
	<b>POLICY AND PROCEDURAL ORDER</b>		<b>074-009</b>
	<b>Transgender, Intersex, Gender-Variant, and Nonbinary</b>		Page 1 of 5
	<b>Issued By:</b> Chief Michael Cox		<b>CALEA Standards</b> 
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		1.2.4,1.2.8,44.2.1,44.2.2,72.5.1,72.5.2,72.5.3, 72.5.5	

## I. Purpose



The Ann Arbor Police Department recognizes and places a high priority on the rights of all people. This policy establishes a procedure for interacting with Transgender, Intersex, Gender-Variant and Nonbinary (TIGN) individuals.

## II. Policy

It is the policy of the Ann Arbor Police Department to treat all persons, whether in custody or not, in a respectful, professional and reasonable manner while maintaining safety and security. Discrimination or harassment of any kind based on actual or perceived gender, gender identity and or gender expression, or sexual orientation is strictly prohibited. Members shall not exhibit any bias, prejudice or discriminate against any individual or group based on their actual or perceived sexual orientation, gender, gender identity, or gender expression.

## III. Definitions

- A. **Gender:** Gender is the range of characteristics pertaining to, and differentiating between male, female, or neither. Depending on the context, these characteristics may include biological sex, sex-based social structures, or gender identity or gender expression.
- B. **Gender Identity:** An individual's sense of being either male, female, both or neither. This may be different from what is traditionally associated with the individual's designated sex at birth.
- C. **Gender Expression:** Gender related traits that may or may not be consistent with those traits typically associated with a person's designated sex at birth. External manifestations of gender, expressed through one's name, pronouns, clothing, haircut, behavior, voice, or body characteristics.
- D. **Transgender:** An umbrella term for persons whose gender identity, gender expression or behavior does not conform to that typically associated with the sex to which they were designated at birth.
- E. **Gender Variant:** Behavior or gender expression by an individual that does not match masculine or feminine gender norms.
- F. **Nonbinary:** A term used to describe individuals who may experience a gender identity that is neither exclusively male or female or is in between or beyond both genders. Nonbinary individuals may identify as gender fluid, agender, third gender, gender fluid, gender nonconforming, or gender variant.

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G. **TIGN:** An acronym for **T**ransgender, **I**ntersex, **G**ender-Variant, and/or **N**onbinary person.

H. **Intersex:** Intersex individuals are born with chromosomes, external genitalia, and/or a reproductive system that varies from what is considered traditional for either males or females. Intersex individuals may identify as male, female, or non-binary.

#### IV. Procedures

1. Employees will at all times comply with the Ann Arbor Police Department’s and the City of Ann Arbor’s non-discrimination policies. Employees shall not comment or make remarks on another person’s actual or perceived gender, gender identity, or gender expression.

A. Identification: TIGN individuals may be identified in the following ways:



1. A person informs an officer that they are TIGN
2. An officer has reason to believe the individual may be TIGN. This may be based on gender-expression, prior interactions, and/or background checks.

B. When an officer is unsure if an individual is TIGN, the officer should ask the individual which pronouns are preferred; *She, her, hers* for an individual who is a transgender woman; *he, him, his* for an individual who is a transgender man; *they, them, their* for an individual who is gender non-conforming and/or prefers gender-neutral pronouns.

C. Nothing in this policy prohibits an officer from considering factors such as actual or perceived gender identity in combination with other legitimate factors (i.e. weight, age, height, dress, etc.) when obtaining or providing the description of a suspect, victim or witness.

D. Name Usage and forms of address



1. Officers shall address TIGN individuals by their preferred name or by pronouns appropriate to their gender identity such as he, she, or they.
2. Officers shall use the adopted name, even if that name is not legally recognized, in all conversations with the TIGN individual or any other person when referring to the TIGN individual.
3. Using derogatory language such as “it” to describe a TIGN individual is dehumanizing and prohibited. Use of derogatory language is subject to disciplinary action.

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- E. Except when legally necessary, (including but not limited to citing an arrestee, processing an arrestee), officers shall not require proof of an individual’s gender and shall not challenge an individual’s gender identity. Employees shall not ask questions about intimate details of a person’s anatomy to determine an individual’s gender without legitimate and articulable reasons. A legitimate and articulable example would include a rape investigation; intimate body part(s) used in the commission of a crime need to be identified for elements of said crime.
- F. Officers should be aware that the presence of needles may be indicative of prescribed hormone treatment and/or therapy and is not necessarily indicative of illegal drug possession, use or drug paraphernalia.
- G. Officers shall NOT consider an individual’s gender identity, gender expression, or actual or perceived sexual orientation as a reason to stop, question, search or arrest that individual, a basis for reasonable suspicion, or as prima facie evidence that the individual is, has or is about to engage in a crime.

