MINNEAPOLIS POLICE DEPARTMENT

SPECIAL ORDER

BY ORDER OF THE CHIEF OF POLICE

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TO: Distribution "A"			RETENTION DATE: Until Rescinded
SUBJECT: **Manual Revision – 7-3001 Interactions with Transgender and Gender Non-Conforming Individuals**			APPROVED BY: *Chief Harteau*

MP-8806

Introduction: This policy is being created to establish guidelines based on courtesy and dignity for the appropriate treatment of transgender and gender non-conforming individuals who come into contact with the Minneapolis Police Department.

Effective with the issuance of this Special Order, Chapter 7-3000 and Section 7-3001 of the MPD Policy and Procedure Manual shall be added:

7-3001 INTERACTIONS WITH TRANSGENDER AND GENDER NON-CONFORMING INDIVIDUALS (06/16/16) (A-D)

I. PURPOSE

The purpose of this policy is to establish guidelines for the appropriate treatment of transgender and gender non-conforming (TGN) individuals who come into contact with the Minneapolis Police Department.

II. POLICY

It shall be the policy of this department to treat all individuals with the courtesy and dignity inherently due to every person. Employees shall act, speak and conduct themselves in a professional manner, recognizing their obligation to safeguard life and property. Employees shall maintain a courteous, professional attitude in all contacts with the public, and shall not exhibit any bias, prejudice or discrimination against a TGN individual or group of TGN individuals.

III. DEFINITIONS

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

Gender Identity or Expression: A person's actual or perceived self-image or identity as expressed through dress, appearance, behavior, speech or similar characteristics, whether or not traditionally associated with the person's physical anatomy, chromosomal sex, or sex at birth.

Gender Non-Conforming: A term for individuals whose gender expression does not fall within traditional expectations of masculine or feminine gender.

Sex: The anatomical qualities that determine whether one is male or female.

Sexual Orientation: Having or being perceived as having an emotional, physical, or sexual attachment to another person without regard to the sex of that person or having or being perceived as having an orientation for such attachment.

Transgender Individual: A person who expresses a traditional gender that differs from that person's sex assigned at birth.

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 (also known as a transgender man). An FTM 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 (also known as a transgender woman). An MTF individual should be addressed using feminine pronouns (e.g. she, her, hers), regardless of surgical status.

IV. PROCEDURES/ RULES/ REGULATIONS

A. Forms of Address

1. Employees shall address TGN individuals by the individual's adopted name, even if the individual has not received legal recognition of the adopted name.

2. In addressing or discussing a TGN individual, employees shall use the pronouns appropriate for that person's gender identity (e.g. she/her/hers, he/him/his, they/them/theirs, etc.). If an employee is uncertain about which pronouns are appropriate, the employee should respectfully ask the individual.

3. Employees shall not use language that a reasonable person would consider demeaning or derogatory; in particular, language aimed at a person's actual or perceived gender identity, gender expression or sexual orientation.

4. Employees shall not disclose an individual's TGN identity to any other person or group absent a proper law enforcement purpose.

B. Calls for Service

1. Calls for service or complaints generated by TGN individuals shall be addressed and investigated in a manner consistent with all departmental policies.

2. Employees shall not consider a person's gender or gender identification as reasonable suspicion or prima facie evidence that the individual is or has engaged in a criminal act, including prostitution.

   a. Employees may only consider gender or gender identification in accordance with the Impartial Policing policy (P/P 5-104).

C. Transportation

Whenever possible, a TGN suspect or arrestee shall be transported alone. Officers shall ensure that additional units are called in order to assist with transporting additional TGN individuals.

D. Searches

1. Officers shall not stop, detain, frisk or search a person in whole or in part for the purposes of determining that person's gender or in order to call attention to the person's gender expression.

2. Officers shall continue to use standard practices and procedures when conducting field interviews, Terry stops and frisks/pat downs.

3. Whenever possible, a search of a TGN suspect that goes beyond a frisk/ pat down shall be conducted by an officer of the gender requested by the suspect.

   a. All other aspects of the search shall be conducted in accordance with standard MPD practices and procedures.

E. Medical Attention

1. TGN individuals requiring medical attention shall be handled as any other individual requiring medical attention.

F. Name and Gender Classification of TGN Individuals for Data Purposes

1. The reporting system used by MPD (CAPRS) uses the label "sex" and offers the options of "Male" and "Female." This section will use the term "gender" in reference to the classification in the reporting system.

2. A person's name and gender will be classified for data purposes as it appears on the individual's government-issued identification card.

3. In the event a government-issued identification card is unavailable:

   a. If the officer has established identification through appropriate databases (such as DVS) or if the individual was identified at the Hennepin County Jail, the name and gender from that identification shall be used.

   b. If no government identification is established the following procedure shall be used:

i. The officer shall respectfully ask the individual whether they most closely identify with male or female and use that for the CAPRS report data classification.

aa. If the individual is not comfortable with either option or refuses to answer, the officer shall select one.

ii. The officer shall ask the individual for their legal name to use in the report.

4. If there is uncertainty regarding the appropriate data entry of an individual's name or gender, a supervisor should be consulted for further guidance.

5. This section relates to data classification only, and shall not alter the transportation, searching or processing of individuals.