of the constitutional rights of the citizen in all official interactions.

**II. Policy**

Consistent with the University of Pennsylvania Police Department Mission statement, personnel shall safeguard the rights of all people, without consideration to a person’s actual or perceived race, color, sex gender, gender identity/expression, religious creed, sexual orientation, age, national origin, ancestry, handicap or disability. Officers shall not exhibit any bias or prejudice, or discriminate against an individual or group of members based on their actual or perceived sexual orientation, gender or gender identity/expression. Officers shall address the public using pronouns, titles of respect, and preferred names as expressed by the individual. Officers shall not use discourteous or disrespectful remarks regarding another person’s actual or perceived ethnicity, race, religion, gender, gender identity/expression, sexual orientation, or disability.

**III. Scope**

This directive shall affect all sworn police officers.

**IV. Definitions**

- A. **Gender:** The term “gender” shall include a person’s actual or perceived sex and shall also include a person’s gender identity, self-image, appearance, behavior, or expression, whether or not that gender identity, self-mage, appearance, behavior or expression is different from what is traditionally associated with the legal sex assigned to that person at birth.
- B. **Transgender:** Transgender is an umbrella term for people whose gender identity or expression is different from cultural expectations associated with their assigned sex at birth. “Trans” is shorthand for “transgender.” Transgender is an adjective, not a noun; thus “transgender people” is appropriate, but “transgender” is disrespectful. Being a transgender does not imply

any specific sexual orientation; therefore, transgender people may identify as straight, gay, lesbian, bisexual, etc.

1. **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.
  2. **Cross-dressers**: Individuals whose gender identity matches their birth-assigned sex, but who sometimes prefer to wear clothes 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.
  3. **Transsexual**: This term originated in the medical and psychological communities and is used to refer to individuals who wish to change, or have change their birth-assigned sex, through hormones, surgery or other physical procedures.
- C. **Gender Identity**: Ones innermost concept of self as a male, female, a blend of both or neither; how individuals perceive themselves and what they call themselves. Ones gender identity can be the same or different from the sex assigned at birth.
- D. **Gender Expression**: External manifestations and appearance of gender identity; frequently expressed through one’s name, behavior, pronoun, clothing, hair, voice or body characteristics, which may or may not conform to socially defined behaviors and characteristics typically associated with being either masculine or feminine.
- E. **Sexual Orientation**: A term describing a person’s inherent or immutable emotional, romantic, or sexual attraction to other people.
- F. **Sexual Reassignment Surgery (SRS)**: The surgical procedure used to medically assist an individual’s transitioning from one sex to another. A person can be transgender and not have SRS. Not all transgender people chose to or can afford to have SRS. “SRS” is preferred term as compared with the term of “sex change operation”.
- G. **Transman**: A person born with female genitalia at birth who knows himself to be male, and who lives as male/a man.
- H. **Transwoman**: A person born with male genitalia who knows herself to be female, and who lives as a female/a woman.
- I. **Gender non-conforming**: A broad term referring to people who do not behave in a way that conforms to the traditional expectations of their gender, or whose gender expressions do not fit neatly into a category. Related terms include genderqueer, non-binary, androgynous, and gender-variant.
- J. **Biphobia**: Prejudice, fear, or hatred directed towards bisexual people.

- K. **Sex:** A biological term referring to the genitalia and reproductive anatomy of a person at birth.
- L. **Cisgender:** A term used to describe a person whose gender identity aligns with those typically associated with the sex they were assigned at birth.

## V. Professional Guidelines

### A. Officers shall:

1. Use pronouns as requested by the individuals (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);

**Note:** If officers are uncertain by which gender the individual wishes to be addressed, they will respectfully ask the individual for clarification (e.g. “Do you prefer to be referred to as “she” or “he”?” or simply ask, “What are your pronouns?”)

2. When requested, address the individual by the name based on their gender identity rather than what which is on their government issued identification.

### B. Officers shall **not**:

1. Stop, detain, frisk, or search any person for the purpose of determining that person’s gender.

**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), either require a proof of an individual’s gender or challenge an individual’s gender identity/expression.
3. Use language that a reasonable person would consider demeaning or derogatory; in particular, language aimed at a person’s actual or perceived gender, gender identity/expression, or sexual orientation.
4. Disclose an individual’s gender identity or sexual orientation to other arrestees, members of the public, or other governmental personnel, absent a proper law enforcement purpose.
5. Make assumptions about an individual’s sexual orientation based upon an individual’s gender or gender identity/expression.
6. Use a person’s gender or gender identity/expression alone as reasonable suspicion that the individual is, or has engaged in a crime.

