23.00 POLICY:

The purpose of this policy is to advise all members of the Syracuse Police Department (SPD; Department) of their sworn duty and responsibility to follow the established Department guidelines for the appropriate treatment of transgender*, intersex, non-binary and gender non-conforming individuals (transgender*) who come into contact with members of the Syracuse Police Department. The Department is committed to the respectful and professional treatment of transgender* persons and is cognizant of the fact that transgender* persons are disproportionately the victims of hate based, violent crimes. Transgender* persons are more likely to be the victims of crime rather than the perpetrators.

The Syracuse Police Department is committed to working with all diverse communities in which it serves with fairness and dignity. Members of the Syracuse Police Department shall interact with all citizens in a manner that is professional, respectful, and courteous. Personnel will not exhibit any bias, nor will they pre-judge, or discriminate against an individual or group based on their actual or perceived sexual orientation, gender identity, or gender expression.

Personnel will address members of the public using pronouns, titles of respect, and name as expressed by the individual, regardless of what is listed on their government issued identification. If members are uncertain about which pronouns are appropriate, then the employee should respectfully ask the individual. Personnel will not use language that is demeaning or degrading in content or tone, understanding that it is equally unacceptable to use non-derogatory language in a derogatory manner or tone.

The SPD’s Interactions with Transgender* Individual’s policy shall be readily accessible to the public at no cost via the Department’s website and external search engines.

23.10 DEFINITIONS:

A. Adopted Name - Preferred non-birth name that a transgender* individual uses in self-reference (this may or may not be the individual’s legal name) person being stopped.

B. Transgender* - An umbrella term for a person whose gender identity or expression differs from the sex they were assigned at birth. For example, if a person is born and then assigned female, but ultimately identifies as a male, that person would be described as a transgender* male.

C. Gender Expression - How a person expresses their gender. This can include clothing, hairstyles, makeup, mannerisms, behavior, speech patterns, and more. An individual’s
D. characteristics and behaviors (such as one’s name, pronoun, appearance, dress, mannerisms, speech patterns, and body characteristics) that may express one’s Gender Identity.

E. Gender Identity - An individual’s deeply held internal knowledge or sense of being male, female, personal gender, or no gender which may or may not correspond to the individual’s physical characteristics or Sex Assigned at Birth. Gender Identity may or may not be visible to others or expressed outwardly through a person’s chosen pronouns, haircut, dress, behavior, or voice.

23.11 PROCEDURE:

A. Personnel will adhere to the following procedures during departmental contacts with and the arrests of transgender* individuals.

1. Members shall not request identification or otherwise initiate contact solely based on actual or perceived gender identity, gender expression or sexual orientation.

2. Members shall not inquire about intimate details of an individual's sexual practices, genitals, anatomy or medical history, or conduct a search to determine a person’s anatomy or determine gender.

3. Members shall not use language that is demeaning or derogatory to another person, in particular, language aimed at a person's actual or perceived gender identity, gender expression, or sexual orientation. Members shall not use language that is demeaning or degrading in content or tone, or use non-derogatory language in a derogatory manner or tone.

4. Members shall not engage in any sexual harassment of members of the public while on duty, as defined by the department’s policy on sexual misconduct, including mis-identifying gender.

5. Members 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 of any kind.

6. Members shall not fail to respond to a call or act upon a scene based on gender identity or gender expression.

23.12 DUTIES AND RESPONSIBILITIES OF ALL MEMBERS:

A. It shall be the duty and responsibility of all members of the Department to:

1. Address the public using names, pronouns and titles of respect appropriate to the individual’s gender identity or gender expression as expressed by the individual (e.g. “she, her” for an individual who uses she/her pronouns; “he, his” for an individual who uses he/his pronouns; “they, them” for an individual who uses they/them pronouns.). The goal is to be the most inclusive and respectful to all individuals.

2. Treat transgender* and gender-nonconforming individuals in a manner respectful of the individual’s gender identity or gender expression, aware that this may be different from their sex assigned at birth or what is listed on their official government-issued identification.
3. Be aware that individuals’ names may change over time, whether due to marriage, changes in gender identity, or other factors, and should always use the name currently used by individuals.

4. Provide appropriate medical attention:
   a. In the event a transgender* individual requests medical attention the officer shall promptly request medical assistance. Officers shall render emergency first aid within the limits of their individual skills, training and available equipment until professional medical assistance arrives.

