

Trans and Non-Binary People

Contents

Policy Statement	2
Principles	2
Responsibilities.....	2
Searching and Detention	3
Updating Police Systems	4
Flowchart - Updating Police Systems: Trans and Non-Binary Individuals	5
Additional Information	6

Policy Statement

Summary West Yorkshire Police (WYP) will treat all people who identify as Trans and Non-Binary with dignity and respect. This policy specifically covers procedures and processes to be followed where Transgender people are subject to detention and/or searches, and the circumstances where name/gender are updated on police systems.

Officers and staff must ensure that they deal with the individual in the gender in which they present, and familiarise themselves with this policy to ensure that:

- Trans and non-binary individuals who come in contact with the police are treated appropriately;
 - They are clear on the processes for determining the preferred gender of the individual;
 - They search people in the correct way; and
 - Police records are updated correctly.
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Scope This policy applies to all police officers and police staff and trans and non-binary people who are:

- Victims;
- Witnesses;
- Subject to a legal procedure, e.g. search in the street; or
- In custody.

Principles

Disclosure

- When an individual has made an application under the Gender Recognition Act 2004 (GRA) to obtain a new birth certificate, S22 of the GRA establishes it is an offence for a person to disclose protected information acquired in an official capacity to any other person (exceptions apply).
- ‘Protected information’ is any information relating to:
 - Their application for a Gender Recognition Certificate, or
 - The gender history of a successful applicant.
- Consent must be obtained on each and every occasion.

Responsibilities

Police Officers and Police Staff Officers and staff are responsible for:

- Employing a tactful, sensitive approach to the use of titles and names for preferred gender, i.e. addressing trans people in the gender they present

(referring to a transgender female as a Woman and a transgender male as a Man) and using the correct personal pronouns of she/he. For non-binary people, pronouns he/she, his/hers, may be replaced with more neutral pronouns such as: they, per, zie or fey;

- Securing properly any records or printouts which may disclose a person's gender status.
 - Refraining completely from asking an individual about whether they have a Gender Recognition Certificate. If you deal with an individual whose name/gender on Niche/PNC is different from the gender they are living in and they have not disclosed any trans status, add the individual's name as an alias to the Niche record. If they disclose their Trans status, refer to the [Flowchart - Updating Police Systems: Trans and Non-Binary Individuals before making any changes to systems.](#)
 - Protecting a person's trans status when communicating over Airwave, or other insecure method; and
 - Refraining from disclosing any unnecessary or irrelevant information. Any such disclosure could result in a criminal prosecution.
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Searching and Detention

Establishing Gender

- Officers must never assume a person's sex or gender identity.
 - APP Detention and Custody – Equality and individual needs and Code C, Annex L outlines the procedure to follow in order to establish the preferred gender of a person, particularly when searching. (Refer to [Supporting Information](#))
 - The decision making used to establish a detained person's gender must be fully recorded and explained on the detention log or custody record and the detainee must sign this to indicate their consent. The detained person's preferred gender will also need to be recorded.
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Searching and Recording Detainees

- All searches and procedures must be carried out with courtesy, consideration and respect. Officers should show particular sensitivity when dealing with trans and non-binary individuals.
- When detaining a trans person, custody staff should be mindful of any medical treatment the person may be undergoing and how this may affect behaviour.
- The officer or staff member carrying out the search must be advised of the decision made about which gender the individual is to be treated as, and the reasons supporting it, before carrying out the search.
- The detainee must be asked which gender of officer/staff they want to undertake the search, and they both should sign the custody record (or in the case of a stop and search, the officer's pocket notebook). They may request that two officers (female and male) search appropriate areas of the individual's body.

