

**VERMONT DEPARTMENT OF PUBLIC SAFETY LAW
ENFORCEMENT ADVISORY BOARD**

**SUMMARY REPORT
2015**

The Law Enforcement Advisory Board advises the commissioner of public safety, the governor, and the general assembly on issues involving the cooperation and coordination of all agencies and constables that exercise law enforcement responsibilities.

Prepared by: DPS Law Enforcement Advisory Board

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LEAB Members

2015

Chair: Richard Gauthier, Executive Director, Vermont Criminal Justice Training Council
Vice-Chair: Paco Aumand, Director, Criminal Justice Services Division

Commissioner Keith Flynn, Commissioner of the Department of Public Safety
Colonel Thomas L'Esperance, Director of the Vermont State Police
Chief Jennifer Morrison, Colchester Police Department, Vermont Association of Chiefs
of Police
Sheriff Roger Marcoux, Lamoille County Sheriff, Vermont Sheriffs' Association
Karen Horn, Director, Vermont League of Cities and Towns
John Treadwell, Attorney General's Office
Executive Director, State's Attorney & Sheriff's Office
James Leene, U. S. Attorney's Office
Matthew Valerio, Defender General's Office
Michael O'Neil, Vermont Troopers Association Representative
Constable Nelson Tift, Vice-President, Vermont Constable Association
Captain Michael Major, Chittenden County Sheriff's Department, Vermont Police
Association Representative

SUMMARY REPORT 2015

INTRODUCTION

In 2004, the Vermont General Assembly created a Law Enforcement Advisory Board (LEAB) of the Department of Public Safety with authorizing language contained in T.24 V.S.A. § 1939. The purpose of the Board is to advise the Commissioner of Public Safety, the Governor, and the General Assembly on issues involving the cooperation and coordination of all agencies that exercise law enforcement responsibilities. Membership of the Board is set by statute. The current members are listed in appendix A.

In 2015, the LEAB addressed the following:

- Revised the Conducted Electrical Weapon (CEW) Policy;
- Created a model License Plate Reader policy
- Wrote a model memorandum for agencies on how to work with transgendered individuals
- Wrote a model identifying the essential components of an agency policy on working with transgendered individuals
- Reviewed current human trafficking enforcement efforts in Vermont

As always, LEAB members would welcome an opportunity to offer testimony and answer any questions regarding any subject in this report.

Respectfully submitted,

Richard B. Gauthier

Executive Director

2015 Chair LEAB

V T C r i m i n a l J u s t i c e T r a i n i n g C o u n c i l

CEW Model Policy

Act 180, **An Act Relating to Statewide Policy On The Use Of and Training Requirements For Electronic Control Devices**, Sec. 1. 20 VSA 2367(b), required the Law Enforcement Advisory Board to establish a statewide policy on the use of and training requirements for electronic control devices (ECD), also referred to as conducted electrical weapons (CEW). The Act also specified some provisions that were to be included in the model policy, and tasked the LEAB with reviewing the policy annually with the goal of ensuring that it remained current and reflected best practices.

The LEAB followed through on the recommendation from last year's report. Given an absence of CEW testing stations in the state, and given that a test for one device can cost up to \$500, and not counting the length of time for which the CEW would be out of service, agencies will not be required to send their units to the manufacturer on an annual basis for routine testing and calibration. The VCJTC has not yet been able to procure a testing station

The revised model policy is available in Appendix A

Recommendation

That the LEAB continue to monitor VCJTC efforts to get a testing station, and when this happens, adjust the policy accordingly.

Model Automatic License Plate Reader (ALPR) Policy

The attached ALPR model policy (Appendix B) ensures that agencies are in compliance with both best practices and Vermont Law.

Law Enforcement Interaction with Transgendered Individuals

In 2014, the VCJTC conducted its biannual mandatory domestic violence training for all officers; part of the training instructed officers on the best way to interact with transgendered individuals and introduced officers to terms and definitions that transgendered individuals used.

As a result of the training, some officers and agencies sought further guidance, and the VCJTC requested that the LEAB assist in drafting the essential components of a model policy (Appendix C). The LEAB also drafted a model memorandum (Appendix D), in the event an agency did not want a policy.

