

Statement for the Claimant
Witness: Maya Forstater
Statement: Second
Exhibits: MF2/x
Date: 31 August 2025

**IN THE HIGH COURT OF
JUSTICE
KING'S BENCH DIVISION
ADMINISTRATIVE COURT**

BETWEEN:

**THE KING on the application of
SEX MATTERS**

Claimant

and

**(1) NATIONAL POLICE CHIEF'S COUNCIL
(2) CHIEF CONSTABLE OF THE BRITISH
TRANSPORT POLICE**

Defendants

and

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Interested Party

WITNESS STATEMENT OF MAYA FORSTATER

I, Maya Forstater, Chief Executive Officer of Sex Matters, 63/66 Hatton Garden, Fifth Floor Suite 23, London, EC1N 8LE will say as follows:

1. I make this statement in support of Sex Matters' application for judicial review against the Defendants. The facts stated within this statement are within my own knowledge and belief save where otherwise stated. I have prepared this statement with my solicitors and with assistance from some Sex Matters staff and trustees.
2. In this statement I shall provide information about:
 - a) Police strip searches and trans-identifying males;
 - b) NPCC and BTP's new guidance, including:

- i) information from serving and former police officers;
 - ii) The “common law” as a basis for a “consensual” strip search;
 - iii) PACE Code C Annex L;
 - iv) the “no career detriment” provision in practice; and
 - v) the “no lawful order” provision;
- c) The impact of opposite-sex searching on female officers;
 - d) The impact of opposite-sex searching on female detainees;
 - e) The interaction between the opposite-sex searching regime and protections for children and vulnerable people; and
 - f) Why this case raises issues of particular importance for Sex Matters and steps taken to bring this claim.

Police strip searches and trans-identifying males

3. PACE Code C (at Annex A paragraph 9) defines “Strip Search” as being a search involving removal of more than outer clothing. This is also called a More Thorough (MT) search. Within this category there is a further description of a more thorough search involving Exposure of Intimate Parts (EIP), which involves removal of underwear and can involve a person being asked to spread their legs or bend over. Both kinds of “strip search” must be done by an officer of the same sex. An EIP search is also sometimes called a “full strip search”, for example in police statistics.¹
4. Although an MT search does not involve exposure of intimate parts, it can involve being alone with the individual in a confined space, as it is required to be undertaken without any unnecessary onlookers. An EIP search requires two people of the same sex to be present (apart from in a situation of urgency).
5. In my previous witness statement at paragraphs 64 and 95–107 I referred to several facts about paraphilias and sexual offending: that paraphilias are much more common in

¹<https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fassets.publishing.service.gov.uk%2Fmedia%2F66f2e4a17da73f17177640ed%2Fstop-search-data-tables-summary-mar24.ods&wdOrigin=BROWSELINK>

men than in women and can give rise to criminal actions when they involve others non-consensually, and that most sexual crimes are committed by men, with women the main victims. I stated that crimes of exposure and voyeurism are overwhelmingly carried out by men against women and girls. Both seeing a woman naked or in her underwear against her wishes, and exposing private parts in front of a woman who does not want to see them, is exciting for some men and disturbing, degrading, humiliating and frightening for women. Wearing and being seen wearing women's underwear is also part of the paraphilia of transvestic fetishism.

6. The main mischief discussed in my previous witness statement was that of a trans-identifying male officer searching a female detainee, which I asserted would foreseeably be experienced as at least as distressing, humiliating and degrading as being searched by a male officer who did not identify as trans. The possibility for opposite-sex searching remains, albeit with different parameters.
7. The main reasonably foreseeable harm under the revised policies concerns a female officer or staff member strip searching (including a more thorough search) a male detainee. For such a man, this scenario – which the policy gives him the right to request, with no qualifying conditions – may be experienced as sexually exciting and/or an expression of power over a woman to whom he is exposing his body, and potentially his genitalia either naked or in women's underwear, knowing she does not want to see them. This is analogous to the crime of indecent exposure rather than voyeurism, as under the previous policy. Whether as an officer or a detainee, a woman is likely to experience the interaction as abusive, humiliating and degrading, and as a misogynistic exercise of male sexual, societal and physical power.
8. In my previous witness statement, under the heading *A man who has a GRC is not materially different to other men*, I explained that possession of a GRC and trans identification more generally do not materially change factors such as propensity to commit violent and sexual crimes or the ease with which a person can be recognised by eye as a member of their natal sex.
9. The new policies no longer make any distinction between trans-identifying people who do and do not have GRCs. Therefore I wish to positively reassert that some of the

examples I gave stand as evidence that the group of men who claim a trans identity includes men who have committed the most serious sorts of crimes.

10. Men who have been granted GRCs include: (i) a narcissistic, compulsive, aggressive, violent and sadistic killer and attempted rapist; (ii) a bomb-making father of seven with unstable personality traits who attempted self-surgery in prison; and (iii) a sexually masochistic paedophile. Under the new policies, if detained any of these men could request to be searched by a female officer or staff member, and if such a woman can be found to carry out that search, such a man is likely to experience the interaction as sexually gratifying and an expression of his power over this particular woman and women more generally.
11. I also draw attention to three cases referred to in my previous witness statements as examples indicative of the sort of man who, if detained and requiring searching, can reasonably be expected to request an opposite-sex search.
12. The first is the case of *R (AB) v Secretary of State for Justice and another*,² which concerned Mark Jones, a man described by the consultant forensic psychologist as having an “*obsessive preoccupation with wanting to be a woman*”, and having resorted to “*narcissistic, compulsive, aggressive, violent and sadistic*” behaviours and “*aggressive and destructive impulses*” to achieve control.
13. The second is *Jay v Secretary of State*³, which concerned a father of seven who was convicted of bomb-making, with a long history of contact with psychiatric services, emotionally unstable personality traits, behavioural impulsivity and maladaptive coping strategies. A private gender specialist was willing to certify that over a period during which Jay was in and out of prison, Jay had “*lived continuously and in all contexts as female, has undertaken laser hair removal, breast augmentation, feminising hormone therapy and feminising body sculpting procedures*”.
14. The third is *R (KK) v Tavistock*⁴, which concerned a prison inmate who had been in and out of prison for three decades for offences that included sexually assaulting a 12-year-old girl and downloading images of children being sexually abused, and who sought to transition via opposite-sex hormones and surgery so that “*he would not need*

² [2009] EWHC 2220 (Admin)

³ [2018] EWHC 2620 (Fam)

⁴ [2019] EWHC 3565 (Admin)

to resort to his offending in order to vicariously experience womanhood". According to the consultant psychiatrist assessing him, *"it is by no means straightforward teasing out the gender identity factors from a sort of fetishization of pre-teen girlhood and a degree of sexual masochism"*.

