

	POLICY & PROCEDURE	SERIES # 560	PAGE 1 OF 5
	SUBJECT		EFFECTIVE DATE
	INTERACTIONS WITH LESBIAN, GAY, BISEXUAL, TRANSGENDER, QUEER/QUESTIONING (LGBTQI) INDIVIDUALS		10/06/2021 OVERSITE OPERATIONS
DISTRIBUTION ALL MANUALS	AMENDS/SUPERSEDES/CANCELS P&P # NEW POLICY		

I. PURPOSE:

To establish policy and procedure for division members during their interactions with Lesbian, Gay, Bisexual, Transgender, Queer/Questioning, Intersex (LGBTQI) Individuals.

II. POLICY:

It is the policy of the Hampton Police Division (HPD) not to discriminate against anyone on the basis of actual or perceived Gender Identity, Gender Expression, or Sexual Orientation in the performance of law enforcement duties or the delivery of police services. HPD members will interact with all members of the public, including LGBTQ individuals, in affirming, respectful, and professional manner, and shall treat all individuals equally regardless of Gender Identity, Gender Expression, or Sexual Orientation. Discrimination on the basis of Sexual Orientation, Gender Identity, or Gender Expression is illegal. This policy should be read in conjunction with Policy 544, Biased Based Policing.

III. DEFINITIONS:

Cisgender: Refers to a person whose Gender Identity is the same as their Sex Assigned at Birth. A Cisgender person is not Transgender.

Gender Expression: An individual’s characteristics and behaviors (such as one’s name, pronoun, appearance, dress, mannerisms, speech patterns, and body characteristics) that may express one’s Gender identity.

Gender Non-Conforming: A broad term referring to people who do not behave in a way that conforms to the traditional expectations of their Sex Assigned at Birth or Gender Identity, or whose Gender Expression does not fit neatly into a category.

Gender Transition: A process by which a person takes steps to change their physical characteristics and/or Gender Expression to be consistent with their Gender Identity. Gender Transition can include a person changing their name, undergoing

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hormone replacement therapy, undergoing surgical intervention, and/or updating legal documents such as a driver's license or passport. Gender Transition is internal and individualized to each person. An individual may require surgical, hormonal, or other treatment to effect transition, but no type of care is mandatory to effect Gender Transition. Gender Transition is a deeply personal matter that frequently involves difficult financial, medical and other personal decisions. Members must always respect a person's stated Gender Identity regardless of how the member perceives the person's Gender Expression.

Intersex: A person whose sexual or reproductive anatomy or chromosomal patterns do not seem to fit typical definitions of male or female. People with Intersex conditions should not be assumed to be Transgender.

LGBTQ: A common abbreviation that refers to the lesbian, gay, bisexual, Transgender, and queer/questioning community. Intersex and Gender Non-Conforming individuals are included whenever the LGBTQ acronym is used in this policy. Members should be aware that while some LGBTQ individuals may Self-Identify and refer to themselves as queer, the term has historically been negative and may be considered offensive if used by individuals who do not Self-Identify as LGBTQ.

Non-Binary/Gender Fluid: An adjective that describes a person who does not identify as either a man or a woman, but identify their gender as encompassing multiple genders or as outside the man/woman system of gender classification.

Self-Identify: To recognize or establish oneself as being a particular person or possessing a certain characteristic, or to associate oneself with a specified group or belief system. For the purposes of this policy, the term refers to an individual's stated Gender Identify or Sexual Orientation.

Sex Assigned at Birth: A decision made by medical professionals at the time of a person's birth in order to assign someone's sex as male, female, or Intersex, typically based on the person's anatomy.

Sexual Orientation: A term to describe an individual's attraction to people of the same and/or different sex. Examples of sexual orientation may include; heterosexual, bisexual, gay and lesbian.

Transgender: A term describing an individual whose Gender Identity is different than their Sex Assigned at Birth. The term Transgender is an adjective. A Transgender woman is someone whose Gender Identity is female and was assigned

male at birth. A Transgender man is someone whose Gender Identity is male and was assigned female at birth. Not all individuals who consider themselves Transgender undergo medical treatment or surgical intervention in order to make it “match” their Gender Identity.

