



INTERACTIONS WITH TRANSGENDER AND GENDER NON-CONFORMING PERSONS		
✓ new: rescinds: amends: All previous		cross-reference: accreditation standards: NYSLEAP Standard(s):
effective date: April 3rd, 2019	amend date:	

I. PURPOSE

The Tompkins County Sheriff’s Office recognizes and places a high priority on the rights of all people. This policy establishes a procedure for handling interactions with transgender and gender non-conforming persons.

II. DEFINITIONS

Adopted Name: This is a non-birth name that a transgender person uses in self-reference. This may or may not be the individual’s legal name, and may or may not be the same name that the transgender person’s personal documents (i.e. driver’s license, passport, etc.) reflect. Be aware that the use of an adopted name does not automatically equate to an attempt to hide one’s legal identity or that the individual is misrepresenting his or herself.

Cross-Dressing: To occasionally wear clothes traditionally associated with people of the other sex. Cross-dressers are usually comfortable with the sex they were assigned at birth and do not wish to change it. “Cross-dresser” should not be used to describe someone who has transitioned to live full-time as the other sex or who intends to do so in the future. Cross-dressing is a form of gender expression and is not necessarily tied to sexual orientation.

Cisgender: A term used to describe a person whose gender identity aligns with those typically associated with the sex they were assigned at birth.

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

Gender Dysphoria: Clinically significant distress caused when a person's assigned birth gender is not the same as the one with which they identify. According to the American Psychiatric

Association's Diagnostic and Statistical Manual of Mental Disorders (DSM-V), the term which replaced Gender Identity Disorder "is intended to better characterize the experiences of affected children, adolescents, and adults."

Gender-Nonconforming: A broad term used to describe some people whose gender expression is different from conventional expectations of masculinity and femininity. **Please note that not all gender non-conforming people identity as transgender; nor are all transgender people gender non-conforming.** Many people have gender expressions that are not entirely conventional- the fact alone does not make them transgender. Many transgender men and women have gender expressions that are conventionally masculine and feminine. Simply being transgender does not make someone gender non-conforming. The term is not a synonym for transgender or transsexual. Related terms include genderqueer, nonbinary, androgynous, and gender-variant.

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

LGBTQ+: An acronym used to refer to all sexual minorities: "Lesbian, Gay/Gender Neutral /Gender Queer, Bisexual/Bigender, Transgender/Transvestite/Transsexual, Questioning/Queer, Intersex and Allies/Androgynous/Asexual." List may not be exhaustive.

Misgendering: The accidental or deliberate use of a name or gender pronouns that do not reflect the gender with which an individual identifies.

Outing: Exposing someone's lesbian, gay, bisexual or transgender identity to others without their permission. Outing someone can have serious repercussions on employment, economic stability, personal safety, or religious or family situations.

Sex: A biological term referring to the genitalia and reproductive anatomy a person has at birth.

Sexual Orientation: Describes an individual's enduring physical, romantic and/or emotional attractions to another person. Gender identity and sexual orientation are not the same. Transgender people may be straight, lesbian, gay, bisexual, etc. For example, a transgender woman who transitioned from male to female and is attracted to other women would be identified as a lesbian or a gay woman.

Transgender: 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 "transgenders" is disrespectful. Being transgender does not imply any specific sexual orientation; therefore, transgender people may identify as straight, gay, lesbian, bisexual, etc.

Transgender Man (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 a male. A

transgender man should be addressed using masculine pronouns (i.e he, him, his), regardless of surgical status.

Transgender Woman (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 a female. A transgender woman should be addressed using feminine pronouns (i.e. she, her, hers), regardless of surgical status.

Transphobia: The fear and hatred of, or discomfort with, transgender people.

III. **PROCEDURE**

A. Patrol Intersections with Transgender and Gender-Nonconforming Individuals:

All Sheriff’s Office personnel are to interact with transgender and gender non-conforming persons and the entire LGBTQ+ community in a manner that is professional, respectful, and courteous. Calls for service or complaints generated by a person of this community shall be addressed and investigated in a manner that is consistent with all Office policies. No member shall fail to respond to a call for service based on the gender identity or expression of the caller. Deputies are cautioned not to treat a person’s transgender status or gender non-conforming appearance as a basis of suspicion or as evidence of a crime.