15. At exhibit **MF2/1**, I have provided further details of trans-identifying males who have committed sex crimes (as well as other crimes). The point being made is not that all, or even most, trans-identifying men are dangerous to women, predatory or violent, any more than all or most men in general are. It is that the group of trans-identifying men demonstrably includes such individuals, and any policy that foresees female officers and staff being asked to search male detainees will inevitably involve women being asked to search male detainees with this profile. This exhibit includes both men who identify as women or transgender, and those who are described as cross-dressers. The BTP policy "recognises the status of Transgender and Non-Binary detainees" and thus would include cross-dressers who may classify themselves as "non-binary". Similarly the NPCC refers to "members of the transgender community" without definition. This is likely to include cross-dressers for example identifying as "non-binary" or "gender-fluid".
16. I also refer once again to examples of male inmates treated as "women" and transferred to the women's prison estate because of a diagnosis of gender dysphoria and/or possession of a GRC. They include John Pilley / Jane Anne Pilley, who was sentenced to life for kidnapping a woman at knifepoint; Douglas Wakefield / Dee Wakefield, who was sentenced to life for beating and stabbing his uncle to death and who strangled and beat to death another inmate, and attempted to kill a warden; Martin Ponting / Jessica Winfield, who was sentenced to life for raping two girls; Stephen Wood / Karen White, who was charged with multiple counts of raping a woman, along with burglary and stabbing a man, and who went on to sexually assault women in prison; and Kayleigh Woods, who was sentenced to life for torturing a woman to death.⁵
17. Another male criminal who identifies as a "transgender woman" is Alan Baker (now known as Sarah Jane Baker). Baker was UK's longest serving trans prisoner. Convicted in 1998, he received an indeterminate sentence for kidnapping, burglary, unlawful

⁵ Michael Biggs, 2022, The Transition from Sex to Gender in English Prisons: Human Rights and Queer Theory. *Controversial Ideas* 2022, 2, 2. <https://journalofcontroversialideas.org/article/2/1/183>

imprisonment and GBH with intent. During his time in prison, Baker was also convicted of attempted murder while in prison after he entered his victim's cell and attempted to strangle him to death. While in prison Baker says that he attempted to remove his own testicles with a razor blade.⁶ On release Baker became a trans rights activist. At the London Trans Pride festival in 2023 Baker addressed a large crowd with a microphone and said: "If you see a TERF, punch them in the fucking face."⁷ (TERF, which stands for "trans exclusionary radical feminist", is a slur used for women who do not accept that "trans women are women". Its use is associated with threats of violence.) Baker was eventually arrested for this, but found not guilty of inciting violence.⁸

18. Another, recently convicted is James Bubb/ Gwyn Samuels, a Metropolitan Police special constable, who used his position to pressure women and girls into sexual encounters they didn't want. He was convicted of several serious sex crimes, including multiple rapes and abuse of a child over a period of years starting when the victim was 12. At the time of the offences Bubb identified as a man, but during the investigation changed his name and started identifying as a transgender woman. Bubb found and groomed his victims on anonymous chat websites and apps, sometimes posing as a 16-year-old girl to do so. The child whose abuse started when she was 12 told investigators that Bubb spoke "a lot about the powers he had" in his role with the Met. The other victim, who met Bubb when she was 18, said that he would "use police training techniques" on her. She told investigators: "The control, the power he got. It sure as hell wasn't consensual." The investigating officer described him as a "dangerous, predatory sex offender".⁹

19. These men have extensive criminal records, and have been investigated and charged for a variety of serious crimes. They have a pattern of offending that includes coercive, threatening and exploitative sexual behaviours directed towards women, and a history of victimising women. Under the revised policies the group of men who require strip searching, and who are likely to request to be searched by a female officer or staff

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<https://www.dailymail.co.uk/news/article-12282337/Who-Sarah-Jane-Baker-Trans-activist-called-TERFs-punched.html>

⁷ <https://capx.co/we-deserve-more-than-the-woeful-response-to-sarah-jane-bakers-punch-terfs-rant>

⁸ <https://www.bbc.co.uk/news/uk-england-london-66676737>

⁹ <https://www.bbc.co.uk/news/articles/c0ml30vgykro>

member, will demonstrably include men with this sort of profile. It is also the case that strip searches are carried out by police officers under PACE of serving prisoners if they are under arrest.

NPCC and BTP's new guidance

20. On their face, the revised policies can be expected to result in female officers and staff members being requested and allowed to strip search (including full strip searches involving exposure of intimate parts) male detainees (and vice versa for male officers and staff members being requested and allowed to search female detainees). Such searches are acknowledged to be outside PACE.
21. They involve officers and staff both being exposed to the undressed bodies (including genitalia) of members of the opposite sex, being alone with them in an enclosed space, and being expected to instruct them to expose and manipulate intimate parts of their anatomy, for example asking a man to pull back his foreskin or asking a person of either sex to spread their buttocks or lift their breasts or belly.
22. The supposed legal basis for these searches is:
 - a) An asserted common-law power for a police officer to do anything that a civilian can do;
 - b) In the case of the NPCC policy, that a request to an officer or staff member to carry out such a search will not constitute a "lawful order".
23. The policies include some provisions intended as safeguards:
 - a) That both detainee and officer will "consent" to the search, and sign a form stating this;
 - b) That officers and staff will not experience any "career detriment" for declining to carry out such a search.

Information from serving and former police officers

24. I wish to address BTP's and NPCC's position on opposite-sex searches as envisaged under the policy. I also wish to address whether these policies contain appropriate safeguards to:

- a) protect female officers from the risks, humiliation, lack of dignity etc resulting from searching a trans-identifying man;
 - b) protect female detainees from the same harms resulting from being searched by a male officer or staff member;
 - c) protect male officers and staff members from harms caused by searching a trans-identifying female detainee.
25. Finally, I wish to address whether officers and staff members can in fact be protected from:
- a) career detriment if they *decline* to carry out such searches;
 - b) other negative professional repercussions if they *agree* to carry out such searches.
26. In the following I draw on conversations I and my colleague Helen Joyce (an experienced journalist who formerly worked for nearly two decades at *The Economist*, latterly in a variety of senior editorial positions) have had with serving and retired police officers in various forces with extensive experience of the custody environment and of searching.
27. Before writing my previous witness statement, I and Helen interviewed 3 female serving BTP officers and had a roundtable discussion with several current and retired officers from other police services. Those discussions concerned the previous now-withdrawn BTP policy, so some of what we were told is no longer relevant. But some is, and below I positively reassert the points that remain relevant.
28. The discussion below also adds new material drawn from four further interviews carried out between 22 August and 28 August 2025 with 3 female officers and 1 male officer, in which the revised policies were discussed. These interviews were carried out to assist me by Helen, who recorded them and produced a transcript, as well as taking extensive notes. I have read the transcripts and Helen's notes.
29. I confirm that what is set out below is an accurate account of what these current and retired officers told Helen and me. All the interviewees referred to above spoke under strict anonymity, because they fear being targeted for speaking out.

“Consensual” under “common law”

30. Under the new policies, opposite-sex MT and EIP searches are said to be possible on a “consensual” basis, outside PACE and under a common-law principle that police officers can do anything by consent with members of the public that other citizens can do. The officers we spoke to said that these assertions ran contrary to all their training, and to the law as they have been taught to understand it. All said that in any situation where they are interacting with members of the public and a search is a possibility, there is an element of duress that means consent cannot be freely given. They also gave several examples of types of interactions to which two civilians can consent, but an officer or member of staff and a civilian cannot.
31. Several said that their training had taught them that PACE itself states that all searches, and all actions in a custody setting, *must* be covered by PACE or else are unlawful. In other words, any attempt to carry out searches outside PACE, or to act in a custody setting in ways not expressly permitted by PACE, is proscribed by PACE. They said that in their experience this was the usual understanding of PACE by officers and staff. They were disturbed by what they saw as an attempt to circumvent the rules of PACE, which are written primarily to protect detainees and other civilians interacting with police, but also to protect officers and staff members themselves.
32. They rejected the idea that police officers can automatically enter into mutually “consensual” agreements with citizens to do anything that private citizens can consent to do with each other. The understanding of all the officers we spoke to was that in custody, and in the other situations where officers have lawful coercive powers (such as in stop and search), the element of duress means the very notion of “consent” is void. The legal basis for a search under PACE is not consent: it is the lawful exercise of a power granted by PACE. Without that lawful power they questioned whether any search can be lawful.
33. One officer gave the example of an officer on the beat who saw someone smoking a cannabis joint and decided to carry out a brief “stop search” under Section 23 of the Misuse of Drugs Act. The officer said that PACE is clear that even in these circumstances, which do not involve the removal of clothes, there is no such thing as a “consensual search” – even though one member of the public can ask permission from

another to carry out a pat-down, and indeed this happens often during security checks for entering private venues. This officer said that in order to carry out any type of search “I have to use a power. I cannot say: ‘Will you let me search you?’ ”

