

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

Petitioners written submission, 11 October 2024

It is now over three years since we lodged our petition with the Committee. It has been discussed at five public sessions ([6 October 2021](#), [23 March 2022](#), [22 March 2023](#), [6 December 2023](#) and [24 January 2024](#)). After each meeting, the Committee wrote to Police Scotland, inviting them to submit written evidence. In response, Police Scotland wrote to the Committee on [22 November 2021](#), [3 November 2022](#), [30 May 2023](#) and [8 March 2024](#).

Those responses have failed to demonstrate that Police Scotland understands that having in place a policy which allows rapists to be recorded as female may have a distorting effect on our understanding of patterns of *female* sexual offending. It is also offensive to the – predominantly female – victims of rape. The most recent submission (8 March 2024) shockingly claimed that the policy had been put in place to align with “the values of the organisation” and foster a “strong sense of belonging”.

The 8 March submission came to light in early September, prompting a great deal of media coverage, and political pressure, including [the Criminal Justice Committee writing to Police Scotland](#) for more information about its policy. ([Reply from Police Scotland here.](#))

In response to these developments, Police Scotland have made a number of statements on this issue which indicate that they may have reversed this policy. We have a number of concerns about those statements:

1. In [an interview with Sky News on 25 September 2024](#), the Chief Constable suggested that no such policy was ever adopted by the service. As [we have documented](#), a recording policy based on gender self-identification principles has been in place since at least 2019. Police Scotland has made numerous statements to the media and parliamentary committees to this effect.
2. During a meeting of the Scottish Police Authority on 26 September 2024¹, [the Chief Constable appeared to suggest that concerns about Police Scotland’s policy were based on hypothetical scenarios](#). We have written to the Chief Constable with a compendium of press reports about male offenders who have claimed an opposite sex identity at some point in the criminal justice process.
3. At the same meeting, statements made by the Chief Constable and Deputy Chief Constable Speirs contained some ambiguities which it would be helpful to clarify. [Our letter to the Chief Constable \(which we are attaching\) seeks clarity on those points](#).

¹ Scottish Police Authority Board Meeting, 26 September 2024, <https://www.youtube.com/watch?v=m3gkQk90Re8>

Our petition had one of the highest numbers of signatures of any petition considered by the Parliament. Public and political interest in this topic has increased rather than diminished over the period it has been under consideration.

The indication that Police Scotland may be reversing its policy is welcome. However, in our view, and as set out above and in our letter to the Chief Constable, there remain a number of areas relating to the petition which remain to be clarified.

While we welcomed the opportunity to appear before the Committee in December 2023, we note that the Committee's engagement with Police Scotland has to date been confined to correspondence. We believe that Police Scotland's position is only capable of being properly interrogated and challenged in oral evidence. Should members feel unable to take it forward in that way, we would ask that the Committee considers passing the petition to the Criminal Justice Committee.