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	<p align="center"><b>City of Charleston Police Department Policy and Procedure Manual</b></p>		EFFECTIVE DATE: <b>02/01/08</b>
			ORIGINATOR: <b>Strategic Analysis &amp; Innovations</b>
	DISTRIBUTION: ALL		CALEA: 1.2.9
BY THE AUTHORITY OF THE CHIEF OF POLICE: 			

**8.1 FAIR AND IMPARTIAL POLICING (CALEA 1.2.9)**

The purpose of this order is to reaffirm that all members of the Charleston Police Department are committed to fair and impartial policing, to clarify the circumstances in which officers can consider race/ethnicity and other personal characteristics when making law enforcement decisions, and to reinforce procedures that serve to ensure the public that we are providing service and enforcing laws in an equitable way.

**8.2 PRIMARY AND FUNCTIONAL OBJECTIVES (CALEA 1.2.9)**

The Charleston Police Department is committed to fair and impartial law enforcement. Officers shall not consider race, ethnicity, national origin, religion, age, gender, gender identity/expression, sexual orientation, immigration status, disability, housing status, occupation, or language fluency in carrying out law enforcement activities (traffic contacts, field contacts, asset seizure, forfeiture efforts, etc.) except when credible, locally relevant information links a person or people of a specific race, ethnicity, national origin, religion, age, gender, gender identity/expression, sexual orientation, immigration status, disability, housing status, occupation, or language fluency to a specific unlawful incident, or to specific unlawful incidents, criminal patterns, or schemes. The restriction on the officer’s use of race, ethnicity, national origin, religion, age, gender, gender identity/expression, sexual orientation, immigration status, disability, housing status, occupation, or language fluency does not apply to law enforcement activities designed to strengthen the department’s relationship with its diverse communities.

In an effort to prevent inappropriate perceptions of biased law enforcement, each officer shall do the following when conducting pedestrian and vehicle stops:

1. Introduce themselves to the person (providing name and assignment within the department) and state the reason for the stop as soon as practical, unless providing this information will compromise officer or public safety. In vehicles stop, the officer shall provide this information before asking the driver for their license and registration.
2. Ensure that the detention is no longer than necessary to take appropriate actions for the known or suspected offense, and the citizen understands the purpose of reasonable delays.
3. Answer any questions the citizen may have, including explaining options for traffic citations disposition, if relevant.
4. Provide their name and badge number, in writing on a business card as they are disengaging from the stop as it is outlined in Policy 7.14 **Officer Disengagement**.

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5. Apologize and/or explain if they determine that the reasonable suspicion was unfounded (e.g. after an investigatory stop).

### 8.3 INTERACTIONS WITH THE TRANSGENDER COMMUNITY

The Charleston Police Department is committed to working with all of our diverse communities which it serves, including the transgender community, with fairness and dignity. Police personnel, including sworn, non-sworn, and volunteers, shall interact with all citizens, including transgender citizens, in a manner that is professional, respectful, and courteous. The Charleston Police Department will not discriminate against anyone for any reason and will not assist in the discrimination against anyone.

#### **Definitions:**

1. "Gender expression" is a person's external appearance, including characteristics or behavior typically associated with a specific gender. The gender someone expresses can be different from the gender with which he/she/they identify. Cross-dressing (dressing in a manner typically associated with a gender other than the gender one identifies as) is a form of gender expression.
2. "Gender Identity" is that person's innate sense of their own gender. The gender someone identifies with may be different from the gender assigned at birth.
3. "Sexual orientation" is about whom you are attracted to and who you feel drawn to romantically, emotionally, and/or sexually.
4. "Transgender status" is an umbrella term that describes an individual whose gender identity or gender expression is different from that traditionally associated with that individual's sex at birth.

#### **Guiding Principles**

Members will:

1. Respectfully treat Transgender individuals in a manner appropriate to the individual's gender identity and/or expression;
2. Use pronouns as requested by the Transgender individual (e.g., "she, her, hers" for an individual who self identifies as a female; "he, him, his" for an individual who self identifies as a male). NOTE: If members are uncertain by which gender the individual wishes to be addressed, members will respectfully ask the individual for clarification;
3. When requested, address a Transgender individual by a name based on their gender identity rather than that which is on their government issued identification;

Members will not:

1. Stop, detain, frisk, or search any person in whole or in part for the purpose of determining that person's gender or in order to call attention to the person's gender expression;
2. Use language that is considered by mainstream standards as demeaning or derogatory, in particular, language aimed at a person's actual or perceived gender identity or expression or sexual orientation or any other personally identifying characteristics;
3. Consider a person's gender identification as reasonable suspicion or prima facie evidence that the individual is or has engaged in a crime, including prostitution;
4. Disclose an individual's identity to other arrestees, members of the public, or non-Department members, absent a proper law enforcement purpose.