34. Another officer elaborated on this point, saying that with warranted powers comes “a huge amount of responsibility: we have to have a legal power to search at all.” This officer said the vital difference between any police search, even a stop-and-search patdown, on the one hand, and a search as carried out consensually by a civilian, for example on entry to a football ground, on the other, is that in the latter case a person who does not consent to the search can walk away – the security guard has no power to make that person submit. “We [the police] can make you,” this officer said.
35. Among the officers interviewed were several who now work or have previously worked on domestic violence or child abuse cases. They said they were trained to understand that “consent” under duress is not possible. One officer gave the example of a woman who is confined by a man: if she states she consents to sexual activity that consent is not valid and if they have sexual relations the man may be committing a sexual assault.
36. One officer said that when they raised concerns regarding the idea that a detainee can “consent” to an opposite-sex search, senior officers compared this to a boxer entering the ring on the basis of consenting to what would in other circumstances constitute assault. The officer rejected the validity of this analogy, saying that the element of duress in custody and other searching situations meant a better analogy would be with a boxer who was told by the managers of the boxing club that they had to agree to a particular fight or else be kicked out of the club: consent in that situation would be under duress and not be valid.
37. “I can’t understand how people are expected to give true consent while under duress to what essentially amounts to a sexual assault, if not just a physical assault,” this officer said. Another said: “I understand that that person will have consented to those human rights violations, but that doesn’t stop them from being human rights violations.”
38. A male officer gave another relevant example. He said that a few times in his career – in situations not relating to searching or custody – a female member of the public had made sexual overtures to him. As an ordinary citizen it would have been lawful for him to accept these overtures; as a police officer, doing so would have been the basis for a

charge of gross misconduct and could have ended his career or even resulted in criminal charges. “Where I have had a sexual approach in a professional capacity, it might be what she wanted but that does not make it right,” he said.

39. More generally, the officers said that the point at which a detainee must be strip searched is always a very difficult moment, and for the detainee may be a low point in their lives. They questioned whether consent to any risky activity in such an extreme and stressful situation could ever be said to be valid.

Annex L

40. Officers also expressed bewilderment concerning how the policies interact with Annex L of PACE Code C, which sets out detailed (and confusing) rules concerning the searching of trans-identifying detainees that differ from those in the revised policies. None was able to say whether Annex L had been disapplied by their own force, or how the contradictions between Annex L and the new policies might work if a trans-identifying detainee was brought into custody. None had ever heard of any part of PACE other than Annex L being “disapplied”, and none of the forces where they work have made any change in policy relating to Annex L since the For Women Scotland judgment.
41. Since this will be a relatively unusual occurrence, they thought custody sergeants would not know what to do and would turn to Code C, or specific guidance from their own force if any exists, to find out. One, a former custody sergeant, said he thought that the custody sergeant would “pick the book up, start to digest it, and apply it to the best of their knowledge... And it’s a mess.” Another said: “I imagine there is a lot of confusion, and they are – like a lot of people – waiting to see what comes out with this guidance. And once the new guidance comes out and it’s been rubber stamped then they’ll go ahead with that new policy. But the fact that we do have Annex L still there is an issue. It causes confusion and it could lead to the wrong decisions being made.”
42. A third said they didn’t think anyone understood Annex L because (in this officer’s opinion) it is unclear, poorly executed and at odds with the rest of PACE, let alone the new guidance and potentially with force-specific guidance, if any exists. All the officers expressed concerns that these various inconsistencies and contradictions would lead to poor, inconsistent and potentially unlawful practice.

43. The officers we spoke to had widely varying impressions and experiences of Annex L, depending on their force. One had attended training on searching approximately 18 months ago at which issues of gender identity were covered, but solely as concerned trans-identifying officers, not trans-identifying detainees. Their force's intranet says nothing about Annex L in relation to trans detainees either. At the training, they were told that Annex L states that a GRC changes an officer's sex for the purposes of same sex searching under PACE, but that the force treats all colleagues, regardless of GRC status, according to their "lived gender identity" for the purpose of searching as well as everything else.
44. Various documents on that force's intranet state that all employers must treat their employees according to their "lived gender identity"; that a detainee who objects to being searched by a trans officer of the opposite (biological) sex may be committing a recordable non-crime hate incident; and that in the context of "stop and search" misgendering can be a recordable hate incident. Putting all this together, this officer understands their force to require all officers to treat everyone – both officers and detainees – as the sex they say they are without question in all circumstances, including for the purposes of searching.
45. Another officer, who worked as a custody sergeant for several years ending approximately 5 years ago, said they had not been aware of Annex L as a custody sergeant. The question of whether a trans-identifying detainee should be searched by someone of the opposite sex had never arisen in his experience. He had come across two trans-identifying male detainees in custody, but neither had asked to be searched by a woman – and he said that if they had, he would have said no, because he understood PACE to require same-sex searching. Both were searched as a matter of course by male officers without the detainees raising that as an issue. One was severely alcoholic, and brought into custody very frequently; his sole concern while in custody was always managing his withdrawal symptoms. The other had serious mental health issues, and was extremely difficult to handle in custody. He was content to be searched by a man as long as he was referred to as a woman.
46. This officer said they had become aware of Annex L only since moving on from their position as a custody sergeant because of discussion of the NPCC guidance. They said that in any rare or complicated matter in custody – whether a trans-identifying detainee

demanding to be searched by someone of the opposite sex or anything else – their practice would have been to “refer to the Codes of Practice – available by law in all custody suites – or my own force’s policy, which I would have understood as giving me instructions on how to follow PACE. I would trust that our policies would be informed by legislation.”

47. This officer checked their force’s intranet on 27 August 2025 and found a short policy, last modified in 2022, that sets out to operationalise Annex L in simple terms. I have seen the policy, and the officer agrees that my summary of it, below, is accurate:
- a) Do not assume anyone’s sex or gender identity.
 - b) If there is doubt as to someone’s gender, ask them.
 - c) Treat them according to their preferred gender identity.
 - d) If a detainee is non-binary try to establish their “predominant” gender – when doing this “consider” referring to Annex L, but what they say is “key”.
 - e) If there are grounds to doubt that what a detainee says about their gender identity reflects their “predominant lifestyle”, treat them according to their “predominant lifestyle” and not their stated identity.
 - f) If they won’t tell you their gender identity, go by what they appear to “live as”.
 - g) If a detainee requests to be strip searched by an officer of the “gender of their choice”, that must be “accommodated wherever possible”.
 - h) Be “sensitive to the dignity” of officers called upon to do these searches.
48. The officer described the policy as absurd and impossible to follow. “It starts by saying that you should never assume someone’s sex or gender – but this is ridiculous, you do it all the time,” they said. “You don’t ask everyone what sex they are, you can see.” They regarded the idea of a “predominant gender” as subjective and impossible to judge, pointing out that a person might be male, identify as non-binary and then in custody say that at that moment they were feeling female. They interpreted the guidance to go with a detainee’s “predominant lifestyle” if there are doubts about what they say about their gender identity as an acknowledgement that the person might be dishonest, perhaps to

cause trouble. “But how can you tell whether someone is taking the piss?... Overall this is not something you can do operationally.”

