



# DO NOT INVESTIGATE Anti-Abortion, Anti-Trans, and Anti-LGBTQ+ Laws RECOMMENDATIONS



## Municipal governments and law enforcement should:

1. **Publicly affirm a commitment to the rights and safety of LGBTQ+ and pregnant people.**
2. **Consult with affected communities**, on a structured and ongoing basis, about how to deprioritize enforcement.
3. **Consult with affected communities about how loud and public to be** about deprioritizing enforcement.
4. **Ban discrimination** on the bases of sexual orientation, gender identity, pregnancy, pregnancy outcome, and provision or receipt of abortion care or gender-affirming care (whether real or perceived).
  - **Ban employment discrimination *against* municipal employees**, including police officers, on these bases.
  - **Ban discrimination *by* municipal employees**, including police officers, on these bases.
5. **Provide employment benefits** such as medical leave, comprehensive health coverage, travel for out-of-state health care, and assurances that any investigation or prosecution by another agency for breach of anti-abortion, anti-trans, or anti-LGBTQ+ laws will not affect the person's employment.



## Municipal governments should:

6. **Direct law enforcement leadership to allocate no funds to enforce** anti-trans, anti-LGBTQ+, and anti-abortion laws.
7. **Ban discrimination by municipal contractors and by local businesses** on the bases of sexual orientation, gender identity, pregnancy, pregnancy outcome, and receipt of abortion care and gender-affirming care.

8. **Consider using municipal funds to ensure community access** to health care needs such as prenatal care, doula care, lactation support, and out-of-state gender-affirming and reproductive health care.
9. **Oppose any effort to criminalize use of municipal roads** to access abortion, gender-affirming care, or any other health care.



## Law enforcement should:

10. **Protect people and communities against hate crimes and vigilante violence.** Use and enforce restraining orders.
11. **Consult with abortion providers, reproductive justice advocates, and escorts; gender-affirming care providers; hospital management and staffers; and trans and LGBTQ+ advocates** about the risks they face and about how best to protect their rights and safety.
12. **Amend policy manuals, as needed, to clarify that it is misconduct for police officers and civilian employees to discriminate against members of the public** on the bases of sexual orientation, gender identity, pregnancy, pregnancy outcome, or receipt of abortion care or gender-affirming care.
13. **Do not enforce** anti-trans, anti-LGBTQ+, or anti-abortion laws. Prohibit the use of resources to enforce these laws. Direct officers not to conduct any investigations or make any arrests under such laws. To implement nonenforcement, make sure departmental policies and procedures include the following directives:
  - **Do not conduct electronic, in-person, or other surveillance** to detect violations of these laws.
  - **Do not use traffic-safety laws, pretextual stops, or any other means** to investigate whether drivers, passengers, or pedestrians may be pregnant, may be transgender, or may be traveling within or out of state to receive prohibited health care.
  - **Take no action on any report of a violation** of anti-abortion, anti-trans, or anti-LGBTQ+ laws except, as needed, to protect the person against potential violence by the caller.
  - **Do not investigate whether anyone is or has been pregnant, or how or why their pregnancy may have ended.**
  - **Do not investigate anyone's gender identity**, their biological sex, or their assigned sex at birth.
  - **Take no action when you see a person you think may be transgender** unless you have reasonable grounds to suspect the person is committing a crime for which a cisgender person would be investigated.
  - **Do not enter bars, theaters, libraries, or anywhere else to identify drag performances.**
  - **Apply the same standards of obscenity to LGBTQ+ content or performance** as to heteronormative content or performance.
  - **Do not enter bathrooms, changerooms, or anywhere else to ascertain the assigned sex at birth** or sex characteristics of people who are there.

- 14. Require multiple levels of written supervisory approval, including by the Chief of Police, before an officer can initiate an arrest or investigation** for any alleged violation of an anti-abortion, anti-trans, or anti-LGBTQ+ law.
- 15. Ensure that officers and dispatchers are aware of specific laws in your state and locality.**
- 16. Be aware that police officers, strangers, and acquaintances cannot know by looking what a person's assigned sex at birth was, whether they are transgender, or whether they are pregnant.**
  - **Do not assume that a person is engaged in sex work based on their gender presentation.**
  - **Do not treat possession of condoms as evidence** that a person intends to engage in sex work.
- 17. Do not treat the presence or existence of a trans, queer, or gender-non-conforming person as a threat to anyone.** Do not treat gender-affirming care, abortion care, or trans/LGBTQ+ acceptance as child abuse, sexual assault, or any other violent crime.
- 18. Ensure that law enforcement does not interfere with provision of health care.**
  - **Do not station police officers in emergency departments** or at hospitals or clinics to investigate patients.
  - **Do not investigate or interrogate patients or health care providers** about a patient's health care, gender identity, biological sex, pregnancy, health condition, or any reason they may have sought or received medical treatment.
  - **Do not request the disclosure of patients' health information or records** to investigate any suspected violation of an anti-abortion, anti-trans, or anti-LGBTQ+ law.
  - **Do not partner with hospitals or health providers to surveil or investigate patients** who are pregnant, miscarrying, birthing, thought to be transgender, or suspected of using substances.
- 19. Do not second-guess hospital or physician determinations of whether an abortion procedure was medically necessary** within the meaning of a state's criminal laws.
- 20. Together with local prosecutors, meet with hospital management, physician representatives, and emergency health care providers to understand their concerns about criminal liability, and to clarify that police and prosecutors will not second-guess their medical decisions about pregnancy or gender-affirming care.**