- Detention**
- In line with the College of Policing Detention and Custody Guidance, transgender and transvestite detainees must always be accommodated in a cell or detention room on their own.
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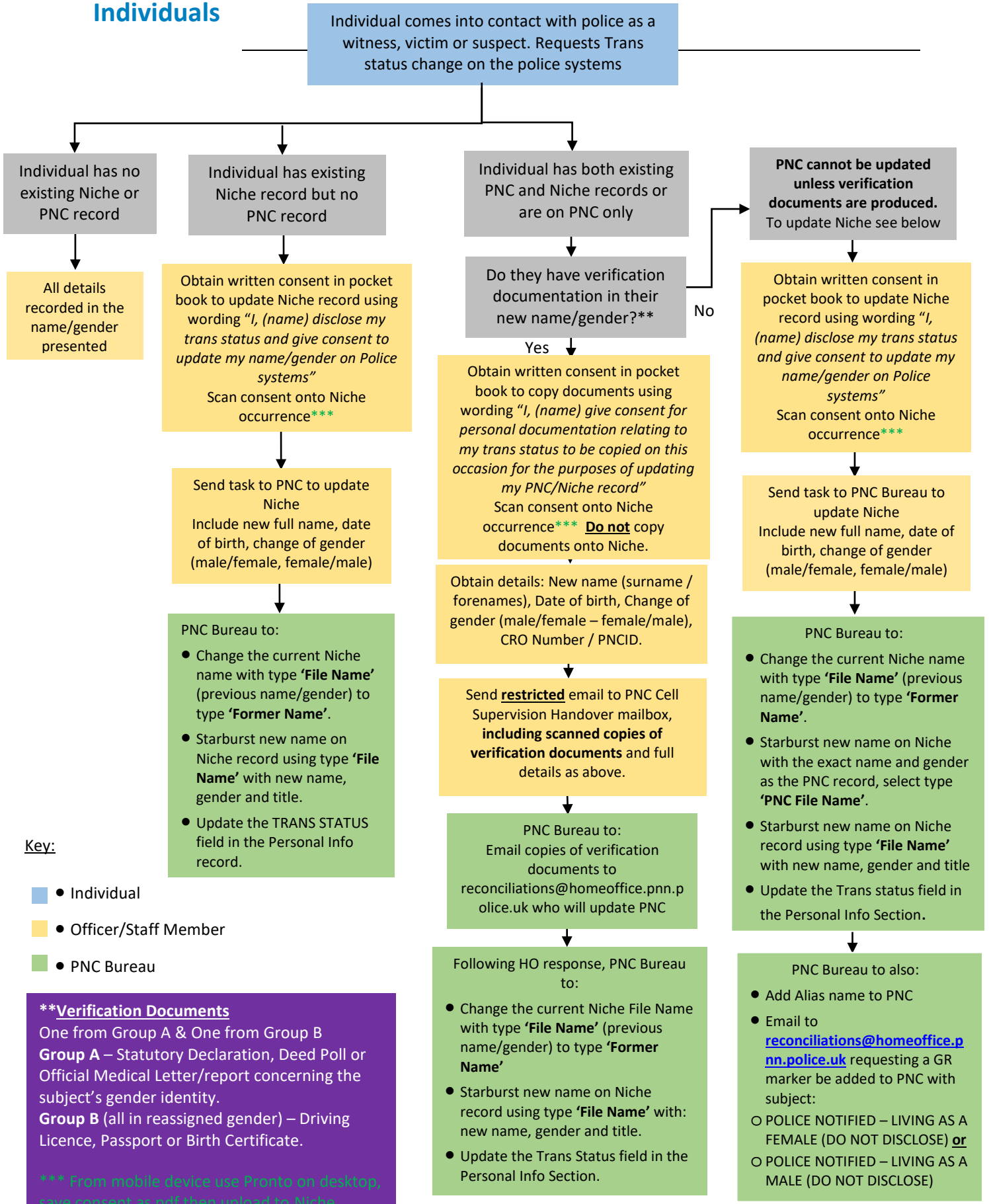
- Strip and Intimate Searches**
- In certain cases, a person in detention may be subject to further intrusive searches. Annex A to Code C relates to 'strip' and 'intimate' searches.
 - The detainee's request to be searched by an officer of the gender of their choice must be granted wherever possible.
 - There is also a requirement to be sensitive to the dignity of Police Officers called upon to undertake the search. An officer or member of police staff can choose not to conduct the search. See the Gender Recognition Act 2004.
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- Independent Custody Visitors**
- Independent Custody Visitors (ICVs) must secure a detainee's consent prior to viewing the custody record of any detainee, and the interaction should be recorded in the custody record in all cases, including if the detainee does not give consent.
 - Gender reassignment information is protected under the Gender Recognition Act, and disclosure to any other person should not be made.
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Updating Police Systems

- Introduction**
- An individual's gender status and history is private to that individual. However, it is important that information is recorded accurately on Police IT systems for all victims, complainants and witnesses.
 - This should reflect the particular needs of Trans and non-binary people wherever possible, and flexibility may be required.
- Updating Niche and PNC**
- A trans individual's details can be updated in most circumstances. However, before making any changes to Police systems you must refer to the [Flowchart - Updating Police Systems: Trans and Non-Binary Individuals](#).
 - The flowchart provides guidance on how to update systems for Trans individuals in circumstances where:
 - No existing Niche or PNC record exists for the individual;
 - Individual has existing Niche record but no PNC record;
 - Individual has both existing Niche and PNC records or is on PNC only.
 - West Yorkshire Police is working towards improving its systems to record when an individual self-identifies as Non-binary.
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Flowchart - Updating Police Systems: Trans and Non-Binary Individuals



Key:

- • Individual
- • Officer/Staff Member
- • PNC Bureau

****Verification Documents**
 One from Group A & One from Group B
Group A – Statutory Declaration, Deed Poll or Official Medical Letter/report concerning the subject's gender identity.
Group B (all in reassigned gender) – Driving Licence, Passport or Birth Certificate.
 *** From mobile device use Pronto on desktop, save consent as pdf then upload to Niche

Additional Information

Compliance

This policy complies with the following legislation and policy:

- Gender Recognition Act 2004
- Human Rights Act 1998
- Police and Criminal Evidence Act 1948 (PACE)
- Trans and non-binary members of Staff policy

Further Information

- Guidance for officers working with diverse individuals and communities has been produced and is available on the [intranet](#) or from 'Diverse Communities' app on the mobile devices.
- WYP has worked with partners and the Trans community to produce:
 - ['Top Tips for working with Trans People.'](#)
 - [Gender Identity and Trans People Toolkit](#)
 - [LGBT I-Learn resource](#)
- For guidance on search procedures see:
 - Police and Criminal Evidence Act 1948 (PACE)
 - Practice Advice on Search Management and Procedures 2006
 - APP Detention and Custody
 - ACPO Gender Recognition Act – Guidance for police officers and staff

Supporting Information

The supporting information for this policy can be accessed via [this link](#).

Policy Database Administration

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