

# BALTIMORE CITY PUBLIC SCHOOLS

## GENERAL ORDER 18-05 SECTION K

### INTERACTIONS WITH LGBTQ INDIVIDUALS Revisions Approved: September 27, 2022

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This General Order contains the following numbered sections:

- I. Directive
- II. Purpose
- III. Definitions
- IV. Required Action
- V. General
- VI. Effective Date

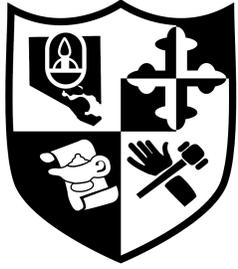
#### **I. DIRECTIVE**

It is the policy of the Baltimore City School Police Force (“BCSPF” or “School Police”) not to discriminate against anyone on the basis of actual or perceived gender, gender identity, gender expression, or sexual orientation in the performance of law enforcement duties or the delivery of police services. BCSPF personnel will interact with all members of the public, including members of the Lesbian, Gay, Bisexual, Transgender and Queer/Questioning (“LGBTQ”) community, in an affirming, respectful, courteous, and professional manner, and they shall treat all individuals equally regardless of gender, gender identity, gender expression, or sexual orientation. Not only is it illegal to discriminate on the basis of gender, gender identity, gender expression, and sexual orientation, but such discrimination also produces untold anxieties, mental anguish, and human suffering for the victims of discrimination themselves, as well as their family, friends, and the broader community.

#### **II. PURPOSE**

The purpose of this General Order is to safeguard the rights of all people, without consideration of their actual or perceived gender, gender identity, gender expression, or sexual orientation. This General Order also serves the purpose of aligning BCSPF’s policies and procedures with the Baltimore City Board of School Commissioners (“Board”) Policies ACA (Nondiscrimination – Employees and Third Parties), ACB (Sex-Based Discrimination – Employees and Third Parties), ADA (Equity), JBA (Nondiscrimination – Students), and JBB (Sex-Based Discrimination – Students), as well as the accompanying administrative regulations.

This General Order should be implemented consistently with General Orders 10-58 (Equal Opportunity), 10-40 (Sexual Harassment and Other Sex-Based Discrimination), and 10-23 (Reporting Hate Crimes and Hate/Bias-Based Incidents).



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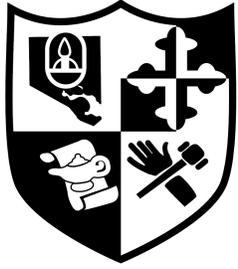
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#### III. DEFINITIONS

The BCSPF understands that terminology covered in this General Order is evolving, and thus, this General Order's definition of personal characteristics may or may not include the terms that individuals use to define themselves. The BCSPF strongly supports the rights of individuals to self-define their own identities.

- A. **Agender** – A person who has an internal sense of being neither male nor female nor some combination of male and female. A person whose gender identity is genderless or neutral.
- B. **Cisgender** – A person whose sex assigned at birth corresponds with their gender identity.
- C. **Gender Expression** – The manner in which a person represents or expresses gender through their behavior, speech, word choices, clothing, hairstyles, activities, or mannerisms.
- D. **Gender Fluid** – A person whose gender identity or gender expression is not fixed and may shift over time depending on the situation.
- E. **Gender Identity** – A person's deeply held sense or psychological knowledge of their own gender, regardless of the sex assigned at birth. One's gender identity can be the same or different than the sex assigned at birth.
- F. **Gender Transition** – The process through which transgender people begin to live as the gender with which they identify, rather than the one typically associated with their sex assigned at birth.
- G. **Intersex** – A person whose biological characteristics do not seem to fit typical definitions of male or female.
- H. **LGBTQ** — A common abbreviation that refers to the lesbian, gay, bisexual, transgender, and queer/questioning community. Agender, intersex, gender fluid, non-binary, and transsexual individuals are included whenever the LGBTQ acronym is used in this policy. BCSPF personnel should be aware that while some LGBTQ individuals may self-identify and refer to themselves as queer, the term may be considered offensive if used by



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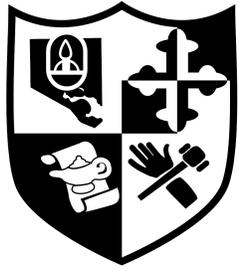
individuals who do not self-identify as LGBTQ.

