

2. If there is identified evidence that an individual might identify with a gender that is different from the sex they were assigned at birth and a Department member is unable to determine a person's adopted name and gender identity outlined in Item V of this directive, Department members will investigate further in an attempt to determine the person's adopted name and gender identity.
 - a. Evidence that the individual might identify with a gender that is different from the sex they were assigned at birth may include:
 - (1) identifying a documented legal name or gender (e.g., on a legal identification document or in a law enforcement record) that is inconsistent with the individual's gender expression (e.g., based on clothing, hairstyle, makeup).
 - (2) having multiple forms of identification with different documented genders or gendered-names.
 - (3) witnesses describing the individual as being a different gender.
 - b. Further investigation will include attempting to confirm the individual's adopted name and gender identity by talking to people who are considerably familiar with the individual.

NOTE: Not everyone who is familiar with a transgender, intersex, or gender-nonconforming person will know if they identify as transgender, intersex, or gender-nonconforming and some people may not be accepting or supportive of another's gender identity. As a result, not every person Department member talks to will be able to confirm the individual's adopted name or gender identity.

IX. POLICY REVIEW

The Department will review this directive periodically, at minimum every two years, to evaluate whether it provides effective guidance and direction to Department members and is consistent with the current law and the Department's vision, mission, objectives, and practices. When reviewing and revising this policy, the Department will seek input from members of the community and community-based organizations with relevant knowledge and experience through community engagement efforts.

X. CONFLICT PROVISION

If there are any perceived conflicts between this directive and any other Department directive, this directive will take precedence. Where discretionary time permits, the Director, Research and Development Division, may be requested to provide an interpretation or determination.

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