Appendix A

CEW Model Policy

As Revised 2015

Use of Conducted Electrical Weapons

INTRODUCTION AND PURPOSE

The purpose of this policy is to effectuate 20 V.S.A. § 2367 and establish statewide training and policies governing law enforcement agencies' use of Conducted Electrical Weapons ("CEWs").

When properly used, CEWs can be an effective and efficient law enforcement tool that can reduce injuries to suspects, bystanders, and law enforcement officers. However, a recent review of existing CEW policies from around Vermont indicates that law enforcement agencies have different policies regulating when and how CEWs may be used. In addition, the frequency with which law enforcement agencies must work together and community concern over the potential dangers of CEWs support the need for a consistent and safe approach to the use of CEWs as less-lethal law enforcement tools.

This policy sets forth recommended minimum standards for training officers on using CEWs, the circumstances under which officers should use CEWs, and the procedures officers should follow after using CEWs. Although this policy contains provisions and principles that may apply to several different types of force, it focuses on CEWs and does not specifically address all other lawful types of force law enforcement officers may use in a given situation. This CEW policy is designed to supplement rather than replace any existing use of force policies. It is expected that law enforcement agencies incorporate the provisions of this policy into their existing use of force policies.

Finally, because this policy attempts to apply universally to all law enforcement agencies regardless of their size, it is not possible to fully detail the level of supervisory review of use of force reports completed after CEW deployment. Agencies should refine these provisions of this policy according to their size, existing policies, and the needs of the communities they serve.

POLICY

1. Definitions.

1.1. Conducted Electrical Weapon ("CEW"): A less-lethal law enforcement device that delivers an electrical pulse to the body of a subject in either a "drive stun" or "probe" mode. When used in "probe mode" the device discharges two probes that remain connected to the CEW via wire and which upon impact deliver an electrical pulse

designed to temporarily incapacitate that subject. When used in “drive stun” mode, the device makes direct contact with and delivers an electrical pulse to the body of a subject, but does not result in the same temporary incapacitation of a subject as when used in “probe” mode. CEWs include “Electronic control devices” which are defined at 20 V.S.A. § 2367(a)(1) as “device[s] primarily designed to disrupt an individual’s central nervous system by means of deploying electrical energy sufficient to cause uncontrolled muscle contractions and override an individual’s voluntary motor responses.”

1.2. Special populations: Members of special populations include subjects an officer has reason to believe are:

1.2.1. Cognitively impaired such that they are unable to comply with an officer’s instructions.

1.2.2. Experiencing an emotional crisis that may interfere with the ability to understand the consequences of their actions or follow directions.

1.2.3. Persons with disabilities whose disability may impact their ability to communicate with an officer, or respond to an officer’s directions.

. 1.2.4. Under 18 years of age.

. 1.2.5. Pregnant.

. 1.2.6. Over 65 years of age.

. 1.2.7. Physically infirm, subject to or diagnosed with a heart condition, or epilepsy, or a seizure disorder.

1.3. Special circumstances: Special circumstances include situations where an officer has reason to believe the subject is:

. 1.3.1. Operating a motor vehicle.

. 1.3.2. Standing in an elevated area, near water, or near flammable materials

(including but not limited to alcohol-based chemical sprays).

1.3.3. Restrained.

. 1.4. Special consideration: A consideration of: (i) the potential additional risk of harm posed by deploying a CEW against a member of a special population or a subject in special circumstances; and (ii) whether other types of force are reasonably available to effectuate custody of or facilitate control over a member of a special population or a subject in special circumstances while still preserving the safety of that person, third parties, and the responding officer(s).

