

<b>NORTHAMPTON POLICE DEPARTMENT</b>		
<b>Administration &amp; Operations Manual</b>		
<b>Policy: Interactions with Members of the LGBTQ+ Community</b>		<b>AOM: O-143</b>
Massachusetts Police Accreditation Standards Referenced:		Issuing Authority <hr/> Jody Kasper Chief of Police
<b>Dissemination Date:</b> 1/02/2014	<b>Amended:</b> 1/16, 11/20, 9/23	
<b>Effective Date:</b> 1/02/2014	<b>Reviewed:</b> 1/14, 1/16, 1/18, 2/20*, 9/23	

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**I. Introductory Discussion**

The purpose of this policy is to establish guidelines for the appropriate treatment of LGBTQ+ individuals who come into contact with the Northampton Police Department. It is the general policy of the Northampton Police Department to treat all individuals with dignity, respect, and professionalism. Therefore, this policy shall be enforced in order to create mutual understanding, prevent discrimination and conflict, and ensure the appropriate treatment of LGBTQ+ individuals within the community.

**II. Fair and Impartial Policing**

The purpose of this policy is to reaffirm that all members of the Northampton Police Department are committed to fair and impartial policing, to clarify appropriate communication and operations when interacting with members of the LGBTQ+

community, and to reinforce procedures that serve to ensure the public that services are provided and laws are enforced in an equitable way.

### III. Definitions

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

**Dead Name:** The name a transgender individual was given at birth and no longer uses upon transitioning.

**Gender Expression:** Displays of gender identity through dress, demeanor, and language.

**Gender Fluid:** A person whose gender identity and/or presentation may change or mix over a short or long period of time.

**Gender Identity:** A person's gender-related appearance or behavior, whether or not that gender-related identity, appearance, or behavior differs from that traditionally associated with the person's physiology or assigned gender at birth. Gender-related identity may be shown by providing evidence including, but not limited to, medical history, care or treatment of the gender-related identity, consistent and uniform assertion of the gender-related identity, or any other evidence that the gender-related identity is sincerely held, as part of a person's core identity; provided, however, that gender-related identity shall not be asserted for any improper purpose.

**Gender Queer:** A person who does not subscribe to conventional gender distinctions but identifies with neither, both, or a combination of male and female genders.

**Intersex:** A general term used for a variety of conditions in which a person is born with a reproductive or sexual anatomy that doesn't fit the typical definitions of male or female.

**LGBTQ+:** An acronym for lesbian, gay, bisexual, transgender, queer or questioning, and people with gender expressions outside traditional norms, including non-binary, intersex, and other queer people.

**Non-binary:** Not relating to, composed of, or involving just two things. Some people whose gender is not male or female identify as non-binary.

**Sex/Biological Sex:** An individual's biological or anatomical identity as male or female.

**Transgender Individual:** A person whose gender identity differs from their biological or anatomical sex.

**Transgender Man:** 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 transgender man should be addressed using masculine pronouns (i.e. he, him, his), regardless of surgical status.

**Transgender Woman:** 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 transgender woman should be addressed using feminine pronouns (i.e. she, her, hers), regardless of surgical status.

**Transsexual:** Someone whose personal sense of gender conflicts with their biological or anatomical sex at birth. A person who considers themselves as transsexual may have taken steps, or may be planning to take steps, to change their apparent biological sex characteristics through medical and/or surgical procedures. This term is becoming less common, so it’s better to use “transgender” or “trans” unless the person has stated that they prefer the term “transsexual.”

## IV. Name Usage and Forms of Address

Officers should be aware that a person’s dead name may still be on legal documents including licenses or other forms of identification. If there is any confusion, the officer may ask the person, “What is your preferred name?” All officers shall address transgender individuals by the individual’s adopted name, regardless of whether or not the individual has obtained legal recognition of the adopted name.

Officers should be aware that some people may identify as transgender, non-binary, or gender queer. Regardless of their appearance or name, these individuals may use the pronouns he/him/his, she/her/hers, or they/them/theirs. All individuals shall be addressed using the titles and pronouns appropriate to their gender identity. For example, when addressing a male-to-female individual the pronouns her, she, and hers shall be used by police personnel if that is what the individual uses. When addressing a female-to-male individual the pronouns he, him, and his shall be used by police personnel. If there is any uncertainty as to which pronouns or titles are appropriate, then the officer shall respectfully ask the individual, “What are your pronouns?” or “What pronouns do you use?”