**Procedure**

1. Department personnel shall not use language that a reasonable person would consider demeaning, offensive, lewd, slang terms, or harassing to another person, in particular, language aimed at a person's actual or perceived gender identity or gender expression or sexual orientation;
2. Department personnel shall treat all transgender persons in a manner appropriate to that individual's gender identity, which includes addressing them by their chosen or legal name, and shall use personal pronouns appropriate to the gender that the person identifies with. Employees are encouraged to ask persons they suspect may be transgender how they wish to be addressed;
3. When an individual self identifies as being a transgender person, employees shall not question this identity except for articulable reasons (i.e. the person's gender is related to a crime.);
4. Documenting transgender individuals:
  - a. Employees will document a transgender individual's legal name and legal gender on all legal documents to include citations, face sheets, affidavits, and booking paperwork;
  - b. A transgender person's chosen name should be documented in the AKA or alias section on citations, face sheets, and booking paperwork;
  - c. In circumstances where there is doubt as to the legal name or gender of an individual, employees will defer to what is documented on identification issued to the individual by the State or any other government issued form of identification such as passport or driver's licenses.
5. Searching transgender individuals:
  - a. Transgender persons shall not be subject to more invasive search or frisk procedures than non-transgender persons;
  - b. When a pat down search/ frisk for weapons is necessary for safety, it will be conducted by a member of the same sex based on guidelines outlined in Section 4c of this policy;
  - c. EXCEPTION: If a member of the same gender is not immediately available, officer or public safety is compromised, and it is imperative that an immediate search be conducted, members will not endanger themselves or the public to comply with this requirement;
  - d. When in doubt regarding any searches of a transgender individual, officers should notify a supervisor and request they respond to the scene prior to searching unless a delay would jeopardize officer or public safety.
6. Members taking Transgender individuals into custody, accepting custody from other members, or conducting custodial searches will be responsible for conducting a thorough search in accordance with established Department procedures.
  - a. The gender of the Department member(s) performing custodial searches, including custodial searches incident to arrest, prior to transport, and within a designated holding facility, will be based on the gender guidelines as delineated in Section 4c of this policy;

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- b. When requested by a Transgender individual, a Department member of the individual's gender identity or expression will be present to observe the custodial search. When practical, this observing member will be a sworn supervisor;
- c. Requests to remove identity related items such as prosthetics, clothing, wigs, and cosmetic items will be consistent with requirements for the removal of similar items for non-transgender arrestees;
- d. The possession of a needle which is purported to be for hormonal use will not be presumed to be evidence of criminal misconduct, especially, if the person being stopped or arrested has documentation from a physician for being in the process of a sex change.

### 8.4 SUPERVISOR RESPONSIBILITIES (CALEA 1.2.9)

Supervisors are responsible for promoting fair and impartial policing. They will make every effort to identify biased policing and will take corrective and/or disciplinary actions as appropriate to the situation. Supervisors shall ensure that all personnel in their command are familiar with the content of this policy and will be alert and respond to indications that biased policing is occurring.

Violations of this policy shall result in corrective action, retraining, counseling and/or other remedial intervention as appropriate to the violation. All complaints of biased policing will be tracked through the Professional Standards Office.

### 8.5 ANNUAL TRAINING AND REVIEW (CALEA 1.2.9)

Personnel shall receive annual training in unconscious bias, procedural justice, problem solving, building partnerships, cultural immersion and fair and impartial policing, including associated legal aspects. This training will include, at a minimum, techniques related to field contacts, traffic stops, search and seizure issues, asset seizure and forfeiture, interviews, cultural diversity, discrimination, and community support. It will be supported by, but not limited to, instruction received in Block Training and Roll Call training sessions. The Professional Standards Office will conduct a documented annual administrative review of the agency's procedures and practices, including a review of all complaints regarding biased policing, and upon completion will report their findings to the Chief of Police, or designee.