- I. **Non-Binary** – A person who transcends commonly held concepts of gender through their own expression and identity (e.g., gender expansive, gender creative, or gender queer). Some non-binary people are also transgender.
- J. **Sex Assigned at Birth** – The sex designation recorded on an infant’s birth certificate, should such a record be provided at birth.
- K. **Sexual Orientation** - The emotional and sexual attraction one feels for others. Sexual orientation can range from exclusively homosexual (attraction to same sex only) to bisexual (attraction to members of more than one sex), to exclusively heterosexual (attraction to another sex only).
- L. **Transgender** - The umbrella term that can be used to describe people whose gender expression or gender identity and sense of who they are as male or female does not match their sex assigned at birth.
- M. **Transsexual** - A person whose personal sense of their gender conflicts with their anatomical sex at birth.

#### IV. REQUIRED ACTION

##### A. **Respectful Interactions and Non-Discrimination**

- 1. BCSPF personnel shall interact with LGBTQ people in an unbiased, fair, and respectful manner.
- 2. All requests for service or complaints generated by or involving LGBTQ individuals shall be investigated with diligence and vigor in accordance with BCSPF policies.
  - 1. BCSPF personnel shall not fail to respond to a call for service or a complaint on the basis of the actual or perceived gender, gender identity, gender expression, and/or sexual orientation of the caller or complainant.
  - 2. BCSPF personnel shall not use perceived participation in illicit activity as a basis to refuse to assist an individual (e.g., if a victim of an attack is perceived to be a sex worker by the officer).



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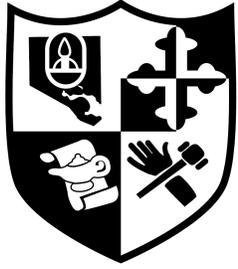
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3. When responding to calls for service relating to domestic violence, assault, harassment, or other concerns, BCSPF personnel shall not make assumptions about which person(s) may be victim and/or suspect based on their gender, gender identity, gender expression, and/or sexual orientation.
  4. BCSPF personnel shall not take law enforcement action based on information from members of the public that they know or should know is the product of, or motivated by, hate or bias based on actual or perceived gender, gender identity, gender expression, or sexual orientation.
3. BCSPF personnel shall use names, pronouns, and titles of respect as requested, expressed, or clarified by the person with whom they are interacting. In no circumstances shall BCSPF personnel refer to a person as “it,” a “he/she,” or any other pronouns besides how the person requests to be addressed.
    - a. If uncertain of the individual’s gender identity, and if necessary to the interaction, respectfully ask for clarification.
    - b. Proof of the person’s gender identity, such as an identification card, will not be required. BCSPF personnel will respect and use the name, title, or pronoun used by the person. BCSPF personnel should be aware that changing one’s identification documents to match their gender identity may be difficult or impossible due to legal complications, finances, or concerns for personal safety and must not be used to determine one’s gender identity.
    - c. BCSPF personnel shall not demean or retaliate against anyone for clarifying the name or pronouns that they would prefer BCSPF personnel to use.

#### **B. Stops, Searches, and Arrests of LGBTQ Individuals**

1. BCSPF personnel shall not request identification from or otherwise initiate contact based on actual or perceived gender, gender identity, gender expression, or sexual orientation.
2. BCSPF personnel shall recognize that gender, gender identity, gender expression, and sexual orientation do not constitute reasonable suspicion, probable cause, or evidence that a person has engaged in any crime.
3. A person’s gender, gender identity, or sexual orientation is not a physically observable trait, and cannot be part of a reliable and trustworthy physical description of a specific suspect. Therefore, BCSPF personnel are prohibited from considering, to any extent or



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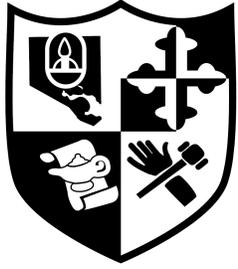
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degree, a person's actual or perceived gender, gender identity, or sexual orientation when taking, or refraining from taking, law enforcement action, including in the following circumstances:

