

**D.C. Transgender, Transsexual, &
Gender Non-Conforming People:**

KNOW YOUR RIGHTS!



**What they are...
and how to make
them a reality!**

A publication of the DC Trans Coalition

To learn more about **your rights**, find out about upcoming **community events**, get involved in **activism**, or to find trans-positive **social services, health care providers, and other resources** in D.C., visit us online:

www.dctranscoalition.org



About us: *The DC Trans Coalition (DCTC) is a volunteer, grassroots, community-based organization dedicated to fighting for human rights, dignity, and liberation for transgender, transsexual, and gender-diverse (hereafter: trans) people in the District of Columbia.*

We have rights!

This booklet contains a summary of the rights we have won for trans people in the District of Columbia. (You can find the original regulations in their entirety on our website.) Unless noted otherwise, this information only applies while you are *inside* D.C., regardless of where you reside. This includes our rights:

- under the **D.C. Human Rights Act**
- in regards to **employment and housing**
- with the Metropolitan **Police** Department
- at **jails** and the D.C. Department of Corrections
- with regard to **identity documents**
- for survivors of **partner violence**
- in D.C. public **schools**
- ...and more!

We have the best laws to protect trans people in the country. But they are useless unless we make sure that everyday people, the government, and businesses respect them. *How do we do that?*

- **Learn what they are.** Read this, and share it with others.
- **Defend them.** Carry this booklet with you. If you face harassment and discrimination, you can educate your harasser if it's safe to do so.
- **Report the incident.** Documenting a violation of your rights will help you obtain justice. For more on how to file a complaint, see the end of this booklet.
- **Get organized.** Alone we can be defeated, but together we have the power to get the respect we deserve. Join the DC Trans Coalition as we build community power! See the end of this booklet for more info.

(1) You have the right to be respected.

- People, your job, and D.C. agencies (for example: the Department of Employment Services or the Department of Human Services) must call you by your preferred name and pronoun.
- You can *always* use the bathroom you want to use.
- You can dress in the clothes you want to wear.
- You cannot be denied services – including from first responders such as the Fire Department and EMS.

(2) Employers can't discriminate against you.

- Your boss cannot limit your gender expression.
- If your job has a gender-segregated uniform, you may wear the uniform you prefer.
- A job can't refuse to hire or promote you.
- If you need time off for trans-related medical care, your job must reasonably accommodate you.

(3) Housing providers can't discriminate, either.

- You have the right to use a homeless shelter that is consistent with your gender identity.
- Shelter staff must ensure that you are safe from harm.
- Service providers cannot deny you access to facilities.
- Landlords can't refuse to rent to you.

(4) If someone finds out that you are trans, they can't harass or "out" you.

- This includes information about you that jobs or agencies get from background checks.
- Nobody can ask invasive questions about your body, your past, your medical history or diagnoses, etc.

(5) You have rights when interacting with police.

This is the only entire section that applies everywhere in the U.S. Adapted from the ACLU Know Your Rights guide.

If you're stopped by police:

- You do not have to talk to the police. You have the right to remain silence. You may have to give police your name, but no other information is required. You do not need to show your ID.
- Do not lie to police, it is a crime. However, police can lie to you, so it's important to know what your rights are.

If you're stopped on the street:

- Ask if you are free to go. If yes, walk away. If no, ask what you are being detained for. They need to have a reason to arrest you.
- Police can pat you down during a stop. You can refuse to consent (agree) to a search, but they may still do it. If you're trans and in D.C., see below.

If you're stopped in a car:

- If you are driving, you must show your license, registration, and proof of insurance.
- Keep your hands where police can see them.
- You may refuse to consent to have your car searched, but police may have legal grounds to search it anyway.
- Police may separate passengers and the driver to question them, but no one has to answer any questions.

If you're not a documented citizen:

- You do not have to reveal your immigration status to any government official.
- If you are arrested, you have the right to call your consulate or family or have the police inform the consulate of your arrest. Do not talk to ICE without talking to an immigration lawyer first.

(6) You have even more rights with the D.C. Metropolitan Police Department.

These rights only apply in D.C. and only if you declare to the officers that you are transgender. It is up to you whether you want to out yourself as trans. They also apply to anyone under 18.

- You cannot be stopped for being trans.
- You can't be frisked to "determine" your gender.
- Officers must respect your name and pronouns.
- Officers can't ask about your body, surgeries, etc.
- Officers cannot perform squat searches in front of other people or in public.
- Officers cannot make you remove clothes, hair, falsies, binding, etc unless they think it will pose a threat.
- During arrest and booking, you can ask to be searched by a male or female officer.
- You should be placed in an individual holding cell for the length of time you're held by MPD.
- If moved, you should be transported separately.
- If you have an old record with MPD, they must update it to reflect your current name and gender.