49. A third officer we spoke to, who has been a police officer for 15 years, said that they had never heard of or seen Annex L used and had never had any training on it. This officer studied PACE intensively upon joining the police, but that predated Annex L. They have been working as a detective since 2019, and this required passing the national investigator’s exam, which includes a lot of material on PACE, but to the best of their recollection there was nothing about Annex L. They have heard it mentioned in their own force only in discussion of the NPCC guidance, at which point they examined Annex L themselves.
50. This officer said that PACE is “very straightforward, very clear, very prescriptive.... Its benefits are not just about human rights, it’s that we know what to do.” They emphasised that when exceptions are made to a general rule within PACE, this isn’t done by “disapplying” part of PACE. Instead PACE itself sets out clear criteria for when the general rule does not hold, and says what happens instead.
51. The officer gave the example of time limits in custody. In general detainees can be held for a maximum of 24 hours until they are charged, bailed or released, but there are specified maximum extensions allowed for within PACE upon the authority of an officer above a certain rank or a magistrate’s court. They also gave the example of an officer who has reason to think a detainee will seek to get an accomplice to destroy evidence, in which case PACE has provisions for keeping them incommunicado (normally detainees are entitled to make a phone call and talk to a solicitor).
52. By contrast, Annex L doesn’t say that the general rule in PACE that requires same sex searching can be set aside in certain circumstances, and what to do instead in those circumstances; it simply contradicts the rule without saying that it is doing so. “Annex L is an anomaly,” said this officer. “It doesn’t work with the rest of PACE.”

“No career detriment”

53. The revised policies describe opposite-sex searching as consensual for both parties, and officers are assured that they can refuse to fulfil a detainee’s request without giving a reason and without any career detriment. The officers we interviewed believed that, to

the contrary, there would be a variety of severe consequences for officers, despite the reassurance that refusal would not be treated as gross misconduct (as a refusal to carry out a lawful order from a superior would be).

54. The first sort of negative consequence they foresee is informal and on the ground. They said custody settings are typically high-stress and sometimes congested with long wait times. If a detainee needs to be searched, this may be urgent, for example if there is reason to believe that there is a concealed weapon, or that drugs have been secreted in an orifice in a wrapper that may burst. If an officer is requested to carry out a “consensual” opposite-sex search and declines, that will mean delay and extra work for colleagues and direct superiors, in particular custody sergeants, who are unlikely to appreciate this. There may be an attempt to find another officer willing to do the search, which causes delay and extra work for colleagues. Or the detainee may be put on “continuous watch”, which also causes delay and takes an officer or staff member away from other duties.
55. Both the burden of accepting requests to carry out opposite-sex searching and the negative consequences of refusing to do so will fall overwhelmingly on female police officers, for several reasons. Firstly, women are a minority among officers – 22 percent in BTP¹⁰, and not much higher in other forces. Secondly, the overwhelming majority of those subjected to searches are male. Around 84 percent¹¹ of those brought into detention are male. Not all more thorough searches take place in detention. Those stopping short of full strip search can also take place in police vans and at other locations as part of a stop search. Figures published for 2023/24 show that 94% more thorough (but not full strip) searches were of men, and 89% of full strip searches.¹² Together these mean that most requests for opposite-sex searching will be made by males, and it will fall to a comparatively small number of female officers to say yes or no.

¹⁰ <https://www.police.uk/pu/your-area/british-transport-police/performance/workforce-diversity/>

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<https://www.gov.uk/government/statistics/other-pace-powers-year-ending-march-2023/police-powers-and-procedures-other-pace-powers-england-and-wales-year-ending-31-march-2023>

¹² Home Office 2023/2024; Stop and search, arrests and mental health detentions, 2023/24 – SS47

<https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fassets.publishing.service.gov.uk%2Fmedia%2F66f2e4a17da73f17177640ed%2Fstop-search-data-tables-summary-mar24.ods&wdOrigin=BROWSELINK>

56. The officers we spoke to said that very often on busy night shifts there is only one female officer available to carry out searching at all. Finding a female officer to carry out a search is “regularly disruptive”, said one officer who worked for several years as a custody sergeant. This means that if a female officer refuses a request to carry out an opposite-sex search, the delay and inconvenience caused by having to look for another woman to ask will be greater than if a male officer refuses such a request, and the pressure to comply will consequently be greater. This problem is compounded by the well-known problem of a male-dominated, sometimes misogynistic culture within policing. The female officers we spoke to expressed fears that they would be regarded as wimps or poor team players by male colleagues if they refused. “The idea of there being no career detriment is nonsense,” said one. She said the detriment would be to the officer’s personal relationships within her team.
57. The same officer said that even making such a request of an officer is deeply unfair. It’s the sort of thing that an officer will go home and worry about, she said, no matter what the officer decided to do. “There’ll be personal detriment,” she said. “If they’ve done it when they really didn’t feel like they should do it, it’ll just eat at them. And if they have said no, they’ll go home and worry about what their supervisor will think of them. What will the person they said no to think of them?” This will impact on female officers much more than it will impact on male officers because of the higher number of males who are strip searched.
58. Both male and female police officers said that moving up the ranks in police work requires fitting in, and that even if refusal didn’t constitute professional misconduct it would still count as a black mark against you. One officer said: “If you are seen as a troublemaker or somebody who won’t toe the line, then you won’t get any further.” Another said that if you refused to carry out an opposite-sex search and were later turned down for promotion you would always wonder whether your refusal had been the reason.
59. Some officers made the point that refusing to carry out an opposite-sex search on a trans-identifying detainee would, in effect, “out” an officer as holding “gender critical” beliefs that are widely regarded within policing to be bigoted and even unlawful, and which have been described in training and guidance provided to officers as “transphobic”. The depth of these fears is evidenced by the fact that every serving

officer we spoke to for this or my previous witness statement was willing to do so only on strict conditions of anonymity.

60. One officer described hearing younger colleagues saying that a well-known gender-critical campaigner should have been arrested and charged for saying publicly that “trans women are men” – even though this is a straightforward statement of protected gender-critical belief. This officer said that such colleagues would infer that an officer who refused to carry out an opposite-sex search held gender-critical beliefs and would caricature them as “bigoted”, despite the policies stating that the officer doesn’t have to give a reason. “Come on, it’s fairly obvious. There’s a man in custody who thinks he’s a woman and he wants a woman to search him and you feel pressured. There’s no debate about why you said no. And then you’re open to your colleagues – if you’ve got that kind of a team – saying, ‘She’s a bigot. She wouldn’t search that trans woman.’ ”
61. Another works in a force that permits officers to use toilets and changing rooms according to declared gender identity. Two trans-identifying members of the opposite sex use the same toilets as this officer, who finds this extremely uncomfortable but has never complained because the policy was championed and introduced by a very high-ranking colleague. This officer has heard this senior colleague saying they will “deal personally” with anyone who complains about the self-ID toilets and changing room policy; describing the Supreme Court ruling in the case of *For Women Scotland*, which established that “male” and “female” in the Equality Act mean biological sex, as “abhorrent”; and stating that that police force will seek to “circumvent” the ruling. In this scenario, refusing to carry out a search would feel incredibly professionally risky, this officer said. “I do not believe for one minute that the majority of forces would support an officer who refused to [carry out an opposite-sex search].”
62. Finally, the officers raised fears of severe professional and legal repercussions to complying with a request to carry out an opposite-sex search. A male officer who no longer carries out searching but did in previous roles and also worked as a custody sergeant for some years said that without the protection of PACE, which provides an explicit legal basis for carrying out same-sex searching, an officer who carries out a search will be at risk of later being accused of having committed assault and perhaps

sexual assault, which might then lead to professional misconduct and perhaps criminal charges.

