



New York City Police Academy Training Memo

#37-12

OCTOBER 2012

DEPARTMENT POLICY REGARDING GENDER IDENTITY

In recent months, the NYPD has made changes to several Patrol Guide procedures which directly affect members of the lesbian, gay, bisexual, and transgender ("LGBT") community. To ensure the fair and equitable treatment of all persons, members of the service are reminded that they must treat all individuals in accordance with their preferred gender identity. This includes pronouns, titles of respect, and preferred names appropriate to gender identity, as well as the search and lodging of prisoners. Members are further reminded that all official documents, such as Complaint Reports and Online Booking System Arrest Worksheets, must contain the individual's legal name and gender, as well as the individual's preferred name. These forms are currently being revised to reflect these changes to pedigree information. The following Interim Orders have been issued to reflect changes to Patrol Guide Procedures regarding gender identity:

- Interim Order 25-2012: Revision to Patrol Guide Procedure 209-24, "Mandatory Driver's License Checks"
 - False Personation Penal Law 190.23 (False Personation- B Misdemeanor): The Patrol Guide has been amended to emphasize that knowingly misrepresenting pedigree information and the intent to prevent a police officer from ascertaining pedigree are necessary elements of the charge. Simply providing a preferred name may not constitute false personation.
- Interim Order 26-2012: Revision to Patrol Guide Procedure 203-10, "Public Contact- Prohibited Conduct"
 - Members of the service will not use discourteous or disrespectful remarks regarding another person's ethnicity, race, religion, gender, **gender identity/expression**, sexual orientation or disability.
 - Members shall address the public using pronouns, titles of respect and **preferred name appropriate to the individual's gender identity/expression as expressed by the individual.**

- Interim Order 27-2012: Revision to Patrol Guide Procedure 209-26, "Suspended or Revoked Vehicle Operator's License"
 - False Personation Penal Law 190.23 (False Personation- B Misdemeanor): The Patrol Guide has been amended to emphasize that knowingly misrepresenting pedigree information and the intent to prevent a police officer from ascertaining pedigree are necessary elements of the charge. Simply providing a preferred name may not constitute false personation.

- Interim Order 28-2012: Revision to Patrol Guide Procedure 210-08, "Guidelines for Prisoner Holding Pens"
 - Generally, prisoners will be searched by a uniformed member/police attendant of the same gender. In situations where an arrestee's gender is not immediately apparent or an arrestee objects to the gender of the member assigned to perform the search, **the supervisor will assign a uniformed member of the gender requested by the arrestee**, consistent with officer safety and resource availability.

 - Male and female prisoners will **not** be detained in the same cell. Unless there is a safety risk, prisoners will be lodged by their gender identity. Transgender prisoners will not automatically be considered 'Special Category,' and will be lodged apart from other prisoners only when there is an articulable safety risk posed to themselves or to other prisoners.

- Interim Order 29-2012: Revision to Patrol Guide Procedure 210-17, "Arrest Processing of Pre-Arrestment Prisoners Designated as Special Category"
 - Prisoners should be deemed 'Special Category' if there is reason to believe that placing them in the general population may pose a safety risk to themselves or to other prisoners (NOTE: there is NO automatic "at risk" notation just because an arrestee is transgender.)

- Interim Order 30-2012: Revision to Patrol Guide 215-18, "Search Protocols for School Safety Agents"
 - If a search of a student's person is authorized by the principal/designee, it should be conducted by a school safety agent of the same gender. In situations where a student's gender is not immediately apparent or the student objects to the gender of the agent assigned, **the supervisor will assign an agent of the gender requested by the student**, consistent with agent safety and resource availability.

 - **Under no circumstances** will a school safety agent conduct searches for the purpose of determining gender. School safety agents shall **not** ask questions regarding a student's anatomy without a reasonable basis of doing so.

- Interim Order 31-2012: Revision to Patrol Guide Procedure 208-05, "Arrests- General Search Guidelines"
 - Upon arrival at a Department facility, prisoners will be searched by a uniformed member of the same gender. In situations where an arrestee's gender is not immediately apparent or an arrestee objects to the gender of the member assigned to perform the search, **the supervisor will assign a uniformed member of the**

gender requested by the arrestee, consistent with officer safety and resource availability.