1. Deputies shall follow the policies governing interactions with transgender and gender non-conforming people when either of these three conditions are met:
 - a) A person explicitly informs the officer(s) that the person is a transgender person.
 - b) An officer has good reason to believe that the person is a transgender person. Good reason may be based on apparent intention of gender appearance and presentation; reasonable observation; background checks; third party information; prior interaction, routine policing procedures and/or knowledge and experience.
 - c) Gender expression does not clearly indicate a person’s gender identity.
2. If gender expression does not clearly indicate a person’s gender identity, a deputy may politely and respectfully ask how the person wishes to be addressed. For example, a deputy may ask a person which name and pronoun the person prefers.
 - a) A deputy may misidentify someone’s gender (“misgendering”) and be corrected by that person without that person being transgender. A deputy should not engage in any argument, disagreement, or debate regarding a person’s self-identification as male and/or female. The deputy should respectfully apologize and begin to address that person by the name and/or pronoun the person requested to be addressed by, throughout the interaction.
3. When a person self-identifies as a transgender person, deputies should not question their identity or ask about the person’s transition status. A deputy should not engage in any argument, disagreement, or debate regarding a person’s self-identification as a

- transgender person. If an officer does question such self-identification, or asks about a person's transgender status, that officer shall provide a compelling, professional, and articulable reason for having done so. The reason(s) shall be properly documented in writing in the form of a police report, at minimum.
4. A deputy should not ask questions or make statements about a transgender person's genitalia, breasts, or transition status. If an officer does ask such questions or make such statements, that officer shall provide a compelling, professional, and articulable reason for having done so. The reason(s) shall be properly documented in writing in the form of a police report, at minimum. (Arrest processing and cell block placement will be considered one of those justifications.)
 5. Whether or not the name on a person's driver's license or identification card coincides with the person's gender identity, an officer shall address or refer to the person by the name that the person has used to identify him or herself. A deputy shall also use the pronouns consistent with the name provided by the person.
 6. This Office recognizes and places a high priority on the rights of all individuals guaranteed under the Constitution and the laws of this state. Under no circumstances may a deputy frisk, search, or otherwise touch any person for the purpose of obtaining information about that person's gender status. A deputy shall comply with all existing laws and Office policies regarding search and seizure. Under no circumstances shall transgender people be subject to more invasive search procedures than non-transgender people.
 7. For the purposes of Stops and Frisks, Exigency Searches, Consent Searches, Personal Searches Pursuant to a Warrant all other lawful searches of a person, deputies shall continue to use standard practices and procedures when conducting these searches. In effecting the search of a transgender person, the search ideally and where possible should be conducted by a deputy consistent with the gender identity of the transgender person, unless otherwise requested by the subject. If searching deputies are uncertain as to the subject's gender identity, then deputies will respectfully and in a professional manner ask the individual as to what is their preference is with respect to the sex of the searching deputy. At least two deputies should be present for these searches when possible. It is understood that the dynamic, fluid and emergent nature of some situation are such that immediate searches are necessary to preserve deputy and public safety and to prevent the destruction of evidence. Accordingly, searches may be undertaken by a deputy of any sex when made necessary by these emergent conditions.

B. Determination of Legal Name:

In the event a transgender person's legal name is required, the person's legal name should be obtained in the following manner:

1. Absent extenuating circumstances, an officer should ask the person for his or her legal name in a one-one situation. If the contact is in a group environment, the deputy should ask the person to step outside the group to obtain the legal name to avoid "outing" the person. If a deputy asks a transgender person for his or her legal name in the presence of

others, that officer shall provide compelling, professional, and articulable reason for having done so. The reason(s) shall be properly documented in writing in the form of a police report, at minimum.

