	NEW PALTZ POLICE DEPARTMENT Policy and Procedures	
	<i>Subject</i> 70.0 Interaction with Individuals Identifying as Transgender	
	ISSUED: July 26, 2016	EFFECTIVE: July 26, 2016
	REVISED: May 13, 2020	RESCINDED:
<i>N.Y.S. Accreditation Ref: N/A</i>	<i>Page 1 of 4</i>	Authority: Chief Robert J. Lucchesi


Interaction with Individuals Identifying as Transgender

70.1 PURPOSE

The New Paltz Police Department recognizes and places a high priority on the rights of all people. This policy establishes a procedure for handling interactions with transgender people.

70.2 DEFENITIONS


1. Gender Identity – Gender identity refers to an individual’s innate, deeply felt psychological identification as male or female, a blend of both or neither which may or may not correspond to the individual’s body or their designated sex at birth.
2. Gender Expression – Gender expression refers to the external characteristics and behaviors that are socially defined as either masculine or feminine, a blend of both or neither, such as, dress, mannerisms, speech patterns, and social interactions.
3. Sex – The biological status of a person as male or female (physical attributes, sex organs someone had when they were born).
4. Transgender – A transgender person is a person whose gender identity and/or expression does not match expected gender norms typically associated with their assigned sex at birth. A transgender individual may choose to transition in some ways and not others. Transitions may include, but are not limited to: social, physical, legal, cultural/spiritual, and medical.
 - a. Female-to-Male (“FTM”) – A person who transitions from “female-to-male,” meaning a person who was assigned female at birth, but identifies and lives as a male. A “female- to-male” individual should be addressed using masculine pronouns (i.e. he, him, his), regardless of surgical status.
 - b. Male-to-Female (“MTF”) – A person who transitions from “male-to-female,” meaning a person who was assigned male at birth, but identifies and lives as a female. A “male-to-female” individual should be addressed using feminine pronouns (i.e. she, her, hers), regardless of surgical status.
5. Gender Non-Binary – Gender non-binary refers to a person who does not conform to society's expectations of gender expression based on the gender binary (either male or female), expectations of masculinity and femininity, or how a person should identify their gender.
6. Intersex – Intersex refers to individuals who are born with reproductive/sexual anatomy and/or chromosome patterns that do not fit typical descriptions of male or female.
7. Gender – Gender refers to the collection of society’s assumptions, expectations, and traditions for how a person of a particular gender is supposed to act and/or be treated by others.

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<i>N.Y.S. Accreditation Ref: N/A</i>	<i>Page 2 of 4</i>	Authority: Chief Robert J. Lucchesi

8. Sexual Orientation – Sexual orientation refers to an individual’s spiritual, emotional, and physical attraction to another individual.
9. Preferred/Chosen/Adopted Name - This is a non-birth name that a transgender individual uses in self-reference. This may or may not be the individual’s legal name and may or may not be the same name that the transgender individual’s personal documents (i.e. driver’s license, passport, etc.) reflect. Be aware that the use of an adopted name does not automatically equate to an attempt to hide ones legal identify or that the individual is misrepresenting themselves.

70.3 POLICY

- A. It is the policy of the New Paltz Police Department that all members will interact with transgender people and the transgender communities in a manner that is professional, respectful, and courteous. Officers are cautioned not to treat a person’s transgender status or appearance as a basis of suspicion or as evidence of a crime.
- B. Officers shall follow the policies governing interactions with transgender people when either of these two conditions is met:
 - a. A person explicitly informs the officer(s) that the person is a transgender person.
 - b. An officer has good reason to believe that the person is a transgender person. Good reason may be based on apparent intention of gender appearance and presentation; reasonable observation; background checks; third party information; prior interaction, routine policing procedures and/or knowledge and experience.
 - c. If gender expression does not clearly indicate a transgender person’s identity, an officer may politely and respectfully ask how the person wishes to be addressed. For example, an officer may ask a transgender person which name and pronoun the person prefers.
- C. When a person self-identifies as a transgender person, officers should not question this identity or ask about the person’s transition status. An officer should not engage in any argument, disagreement, or debate regarding a person’s self-identification as a transgender person. If an officer does question such self-identification, or asks about a person’s transgender status, that officer shall provide a compelling, professional, and articulable reason for having done so. Officers should not ask any questions about medical procedures, treatments, or surgeries.
 - a. If such questions are asked the reason(s) shall be properly documented in the officer’s supplemental report.
- D. An officer should not ask questions or make statements about a transgender person’s genitalia, breasts, or transition status. If an officer does ask such questions or make such statements, that officer shall provide a compelling, professional, and articulable reason for having done so. The reason(s) shall be

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	<i>Subject</i> 70.0 Interaction with Individuals Identifying as Transgender	
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<i>N.Y.S. Accreditation Ref: N/A</i>	<i>Page 3 of 4</i>	Authority: Chief Robert J. Lucchesi

properly documented in the officer's supplemental report. (Arrest processing is considered one of those justifications.)

- E. Whether or not the name on a person's driver's license or identification card coincides with the person's gender identity, an officer shall address or refer to the person by the name that the person has used to identify themselves. An officer shall also use the pronouns consistent with the name provided by the person.
- F. This Department recognizes and places a high priority on the rights of all individuals guaranteed under the Constitution and the laws of this state. Under no circumstances may an officer frisk, search, or otherwise touch any person for the purpose of obtaining information about that person's gender status. An officer shall comply with all existing laws and New Paltz Police Department policies regarding search and seizure. Under no circumstances shall transgender people be subject to more invasive search procedures than non-transgender people.

70.4 DETERMINATION OF LEGAL NAME

- A. In the event a transgender person's legal name is required, the person's legal name should be obtained in the following manner:
 - a. Absent extenuating circumstances, an officer should ask the person for his or her legal name in a one-on-one situation. If the contact is in a group environment, the officer should ask the person to step outside the group to obtain the legal name and avoid "outing" the person. If an officer asks a transgender person for their legal name in the presence of others, that officer shall provide a compelling, professional, and articulable reason for having done so and shall properly documented the reason in the officer's supplemental report.

70.5 TRANSGENDER ARRESTS


Refer to New Paltz Police Department Policies 64.1 and 64.2.

70.6 JUVENILE TRANSGENDER INDIVIDUALS

All interactions with juvenile transgender individuals shall conform to the mandates set out by this policy. This policy does not affect any other provisions outlined in applicable directives and laws covering the processing and handling of juveniles.

70.7 PROTECTION OF PRIVACY

Under no circumstances should an officer disclose that a person is transgender to non-police personnel or to other non-relevant NPPD personnel. If an officer does disclose such information as described, that officer shall provide a compelling, professional, and articulable reason for having done so.

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<i>N.Y.S. Accreditation Ref: N/A</i>	<i>Page 4 of 4</i>	Authority: Chief Robert J. Lucchesi

70.8 RECORDS AND DATA

A. Confidentiality of Records and Data

- a. If a person has self-identified as transgender, this information may be recorded in public documents. If the person has not self-identified as transgender, this information should not be recorded in public documents. If an officer does record such information in any public document, that officer shall provide a compelling, professional, and articulable reason for having done so. The reason(s) shall be properly documented in the officer's supplemental report.

70.9 TRAINING

Training on interactions with transgender people and review of this Policy shall be conducted as directed by the Chief of Police.