

INTRADEPARTMENTAL CORRESPONDENCE

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REVIEWED
W. M. J. H. 6/16/22
RICHARD M. TEFANK DATE
EXECUTIVE DIRECTOR

June 21, 2022
1.14

RECEIVED
JUN 16 2022
POLICE COMMISSION

TO: The Honorable Board of Police Commissioners

FROM: Chief of Police

SUBJECT: LESBIAN, GAY, BISEXUAL, TRANSGENDER AND QUESTIONING INDIVIDUALS – ESTABLISHED; TRANSPORTATION OF ARRESTEES AND SEARCHES OF SUSPECTS AND ARRESTEES – REVISED; AND, TRANSPORTATION AND CUSTODY OF JUVENILE FEMALES – RENAMED AND REVISED

RECOMMENDED ACTION

It is recommended that the Board of Police Commissioners REVIEW and APPROVE the newly established policy and revised policy pertaining to lesbian, gay, bisexual, transgender and questioning (LGBTQ+) individuals.

DISCUSSION

The Department has long been committed to working with the diverse communities that it serves. The Department continues to strive to ensure that its personnel are continuously mindful of treating all individuals with respect and in a professional and courteous manner while maintaining officer and public safety.

The purpose of this Order is to establish Department policy pertaining to LGBTQ+ individuals, to ensure that employees provide equal enforcement of the law and provide assistance to individuals who may be more vulnerable to victimization. In addition, this Order revises Department policy pertaining to the transportation and searches of suspects or arrestees, in order to establish procedures that are mindful of the sensitivities of those suspects or arrestees who are LGBTQ+.

Should you have additional questions regarding this matter, please contact Commander Ruby Flores, Diversity, Equity, and Inclusion Officer, at (213) 486-8434.

Respectfully,



MICHEL R. MOORE
Chief of Police

Attachments

OFFICE OF THE CHIEF OF POLICE

SPECIAL ORDER NO.

APPROVED BY THE BOARD OF POLICE COMMISSIONERS ON

SUBJECT: LESBIAN, GAY, BISEXUAL, TRANSGENDER AND QUESTIONING INDIVIDUALS – ESTABLISHED; TRANSPORTATION OF ARRESTEES AND SEARCHES OF SUSPECTS AND ARRESTEES – REVISED; AND, TRANSPORTATION AND CUSTODY OF JUVENILE FEMALES – RENAMED AND REVISED

PURPOSE: The Department has long been committed to working with the diverse communities that it serves. Department personnel shall be continuously mindful of treating all individuals with respect and in a professional and courteous manner while maintaining officer and public safety.

The purpose of this Order is to establish Department policy pertaining to lesbian, gay, bisexual, transgender and questioning (LGBTQ+) individuals, to ensure that employees provide equal enforcement of the law and provide assistance to individuals who may be more vulnerable to victimization. In addition, this Order revises Department policy pertaining to the transportation and searches of suspects or arrestees, in order to establish procedures that are mindful of the sensitivities of those suspects or arrestees who are LGBTQ+.

PROCEDURE:

- I. LESBIAN, GAY, BISEXUAL, TRANSGENDER AND QUESTIONING INDIVIDUALS – ESTABLISHED.** Department Manual Section 1/390.10, *Lesbian, Gay, Bisexual, Transgender and Questioning Individuals* has been established. Attached is the established manual section.
- II. TRANSPORTATION OF ARRESTEES – REVISED.** Department Manual Section 4/217.50, *Transportation of Arrestees*, has been revised. Attached is the revised manual section with the revisions indicated in italics.
- III. SEARCHES OF SUSPECTS AND ARRESTEES – REVISED.** Department Manual Section 4/217, *Searches of Suspects and Arrestees*, has been revised. Attached is the revised manual section with the revisions indicated in italics.
- IV. TRANSPORTATION AND CUSTODY OF JUVENILE FEMALES – RENAMED AND REVISED.** Department Manual Section 4/217.56, *Transportation and Custody of Juvenile Females*, has been revised and renamed, *Transportation and Custody of Juveniles*. Attached is the revised manual section with the revisions indicated in italics.

AMENDMENTS: This Order establishes Section 1/390.10; revises Sections 4/217 and 4/217.50; and revises and renames Section 4/217.56 of the Department Manual.

SPECIAL ORDER NO.

