



## TRANSIT POLICE

# INTERACTIONS WITH GENDER DIVERSE PERSONS

Effective Date: May 16, 2023

Revised Date:

Reviewed Date:

Office of Primary Responsibility: Inspector Operations Support

### Definitions:

BCPPS – British Columbia Provincial Policing Standards.

Gender – “The social construction of concepts such as ‘masculinity’ and ‘femininity’ in a specific culture at a specific time. Someone’s gender identity may be as a man, woman, a gender, non binary, gender-non conforming, or another gender. It involves gender assignment (the gender designation of someone at birth), gender roles (the expectations imposed on someone based on their gender), gender attribution (how others perceive someone’s gender), and gender identity (how someone defines their own gender). Fundamentally different from the sex one is assigned at birth.”<sup>1</sup>

Gender Diverse – “An inclusive term used to refer to multiple types of gender identities that fall outside cis and/or binary understandings of gender. ‘Gender diverse’ also uses strengths-based language, as opposed to more stigmatizing terms such as ‘gender minority.’”<sup>2</sup>

Member – Designated Constable (all ranks), Deputy Chief Officer, Chief Officer and Designated Law Enforcement Officer of the Transit Police.

Metro Vancouver Transit Police (“Transit Police”) – The operating name of the South Coast British Columbia Transportation Authority Police Service.

Transgender (Trans, Trans\*) – “Transgender, frequently abbreviated to ‘trans,’ is an umbrella term for a wide range of experiences and identities for people whose affirmed gender does not align with the gender they were assigned at birth. Being trans is something that can only be decided by an individual for themselves and does not depend on external criteria such as surgery or hormone treatments. The combination of the term ‘trans’ with an asterisk was intended to actively include non-binary and/or non-static gender identities such as genderqueer and gender fluid, but has fallen out of frequent use.” (See also: *Gender Nonconforming, Genderqueer, Non-Binary*)<sup>3</sup>

### BACKGROUND:

Pursuant to the BCPPS 6.1.1(1) and (2), it is the duty of all Transit Police Personnel to deliver services impartially and equitably, in a manner that upholds human rights, and

<sup>1</sup> QMUNITY. *Queer Glossary 2022 (Digital)*, 10. <https://qmunity.ca/education-training/resources>

<sup>2</sup> *Queer Glossary 2022 (Digital)*, 11–12.

<sup>3</sup> *Queer Glossary 2022 (Digital)*, 30.

without discrimination based on race, national or ethnic origin, colour, religion, age, sex, sexual orientation, marital status, family status, disability, gender identity and expression<sup>4</sup>, political beliefs, types of employment, economic or social standing. Further, it is Transit Police's commitment and expectation that all Transit Police staff will provide services in a culturally safe, responsive and trauma-informed manner. Transit Police's role is to both protect and create a safe space for community members to access transit services. Transit Police recognizes that underserved or equity seeking groups disproportionately ride and share space on transit.

Transit Police provides its Members with training on cultural understanding of gender diverse people, and the problems they face, including best practices regarding search and seizure, transfer of arrestees, terminology and proper forms of address, and in-custody processing procedure. Transit Police is committed to supporting and being respectful of the gender diverse community and its unique needs, including in interactions in community outreach, supporting victims or witnesses, or when conducting detention or arrest of a suspect. This SOP addresses when Members have legal responsibilities to verify identity of the persons they interact with in required official reports, while also respecting the gender diverse person's right to be referred to by the name and gender identity they have chosen.<sup>5</sup>

This SOP also considers the need to provide privacy and protection to a gender diverse person, such as: reducing the risk of harassment or injury that may occur while a gender diverse person is being detained, arrested, or transported; and respecting the unique needs of gender diverse persons who may be subject to detention, search or strip search.

## PROCEDURES:

### Interactions

1. Members are to adhere to Transit Police policy chapter [OB330 – Police Stops](#) and to ensure that their interactions with persons in the community are consistent with the *Charter* (including ss. 7, 9, 10 and 15) and the values it reflects, including:

- (1) The right to be free from arbitrary arrest and detention;
  - (2) To move freely in society subject only to reasonable restrictions imposed by law; and
  - (3) To provide equal protection and benefit of the law, without discrimination.
- [BCPPS 6.2.1(1)]

Notwithstanding that a Member may stop a person who fits a description which includes identifying factors, a Member's decision to stop a person must not be based solely on Identity Factors. [BCPPS 6.2.1(3) and (4)]

2. Members will address and treat gender diverse adults and youth respectfully, and in a manner that complies fully with legal requirements and addresses the specific needs of the gender diverse person. In consideration of those needs, Members

<sup>4</sup> Gender identity and expression were added as protected grounds of discrimination in the *BC Human Rights Code* in 2016 and the *Canadian Human Rights Code* in 2017.

<sup>5</sup> This SOP takes into account the decision of the BC Human Rights Tribunal, *Dawson v. Vancouver Police Board (No. 2) 2015 BCHRT 54 (CanLII)*<sup>5</sup> as well as the arising policy of the Vancouver Police Department in 2016.

should consider whether interactions with the gender diverse person are more appropriately conducted in a private setting and/or whether liaison with a person trained in cultural competency would be valuable to assist.