- . 1.5. Active Resistance: A subject using physical activity to resist or takes an affirmative action to defeat an officer's ability to take him/her into custody or to seize him/her, but the subject's actions would not lead a reasonable officer to perceive a risk of physical injury to him/herself, the subject, or a third person. Examples of active resistance include pulling away, escaping or fleeing, struggling and not complying on physical contact, or other energy enhanced physical or mechanical defiance. Refusing to move upon verbal direction or chaining oneself to an object does not constitute active resistance.
- . 1.6. Active Aggression: Behavior that creates an imminent risk of physical injury to the subject, officer, or third party, but would not lead a reasonable officer to perceive a risk of death or serious bodily injury. Examples include an attack on an officer, strikes, wrestling, undirected strikes with injury potential, kicking, shoving, punching, and other words or behavior indicating that such actions are imminent.
- 1.7. Critical Incident: A deployment of a CEW that results in serious bodily injury or death of the subject.

CEW Use and Deployment Procedures.

- . 2.1 Only officers who complete training on the use of CEWs containing the minimum elements set forth in Section 4 of this policy, as approved by the Vermont Criminal Justice Training Council, shall be authorized to carry CEWs.
- . 2.2 Prior to the start of each shift, an officer authorized to carry a CEW shall conduct a spark test of the CEW to ensure that it is properly functioning. Only properly functioning CEWs shall be carried for use. CEWs that are not properly functioning shall be taken out of service and sent for repair.
- . 2.3 When it is safe to do so, law enforcement should display and provide a warning prior to deploying a CEW.
- . 2.4 Officers may only deploy CEWs in the following circumstances:

2.4.1 In response to either:

2.4.1.1 A subject exhibiting active aggression in a manner that, in the officer's judgment, is

2.4.1.2 A subject acting

likely to result in injury to the subject, the officer, or third persons.

. 2.4.2 If, without further action or intervention by the officer, injuries to the officer, or others will likely occur.

subject,

. 2.4.3 To deter vicious or aggressive animals that threaten the safety of the officer or others.

or

- . 2.5 Neither an officer, a subject, nor a third party has to actually suffer an injury before use of a CEW may be justified.
- . 2.6 An officer should attempt to avoid deployment to a suspect's head, neck, chest, genitals,

female breast, and stomach of a pregnant woman.

- . 2.6.1 When targeting a subject from the front, the preferred target area is a horizontal line approximately 2 inches lower than the sternum and below. An ideal probe deployment from the front will "split the hemispheres" having one probe strike a subject above the belt line and the other probe striking the subject in the thigh or leg thereby activating the hip flexor.
- . 2.6.2 When targeting a subject from the back, the preferred target area is below a horizontal line drawn even with the shoulders across the neck and below.

2.7 Officers should use the minimum number of cycles necessary to take a suspect into custody or mitigate their assaultive behavior.

- . 2.8 CEWs shall not be used in a punitive or coercive manner and shall not be used to awaken, escort, or gain compliance from passively resistant subjects. The act of fleeing or destroying evidence, in and of itself, does not justify the use of a CEW.
- . 2.9 When it is safe to do so, officers should attempt to deescalate situations. However, officers are not required to use alternatives to a CEW that increases the danger to the officer, another person or the public.

2.10 Officers should avoid deploying more than one CEW on a single subject at the same time unless circumstances exist such as an ineffective probe spread on the first CEW or the first CEW fails to achieve immobilization of the subject and a second deployment is independently justified. Before deploying a second CEW, officers should consider the feasibility and safety of attempting to control the subject with a lesser type of force.

2.11 Officers having reason to believe they are dealing with a member of a special population or are dealing with special circumstances shall give special consideration to deploying an CEW. Officers having reason to believe they are dealing with an individual with a psychiatric disability shall consider consulting with the area designated mental health agency.

3 Post Deployment Procedure.

- . 3.1 Following CEW use, officers should only use restraint techniques designed to minimize the risk of impairing a suspect's respiration. Once restrained, the subject should be moved into a recovery position that facilitates breathing.
- . 3.2 As soon as practicable after CEW deployment, the CEW probes shall be removed

from the subject. The probes shall be treated as a biohazard. In the following cases, officers should wait for EMS to remove the probes:

