

Standard Operating Procedures for Law Enforcement Encounters with Transgender, Intersex, and Gender Nonconforming Individuals

- a) The Durham Police Department will address and treat transgender, intersex and gender nonconforming individuals in a manner appropriate to the individual's gender identity, which may be different from the sex that the individual was assigned at birth or listed on their official government-issued identification, for purposes of arrest processing, searches, and housing individuals detained in police facilities.
- b) When police officers engage with people who are Transgender, Intersex, and Gender Nonconforming Individuals, they will use pronouns that match the gender identity of the individual (e.g., "she, her, hers" for an individual whose gender identity is female; "he, him, his" for an individual whose gender identity is male).
- c) Regardless of the individual's public appearance, the Durham Police Department's policy will be to address and treat individuals in accordance with the gender identity they express or request.
- d) Prohibited conduct: Using discourteous or disrespectful remarks regarding another person's ethnicity, race, religion, gender, gender identity/expression, sexual orientation, or disability.
- e) Durham Police Officers shall address the public using pronouns, titles of respect, and preferred name appropriate to the individual's gender identity/expression as expressed by the individual. The term "gender" shall include 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-image, appearance, behavior, or expression is different from that traditionally associated with the legal sex assigned to that person at birth.
- f) When preparing or completing a written document regarding transgender, intersex, or gender nonconforming arrestee, victim, witness, reporting party or any other individual law enforcement officers shall list the individual's sex on the document as the individual's sex listed on their government-issued identification, as well as the individual's gender identity if different.
- g) In the event that the individual does not have their official identification in their possession, police officers will ask the individual what sex is listed on their identification. The individual's answer should be used to determine the appropriate manner in which to classify the individual's sex on the document.
- h) Any name used by the individual other than what is listed on his or her official government issued identification card, will be recorded in a separate designated box
- i) Police officers searching a transgender, intersex or gender nonconforming individual, or performing similar official actions or duties (excluding preparation of written documents) in connection with a transgender, intersex or gender nonconforming individual, shall assign a searching officer consistent with the individual's gender identity. In situations where an

arrestee's gender is not immediately apparent or an arrestee objects to the gender of the member assigned to perform the search, the desk officer or supervisor supervising the search will assign a uniformed member of the gender requested by the arrestee, consistent with officer safety and resource availability. Consistent with the privacy concerns of the arrestee, only those officers reasonably necessary to conduct the search should be present for the search.

- j) Police officers shall transport individuals in a manner consistent with the individual's gender identity. Officers shall log and report to the dispatcher the mileage of the transporting vehicle at the beginning of transport and again at the end of transport.