-2-

AUDIT RESPONSIBILITY: The Commanding Officer, Audit Division, shall review this directive and determine whether an audit or inspection shall be conducted in accordance with Department Manual Section 0/080.30.



MICHEL R. MOORE
Chief of Police

Attachments

DISTRIBUTION "D"

**DEPARTMENT MANUAL
VOLUME I
Revised by Special Order No. , 2022**

390.10 LESBIAN, GAY, BISEXUAL, TRANSGENDER AND QUESTIONING INDIVIDUALS.

The Department is committed to working with the diverse communities that it serves. It is incumbent upon all employees to demonstrate equal enforcement of the law and service to the public, regardless of an individual's gender, gender identity, gender expression, or sexual orientation. Employees shall treat all individuals, whether in custody or not, in a respectful and professional manner. Employees shall refrain from using language that a reasonable person would consider to be demeaning, particularly language that references a person's gender, gender identity, gender expression, or sexual orientation.

The Department will continue fostering partnerships with community stakeholders to enhance mutual understanding, prevent discrimination and conflict, and ensure the just and equitable treatment of all individuals.

Definitions.

Gender Identity: A person's deeply held core sense of self in relation to gender. Gender identity does not always correspond to biological sex.

Assigned Sex at Birth: The sex assigned to an infant at birth based on the child's visible sex organs, including genitalia and other physical characteristics.

Transgender: An individual whose gender identity and assigned sex at birth do not align. A transgender male is a person who was assigned sex at birth as a female, but their gender identity is a male. A transgender female is a person who was assigned sex at birth as a male, but their gender identity is female.

Non-Binary: An individual whose gender identity falls outside the binary concepts of man/boy or woman/girl.

Gender Diverse: An umbrella term to describe an ever-evolving array of labels people may apply when their gender identity, expression, or even perception does not conform to the norms and stereotypes others expect.

LGBTQ+: An acronym that collectively refers to Lesbian, Gay, Bisexual, Transgender and Questioning Individuals. The "+" represents those that are part of this diverse community, but for whom LGBTQ does not accurately reflect or capture their identity.

**DEPARTMENT MANUAL
VOLUME IV
Revised by Special Order No. , 2022**

217 SEARCHES OF SUSPECTS AND ARRESTEES.

Cursory Searches. When an immediate cursory search for weapons is necessary, it may be conducted by an officer of either sex.

Searches of Arrestees. When the rules of search and seizure permit, an arrestee shall be thoroughly searched as soon as practicable. Such searches shall be conducted by an employee of the arrestee's sex. However, an immediate search may be conducted in the field by an officer of either sex when necessitated by specific circumstances, such as a reasonable belief that:

- The arrestee is armed with a weapon; *or*,
- A delay could result in the destruction or loss of evidence.

Note: Personal property shall not be taken from arrestees in the field.

Exceptions: Evidence, items which could be used as weapons, and items which could contain weapons shall be taken from the arrestee. If the arrestee is in possession of any contraband items (as defined in this section), the arrestee shall be advised that, upon entry into the booking facility, those items will be discarded. Officers shall advise the arrestee of *their* ability to either leave the property with a family member or friend, donate the item(s) to anyone of their choice at scene, or throw the item(s) away.

Transgender, Non-Binary or Gender Diverse Arrestees.

The following shall apply to transgender, non-binary or gender diverse arrestees (as defined in Department Manual Section 1/390.10):

- *Officers shall not conduct a pat-down frisk nor search a transgender, non-binary or gender diverse arrestee for the sole purpose of determining an individual's anatomical gender;*
- *Arrestees shall not be subject to a more invasive search than cisgender (non-transgender) individuals;*
- *When a suspect is identified as transgender, non-binary or gender diverse, officers shall respect the gender identification expressed by the individual;*
- *Officers shall not inquire about intimate details of an arrestee's anatomy or surgical status to determine an individual's gender;*
- *When an officer has reason to believe that an arrestee is transgender, non-binary or gender diverse, the officer shall inform the arrestee that they must be searched, and ask the individual if there is a preference to be searched by a male or female officer and document this preference in the officer's Daily Field Activities Report (DFAR), or other appropriate log;*
- *If the arrestee's request can be reasonably accommodated without risk to officer or public safety, the request shall be granted;*
- *Officers shall not refuse to search a transgender, non-binary or gender diverse arrestee based upon the individual's identity as such; and,*

Note: *When an immediate search for weapons, evidence, or in the interest of officer or*

DEPARTMENT MANUAL
VOLUME IV
Revised by Special Order No. , 2022

public safety, an officer of either sex may conduct the search. If the arrestee's preference could not be honored, the reason shall be documented in the officer's DFAR and/or other appropriate Department report.

