0640.38 Interacting with Members of the LGBTQIA2S+ / Queer Community

First Universal Review: 04/15/23 – 04/30/23 (Reposted for First Universal Review)

Refer:
- Human Resources Administrative Rule 2.02
- Human Resources Administrative Rule 2.04 Gender Identity Non-Discrimination
- DIR 0020.00, Mission, Values, and Goals
- DIR 0021.00, Human Goals
- DIR 0024.00, Community Policing Purpose
- DIR 0310.00, Professional Conduct and Courtesy
- DIR 0310.20, Discrimination, Harassment, and Retaliation Prohibited
- DIR 0344.05, Bias-Based Policing/Profiling Prohibited
- DIR 0640.80, Mandatory Bias/Prejudice Crime Reporting
- DIR 0650.00, Search, Seizures, and Inventories
- DIR 0660.10, Property and Evidence Procedures
- DIR 0850.30, Temporary Detention and Custody of Juveniles
- DIR 0870.20, Custody and Transportation of Subjects
- DIR 0870.25, Detention Areas in Police Facilities
- DIR 0870.30, Processing of Persons into MCDC

Definitions:
- Deadnaming: Using the birth or other former name (i.e. a name that is “dead”) of a transgender person without their consent.

- Gender Expression: External presentation of one’s gender identity, usually expressed through one’s name, pronouns, behavior, clothing, haircut, or voice.

- Gender Identity: A person’s gender-related identity, appearance, expression, or behavior, regardless of whether the identity, appearance, expression, or behavior differs from that associated with the gender assigned to the person at birth.

- Gender non-conforming: A broad term referring to persons whose gender identity or gender expression does not match societal expectations that traditionally correspond to their assigned sex at birth.

- Intersex: A term used to describe people born with chromosomes, external genitalia, and/or a reproductive system that do not conform to a binary categorization of male and female anatomy.

- LGBTQIA2S+: An acronym for Lesbian, Gay, Bisexual, Transgender, Queer and/or Questioning, Intersex, Asexual, Two-Spirit, and the countless affirmative ways in which people choose to self-identify. The acronym is increasingly being replaced with the term “Queer community.” In some spaces, the abbreviation LGBTQIA2S+ and the term “Queer community” encompass sexual minorities such as people who identify as polyamorous, sex workers, or part of the kink community.
• Misgender: To refer to a person, especially a transgender person, using a word, such as a pronoun or form of address, that does not correctly reflect the person’s gender identity.

• Non-binary: A broad term for people with gender identities that fall somewhere outside the traditional categories of woman or man. People with non-binary gender identities may use other terms to describe their genders, such as agender, genderqueer, gender fluid, two-spirit, bi-gender, pangender, gender non-conforming, or gender-variant.

• Sex: A person’s biological or anatomical assignment as male, female, or intersex.

• Sexual Orientation: A person’s romantic and/or physical attraction to people of their sex or gender, another sex or gender, both, or neither.

• Transgender: A broad term for persons whose gender identity or gender expression does not conform to the gender associated with their assigned sex at birth.

• Transgender Man, Trans Man, or Trans Masc.: A person who was assigned female at birth but who identifies as male or masculine, regardless of surgical status or hormone use.

• Transgender Woman, Trans Woman, or Trans Femme: A person who was assigned male at birth but who identifies as female or feminine, regardless of surgical status or hormone use.

• Transition or Transitioning: The process of changing one’s gender from their sex assigned at birth to their gender identity. There are many different ways to transition. Transitioning can involve medical treatment and hormones; changing one’s social or legal name and pronouns; changing one’s appearance and dress; and coming out to friends, family, and work colleagues. It can be a long and ongoing process, or it can happen quickly. Transgender people may transition socially, legally, and medically, and some may transition only socially, and some may not do any of the above. A person does not have to transition to be transgender.

Policy:
1. The Portland Police Bureau is dedicated to preserving life, maintaining human rights, and treating all people with compassion and respect. The Bureau understands the importance of both acknowledging, and respecting a person’s sexual orientation, gender identity, and gender expression.

2. Public trust and confidence in the police is essential for the Bureau to effectively serve the community and enhance public safety. The Bureau recognizes the need to earn trust in the LGBTQIA2S+ / Queer community and repair relationships.

3. This directive establishes policy and procedures to guide member interactions with members of the LGBTQIA2S+ / Queer community.

Procedure:
1. Discrimination Prohibited.
1.1. The City and Bureau prohibit harassment or discrimination based on gender identity, gender expression, or sexual orientation.

1.2. Members shall not use gender identity, gender expression, or sexual orientation in exercising discretion to conduct a search, seizure, or contact with any person, except as part of an actual and apparently credible description of a specific suspect, victim, or witness in any criminal investigation.

