3. Being Stop & Searched

You do not have to give any personal details during a stop and search. Police stop and search people to gather intelligence and to intimidate.

This section will focus on specific issues that transgender folk might face if the police stop and search them. It will cover:

- **1. Documentation**
- **2. Being Touched By a Police Officer During a Search**
- **3. FAQs About Stop and Search**

For a more general, and in-depth, guide please consult our Stop and Search guide.

1. Documentation

If they succeed in accessing your documentation by going through your bag or wallet and finding ID, bank cards or letters, cops might argue that you 'might have stolen' your own property and so they 'need your details' to verify that you haven't.

This is nonsense, but does sometimes happen to people, regardless of their gender. If you know you are going on a demonstration, think about what documentation you need to bring with you: if you don't need it, leave it at home: it could limit this from happening. If your documentation has different names on, or if the name or title on documentation is associated with a gender different from how you present, the police might argue that you have stolen your own stuff.

All of the documentation is yours. You can and should insist on this. However, it is possible that the police could arrest you on suspicion of theft. This is very rare, and the case wouldn't go anywhere in court, but it is possible.

This situation could make you feel that you have to out yourself as trans in order to explain the situation. That is your decision, and some people would choose to do this. However, it is not illegal to have more than one name, and you do not have to give them your personal details.

You may choose to give your name under threat of arrest for theft, however, in order to assert that that is your property, and that is your decision.

Take the names and numbers of the officers who have treated you in this way, and get in touch with GBC if you wish to make a complaint against them.

2. Being touched by a police officer during a search

If you are being stop and searched, 'non-intimate' searches can be done by officers of any gender, but you have the right to ask to be searched by an officer of the same gender as you.

If it is 'reasonably practicable', this should be done.Searches involve being touched by an officer on your legs, arms, back and chest outside of your clothes. They can make you remove outer clothing such as a coat or hat.

If you are being misgendered you can insist on being treated as your gender so as to be searched by an officer of the same gender.Because the police only have to provide someone of the same gender as you 'where practicable' it is unlikely you would be searched by a non-binary officer.

If the police want to do a more intimate search where they make you remove more than outer clothing, they have to take you to a private place, which could be a police van, and you must be searched by someone of the same gender. Therefore you can insist that they recognise your gender so that you are searched by an officer of the appropriate gender.

A search must be proportionate to the reason for the search. If police officers tell you they have to search you more intimately, ask them why that is necessary. If they are searching for items that could be used to cause criminal damage, or weapons, it is very unlikely that you would need to remove more clothing because a pat down search would lead to the discovery of such an item.

However, there may be rare circumstances where an intimate search would be considered reasonable by the police (e.g. they could argue they are looking for razor blades). The police can ask you to remove clothing to recover such an item if it is not voluntarily handed over.

A search cannot lawfully be done to try to determine what a police officer considers to be your "real" gender. This is definitely not a lawful basis for a search and would obviously be discriminatory.

3. Being Stop & Searched

3. FAQs About Stop and Searches

1. What if, for whatever reason, a police officer challenges my gender after having searched me?
Your gender is your gender. You can insist on being treated as your gender and do not have to out yourself as trans to anyone. The Equality Act 2010 defines gender reassignment as a protected characteristic.

2. Can I be stop and searched if I am read as a man coming out of the women's toilets?
No. It is not up to you to explain yourself. It is up to them to justify how they are treating you and the law under which they are acting. Always ask: "Under What Power?: "Am I being detained? If so, under what power?" Under PACE there are limited things you can search for, e.g. items that could be used to cause criminal damage. Being read as a man coming out of a women's toilet is not one of those things.

3. Am I putting myself in more danger by outing myself to a police officer?
Legally, this should not be the case because of the Equality Act 2010. If you choose to out yourself as trans, you should absolutely tell the officers that you expect to be treated with respect and in accordance with the Equality Act, under which gender reassignment is a protected characteristic. However, transphobia is rife, and therefore how you are treated at the time will depend on the individual cop.

If you have a negative experience during a Stop and Search, whether that be due to transphobia or any other reason, get in touch with GBC. We can put you in touch with a solicitor who can help you make a complaint against the officers if you wish.

The Y-Stop App can be used to record a Stop and Search. The app is available here.