



# CLEVELAND DIVISION OF POLICE

## GENERAL POLICE ORDER



<b>EFFECTIVE DATE:</b> FEBRUARY 2, 2021	<b>CHAPTER:</b> 5 – Field Investigations	<b>PAGE:</b> 1 of 4	<b>NUMBER:</b> 5.12.05
<b>SUBJECT:</b> INTERACTION WITH TRANSGENDER, INTERSEX, AND GENDER NON-CONFORMING INDIVIDUALS			
<b>CHIEF:</b> <i>Calvin D. Williams, Chief</i>			

**PURPOSE:** To establish Division of Police guidelines for interactions with transgender, intersex, and gender non-conforming (TIGN) individuals.

**POLICY:** *It is the policy of the Cleveland Division of Police* that all interactions with TIGN individuals be conducted with courtesy, dignity, and respect, which is inherently due to every human being. Members shall safeguard all people's rights in a manner free from bias, consistent with the General Police Order 1.07.08 Bias-Free Policing.

### DEFINITIONS

**Preferred/Chosen Name** - term a transgender individual uses to identify himself/herself/themselves, which may or may not be the individual's legal name.

**Gender Expression** - the external appearance of an individual's gender identity, usually expressed through behavior, clothing, hairstyle, or voice, which may or may not conform to socially defined behaviors and characteristics typically associated with being either masculine or feminine.

**Gender Identity** - an individual's innermost concept of self as a male, female, a blend of both or neither – how individuals perceive themselves and what they call themselves. An individual's gender identity can be the same or different from their sex assigned at birth.

**Gender Non-Conforming** - individuals who do not have the physical appearance, characteristics, and/or behaviors that conform to those traditionally associated with the person's sex assigned at birth and/or traditional societal gender expression.

**Intersex** - a person whose sexual or reproductive anatomy or chromosomal pattern does not fit typical male or female definitions.

**LGBTQ** - Lesbian, Gay, Bi-Sexual, Transgender, Questioning/Queer.

**Non-Binary/Gender Fluid** - an adjective that describes a person who does not identify as either a man or a woman but identifies their gender as encompassing multiple genders or outside the man/woman system of gender classification.

**Sexual Orientation** - a term describing a person's enduring romantic, emotional, and/or sexual attraction to members of the same gender and/or a different gender.

**TIGN** - Transgender, Intersex, Gender Non-Conforming.

**Transgender** - a person whose gender identity is different from the person's assigned sex at birth.

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## PROCEDURES:

### I. Professional Interaction Guidelines

#### A. Members shall

1. With courtesy and professionalism, respectfully treat individuals in a manner appropriate to the individual's gender or gender identity/expression.
2. When addressing or discussing TIGN subjects, use the pronouns appropriate for the subject's gender identity or the pronouns the individual chooses to use. (e.g., she, her, hers for individuals who self-identify as a woman; he, him, his for individuals who self-identify as a man; they, them, and theirs for individuals who do not identify as either man or woman).
3. When a situation arises that involves the need to clarify gender identity, respectfully and discreetly inquire as to how the subject would like to be addressed (e.g., "sir," "Miss," "Ms.") and the preferred/chosen name by which the individual would like to be addressed. This name shall be documented as an alias if it differs from the individual's legal name.
4. When requested by a subject, address them by their preferred/chosen name rather than the name appearing on their government-issued identification.

#### B. Members shall not

1. Use harassing, intimidating, or derogatory language verbally, in writing, or by gesture concerning an actual or perceived gender, gender identity/expression, or sexual orientation.
2. Require proof of a subject's gender or challenge a subject's identity/expression except when legally necessary (i.e., processing an arrest, completing reports/citations).
3. Disclose a subject's gender identity or sexual orientation to other arrestees, members of the public, or government personnel, absent a proper law enforcement purpose.
4. Without providing details regarding a pertinent criminal investigation, disclose to parents or guardians sensitive information they discover about a juvenile's gender identity/expression or sexual orientation. This information shall be kept private to avoid placing the juvenile at increased risk for violence or rejection in the home and allowing the juvenile to choose whether to provide the information.
5. Make assumptions about a subject's sexual orientation based upon a subject's gender or gender identity/expression.

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6. Use a subject's gender identity/expression alone as reasonable suspicion that the individual is or has engaged in a crime, including prostitution.
7. During field encounters, request an individual to remove appearance-related items such as wigs, clothing, prosthetics, or make-up that convey gender identity unless there is an articulable and specific law enforcement reason to do so.

## II. Gender Classification Guidelines for TIGN Subjects for Data/Report Purposes

- A. A subject's sex shall be classified as it appears on the subject's governmental issued identification card or governmental databases.
  1. For purposes of listing sex and name when required on citations, incident reports, arrests, and other official documentation, members shall use the designation listed in the most recent records in official government databases, starting with LEADS. Enter any preferred/chosen name as an alias name, if available.
  2. When completing a narrative for incident reports that include TIGN subjects, officers shall note the subject's legal information in the report; however, the subject's preferred/chosen name and personal pronouns shall be used to complete the body/narrative of the incident report.
  3. If there is uncertainty regarding the appropriate classification of a subject's sex, officers shall respectfully request the arrestee's sex.

## III. Stops, Searches and Transportation of TIGN Subjects

### A. Stops and Searches

1. Members shall not stop, detain, frisk, or search a person in whole or part to determine that person's gender or to call attention to the person's gender expression.
2. Members shall be aware that the presence of needles may be indicative of prescribed hormone treatment and/or therapy and is not necessarily indicative of illegal drug possession, use, or drug paraphernalia.
  - a. If a strip or body cavity search is to be conducted, the procedures outlined in GPO 2.02.04 Strip Searches and Body Cavity Searches shall be followed.
3. Members shall conduct custodial searches respectfully and, when possible, be conducted by officers of the same gender/gender identity as the arrestee.
  - a. If an officer is uncertain regarding an arrestee's gender/gender identity, officers shall respectfully request the arrestee's gender/gender identity.

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- b. If an officer needs to conduct a custodial search, the officer shall request an officer of the same gender/gender identity as the arrestee to conduct the search. If an officer of the same gender/gender identity is not available, an officer of any gender shall witness the search.
- i. The witnessing officer shall position themselves to capture the entire search on their Wearable Camera System.
- c. An officer may conduct a custodial search of an individual of any gender/gender identity, if the delay in getting a second officer on scene may result in the loss of evidence, escape of the subject, or harm to officers or the public.

#### B. Transporting

- 1. Officers shall transport TIGN arrestees with other arrestees of the same self-identified gender unless all arrested persons are handcuffed in a two-member vehicle with the non-driving officer continually monitoring the arrestees, and one or both of the following apply:
  - a. Officers are transporting arrestees from the scene of a crime in instances arising from the same criminal conduct (e.g., mass arrests, a male and female arrested for the same theft, etc.).
  - b. Officers are transporting arrestees for emergency medical treatment, and there is a medical necessity to transport males, females, and juveniles together.
- 2. When officers transport a TIGN subject to the Cuyahoga County Correction Center or otherwise transfer custody to another law enforcement agency, the officers will verbally advise the receiving agency/officer that the subject is a TIGN subject.
- 3. Officers shall relay all relevant identification-related information in a respectful and private manner, including how the subject would like to be addressed.

#### IV. Training

- A. TIGN/LGBTQ training shall be incorporated in the Division's bias-free, investigatory stops, search and seizure, and strip search/body cavity search training.
- B. The Division's LGBTQ Liaison shall solicit feedback from members of the TIGN/LGBTQ community on relevant training materials and incorporate the feedback into future training.