



Matthew Barber
Police & Crime Commissioner
for Thames Valley

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The Rt Hon James Cleverly MP
Home Secretary
Home Office, 2 Marsham Street
London, SW1P 4DF

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Dear Home Secretary,

In Thames Valley we have recently seen two notable cases which have highlighted the issues with how information about transgender detainees is recorded by the police and how information is shared with the public.

As Police & Crime Commissioner I have raised concerns with my Force about the reporting of both of these cases. Whilst I still maintain that police forces have some discretion about the language in their press statements, it is clear that we would all expect the police to follow the law in dealing with those in custody, particularly in this context, the Police & Criminal Evidence Act 1984 (PACE).

I know that the Policing Minister has recently suggested a review of guidance on strip searches and intimate searches in relation to issue of gender but I want to highlight the need for recording accurate and consistent information for the purposes of the custody record, the investigation of crime and the recording of crime statistics.

I would urge you to consider a review of PACE Code C itself which sets out the current legal requirements for police officers dealing with such situations. Appendix L defines the process by which officers should identify and record an individual's gender. I would ask the Home Office to consider requiring the police to record the birth sex of detainees in the custody record. Recording this additional information, as well as someone's preferred gender, would allow detainees to be treated respectfully whilst still ensuring that custody records and crime figures accurately reflect crimes committed by male and female offenders.

Home Office policy allows Forces to record birth sex in crime counting rules, but this remains voluntary and therefore does not allow the information to be required from detainees. Even if these counting rules are made compulsory they will not impact the recording in the custody record for individual cases and PACE rules that have a statutory basis will always take precedence. Only a legislative change to the Police & Criminal Evidence Act will ensure a consistent use of the rules and will be able to overcome potential conflicts with the Gender Recognition Act around the disclosure of information.

Whilst it remains important that detainees in police custody, who must of course be considered innocent, are treated with respect and dignity, it is also vital for the safeguarding of victims and the maintenance of public confidence that the police record factual information accurately and consistently.

Yours sincerely,

Matthew Barber
Police & Crime Commissioner