

KINGMAN COUNTY SHERIFF'S OFFICE

POLICY AND PROCEDURE MANUAL

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SECTION 4.1 LESBIAN, GAY, BISEXUAL, TRANSGENDER, and INTERSEX (L.G.B.T.I)

PURPOSE

The purpose of this policy and procedure statement is to establish guidelines for the appropriate treatment of Lesbian, Gay, Bisexual, Transgender, and Intersex (LGBTI) individuals who come into contact with and/or require the services of, the Kingman County Sheriff's Office (KMSO). As personnel interactions with LGBTI individuals become more common, it is important that our personnel know, understand, and utilize the appropriate nomenclature, preferable manners of address, and be aware of laws as to public accommodations and other poignant issues attendant to this population.

While the act of treating all our citizens with the respect and dignity continues to be fundamental beliefs of this department and our personnel, the following considerations are simply a codification of existing procedures and practices.

POLICY

It is the policy of the Kingman County Sheriff's Office to treat all individuals with dignity, respect, and professionalism. Personnel of this department will not engage in activity that will serve to unduly embarrass, humiliate, or otherwise shame LGBTI individuals whom we come into contact. All persons whether applying for employment, employed, victim, suspect, taken into custody or has any contact with this department or personnel; shall be given dignity, respect, and professionalism by all personnel of this department.

DEFINITIONS

- A. **Bisexual / Bi:** Sexually and emotionally attracted to both sexes.
- B. **Gay men** who are sexually and emotionally attracted to men.
- C. **Intersex:** A person who is born with genitalia and/or secondary sex characteristics determined as neither exclusively male, female, or combined male and female features. A person with an intersex condition is born with sex chromosomes, external genitalia, or an internal reproductive system that is not considered "standard" for either male or female.
- D. **LGBTI:** An acronym that refers to lesbian, gay, bisexual, transgender, and intersex individuals.

- E. **Lesbian:** Women who are sexually and emotionally attracted to women.
- F. **Pat-down search:** Means a running of the hands over the clothed body of an inmate, detainee, or resident by an employee to determine whether the individual possesses a weapon or contraband.
- G. **Strip Search:** Means a search that requires a person to remove or arrange some or all clothing so as to permit a visual inspection of the person's breasts, buttocks, or genitalia.
- H. **Transgender:** Means a person whose gender identity (i.e. internal sense of feeling male or female) is different from the person's assigned sex at birth.

PROCEDURE

Employee conduct

1. The KMSO has zero tolerance for any staff sexual misconduct or sexual harassment directed towards members of the LGBTI community including LGBTI inmates. Any substantiated claim of sexual conduct, sexual contact, or sexual harassment by a staff member towards an inmate or detainee may result in termination of the staff member's employment, referral for criminal charges, civil penalties, or other punitive actions as deemed appropriate.
2. Staff will address LGBTI persons by their chosen name (including corresponding pronouns) or as "Inmate last name." A notation of the proper name and pronoun shall be made on each transgender inmate's classification record, armband, and transfer card. At all times, staff will use the proper pronoun corresponding to the individual's gender identity.
3. KMSO will have zero tolerance for derogatory terms used towards members of the LGBTI community including LGBTI inmates. The use of derogatory terms towards LGBTI persons is a violation of this policy.
4. Questions relating to an individual's anatomy and/or surgical status shall only be asked by Gender Classification Specialists or authorized medical personnel as necessary for ensuring proper medical treatment.

CALLS FOR SERVICE

Calls for service or complaints generated by LGBTI individuals shall be addressed and investigated in a manner that is consistent with all Department policies. No officer shall fail to respond to a call for service based on the gender identity or expression of the caller.

FIELD SEARCHES

For the purposes of stops and frisks, exigency searches, consent searches, personal searches pursuant to a warrant and all other lawful searches of a person, Personnel shall

continue to use standard practices and procedures when conducting these searches. In effecting the search of a transgender individual, the search ideally and where possible should be conducted by a Personnel of the *sex who the LGBTI individual expresses*; if the LGBTI individual presents feminine expression, the search shall be conducted by a female Personnel. If the individual presents masculine expression, the search shall be conducted by a male Personnel. If searching Personnel are uncertain as to the subject's gender expression, then Personnel will respectfully and in a professional manner ask the individual as to what their preference is with respect to the sex of the searching Personnel.