C. Transgender Arrestees:

1. Transportation:

Whenever possible, a transgender arrestee shall be transported alone. If it is necessary to transport multiple arrestees, the transgender person may be transported with other arrestees consistent with the gender identity of the arrestee, with supervisor authorization and all safety and security measures taken; i.e. seatbelts and time and mileage called into Dispatch/Control over the air.

2. Arrest Processing:

If an appearance ticket needs to be issued, the deputy should ask the arrestee for their government-issued identification. If no identification is available, then the deputy should ask the person for his or her legal name. It should be professionally and respectfully explained that we are constrained to use the name and information that is shown on a person's government-issued identification when completing official paperwork. However, the deputy will continue to address the person by the name and/or pronoun the transgender person requests to be addressed by throughout the interaction.

3. Secondary Searches of Transgender Subjects

If it is determined the subject is a transgender person, members will search consistent with the gender identity of the arrestee, unless otherwise requested by the subject. If the gender identity is unclear, the member will respectfully ask how the person would like to be referred to, and by which gender deputy the person would prefer to be searched. Alternatively, a search may be conducted jointly by a male and female officer for individuals that may be in transition.

4. Medical Treatment of Transgender Arrestees:

Whenever a transgender person who is detained by or in the custody of this Office requires or expresses a need for medical attention or medication, the request shall be addressed 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.

5. Use of Bathrooms:

Deputies shall permit an arrestee to use gendered facilities that correspond to an individual's gender identity, regardless of the person's sex assigned at birth. In the case of transgender or gender non-conforming individuals, the decision about which restroom to use will be left to the individual to determine the most appropriate and comfortable option for them.

Options for reasonable restroom access may be limited by the physical set-up of the Office's facilities. Fortunately, any of the following options can be employed:

- a) Single-occupant, gender-neutral (unisex) restrooms facilities.
- b) Multiple-occupant, gender-segregated restroom facilities with lockable single-occupant stalls.

6. Booking (Road Patrol):

The booking deputy will process transgender arrestees, including juveniles held in custody of this Office according to normal booking procedures. As always, the booking deputy will conduct the booking proceeding in a manner that preserves the dignity of the arrestee without undue embarrassment to the person. The transgender prisoner is to be booked with the appearance that is consistent with the manner in which that individual was arrested (for example, hair pieces should not be removed). The transgender arrestee will be booked under the name/information appearing on the arrestee's government-issued identification. The booking deputy will include the arrestee's adopted name (i.e. name that the individual uses in self-reference) in the booking as the "also known as" (A.K.A.) name. It should be professionally and respectfully explained that we are constrained to use the name and information that is shown on a person's government-issued identification when completing official paperwork. However, the deputy will continue to address the person by the name and/or pronoun the transgender person requests be addressed by throughout the interaction.

D. Juvenile Transgender Individuals:

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 applicable directives and laws covering the processing and handling of juveniles. *See GO 1004 Juvenile Contact & Arrest Procedures.*

- E. Protection of Privacy: Under no circumstances should a deputy disclose that a person is transgender to non-police personnel or to other non-relevant Sheriff's Office personnel. If a deputy does disclose such information as described, that officer shall provide a compelling, professional, and articulable reason for having done so. The reason(s) shall be properly documented in writing in the form of a police report, at minimum.

E. Confidentiality:

If a person has self-identified as transgender, this information may be recorded in public documents. If the person has not self-identified as transgender, this information should not be recorded in public documents. If a deputy does record such information in any public document, that deputy shall provide a compelling, professional, and articulable reason for having done so. The reason(s) shall be properly documented in writing in the form of a police report, at minimum.

All information relative to arrest and police investigations, in include photographs, is in varying degrees, considered to be Criminal History Record Information (CHRI). As such, information of

this nature is to be kept confidential and excluded from public record. As this information is protected by federal and state law and by the rules and regulations of this department, improper disclosure of this sensitive information is prohibited.

By Order Of

A handwritten signature in black ink, appearing to read "Derek Osborne".

Derek Osborne
Sheriff