



BRAINTREE POLICE DEPARTMENT

Policy and Procedure

Interacting with the Transgender Community

2019-75

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General Considerations This order establishes guidelines for the appropriate treatment of transgender individuals who come into contact with the Braintree Police Department. 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, processing, housing, and medical treatment. **[1.2.9]**

The Massachusetts Transgender Equal Rights Act bars discrimination in employment, housing, education, and lending. The law also enables police officers to bring hate crime charges in attacks that target someone for being transgender.

Policy It is the policy of the Braintree Police Department not only to interact with the transgender community in a manner that is professional, respectful, and courteous, but also to handle transgender detainees in a manner that ensures they are processed and housed safely and efficiently to the greatest extent possible.

Definitions **Legal Name:** The **name** that identifies a person for **legal**, administrative and other official purposes. A person's first **legal name** generally is the **name** of the person that was given for the purpose of registration of the

birth and which then appears on a birth certificate (see birth **name**), but may change subsequently through filing a petition in court.

Adopted Name: Non-birth name that a transgender individual uses in self-reference (this may or may not be the individual's legal name).

Gender Expression: External characteristics and behaviors that are socially viewed as masculine or feminine. Gender expression is generally the external manifestation of an individual's gender identity.

Gender Identity: A person's gender-related identity, appearance or behavior, whether or not that gender-related identity, appearance or behavior is different from that traditionally associated with the person's physiology or assigned gender at birth.

Gender: An individual's biological or anatomical identity as male or female.

Transgender Individual: A person whose gender identity differs from his/her assigned gender.

Female to Male ("FTM"): A person who transitions from "female to male," meaning a person who was assigned female at birth, but identifies and lives as a male. A "female-to-male" individual should be addressed using masculine pronouns (e.g. he, him, his) regardless of surgical status.

Male to Female ("MTF"): A person who transitions from "male to female," meaning a person who was assigned male at birth, but identifies and lives as a female. A "male-to-female" individual should be addressed using feminine pronouns (e.g. she, her, hers), regardless of surgical status.

Searches and
Detainee
Procedures

For the purposes of Stops and Frisks, Exigency Searches, Consent Searches, Personal Searches Pursuant to a Warrant and all other lawful searches of a person, officers shall continue to use standard practices and procedures when conducting these searches.

When possible, the search of a transgender individual should be conducted by an officer of the gender requested by the transgender person, if such a request is made.

When possible, at least two officers should be present for these searches; however, some situations are such that immediate searches are necessary to preserve officer and public safety and to prevent the destruction of evidence.

A search or frisk shall not be performed for the sole purpose of determining an individual's anatomical gender. Additionally, transgender individuals shall not be subject to more invasive search or frisk procedures than non-transgender individuals.

Transgender detainees should be transported alone.

The Booking Supervisor will process transgender detainees in accordance with normal booking procedures. When booking a transgender person, the Booking Supervisor should include the detainee's adopted name (the name that the individual uses in self-reference only) as an alias. The transgender detainee will be booked under their legal name which appear on the detainee's government issued identification.

When booking a transgender detainee, the Booking Officer should request the detainee complete the **Statement of Search Preference Form** during the booking process. This form allows detainees to express the preference of the gender in which they are to be treated.

If no identification is available, then the Booking Officer will use the name provided for booking purposes.

Cell placement for transgender detainees will be at the discretion of the Booking Supervisor. Consideration should be given to the gender in with the detainee identifies. Transgender detainees shall not be placed in a cell with another detainee.

Restrictions on the wearing of appearance-related items while in custody should be consistent with restrictions on the wearing of similar items for non-transgender individuals. Appearance-related items, including, but not limited to, prosthetics or clothes of the presenting gender should not be confiscated or removed from transgender individuals unless such items present a safety hazard or are needed for evidentiary reasons.

Matrons

A matron and/or female officer shall be responsible for cell checks of transgender detainees identifying as female. If a transgender detainee identifies as a male, a matron or female officer is not required to conduct their cell checks. **[72.8.3]**



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Statement of Search Preference Form
(This form is to be used when booking transgender individuals)

TO BE COMPLETED BY BOOKING SUPERVISOR/OFFICER

Master Booking Name: _____

Legal Name: _____

Mastercard Number: _____

Preferred Name (if different from legal name): _____

Preferred Pronoun (he/she): _____

TO BE COMPLETED BY DETAINEE

For the purpose of searches conducted while in the custody of the Braintree Police Department, I prefer to be searched by an officer of the gender indicated below. I understand that my preference will be respected unless there is no appropriate individual available and failure to conduct a search would jeopardize the safety of other detainees or officers.

Female Male

Detainee Signature: _____ Date: _____

Witnessing Officer(s) Signature(s)

Witnessing Officer #1

Name: _____ Badge #: _____

Signature: _____ Date: _____

Witnessing Officer #2

Name: _____ Badge #: _____

Signature: _____ Date: _____

Detainee Refusal

Booking Supervisor shall check the box below if the detainee refused to cooperate for this portion of the booking process

Detainee Refused

Name: _____ Badge #: _____

Signature: _____ Date: _____