- . 3.2.1 The probes embedded in a sensitive area such as the face, neck, throat, groin, female breast, or stomach of a pregnant woman.
- . 3.2.2 The officer encounters problems when attempting to remove the probe.
- . 3.3 Medical attention at a medical facility shall be offered to all individuals subjected to a CEW deployment.
- . 3.4 Emergency medical services shall be contacted if a subject:
 - . 3.4.1 Suffers an obvious injury.
 - . 3.4.2 Does not appear to recover properly and promptly after deployment.
 - . 3.4.3 Is a member of a special population.
 - . 3.4.4 Has been subjected to three or more CEW deployments or a continuous deployment exceeding 15 seconds.
 - . 3.4.5 Has been subjected to a deployment to his or her chest.
 - . 3.4.6 Exhibits signs of extreme uncontrolled agitation or hyperactivity prior to the CEW exposure or the subject was involved in a lengthy struggle or fight prior to the CEW exposure.
- . 3.5 If a subject refuses additional medical attention, that refusal should be documented.
- . 3.6 When an officer has reason to believe (s)he is responding to a situation that may necessitate emergency medical services, (s)he shall make reasonable efforts to summon such services in advance.
- . 3.7 With the exception of the required spark test and accidental discharges that do not connect with any living being, each time a CEW is deployed and/or displayed it shall be documented in a use of force report within 24 hours of the deployment unless otherwise authorized by a supervisor. This use of force report shall contain the following, at a minimum:
 - . 3.7.1 The date, time, and location of the incident.
 - . 3.7.2 The officer(s) involved in the incident, identifying which officer(s) used CEWs.
 - . 3.7.3 The type of CEW deployment, i.e., display, drive stun, or probe mode.

- . 3.7.4 Identifying and descriptive information for the subject, including any information indicating if the subject was a member of the population or encountered during an incident involving special circumstances. If law enforcement consulted with any mental health agencies that fact should be noted.
- . 3.7.5 A list of other known witnesses.
- . 3.7.6 The number of CEW cycles used, the duration of each cycle, and the duration between cycles.
- . 3.7.7 The level and description of resistance encountered.
- . 3.7.8 Whether CEW use was effective.
- . 3.7.9 The type of crime/incident the suspect was involved in.
- . 3.7.10 The approximate range at which the CEW was used.
- . 3.7.11 The point of impact.
- . 3.7.12 Whether law enforcement used or attempted to use any other types of force.
- . 3.7.13 The medical care provided to the subject, including any refusal of additional medical attention after initial assessment.
- . 3.7.14 The type of injuries, if any, sustained by any of the involved persons including the officer(s).
- . 3.7.15 When possible, photographs of the CEW probe entry sites.
- . 3.8 The department shall also collect the download data, cartridges, probes, and wires from the CEW that was deployed and shall maintain them pursuant to its evidence policies. The download shall occur as soon as reasonably practical after the CEW is deployed.

3.9 When possible, in instances in which more than one CEW has been deployed, a sampling of the AFID tags should also be collected and maintained pursuant to the department's evidence policies.

3.10 Accidental discharges that do not connect with any living thing shall be documented in a departmental memorandum explaining in detail how the discharge occurred within 48 hours of the alleged accidental discharge unless otherwise authorized by a supervisor.

3.11 All use of force reports and departmental memorandum required under this policy shall be reviewed by the officer's supervisor. The department shall conduct a use of force

review in the following situations:

- . 3.11.1 The department receives a complaint of excessive use of force.
- . 3.11.2 The supervisor recommends conducting a use of force review.
- . 3.11.3 The encounter resulted in death or serious bodily injury.
- . 3.11.4 The individual exposed to the CEW is a member of a special population.
- . 3.11.5 An individual was exposed to three or more CEW cycles or a cycle that lasted longer than 15 seconds.

3.12 Upon request, a suspect subjected to a CEW deployment, or his/her next of kin, shall be kept informed of the procedural status and final result of the review.

3.13 Annually each law enforcement agency shall report to the Vermont Criminal Justice Training Council all incidents involving the use of a CEW in a form to be determined by the Council. The Council shall make this information available on its website.

