

**SHERIFF'S OFFICE**  
**City & County of Philadelphia**  
**LAND TITLE BUILDING**  
**100 South Broad Street, 5<sup>th</sup> Floor**  
**Philadelphia, PA 19110**



**NEW DIRECTIVE – PROPOSED DRAFT**  
***INTERACTION WITH TRANSGENDER INDIVIDUALS***



# **SHERIFF'S OFFICE**

## **City & County of Philadelphia**

**SUBJECT:            INTERACTION WITH TRANSGENDER INDIVIDUALS**

### **I. PURPOSE**

This directive constitutes policy that applies to all employees in the establishment of guidelines for the appropriate treatment of transgender individuals who come into contact with members of the Philadelphia Sheriff's Office, ensuring the protection and constitutional rights of citizens in all official interactions.

### **II. POLICY**

- A. Consistent with the Office of the Sheriff's Mission Statement, all personnel shall be committed to serve and protect the lives, property and rights of all people, without consideration to a person's actual or perceived race, color, sex, gender, gender identity/expression, religious creed, sexual orientation, age, national origin, ancestry or disability.
  
- B. This directive is to ensure that all individuals are treated with dignity and respect within a framework of high ethical standards and professional conduct at all times in its commitment to excellence in public safety. All personnel will act, speak, and conduct themselves in a professional manner.
  
- C. All personnel shall address transgender individuals by their chosen name rather than the name which is on their government-issued identification. Further, officers will refer to transgender individuals by the pronouns, titles of respect, and name as expressed by the individual.
  
- D. All personnel, when uncertain, will ask the individual which pronouns are preferred. (i.e. She, her, hers for an individual who identifies as a woman; He, him, his for an individual who identifies as a man; they, them, their, for an individual who is gender non-conforming and/or prefers gender-neutral pronouns.)
  
- E. Officers will adhere to the following procedures during interactions with transgender individuals.

## INTERACTION WITH TRANSGENDER INDIVIDUALS

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### III. DEFINITIONS

The definitions provided are not intended to label individuals, but rather to assist in understanding this policy and the Office's legal obligations.

**Gender:** the socially constructed roles, behaviors, activities, and attributes that a given society considers appropriate for men and women. It is important to understand the distinctions between gender identity and gender expression.

#### **Gender Identity:**

Self-perception, or perception by others, as male or female, and shall include an individual's appearance, behavior, or physical characteristics, that may be in accord with, or opposed to, one's physical anatomy, chromosomal sex, or sex assigned at birth; and shall include, but not be limited to, individuals who are undergoing or have completed sex reassignment. (Phila. Code. § 9-1102)

**Gender expression:** a person's external expression of their gender identity, including appearance, dress, mannerisms, speech, and social interactions.

#### **Sexual Orientation:**

A person's physical and emotional attraction to people of the same and/or other gender. Straight, gay, and bisexual are some ways to describe sexual orientation. It is important to note that sexual orientation is distinct from gender identity and expression. Transgender people can be straight, gay, lesbian, or bisexual, just like non-transgender people.

#### **Transgender Individual:**

A person whose gender identity is different from the sex assigned to them at birth or an individual who would fit this definition of transgender that do not identify themselves as such, and identify simply as men and women, consistent with their gender identity.

- **Transgender woman** (Male to female): Individuals assigned male at birth who are changing or have changed their body and/or gender role from birth-assigned male to a more feminine body or role. A male-to-female individual should be addressed using feminine pronouns (i.e. she, her, hers), regardless of surgical status.
- **Transgender man** (Female to male): Individuals assigned female at birth who are changing or have changed their body and/or gender role from birth-assigned female to a more masculine body or role. A female-to-male individual should be addressed using masculine pronouns (i.e. he, him, his), regardless of surgical status.

#### **Intersex:**

A term used for people who are born with a reproductive or sexual anatomy and/or chromosome pattern that does not seem to fit typical definitions of male or female.

## **INTERACTION WITH TRANSGENDER INDIVIDUALS**

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### **IV. PROFESSIONAL GUIDELINES**

#### **A. Officers SHALL:**

- i. Respectfully treat individuals in a manner appropriate to the individual's gender identity.
- ii. Use pronouns as requested by the individual. (i.e., "she, her, hers" for an individual who self-identifies as a woman; "he, him, his" for an individual who self-identifies as a man, etc.)
- iii. When requested, address the individual by their chosen name consistent with their gender identity rather than that which is on their government issued identification.

#### **B. Officers SHALL NOT:**

- i. Stop, detain, frisk or search any person for the purposes of determining an individual's gender or in order to call attention to their gender identity/expression.
- ii. Use language that an individual would consider demeaning and derogatory; in particular, language aimed at a person's actual or perceived gender, gender identity/expression or sexual orientation.
- iii. Require proof of an individual's gender or challenge an individual's gender identity.
- iv. Disclose an individual's gender identity or sexual orientation to other staff and/or government personnel, members of the public, or anyone in custody without a legitimate law enforcement purpose.

