



# SACRAMENTO POLICE DEPARTMENT GENERAL ORDERS



## 212.01 INTERACTIONS WITH TRANSGENDER AND GENDER DIVERSE PEOPLE 07-17-2023

### PURPOSE

The purpose of this order is to establish procedures for handling interactions with transgender and gender diverse members of the public.

### POLICY

It shall be the policy of the Sacramento Police Department (SPD's) to treat all individuals with dignity and respect.

### GENERAL

#### A. DEFINITIONS

1. **TRANSGENDER PERSON:** An umbrella term for a person whose gender identity differs from their assigned sex.
2. **SEX ASSIGNED AT BIRTH:** Refers to the sex a person was told they are at birth, usually determined by an infant's genitalia.
3. **GENDER IDENTITY:** A person's internal sense of self as it relates to gender - male, female, or a multitude of other identities. 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.
4. **CHOSEN/ADOPTED NAME:** Non-birth name that a transgender or gender diverse individual uses in self-reference (this may or may not be the individual's legal name).
5. **DEADNAME:** Is the birth name of someone who has changed it. The term is often used by people who are transgender and elect to go by their chosen name instead of their given name or "legal name" on a government issued identification card.
6. **GENDER EXPRESSION:** How a person externally expresses their gender through behavior, clothing, haircut, or voice, which may or may not conform to socially defined behaviors and characteristics typically associated with being either masculine or feminine.
7. **GENDER DIVERSE:** A term to describe the spectrum of genders outside of the traditional binary genders.
8. **TRANSGENDER WOMAN:** A person whose sex assigned at birth was male but who understands herself to be, and lives her life as, a woman.
9. **TRANSGENDER MAN:** A person whose sex assigned at birth was female but who understands himself to be, and lives his life as, a man.
10. **NON-BINARY/GENDER NON-CONFORMING:** A person who does not identify as a man or woman, but instead something in between or neither.
11. **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.
12. **SEXUAL ORIENTATION:** A person's sexual identity in relation to the gender to which they are attracted.
13. **LGBTQ+:** Is an acronym commonly used for Lesbian, Gay, Bisexual, Transgender, Questioning/Queer, Intersex, Asexual.
14. **CISGENDER PERSON:** A term for a person whose gender identity matches their sex assigned at birth. A person whose sex assigned at birth was female and who identifies themselves to be and lives their life as female is a cisgender woman. A person whose sex assigned at birth was male and who identifies themselves to be and lives their life as a man is a cisgender man.
15. **ASEXUAL:** A person who experiences little to no sexual attraction to anyone and/or does not experience desire for sexual contact. Asexuality is a spectrum, and there are some people who may not fit the strictest definition of the word asexual, but feel their experience aligns more with asexuality than with other sexual orientations.



# SACRAMENTO POLICE DEPARTMENT

## GENERAL ORDERS



### B. NAME AND PRONOUN USAGE

1. SPD employees are to interact with people who are transgender and gender diverse in a manner that is professional, respectful, and courteous.
2. Employees should follow these guidelines:
  - a. Address the public using names, pronouns, and titles of respect appropriate to the individual's gender identity as expressed by the individual or when known (e.g., "she, her" for an individual who requests she/her pronouns; "he, his" for an individual who requests he/his pronouns; "they, them" for an individual who requests "they/them" pronouns).
    - (1) The intentional and/or persistent refusal to respect an individual's gender identity (for example, intentionally referring to the person by a name or pronoun that does not correspond to their gender identity) constitutes harassment and violates department policy.
  - b. Respectfully treat transgender and gender diverse individuals in a manner appropriate to the individual's gender identity and/or expression, which may be different from their sex assigned at birth or what is listed on their official government-issued identification.
3. Employees should be aware that individuals' names may change over time, whether due to marriage, changes in gender identity, or other factors, and should use the name currently used by individuals.
  - a. Every individual has the right to be addressed by the name and pronoun that corresponds to their gender identity or expression. Proof of a court-ordered name, gender change or updated formal identification is not required. Employees should politely and respectfully ask how the person wishes to be addressed, for instance, "What name and pronouns would you prefer I use when I address you?" or options consistent with training in the Sacramento Police Department's gender awareness class.
  - b. Whether or not the name on a person's driver license or identification card coincides with the person's gender identity, employees shall address and refer to the person by the name and gender that the person has used to identify themselves, or otherwise indicated preference for.
    - (1) Additionally, if the name on a person's driver license or identification card does not appear to correspond with the individual's gender expression, the person (if appropriate and needed), shall be asked his/her/their legal name in a one-on-one situation, absent extenuating circumstances.
    - (2) If the contact is made in a group environment, the person should be asked to step outside the group in order to obtain the legal name and avoid "outing" or embarrassing the individual absent extenuating circumstances.
    - (3) Officers who need to obtain the legal name of a detained individual or suspect should ask, "What is your legal name?"
4. Employees should not use the phrase, "What is your 'real' name?"
5. Employees shall not:
  - a. Request identification or otherwise initiate contact solely based on actual or perceived gender identity or expression.
  - b. Inquire about intimate details of an individual's genitalia, anatomy, or medical history, unless it is pertinent to an investigation.
  - c. Conduct a search to determine a person's anatomy or attempt to assign gender.
  - d. Engage in any sexual harassment of members of the public, while on or off duty, as defined by the department's policy on general misconduct.
  - e. Consider an individual's actual or perceived gender identity or expression to be a reason to stop, question, search or arrest that individual, a basis for reasonable suspicion, or as evidence that the individual is, has, or is about to engage in a crime.
6. Officers should be aware that the presence of needles may be indicative of prescribed hormone treatment and is not necessarily drug paraphernalia or an indication of illegal drug possession or use.