23.13 GENDER CLASSIFICATION WHEN A TRANSGENDER* PERSON IS A VICTIM OR WITNESS:
   A. When necessary for documenting an incident, a transgender* person’s gender will be classified as it appears on the individual’s government-issued identification card.
      1. Officers should be aware that identification may be accompanied by a physician’s letter explaining gender identity, sometimes called a “carry letter”, which would further document an individual’s gender identity or gender expression.
      2. If the person identifies with a gender different than what is listed on their government identification, the officer should make a note of the gender identity or gender expression under the “Narrative” section of the necessary report. This would include the pronouns the person uses.
      3. If an individual explicitly informs personnel that they are transgender*, and an officer finds a record for an individual (NCIC or any other law enforcement record) that lists a different gender from what the individual is currently presenting, the officer will document the information in the “Narrative” section of the New York State Arrest Report.

23.14 ADDITIONAL PROCEDURES FOR GENDER CLASSIFICATION WHILE PROCESSING A TRANSGENDER* PERSON FOR ARREST:
   A. An arrestee's gender will be classified as it appears on the individual's government-issued identification card. This does not negate what pronouns the person uses to identify themselves.
   B. For the purposes of listing gender on citations, arrest reports, and other official documentation, members shall use the designation listed in the most recent records in official government databases, starting with the CNYLEADS.
   C. NOTE: While the SPD recognizes the potential negative connotation associated with the term “alias,” the use of such term is institutional of the criminal justice system and is no way intended to be disrespectful to, or dismissive of, transgender* individuals.
   D. In the event that a government-issued identification card is unavailable, the arrestee will be classified according to their self-identification.
   E. In the event that there is uncertainty regarding the appropriate classification of an arrestee's gender, a supervisor will be consulted for guidance on the appropriate
classification (e.g., In situations in which the arrestee does not have identification, and will not speak to police, supervisors can attempt to establish communication necessary to make a determination of the arrestee’s gender or use the arrestee’s gender expression for classification).

23.15 TRANSPORTATION AND SEARCHES:

A. Unless there are exigent circumstances, a transgender* prisoner shall be transported alone.

B. An officer of the individual's gender identity, when practical, will be present during the transport.

C. Transporting officers shall notify police radio with their beginning and ending mileage and record such information on their patrol log.

D. Transgender* juvenile arrestees shall be processed in accordance with SPD juvenile transportation policies.

E. In situations involving the transfer of transgender* prisoners to county prisons or other police agencies, the officer will ensure that the paperwork accompanying the prisoner adequately describes gender identity information, in a manner consistent with the policy.

F. SEARCHES:

1. Transgender* persons shall not be subject to more invasive search or frisk procedures than non-transgender persons.

2. Members shall continue to use standard practices and procedures when conducting field interviews, pat frisks for weapons, or investigative contacts in a manner that does not unreasonably endanger themselves or another person.

3. Members shall not 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. This limitation does not prevent an officer from following established Department procedures relative to ensuring the proper processing of suspects.

4. Where feasible, all searches of the transgender* individual shall be conducted in the presence of at least one other officer. If available, the officer conducting the search should be of the preferred gender of the individual being searched. If the suspect does not specify a preference, then the search shall be conducted by a female officer.

23.16 RESPONSIBILITIES OF SUPERVISORY / COMMAND OFFICERS:

A. It shall be the duty and responsibility of all supervisory and Commanding Officers to:

1. Continually examine all areas of police action and operations under their control to discover procedural defects and violations of policies, rules and procedures.
2. **Receive**, record, and investigate complaints, regardless of their source (e.g. internal, external, or precautionary), pertaining to gender profiling.

3. **Review** and approve applicable Departmental reports.

4. **Process** discriminatory and victimization of transgender* persons or gender profiling complaints pursuant to the Department's policy governing Office of Professional Standards' investigations.

5. **Take** appropriate disciplinary action to address sustained complaints of any and all discriminatory profiling.

### 23.17 RESPONSIBILITIES OF THE OFFICE OF PROFESSIONAL STANDARDS:

A. The Office of Professional Standards is responsible for the Department's internal investigation function and shall investigate gender-profiling complaints.

B. All members of the Department shall adhere to the Department’s policy governing the Office of Professional Standards’ investigations and utilize appropriate complaint procedures to investigate and document allegations of gender bias, including but not limited to:

1. **Complaints** received from transgender* persons.
2. **Complaints** directed to the Office of Professional Standards.
3. **Complaints** directed to the office Chief of Police.
4. **Complaints** directed to the Citizen’s Review Board.
5. **Complaints** initially received by other law enforcement organizations, or other public entity.

### POLICY REVISION HISTORY

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Policy is applicable to the following New York State Accreditation Standard(s):