63. He raised the possibility that a young trans-identifying woman might request a male officer in order to validate her male identity, that a male officer who felt pressure to be a good ally might agree to carry out the search, and that the woman might later understand the search to have traumatised her and to constitute sexual assault, leading her to make a complaint and perhaps seek to press charges.
64. None of the officers we spoke to were reassured by the consent forms that both officer and detainee would have to sign before an opposite-sex search. In the absence of being able to rely on the powers granted under PACE, if a detainee later made a complaint about an opposite-sex search, they said any complaint might end up being heard by the Independent Office for Police Conduct. One said: “The IOPC would be within their rights to declare the officer’s actions unlawful, with a potential finding of gross misconduct and extreme impact on the officer’s career.” Several said that such an allegation could result in criminal charges and that ultimately it might fall to a court to decide whether the consent was valid. Given their own concerns on this point, mentioned above, they thought it was quite likely that a court would decide it was not.
65. These first-hand experiences also confirm Sex Matters’ wider research and knowledge about the adoption of gender identity ideology in policing, concerning which we submitted evidence to the HMICFRS’s review of politicisation in policing. A copy of this is exhibited at **MF2/2**. We noted that the vast majority of Police Forces were or had been members of the (now abandoned) “Champions” scheme promoted by the charity Stonewall. Those that took part in the Workplace Equality Index scheme made an annual submission to Stonewall, and were ranked and rated on their compliance. This is not simply about the inclusion of gay and transgender people in society, but about denying that sex matters and adopting a particular set of views and policies that replace sex with gender identity in data recording, HR and operational policies. The use of sex-based language or sex-based data within an organisation’s HR systems, or any recognition that women have different needs from men, resulted in police forces being marked down. They were told they must “make clear that all trans employees can use the facilities (e.g. toilets, changing rooms) they feel most comfortable using” and to give “gender fluid people” the ability to have multiple passcards with different forms of

gender expression. These instructions were in conflict with the Equality Act, as clarified by the judgment of the Supreme Court in *For Women Scotland*. This demonstrates that there is a culture in the police force where officers are at risk of being labelled as transphobic if they object to carrying out an opposite-sex search.

66. The dominance of attitudes based on this ideology was illustrated in the employment tribunal case of *Melanie Newman v Metropolitan Police* which included evidence at the hearing, which took place between 10 and 25 March 2025, on a talk given by an external speaker at New Scotland Yard for Trans Day of Visibility entitled “Challenging the Narrative – why it’s important to challenge misinformation to ensure progress”. The messages given in that talk (agreed by both parties) included: that “those who oppose or raise concerns about transwomen’s access to female sports and spaces are motivated by hate with transwomen being an easy target”; that those same people showed “cult-like behaviour” of being “obsessed” and of having “twisted, warped views”; that without challenge from trans people and their allies “they will get away with it”; that the concerns of opponents of trans people’s rights were a “manufactured moral panic”; that tackling misinformation would “save” people; that “Everyone needs to step up and tackle misinformation”; and that the audience should contact their MPs and that officers should tackle concerns about women’s safety by “reframing the story”. The talk was received warmly, and mention of the gender-critical activist Kellie-Jay Keen elicited boos and hisses from the audience. This again demonstrates that officers risk being branded transphobic and may feel unable to refuse a request to an opposite-sex search.
67. The case of *R (Lindsey Smith) v The Chief Constable of Northumbria Police* [2025] EWHC 1805 (Admin) illustrates the degree of ideological commitment in some forces. Smith, a gender-critical lesbian, complained that it was a breach of the duty of impartiality for a contingent of uniformed officers to participate in the local Pride march, as it was a political event promoting a particular view of trans rights. Officers wearing uniforms with the “Police” in pride colours, together with their Chief Constable, had marched carrying flags with Pride colours alongside police insignia together with marchers with banners reading “Trans Women Are Women”. There was also a Northumbria police stall bearing the “Progress” pride flag and the blue, pink and white colours of the transgender pride flag, together with the Northumbria Police badge. This was accompanied by a Northumbria Police van with the colours of the transgender

pride flag prominently marked on its sides. The Chief Constable responded to a request not to continue this activity by saying she did not consider that it breached any impartiality obligations “which have to be read compatibly with her Equality Act duties and responsibilities”. The judge, allowing Smith’s claim, disagreed and said that the march was clearly promoting a particular agenda and that the participation of the police force was “likely to give rise to the impression amongst members of the public that it may interfere with their ability to discharge their duties impartially” and to suggest that it would be “difficult for them to deal fairly with those with whom they disagree”.

Not a “lawful order”

68. The revised NPCC policy (though not the revised BTP policy) says that any request to an officer to carry out an opposite-sex search will not be a “lawful order”. We asked the officers we spoke to most recently what they understood by this. They told us that they regarded this as deeply concerning, and far from reassuring them, it made them fearful and confused.
69. One said that what they understood from this is that NPPC knows that searches outside PACE are unlawful: “We are talking about a search under PACE conditions informed by APP [authorised professional practice]: if it’s not a lawful order, it’s an unlawful order.” This officer said their own understanding of PACE left no room for ambiguity: a request to carry out a search that is “not a lawful order” is automatically “unlawful”.
70. Another said that a request from a superior to carry out a search that is described as not a lawful order is so anomalous in police work that it will be difficult or impossible for an officer to understand or respond to it appropriately. Since an order to carry out a search under PACE is always a “lawful order” as long as the necessary conditions for such a search are in place, a request to carry out a search that is described as not being a lawful order may be understood as an order to carry out a search when the necessary conditions do not hold – that is, to break the law.
71. Conversely, officers are routinely instructed by superiors to do things that aren’t “lawful orders” because they don’t require any particular legal basis. These are still direct orders from a superior, and are obeyed because police forces are hierarchical organisations, because officers trust their superiors to direct them appropriately, and ultimately because the actions are correct and appropriate. A “request” to carry out a

“consensual search” that is described as “not a lawful order” falls between these two stools.

72. Another said they interpreted this wording as “I can’t make you so I’m asking you as a favour; be nice and kind.” They regarded this as a way to pressure officers into doing something unlawful while attempting to evade institutional consequences. This officer took the meaning to be that if action was taken against an individual who carried out such a search, that individual would be held liable: “So what happens when you get action taken against you by the detainee is you’re on your own. You will have to pay those consequences. The force will not be there to help you.” This officer added: “The NPCC knows that Annex L is a load of crap because otherwise they would be using it. The guidance shows that nobody takes [Annex L] seriously – they would use it in a heartbeat if they felt they could. They wouldn’t rely on nonsense about consenting to be assaulted.”

The impact of opposite-sex searching on female officers

73. In my previous witness statement (paragraphs 141–151) I described what I was told about the likely impact on female officers BTP’s previous policy, under which female officers might be ordered to search male detainees. Under the new policies female officers may be “requested” to carry out such a search, but not “ordered”. However, as I described in that statement and also this one, police forces are deeply hierarchical and female officers are highly likely to feel immense pressure to comply, even if formally they do not have to. I therefore positively reassert the points made in these paragraphs about the impact of such searches on female officers, as well as adding the following paragraphs, which contain new material from recent interviews focused on the revised policies.
74. The officers we interviewed emphasised that some members of the public are routinely deeply sexist and unpleasant towards female officers and staff members. The female officers said that it is extremely common for men to make sexualised remarks and insults, to suggest that they must be lesbians, to make rape threats, to pretend to believe that a female officer is a stripper performing in police uniform, to say they would like to be handcuffed or frisked by the officer, to say that she “needs a good shag” or to make

lewd suggestions that she is having sex with her male colleagues. This happens more to younger (and therefore on average less experienced) female officers.