## VI. 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. For the purposes of listing gender on citations, arrest report, and other official documentation, officers shall use the designation listed in the most recent records in official government databases, starting with BMV records.
  2. For purposes of listing the arrestee's name, officers shall write an individual's name as it appears on the individual's government-issued identification card. If the arrestee identifies himself or herself using a different name, that name shall be listed within the alias section of the arrest paperwork.
- B. The exceptions to the government-issued identification card policy are those arrestees who have had gender conforming/affirming surgery from:
1. male-to-female will be processed as a female;
  2. female-to male will be processed as a male.
- C. In the event that a government-issued identification card is unavailable, the following criteria will be used to determine the gender. If the arrestee states they:
1. have male genitalia, the arrestee will be classified as a male;
  2. do not have male genitalia, the arrestee will be classified as a female.

## VII. Procedures

### A. Searches

1. All searches will be conducted by officers of the same gender as the detainee, based on the gender guidelines in Section V of this directive and in accordance with established department procedures.

**Exceptions:** If an officer of the same gender is not immediately available, and it is imperative that an immediate search be conducted, officers will not endanger themselves or the public to comply with this requirement.

- a. Prior to search, officers are to first refer to the arrestee's government-issued identification. In the event the identification card is unavailable, officers will refer to the identification information listed in the BMV database. If the subject does not have any government-issued identification, officers will be guided by the following information:
  - 1) Arrestees who stated they do not have male genitalia, and do not have any government-issued identification in their possession will generally be searched by female officers.
  - 2) Arrestees who state they do have male genitalia, and do not have any government-issued identification in their possession will generally be searched by male officers.

2. Officers taking individuals into custody or conducting searches will be responsible for conducting a thorough search in accordance with departmental directives.
  - a. The gender of the officer(s) performing searches of the individuals, including searches incident to arrest, prior to transport or within a designated holding facility, will be based on the gender guidelines as outlined in this directive.
  - b. When requested by a transgender individual, a UPPD officer of the individuals gender identity or expression will be present, when practical, to observe the search. Supervisor should be notified, and present if possible.
  - c. All searches shall be documented with reason for search on all paperwork.
3. Whenever a transgender person, who is detained by, or in the custody of UPPD requires or expresses a need for medical attention or medication (including, but not limited to hormone therapy), an officer shall address the need with the same urgency and respect as required in connection with any other medical need, illness, or injury experienced by any other detainee or arrestee.
4. The possession of a needle which is purported to be for hormonal use will not be presumed to be evidence of criminal misconduct, especially if the person being stopped or arrested has documentation from a physician confirming it is being used for legitimate medical treatment.

#### **VIII. Transportation, Detention, And Processing**

- A. Whenever practical, transgender arrestees will be transported alone by a prisoner transport EPW or RPC. In situations of mass arrest, or where individual transport is not practical, transgender arrestees will be transported by gender classification, as outlined in this directive.
- B. In the event a transgender individual requires immediate medical care or medication, including hormone therapy, the individual shall be transported to the nearest medical facility to be treated by a physician.
- C. Whenever possible, a transgender prisoner shall be held in a cell without other prisoners. Supervisors shall make all efforts to ensure that the prisoner is held without other prisoners.
- D. All interactions with juvenile transgender individuals shall conform to the mandates set out by this policy. This policy does not affect any other provisions outlined in UPPD **Directive 39, "Juvenile Operations"**.

#### **IX. Compliance**

Violations of this directive, or portions thereof, may result in disciplinary action.

#### **X. Officers Assigned To Other Agencies**

Officers of this department assigned to or assisting other law enforcement agencies will be guided by this directive.

## **XI. Application**

This directive constitutes department policy, and is not intended to enlarge the employer's or employee's civil or criminal liability in any way. It shall not be construed as the creation of a higher legal standard of safety or care in an evidentiary sense with respect to third party claims insofar as the employer's or employee's legal duty as imposed by law. Violations of policy 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.

## **Citation**

Definitions were cited from "Responding to Sexual Violence in LGBTQ+ Communities" sponsored by the International Associations of Chiefs of Police.