1.3. Members shall not ask any person questions about their anatomy, medical history, or sexual practices unless directly relevant to a criminal investigation.

1.4. Members should not make assumptions about a person’s sexual orientation or gender identity.

1.5. Members shall comply with Directive 0310.20, Discrimination, Harassment, and Retaliation Prohibited, and Directive 0344.05, Bias-Based Policing/Profiling Prohibited.

2. Name Usage, Forms of Address, and Gender Identity:
   2.1. Acknowledging a Person’s Gender Identity.
       2.1.1. Members may need to ask a person what their gender identity is to complete a police report, evaluate a bias crime, or for another official purpose.
       2.1.2. When a member needs to determine a person’s gender identity, they shall respectfully ask the person how they identify in terms of gender. For example, “I identify as female and use she/her pronouns. For this report, what should I put for your gender?”

   2.2. Names and Pronouns.
       2.2.1. Members shall not intentionally deadname or misgender any person after that person has made their name and/or pronouns known to the member. Members shall address people using names and pronouns expressed or requested by the person.
           2.2.1.1. Note: this requirement does not preclude members from investigating whether a person is giving false information to a police officer.
       2.2.2. When in doubt, members should avoid pronouns or use gender-neutral pronouns such as “they” or “them.” Members shall not use the term “it” or “he-she” or other derogatory language.
       2.2.3. Members should be aware that peoples’ names may change over time, whether due to marriage, changes in gender identity, or other factors, and should address people by the name they currently use.
       2.2.4. If a member mistakenly misgenders a person, they should apologize, move on, and use correct pronouns going forward.

   3.1. Members shall complete paperwork using a person’s legal name and sex as stated on any legal or government-issued identification.
3.2. If a person’s provided name or gender identity varies from their legal name or sex as stated on government-issued identification, members shall record the person’s provided name, gender identity, and/or pronouns under “Remarks.”
3.2.1. For example: “Provided name Sally, transgender female, uses she/her pronouns” or “Provided name August, uses they/them.”

3.3. Some government-issued identification cards (including Oregon’s) have sex identifier options such as X for non-binary, in addition to female and male options.
3.3.1. X is not a recognized sex identifier under federal reporting requirements. Accordingly, for some forms the only options are female, male, and unknown. For federal reporting, the “X” sex identifier will be reported as “unknown.”

4.1. Search and Seizure.
4.1.1. Members shall adhere to Directive 0650.00, Search, Seizures, and Inventories.
4.1.2. If any person to be searched requests that a member of a particular gender conduct the search, the member should accommodate the request if safe and feasible.
4.1.3. Members shall not frisk or search any person to determine that person’s gender identity, sex, or to view or touch the person’s genitals, or for any demeaning or harassing purpose.
4.1.4. Members shall not perform a more or less invasive search or frisk of a person based on that person’s gender identity.

4.2. Arrest and Transport.
4.2.1. Members shall adhere to Directives 0870.20, Custody and Transportation of Subjects, 0870.25, Detention Areas in Police Facilities, and 0870.30, Processing of Persons into MCDC.
4.2.1.1. If a member is aware that a person is transgender, the member shall verbally inform the intake deputy at MCDC.

5. Medical Treatment.
5.1. Members shall treat prescription hormones like any other medication necessary for a person’s health and wellbeing.
5.2. Members shall handle requests for medical attention by transgender persons with the same urgency and respect as requests by non-transgender persons.

6.1. Bureau media releases shall refer to transgender persons using their provided name and pronouns that reflect their gender identity.
6.2. If gender identity is unknown and/or cannot be confirmed, the Bureau will use gender-neutral pronouns such as “they” or “them.”
6.3. If a person is deceased and their name is in dispute, the Bureau will use the name as identified by the Office of the Medical Examiner.

6.4. The Bureau will not intentionally deadname transgender people in media releases, but sometimes may list multiple names for clarity, public interest, or investigatory purposes.

7. Restroom Use.
7.1. Members shall not stop, question, or arrest transgender persons solely for using a gender-segregated or single-sex restroom, including public restrooms.

7.2. Members shall allow transgender persons to use the restroom in accordance with their gender identity or where they feel safest while in police custody.

8.1. Members shall adhere to DIR 0850.30, Temporary Detention and Custody of Juveniles.

8.2. Members shall not disclose a juvenile’s actual or perceived gender identity, gender expression, or sexual orientation to the juvenile’s parents or guardians without the juvenile’s consent unless it directly pertains to the case.

8.3. Members should be aware that disclosing this information to parents or guardians may put the juvenile at increased risk for violence or rejection in the home.

9.1. The Bureau shall provide introductory and ongoing training to all members that emphasizes developing an understanding of gender identity and fosters the professional growth and continued development of members.

History:
- Originating Directive Date: 03/11/2022
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  - Effective Date: 03/11/2022
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