

2 June 2021

Roger Calkin  
fyi-request-15226-ca220adf@requests.fyi.org.nz

Dear Roger,

***Request for information***

***IR-01-21- 12874***

Thank you for your request dated 20 April 2021 seeking information under Official Information Act 1982 (OIA), relating to policy surrounding the charge of Male Assaults Female in relation to transgender people.

You asked:

- 1. If a Transgender person who was born male, but now identifies as female assaults a female would policy see them charged with Male Assaults Female, or Common Assault?*
- 2. If a Transgender person who was born female but now identifies as male assaults a female would policy see them charged with Male Assaults Female, or Common Assault?*
- 3. If a Transgender person who was born female but now identifies as male but now identifies as male assaults a Transgender person who was born male but now identifies as female would policy see them charged with Male Assaults Female, or Common Assault?*
- 4. If a male assaults a Transgender person who was born male but now identifies as female would policy see them charged with Male Assaults Female, or Common Assault?*
- 5. Is it policy of NZ police to first request the identifying gender of all parties when deciding on the Male Assaults Female, or Common Assault?*
- 6. How many Transgender people identifying as a gender other than their birth gender have been charged with Male Assaults Female in the last year?*
- 7. How many Transgender people identifying as a gender other than their birth gender have been charged with Common Assault in the last year where the victim has been female?*

In response to your first five questions, Police has no policy that provides specific guidance to staff in the scenarios that you have identified, in terms of how a person's identifying gender impacts on charging decisions about assault. Police's Family Harm Policy makes inclusive reference to transgender individuals with respect to how we

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define intimate partner violence, but there is no material in this policy about the charging of transgender persons. As such, this part of your request has been refused pursuant to s18(e) of the OIA, as the document alleged to contain the information requested does not exist.

In response to your last two questions, the information about a person in Police's core dataset, the National Intelligence Application, records what Police staff have recorded as the person's current gender. Information is not available as to any previous identifying gender or to indicate if the gender recorded is that person's birth gender. As such, Police is unable to extract the relevant data required to answer these two questions. This part of your request has therefore been refused pursuant to s18(g) of the OIA, as the information requested is not held by Police, and I am not aware of it being held by any other agency.

If you are not satisfied with my response to your request, you have the right under s28(3) of the OIA, to ask the Office of the Ombudsman to seek an investigation and review of my decision.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Kathryn Wilson', written over a light blue grid background.

**Kathryn Wilson**  
Manager: Strategy & Capability  
National Criminal Investigations Group