

**METROPOLITAN POLICE DEPARTMENT – CITY OF ST. LOUIS
OFFICE OF THE POLICE COMMISSIONER
SPECIAL ORDER**

Date Issued: March 17, 2017 **Order No.:** SO 1-08
Effective Date: March 17, 2017 **Expiration:** Indefinite

Reference:

CALEA Standards:

Cancelled Publications:

Subject: INTERACTION WITH TRANSGENDER INDIVIDUALS

To: ALL BUREAUS, DISTRICTS AND DIVISIONS

PURPOSE: To provide information concerning employee interactions with transgender and gender non-conforming individuals.

By Order of:



D. SAMUEL DOTSON
Colonel
Police Commissioner

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A. INTRODUCTION

This policy applies to all employees and establishes guidelines for the appropriate treatment of transgender individuals who come into contact with the Department. Employees will consider a person to be transgender if the person identifies themselves as transgender or, if upon reasonable belief that a person may be transgender, the officer asks and receives an affirmative response. Officers will use their own discretion whether or not to ask a person of their gender identity. The policy of the Department is to treat all individuals with dignity, respect, and professionalism.

B. DEFINITIONS

1. Adopted/Chosen Name – Non-birth name that a transgender individual uses in self-reference (this may or may not be the individual’s legal name).
2. Gender Expression – External characteristics and behaviors that are socially viewed as masculine, androgynous, or feminine. Gender expression is the external manifestation of one's gender identity.
3. Gender Identity – A person's gender-related identity, appearance, or behavior. This may be different from what is traditionally associated with the person's physiology or assigned gender at birth.
4. Sex – An individual's biological or anatomical identity as male, female, or intersex.
5. Transgender Individual – A person whose gender identity differs from their assigned sex.
6. Transgender Man or Female-to-Male (FTM) – A person who transitions from female to male, meaning a person who was assigned female at birth, but identifies and lives as male or as a man. A female-to-male individual should be addressed using masculine pronouns (i.e. he, him, his), regardless of surgical status.
7. Transgender Woman or Male-to-Female (MTF) – A person who transitions from male to female, meaning a person who was assigned male at birth, but identifies and lives as female

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

8. Intersex – People who possess or develop physical sex characteristics that do not fit into conventional medical definitions of male or female. This can include chromosomes, genitals, hormones and more. Intersex people have been referred to in the past as "hermaphrodites." However, "Intersex" is the preferred term.
9. Gender Non-Conforming – A person's physical appearance, characteristics and/or behaviors that do not conform to those typically associated with the person's sex at birth or traditional societal gender expression. Some transgender people may not identify as male or female.

C. NON-DISCRIMINATION POLICY

1. Employees will, at all times, comply with the Department's and the City of St. Louis' non-discrimination policies.
2. Employees will not discriminate when handling calls for service.
3. Calls for service or complaints generated by transgender individuals will be addressed or investigated in the same manner as requests for service or complaints made by any other person. An Officer will not fail to respond to a complaint or call for service on the basis of the caller's or complainant's transgender status, and a member shall not commence an investigation of a complainant or caller simply because the complainant or caller appears to be a transgender individual.

D. ADOPTED NAME AND PREFERRED PRONOUNS

1. Employees will use the adopted name, even if that name is not legally recognized, in all conversations with the transgender individual or any other person when referring to the transgender individual.
2. In addition, when addressing or referring to a transgender individual, employees will use pronouns preferred by the individual.
3. If employees are uncertain about which pronouns are appropriate, employees will respectfully ask the individual which pronouns are preferred.
 - a. She, her, hers for an individual who is a transgender woman;
 - b. He, him, his for an individual who is a transgender man; and
 - c. They, them, their for an individual who is gender non-conforming and/or prefers gender-neutral pronouns.
4. When completing official Department documents, the officer will include a transgender individual's adopted name as the Also Known As (A.K.A) name.
5. When booking a transgender individual into jail, officers will book the individual under the legal name and enter any adopted name as the A.K.A. name.

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6. If no identification is available, and the arresting officer cannot determine a transgender individual's legal name, officers will use the adopted name for either the primary or the A.K.A. name.

E. LAWFUL STOP, SEARCH, AND ARREST

1. Transgender status is never by itself a lawful basis for a stop, search, or arrest.
2. During investigative stops or detentions, officers will treat a transgender individual in a manner appropriate to the individual's gender presentation. Officers will address transgender individuals by their chosen, preferred, and/or gender appropriate names, and will use pronouns appropriate to the gender asserted and/or expressed.
3. Except when legally necessary, members will not require proof of an individual's gender and will not challenge an individual's gender identity.

F. SEARCHES

1. Officers will not conduct any searches to determine an individual's sex.
2. Officers will not subject transgender individuals to more invasive pat-down and/or search procedures than non-transgender individuals.
3. Two officers will be present for searches of transgender individuals.

EXCEPTION: Under emergency circumstances, one officer may perform a search and document the reason for doing so.

4. Officers will inform transgender individuals of their right to express a preference of officer gender for searches.
 - a. Absent exigent circumstances, before performing any level of search of transgender individuals, officers will inform them of the right to express a preference for the gender of the officer who will conduct the search.
 - b. If the transgender individual has a preference, at least one officer of the gender requested will conduct the search, whenever possible.
 - c. Officers must take into account the reasonableness of any delay created by waiting for another officer. If an officer of the preferred gender is not available, officers will proceed with the search.
 - d. If the transgender individual does not specify a preference, at least one officer of the same gender as the transgender individual's gender expression will conduct the search.
 - e. When in doubt regarding any searches of a transgender individual, officers will call a supervisor to the scene prior to searching.

G. APPEARANCE-RELATED ITEMS

Officers will not seize or remove appearance-related items, such as clothing and undergarments, wigs, prosthetics, or make-up if those items would not be confiscated from non-transgender individuals.

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H. TRANSPORT

- a. Officers will transport and house transgender individuals alone, whenever possible.
- b. If necessary, officers will call additional officers to the scene to assist with transporting transgender individuals.
- c. Officers will house transgender suspects/prisoners in holding cells alone whenever possible.
- d. If there are no individual holding cells available, a supervisor will make arrangements for the transgender suspect/prisoner to have a cell, be transported, or released.

I. TRANSFERRING CUSTODY

- a. When officers transport a transgender individual to the City Justice Center or otherwise transfer custody to another law enforcement agency, the officers will verbally advise the receiving agency/officer that the individual is transgender.
- b. The officer will relay any other relevant identification-related information, including how the individual would like to be addressed.

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