



INTERACTIONS WITH TRANSGENDER, INTERSEX, AND GENDER NONCONFORMING (TIGN) INDIVIDUALS



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I. PURPOSE

This directive:

- A. establishes policies for interactions with transgender, intersex, and gender nonconforming (TIGN) individuals to provide for their safety. Consistent with the General Order entitled "**Human Rights and Human Resources**," Department members will:
 - 1. treat all persons with the courtesy and dignity which is inherently due every person as a human being. Department members will act, speak, and conduct themselves in a professional manner, recognizing their obligation to safeguard life and property, and maintain a courteous, professional attitude in all contacts with the public.
 - 2. **not** exhibit any bias, prejudice, or discriminate against a TIGN individual or group of TIGN individuals.
- B. defines certain terms which pertain to processing TIGN persons under Department control.
- C. establishes procedures for processing TIGN arrestees under Department control.

II. DEFINITIONS

- A. **Cross-Dresser** – A term that refers to people whose dress is typically associated with the opposite sex.
- B. **Gender Identity or Expression** – The actual or perceived identity or behavior of a person as being male or female.
- C. **Intersex** – A group of conditions where there is a discrepancy between the external genitalia and the internal genitalia (testes and ovaries).
- D. **Sexual Orientation** – An individual’s enduring romantic, emotional, and/or sexual attraction to individuals of a particular gender.
- E. **Transgender** – Refers to any person whose gender identity or expression differs from the one which corresponds to the person’s sex at birth. This term includes transsexuals, intersex individuals, and others whose identity are perceived to be gender nonconforming.
- F. **Transsexual** – A person whose personal sense of their gender conflicts with their anatomical sex at birth.

III. GUIDING PRINCIPLES

- A. Members will:
 - 1. respectfully treat TIGN individuals in a manner appropriate to the individual's gender expression;

2. use pronouns as requested by the TIGN 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 TIGN individual by a name based on their gender identity rather than that which is on their government-issued identification;
4. conduct strip searches as delineated in the Department directive entitled “Conducting Strip Searches.”
5. conduct protective pat downs as delineated in the Department directive entitled “Investigatory Stop System.”

B. 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;

NOTE: The above limitation does not prevent a member from following the established Department procedures relative to ensuring the proper processing of arrestees.

2. use language that a reasonable person would consider demeaning or derogatory, in particular, language aimed at a person’s actual or perceived gender identity or expression or sexual orientation;
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 TIGN identity to other arrestees, members of the public, or non-Department members, absent a proper law enforcement purpose.

C. Members will not unreasonably endanger themselves or another person to conform to this directive.

IV. GENDER CLASSIFICATION OF TIGN ARRESTEES FOR DEPARTMENT PURPOSES

- A. An arrestee's gender will be classified as it appears on the individual's government-issued identification card.

NOTE: The Illinois Secretary of State designates the gender on an identification card based upon appropriate documentation submitted to the Secretary of State.

- B. The exception to the government-issued identification card policy are those arrestees who are post operative gender re-assigned from:

1. male-to-female will be processed as a female;
2. female-to-male will be processed as a male.

- C. In the event that a government-issued identification card is unavailable the following criteria will be used in determining gender:

If the arrestee states they:

1. have male genitalia, the arrestee will be classified as a male;
2. do **not** have male genitalia, the arrestee will be classified as a female.

- D. In the event that there is uncertainty regarding the appropriate classification of an arrestee's gender, a supervisor will be consulted for further guidance on the appropriate classification.

V. PROCEDURES INVOLVING TIGN ARRESTEES

A. Searches of TIGN Individuals

1. Protective pat downs will be conducted by a member who is the same gender as the arrestee based on the gender guidelines as delineated in Item IV of this directive and in accordance with established Department procedures. A protective pat down is defined in the Department directive entitled "**Investigatory Stop System.**"

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. Members will exercise caution when conducting a protective pat down of the outer garment of persons of the opposite sex.

2. Members taking TIGN individuals into custody, accepting custody from other members, or conducting custodial and/or strip searches of TIGN individuals 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 of TIGN individuals, 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 Item IV of this directive.
 - b. When requested by a TIGN individual, a Department member of the TIGN individual's gender identity or expression will be present to observe the custodial search. When practical, this observing member will be a sworn supervisor.
3. Members will not conduct more frequent or more invasive searches of TIGN individuals than other individuals.
4. 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-TIGN arrestees.
5. 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.

B. Whenever practical, TIGN arrestees will be transported alone in a passenger vehicle, van cell, or squadrol compartment.

1. When requested by a TIGN individual, a Department member of the TIGN individual's gender identity or expression will be present during the transport.
2. When requested by a TIGN arrestee being transported from a holding facility to a court, the TIGN arrestee will be transported separately from the male and female transports.
3. In situations with multiple TIGN arrestees, mass arrests, where a member of the TIGN individual's gender identity or expression is unavailable, or where individual transport is not practical, TIGN arrestees will be transported by gender classification, as outlined in this directive.

C. The designated holding facility of TIGN arrestees will be Central Detention.

1. Upon completion of the preliminary investigation, TIGN arrestees will be fingerprinted and photographed in the district of arrest's designated holding facility before being transported to Central Detention consistent with the procedures outlined in the Department directive "**Field Arrest Procedures.**"
2. The designated lock-up in Central Detention will be based on the TIGN arrestee's gender classification, as delineated in this directive.

3. Whenever practical, TIGN arrestees will be maintained in single cell occupancy.
- D. Members will record TIGN individual's gender information on Department reports in accordance with Item IV of this directive and all other demographic information as it appears on their government-issued identification. Any name used by the subject other than what is listed on their government-issued identification will be recorded as an alias.
- E. In the event a TIGN individual requires immediate medical care or medication, including hormone therapy, it will be provided in the same manner as any other person under Department control. The subject will be transported to the nearest approved emergency room, as delineated by the Department directive entitled, "**Approved Medical Facilities**," prior to any further arrest processing.
- F. If an individual explicitly informs a member that they are a TIGN person, a member finds a record for an individual (LEADS, NCIC, or any other law enforcement record) that lists a different gender from what the individual is currently presenting, or a member observes that a person is presenting a gender which is different than their gender classification, the member shall notify the lockup keeper before delivering the individual into their custody. The lockup keeper will document the information in the "Arrestee Questionnaire" section on the Arrest Report and in the "Lock-Up Keeper Comments" section by entering:
 1. "TIGN Arrestee, male presenting as a female," or
 2. "TIGN Arrestee, female presenting as a male."
- G. In situations involving the transfer of TIGN prisoners (e.g., Cook County Jail, other police agencies), the lockup keeper will ensure that the paperwork accompanying the prisoner adequately describes gender identity related issues.

VI. CONFLICT PROVISION

If this directive conflicts with any Department directive, this directive will take precedence.

(Items indicated by *italic/double underline* were added or revised)

Authenticated by: KC

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