

Police Scotland submission of 8 March 2024

PE1876/FF: Accurately record the sex of people charged or convicted of rape or attempted rape

I write in response to your letter dated 26th January 2024 to Police Scotland's Parliament and Government Liaison in relation to the above petition, for which the Citizen Participation and Public Petitions Committee seek further information, particularly:

- *A clear explanation of how its policy on recording the sex of perpetrators of crimes aligns to the organisation's values, as requested by the petitioner, Lisa Mackenzie, during an exchange with Fergus Ewing MSP as part of the evidence provided to the Committee on 6 December 2023; and*
- *Further information on whether a consistent approach to recording crime data is being taken across Scotland, in particular whether there is a central database for recording information on rape and sexual offences, as raised by Maurice Golden MSP during the same evidence session*

The sex/gender identification of individuals who come into contact with the police will be based on how they present or how they self-declare, which is consistent with the values of the organisation.

This practice adheres to legislative compliance, operational need and the values of respect, integrity, fairness and human rights whilst promoting a strong sense of belonging.

Police Scotland requires no evidence or certification as proof of biological sex or gender identity other than a person's self-declaration, unless it is pertinent to any investigation with which they are linked as a victim, witness or accused and it is evidentially critical that we legally require this proof, or there is reason for further enquiry based on risk. We would look for the most sensitive way to acquire this information.

We recognise that a person may not feel it appropriate for them to be assigned binary options and the situation will be reviewed as we roll out any new IT platforms. We also note the current position of Scottish Government, which is reviewing its guidance on collecting data on sex and gender: Police Scotland will be guided by the outcome of that review.

In further reference to the secondary point regarding a central database for recording information on rape and sexual offences; Core Operational Solutions (COS) has been rolled out nationally and acts as a single crime recording system regulated by the Scottish Crime Recording Standards. This system is now fully implemented ensuring all crimes, including rape and attempted rape are recorded in a consistent manner.

I trust this information is of assistance to you.