4 Training Requirements.

- . 4.1 Training for officers authorized to carry CEWs shall be conducted annually.
- . 4.2 Training shall not be restricted solely to training conducted by the manufacturer of the CEW. However, training shall include the recommendation by manufacturers for the reduction of risk of injury to subjects, including situations where a subject's physical susceptibilities are known.
- . 4.3 Training shall emphasize that CEWs may be less-lethal, but are not non or less-than lethal.
- . 4.4 Training shall also incorporate, at a minimum:
 - . 4.4.1 Instruction on the use of force continuum.
 - . 4.4.2 Techniques to avoid or deescalate confrontations.
 - . 4.4.3 The underlying technology and operation of CEWs. P
 - . 4.4.4 The physiological effects upon an individual against whom such a CEW is deployed.
 - . 4.4.5 The proper use of the weapon, including both the proper mechanical use of the weapon and the circumstances under which it is appropriate to use the weapon.
 - . 4.4.6 Scenario-based training.

- . 4.4.7 Proper removal of CEW probes.
- . 4.4.8 The potential medical needs of a subject who has been subjected to a CEW deployment
- . 4.4.9 The post-deployment reporting requirements.
- . 4.4.10 Instruction on interacting with individuals experiencing a mental health crisis, emotional crisis or other type of crisis, as recommended by the Vermont Criminal Justice Training Council.

4.5 Departments should also evaluate the value of requiring or allowing officers to feel the effects of a CEW as part of training. If an officer decides to feel these effects, the training shall include an explanation of the potential differences between that officer's experience and the experience of a subject in the field. Departments requiring or allowing its officers to undergo a CEW deployment shall, beforehand, provide a thorough explanation of the potential injuries an officer could incur as a result of the deployment even within a controlled training environment.

5 Measurement and Calibration

- . 5.1 CEWs shall be calibrated to ensure the electrical output of the device is within manufacturer's specifications under the following circumstances:
 - . 5.1.1 Upon receipt by a law enforcement agency and prior to use in the field, only if measurement and calibration equipment is available in the state;
 - . 5.1.2 Annually, only if measurement and calibration equipment is available in the state; and,
 - . 5.1.3 After a critical incident, regardless of whether there is measurement and calibration equipment available in the state or the unit needs to be sent back to the manufacturer for testing.
- . 5.2 Exception – CEWs that are self-calibrating are not subject to these provisions unless a law enforcement agency requires calibration pursuant to its own policies and procedures or there are reasonable grounds to believe that the self-calibration is not functional.
- . 5.3 If a CEW's electrical output is determined to be outside of manufacturer's specifications it shall not be used in the field until it has been found to have output within manufacturer's specifications.

6 Review

- 6.1 Vermont's Law Enforcement Advisory Board shall review this policy annually.

Appendix B

Automatic License Plate Reader (ALPR) Model Policy

PURPOSE

To provide uniform and proper use of Automatic License Plate Reader (ALPR) equipment by officers. ALPR technology uses specialized digital cameras and computers to quickly capture large numbers of photographs of license plates, convert them to text and compare them quickly to a large list of plates of interest. ALPR systems can identify a target plate within seconds of contact with it, allowing law enforcement to identify target vehicles that might otherwise be overlooked.

POLICY

All officers using ALPR equipment shall be certified by the Vermont Criminal Justice Training Council in its use and be familiar with this policy.

All data and digital images contained in the ALPR system are the property of the Department and shall not be released or disseminated without first completing the Vermont License Plate Reader Request for Information/Entry Form. All data and images will be stored on a secure server.

DEFINITIONS

(1) "Active data" is distinct from historical data as defined in subdivision (3) of this subsection and means data uploaded to individual automated license plate recognition system units before operation as well as data gathered during the operation of an ALPR system. Any data collected by an ALPR system in accordance with this section shall be considered collected for a legitimate law enforcement purpose.

(2) "Automated license plate recognition system" or "ALPR system" means a system of one or more mobile or fixed high-speed cameras combined with computer algorithms to convert images of registration plates into computer-readable data.

(3) "Historical data" means any data collected by an ALPR system and stored on the statewide ALPR server operated by the Vermont Justice Information Sharing System of the Department of Public Safety. Any data collected by an ALPR system in accordance with this section shall be considered collected for a legitimate law enforcement purpose.

