



SAN JOSE POLICE DEPARTMENT

TRAINING BULLETIN

TO: ALL DEPARTMENT PERSONNEL

FROM: David Tindall
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SUBJECT: LGBTQ+ COMMUNITY
INTERACTIONS

DATE: February 8, 2021

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The San Jose Police Department is open and accepting of all people, regardless of race, color, religion, national origin, ancestry, age, sex, disability, marital status, medical condition, gender, gender identity, gender expression, military and veteran status, genetic information, or sexual orientation. The purpose of this Training Bulletin is to answer questions about and establish procedures for interactions with the LGBTQ+ community.

DEFINITIONS

The definitions provided here are not intended to label individuals, but rather to assist in understanding this training bulletin and common interpretations of terms.

Chosen Name: A name used in self-reference (this name may or may not be reflected on legal documents, but should be respected nonetheless). This differs from nicknames and aliases. A chosen name affirms an LGBTQ+ person's gender identity or gender expression.

Cisgender: Describes a person whose gender identity matches their sex assigned at birth.

Gender Expression: An individual's external social characteristics and behaviors related to gender (such as name, pronouns, appearance, dress, mannerisms, speech, and social interactions), which may be perceived as masculine, feminine, androgynous, etc.

Gender Identity: An internal sense of one's own gender (e.g. woman, man, non-binary, genderfluid, etc.) One's gender identity is not outwardly visible to others and not determined by a person's anatomy. Every person has a gender identity.

Gender Non-Conforming: Describes a person whose appearance or manner does not conform to societally-established gender stereotypes. This includes individuals who display gender traits which are not generally associated with the sex assigned to them at birth. Gender non-conforming individuals may identify as cisgender or transgender.

Intersex: An umbrella term used for variations in sex characteristics in which a person is born with a reproductive or sexual anatomy that does not fit the typical definitions of male or female. Variations may appear in a person's chromosomes, genitals, or reproductive organs like testes or ovaries. Some

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intersex traits are discovered at birth, while others may not be discovered until puberty or later in life. Just like other people, an intersex person may identify as male, female, or non-binary, and may be lesbian, gay, bisexual, or straight.

Non-binary: Includes people who do not identify their gender within the binary of male or female. Non-binary identification and expression may include individuals who blend elements of being a man or a woman, be different than either male or female, or not identify with any gender.

LGBTQ+: A common abbreviation standing for Lesbian, Gay, Bisexual, Transgender and Queer/Questioning. It should be noted that identity terms such as lesbian, gay, and bisexual are all identifications defined by a person's sexual orientation, while terms such as transgender, cisgender, non-binary, and gender diverse have to do with a person's gender identity. Sexual orientation and gender identity are two independent and separate characteristics. The "+" acknowledges people identify in ways that extend beyond this common abbreviation.

Sexual Orientation: A person's physical and emotional attraction to people of the same and/or other gender. Straight, gay, lesbian, 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 may identify as straight, gay, lesbian, or bisexual, just like cisgender (not transgender) people.

Transgender: Individuals with a gender identity that is different from the sex assigned to them at birth (e.g. a woman who was assigned male at birth). Some individuals who would fit this definition of transgender do not identify themselves as such, and identify simply as men and women – consistent with their gender identity. The guidance discussed in this policy applies to whether or not a particular individual self-identifies as transgender. Transgender is an adjective that describes a person or a person's experience and should not be used as a noun or verb (i.e., a transgender person or a person of transgender experience). Do not use "a transgender" or "transgendered" to describe someone who is transgender.

Transgender Man: A man who was assigned female at birth.

Transgender Woman: A woman who was assigned male at birth.

Transition: The process and any of the steps a transgender person takes to live authentically in their gender identity. This could range from transitioning socially (e.g. appearance, using a chosen name, and new pronouns when interacting with others), to transitioning medically (e.g. accessing hormones and/or gender-related surgeries), or legally transitioning (e.g. updating a birth certificate and driver's license to reflect chosen name and true gender). Transitioning looks different for every person, and some individuals may choose to transition in some ways and not in others. It is important to note that safety may be a prohibitive factor in a person's ability to transition. Avoid the phrases "sex change," "pre-op," and "post-op" when referring to a transition.

The terms "homosexual," "transsexual," "transvestite," "hermaphrodite," and "sexual preference" are outdated or defamatory terms which are seen as offensive by many people. These terms should not be used when speaking to or about the LGBTQ+ community.

NAME AND PRONOUN USAGE

Department members may interact with members of the LGBTQ+ community when the individual's gender identity is not readily identifiable through observation of their gender presentation. In cases like this, Department members are encouraged to ask the individual how they would like to be addressed. For instance, "What name and pronouns should I use when I address you?" Common pronouns include: she/her/hers, he/him/his, and they/them/theirs.

