

**SAN DIEGO POLICE DEPARTMENT  
ORDER**

**DATE/TIME:** FEBRUARY 24, 2021 1100 HOURS

**NUMBER:** OR 21-10

**SUBJECT:** TRANSGENDER AND GENDER NON-BINARY BOOKING PROCEDURES

**COST CENTER:** 1914121101

**SCOPE:** ALL MEMBERS OF THE DEPARTMENT

**DEPARTMENT PROCEDURE AFFECTED:** N/A

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The San Diego Police Department is dedicated to protecting individual human rights and to treating every person with dignity and respect. The San Diego County Sheriff's Department (SDSD) has released a Training Bulletin regarding the booking of transgender and gender non-binary individuals by law enforcement officers within the County of San Diego.

To conform to this Training Bulletin, effective immediately, all Department Personnel shall take a transgender or gender non-binary arrestee they intend to book into jail, to the jail facility which matches their gender identity and/or jail preference. All Department Personnel shall cease asking the arrestee questions regarding their genitalia for the sole purposes of booking, as this is no longer a requirement for booking a person into jail.

If an officer reasonably believes an individual is transgender or gender non-binary through visual or audible cues (i.e. photo ID with "X" marker, visual appearance which does not match the gender listed on their photo ID, the person stated they were transgender, etc.), the officer shall confirm that person's gender identity and ask in which jail facility they prefer to be booked.

Please contact LGBTQ+ Liaison Officer Christine Garcia at (619) 756-5219 with any questions. A copy of the SDSD Training Bulletin is attached to this Department Order.

The addendum below was prepared by the Detention In-Service Training Unit of the San Diego Sheriff's Department.

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Please read at squad conferences and give a copy to all personnel.



*San Diego County*

**SHERIFF**

William D.  
Gore  
Sheriff

Detention Services Bureau, In-Service Training Unit  
Telephone: (619) 258-3111

## BULLETIN

February 19, 2021      **TRAINING**

### **LGBTQ+ PROCEDURES**

It is the policy of the San Diego County Sheriff's Department to receive, evaluate, house, and provide secure, safe and humane custody of all persons, including transgender, intersex, and non-binary persons. Members of the lesbian, gay, bisexual, transgender, queer/questioning (LGBTQ+) community, are among those most at risk for incidents of sexual abuse.

In 2003, Congress passed the Prison Rape Elimination Act (PREA) to address the abuse. Subsequently, the United States Department of Justice issued its PREA regulations – a set of comprehensive federal rules that address all aspects of a facility's operation as they relate to preventing, detecting and responding to abuse. The procedures outlined in this document are in adherence with current PREA standards.

Below are some frequently asked questions about what to expect in custody for members of the LGBTQ+ community:

#### **Booking Facility**

What jail does an arrestee go to if they identify as transgender, intersex or non-binary?

An arrestee should be taken to a facility that coincides with the arrestee's gender identity. As such, an arrestee who identifies as being female should be taken to Las Colinas Detention Re-Entry Facility or Vista Detention Facility, and an arrestee who identifies as being male should be taken to San Diego Central Jail, or Vista Detention Facility. If the arrestee identifies as non-binary, the arresting officer should inquire as to whether the arrestee would prefer to be booked into a male or female facility and transport accordingly.

Where an arrestee is uncooperative, an arresting officer may rely on other factors in making a determination as to the appropriate booking facility, including the arrestee's gender expression (such as appearance, dress, mannerisms, and speech) or gender listed on a government issued ID.



### **Intake Screening and Classification**

What questions will I be asked regarding my gender identity when coming into custody?

During the initial medical screening process, prior to being booked into the facility, each arrestee will be asked, "Do you identify as transgender?"

Based upon the arrestee's response, health staff will immediately notify the Jail Population Management Unit (JPMU) to conduct an interview.

What questions will I be asked during the interview with JPMU?

JPMU staff will respond to conduct an individualized housing assessment with the arrestee prior to entering the facility. JPMU will document the arrestee's declared gender identity, gender search and housing preference. JPMU will also discuss any safety concerns with the arrestee.

### **Searches**

Who will conduct a search (pat-down and strip) if I identify as transgender, intersex or non-binary?

Arrestees who identify as transgender, intersex, or non-binary will not be subject to a strip search or body scan prior to being interviewed by JPMU, unless exigent circumstances exist.

During the interview with JPMU staff, the arrestee will be asked their declared gender identity, gender search and housing preference.

All searches of transgender, intersex, or non-binary inmates will be conducted by staff member(s) in accordance with the arrestee's documented search preference. Staff will not search or physically examine an arrestee for the sole purpose of determining an inmate's biological sex.

Will the deputies know my search preferences while I am in housing?

A notation will be added in the Jail Information Management System (JIMS) to document the arrestee's stated gender identity and search preferences. The notation informs staff of the arrestee's gender identity and which pronouns are preferred. The arrestee's gender identity may differ from their assigned housing.