(4) "Law enforcement officer" means a state police officer, municipal police officer, motor vehicle inspector, capitol police officer, constable, sheriff, or deputy sheriff certified by the Vermont Criminal Justice Training Council as having satisfactorily completed the approved training programs required to meet the minimum training standards applicable to that person under 20 V.S.A. § 2358.

(5) "Legitimate law enforcement purpose" applies to access to active or historical data and means investigation, detection, analysis, or enforcement of a crime, traffic

violation, or parking violation or operation of AMBER alerts or missing or endangered person searches.

(6) "Vermont Intelligence Center Analyst" means any sworn or civilian employee who through his or her employment with the Vermont Intelligence Center (VIC) has access to secure databases that support law enforcement investigations.

PROCEDURE

Officers assigned to patrol vehicles equipped with ALPR equipment shall ensure that all required pre-operational checks are performed in accordance with the manufacturer's recommendations.

Officers utilizing ALPR equipment shall be sure that the most current "hot" list has been downloaded to the MDC unit.

Officers utilizing ALPR equipment shall confirm hits through an active database (VLETS/NCIC) before enforcement action is taken on any stolen vehicles, delinquent citation, expired registration, suspended operator or warrant.

Positive responses or hits from the ALPR system are not to be considered reasonable suspicion for stopping, searching, or detaining a vehicle and its occupant(s) and that further investigation, reasonable suspicion and/or confirmation must take place prior to stopping, searching or detaining a vehicle and its occupant(s).

Access to Statewide ALPR server

(1) The State of Vermont, Department of Public Safety, Division of Criminal Justice Services will maintain a statewide ALPR server.

(2) The statewide ALPR server will be made available to law enforcement agencies and other interested justice partners only as allowed by applicable Vermont Statute.

OPERATION

Responsibilities of Operators

Officers shall be responsible for operation, care and maintenance of assigned ALPR equipment. Maintenance shall be performed in accordance with manufacturer's recommendations.

At the start of each shift, officers shall determine that ALPR equipment is working satisfactorily and complete a standard pre-operational system check. Operational system checks will be done as necessary during the course of the shift (i.e., if maintenance is required, completion of such maintenance should be noted).

A shift supervisor will be notified, as soon as possible, if any problems are discovered with operation of the ALPR equipment.

The ALPR should be active at all times while on duty except for maintenance issues and any conflicts that do not allow other programs to work on the MDC.

Officers shall not erase, or alter any ALPR information.

The use of the ALPR equipment shall be noted on all traffic tickets, written warnings and affidavits. The circumstance code "LPR" will be utilized in the RMS system on all cases that involve the use of an ALPR system.

In the event an officer assigned an ALPR becomes involved in a pursuit they will, at the direction of their supervisor, become a secondary pursuit vehicle as soon as is reasonably feasible.

(8) (A) Deployment of ALPR equipment is intended to provide access to law enforcement reports of wanted or stolen vehicles and wanted persons and to further other legitimate law enforcement purposes. Use of ALPR systems and access to active data are restricted to legitimate law enforcement purposes.

(B) Active ALPR data may be accessed by a law enforcement officer operating the ALPR system only if he or she has a legitimate law enforcement purpose for the data. Entry of any data into the system other than data collected by the ALPR system itself must be approved by a supervisor and shall have a legitimate law enforcement purpose.

(C) Requests to review active data shall be in writing and include the name of the requester, the law enforcement agency the requester is employed by, and the law enforcement agency's Originating Agency Identifier (ORI) number. The request shall describe the legitimate law enforcement purpose. The written request and the outcome of the request shall be transmitted to the VIC and retained by the VIC for not less than three years.

(D) Access to active data shall be limited to designated personnel who have been provided account access by the Office of Technology Management only after being certified by the Vermont Criminal Justice Training Council to operate ALPR systems. Access to active data shall be restricted to data collected within the past seven days.

5.2 Responsibilities of Supervisors

(1) Supervisors shall ensure that members who utilize ALPR equipment comply with established policies, procedures and guidelines.

(2) Supervisors will randomly review cases and data produced by members who utilize ALPR equipment for the purpose of ensuring compliance with established policies, and to identify material that would be appropriate for training.