1. As a reason to stop, question, search, or arrest that individual,
  2. As a basis or component of a reasonable suspicion or probable cause determination, or
  3. As evidence that the individual is, has, or is about to engage in a crime, including, but not limited to, prostitution or lewd conduct, loitering for the purpose of prostitution, or similar crimes or civil infractions.
4. BCSPF personnel are prohibited from considering a person's gender expression as the sole basis in taking, or refraining from taking, law enforcement action, including in making a reasonable suspicion or probable cause determination, except as part of a reliable and trustworthy description of a specific suspect in an ongoing investigation, where that description also includes other appropriate non-demographic identifying factors.
  5. The credibility and basis of knowledge of the person providing a suspect description are important when determining whether a suspect description is reliable and trustworthy. BCSPF personnel must be aware that information provided to the police by the public may itself be the product of, or motivated by, the bias or assumptions of members of the public, and unreliable. An anonymous tip alone is seldom sufficiently reliable, without further information obtained through personal observation or from a known, reliable source. For example, if the information in the anonymous tip is corroborated by BCSPF personnel's subsequent view of that individual in or near the reported location moving in the reported direction, or participating in the alleged conduct, the reliability of the tip would be enhanced. Additionally, a known informant who has provided accurate tips on prior occasions is generally considered reliable.
  6. If a weapons pat-down or search is necessary, it shall be conducted in accordance with departmental policy.
    1. Under no circumstances shall BCSPF personnel conduct a weapons pat-down or search someone for the purpose of touching, viewing, or evaluating the person's anatomy, or for the purpose of assigning a gender.
    2. No persons shall be subject to more invasive weapons pat-down or search procedures on the basis of their gender, gender identity, gender expression, or



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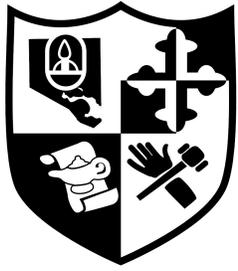
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- sexual orientation.
3. Absent exigent circumstances, when conducting weapons pat-downs or other searches of a person, BCSPF personnel will: (1) honor the person's preference about the gender of the member conducting the search; and (2) in the absence of a stated preference, the gender identity of the person being searched shall be consistent with the gender identity of the member conducting a search.
  4. If the individual made a request that was not honored for any reason, BCSPF personnel shall memorialize the reason that the preference was not honored.
  5. If BCSPF personnel are unsure and the person has not expressed a preference, they should ask the individual their preference.
  6. When in doubt regarding any search of a LGBTQ individual, BCSPF personnel should consult a supervisor prior to conducting the search.
  7. Certain items – such as prosthetics, clothing, wigs, chest binders, and cosmetic items – may be central to a person's gender identity and gender expression. As such, requests to remove identity-related items shall be consistent with requirements for the removal of similar items for cisgender individuals, and they shall not be removed unless required for law enforcement purposes. Whenever practicable, removal of these items shall be conducted in private.
7. BCSPF personnel are prohibited from inquiring about the intimate details of an individual's sexual practices, anatomy, or transition-related medical history.
  9. Unless an individual expresses concern for their safety, the individual in police custody shall be housed in a manner consistent with their gender identity.
    - a. All placements made that are not in accordance with what the arrested person believes would be the safest shall be documented with a detailed explanation of why the safety requests of the individual were overridden.
    - b. If a transgender person is arrested, in police custody, and held in an area designated as single-sex, the individual shall be consulted on where they feel safest before placement, and every effort will be made to ensure the person will be placed where they feel most safe. Such safety preference for placement shall be documented by BCSPF personnel.
    - c. LGBTQ individuals shall not be arbitrarily placed in segregated cells solely because of their status or for their protection, unless they have expressly requested to be placed alone.
    - d. LGBTQ individuals shall not be held longer than necessary for processing.



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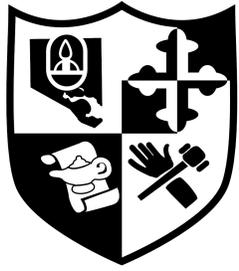
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#### C. Transportation of LGBTQ Individuals

1. If it is necessary to transport an individual whose gender identity differs from the BCSPF personnel, it shall be done in accordance with departmental policy.
2. When transporting a person in police custody, males and females shall not be transported in the same compartment of a vehicle.
3. If the vehicle contains only one compartment used for transporting persons in custody, the BCSPF will use separate vehicles to transport males and females.
4. Transgender and/or intersex individuals shall be transported with other arrestees of the same gender identity and gender expression, unless the individual expresses a safety concern or BCSPF personnel identify a safety concern, in which case the individual shall be transported alone.
5. For a person who states that they are non-binary/gender fluid, BCSPF personnel shall ask the person if they would be more comfortable being transported with males or females.

