

MEDIA RELEASE



Serving the Lesbian, Gay, Bisexual, Transgender,
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NYPD Releases new Patrol Guidelines Addressing the Concerns of Transgender and Gender Non-Conforming People in New York City

New York--Today, the New York Police Department released new Patrol Guidelines that specifically address the concerns of transgender and gender non-conforming (TGNC) people in New York City. These new Patrol Guide provisions make clear that discrimination, harassment or disparaging comments based on actual or perceived gender is defined and prohibited as required by Local Law 3. Accordingly, the Patrol Guide now mandates that New York City Police officers must respect TGNC people's gender identity and expression when addressing, processing, searching, and housing them, and explicitly prohibits NYPD officers from conducting any search for the purpose of determining a person's gender, a widespread practice reported by transgender and gender non-conforming individuals across the City for many years. They also address the dangerous practice of cuffing TGNC people to benches and rails while in police custody.

AVP's Executive Director, Sharon Stapel, is a member of the NYPD LGBT Advisory Committee which worked closely with the NYPD over a nearly two year period to develop these guidelines. These guidelines were proposed in 2009 by advocates who work directly with TGNC people who experience police profiling, targeting and invasive and unnecessary stops and frisks, including the Urban Justice Center, FIERCE!, Sylvia Rivera Law Project, Transgender Legal Defense & Education Fund, Inc., Lourdes Hunter, and AVP.

"For far too long transgender and gender non-conforming people have experienced harassment and discrimination at the hands of the police," said Sharon Stapel, Executive Director of the New York City Anti-Violence Project, "These Patrol Guidelines changes are a result of years of work by advocates and community members and reflect a willingness of the NYPD to prioritize the increased safety of TGNC people in New York City. We look forward to the NYPD's training, implementation and enforcement of these Patrol Guidelines."

The Patrol Guidelines address an array of unique problems that TGNC New Yorkers face when they are arrested, processed and detained in police precincts. The revisions include:

- Defining "gender" to include gender identity and expression as determined by the person in custody, consistent with the city's Human Rights Law. This means that when the NYPD have to determine someone's gender they must do so based on that person's self-identified gender identity regardless of their sex assigned at birth.
- Prohibiting the use of discourteous or disrespectful remarks regarding a person's sexual orientation or gender identity/expression.
- Instructing police officers refer to transgender and gender non-conforming New Yorkers by names, honorifics and pronouns that reflect their gender identity (even if it does not match the information on their ID documents) and amending forms so that people's "preferred name" can be recorded and used while they are in police custody.
- Prohibiting police officers NYPD officers from conducting any search for the purpose of determining a person's gender. This also applies to school safety officers, NYPD personnel assigned to the city's public schools.
- Requiring that individuals in NYPD custody be searched by an officer of the gender the person in custody requests and, if that is not honored, requiring the NYPD document reasons for the refusal.

- Holding individuals in NYPD custody in sex segregated police facilities according to their gender identity, even if it differs from their sex assigned at birth, unless there is a concern for the person's safety, in which case they will be considered "special category prisoners" and housed in the place safest for them.
- "Special category prisoners," including transgender people, will not be cuffed to rails, bars or chairs for unreasonable periods of time.

These are great advancements; however, there remains work to do. AVP and advocates from the LGBTQ communities will continue to work with the NYPD to create training and enforcement mechanisms to ensure that the Patrol Guide changes are effectively implemented. AVP will also continue to advocate for the Community Safety Act, civil rights legislation pending before the New York City Council that would broaden the communities protected against police profiling by including a prohibition on discrimination based on gender identity or expression, sexual orientation among several other categories. As well, AVP is the co-chair of the LGBT Table of the NAACP/1199 SIEU / National Action Network's Silent March to End Racial Profiling on Father's Day, June 17th. We encourage everyone to join us as we work to end all profiling and stop and frisks.

AVP is proud of the work of NYPD's LGBTQ Advisory Committee to the Police Commissioner and all of the advocates that worked tirelessly on these Patrol Guidelines. AVP thanks New York City Council Speaker Christine Quinn, as well as Police Commissioner Kelly and his legal team, for their work on these Patrol Guidelines. Speaker Quinn will acknowledge the Advisory Committee at the City Council Pride event this afternoon.

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