



## 4. Being Arrested

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This section covers specific issues that transgender people may face if they are arrested. For general advice, please see our guide on being arrested [here](#)

This section will cover:

- [1. When is gender a particular issue?](#)
- [2. Giving your name](#)
- [3. Access to medication, hormones, birth control, sanitary towels](#)
- [4. Additional questions about arrest](#)

### 1. When is gender a particular issue?

There are specific times when you are arrested when gender is a particular issue:

- When your details – whether you choose to give them or not – are being recorded
- If you are grouped with other people of what the police perceive to be your gender
- If you are put in a cell with other people of what the police perceive to be your gender you should be put in a cell with someone of the same gender as you.

Therefore you can insist on being accurately gendered. Good times to do this are at the point of arrest being checked into the police station on arrival.

It is totally your decision as to whether you wish to do this. Some people would rather endure being misgendered during their time in custody. Do what makes you feel safest.

If you are going on an action and you think you could be arrested, let your friends or affinity group know how you want to be treated in the police station if you are arrested. If you have people providing back office legal support to your action, you can let them know too so they can check in with your solicitor to make sure you are being treated appropriately.

### 2. Giving your name

Two important things to remember if and when you give your name in the station are:

- You can change your name in English and Welsh law at any point for any reason as long as it is not to engage in fraud
- You don't have to have any documentation of the name that you give, it is still your name.

The police are likely to check your name against the electoral register, they might send a cop round to the address you've given and ask if you live there.

If you give a fake name with the intention to deceive, that is illegal. If it is your name, that is not a problem, even if you have more than one name. This means you do not have to undergo misgendering in the station just because your official documents do not reflect your actual name and gender.

### 3. Access to medication, hormones, birth control, sanitary towels

You may need to access hormones, other medication, birth control, sanitary towels or other hygiene products while in custody. Speak to your solicitor: they can advocate for you. Having hormones with you may cause them to question your gender. You can speak to your solicitor about this as well.

### 4. Additional questions about arrest

#### **If the police are continuing to misgender you, is there a process to challenge that?**

If you want to, you can tell your solicitor who can also insist on your being treated appropriately.

#### **Given that gender dysphoria is technically a mental health condition, is there any way the police can use this against you while you are in custody?**

No. Gender reassignment is a protected characteristic under the Equality Act 2010. The police have no right to treat you as mentally ill because you are trans. The police can decide that you need a mental health assessment for various reasons, and this must be done



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by a medical healthcare professional. It cannot be done by a police officer. You can ask to have an Appropriate Adult present if you wish.

### **What if I am under 18?**

You have the right to have a parent, guardian or Appropriate Adult informed of your arrest and present for any interview. They may offer you a Social Worker but we recommend against this.