75. They emphasised that especially when it comes to searching, detention or custody situations, the people they interact with are not typical of their demographic among the general public. One said: “they’re far more likely to be violent against our officers, [seek to] humiliate our officers. They dislike police and they will do anything they can to harm us.” All said that they expected that a policy that gave any man requiring a strip search the opportunity to ask for it to be performed by a female officer would be rapidly and widely misused for criminal and sexual purposes. One described as “ludicrous” the idea that a “bald 6 foot 1 man” being brought into custody could say “I want her to strip search me.” He added: “At best it could be a power play; at worst it could be absolutely predatory behavior where he would get off on that.”
76. They expressed particular concern about the small minority of people who are frequently detained. These are almost exclusively men, and often require strip searching as a matter of routine because of past behaviour during previous arrests, such as the concealment of drugs or weapons in orifices. Such men, they explained, are typically deliberately extremely troublesome, taking pleasure in causing disruption in the custody environment. Female officers said they expected that once such men became aware of the possibility of requesting a same-sex search, they would quickly do so. And once such a man had succeeded in getting a woman to search him, this would then become an informal “precedent” that he would use on all future occasions in custody, alleging that any female officer who declined to carry out such a search was discriminating against him and motivated by bigotry.
77. One female officer described a particular trans-identifying male repeat offender who is frequently taken into custody in the area where she works. This man (who goes by a female name) at one point managed to gain admittance to a women’s shelter from which he was later expelled for threatening behaviour, and when in police custody is prone to deliberately soiling himself. Searching him is obviously deeply unpleasant for her male colleagues, but would be far worse for female officers, she said.
78. Both male and female officers were deeply concerned about the details of a woman searching a male body. During a strip search officers do not touch the detainee, instead

directing the detainee to manipulate body parts as required to reveal anything concealed. They explained that this requires the officer to direct a man to manipulate his penis and testicles and pull back his foreskin, and to hold his buttocks and part them to reveal his anus. This process is intrusive in the extreme: we heard that drugs may be hidden under a man's foreskin or underneath his testicles, and that the miniaturised phones known as "prison phones" are also small enough to be hidden around a man's genitals.

79. The man may not be cooperative, meaning orders may have to be repeated several times. Since searches are routinely carried out by officers in pairs, female officers would have to talk to each other about what they were doing and what needed doing in front of a man who may be greatly enjoying their embarrassment and humiliation.
80. As I explained at paragraphs 46–48 of my original witness statement, only a minority of people who identify as transgender have surgery, and genital surgery in particular is relatively rare.
81. The male officers said the experience is inherently deeply unpleasant for both detainee and (male) officer, but that officers understand that it is essential, and seek to do it in as dignified a manner as possible. Both they and the female officers we spoke to said that if the officer carrying out the search was a woman, it would be much worse than unpleasant: it would be inherently humiliating, degrading and intimidating for her. Several officers pointed out that a man directed to manipulate his private parts by a woman may experience this as arousing and become erect, which they said would make the situation even more degrading and frightening for the woman. One said the female officer would be "asking a man to manipulate his genitals. Who's to say he's not going to turn that into a sexual act? You're almost inviting him to turn it into a sexual act."
82. Some of the female officers we spoke to work now, or have worked previously, on units dedicated to tackling violence against women or sex offences against women and children. They said that many of the men they interview hate and despise women, and refuse to accept that a woman can ever have authority over a man. One said that the men she interviews, who are suspected of sex crimes against children, typically try to dominate the interview situation. "They want to dominate, and they will do things and say things – anything really – to try and get power over you," she said. Some resort to

physical confrontation, but mostly their disrespect is verbal. They try to make you feel like a “stupid little woman, put you in your place”. She explained that as a police officer it is vital to be in control, to take charge of the situation you are in and to make it clear that you will not take any nonsense. When such men enter into a power struggle, it is essential that she wins.

83. This officer said that the ability to request a woman to perform any strip search would be another tool in the arsenal of such a man, and would be used to dominate and humiliate female officers. The man would be “showing that he can control what happens in a custody suite, which is ultimately our territory. We’ve taken him from where he wants to be and put him somewhere he really doesn’t want to be. And he’s then taking back a little bit of control by saying, ‘I want to be searched by a woman’.” Such a man knows this will be humiliating for her, she said, adding that the revised policies will reinforce wider power imbalances between men and women to the detriment of female officers by enabling situations that allow male detainees to dominate and put down female officers.
84. Two officers who worked on child protection said that they had been taught in their specialist training for this work that sexual offenders often have paraphilias, and that paraphilias often co-occur (that is, knowing that a man has one paraphilia increases the likelihood that he has others). Among the paraphilias that were mentioned in their training was autogynephilia: the propensity for a man to be erotically fixated and to become aroused by the idea of himself as a woman. They understood that some autogynephilic men seek to engage others non-consensually in their erotic pretence of being a woman, and that while autogynephilic men may be perfectly law-abiding, there is no reason to think that all are – any more than there is reason to think any other subgroup of men are all law-abiding.
85. One of these officers said that in their work it is extremely common to find fetishistic women’s clothing as well as BDSM paraphernalia when searching a property where someone suspected of sexual offending against a child lives, and that such men, even if they are not cross-dressing themselves, frequently consume pornography featuring men who cross-dress.

86. These officers expressed great surprise at the naivete of a policy that will enable men with an erotic interest in cross-dressing the right to request a female officer to strip search. They said that they felt any female officer doing such a search would be non-consensually taking part in the detainee's erotic fantasy, and that this would be deeply degrading. More generally, the female officers expressed distress at a policy that would enable a man who is arrested for sexual offences against women and requires a strip search to request that it is carried out by female officers. One officer described the policy as enabling the "continuation of the crime such a man has been arrested for".

The impact of opposite-sex searching on trans-identifying female detainees

87. Both men and women tend to prefer single-sex privacy when undressing. But by comparison with men, women care more about not being seen naked, whether partially or completely, by members of the opposite sex. Women are in general more fearful of men than men are of women. This is not only because men generally are physically stronger and more powerful, but because men are more prone to violence, crime and sociosexual behaviour.

88. Moreover, social and physiological factors make physical privacy more important for women than for men. Most girls going through puberty find men's sudden interest in their breasts makes them extremely self-conscious, and this marks the end of childhood and the start of male attention, including when it is unwanted. Moreover, women must undress their bottom halves to go to the toilet, unlike men. All in all, much more of a woman's body is sexualised, and much more is embarrassing to expose. The management of menstruation imposes further decency requirements on women beyond those that men experience. Men are the main consumers of pornography, and women the main subjects. All this means that a woman undressing in front of a man outside of a mutually consensual sexual situation is in a more vulnerable situation – one in which the man is dominant and the woman is subordinate – than a man undressing outside of a mutually consensual sexual situation in front of a woman.

89. In my previous witness statement I attested to the vulnerability of the cohort of women in custody, who are disproportionately likely to have suffered sexual assault and domestic violence at the hands of men, and to have substance abuse and mental health issues. I also explained that the experience of strip searching by a woman is recognised

to be significantly more traumatic for female detainees than strip searching by a man is for male detainees. These points were made in relation to a policy under which it was possible for female detainees to be searched by male officers holding GRCs. I wish to positively reassert them in relation to the new policies, under which it is possible for a detained woman to request a search by a male officer or staff member. To drive the point home, in the most recent round of interviews one experienced former custody officer said: “Intimate searching particularly of females is always very difficult in a custodial environment because it is so intrusive. One of the biggest issues is what if a female is concealing something intimately. I recall females who would secrete razorblades within themselves – that is very difficult to manage. For some women it requires restraint and is very undignified.”