#### D. Bathroom Use

1. Individuals shall not be stopped, questioned, or arrested for using a gender-segregated or single-sex restroom based to any extent or degree on their actual or perceived gender, gender identity, gender expression, or sexual orientation. Under Maryland law, refusing access to public accommodations, like bathrooms, constitutes discrimination.
2. There is nothing inherently suspicious or criminal about a person using a restroom, including a restroom that does not match what BCSPF personnel or another person believes to be the person's gender expression. If BCSPF personnel perceive that a person is using a gender-segregated or single-sex restroom that is not consistent with the person's gender expression, BCSPF personnel are prohibited from considering that factor, to any extent or degree, in deciding to take law enforcement action against the person. BCSPF personnel may, however, take law enforcement action against the person based on personal knowledge or reliable and trustworthy information that establishes reasonable suspicion or probable cause that the person is or has engaged in criminal activity.
3. While in BCSPF custody, individuals shall be allowed to use the restroom in accordance with their gender identity. If, however, an individual has safety concerns



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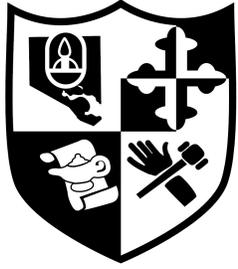
with using the restroom, that individual may use the restroom they feel will be safest for them.

#### E. LGBTQ Students and Other Children

1. BCSPF personnel shall respect the privacy of LGBTQ students and other children regarding information about their gender, gender identity, gender expression, and sexual orientation.
2. Prior to disclosing information about a student's gender, gender identity, gender expression, and sexual orientation to a parent/guardian or family member, BCSPF personnel, or a designated City Schools staff member, should speak with the student to ascertain the level of support the student either receives or anticipates receiving. In some cases, students may not openly express their gender identity at home because of safety concerns or lack of acceptance. Matters of gender identity can be complex and may involve familial conflict; if this is the case, and support is required, a BCSPF supervisor, or staff in the Schools Office, the EEO and Title IX Compliance Unit, and/or the Equity Office, as appropriate, should be contacted.
3. If a LGBTQ student or other child expresses legitimate concerns for their safety, BCSPF personnel may take the youth to Child Protective Services or another LGBTQ-competent social service agency serving homeless and/or LGBTQ youth.

#### F. Reporting Requirements

1. When completing a Crime/Incident Report or other BCSPF forms, BCSPF personnel shall document the person's legal name, in the space for "Name," and shall document the person's pronoun and chosen name (if different) in the narrative portion of the report, or where applicable in an electronic system. BCSPF personnel shall use the person's chosen name and pronoun, as expressed or clarified by the individual, when referring to that person while in police custody and throughout the interaction with that person.
2. BCSPF personnel shall not consider or document the chosen name as an "alias", "AKA", or "nickname."
3. Information about an individual's transgender status should be documented only to the extent that the information is relevant and necessary to the investigation or other law enforcement actions (e.g., if a transgender person perceived that they were targeted for being a transgender person).



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#### V. **GENERAL**

- A. Crimes in which an LGBTQ person is the reported victim will be fully investigated, and the victim will be treated with the same respect, courtesy, and dignity as non-LGBTQ persons.
- B. Officers will be cognizant that a crime involving LGBTQ persons as victim(s) may have been motivated by hate or bias. Accordingly, BCSPF personnel will follow procedures set forth in General Order 10-23 (Reporting Hate Crimes and Hate/Bias-Based Incidents), and they will ensure all appropriate resources are recommended to the person.
- C. Other requests for service or complaints generated by LGBTQ persons will be addressed and investigated professionally and in accordance with BCSPF General Orders.
- D. Supervisory Requirements
  - 1. Supervisors shall ensure all LGBTQ individuals are treated in a respectful, affirming, and professional manner.
  - 2. Supervisors shall provide guidance and support to subordinates around treating all LGBTQ individuals in a non-discriminatory, affirming, and respectful manner.
  - 3. If allegations arise that BCSPF personnel in the supervisor's command have treated an individual with bias based on actual or perceived gender, gender identity, gender expression, sexual orientation, or any other personal characteristic, or otherwise departed from this general, the supervisor shall contact the EEO Manager and the Internal Affairs Unit.
- E. All BCSPF personnel have an affirmative duty to report any member conducting an act that violates this policy. Failure to report may subject a member to disciplinary action.

#### VI. **EFFECTIVE DATE**

This Order shall be effective on the date of publication.

I certify that I have read and fully understand this Order.

Signature \_\_\_\_\_ Date \_\_\_\_\_