Every individual has the right to be addressed by the name and pronoun corresponding to their gender identity. Proof of a court-ordered name or gender change is not required. Whether or not the name on a person's driver license or identification card correspond with the person's gender, Department members shall address and refer to the person by the name and gender the person uses to identify him/her/themself.

Additionally, if the name on a person's driver license or identification card does not correspond with the individual's gender expression, the person should be asked his/her/their legal name in a one-on-one situation, absent extenuating circumstances. If the contact is made in a group environment, the person should be asked to step outside the group in order to obtain the legal name and avoid "outing" or embarrassing the individual. Department members who need to obtain the legal name of a detained individual should ask, "What is your legal name or name given at birth?" rather than asking, "What is your 'real' name?" as the latter question may be viewed as offensive.

Department members are cautioned not to treat a person's transgender status or appearance as a basis for suspicion or as evidence of wrongdoing or criminal activity. Transgender individuals are not more likely to be involved in illegal activities than cisgender individuals.

REPORT WRITING

When writing a report involving a transgender or intersex individual whose legal name and/or legal gender do not correspond with their chosen name and/or gender identity, Department members shall use the individual's legal name and legal gender on the Entities Page. The chosen name shall be added as an AKA on the Entities Page. In addition, the first paragraph of the narrative shall include a statement identifying the individual as their chosen name and/or gender identity.

Example: Victim Terrance Smith is a transgender woman who identifies as "Tamera Smith" and she will be referred to as such throughout the remainder of this report.

Throughout the remainder of the report, Department members shall use the chosen name and/or gender identity when referring to the individual. The explanation of a person's transgender identity in the first paragraph of the narrative preserves respect for the individual. Maintaining their legal name on the face page of the incident report avoids confusion with service of subpoenas and court appearances.

PRIVACY

Department members shall not ask community members or fellow employees about the current medical status of their gender transition process. This is an extremely private issue and shall be respected as such. Likewise, Department members should respect the rights of an individual to

disclose their gender identity and sexual orientation according to their own comfortability level and timelines. As such, Department members shall not discuss another Department member's gender identity or sexual orientation outside their presence and without their permission.

SEARCHING AND BOOKING

All strip searches of transgender or intersex individuals shall comply with Duty Manual section L 2911 – STRIP SEARCH PROCEDURE. All cursory searches of transgender or intersex individuals shall comply with Duty Manual section L 5110 – CURSORY SEARCHES OF TRANSGENDER OR INTERSEX INDIVIDUALS.

Condoms are a critical tool in combating sexually transmitted diseases. When conducting prostitution investigations, the possession of condoms should not be the sole evidence used in determining if a crime has been committed. Condoms should not be taken for evidence during prostitution investigations but rather photographed and documented in a police report.

When booking transgender or intersex individuals into jail, Department members will notify jail personnel of the information available to them at the time, including the legal name, legal gender, chosen name, and gender identity. Jail personnel will abide by the [*Santa Clara County Office of the Sheriff Custody Bureau Policy and Procedure Manual section 14.17 \(link\)*](#) for processing and intake.

When booking transgender or intersex individuals into jail, directions to remove appearance-related items, such as prosthetics and wigs, should be consistent with requirements for the removal of similar items from cisgender individuals. Articles of clothing such as bras and undergarments that match the inmate's gender identity should not be removed unless similar articles are removed from all inmates of that gender.

RESTROOM ACCESSIBILITY

Under California State law, transgender persons have the right to use restrooms corresponding to their gender identity. This applies to public restrooms, public schools, and places open to the public such as shopping malls, stores, and restaurants (California Civil Code 51(b) - Unruh Civil Rights Act).

Department members responding to calls for service involving a complaint about restroom accessibility should sensitively explain the law to all parties involved. Allegations of lewd conduct or sexual assault should be thoroughly investigated and enforced regardless of the gender identity of either party.

DEPARTMENT LIAISON

The Department maintains an LGBTQ+ liaison, assigned to the Office of the Chief. The liaison's purpose is to serve as a resource for Department members and to foster positive communication with LGBTQ+ persons and groups throughout the City of San Jose.

The Chief of Police's LGBTQ+ Advisory Board was established in 2016. It is comprised of LGBTQ+ community members and Department members from all ranks and assignments. The Advisory Board

is a working group focused on LGBTQ+ issues in the community and within the Department. Committee topics include training, policy, and culture.

At the time this Training Bulletin was written, the terms and definitions used are the best practices to be inclusive and sensitive to everyone. Terms and definitions are fluid and subject to change. Department members are reminded to treat everyone with dignity and respect.

Additional questions may be directed to the Department's LGBTQ+ Liaison, Officer James Gonzales, at james.gonzales@sanjoseca.gov.



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