



**METROPOLITAN
POLICE**

TOTAL POLICING

Freedom of Information Request Reference No:

I note you seek access to the following information:

Does Metropolitan Police have a policy or guidelines for the treatment of transgender suspects and/or offenders.

Does Metropolitan Police have a record of how many transgender suspects and/or offenders they have had contact with in the past twelve months.

To clarify, 'contact' can be defined as any interaction that the Metropolitan Police Force has had with transgender individuals, including warnings, from arrest, to charging to placing in custody. Transgender can mean any individual that self defines as transgender, as well as those who have a GRC (Gender Recognition Certificate).

DECISION

I have today decided to disclose the located information to you in full.

Please find attached Guidance for dealing with Transgender detainees.

The Custody record only has an option for Male or Female.

I would like to take this opportunity to thank you for your interest in the Metropolitan Police Service.

Information Rights Unit

Transgender detainees

The following Q&A includes important guidance and advice and gives greater detail than the policy flowcharts.

The Q&As have been split into categories. By the nature of custody, business subject areas overlap therefore each category should not be referred to in isolation.

All instructions and guidance contained within these Q&As should be regarded as mandatory.

D69- What are meanings of the terms ‘Transsexuals’ and ‘Transvestites/Cross- Dressers’, and are there any special measures I need to consider?

Transsexual means a person who is proposing to undergo, is undergoing or has undergone a process (or part of a process) for the purpose of gender reassignment. It is a protected characteristic under the Equality Act 2010.

Transvestite/Cross-Dresser means a person of one gender who dresses in the clothes of a person of the opposite gender.

These principles are very broad and cannot cater for every possible circumstance. The actions of officers must be shown to be fair and respectful of the detainee’s dignity.

Except as provided for under section 9 of the Gender Recognition Act 2004, in law, the gender of a person is that which was registered at the time of birth. This fact remains unchanged regardless of any subsequent medical treatment or surgery. However, a rigid adherence to this principle has been found to be too inflexible and has led to unnecessary confrontations. Experience has shown that where a person whose gender is unclear is treated according to their preferred gender, they are more likely to be co-operative during the course of their dealings with police. The following guidance should be followed:

- If there is no doubt as to the gender of a person, or there is no reason to suspect that the person is not the gender that they appear to be, they should be dealt with as that gender.
- If there is doubt as to a person’s gender, they should be asked what gender they consider themselves to be and what gender they would prefer to be treated as. If the person expresses a preference to be dealt with as a particular gender, they should be asked to sign the custody record to indicate their preference. This can be achieved by using the ‘unsolicited comment’ page within the NSPIS application.
- If a person is unwilling to make such an election, efforts should be made to determine the predominant lifestyle of the person. For example, if they appear to live predominantly as a woman, they should be treated as such.
- If there is still doubt, the person should be dealt with according to the gender that they were born.

- Transvestites/cross-dressers and transsexuals must always be accommodated in a cell or detention room on their own.
- Once a decision has been made about which gender a transsexual is to be treated as, where possible before an officer searches that person, the officer should be advised of the doubt as to the person's gender. This is important so as to maintain the dignity of the officer(s) concerned.
- Transvestites/cross-dressers should be photographed as they would normally 'present'. They can be photographed '*en femme*' too if there is some legitimate intelligence reason (for example, a male detainee regularly commits crime dressed as a woman and that a photograph of the detainee so dressed will assist in the prevention or detection of crime). Although there is a power under [PACE Code D 5.14](#) to ensure a person removes their wig, there is no power to ask someone to put one back on.

In dealing with such circumstances there is potential for conflict and embarrassment. It is also recognized that there is an opportunity for some transgender detainees to attempt to 'manipulate' their stated gender in an attempt to embarrass and discredit the Service. Sensible application of the principles laid out above should minimize the risk of such action and protect officers and staff.

Section 22 of the Gender Recognition Act, 2004 creates a criminal offence for an individual who has acquired "protected information" (i.e. information relating to a person who has made an application under the act) in their official capacity (including as a police officer or police staff) if they disclose this to any other person.

It is vital; therefore, that gender change information is handled sensitively and professionally and is **not communicated** to any person inappropriately, where the purpose of the disclosure is not in accordance with the legislation above. This will be particularly important where a transsexual detainee is kept in custody for court.

Their gender history must not be divulged on the PER Form unless there are health reasons [hormone medication, catheters, and post operative surgery requiring medical attention] related to their gender status. Any such disclosures must be made in consultation with the detainee and the NSPIS pre-defined declaration used. See Flowchart D6 for further guidance.

D70 - Who should search a Transgender detainee?

A detainee should be searched according to the gender they present as; e.g. If the detainee presents as a female, they should be searched by a female officer. If there is any doubt over the gender of the detainee, they should be asked which gender they wish to be treated as.

If an answer is given that appears to differ from any indication of their 'predominant lifestyle', then the detainee is to be dealt with as their predominant lifestyle gender, not their declared gender.

If NO answer is given, efforts should be made to determine the ‘predominant lifestyle‘ of the detainee, and then deal with accordingly. If no such evidence is provided, then deal with the detainee according to what reasonably appears to have been their gender at birth.

Once a decision is made, all officers involved in the search must be made aware of the situation. The detainee must also be informed that the officers involved have been made aware. Full details of the decision making process to be recorded in the custody record, or searching officer’s notebook if no record has been created.

If the detainees self –declared gender differs from the gender decided by police, this is to be recorded, along with full reasons as to why.

D71 - Who can a transgender officer search?

Generally speaking an officer or member of police staff of the same gender as the prisoner will be asked to search that individual. This decision is based on how that individual looks i.e. do they look male or female. We must treat people according to the gender they present and where there is an objective, honestly held doubt about a person’s gender then every effort must be made to establish that individuals own gender definition.

D72 - Replacement clothing (Transgender detainee)

Transvestites/Cross-Dressers arrested ‘en femme’ should be given an opportunity to remove any make up and to change into clothes different to those in which they were arrested. This should be conducted with the added consideration that the detainee’s family or friends may be unaware of his/her alter-ego.