- *Requests to remove appearance-related items such as prosthetics, clothing that conveys gender identity, wigs, and cosmetics shall be consistent with the removal of such items from a cisgender (non-transgender) or non-binary arrestee.*

Note: The procedures delineated in this Section may change for the purposes of booking. Officers shall adhere to Department policies and Custody Services Division procedures pertaining to booking.

Officers are reminded that property having evidentiary value shall be booked in accordance with existing Department policy. Additionally, any property which could constitute an environmental hazard (i.e., hazardous liquids) shall be retained by the officer for proper disposal in accordance with Manual Section 3/712.13.

Contraband Items – Defined. Items that pose a risk to the safety and security of the City Jail System are considered contraband. Although certain items may be legally possessed by arrestees at the time of arrest, due to safety and security concerns, these items are prohibited from the City Jail System. The following contraband items shall not be placed into the arrestee's personal property bag or excess personal property:

- Edibles, including unopened candy;
- Perishables;
- Liquids in glass or plastic containers which do not seal tightly; and,
- Unlabeled medications.

Note: The Commanding Officer, Custody Services Division, has final authority to determine what items are classified as contraband.

217.50 TRANSPORTATION OF ARRESTEES. All arrestees transported in any Department vehicle, regardless of age or gender, shall be secured in the rear seat. A three-point safety belt shall be used; however, a two-point safety belt (lap belt) shall be worn when a three-point safety belt is not provided.

Two Officers. If two officers are transporting an arrestee in a non-partition equipped vehicle, one officer shall be seated directly behind the driver of the vehicle. In a partition-equipped vehicle, the passenger officer shall ride in the front seat. Officers must remain in close proximity and visually monitor arrestees.

One Officer. A single officer in a non-partitioned vehicle may transport a non-belligerent arrestee. The officer must remain in close proximity to visually monitor the arrestee. Should the arrestee become belligerent, the transporting unit should stop the transport and request a unit with a partitioned vehicle to continue to transport the arrestee.

**DEPARTMENT MANUAL
VOLUME IV
Revised by Special Order No. , 2022**

Exception: *Juveniles* ages five through 17 years of age (*Department Manual Section 4/217.56*).

Time and Mileage. When there is no transporting officer of the arrestee's sex, officers transporting an arrestee shall, at the time of departure, notify the radio operator of the following:

- Location of departure; and,
- Odometer reading.

Upon arrival at the destination, the radio operator shall be informed of the:

- Location of arrival; and,
- Odometer reading.

The radio operator shall be notified when any delay or detour is necessary during the transportation.

Transgender, Non-Binary or Gender Diverse Subjects. *When it is required to transport an individual who is transgender, non-binary or gender diverse, officers shall adhere to the time and mileage procedure delineated above, as appropriate for the subject's expressed gender identity.*

Absent exigent circumstances, transgender individuals who are arrested with other individuals shall be transported with those of the same self-identified gender, unless the individual has expressed a safety concern and wishes to be transported alone or with persons of a different gender. Non-binary and gender diverse individuals shall be transported alone or with individuals of the gender they express to be safest for them.

Note: *Regardless of an individual's gender, gender identity, gender expression, or sexual orientation, juvenile subjects shall not be transported with adults.*

Note: *When an individual is identified as transgender, non-binary or gender diverse, officers shall respect the gender identification expressed by the individual and shall not question this identity, nor inquire about intimate details of an individual's anatomy or surgical status to determine an individual's gender, except as necessary to serve valid, nondiscriminatory law enforcement objectives.*

217.56 TRANSPORTATION AND CUSTODY OF JUVENILES. Whenever practicable, any *juvenile* over the age of five years and under the age of eighteen years taken into custody shall be dealt with as far as possible, in the presence of *two or more officers*. At least two officers shall be present during the entire period of transportation, and time and mileage procedures (*Department Manual Section 4/217.50*) shall apply.

Note: *Officers are reminded to activate their Body Worn Video and Digital In-Car Video for the entirety of any transportation of subjects or arrestees, as per current Department policy.*