In 2019 the Massachusetts Registry of Motor Vehicles added a third gender option, permitting licensees to select non-binary as their gender. The non-binary marker appears as an “X” on documents, as opposed to an “F” for female or an “M” for male. All documents completed by NPD officers shall include the gender option that is indicated on a person’s legal identification.

Although he/him/his, she/her/hers, or they/them/theirs, are the most commonly used pronouns in the LGBTQ+ community, some individuals may use less

commonly known pronouns including ze/hir/hirs, ey/em/ems, or a combination of pronouns such as she/they or he/they.

## V. Calls for Service

All calls for service or complaints made by LGBTQ+ individuals will be investigated in the same manner as all other calls for service or complaints, and in full compliance with Department AOM's. Officers shall not fail to respond to a call for service based upon the gender identity or expression of the caller.

## VI. Stop and Frisk

- A. Standard procedures and practices shall be used when conducting searches and seizure (i.e. "Field Stops" and "Frisks") of LGBTQ+ individuals. These standard procedures and practices include treating an LGBTQ+ individual in a manner that is appropriate for the individual's gender expression.
- B. Except when legally necessary, (e.g. issuance of a citation or effectuation of an arrest) officers shall not require proof of an individual's gender and shall not challenge an individual's gender identity. Searches or frisks shall not be used as a means of determining an individual's gender. Additionally, LGBTQ+ individuals shall not be subjected to more invasive search or frisk procedures than non-LGBTQ+ individuals.

## VII. Arrest and Detention

- A. **Transportation:** Whenever possible and practical, an LGBTQ+ individual shall be transported separately from other arrestees. This is to ensure the LGBTQ+ individual's privacy, dignity, and safety.
- B. **Booking:**
  - 1. Normal booking procedures will be followed according to *AOM 0142 Detainee Processing and Confinement* when booking an LGBTQ+ individual, including those in protective custody and juveniles held in custody. During the booking process the Booking Officer shall include the individual's adopted name (i.e. the name that the individual uses in self-reference) either as the primary name or as the "also known as (a.k.a.) name. However, the individual shall be booked under the name appearing on the individual's government-issued identification, as well as under the a.k.a. name when applicable.
  - 2. If the individual does not have identification available, the Booking Officer shall use the adopted name as the primary name for booking purposes. The individual's birth name will be used only if it is the individual's legal name is required by a legitimate law enforcement purpose, including but not limited to, determining whether an arrestee has a prior criminal record.

3. If during the booking process an LGBTQ+ individual requests to use the bathroom, the detainee shall ask the person's preference for the gender of the officer who will escort them. If possible, an officer of the requested gender shall assist the detainee.

**C. Searches:**

Whenever possible and practical, a search of an LGBTQ+ individual will be performed by officers of the gender requested by the LGBTQ+ individual. Two officers of the gender requested by the LGBTQ+ individual should be present during the search. If two officers of the requested gender are not available, the search shall nonetheless be performed by two available officers. If the LGBTQ+ individual does not express a preference regarding the gender of the searching officers, then two officers of the same gender as the LGBTQ+ individual's gender expression will conduct the search (e.g. when a Transgender Male individual does not express a preference, then two male officers will conduct the search).

1. Each LGBTQ+ individual shall complete *AOM 0143.a Statement of Search Preference Form* before a search is conducted. If an LGBTQ+ individual refuses to sign the form, then the individual will be searched by two officers of the same gender as the LGBTQ+ individual's gender expression.

- D. Conditions during Holding:** Whenever possible and practical, an LGBTQ+ person shall be held in an individual cell without other detainees. The Booking Officer and shift Officer in Charge (OIC) shall make reasonable efforts to ensure that the LGBTQ+ individual is held separately from other detainees. Instances in which an LGBTQ+ individual is in need of medical attention shall be handled in the same manner as any other individual requiring medical attention in accordance with *AOM 0105 Handling Injuries/Illnesses*.

## **VIII. Supervisor Responsibility**

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.