

**CITY OF EL PASO, TEXAS
AGENDA ITEM
AGENDA SUMMARY FORM**

DEPARTMENT: MAYOR AND COUNCIL

AGENDA DATE: September 12, 2023

CONTACT PERSON NAME AND PHONE NUMBER:

City Representative Aleksandra Annello, 212-0002

DISTRICT(S) AFFECTED: All Districts

STRATEGIC GOAL: Goal 2: Set the Standard for A Safe & Secure City

SUBJECT:

APPROVE a resolution / ordinance / lease to do what? OR AUTHORIZE the City Manager to do what? Be descriptive of what we want Council to approve. Include \$ amount if applicable.

Discussion and action to approve a resolution to direct the City Manager to work with the Police Department, the Department's designated LGBTQ liaison, and a community stakeholder task force to evaluate new policies and training to improve how transgender and gender-diverse individuals are identified by the El Paso Police Department, to implement a list of bias-free policies, and to implement a Safe Place Program in the City of El Paso.

BACKGROUND / DISCUSSION:

Discussion of the what, why, where, when, and how to enable Council to have reasonably complete description of the contemplated action. This should include attachment of bid tabulation, or ordinance or resolution if appropriate. What are the benefits to the City of this action? What are the citizen concerns?

N/A

PRIOR COUNCIL ACTION:

Has the Council previously considered this item or a closely related one?

N/A

AMOUNT AND SOURCE OF FUNDING:

How will this item be funded? Has the item been budgeted? If so, identify funding source by account numbers and description of account. Does it require a budget transfer?

N/A

*****REQUIRED AUTHORIZATION*****

RESOLUTION

WHEREAS, according to the Human Rights Campaign, 2021 was the deadliest year on record for transgender and non-binary people; and

WHEREAS, there is no standardized process within the State of Texas for legal name and gender marker change, making it considerably more difficult and costly for transgender people to be appropriately identified by governmental authorities; and

WHEREAS, the National Transgender Discrimination Survey reported that one-third of survey respondents were not able to update any of their government-issued identifications or records to reflect their gender identity; and

WHEREAS, according to the National Center for Transgender Equality, lack of identification exposes people to a range of negative outcomes—from denial of employment, housing, public benefits, to harassment and physical violence; and

WHEREAS, according to the National Center for Transgender Equality, more than one in four transgender people have faced a bias-motivated assault, with rates higher for transgender women of color; and

WHEREAS, a national survey of transgender individuals published by the National Center for Transgender Equality and the National Gay and Lesbian Task force revealed that 46 percent of respondents were uncomfortable seeking help from police; and

WHEREAS, the Human Rights Campaign found that under-reporting and misidentification obscured the severity of disparities and bias-motivated violence against transgender people; and

WHEREAS, many police departments across the nation have implemented specific policies to better serve transgender persons; and

WHEREAS, a 2015 FBI Law Enforcement Bulletin on Law Enforcement and Transgender Communities states that training resources exist pertaining to police interactions with transgender communities, consistent with recent efforts by the U.S. Department of Justice Community Relations Service; and

WHEREAS, the City of El Paso wishes to seek clarity and consistency in the identification of individuals for public safety purposes and recognizes that legal documents may not always align with this goal; and

WHEREAS, additional recommendations from community stakeholders could further strengthen existing efforts by the El Paso Police Department to implement new policies and training intended to improve the quality of services that El Paso's LGBTQIA+ residents and visitors receive; and

WHEREAS, ensuring people are identified by their chosen name and pronouns upholds respect for transgender and gender-nonconforming individuals.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

The City Council directs the City Manager to evaluate new policies and training to potentially improve how transgender and gender-diverse individuals are identified by the El Paso Police Department in its internal and external communications, and to present the results of that evaluation, along with proposed changes in policy and training, if any, to the Council no later than the last meeting in December 2023.

BE IT FURTHER RESOLVED THAT:

The City Council directs the City Manager to initiate a community stakeholder process, to include the Police Department's designated LGBTQ liaison, for the purpose of receiving input on potential improvements to the El Paso Police Department policy and training regarding identification of transgender and gender-diverse individuals; to invite participation in that process by appropriate organizations and individuals, including without limitation, the Borderland Rainbow Center, Sun City Pride, the Gender and Sexualities Alliance Board, Texas Rising, and Planned Parenthood and to report the results of that process to the Council by no later than the last meeting in December 2023.