90. One of the fastest-growing cohorts of trans-identifying people is teenage girls and young women. They are known to be extremely vulnerable, with many serious co-occurring morbidities. These include autistic spectrum disorder, anxiety and depression disorders, self-harm and eating disorders, all of which appear in this cohort at a level much higher than in the general young female population. Not all trans-identifying women take testosterone, but some do. The impact on their mental state and behaviour is not well understood, but what is known about the impact of testosterone and exogenous androgens (male sex hormones, of which testosterone is the best known) on emotional dysregulation and propensity to aggression in men¹³ suggests that women taking testosterone may be more likely than other women to commit crimes and to come to the attention of police as suspects.
91. Taken together, the extreme vulnerability of female detainees, the recognised greater trauma done to women by being strip searched and the existence of this new cohort of young trans-identifying women mean it is necessary to consider the impact of the revised policies on female detainees who identify as trans. The officers we spoke to expressed fears that such women might request to be searched by male officers because they feel that to do otherwise would be to invalidate their trans identities.
92. One officer we spoke to has come across three trans-identifying female suspects in the course of their work on child abuse. This is a type of crime almost never committed by

¹³ *Testosterone: The Story of the Hormone that Dominates and Divides Us*, Carole Hooven, July 2021

women. As is typical of women engaged with the criminal justice system as offenders, these women were deeply vulnerable and had been victims of crimes as well as being investigated as perpetrators. The crimes they were suspected of included selling indecent images of themselves.

93. The officers we spoke to understood this to be one of the most vulnerable cohorts the police are likely to come across. All felt horror at the mere possibility that such a young woman might be searched by a man. They thought it was possible she might request such a search because of her fixed belief that she really is a man/ male, only to realise afterwards that what she had been subjected to was deeply degrading, even traumatic. They worried that such a woman might look back on an opposite-sex search she had requested and supposedly “consented” to, and regard it as sexual assault. They mentioned the emerging cohort of “detransitioners” – people who identify as trans for some time and then stop doing so – and said that a detransitioned woman who had undergone an opposite-sex search while trans-identified might be especially likely to come to regard the experience in this way.
94. They also expressed concern about the possibility that predators concealed among the ranks of male officers would be the most likely to consent to carrying out such a search. Several named notorious instances of police officers who misused their powers to commit sexual assault, rape and murder against women, including female detainees and in custody settings. In this context they named Wayne Couzens, David Carrick and Stephen Mitchell. Of course not all male police officers will take advantage of a policy that enables them to direct a detained woman to strip and manipulate her intimate body parts while he watches, but some will.
95. Officers explained that in custody, if a search is required the custody sergeant must assess the person’s vulnerability. The assessment is quite basic, aimed at identifying obvious issues such as learning difficulties, health issues or limited English proficiency and deciding whether to provide an appropriate adult to accompany the detainee. Women are always recognised as especially vulnerable and given some extra support, for example hygiene packs and potentially the opportunity to speak to a female custody nurse away from officers or a referral to other agencies that work within the custody environment.

96. The officers we spoke to were not aware of any specific risk assessments or assessments of vulnerability beyond those standard for female detainees that would or even could be used when considering a request by a trans-identifying female for an opposite-sex search. Once a woman who had asked for and undergone a search by a man had left custody, they said, there would be no way of knowing whether she later regretted it. If she later experienced this search as traumatic, she would be on her own in dealing with it.
97. As the Independent Review of gender identity services for children and young people commissioned by NHS England (The Cass Review) noted, there has been a recent rapid rise in trans identification among children and young people, particularly young women. Those referred to gender services have a high rate of adverse life experiences such as combined neglect or abuse, physical abuse, sexual abuse, parental mental illness or substance abuse, exposure to domestic violence, domestic breakdown and time in care. Children and young people in this cohort also show higher than expected levels of autism, ADHD, anxiety, depression, eating disorders, suicidality and self-harm.¹⁴

Searching of children and vulnerable people

98. PACE contains specific safeguards when it comes to juveniles (under-18s) and vulnerable people consenting to procedures and processes, and to being searched. One is the role played by the “appropriate adult”, as set out in paragraph 1.7 of Code C:

“to safeguard the rights, entitlements and welfare of ‘vulnerable persons’ to whom the provisions of this and any other Code of Practice apply. For this reason, the appropriate adult is expected, amongst other things, to:

- support, advise and assist them when, in accordance with this Code or any other Code of Practice, they are given or asked to provide information or participate in any procedure;
- observe whether the police are acting properly and fairly to respect their rights and entitlements, and inform an officer of the rank of inspector or

¹⁴Hilary Cass. 2024. Independent Review of gender identity services for children and young people. webarchive.nationalarchives.gov.uk/ukgwa/20250310143933/https://cass.independent-review.uk/home/publications/final-report/

above if they consider that they are not;”

99. When it comes to children in custody, whenever consent is required under PACE, *parental* consent is required. However parents are not required to be notified in advance of a search (as this is not usually a consensual process).
100. This section refers to PACE codes and to the report *Police searches of people: a review of PACE powers* by Chris Bath, CEO of the charity National Appropriate Adult Network (NAAN), which focuses on how the appropriate adult safeguards work, in particular following the case of “Child Q”.¹⁵
101. Code C requires that a strip search of a juvenile or vulnerable person may take place “only in the presence of an appropriate adult of the same sex unless the detainee specifically requests a particular appropriate adult of the opposite sex who is readily available”. However Annex L suggests that a detainee be treated as male or female based on preference, so it may not even be clear to the appropriate adult what “opposite sex” means in this context. Searches under Code A and C may take place in the presence of an “appropriate person”, whose presence is predicated on them agreeing that they are “the same sex” as the child or vulnerable person (even though they are the opposite sex).
102. As the NAAN report highlights, PACE includes consideration for vulnerable people which:

“highlights the risks of compliance and uninformed consent, by including who: may have difficulty understanding or communicating effectively about the full implications for them of any procedures and processes; or appear particularly prone to becoming confused and unclear about their position, accepting or acting on suggestions from others without consciously knowing or wishing to do so, or readily agreeing to suggestions or proposals without any protest or question. It therefore makes sense that, in relation to both child and vulnerable adults, whenever consent is required under PACE, the person’s consent must be given in the presence of an appropriate adult.”

¹⁵ https://www.appropriateadult.org.uk/phocadownload/Research/2022_Police_Searches.pdf

103. The BTP and NPCC policies propose to treat detainees outside of PACE, and Annex L is inconsistent with other parts of PACE. It is not clear how an appropriate adult could understand, let alone protect, a child's rights and entitlements in this context.
104. The result of the interaction between these policies is that an "appropriate person" who is committed to gender ideology might oversee a child "consenting" to being searched by a member of the opposite sex under duress without a parent.
105. Following the case of Child Q, the reference panel considered the arrival of the police at school and how Child Q might have reacted to this trauma. The Local Child Safeguarding Practice Review said:

"Whilst well-known behavioural responses are the fight, flight, or freeze responses, Child Q may have experienced a fawn response. Flight includes running away, fight is to challenge aggressively, and freeze is when someone becomes unable to move physically or make choices. The fawn response involves rapidly moving to try to please a person to avoid any conflict. This could have accounted for Child Q's compliance."

Children and young people who have adopted a trans or non-binary identity may feel that they need to stick to it through thick and thin, because attitudes in this age group concerning gender identity are so strong¹⁶ and for fear of being labelled a "fake" or a "transphobe". Children and young people are also likely to be naive about risks and harms, and about their own trauma response. The policies of "consensual search" leave these children and vulnerable people in particular making decisions that they should never have been asked to make.

