

## A. Details of incident

Please do not include identifiable information such as names of people or places.

- ❖ THE COMPLAINANT IS TRANSGENDER [REDACTED] STILL HAS A [REDACTED] BUT IS NOW TRANSITIONING TO [REDACTED] GENDER [REDACTED] LIVES [REDACTED] LIFE AS A [REDACTED] AND DRESSES AS A [REDACTED] HAS ATTENDED A PARTY [REDACTED] A [REDACTED] HAS ARRIVED [REDACTED] AND [REDACTED] HAS BEEN DESCRIBED AS BEING DRUNK. [REDACTED] AS THE COMPLAINANT HAS BEEN EATING FROM THE [REDACTED] THE HOST HAS EXPLAINED THAT IT IS A [REDACTED] PARTY AND THE SUSPECT HAS THEN SAID IN A CONFRONTATIONAL MANNER TO THE COMPLAINANT, [REDACTED] TWO TO THREE MINUTES LATER [REDACTED] WAS APPROACHED BY THE SUSPECT, THE SUSPECT THEN GRABBED [REDACTED]

## B. Police interpretation of the counting rules

Please give a reason for your interpretation.

The offence currently recorded is SEXUAL ASSAULT ON A [REDACTED] - SEXUAL OFFENCES ACT 2003 S3 based on the fact that the victims gender (still has the body of a [REDACTED]) and based on the comments made by the assailant highlighted above in RED, which suggest the assailant expected to touch [REDACTED] genitals when [REDACTED] committed the assault.

FCR would like some clarification on how offences involving Transgender should be recorded? Should offences be recorded based on how the victim presents themselves or is it based on the persons current gender?

NO. OF OFFENCES..... 1 ..... Name & Position.....

## C. Comments from Home Office

The Home Office view having reviewed the legislation is that the victim would fall within the definition outlined in the Equality Act 2010 section 7(1) – (see below). Although this provision doesn't determine which way the victim would be treated, it confirms that the victim is a transsexual person and suggests that the victim should be treated as a [REDACTED] – bearing in mind for example the public sector equality duty to which the police are subject.

**The Equality Act 2010 Sec 7 provides that:**

- (1) A person has the protected characteristic of gender reassignment if the person is proposing to undergo, is undergoing or has undergone a process (or part of a process) for the purpose of reassigning the person's sex by changing physiological or other attributes of sex.
- (2) A reference to a transsexual person is a reference to a person who has the protected characteristic of gender reassignment.
- (3) In relation to the protected characteristic of gender reassignment—
  - (a) a reference to a person who has a particular protected characteristic is a reference to a transsexual person;

(b) a reference to persons who share a protected characteristic is a reference to transsexual persons.

OFFENCE CLASSIFICATION.....  
NO. OF OFFENCES.....

Signature.....  
Name & Position.....National Crime Registrar

.....