### **V. GENDER CLASSIFICATION PROCEDURES ON NEW COMMITS/ARRESTEES**

**NOTE:** Supervisors should always be notified when a transgender individual comes into custody. The supervisor shall be chiefly responsible for directing staff on next steps of processing and that all policies are adhered to:

- A.** An individual's gender will be classified as it appears on their government-issued identification card.
- B.** The exception to government-issued identification card policy are those individuals arrested who are post-operative gender re-assigned from:
  - i. Male-to-female will be processed as female
  - ii. Female-to-male will be processed as male

- C. In the event that a government-issued identification card is unavailable, and the individual has not had sex reassignment surgery, the following criteria will be used to determine gender:
  - i. If the individual arrested states they were assigned male at birth, they will be classified as male.
  - ii. If the individual arrested states they were assigned female at birth, will be classified as female.
  
- D. In the event that there is uncertainty regarding the appropriate classification of an individual's gender, a supervisor will be consulted for further guidance on the appropriate classification.

## **VI. SEARCHES**

- A. All transgender new commits and arrestees must fill out and sign the *Transgender/Gender Variant Statement of Search* form. (**NOTE:** if an individual refuses to fill out the form, the gender of the officer performing the search will be based on the gender classification guidelines outlined in section V of this directive.)
  
- B. All searches of new commits and arrestees will be conducted by an officer of the individual's preference indicated on the *Transgender/Gender Variant Statement of Search* form.
  
- C. Transgender individuals shall not be subject to more invasive search or frisk procedures than non-transgender individuals.
  
- D. Requests to remove identity-related items such as clothing, wigs and cosmetic items will be no different for transgender individuals than that of non-transgender individuals.
  
- E. Searches of transgender individuals must be conducted out of sight of other prisoners and officers who are not required for the search.
  
- F. Any expressed concerns of the arrestee shall be duly noted in writing and communicated to other sworn personnel when warranted.
  
- G. The supervisor and/or commanding officer shall ensure every *Transgender/Gender Variant Statement of Search* form is copied and filed with all court paperwork for the day.
  
- H. This directive supersedes paragraph 4b of Directive #7: Handling of Prisoners.

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### **VII. PRISON TRANSPORT OF TRANSGENDER NEW COMMITS AND PRISONERS**

- A.** The general rule for transporting transgender new commits/arrestees and prisoners is that whenever practical, they shall be transported separately.
  - i. When requested by a transgender individual, an officer of the individual's gender identity/ expression, when practical, will be present during the transport.
  - ii. In situations with multiple arrestees, mass arrests, or where individual transport is not practical, transgender individuals will be transported by gender classification listed in Section V.
  - iii. Transporting officers shall adhere to the same guidelines for proper treatment of transgender individuals as communicated herein.
  - iv. Transporting officers shall record the time of departure and arrival, as well as the beginning and ending mileage for all transports involving transgender new commits/arrestees.
  - v. In the event a transgender individual requires medical care or medication, the individual will be transported to the nearest medical facility to be treated by trained medical personnel.

### **VIII. CELLROOM PROCEDURES FOR TRANSGENDER INDIVIDUALS**

- A.** Whenever practical, transgender new commits will be housed in single cell occupancy.
- B.** Officers are required to search all new commits they process, even if the prisoner has just been searched by the arresting and/or the transporting officer.
- C.** Officers that are assigned to cell room operations must be fully cognizant of the gender identity or expression of all new commits/arrestees and prisoners being processed or waiting for court so that accurate gender information is recorded and inconsistencies properly noted and documented.
- D.** The supervisor and/or commanding officer shall ensure that all necessary paperwork is complete, accurate and inclusive of any and all gender identity related information, issues and concerns.
- E.** The supervisor and/or commanding officer shall ensure all procedures are followed.



# SHERIFF'S OFFICE

## City & County of Philadelphia

### Transgender/Gender-Variant Statement of Search

\_\_\_\_\_  
Name

\_\_\_\_\_  
Date of Admission

Preferred Name: \_\_\_\_\_

1. Do you identify as Transgender or Intersex?  YES  NO

2. While in the custody of the Philadelphia Sheriff's Office, I would prefer to be searched by an officer of the below indicated sex whenever possible. \*This statement applies to transgender and intersex individuals only.

Female  Male Initial: \_\_\_\_\_ Date: \_\_\_\_\_

3. I understand that this preference shall be respected unless there is an emergency situation, or no one of that sex is available, or failure to conduct a search would jeopardize the safety of the staff or others.

\_\_\_\_\_  
Signature of Custody

\_\_\_\_\_  
Date

\_\_\_\_\_  
Time

\_\_\_\_\_  
Signature of Deputy Sheriff Officer

\_\_\_\_\_  
Date

\_\_\_\_\_  
Time

\_\_\_\_\_  
Signature of Supervisor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Time

### OFFICIAL USE ONLY

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