
Interactions With Individuals Identifying As Transgender

403.1 PURPOSE AND SCOPE

The San Francisco Bay Area Rapid Transit District Police Department (BPD) recognizes and places a high priority on the rights of all people. This policy establishes a procedure for handling interactions with transgender people.

403.2 DEFINITION

Gender Identity - One's internal, deeply held sense of gender. Unlike gender expression (see below), gender identity is not visible to others.

Gender Expression - External manifestations of gender; expressed through one's name, pronouns, clothing, haircut, behavior, voice, or body characteristics.

Transgender (adj.) - An umbrella term for people whose gender identity and/or gender expression differs from what is typically associated with the sex they were assigned at birth. People under the transgender umbrella may describe themselves using one or more of a wide variety of terms, including transgender.

403.3 INTERACTIONS WITH TRANSGENDER PEOPLE

BPD officers and employees are to interact with transgender people and the transgender community in a manner that is professional, respectful, and courteous.

Officers are cautioned not to treat a person's transgender status or appearance as a basis of suspicion or as evidence of a crime.

Officers shall follow the policies governing interactions with transgender people when either of these two conditions is 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, and/or routine policing procedures.

If gender expression does not clearly indicate a transgender person's identity, an officer may politely and respectfully ask how the person wishes to be addressed. For example, an officer may ask a transgender person which name and pronoun the person prefers.

When a person self-identifies as a transgender person, officers should not question this identity or ask about the person's transition status. An officer 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

Bay Area Rapid Transit Police Department

Policy Manual

Interactions With Individuals Identifying As Transgender

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 BPD Police Report, at minimum.

An officer 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 BPD Police Report, at minimum.

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. An officer shall also use the pronouns consistent with the name provided by the person.

This department 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 an officer frisk, search, or otherwise touch any person for the purpose of obtaining information about that person's gender status. An officer shall comply with all existing laws and BPD policies regarding search and seizure (Lexipol Policy 322). Under no circumstances shall transgender people be subject to more invasive search procedures than non-transgender people.

403.4 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:

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

If an officer asks a transgender person for his or her legal name in the presence of others, 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 BPD Police Report, at minimum.

403.5 MEDICAL TREATMENT OF TRANSGENDER ARRESTEES

Whenever a transgender person who is detained by or in the custody of BPD requires or expresses a need for medical attention or medication (including, but not limited to hormone therapy), an officer shall respond to and address the need 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.

403.6 PROCESSING OF TRANSGENDER ARRESTEES

Appearance-related items, including, but not limited to, prosthetics, clothes, wigs, or make-up should not be confiscated or removed from transgender people unless such items present a safety hazard, impede the administration of medical attention, or are needed for evidentiary reasons (Lexipol Policy 902). If an officer confiscates or removes a transgender person's appearance-

Bay Area Rapid Transit Police Department

Policy Manual

Interactions With Individuals Identifying As Transgender

related items, 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 BPD Police Report, at minimum.

403.7 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.

403.8 PROTECTION OF PRIVACY

Under no circumstances should an officer disclose that a person is transgender to non-police personnel or to other non-relevant BPD personnel. If an officer 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 BPD Police Report, at minimum.

403.9 CONFIDENTIALITY OF RECORDS AND DATA

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 an officer does record such information in any public document, 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 BPD Police Report, at minimum.

403.10 RECORD - KEEPING AND DATA TRACKING

All BPD forms and reports (both paper and computerized/digital) which record the gender of a person shall be revised to include transgender identity.

BPD shall establish and maintain records concerning the number of calls involving transgender people and the corresponding police service response. The Chief of Police, or his/her designee, shall report to the BART Citizen Review Board annually about the number of calls involving transgender people and the corresponding police service response.

All case reports, other reports and non-charging documents shall refer to a transgender person's name as shown on official documents. The person's preferred name shall be listed as an alias or, "Also Known As," (AKA). Preferred gender pronouns should be used in the narrative.

403.11 TRAINING

Training on interactions with transgender people and review of this Policy shall be conducted as directed by the Personnel and Training Section.

All BPD members will be scheduled to attend a Peace Officer Standards and Training (POST) or other departmentally approved training on the subject of interactions with transgender people.

Bay Area Rapid Transit Police Department

Policy Manual

Interactions With Individuals Identifying As Transgender

Each sworn member of this Department who receives initial training will thereafter be required to complete an approved refresher course, as deemed necessary, in order to stay apprised of changing cultural conditions.