



Newark police blazing trail with new protections for transgender suspects

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The ten pages of rules get right to the point.

If a Newark police officer arrests somebody who is transgender, they should not question that person's gender identity.

The cop can relegate someone's legal name as an alias on an arrest report, should remember that hypodermic needles may only be indicators of hormone therapy, and allow transgender suspects to be held in single-person cells.

Newark is not the only department re-writing how officers should interact with people who are lesbian, gay, bisexual, transgender or questioning their gender identity (simplified as LGBTQ). The West Orange Police Department recently began training on similar rules, and the attorney general's office is working on guidelines that would apply to the entire state.

But Newark's policy, which took effect April 3, comes at a particularly critical moment for the department. The more than 1,000 officers serving the state's largest city are currently under supervision by the U.S. Department of Justice, after a federal report found a pattern of unconstitutional policing. A team within the department is now working on reforms, and the newest report on their progress was published Tuesday.

These new rules, however, go beyond what's mandatory: Neither the Justice Department nor the state currently require departments to have a specific LGBTQ policy.

"It's long overdue" said Newark Public Safety Director Anthony Ambrose in an interview. "It's something that will only help."

The Justice Department had found "anecdotal evidence" that Newark cops had discriminated against people because of their gender identity or sexual orientation, and reported that some officers had the "mistaken assumption that all female transgender persons are prostitutes."

That alleged bias can be compounded by threats the transgender community especially faces on a regular basis. There have been high-profile attacks on transgender people in Newark in recent years, and a human rights group tracked dozens of transgender deaths in the U.S. last year.

Ambrose and Capt. Brian O'Hara, who heads up the reform effort within the department, said the new policy would be integrated into upcoming implicit bias training (which takes 8 hours) and stop, search and arrest training (16 hours).

Cops will have to walk a fine line. The policy says that suspects should have a say in the sex of the officer searching them, but it notes that sometimes searches can't wait. Cops shouldn't tell parents what their child's sexual orientation is, the rules say, unless it's somehow connected to why the child was detained.

A local pastor named Kevin E. Taylor hosted several public meetings with officers while the guidelines were still being written. He said the specific challenges faced by the LGBTQ community meant it deserved its own policy, even if it was already illegal for a cop to show bias against any one group.

"There are things on the books, and there are things that don't necessarily play themselves out on the streets," he said.

Representatives from a transgender rights group and an LGBT organization in New Jersey reviewed a draft of Newark's policy and said it was a step in the right direction, although they flagged areas they said could be improved.

Gillian Branstetter, a spokesperson for the National Center for Transgender Equality, wrote in an email that one problem was that the policy did not include more protections for non-binary people, those who do not identify as male or female.

Aaron Potenza, the policy director for Garden State Equality, raised the same point while also calling the draft a "tremendous step forward." He said he would like to see similar policies adopted across the state.

Newark's Ambrose and O'Hara said they were open to critiques, but said language describing people in the LGBTQ community could change so rapidly that it was difficult to incorporate every group into one set of rules. (Newark's policy does reference non-binary people in its glossary.)

Taylor, the pastor, said he plans to host another public meeting next month and spoke highly of the department's willingness to listen.

"The fact that they keep coming back to the table, and keep adding leaves to the table, is a really good sign," Taylor said.