

DAYTON POLICE DEPARTMENT
INTERACTIONS WITH TRANSGENDER
PERSONS

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POLICY STATEMENT

Interactions between police officers and transgender individuals present a unique set of issues. The term “transgender” is used to describe persons with transgender identities, and includes a wide variety of groups that differ from traditional gender norms. Some issues encountered by police include: difficulties in determining gender for identification purposes, transportation and medical treatment. The policy of the Dayton Police Department is to interact with the transgender community in a manner that is professional, respectful, and courteous.

I. Definitions

- A. **Gender Identity or Expression** – A gender-related identity, appearance, expression, or behavior of an individual, regardless of the person’s identity at birth.
- B. **Intersex** – A set of medical conditions that features a congenital anomaly of the reproductive and sexual system. A person with an intersex condition is born with sex chromosomes, external genitalia, or an internal reproductive system that is not considered “standard” for either male or female.
- C. **Sexual Orientation** – Includes male or female homosexuality, heterosexuality, and bisexuality, by preference or practice. Sexual orientation is separate from gender identity.
- D. **Transgender** – Refers to any person whose identity or behavior differs from traditional gender expectations. This term includes transsexual individuals, cross-dressers, androgynous persons, and others whose appearance or characteristics are perceived to be gender-atypical.
- E. **Transsexual** – A person whose personal sense of his or her gender conflicts with his or her anatomical sex. Some, but not all, transsexuals undergo medical treatments (such as hormone therapy or surgery), to change their physical sex so that it is in harmony with their gender identity.
- F. **Transvestite** – An outdated term that refers to people who sometimes cross-dress, or whose dress is typically associated with the opposite sex.
- G. **Gender Non-Conforming** – Most often refers to people exhibiting gender characteristics and identities that are perceived to be inconsistent with their sex assigned at birth. They may identify as combining aspects of male and female, or as neither male nor female (agender).

II. Professional Guidelines

- A. Under no circumstances should any Dayton Police Officer search any person solely for the purpose of determining that person’s gender.
- B. Officers shall not use language that a reasonable person would consider demeaning to another person, in particular, language aimed at a person’s actual or perceived gender identity or expression or sexual orientation. The term “he-she” is offensive and one such example of demeaning language.
- C. Officers shall treat transgender persons in a manner appropriate to their gender presentation, which includes addressing them by their preferred or legal name, and shall use personal pronouns appropriate to the person’s gender identity.
- D. Officers shall not solely construe gender expression or presentation as reasonable suspicion or prima facie evidence that a person is or has engaged in prostitution or any other crime.



- E. When an individual self-identifies as being a transgender person, officers shall not question this identity unless an investigative reason exists to do so.
- F. Officers have a right to establish a person's legal name within the scope of certain investigations, i.e., the person is a suspect in a crime, under arrest, detained for the purpose of issuing a citation. Officers should obtain legal names in these circumstances and document aliases as appropriate.

III. Procedure

- A. Handling calls for service and citizen complaints involving transgender individuals:
 - 1. Requests for service or complaints generated by transgender persons shall be addressed or investigated in a manner that is consistent with Dayton Police Department policy.
 - 2. Officers shall not fail to respond to a call for service or complaint on the basis of the gender identity or expression and/or sexual orientation of the caller or complainant.
 - 3. In DIBRS reports and all other documentation, unless a person's status as transgender is pertinent to the investigation and if there is no investigative reason to list an alias, that status shall not be recorded in the report. Officers will identify that person by presented gender identity and name with no reference to birth gender or genitalia.
- B. Stop and frisk situations involving transgender persons:
 - 1. During a stop pursuant to General Order 3.01-1, officers shall respect the gender identification expressed or presented by the individual.
 - 2. A search or frisk shall not be performed for the sole purpose of determining a person's anatomical gender.
 - 3. Transgender persons shall not be subject to more invasive search or frisk procedures than non-transgender persons.
 - 4. Unless an officer has an articulable reason for questioning the gender identity of an individual being stopped, the gender identity expressed or presented by the individual shall be accepted and honored.
 - 5. Identification issued by the Ohio Bureau of Motor Vehicles (BMV), the Department of Motor Vehicles of any of the fifty states, or any other government-issued form of identification shall be acceptable as initial proof of gender identity in the absence of self-identification by the subject individual.
 - 6. When a situation arises that involves questionable gender identification, officers shall inquire how the individual wishes to be addressed (e.g., Sir, Miss, Ms.) and the name by which the individual wishes to be addressed. This name shall be noted as an AKA if it differs from the subject's legal name.
 - 7. Officers shall not require proof of an individual's gender or inquire about intimate details of an individual's anatomy to determine an individual's gender without articulable reasons.
- C. Handling arrest situations involving transgender individuals
 - 1. Searching of transgender arrestees - Generally speaking, all arrestees, including transgender arrestees, may be searched on several different occasions by Dayton Police personnel from the time of their arrest until the time they are transferred to the custody of the Montgomery County Sheriff's Office or another



agency. The first search of a transgender arrestee will take place at the scene of the arrest prior to transportation to the Montgomery County Jail or other detention facility. Dayton Police who are involved with searching a transgender arrestee shall adhere to the following procedures.

- a. When an arresting officer has reason to believe that the arrestee is a transgender person, before searching that person prior to transport, the officer shall:
 - Specifically inform the arrestee that he/she must and will be searched prior to transport.
 - Ask the arrestee if they have any objections to being searched by a male or female officer; and
 - If the prisoner does object, inquire into the nature of the objection.
 - b. If the arrestee states an objection to either the male or female gender, then, absent exigent circumstances, the arresting officer shall:
 - Ask an officer who is of the gender requested by the arrestee to conduct the search; and
 - Document the arrestee's objection, indicating that they requested to be searched by a male/female officer by reporting the objection and request to the officer's supervisor.
 - c. No Dayton Police officer shall refuse to search a transgender subject.
 - d. In instances where the arrestee is uncooperative, or makes a claim with regard to their gender that is not credible;
 - The arresting officer shall notify their supervisor; and
 - The supervisor shall assess the situation and decide whether it shall be a male or female officer who conducts the search to facilitate the transportation of the arrestee.
 - e. All information that the arresting officer obtains concerning the arrestee shall be passed on to the transporting officers, if not the arresting officer, including gender identity.
 - f. Transporting officers shall inform the jail staff of the arrestee's status for them to consider housing transgender arrestees separate from other prisoners for their safety.
 - g. Any removal of appearance-related items such as prosthetics, clothes of the presenting gender, wigs and cosmetic items, shall be consistent with requirements for removal of similar items for non-transgender persons.
2. Transporting of transgender arrestees will be done in accordance with General Order 3.03-1 Section III. Where practical, transgender arrestees shall be transported separately.
 - a. Transporting officers shall adhere to the same guidelines as arresting officers with regard to searching transgender arrestees.
 - b. The transporting officers shall provide to jail staff the gender identity obtained by the arresting officers as above in section 1.f.
- D. Handling juvenile transgender arrestees - Juveniles contacted under any circumstances addressed in this general order shall be accorded all relevant considerations contained herein that relate to their gender identity or expression, in addition to all safeguards provided in applicable directives covering the processing and handling of juveniles.



- E. Medical treatment of transgender arrestees - Transgender persons who have had, or are involved in transsexual operations, or are undergoing hormone treatments, may experience adverse physical reactions or may require medical attention. Whenever a transgender person expresses a need for medical attention, officers shall handle the situation with the same urgency and respect as any other illness or injury.