At least two Personnel should be present for these searches when possible. It is understood that the dynamic, fluid, and emergent nature of some situations are such that immediate searches are necessary to preserve Personnel and public safety and to prevent the destruction of evidence. Accordingly, searches may be undertaken by any sex Personnel where made necessary by these emergent conditions.

A search or frisk shall not be performed for the sole purpose of determining an individual's anatomical gender, and transgender individuals shall not be subject to more invasive search or frisk procedures than non-transgender individuals.

HANDLING PRISONERS

Transportation

Whenever possible, a LGBTI prisoner shall be transported alone within a patrol vehicle transport cell. If it is necessary to transport multiple prisoners, the LGBTI individual may be transported with other prisoners according to the gender expression; a transgender individual with feminine gender expression may be transported with women, and a transgender individual with masculine gender expression may be transported with men.

Transport via vehicle may be effected provided supervisor authorization is given and all safety and security measures are taken; *i.e.* seatbelts, time, mileage and optimally with another Personnel following in another vehicle.

Booking

The Detention Officer and associated cell room staff will process LGBTI prisoners, including persons held in protective custody and juveniles held in custody, according to normal booking procedures. As always, Detention personnel will conduct the booking proceeding in a manner that preserves the dignity of the prisoner without undue embarrassment to him or her.

The LGBTI prisoner is to be booked with the appearance that is consistent with the manner in which that individual was arrested. Removal of clothing, wigs, hair pieces, makeup, and other appearance items are not to be conducted from the prisoner prior to

booking. Removal of appearance items that represent a danger to the prisoner in-cell may be effected post-booking prior to placement in that prisoner's cell.

When possible LGBTI prisoners shall, pending their booking, be temporarily held in the interview room or holding cell.

When booking a LGBTI prisoner, the Detention Officer will include the prisoner's adopted name (*i.e.* name that the individual uses in self-reference) in the booking, either as the primary name or as the "also known as" (A.K.A.) name. The LGBTI prisoner will be booked under the name appearing on the prisoner's government-issued identification, as well as under an A.K.A. name where applicable. If no identification is available, then the Detention Officer will use the adopted name for booking purposes, either as the primary or the A.K.A. name. The prisoner's birth name will be used only if it is the prisoner's legal name or it is required by a legitimate law enforcement purposes, including but not limited to, a prior arrest record.

Booking Searches

All searches of the LGBTI prisoner's person will be conducted by two Personnel of the gender requested by the transgender prisoner, whenever possible. If two Personnel of the preferred gender are not available, the search shall nonetheless be conducted by two available Personnel. If the prisoner does not specify a preference, then the search will be conducted by Personnel of the same gender as the transgender prisoner's gender expression (*e.g.* a female-to-male prisoner's expressing no preference should be searched by a male officer.) The prisoners will also be required to identify their search preference prior to any search while being audio and video recorded at the booking desk. Any prisoner who refuses to identify their search preference on tape at booking shall be searched by Personnel of the same gender as the LGBTI prisoner's gender expression.

A booking search shall not be performed for the sole purpose of determining an individual's anatomical gender, and transgender individuals shall not be subject to more invasive search procedure than non- LGBTI individuals.

Conditions during Custody

Whenever possible, a LGBTI prisoner shall be held in a cell without other prisoners. All Detention Officers shall make all efforts to ensure that the prisoner is held without other prisoners. Whenever possible, transgender prisoners shall be placed in the interview room or holding cell alone pending booking. Post booking, whenever possible, a transgender prisoner shall be held in a cell without other prisoners. Upon approval of Sheriff LGBTI prisoners maybe be placed into a cell corresponding with his or her gender expression; a transgender individual with feminine gender expression must be placed into the female cellblock area and a transgender individual with masculine gender expression shall be placed into the male cellblock area.

Inmate Services

LGBTI inmates shall have equal access to all available services to include mental health services, counseling, and support groups. Specialized LGBTI services shall be developed based on identified needs.

Facility

LGBTI public shall have equal access to all available services and areas of the building open to the public.

Confidentiality

All information relative to arrests and police investigations, to include photographs, is in varying degrees, considered to be *Criminal Offender Record Information*, or CORI. As such, information of this nature is to be kept confidential and excluded from public record. As this information is protected by federal and state law and by the rules and regulations of this department, improper disclosure of this sensitive information is prohibited.