# Draft Guidelines for Police Engagement with Transgender Persons

## **PURPOSE:**

The purpose of this document is to establish guidelines for the police department for appropriate treatment of transgender individuals who encounter the Police officials or Police Department.

## **DEFINITIONS:**

**Adopted Name**: Is the non-birth name that a transgender individual uses, in self-reference. (This may or may not be the individual’s legal name.)

**Sex:** The classification of people’s bodies as male or female, usually as assigned at birth.

**Gender Identity:** Gender identity means a person's innermost and individual sense of self as male, female or a blend of both or neither: that can correspond or not to the sex assigned at birth (Transgender Act 2018)

**Gender Expression:** Gender expression refers to a person's presentation of their gender identity, and/or the one that is perceived by others (Transgender Act 2018)

**Transgender:**

A transgender person is a person who is

(i) Intersex (Khunsa) with mixture of male and female genital features or congenital ambiguities, or

(ii) Eunuch assigned male at birth, but undergoes genital excision or castration; or

(iii) a Transgender Man, Transgender Woman, Khawajasira or any person whose gender identity and/or gender expression differs from the social norms and cultural expectations based on the sex they were assigned at the time of their birth. (Transgender Act 2018)

# **PROCEDURES:**

## **FORMS OF ADDRESS:**

* 1. Officers shall address transgender individuals by the individual’s adopted name. This is true even if the individual has not received legal recognition of the adopted name. In addressing or discussing a transgender person, officers shall use pronouns appropriate for that person’s gender identity.
  2. 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.
  3. When a person self-identifies as a transgender person, officers shall not question this identity or ask about the person’s physical status.
  4. 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.
  5. 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.
  6. Under no circumstances shall transgender people be subject to more invasive search procedures than non-transgender people

## **CALLS FOR SERVICE:**

* 1. Calls for service or complaints generated by transgender individuals shall be addressed and investigated in a manner that is consistent with all Departmental policies. No officer shall fail to respond to a call for service or take appropriate action based on the gender identity, gender expression, or any other demographic characteristic of the caller.

## **IDENTIFICATION OF INDIVIDUALS ON OFFICIAL RECORDS AND REPORTS:**

* 1. To minimize inconsistency or confusion, any individual listed on any official Departmental reports shall be identified in a manner which is consistent with their current government-issued identification card (CNIC Card). This applies to all personal information including name and gender.
  2. An officer should ask the person for his or her legal name (CNIC 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.
  3. If the individual uses an adopted name, that name should be listed as any other alias would be.
  4. Persons without any government identification shall be identified according to their self identified Gender.
  5. If any confusion exists regarding how to identify an individual’s gender (for example, if the person has no government-issued identification and is unwilling or unable to speak with an officer about the matter), a supervisor shall be consulted and the report shall note how the final decision was reached.
  6. Legal names (CNIC name) are only relevant for purposes of accurate legal record keeping. In all other interactions, an officer should address the person using their adopted name.

## **INVESTIGATIVE DETENTION/STOP AND SEARCH:**

* 1. Officers shall continue to use standard practices and procedures when conducting “Investigative Detentions” and “Pat downs” and shall abide by all Departmental policies and procedures. Additionally, a search or pat down shall not be performed for the sole purpose of determining an individual’s anatomical sex, and transgender individuals shall not be subject to more invasive search or pat down procedures than non-transgender individuals.
  2. If a transgender individual makes a request to be searched by an officer of a specific gender, that request shall be honored if it is reasonably possible to do so. This does not apply to a non-invasive pat down search for officer safety reasons.

## **SEARCHES:**

* 1. The search will be conducted by officers of the same gender as the transgender prisoner’s gender identity, (e.g. for Transgender woman, a woman police personnel will be appointed).

## **PROCESSING OF TRANSGENDER ARRESTEES:**

* 1. 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.

## **JUVENILE TRANSGENDER INDIVIDUALS:**

* 1. 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 covering the processing and handling of juveniles.in an eventjuvenile transgender individual is arrested the Juvenile Justice Systems Act 2018 will apply to the minor transgender.

## **DETENTION:**

### Transportation:

**8.1.1** As with all prisoners, a transgender prisoner shall be transported alone when possible. In cases of multiple arrests, officers should make efforts to ensure that additional units are called to assist with the transporting of transgender individuals.

**8.1.2** When requested by a transgender individual, an officer of the individual’s gender identity will conduct the transport or be present for the transport, if possible.

### 8.2 Booking and Processing:

**8.2.1** The Booking Officer will book a transgender prisoner under the name appearing on the prisoner’s government-issued identification (CNIC Card) according to normal booking procedures and protocols. The adopted name (i.e. name that the individual uses in self reference) of the transgender prisoner will be listed as an a.k.a. or alias. If insufficient identification is available, then ask the person's self identified gender and preferred pronoun.

**8.2.2** Prisoner logs and other documents used to keep track of prisoners while they are in custody shall identify transgender individuals as stipulated above. The individual’s adopted name as well as gender identity/expression shall be noted so subsequent shifts of officers may address the prisoner as the prisoner wishes to be addressed.

**8.2.3** According to section vi of the Transgender Persons (Protection of Rights) Act 2018, separate prisons, jails and confinement cells need to be established for transgender people. Transgender prisoners shall not be placed in cells with other prisoners unless no alternative exists. Where no alternative exists, the transgender prisoner’s views regarding their personal safety should be considered seriously when determining how to allocate prisoners between cells.

**8.2.4** Officers transporting a transgender detainee to another facility (court, jail, etc.) shall advise the personnel at the receiving facility of the housing preference and gender status of the detainee and ensure that all paperwork accompanying the prisoner adequately describes the gender-related identity issues that are presented. This information shall be relayed in a discreet, respectful, and timely manner.

### 8.3 Medical Treatment:

**8.3.1** Whenever a transgender individual expresses a need for medical attention, members shall handle the situation with the same urgency and respect as any other illness or injury to detainees and document any treatment that is provided.

### 8.4 Use of Bathrooms:

**8.4.1** Officers shall permit a detainee to use gendered facilities that correspond to that individual’s identity. A detainee shall not be required to use the restroom of such individual’s designated sex at birth.

**8.4.2** Options for reasonable restroom access may be limited by the physical set-up of the Department’s facilities.

Fortunately, any of the following options can be employed:

* Single-occupant, gender-neutral restroom facilities.
* Multiple-occupant, gender-segregated restroom facilities with lockable single-occupant stalls.

## **TRAINING:**

* 1. Training on interactions with transgender people and review of this Policy should be conducted as directed by the Police Personnel and Training Section. This training should sensitize all the police officials from time to time especially on checkpoints who may interact with transgender community and be respectful towards their gender.