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## **Court Grants Temporary Restraining Order Halting Forced Gender Identification Requirements for California Peace Officers**

*Peace Officers Research Association of California (PORAC) Successfully Challenges Discriminatory Regulations, Protecting Officers' Constitutional Right to Privacy*

**Sacramento, CA** – On January 1, 2024, new California Racial and Identity Profiling Act (RIPA) regulations went into effect, forcing peace officers to disclose their own gender identity when reporting the outcome of a traffic stop. These new regulations directly conflict with the California Fair Employment and Housing Act (FEHA) anti-discrimination laws and officers' right to privacy under the California and United States Constitutions – no other state employees are held to this standard. That is why PORAC, in partnership with the California Police Chiefs Association, the California State Sheriffs' Association, and the California Association of Highway Patrolmen, filed a legal action seeking a temporary restraining order (TRO) against the California Department of Justice (DOJ) to stop Attorney General Rob Bonta's implementation of these forced identification regulations that conflict with state law.

The TRO, sought by PORAC and fellow law enforcement organizations, was issued today following a hearing on January 22, 2024, in Sacramento Superior Court – halting the DOJ from enforcing these over-reaching gender disclosure regulations immediately pending a hearing set for March 19 on the issuance of a preliminary injunction. PORAC is pleased that the Court saw the discriminatory nature of these regulations and that we secured a victory in the fight to protect our members' employment and Constitutional rights to privacy.

“PORAC remains committed to protecting the rights of all our members to live as they wish, identify as they see fit, and to share that identity on their own terms,” **said PORAC President Brian R. Marvel.** “It is not fair or right to put officers in the untenable position of disclosing their gender identity before they are ready to do so and as a condition of employment.”

Prior to the granted TRO, these regulations required that an officer disclose whether they are cisgender, transgender, or nonbinary on a form that is reviewable by other department employees, including the officer's supervisor, coworkers, department managers, and others. If allowed to continue, these forced disclosure requirements would create immediate and long-term issues for transgender, gender-fluid, and nonbinary officers, as well as for the profession as a whole:

- Those who do not wish to disclose their true gender identity could be terminated for insubordination if they refuse to do so.
- If an officer misstates their gender identity by claiming to be cisgender, they could be terminated for dishonesty and lose their peace officer license.



- Those who have gradually begun their transition may not know which gender to report and could be accused of dishonesty based on their reporting, especially if sequential reports have conflicting gender identities.
- And these regulations will undoubtedly have negative long-term impacts on the law enforcement profession – dissuading officers who are nonbinary or transgender from joining or remaining in the profession.

We are eager to participate in the process to update these regulations to ensure peace officers are given the option to keep their gender identity private, by making gender identification voluntary, and by aligning the gender categories with the standards provided by the California Civil Rights Department.

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**About the Peace Officers Research Association of California:**

The Peace Officers Research Association of California (PORAC) was incorporated in 1953 as a professional federation of local, state, and federal law enforcement agencies. PORAC represents over 78,000 public safety members and over 955 associations, making it the largest law enforcement organization in California and the largest statewide association in the nation.