

- B. Officers shall not treat a person's transgender status or appearance as a basis of suspicion or as evidence of a crime or offense.
- C. A person is considered transgender when either of these two conditions is met:
 - 1. A person explicitly informs the officer(s) that the person is a transgender person; or
 - 2. An officer has good reason to believe that the person is a transgender person. Good reason may be based on the individual's gender appearance and presentation, reasonable observation, background checks, third party information, prior interaction, and/or routine policing procedures.
- D. If gender expression (actual or perceived) does not clearly indicate a transgender person's identity, officers may politely and respectfully ask how the person wishes to be addressed. For example, officers may ask a transgender person which name and pronoun the person prefers.
 - 1. When a person self-identifies as a transgender person, officers should not question this identity or ask about the person's transition status. Officers shall not engage in any argument, disagreement, or debate regarding a person's self-identification as a transgender person.
 - 2. If officers do question such self-identification or ask about a person's transgender status, officers should have compelling, professional, articulable reason for having done so. These reason(s) shall be thoroughly documented in the corresponding CAD record or investigation report.
 - 3. Officers shall not ask questions or make statements about a transgender person's genitalia, anatomy, breasts, sexual practices, or transition status. If an officer does ask such questions or make such statements, it shall be necessary to do so because of the ongoing criminal investigation or if the individual raises the issue, without prompting by the officer and the officer's inquiries are tailored to ensure the individual's safety and dignity. That officer shall have a compelling, professional, and articulable reason for having done so. The reason(s) shall be thoroughly documented in the corresponding report.
- 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 him or herself. An officer shall also use the pronouns consistent with the name provided by the person.
- F. In the event a transgender person's legal name is required and, 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 to protect the privacy interests of the person.
- G. Whenever a transgender person who is detained in custody requires or expresses a need for medical attention or medication (including but, not limited to hormone therapy), officers shall respond to and address the need with the same urgency and respect as required in connection with any other medical need, illness, or injury experienced by any other detainee or arrestee.

- H. Appearance-related items, including but not limited to, prosthetics, bras, clothes, undergarments, wigs, chest binders, or makeup should not be confiscated or removed from transgender people unless such items present a safety hazard, impede the administration of medical attention, or are needed for evidentiary reasons.
 - 1. If an officer confiscates or removes a transgender person's appearance-related items, that officer shall have compelling, professional, and articulable reason for having done so. The reason(s) shall be thoroughly documented in the corresponding report.
 - 2. Mug shots will be taken depicting the person's appearance at the time of arrest (e.g., officers shall not require a transgender person to remove a wig, etc.)
- I. Under no circumstances should an officer disclose that a person is transgender to non-law enforcement personnel or to other non-relevant agency personnel. If an officer does disclose such information, that officer shall have a compelling, professional, and articulable reason for having done so. The reason(s) shall be thoroughly documented in the corresponding incident report.
- J. If a person has self-identified as transgender, this information can be recorded in public documents. If an officer does record such information in any public document, that officer shall have a compelling, professional, and articulable reason for having done so. The reason(s) shall be thoroughly documented in the corresponding incident report.
- K. All reports and data fields shall refer to a transgender person's name as shown on official documents. The person's chosen name shall be listed as an alias or 'also known as' (AKA). The narrative will identify an individual's legal name and 'chosen name'. Chosen names and chosen gender pronouns will be used throughout the narrative.
- L. Under no circumstances shall an officer frisk, search, or otherwise touch any person for the purpose of obtaining information about that person's gender status. Officers shall comply with all existing directives, laws, New Jersey Attorney General directives and guidelines and Middlesex County Prosecutor's Office directives regarding search and seizure. Under no circumstances shall transgender people be subjected to more invasive search procedures than non-transgender people.
- M. For most searches, the gender of the person being searched will not be relevant because the search may be conducted by detectives/investigators of any gender. That includes but, is not limited to, searches conducted under exigent circumstances, such as an immediate search in the field for weapons, when the detective/investigator and public safety are paramount, and searches incidental to arrest.
- N. Transport a transgender arrestee alone, when requested and when doing so is practicable and ensures that individual's safety. If a transgender person must be transported with other arrestees, he/she shall be transported according to their gender identity or expression, regardless of the gender that the individual was assigned at birth and/or their anatomical characteristics.

O. When conducting strip or body cavity searches:

1. Officers shall respectfully ask transgender persons for their preference with respect to the gender of the searching officer and document that preference in the investigation report and with the approval of a supervisor to perform search in accordance with that preference.
2. If the transgender person refuses to provide such preference, searches shall be performed by an officer of the same sex in accordance with the individual's gender identity, regardless of the gender that individual was assigned at birth and/or his/her anatomical characteristics.
3. These requirements also apply to the licensed medical professional conducting a body cavity search.

III. RESPONSIBILITIES

- A. Supervisors of all ranks and assignments, including shift commanders, are responsible for providing effective supervision to reasonably monitor those under their command to ensure compliance with this SOP and to take or recommend corrective action where indicated. Corrective action includes but, is not limited to:
1. Counseling;
 2. Training;
 3. Punitive discipline (up to and including termination upon final notice of disciplinary action).
- B. Regardless of assignment, supervisors and shift commanders shall take or recommend corrective action if an employee, even when that employee is not under their direct command, does not appear to be in compliance with this SOP.
- C. Employees witnessing behavior contrary to this SOP are required to take immediate action to end the behavior.
1. Employees must immediately report their knowledge of the incident to their immediate supervisor in writing.
 2. If their supervisor is the subject of the report or in the absence of their supervisor, the employee must report it to another supervisor, the next level in the chain of command or directly to the Chief of Police or the internal affairs supervisor.
- D. All agency personnel will complete mandated training courses issued by the Division of Criminal Justice regarding the LGBTQ+ community, this training may be delivered electronically and will be included as part of the employee's training file.
- E. Officers will receive periodic training regarding cultural diversity and the prohibition against bias-based policing, including legal aspects. Periodic shall mean minimally once every three years.

IV. PROFILING COMPLAINTS

- A. Any person can file a complaint with the Carteret Police Department if the person feels that any law enforcement action was based on bias-based policing or discriminatory profiling. In addition, no one shall be discouraged, intimidated, coerced from filing, or discriminated against because they have filed a profiling complaint.
- B. If a person makes an allegation that he/she has been subjected to bias-based policing or discriminatory profiling the employee shall allow the person to complete an internal affairs complaint form regarding the incident. The reports shall then be submitted to the Chief of Police in compliance with this department's SOP on internal affairs.
- C. All investigations of bias-based policing, profiling, and/or discriminatory practices shall be conducted in accordance with this department's SOP on internal affairs.
- D. Whenever this department conducts a criminal investigation into possible commission of the crime of official deprivation of civil rights in violation of NJSA 2C: 30-6, or pattern of official misconduct in violation of N.J.S.A. 2C: 30-7, which is based on two or more violations of N.J.S.A. 2C: 30-6, the Chief of Police or his/her designee shall promptly notify the Middlesex County Prosecutor's Office and shall provide such information as the prosecutor or his/her designee might require.