## **Housing**

### Where will I be housed if I identify as transgender, intersex or non-binary?

In deciding whether to assign a transgender, intersex or non-binary inmate to a facility for male or female inmates, and in making other housing and programming assignments, the department shall consider, on a case-by-case basis, whether the placement would ensure the inmate's health and safety and whether the placement would present a security risk to the inmate. In order to best address their concerns and maintain facility security, a thorough assessment must be made. JPMU staff will use the information obtained from the housing intake form along with other factors, such as the arrestee's safety, the safety of other inmates and the safety of staff to determine the most suitable housing assignment. JPMU supervisors will be notified and provide direction in determining the most suitable housing option.

### Will I be housed with someone who shares my preferred gender identity?

Transgender, intersex or non-binary inmates can be housed in dorm style or cell housing. They may be housed in a single cell without a cellmate, with another transgender, intersex or non-binary cellmate(s), or with a non-transgender, intersex or non-binary cellmate(s) which requires approval from JPMU and will be documented in an Inmate Status Report (ISR).

Inmates at high risk for sexual victimization shall not be placed in involuntary segregated housing unless an assessment of all available alternatives has been made, and a determination has been made that there are no available alternative means of separation from likely abusers.

### What if I do not have a preference on housing?

Transgender, intersex or non-binary inmates that do not specify a housing preference will receive housing assignments consistent with their biological sex.

### Will I be transferred because of my gender identity or search preferences?

Your housing assignment will be determined by multiple factors, including most importantly, inmate safety.

Facilities must screen **all** individuals at admission and upon transfer to assess their risk of experiencing or perpetrating sexual misconduct, including identifying those who may be at risk because of their gender identity, gender expression, sexual orientation, or intersex condition. The individual's own perception of their vulnerability must also be considered.



San Diego County Sheriff's Department  
**Detention Services Bureau**

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The special safety needs of LGBTQ+ inmates are taken into account, but your LGBTQ+ status alone will not determine your housing assignment.

Will I be given the opportunity to shower separately?

Transgender, intersex or non-binary inmates shall be given the opportunity to shower separately from other inmates. This may be accomplished either through physical separation (e.g., separate shower stalls) or by scheduling time (e.g., allowing an inmate to shower before or after others). In any event, facilities will adopt procedures that will afford transgender, intersex or non-binary inmates the opportunity to disrobe, shower and dress apart from other inmates.

Will I receive clothing based on my preferred gender identity during clothing exchange?

Transgender, intersex or non-binary inmates will be given jail-issued clothing that matches their gender identity (e.g. female undergarments for a transgender female inmate or male undergarments for a transgender male), upon request. Transgender, intersex or non-binary inmates will also be allowed to order available commissary items in accordance with their gender identity.

A glossary of LGBTQ+ terms has been included to use as a reference.

**Definitions**

**Bisexual** – A person who is emotionally, physically, and/or sexually attracted to more than one gender or sexual category.

**Cisgender** – Describes someone who feels comfortable with the gender identity and gender expression expectations assigned to them based on their physical sex.

**Gay** – Term used in some cultural settings to represent males who are attracted to males in a romantic or emotional sense. This term can also apply to genders other than men.

**Gender** – A socially constructed concept classifying behavior as either "masculine" or "feminine" unrelated to one's external genitalia.

**Gender Expression** – A person's expression of their gender identity including appearance, dress, mannerisms, speech, and social interaction.

**Gender Identity** – Distinct from sexual orientation and refers to a person's internal, deeply felt sense of being male, female or non-binary.

**Gender Non-Conforming** – Gender characteristics and/or behaviors that do not conform to those typically associated with a person's biological sex.

**Gender "Norms"** – The expectations associated with "masculine" or "feminine" conduct based on how society commonly believes males and females should behave.

**Homosexual** – Sexual, emotional and/or romantic attraction to persons of the same sex.

**Intersex** – A condition in which a person is born with external genitalia, internal reproductive organs, chromosome patterns and/or an endocrine system that does not fit typical definitions of male or female.

**Lesbian** – Commonly refers to women typically attracted to other women.

**LGBTQ+** – Acronym used to include all those who have diverse sexual orientations and/or gender identities. The acronym includes those who identify as lesbian, gay, bisexual, transgender, queer and/or questioning, and the "+" includes all others within the spectrum.

**Non-Binary** – Term used by some people who experience their gender identity and or gender expression as falling outside the categories of man and woman. They may self-identify as falling somewhere in between man and woman or, they may define it as wholly different for these terms.

**Questioning** – Active process in which a person explores her or his own sexual orientation and/or gender identity and questions the cultural assumptions that they are heterosexual and/or gender conforming.

**Sex** – One's anatomical make-up, including external genitalia, chromosomes and reproductive system.

**Sexual Orientation** – Romantic and/or physical attraction to members of the same or different sex.

**Transgender** – A person whose gender identity (internal sense of feeling male or female) differs from their sex at birth.

**Transgender Female** – A person whose birth sex was male but understands herself to be and desires to live as a female.

**Transgender Male** – A person whose birth sex was female but understands himself to be and desires to live as a male.