



01-02 - Appendix C

Trans Persons

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The Toronto Police Service recognizes that special arrangements may have to be made to accommodate trans persons.

The term trans refers to people with diverse gender identities and expressions that differ from their assigned sex at birth.

Gender Expression is how a person publicly presents their gender. This can include behaviour and outward appearance such as dress, hair, make-up, body language and voice. A person's chosen name and pronoun are also common and important ways of expressing gender.

Gender Identity is each person's internal and individual experience of gender. It is their sense of being a woman, a man, both, neither, or anywhere along or beyond the gender spectrum. A person's gender identity may be the same as or different from the typical pairing with their birth-assigned sex. Gender identity is fundamentally different from a person's sexual orientation.

Trans is an umbrella term referring to people with diverse gender identities and expressions that differ from their assigned sex at birth. It includes but is not limited to people who identify as transgender, trans woman (someone assigned male at birth who knows themselves to be a woman), trans man (someone assigned female at birth who knows themselves to be a man), non-binary, gender non-conforming, gender variant or gender queer. Some people may consider two-spirit to be a trans identity. Trans persons may or may not make a social transition, have surgery, use prosthetic devices or take prescription medications (such as hormone therapies), to affirm their gender identity. They may or may not have identity documents that reflect their lived identity.

When interacting with trans persons, officers shall be sensitive to needs and concerns without jeopardizing officer and prisoner safety, and the need to perform a legal and thorough search.

In order to best address the specific needs or concerns of each person, each case must be assessed individually. To that end, the Officer in Charge shall comply with 1.9.2 Standards of Conduct - Respect for Gender Diversity and Trans-Inclusive Policing) when determining the best possible course of action in order to respect the dignity of the person being searched.

For the purpose of search, when an individual has self-identified as trans, the Officer in Charge shall

- refer to the person in their chosen name and gender pronoun(s)
- after discussion with the person in custody, lodge the person in custody according to their self-identified gender or lodging preference in accordance with 01-03 Appendix E unless it can be proven that there are specific overriding health and safety concerns that cannot be resolved, rendering the accommodation impossible. When a person in custody cannot be accommodated in this regard, members shall clearly articulate the reasons in their memorandum book; and
- ensure that information regarding a trans person in custody's gender identity or gender history is shared on a need-to-know basis only with those persons directly involved with the case
- explain to the individual the following 3 options for a Search

- conducted by officers who are men only
 - conducted by officers who are women only or
 - a split search
 - the Officer in Charge shall be guided by the preference of the individual to be searched, in terms of the gender of the person conducting the search
 - when required to remove a gender-affirming article or prosthetic device/item (including breast forms, chest binders, gaffs, packers, prosthetic penises and wigs) from a trans or gender diverse or cis-gender person shall
 - advise the person of the reason for removing the device/item
 - provide the person with the opportunity to remove the device/item themselves when self removal does not pose potential risk of safety/injury to the person or member
 - be cognizant that trans and gender diverse persons may have an emotional as well as physical attachment to their gender affirming items and shall treat the device/items with respect at all times
 - in the case of prosthetic devices
 - whenever practicable allow for the removal of the device in a private area
 - when self-removal is not possible, ask the person how to properly remove the device
 - allow adequate space and range of motion for reattachment of the device
 - return the device/item to the person as soon as possible upon completion of the search
- ➔ *Assessments regarding the retention of gender-affirming personal articles including gender-affirming prosthetics shall be made on a case by case basis complying with 1.9.2 Standards of Conduct considering all risk factors, including those contained in Appendix B, Appendix C and 01-03 Appendix E. All available accommodation options shall be considered when making an assessment.*
- ➔ *When it is determined that a person cannot be accommodated, the reasons for the determination must be clearly documented in the memorandum book including all accommodation options considered.*
- make appropriate entries in the memorandum book, including the Booking and Search template option selected by the person, and the rationale for the course of action taken
 - complete the appropriate sections of the Booking and Search template
- ➔ *Members shall document why particular actions were or were not taken.*

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