106. In this context, and referring once again to the confusion caused by contradictions between PACE in general, Annex L, the revised guidance from NPCC and BTP, and internal forces' guidance where this exists, I refer to testimony concerning specific issues relating to searches of children and vulnerable people given by a police sergeant and quoted in the NAAN report. This shows the importance of police officers carrying out strip searches having clear guidance to follow. (All emphasis below added.)

¹⁶ <https://yougov.co.uk/society/articles/43194-where-does-british-public-stand-transgender-rights-1>

“As a police officer, a strip or intimate search of a child or vulnerable person is a last resort for me. **If one is necessary, I want to do it by the letter. Where that letter is ‘blurred’ I know my actions could be interpreted differently.** I might want to wait for the appropriate adult, yet an officer faced with similar circumstances may deem it too urgent. Our intentions were both correct, but who was right? The answer may differ dependant on the influences of local and national leadership, accountability bodies, communities, and the media. I feel it’s a lot of pressure for police officers to carry.

“Custody and the street are different environments, but there are inconsistencies and ambiguities in the PACE Codes that it would be helpful to address. This includes impact factors such as the location and personal circumstances such as menstruation. Without a degree of discretion policing would become difficult, even impossible, especially on the street. It is a fine balance. But **the clearer and more specific the PACE Codes, the less precarious it feels being a frontline police officer. If I stick to the rules, I can expect to be supported. Engagement with an Inspector prior to the search is helpful, but this still requires the Codes to be clear. Otherwise, we are just transferring the uncertainty and potential criticism, without necessarily reducing the negative impacts.**

“What is clear is that it matters how we do searches. Finding an item does not automatically make a search acceptable. We need to get the basics right. Unless we have solid reasons for every search, which are never based on individual’s personal characteristics, everything that follows will be wrong. For strip and intimate searches, we can’t remove the trauma but what we should always minimise it. We must treat people with respect and dignity, ensuring appropriate adults are present, and giving them control where possible, such as in who they want present. This will help to reduce the highly traumatic use of force in searches. Applying lots of safeguards to routine, non-intimate searches could be counterproductive. The public should be able to trust the police. Officers who do not carry out their duties correctly should be dealt with quickly and robustly.

“Sgt Laura Hornby, NAAN Trustee”

Issues of particular importance for Sex Matters and steps taken to bring this claim

The importance

107. The ramifications of the issues in this case are far-reaching and substantial. We are concerned that decisions that relate to opposite-sex searches have consistently been made without the concerns and interests of women being heard.
108. Despite the amended policies no longer treating officers with GRCs as having changed sex for the purpose of PACE, the envisaged “consensual” searching regime will harm the rights of female officers, who will be put under serious and sometimes irresistible pressure to search male detainees. These pressures may come from superior officers who do not want the delay or difficulty of finding another woman who is willing to search the detainee, or alternatively to dedicate staff to keeping him under continuous observation. Such pressure is inevitably heightened if there are fears that the detainee has concealed dangerous materials, and if the time limit for detention without charging, which starts from the moment the detainee arrives in custody, is running out and the search is relevant to the decision whether to charge, as with concealed drugs or weapons. They may also come from colleagues who conclude that a woman who refuses to carry out an opposite-sex search is a wimp or troublemaker, or that she must hold bigoted views. The revised policies enable predatory behaviour by male detainees and create an oppressive and abusive climate for female officers and staff.
109. We are also concerned that the new policies expose trans-identifying female detainees (including girls and young women) to the risk of providing invalid “consent” within the custody environment to searches by male officers that they experience or later reconceive of as abusive and traumatic, and potentially as sexual assault. They also create a new opportunity for predatory male officers to abuse this growing and extremely vulnerable cohort.
110. The policies expose any officer or staff member of either sex for whom searching is part of their duties to being asked, in the course of their job, to choose between two wholly unacceptable options. The first is to refuse to carry out an opposite-sex search and thereby risk damage to interpersonal team relationships, ostracism and harassment in the work environment, either because they are being uncooperative or because perceived to be “transphobic”, and reduced promotion opportunities. The second is to carry out an opposite-sex search and – in the case of a female officer – suffer exposure

to degrading, humiliating and traumatising behaviour by male detainees, and potentially, for officers of either sex, professional misconduct proceedings that might lead to the loss of a job and potentially criminal charges for assault and sexual assault.

111. Given our role and experience, we are in a unique position to be able to bring a claim which raises these issues.

Steps taken

112. I was aware that the NPCC had sent its guidance to police forces on 22 May 2025 from reports about this in the press. I searched online at that time for a copy of it but I could not find it. My solicitors sent me a copy of it on 6 June 2025, the day they received it from the NPCC through an FOI response.

113. At that time, Sex Matters were still involved with a claim challenging BTP's first guidance. BTP had told us on 29 May 2025 that this guidance had been withdrawn and that they agreed that s9(3) of the Gender Recognition Act 2004 operated to exclude the effect of s9(1) – which means that a person with a GRC is not to be treated as the opposite sex under PACE.

114. Sex Matters were also in the midst of sending and receiving judicial review pre-action correspondence with five other forces who were still permitting opposite-sex strip searches by trans-identifying male officers. By 12 June 2025, those five forces had confirmed that their guidance had been withdrawn (and four of them that they would not be relying on Annex L)¹⁷. One of those forces, Northumbria, told us that the NPCC provided its new guidance to forces “*on the basis that there should be no onward disclosure of the document*” [PB/484].

115. Sex Matters also wrote to the Home Secretary on 13 June 2025, asking that Annex L be withdrawn.

116. On 1 July 2025, BTP sent my solicitors their new guidance which had been sent to them by BTP's solicitors that day. They send their Equality Impact Assessment (“EIA”) to my solicitors the next day. My solicitors tell me that on that day, 2 July 2025, they

¹⁷ See the correspondence with Surrey Police [PB/489], Sussex Police [PB/490], Merseyside Police [PB/477] and Northumbria Police [PB/484].

wrote to NPCC to ask for a copy of the EIA to their guidance, as this also did not appear to be published online.

117. Sex Matters and our lawyers spent time deciding how to proceed in respect of the new guidance, and being mindful of the overlap this had with NPCC's guidance. By 11 July 2025, we decided that the challenge to BTP's first guidance should be withdrawn, rather than amending the Grounds to challenge the new guidance. My lawyers advised me that this was because of the Court's strong preference not to entertain "rolling" judicial reviews. They wrote to BTP confirming this the same day. On 17 July 2025, we agreed terms with BTP that the claim would be withdrawn.

118. Following this, on 18 July 2025, my solicitors sent a Letter Before Claim to the Defendants. A copy was sent to the Home Secretary, who was named as an interested party, also seeking a reply to the letter we sent her on 13 June 2025. My solicitors received a copy of NPCC's EIA on 24 July 2025.

119. On Wednesday 16 July my colleague Laura Pascal sent a chaser email at my request to the Home Office concerning our letter of 13 June. We have still not received a reply.

120. I believe that Sex Matters has acted promptly in issuing this claim against the Defendants. As set out above, there have been many moving parts, and we have not been idle. We have acted at every stage to hold the Defendants to account, including by pressing them to disclose information to us. I do not think it would have been right to issue this claim while the first claim against BTP was still a live matter or while I was hoping to get a response from the Home Secretary. If she had confirmed that Annex L was withdrawn, the circumstances would be quite different. How different would depend on what else the Home Secretary would say, but it would mean that the Defendants would not be able to maintain that Annex L is the default position if their guidance is withdrawn or quashed.

Statement of truth:

I believe that the facts stated in this witness statement are true. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

Signed
:



(MAYA FORSTATER)

Dated: 31 August 2025