- Under no circumstances will a uniformed member conduct searches for the purpose of determining gender. Members shall **not** ask questions regarding an arrestee's anatomy without a reasonable basis of doing so.
- If the gender of the officer assigned to conduct the search differs from the gender requested by the arrestee, the desk officer shall make a detailed Command Log entry regarding the factors considered in assigning members to consider the search.
- In the event that a strip search is authorized by the desk officer, the same search guidelines will apply.
- Interim Order 32-2012: Revision to Patrol Guide Procedure 208-28, "Identification Standards for Desk Appearance Tickets"
 - False Personation Penal Law 190.23 (False Personation- B Misdemeanor): The Patrol Guide has been amended to emphasize that knowingly misrepresenting pedigree information and the intent to prevent a police officer from ascertaining pedigree are necessary elements of the charge. Simply providing a preferred name may not constitute false personation.
- Interim Order 33-2012: Revision to Patrol Guide Procedure 208-27, "Desk Appearance Ticket- General Procedure"
 - Issue a DAT to an eligible prisoner who is considered 'Special Category' per PG 210-17 (I.O. 29-2012) based on a medical condition/physical disability, safety risk, or health risk.
- Interim Order 34-2012: Revision to Patrol Guide Procedure 210-01, "Prisoners- General Procedures"
 - Notify Borough Court Section concerned if precinct detention cells are activated for prisoners designated as 'Special Category' or if prisoner must be removed to another facility in order to be lodged separately from the general population.
- Interim Order 35-2012: Revision of Patrol Guide Procedure 210-04, "Prisoners Requiring Medical/Psychiatric Treatment"
 - A hospitalized prisoner who is diagnosed by the medical staff with a psychiatric condition which requires admission will be transported by private ambulance contracted by the hospital:
 - Male prisoners: Bellevue Hospital
 - Female prisoners: Elmhurst General Hospital
 - Prisoners designated as 'Special Category': Ensure a notation is made in the 'Detention Alert' caption of the Prisoner Movement Slip describing reason for designation (e.g. 'Safety Risk').

- Interim Order 36-2012: Revision to Patrol Guide Procedure 210-02, "Hospitalized Prisoners"
 - Upon arrival at the hospital, prisoners will be searched by a uniformed member of the same gender. In situations where a prisoner's gender is not immediately apparent or a prisoner objects to the gender of the member assigned to perform the search, **the supervisor will assign a uniformed member of the gender requested by the arrestee.** If a uniformed member of the appropriate gender is not available, have hospital personnel carefully search prisoner.
 - A member of the family may be allowed to visit the prisoner upon obtaining written permission from the desk officer. A family member may include a registered NYC domestic partner, a same sex partner or spouse, or a person involved in an 'intimate relationship' or a 'family type relationship' with the prisoner.
- Interim Order 37-2012: Revision to Patrol Guide Procedure 208-54, "Arrest Screening Guidelines for Cases Involving Forged or Altered Motor Vehicle Documents"
 - False Personation Penal Law 190.23 (False Personation- B Misd.): The Patrol Guide has been amended to emphasize that knowingly misrepresenting pedigree information and the intent to prevent a police officer from ascertaining pedigree are necessary elements of the charge. Simply providing a preferred name may not constitute false personation.
- Interim Order 43-2012: Revision to Patrol Guide Procedure 208-02, "Arrests- Removal to Department Facility for Processing"
 - Indicate prisoner's preferred name in the appropriate caption of the revised **PRISONER PEDIGREE CARD (PD 244-092: Rev 20-12).**
 - Pending future revisions to the **ON-LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)** and **THE PRISONER MOVEMENT SLIP**, arresting officers will write the prisoner's preferred name in the following places:
 - **ON-LINE BOOKING SYSTEM ARREST WORKSHEETS:** In the existing "Nickname /Alias /Maiden Name" caption prefaced by a 'P-',
 - **THE PRISONER MOVEMENT SLIP:** Next to the defendant's name, prefaced by "Preferred Name" (generated at the station house and court section facility).
- Interim Order 44-2012: Revision to Patrol Guide Procedure 208-03, "Arrests- General Processing"
 - **Preferred Name:** The name an arrestee prefers to be called based on their gender identity. This name may be different from the one on identification documents in the arrestee's possession.
 - Arresting officers must indicate the prisoner's preferred name in their Activity Log as well as on the Prisoner Movement Slip.

XXX