

Honorable members of the San Francisco Police Commission,

Over the last few days I have been reviewing the draft **DGO 5.22, Interacting with Transgender, Gender-Variant and Nonbinary Individuals**. My opinion is that the Draft DGO is well written and completely in sync with today's TRANS culture, although keep in mind that culture is continually being re-imagined. It is only paragraph 5.22.04 H (*Note*) that gives me pause, not because of it's necessary use in the DGO but due to the confusion it is likely to generate relative to **Department "A" Bulletin 18-105, 05/31/18, SDCS Implementation**.

More to the point, I am very concerned with requirement that officers use perception as a legitimate means of data collection as mandated in Assembly Bill 953, and subsequent BOS legislation adopting AB953. It is very confusing for officers that in an active Departmental Bulletin it prescribes one way to identify much maligned communities, including individuals "perceived" to be TGN, for purposes of reporting potential discrimination and it being necessary in DGO 5.22 to explain that the best practices described therein shall not be applied in this case. It must be kept in mind that the interactions triggering reporting in AB953 are nearly all interactions the officers will have with this community on a daily basis.

Being someone who has worked on the interaction between law enforcement and the LGBT and TGN communities for more that fifteen years and one of the individuals introducing implicit bias training to the SFPD and City at large, the contradiction between the concepts of self-identification (DGO 5.22) and identification through perception (AB953) puts at risk decades of mostly successful efforts to confront possible discrimination and normalize relations between law enforcement and historically disenfranchised communities. It could actually re-enforce an officers tendency of implicit bias, therefore undoing years of training and understanding. It it a direct contradiction of the nationally recognized best-practices of implicit bias training in addition to SFPD's currents efforts to adopt the recommendations of the **21st Century Policing Report** issued under the Obama Administration.

Rather than inserting an explanation in DGO 5.22 as to why in most interactions with the public, officers are to ignore best practices, those which have successfully addressed discrimination and reduced tensions between the SFPD and TGN community, the Commission might consider inserting a paragraph in Departmental "A" Bulletin 18-105, instructing officers to ignore the instructions in AB953 to utilize perception as the means of identification and substitute the known best practice of self identification.

In summary, I wholeheartedly recommend adoption of DGO 5.22 by this Commission, although it will create substantial confusion to officers in its implementation. In addition, I strongly recommend considering asking the City Attorney to request a possible injunction to stop the implementation of AB953 to determine if the requirement to use the concept of perception rather than self identification possibly violates local, State or Federal non-discrimination legislation.

Thank you for your time.

***Theresa Sparks***

***Former member and president of San Francisco Police Commission (2004-2009) and retired Executive Director of the San Francisco Human Rights Commission.***