V. Searches of TIGN Individuals.

1. Officers may conduct an immediate cursory pat search if the officer reasonably believes the person is armed or dangerous as with any individual (Terry vs. Ohio, 392 U.S. 1). When an officer must conduct a search of a TIGN individual beyond the level of a cursory pat search, the TIGN individual shall be asked their preference with regard to gender of the officer searching them. For example, “what gender officer would you prefer to search you?”
  - A. If a member of the TIGN individual’s preferred gender is not available, the search can be conducted by the officer on scene. Good judgement should be exercised in searching sensitive areas of the subject (breasts, groin, buttocks).
  - B. At least two officers should be present for these searches when possible. It is understood that the dynamic, fluid and emergent nature of some situations are such that immediate searches are necessary to preserve officer and public safety and to prevent the destruction of evidence. Accordingly, exigent searches may be undertaken by any officer.
  - C. If the TIGN individual’s preference could not be honored, the preference and reason why it could not be honored shall be documented in an incident report if one is generated.



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VI. Booking of TIGN individuals

- A. An arrestee’s gender shall be classified as it appears on the individual’s government issued identification card, passport, or other form of legal identification. If the arrestee identifies themselves using a different name, the officer shall list that name in the “Also Known As” (AKA) section of relevant paperwork/booking documents.
- B. Officers shall use the sex designation listed in the most current driver’s license, state identification card, passport or other form of legal identification. Some Government and State issued forms of identification have a 3<sup>rd</sup> gender marker for individuals who are intersex or nonbinary. Michigan is currently not one of those states.
- C. In the event that a government-issued identification card is unavailable, the arrestee **shall be** classified according to their self-identification.
- D. When there is uncertainty regarding the appropriate classification of an arrestee’s gender or if the individual refuses to answer, a supervisor shall be consulted for further guidance on the appropriate classification.
- E. Appearance related items, including but not limited to, prosthetics, clothes, wigs, or make-up should not be confiscated or removed from TIGN individuals unless such items present a safety hazard, impede the administration of medical attention, or are needed for evidentiary reasons.

VII. Strip Search Procedures for TIGN Individuals

- A. Consistent with [P&P 072-001](#) Security Procedures, all strip searches, authorization from a supervisor shall be obtained prior to the strip search. Such authorization shall be documented on form PC-1052 “Report of Strip or Body Cavity search” which must be filled out and submitted with the report on the incident.
- B. Two officers shall be present for strip searches with TIGN individuals consistent with other strip search procedures. TIGN individuals shall be asked their preference with regards to gender of the member searching them. For example, “What gender officer would you prefer to search you?”
- C. All strip searches will be conducted in a private location, such that persons not participating in the search cannot observe the person being searched. For this reason, Body Worn Cameras will not be activated during the search.

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VIII. Detention of TIGN Individuals

- a. Officers transporting transgender, intersex, and/or gender non-conforming (TIGN) persons shall report the arrestee’s gender identity and preferences to the Washtenaw County Jail.
- b. If a TIGN individual is being held in the Ann Arbor Police holding facility, they shall be treated as all other arrestees and not be placed in a cell with other arrestees.
- c. The gender marker placed on the outside of the cell door shall be consistent with their expressed gender identity.

IX. Transportation of TIGN Individuals

- a. All employees are required to contact dispatch at the beginning and end of each transport to document mileage from start to finish of each trip to transport arrestees.
- b. When transporting trans, intersex, and/or gender non-conforming individuals, employees shall transport with other arrestees of the same self-identified gender unless the individual has expressed a safety concern and wish to be transported alone or with people of a different gender.
- c. If a person does not identify as male or female, they shall be transported with arrestees of the gender they express to be safest for them.

X. TIGN Juveniles

- A. All interactions with juvenile TIGN individuals shall conform to the mandates set out by this policy and [P&P 044-001](#) Juvenile Operations. When investigating, arresting, or transporting a juvenile, the juvenile’s actual or perceived gender identity, gender expression, or sexual orientation should not be discussed with parents or guardians without the juvenile’s consent, unless it directly pertains to the case.