

# Gender Identity

## 1124.1 PURPOSE AND SCOPE

Health and Safety Code 102875 mandates that, in all cases requiring death certification by the coroner, the person completing the certificate shall record the decedent's sex to reflect the decedent's gender identity. This policy provides rules and guidelines for establishing a decedent's gender identity.

Department Members are also required to comply with Lexipol Policy 375 (Transgender Policy).

## 1124.2 DETERMINING GENDER

The Deputy Coroner and/or Supervising Deputy Coroner shall determine gender identity based upon the following:

- (a) Observation of the sex organs and/or general presentation/appearance of the decedent.
- (b) As reported by the informant
  - 1. If the gender reported by the informant differs from that decided by the Deputy Coroner based on his/her own observations, the gender reported by the informant shall take precedence.
    - (a) Example: If the Deputy Coroner's observations lead him/her to conclude that a decedent is male, however an informant reports that the decedent is female, that decedent shall be listed as female.

## 1124.3 GENDER DISPUTES

If the Deputy Coroner and/or Supervising Deputy Coroner is notified of a dispute regarding the decedent's gender identity, the person disputing the gender shall be asked to produce any of the following documents to prove the legal gender at the time of the decedent's death. If such document is produced, the person completing the certificate shall record the decedent's sex which corresponds to the decedent's gender identity as indicated in that document. Acceptable documentation includes:

- 1. Birth certificate
- 2. Driver's license
- 3. Social security record
- 4. Court order approving a name or gender change
- 5. Passport
- 6. An advanced health care directive
- 7. Proof of clinical treatment for gender transition

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If none of these documents are presented, and the person, or majority of persons, with the right to control the remains pursuant to Health and Safety Code section 7100 is in disagreement with the gender identity reported by the informant, the gender identity shall be as reported by that person or majority of persons.

#### **1124.4 DOCUMENTATION**

If determination of the decedent's gender, in accordance with guidelines established with this policy, results in the gender identity differing from that suggested by presentation of the sex organs, an explanation of the gender change shall be documented in the Coroner Investigator (CI) report.