IV. PROCEDURE

- A. HPD members shall interact with LGBTQ citizens in an unbiased, fair, and respectful manner.
- B. All calls for service or complaints generated by or involving LGBTQ individuals shall be investigated with diligence and vigor in accordance with departmental policies.
- C. HPD members shall use names, pronouns and titles of respect as requested, expressed, or clarified by the person with whom they are interacting (e.g. “*she, her, hers*” for a person who Self-Identifies as female; “*he, him, his*” for a person who Self-Identifies as male; or “*they, them, their*” for a person who Self-Identifies as Nonbinary or Gender Fluid). **Under no circumstances shall HPD members refer to a person as “it”, a “he/she”, or any other pronouns besides those the person requests.**
 1. If uncertain of the individual’s Gender Identity, and if necessary to the interaction, respectfully ask for clarification.
 2. Proof of the person’s Gender Identity, such as an identification card, will not be required. HPD members will respect and use the name, title, or pronoun used by the person. Members should be aware that changing one’s identification documents to match their Gender Identity may be difficult or impossible due to legal complications, finances, or concerns for personal safety and must not be used to determine one’s Gender Identity.
 3. HPD members shall not demean or retaliate against anyone for clarifying the name or pronouns that they would prefer members to use.
- D. Stop, Searches and Arrests of LGBTQ Individuals:
 1. HPD members shall recognize that Gender Identity, Gender Expression, and Sexual Orientation do not constitute reasonable suspicion, probable cause, or evidence that a person has engaged in any crime.

2. HPD members are **prohibited** from considering, to any extent or degree, a person's actual perceived Gender Identity or Sexual Orientation when taking, or refraining from taking, law enforcement action including:
 - a. As a reason to stop, question, search or arrest that individual
 - b. As a basis or component of a reasonable suspicion or probable cause determination , or
 - c. As evidence that the individual is, has, or is about to engage in a crime, including, but not limited to, prostitution or lewd conduct, loitering for the purpose of prostitution, or similar crimes or civil infractions.
 - d. When in doubt regarding any search of a Transgender or Gender Non-Conforming individual, officers' will ask the individual to be searched their preference with respect to the gender of the officer conducting the search. This request will be honored when resources allow and officer safety has been established
 - e. Certain items such as prosthetics, clothing, wigs, chest binders, and cosmetic items may be central to a person's Gender Identity and Gender Expression. As such, requests to remove identity-related items shall be consistent with requirements for the removal of similar items for Cisgender individuals, and shall not be removed unless required for law enforcement purposes. Whenever practicable, removal of these items shall be conducted in private. EXAMPLE; If a HPD member would not request the removal of a wig or a bra by a Cisgender woman then the member shall not request the removal of a wig or a bra by a Transgender woman.
 - f. HPD members are prohibited from inquiring about the intimate details of an individual's sexual practices, anatomy, or transition-related medical history.
 - g. HPD members should be aware that a Transgender person's possession of needles may be indicative of prescribed hormone replacement therapy and is not necessarily indicative of illegal drug possession or use or possession of drug paraphernalia.
 - h. HPD members shall not use the possession or presence of condoms as a basis or component of a reasonable suspicion or probable cause determination for a prostitution or sex-related offense. Members will

not seize unused condoms except when they are evidence in a criminal investigation. If an individual who is arrested is in possession of condoms, and the condoms are not evidence in a criminal investigation, these shall be inventoried as personal property to be returned to the individual upon release.

E. Transportation of LGBTQ Individuals:

If it is necessary to transport an individual whose Gender Identity differs from the member's, when practical, an officer of the same gender as the gender in which the detainee identifies with shall transport in accordance with departmental policy (See Policy 1147, Transporting Prisoners).

F. Reporting Requirements:

1. When completing an incident report or other form, HPD members shall document the person's legal name, in the space for "Name", and shall document the person's pronoun and name of common use (if different) in the narrative portion of the report, or where applicable in an electronic system. Members shall use the person's name of common use and pronoun, as expressed or clarified by the individual, when referring to that person while in police custody or throughout the interaction with that person. Furthermore, for accurate identification and investigatory purposes, members shall document the name of common use as an "alias", "AKA", or "nickname."
2. Information about an individual's Transgender status should be documented only to the extent that the information is relevant and necessary to the investigation or other law enforcement actions (e.g., if a Transgender person perceived that they were targeted for being a Transgender person). To enable the LGBTQ Liaison to enhance community outreach in the LGBTQ community in Hampton, supervisors shall ensure the Liaison or their designee is notified via email by the Operations/Investigative Sergeant when an incident involves an individual or individuals from the LGBTQ community and either is determined to be a Part I crime or could be considered motivated by hate-bias.