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## Citizen Contacts and Interactions

### 403.1 PURPOSE AND SCOPE

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The Indio Police Department works with a diverse community. This policy establishes procedures that create mutual understanding, prevention of discrimination and conflict, and ensures the appropriate treatment of all individuals. These guidelines are created to ensure police contacts are professional, respectful, and courteous.

### 403.2 POLICY

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In the absence of exigent circumstances, these guidelines apply to all Department employees:

- (a) Employees shall not use language that a reasonable person would consider demeaning to another person; in particular, language that demeans one's age, race, sex, their intellectual ability, citizenship status, social or economical status, gender identity, gender expression, or sexual orientation.
- (b) All persons should be treated with dignity and respect. Indio Police employees should demonstrate professionalism even when presented with unequal behavior by individuals being contacted. However, professional communication should never compromise officer safety.

#### 403.2.1 Definitions

**Transgender** - A person whose gender identity (i.e., internal sense of feeling male or female) is different from the person's assigned sex at birth (28 CFR 115.5). A transgender person can be pre-operative, post-operative or non-operative.

**Gender Identity** - A person's sense of being a man or a woman.

**Gender Expression** - Displays gender identity through dress, demeanor and language. For example, males express masculinity in different ways and females express femininity in different ways. Likewise, transgender individuals express femininity and masculinity in different ways, and in ways that may not be consistent with their sex at birth.

### 403.3 CONTACT WITH TRANSGENDER INDIVIDUALS

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- (a) When interacting with transgender persons, employees shall address the person by their preferred name, use pronouns appropriate to the individual's self-identity, respect the expressed gender and not question it.
- (b) Employees shall not disclose to non-involved persons that an individual is transgender. As with other policies, a "need to know" basis should guide the employee about any decision of disclosure.

### **403.3.1 Addressing & Interacting with Transgender Individuals**

When a person identifies him / herself as transgender, respect the expressed gender and do not question it. If the individual does not self-identify as transgender, the following guidelines should be followed:

- (a) When the intent of a person's gender presentation is clear to a reasonable person (based on attire and other clues), use this as a basis for gender determination.
- (b) When a person's sex is unclear, or the officer is not certain of the person's gender identity, it is appropriate to inquire how the individual wishes to be addressed (i.e. Sir, Ma'am) and the name by which the individual wishes to be addressed. This name shall be noted as an "AKA" if it differs from the individual's legal name.
- (c) If a transgender person is unwilling to provide information that enables the officer(s) to know what name and/or gender is preferred, then the officer(s) should make a determination about the person's gender based on the person's gender expression (i.e. clothing, language, demeanor, etc.) and any other evidence available to the officer(s). For example, if the person is clearly dressed like a woman and presenting as a woman, then the person should be recognized and addressed as a woman.
- (d) A Department of Motor Vehicles Identification or any other government-issued form of identification (such as a passport) shall only be acceptable as initial proof of gender identity in the absence of self-identification by the individual or some other obvious expression of gender identity.
- (e) Any information obtained about an individual's transgender status, such as preferred name and pronoun, should be documented and provided to relevant Department employees for the purpose of ensuring continuity of appropriate treatment.
- (f) Under no circumstances shall Department employees disclose to non-involved persons that an individual is transgender. As with other policies, a "need to know" basis should guide decisions about disclosure.

### **403.3.2 Field Searches Involving Transgender Individuals**

- (a) A search or frisk shall not be performed for the sole purpose of determining an individual's anatomic gender.
- (b) Transgender individuals shall not be subjected to more invasive search or frisk procedures than non-transgender individuals.

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- (c) Officers should not inquire about intimate details of an individual's anatomy or surgical status to determine an individual's gender because no proof of an individual's gender is required. This requirement can change for purposes of booking as it will be addressed by booking RSO booking deputies.
- (d) Requests to remove appearance-related items such as prosthetics, clothing that conveys gender identity, wigs, and cosmetics shall be consistent with requirements for the removal of similar items for non-transgender individuals.
- (e) When an arresting officer has reason to believe that the arrestee is a transgender person, the officer shall specifically inform the arrestee that, as with any other arrestee, they must be searched. Ask the arrestee if there is a preference to be searched by a male or a female officer and document this preference in the report. If the arrestee's gender request can be reasonably and expeditiously accommodated without risk to officer safety, the request should be granted.
- (f) An officer shall not refuse to search a transgender arrestee based upon the arrestee identifying as transgender.
- (g) When an immediate cursory search for weapons is necessary for safety, it may be conducted in the field by an officer of either sex.