3. Members will address a gender diverse person by the person's preferred name, even if the person does not yet have identification in that name. If a Member is uncertain which name is preferred by the person, the Member will discretely and respectfully ask them for clarification (e.g., "You have two names on your identification, which name do you commonly go by or which name do you prefer?") *(NOTE: Members are to be mindful that there may be times in which legal identification may not match with the person's preferred names and pronouns, and Transit Police respects that there are system barriers with name and gender marker changes. Accordingly, it is best practice to lead with how the person wants to be acknowledged.)*
4. When addressing or discussing a gender diverse person, Members will use pronouns appropriate for the person's identity (e.g., he/his/him, she/her/hers, or they/them/theirs).

### **Arrest**

5. The arrest of gender diverse persons will be conducted in accordance with Transit Police policy chapters [OD080 – Arrest](#) and [OI010 – Prisoner Care, Control and Transportation](#), with consideration of issues in search, transportation and custody as outlined below.
6. Where a Member arrests a gender diverse person (person who identifies themselves as being gender diverse or where the Member has reasonable grounds to believe that the person is gender diverse), the Member will:
  - (1) Use the name and chosen pronoun requested by the person (as discussed above) when speaking with them;
  - (2) Ask the person which gender of police officer they would prefer to be searched by. The Member who conducts the search must then make a notation in their notebook of the stated gender preference. The search purpose and search will be as set forth in Transit Police policy chapter [OD120 – Search](#), consistent with the search procedures for non-gender diverse persons. *(NOTE: A search is not to determine the anatomical gender of a gender diverse person).*
  - (3) Transport the person separately from other prisoners (in consideration of personal safety and to prevent possible harassment or harm of the person). In exigent circumstances where this is not possible, transport the person with another prisoner, in accordance to the gender diverse person's stated gender preference.

- (4) When being transported to a Jurisdictional Police detention facility, inform the facility staff (in advance of arriving at the facility where possible) of the person's chosen name and identity, so that the person can be searched and placed appropriately/safely. *(NOTE: Transit Police does not operate its own detention facility. Once the custody of the arrested person is transferred to the police of jurisdiction, it will be their policy and procedures that apply.)*
- (5) When the person expresses need for medical attention, handle the situation with the same urgency and respect as any medical need or injury. *(NOTE: Any prescription hormones within the property of the gender diverse person are to be treated like any other prescription medication necessary for the person's health and wellbeing. Further, Members are to be mindful that the presence of syringes may be indicative of prescribed hormone treatment and/or therapy and not necessarily illegal drug use.)*
- (6) Not make any requests for the person to remove appearance-related items (e.g., wigs, prosthetics, chest binders), unless there is the same requirement for the removal of similar items for non-gender diverse persons. Where removal is required, where practicable, the removal of items will be conducted in private.
- (7) Allow the person to use the washroom in accordance with their gender identity or where they feel most safe.

## Documentation

### 7. When the Member documents a gender diverse person in PRIME:

- (1) The "entity" record of person is to be entered by the name and gender<sup>6</sup> listed on their official government identification (e.g., Driver's license, Birth Certificate, BC Identification Card).<sup>7</sup>
- (2) The GO is to contain the person's chosen name and appropriate pronoun, if different from the official identification presented,<sup>8</sup> and used when preparing the synopsis and narrative. (E.g., *"The complainant, John Doe, will be referred to by their chosen name – "Jane Doe" in the remainder of this report."*)

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<sup>6</sup> Under PRIMECorp operational policy, 'sex' is one of the four indexing criteria for addition to the Master Name Index and is a mandatory field in the RMS. There are currently four options: Female, Male, Unknown, and Gender Diverse.

<sup>7</sup> This requirement is pursuant to the PRIMECorp operational policy and procedures regarding the Master Name Index.

<sup>8</sup> Information Management Section staff will apply the protocols in the PRIMECorp Master Name Indices Administrator Guide, including adding the person's chosen name and gender as an alias, where applicable, under Section 9.

## Training

8. Transit Police will provide awareness training to its Members (as well as civilian staff where feasible) on the gender diverse community, including delivering respectful, non-discriminatory and professional services to gender diverse persons.

## References:

- BC Human Rights Code* [RSBC 1966] c. 210  
*Canada Human Rights Code*, R.S.C 1985, C. H-6, 2017  
*Dawson v. Vancouver Police Board* (No. 2), 2015 BCHRT 54 (CanLII)  
*Failing to Protect and Serve: Police Department Policies, Towards Transgender People*, National Centre for Transgender Equality, May 2019, USA  
*“Initial Contact with Transgender People”*, Vancouver Police Department Policy, June 16, 2016  
*“Interaction with Transgender Individuals”*, Anne Arundel County Police Department, June 6, 2020  
*“Police” and “The Prison System”* legal information produced by the Catherine White Holman Center and the Vancouver Coastal Health Transgender Health Information Program, Trans Rights BC website (extracted December 12, 2022)  
[\*“The Importance of Trans-sensitive Police Policies and Practices - The Policing Project”\*](#), Policing Project Intern Charles Kolodziej, November 27, 2019  
*“Writing Effective Police Policies for Transgender People”*, PowerDMS, December 29, 2020  
QMUNITY. *Queer Glossary 2022 (Digital)*, 10. <https://qmunity.ca/education-training/resources>.