



March 18, 2021

VIA EMAIL

Chief Calvin Williams
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Dear Chief Williams:

We are writing in response to the new General Police Order ("GPO") governing police interactions with transgender and gender nonconforming individuals. We know that transgender and gender nonconforming people face disproportionate levels of violence and harassment, both from fellow citizens and from law enforcement. We applaud the city and the Cleveland Division of Police (CDP) for creating a formal policy to include specific protections for these vulnerable community members, and we appreciate having had the opportunity to provide feedback on the draft policy.

While the GPO is a significant step forward, it does not include all of the necessary protections as written. **We urge you to modify the GPO based on our concerns and recommendations to ensure that the policy does what it is intended to do – to ensure that all interactions with transgender and gender nonconforming individuals be conducted with courtesy, dignity, and respect.**

I. Search and Seizure – Strip and Body Cavity Searches

In a joint letter sent on February 28, 2019, we called attention to the fact that the Strip Searches and Body Cavity Searches GPO (GPO #2.02.04) does not contain specific protections for transgender and gender nonconforming individuals. We recommended that the following provision be added: *When possible, during any strip search of a transgender or gender nonconforming person, have the search conducted by either of three options: (1) an officer of the gender identity with which the person is most comfortable, (2) a female officer, or (3) a medical provider.*

We presented this recommendation again for inclusion in the new Interactions with Transgender, Intersex, and Gender Nonconforming (TIGN) Individuals policy, both prior to and during the drafting process. We are extremely disappointed that our recommendation was not incorporated into the GPO. Moreover, with regards to conducting strip searches, the policy merely references GPO #2.02.04, which does not include any protections for transgender and gender nonconforming individuals.

Strip searches are often traumatizing. This is true for all people, but particularly so for transgender and gender nonconforming Clevelanders. We understand there are times that staffing levels or exigent circumstances mean that none of the three options are feasible, but when one of these three options is available it must be used to build community trust and reduce opportunities for harassment. We have heard that strip searches very rarely occur (only under extraordinary circumstances). However, regardless of the frequency, if strip searches are permitted then the policy must delineate these three options.

We acknowledge that the GPO prohibits officers from using any search, including pat-down/frisks, to determine the subject's sex. This is a necessary prohibition and we appreciate that our recommendations were well-taken and that this was clearly delineated in the new policy.

II. Documentation

We were pleased to see that the GPO requires officers to address people by the name and pronouns that they choose to use. However, it is concerning that the name by which a person chooses to go by, if different from the person's legal name, will be documented as "alias" on all department forms. People have the right to be referred to by their chosen name, and the name that a person chooses to go by is not an "alias". The term "alias" may be synonymous with a nickname but it can have a negative connotation. As such, "alias" should not be reflected in policy, procedures, or practice with regards to documenting a person's chosen name. Best practice is for department forms to allow the name a person currently uses (if different from the legal name) to be documented as "name currently used." Other examples include: "preferred name" or "chosen name." While recognizing that this may be a limitation with the reporting software system and require collaboration with other parties, we strongly urge for the CDP to revise the necessary forms to ensure that documentation of a person's chosen name can align with best practice.

III. Training

Finally, we are glad that training on LGBTQ issues will be incorporated in the CDP's yearly scheduled training and that feedback from members of the LGBTQ community will be solicited on relevant training materials and future training. We trust that all members of the Division will receive ongoing comprehensive cultural competency trainings on LGBTQ issues to promote safe and respectful interactions. Trainings should be led or co-facilitated in meaningful part by members of the LGBTQ community who have experience with the Division and/or by organizations knowledgeable about these issues and communities.

Recognizing that the next step will be implementation and enforcement, **we hope that the CDP will remain committed to putting what is delineated in policy into practice.** The Division must be prepared to update its policy based on lessons learned and best practices as an accountability measure. We respectfully request that you contact us to discuss our feedback and recommendations on critical revisions to the GPO. Please contact sharris@acluohio.org with any questions or to schedule a time to meet.

Sincerely,

American Civil Liberties Union of Ohio
Equality Ohio
TransOhio