On Sex Work and the "Prostitution Free Zones"

- To crack down on street-based sex work, the MPD issues Prostitution Free Zones where a group of 2 or more people believed to be engaging in "prostitution" or "prostitution related offenses" can be asked to "move along" or face imprisonment for up to 180 days and/or fined \$300.
- Carrying 2+ condoms is NOT proof of sex work and you cannot be charged for it.
- Signs legally must be posted around the PFZ:
mpdc.dc.gov/mpdc/cwp/view,a,1238,q,560843.asp

- Being trans can *never* be used as evidence of prostitution, and police cannot stop you just because they think you are trans.
- For trans-positive, non-judgmental assistance, resources, and services for sex workers in D.C., call the **24-hour HIPS Hotline at 202.232.8150.**

(7) You have rights in the D.C. jails.

- **Intake.** At intake into the jail, any inmate identified as transgender will be referred to the Transgender Housing Committee. They will interview the inmate, and based on the interview and a review of the inmate files, the Committee will decide whether to place the inmate in the male or female unit, in general population or protective custody.
- **Safety.** Department of Corrections staff are obligated to keep inmates safe from harm and abuse, from other inmates or staff. Transgender inmates are recognized by DOC as potential targets for abuse and should have their safety concerns taken seriously and acted on.
- **Searches.** Any transgender inmate who is strip searched will be strip searched in private, not in front of other inmates or unnecessary staff.
- **Respect.** Staff must respect all inmates and not harass or discriminate against transgender inmates.
- **Clothing.** DOC will issue clothing to inmates according to the unit they are placed in. Medical staff will decide if a transgender woman placed in the male unit will be issued a bra.
- **Hormones.** DOC medical staff will continue a transgender inmate on their hormone dosage,

consistent with a medical evaluation and consultation with the inmate's doctor. An inmate who has not been on hormones, or who was not taking hormones from a doctor, can request hormone therapy from medical staff, who will evaluate the inmate and make a decision.

(8) You can protect yourself from violence.

- A survivor of domestic/partner violence may file a Civil Protection Order (CPO) against their abuser that orders the abuser to leave them alone, leave shared homes, enroll in anger management classes, etc.
- You may file a CPO against someone you have had a sexual or romantic relationship with, a roommate, a relative, a "common partner" (an ex's new partner), or someone who has stalked or assaulted you.
- A CPO does not require you to file criminal charges.
- For more information, visit: www.rainbowresponse.org.

(9) You have the right to identity documents that most accurately reflect your lived gender.

- If you are a D.C. resident, to obtain a new ID card or driver's license, the Department of Motor Vehicles needs only a Gender Designation Form signed by a doctor, social worker or therapist. No surgery or other medical treatment is required.
- The Gender Designation Form can be downloaded at: <http://dmv.dc.gov/info/forms/forms.shtm>
- Any documented citizen in the U.S. can change the gender marker on their U.S. passport. There is no surgery requirement. See: http://transequality.org/Issues/federal_documents.html

(10) You have rights in D.C. Public Schools.

Please note that private schools in the District are not required to adhere to these rules.

- If someone is harassing you at school because you are trans (including slurs), it must be taken seriously.
- If the uniform or dress code at your school is gender segregated, you have the right to follow the dress code that is consistent with your gender identity.
- Your school cannot stop you from participating in an activity or program because you are trans.

(11) If someone violates ANY of the above rights, you have the right to fight back!

If you've experienced discrimination or unfair treatment in D.C. from an employer, landlord, business, any city agency (such as the police or fire department) or in any public accommodation (such as a school, the D.C. jail or a homeless shelter), **we can help you file a complaint in the appropriate place.** See the next page for our contact info.

In order to help you obtain justice, it is important to record as much as possible. Some helpful details include:

- The offender's name and physical description.
- Badge numbers (if police are involved).
- The date, time, and location of the incident.
- A detailed description of what happened.
- Any physical evidence, including written documents or e-mails.

How to Contact the DC Trans Coalition

By e-mail: dctranscoalition@gmail.com.

By phone: 202-681-DCTC (202-681-3282).

In person: At our bi-monthly public meetings. Anyone who supports our work is welcome to attend!

- Date: Every first and third Tuesday of the month
- Time: 7:30-9:00pm
- Location: The Austin Center at Whitman Walker Health's Northwest Location (1711 14th Street NW)
- Public Transit: The closest Metrorail stations are U Street (Green) or Dupont Circle (Red). By bus: Take the 52, 53, 54 (R Street Stop) or G2 (P Street Stop).



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