Appendix C

LEAB Model Policy Essential Components Police Interaction with Transgender Individuals

I. Purpose

This policy establishes practices for interactions with transgender individuals, to protect Constitutional rights and provide for the safety of officers and citizens.

II. Policy

It is the policy of [insert agency name] to treat all individuals in a courteous, professional, fair and impartial manner, regardless of sexual orientation or gender identity. Additionally, it is [agency name] policy to handle transgender arrestees in a manner intended to ensure that they are processed and lodged safely and efficiently to the maximum extent possible.

III. Definitions/Key Terms

- a.) Birth Sex: Sex assigned at birth by a physician based on external genitalia or other indicators.
- b.) Cisgender: Gender identity where an individual's experience of their own gender matches their birth sex.
- c.) Gender: A socially-constructed concept of classifying behavior as either 'masculine' or 'feminine', unrelated to one's external genitalia.
- d.) Gender Identity: An individual's personal experience of gender, regardless of birth sex.
- e.) Transgender: A person whose gender identity differs from his/her birth sex. A transgender female is a person whose birth sex is male but who understands herself to be female and desires to live her life as such, and vice-versa.
- f.) MTF: Acronym for male-to-female
- g.) FTM: Acronym for female-to-male

IV. Procedure

1. Initial Contact

- a.) The officer should be guided by the person's visual appearance. If the officer is unsure, ask the person which pronoun—"he" or "she"--they prefer.
- b.) If the officer is mistaken regarding the person's gender, it is up to that person to inform the officer otherwise.
- c.) The officer should use the person's preferred name, even if it differs from that on the person's government-issued identification.
- d.) Do not stop, detain, frisk, or search any person for the purpose of determining gender. This should not be construed as prohibiting a stop and frisk when reasonable suspicion exists, or normal processing subsequent to arrest.

2. Interview

- a.) The officer should use the individual's preferred name and pronoun.
- b.) Questions regarding gender that are not relevant to the incident are prohibited.
- c.) Except when legally necessary, the officer will not require proof of an individual's gender or challenge an individual's gender identity.

3. Arrest and Lodging

- a.) Subsequent to arrest, the officer will conduct a search according to agency policy.
- b.) Whenever possible, the person will be transported alone.
- c.) If the individual has had surgery, male-to-female will be processed as a female, and female-to-male will be processed as a male.
- d.) If the person does not have government-issued identification, ask that person if they have male genitalia. If the answer is yes, that person will be processed as a male; if the answer is no, the person will be processed as a female.

e.) When an arresting officer has reason to believe the arrestee is a transgender person, the officer will ask that person if there is a preference to be search by a male or a female.

f.) The individual will be lodged away from other detainees.

Officers will not unreasonably endanger themselves or another person in order to comply with this policy.

Appendix D

Memorandum Police Interaction with Transgender Individuals

Initial Contact

The officer should be guided by the person's visual appearance. If the officer is unsure, ask the person which pronoun—"he" or "she"--they prefer.

If the officer is mistaken regarding the person's gender, it is up to that person to inform the officer otherwise.

The officer should use the person's preferred name, even if it differs from that on the person's government-issued identification (on a contact sheet, use the name on the government-issued ID and list the preferred name as an alias).

Do not stop, detain, frisk, or search any person for the purpose of determining gender. This should not be construed as prohibiting a stop and frisk when reasonable suspicion exists, or normal processing subsequent to arrest.

Interview

The officer should use the individual's preferred name and pronoun.

Questions regarding gender that are not relevant to the incident are prohibited.

Arrest and Lodging

Subsequent to arrest, the officer will conduct a search according to agency policy.

Whenever possible, the person will be transported alone.

If the individual has had surgery, male-to-female will be processed as a female, and female-to-male will be processed as a male.

If the person does not have government-issued identification, ask that person if they have male genitalia. If the answer is yes, that person will be processed as a male; if the answer is no, the person will be processed as a female.

The individual will be lodged away from other detainees.

Officers will not expose themselves to unnecessary safety hazards attempting to comply with this memorandum.