

**FREDERICK POLICE DEPARTMENT
GENERAL ORDER**

Section 5: SPECIAL POPULATIONS **Order Number:** 580
Topic: INTERACTION WITH TRANSGENDER PERSONS **Issued by:** Chief of Police
Approved: 01/18/19
Review: Annually in July by Support Services Division Commander
Supersedes: G.O. 580 dated 06/01/14

.01 PURPOSE:

The purpose of this order is to set forth the policy of the Frederick Police Department personnel while interacting with transgender persons and members of the LGBTQ community.

.02 CROSS-REF:

G.O. [702](#) Bias Based Profiling/Discriminatory Practices
G.O. [742](#) Warrantless Search and Seizure
G.O. [750](#) Citizen Contacts and Detentions
G.O. [775](#) Searching of Prisoners
CALEA Standards 1.2.8, 1.2.9, 70.1.1

.03 DISCUSSION:

The Frederick Police Department is committed to working with diverse members of our community. Calls for service and communication with members of the LGBTQ community will be conducted and investigated with professionalism, respect and dignity.

.04 POLICY:

It is the policy of the Frederick Police Department to conduct impartial investigations and provide unbiased law enforcement services with courtesy and dignity ensuring constitutional protections of the citizens we serve.

.05 DEFINITIONS:

Gender Identity/Expression: The actual or perceived identity or behavior of a person as being male or female

LGBTQ: Acronym for Lesbian Gay Bi-sexual Transgender Queer and Questioning

Transgender: Any person whose gender identity or expression differs from the one which corresponds to a person's anatomical sex at birth.

Sexual Orientation: An individual's enduring romantic, emotional, and or sexual attraction to individual(s) of a particular gender

.10 GENERAL:

1. Crimes in which a transgender person or other member of the LGBTQ community is a reported victim will be fully investigated and the victim will be treated with the same respect, courtesy and dignity as non-transgender persons.
2. Officers will be cognizant that a crime involving LGBTQ persons as victim(s) may have been motivated by hate bias and will ensure all appropriate resources are recommended to the person.
3. Other requests for service or complaints generated by transgender persons will be

addressed and investigated professionally and in accordance with Departmental policy.

4. Members of the Frederick Police Department will interact with members of the LGBTQ community in a respectful and professional manner in accordance with this order and [General Order 702, Bias Based Profiling/Discriminatory Practices](#).
5. Members will address transgender persons in a manner that is appropriate and requested by the person. When a person's sex or gender expression is uncertain, it is appropriate to inquire how the person wishes to be addressed. The Department member will then use the preferred gender/gender pronoun when addressing the person.

.15 PROHIBITED CONDUCT:

Officers will not:

1. Use language that a reasonable person would consider demeaning or derogatory; in particular, language or expressions aimed at a person's gender identity or expression;
2. Conduct a search of person for the sole purpose of determining their anatomical gender;
3. Disclose to any person that a particular individual is transgender unless:
 - A. Necessary to ensure the person(s) safety; and
 - B. To inform other Law Enforcement personnel/agency to ensure particular agency protocols will be followed.
4. Assume that a member of the LGBTQ community is involved in criminal activity based solely on the fact the person is transgender.

.20 GENDER CLASSIFICATION: ARRESTS:

1. A person's gender will be classified as it appears on the individual's government issued identification card.
2. In the event the person does not have a government issued identification card available, the officer will respectfully ask if the person has male genitalia.
 - A. If the arrestee states they have male genitalia, they will be classified as a male.
 - B. If the arrestee states they do not have male genitalia, they will be classified as a female.
3. In the event the officer is uncertain of a person(s) gender classification or the person refuses to identify their gender classification, they will consult with their supervisor. These occurrences will be documented in the incident report narrative.
4. If the person utilizes a different name than as it appears on their government issued identification card, this name will be documented in the incident report as an alias.

.25 SEARCHES INVOLVING TRANSGENDER PERSON(S):

1. Field Searches:
 - A. Field searches will be conducted by an officer who is the same gender as the

arrestee as determined in section .20 of this order and in accordance with both [General Order 742, "Warrantless Search And Seizure"](#) and [General Order 775, "Searching Of Prisoners."](#) *The exception to this policy will be those person(s) who have undertaken operative procedures for gender reassignment.*

- (1) Male to female person(s) will be processed as a female;
 - (2) Female to male person(s) will be processed as a male.
 - (3) For persons in transition from one gender to another, the arresting officer will respectfully inquire whether the person's genitalia is currently male or female. Depending on the stage of transition of the arrested person, the search may be split between female and male officers. Under no circumstances will a female officer be required to search male genitalia, nor will a male officer be required to search female genitalia, regardless of gender expression.
- B. A person may request an officer of the same gender identity or expression is present while the search takes place. When reasonable, an officer of the same gender expression as the arrestee will be requested to respond to the incident scene to be present for the field search.
- C. If an arrestee objects to being searched by a female or male officer, the officer will inquire the nature of the objection. The officer will consult with their supervisor and document the objection in the incident report narrative, specifically indicating the person's stated preference.
- D. Transgender persons will not be subject to more invasive search or pat down procedures than non-transgender persons.
- E. Identity-related items such as clothing, wigs, and other cosmetic items may be temporarily seized:
- (1) Only as necessary to ensure officer safety;
 - (2) Consistent with procedures while processing non-transgender persons; and
 - (3) In accordance with [General Order 775, "Searching Of Prisoners."](#)
2. Strip Searches: Strip searches of arrested transgender persons will be conducted in accordance with [General Order 775, "Searching Of Prisoners."](#)
- A. The officer conducting the search will be the same gender as the arrestee, as determined in section .20 of this order.
 - B. The search will be witnessed by any available supervisor of the same gender.

.30 TRANSPORTING TRANSGENDER ARRESTEES:

1. Transgender arrestee(s) will be transported separately from other arrestees.

2. Transporting officers will notify the Communications Section of both the beginning and ending mileage of the transport.
3. Transported to FPD Headquarters for processing- The transgender person will be placed in a holding cell, separate from other prisoners awaiting processing (if necessary).
4. Transported to the Frederick County Adult Detention Center:
 - A. The transporting/arresting officer will discretely inform intake personnel that the person is transgender.
 - B. FCAD personnel will follow applicable orders and guidance as published by the Frederick County Sheriff Office.