### C. REPORT WRITING

1. When writing a report involving a person who is transgender or gender diverse, whose legal name and/or gender does not correspond with the name and gender they identify with, the person's legal name and gender should be listed as the entity in the report or citation. The individual's chosen name



# SACRAMENTO POLICE DEPARTMENT GENERAL ORDERS



and gender identity should be listed in the “AKA” section on the entities page or in the notes section on the citation.

2. In the narrative the victim shall be identified and referred to by the name and pronoun they have stated. For example, “Victim Tamera Smith, whose legal name is Terrance Smith, uses she/her pronouns and she will be referred to by her chosen/adopted name and pronouns throughout the remainder of this report.” Throughout the report, use the pronouns that they have stated (e.g., “she” for Tamera Smith).

## D. PRIVACY

1. SPD employees shall not ask victims, witnesses, informants, suspects, community members, or fellow employees about their gender, including their identity or expression, or decisions or actions related to medical or surgical gender congruence measures, except to the extent personnel deem such information necessary to the performance of their job. These aspects of gender are private and shall be respected as such. Also, under no circumstances shall an SPD employee disclose that a person is transgender or gender-diverse to non-law enforcement personnel, with the exception of medical personnel when appropriate, or to other department personnel as needed.
2. Department personnel shall not ask questions or make statements about a person who is transgender or gender diverse regarding their gender transition plans, or any aspect of their body.

## E. TRANSPORT

1. When peace officers transport a transgender individual to a custodial facility or transfers custody to another law enforcement agency, the officer, if deemed appropriate, shall communicate with the receiving agency/officer that the individual is transgender. The peace officer should relay any other relevant identification related information including the name and pronouns the individual uses.

## F. RESTROOM ACCESS

1. Under California law, transgender persons have the right to use restrooms corresponding to their gender identity. This applies to restrooms in places open to the public such as shopping malls, stores, and restaurants (California Civil Code § 51(b) - Unruh Civil Rights Act), as well as to public schools and workplaces. (California Education Code § 221.5(f); Cal. Code Regs. tit. 2, § 11034(e)(2)(A). Transgender and gender-diverse people have the right to access public restrooms without producing identification or answering medical questions. In addition, California law requires that any single-user public restroom be accessible to people of any gender. (California Health & Safety Code § 118600).
2. Transgender or gender-diverse individuals shall not, on the basis of gender identity or expression, be stopped, questioned, or arrested for using a restroom corresponding to their gender identity.
3. Department personnel responding to calls for service which involve a complaint about restroom accessibility or use shall explain the law to all the parties involved. Claims of lewd conduct and/or sexual activity or assaults shall be thoroughly investigated. Criminal conduct shall be addressed regardless of the gender identity of either party.
4. Transgender and gender diverse individuals shall be allowed to use the restroom in accordance with their gender identity or where they feel the safest while in police custody.

## G. TITLE 9 AMENDMENT & CA DOE

1. Officers shall not discriminate against students on the basis of gender (Cal. Penal Code § 422.56(c); see also Cal. Educ. Code §§ 200, 220). Officers shall follow Title XI Education Amendments Act of 1972, 20 U.S.C. §§1681 - 1688 (2018). No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.

## H. SEARCHES

1. Officers shall not ask transgender or gender diverse persons to remove appearance-related items (such as prosthetics, bras, clothes, undergarments, wigs, chest binders, or cosmetic items) if non-transgender individuals of the same gender identity would not also be required to do so. If removal of items is necessary, it shall be done in a manner that avoids embarrassing the individual, absent extenuating circumstances, and in compliance with the Reference Manual 526.01 (Search Manual).
2. Officers shall not seize or remove appearance-related items (such as prosthetics, bras, clothes, undergarments, wigs, chest binders, or cosmetic items) from transgender or gender diverse persons if the items would not be seized or removed from non-transgender individuals. If items are seized or removed, a receipt shall be issued as outlined in General Order 525.01 (Evidence and Property), and



# SACRAMENTO POLICE DEPARTMENT

## GENERAL ORDERS



subsequent release will be conducted per General Order 525.02 (Release of Evidence and Property).

### I. COMPLAINTS

1. Transgender and gender diverse persons, and any other members of the community shall be afforded the opportunity to make a complaint for discrimination or any other reason. The complaint may be on their own behalf or on the behalf of another person or group, per General Order 220.01 (Personnel Complaints).

### J. TERMINOLOGY

1. The terms "homosexual," "tranny," "transsexual," "transvestite," "hermaphrodite," and "sexual preference" are outdated or defamatory terms which are offensive to many people. These terms should not be used.
2. The phrases "sex change," "pre-op," and "post-op" are inappropriate to use when referring to a gender affirming surgery. Transgender and gender diverse people do not need to have, nor need to plan on having, any medical procedures to validate their identity.
3. Officers shall not use language that is demeaning or derogatory to another person, in particular, language aimed at a person's actual or perceived gender identity or expression.
4. Gender neutral greetings and communications are options when working with transgender and gender diverse communities.