BE IT FURTHER RESOLVED THAT:

The City Council directs the City Manager to work with the Police Department and the Department's designated LGTBQ liaison to ensure that the El Paso Police Department's Policy Manual includes bias/hate crimes department policies and to come back with a report of proposed policies by the last City Council meeting in December 2023, and that the policies shall include, without limitation:

- A policy that establishes guidelines for the appropriate treatment of gender-diverse individuals who come in contact with the El Paso Police Department, and that the guidelines include, but are not limited to:
 - Gender-diverse status is never by itself a lawful basis for a stop, search, or arrest;
 - Employees will ask an individual about preferred name, gender identity, and pronouns, and will address and refer to gender-diverse individuals by their preferred names, gender identity, and preferred pronouns;
 - Officers will not conduct any searches to determine an individual's sex;
 - Two officers will be present for searches of gender-diverse individuals, except in the case of an emergency, such as when someone's life is in danger;
 - Officers will inform gender-diverse individuals of their right to express a preference of officer gender for searches;
 - Officers will not seize or remove appearance-related items, if those items will not typically be confiscated from non-gender-diverse individuals;

- Officers will transport and house gender-diverse individuals alone, whenever possible;
- When transferring custody of gender-diverse individuals to other law enforcement agencies or other facility, the officer will verbally advise the receiving agency/officer that the individual is gender-diverse and will relay any relevant identification related information, including how the individual would like to be addressed; and
- When completing official handwritten or electronic EPPD documents, the employee will include the individual's adopted name as the "Also Known As (A.K.A.)" name.
- Bias-free policing policies that ensures the Police Department is committed to providing services and enforcing laws in a professional, nondiscriminatory, fair, and equitable manner and ensures the department recognizes that bias-based policing is the different treatment of any person by officers motivated by any characteristic of protected classes under state, federal, and local laws, such characteristics include, but are not limited to, age, disability status, economic status, familial status, gender, gender identity, homelessness, mental illness, national origin, political ideology, race, ethnicity, or color, religion, or sexual orientation, and that these policies include:
 - Every employee is responsible for knowing and complying with bias-free policing policies and the Chief of Police is tasked with reinforcing that bias-based policing is unacceptable through specific yearly training, regular updates, and such other means as may be appropriate;
 - Officers will not engage in bias-based policing;
 - The characteristics of an individual may be appropriately considered in limited circumstances, such as when a specific suspect description is based on trustworthy and relevant information that links a specific person to a particular unlawful incident and officers must articulate specific facts and circumstance that support their use of such characteristics in establishing reasonable suspicion or probable cause;
 - Employees will call a supervisor in response to allegations of bias-based policing;
 - Employees will document all allegations of bias-based policing and the Department will outline a protocol to investigate such allegations; and
 - The chief legal officer will prepare a report that describes and analyzes bias-based policing allegations during each quarter and the status of the Department's effort to prevent bias-based policing, and any disparate impacts of policing, and will make the report available to the public on the El Paso Police Department's website.
- A policy that outlines the Department's response to hate crime offenses, malicious harassment, and other incidents involving bias.

BE IT FURTHER RESOLVED THAT:

The City Council directs the City Manager to work with the El Paso Police Department, the Department's LGBTQ liaison, and the stakeholder task force, which includes, without limitation, the Borderland Rainbow Center, Sun City Pride, the Gender and Sexualities Alliance Board, Texas Rising, and Planned Parenthood, to implement a Safe Place Initiative to assist the victims of hate crimes and student bullying that originated in the City of Seattle and to work with the stakeholder

task force to develop training for a pilot program, and to come back to City Council with a report on efforts to implement the Program no later than the last Council meeting in December 2023.

(Signatures Begin on Following Page)

APPROVED this _____ day of September, 2023.

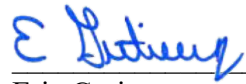
THE CITY OF EL PASO:

Oscar Leeser
Mayor

ATTEST:

Laura D. Prine
City Clerk

APPROVED AS TO FORM:



Eric Gutierrez
Senior Assistant City Attorney