Ms Somerville has sent me on a link to a research paper -
https://journals.plos.org/plosonline/article?id=10.1371/journal.pone.0016885 which is
being used in correspondence sent to another MSP to back up the figure of 70-80%. I
haven’t read through the paper in its entirety yet.

Do you have any thoughts or comments? There is some suggestion that one of the
researchers Cecilia Djehne has criticised some of the uses that some activists have
made of the findings of the paper in regard to patterns of offending after sex
reassignment. -
https://medium.com/@notCursedE/do-trans-women-retain-male-pattern-violence-df67954373fd [She seems to suggest that the paper has been misinterpreted
and commentators miss out that trans men (FTM), violence patterns increase towards
the male controls, after sex reassignment. But I haven’t found comment on any surgery
statistics.]

Thanks for anything further you can suggest.

Hi
I was unable to find any specific reference in this article to the surgery rate amongst trans women in Sweden. This research is focused specifically on estimating mortality, morbidity, and criminal rate after surgical sex reassignment, and as such only compares those who have undergone surgery with a control sample from the wider population.

Extract of Email

From: [redacted]
Sent: 16 January 2019 13:51
To: [redacted]
Cc: [redacted]
Subject: RE: Gender Recognition- evidence on number of trans people who have surgery/don't have surgery

I'm not sure if you have received the Swedish article yet, but using some of your points below, the stated source and information on the Fair Play for Women website (who are campaigning against gender recognition reform) I have prepared the attached draft submission to Ms Somerville.

I'd be grateful for your comments so that I can put this up early next week?

Thanks again
Exchange 2

From: Cabinet Secretary for Justice @gov.scot > On Behalf Of Cabinet Secretary for Justice
Sent: 13 March 2019 10:15
To: @gov.scot
Cc: Cabinet Secretary for Justice @gov.scot; McFarlane J (John) @gov.scot
Subject: Portfolio Q8 - Supplementary
Importance: High

Hi

We’ve got a likely supplementary to the Portfolio Questions you’re leading on:

**Joan McAlpine:** To ask the Scottish Government whether Police Scotland and the Scottish courts service record incidents according to the alleged perpetrator's birth sex, or by self declaration. *(S5O-02988)*

**Joan McAlpine** - Depends on the answer
The minister will be aware that offending rates vary significantly according to biological sex, with males accounting for 65% of violent crime and more than 99% of sexual crime. Longitudinal studies in Sweden suggest male pattern offending remains the same even if men transition or self declare themselves to be women. Does the Cab Secretary agree with criminologists that it would be misleading if data showed a rise in female sex offending for example, including rape, when these crimes were actually committed by men - number of criminologists have expressed their concern to me

Can you take a look at and draft up an answer/any additional background on this?
Aware we’re pushed for time on this.
Feel free to forward on to anyone else who should be included, aware this may cross into different teams.

Thanks,

*** PLEASE READ DISCLAIMER ***
All e-mails and attachments sent by a Ministerial Private Office to any other official on behalf of a Minister relating to a decision, request or comment made by a Minister, or a note of a Ministerial meeting, must be filed appropriately by the recipient. Private Offices do not keep official records of such e-mails or attachments.

Scottish Ministers, Special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot
Dear all – with thanks to [redacted] for our quick chat just now, can I please ask for assistance on the supplementary question we have received?

The principal question that Joan McAlpine will ask CSJ is whether Police Scotland and the Scottish Courts and Tribunals Service record incidents according to the alleged perpetrators birth sex or by self declaration.

The answer I have provided to CSJ is - With regards to victims, witnesses and suspects, Police Scotland and the Scottish Courts & Tribunals Service records incidents according to a person’s self-identified gender/sex.

Police Scotland require no evidence or certification as proof of gender identity other than a person’s self-declaration, unless it is pertinent to any criminal investigation with which they are linked and it is evidentially critical that Police Scotland legally require this proof.

We have now been made aware that Ms McAlpine will go on to ask about how the recording of alleged perpetrators genders could be misleading in term of biological sex being very relevant in relation to offending rates? Exact wording below.

Grateful for assistance asap as I have a meeting with CSJ at 11:45 to discuss.

Many thanks in advance.

Extract of Email

From: [redacted]@gov.scot
Sent: 13 March 2019 10:52
To: [redacted]@gov.scot; [redacted]@gov.scot; [redacted]@gov.scot; [redacted]@gov.scot; [redacted]@gov.scot; [redacted]@gov.scot; [redacted]@gov.scot
Cc: Pearce H (Hilary)@gov.scot; [redacted]@gov.scot; [redacted]@gov.scot
Subject: FW: Portfolio Q8 - Supplementary
Importance: High
is aware of the Swedish study referred to in the supp question and we'll see if we can send round a short summary.

---

Here is the link to the article and a section on conclusion re crime rate -

https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0016885

As a conclusion on crime rate it says-

“Crime rate

Transsexual individuals were at increased risk of being convicted for any crime or violent crime after sex reassignment (Table 2); this was, however, only significant in the group who underwent sex reassignment before 1989.”

---
Further to our telephone discussion.

Cecilia Dhejne, one of the authors of the study has said in a published interview that the study in relation to crime rates that the findings are being “misrepresented” by some people [my emphasis]. We were proposing to seek more input in this area from analytical colleagues but this still needs taken forward.

“**Dhejne:** The individual in the image who is making claims about trans criminality, specifically rape likelihood, is misrepresenting the study findings. The study as a whole covers the period between 1973 and 2003. If one divides the cohort into two groups, 1973 to 1988 and 1989 to 2003, one observes that for the latter group (1989 – 2003), differences in mortality, suicide attempts, and crime disappear. This means that for the 1989 to 2003 group, we did not find a male pattern of criminality.

As to the criminality metric itself, we were measuring and comparing the total number of convictions, not conviction type. We were not saying that cisgender males are convicted of crimes associated with marginalization and poverty. We didn’t control for that and we were certainly not saying that we found that trans women were a rape risk. What we were saying was that for the 1973 to 1988 cohort group and the cisgender male group, both experienced similar rates of convictions. As I said, this pattern is not observed in the 1989 to 2003 cohort group. The difference we observed between the 1989 to 2003 cohort and the control group is that the trans cohort group accessed more mental health care, which is appropriate given the level of ongoing discrimination the group faces. What the data tells us is that things are getting measurably better and the issues we found affecting the 1973 to 1988 cohort group likely reflects a time when trans health and psychological care was less effective and social stigma was far worse.”
Exchange 3

From: [Redacted]
Sent: 04 April 2019 08:37
To: [Redacted]
Cc: [Redacted]
Subject: Gender Recognition - sex and gender - Data - Study used to suggest trans women retain male patterns of behaviour

1. You asked for more information about research I knew of concerning the evidence quoted in the recent PQ by Joan McAlpine that trans women retain male patterns of offending to use in contacting JAS re criminal statistics.

2. The article which I know of is this one, following on a research study based in Swedish information is this one from 2011

https://journals.plos.org/plosone/article/file?id=10.1371/journal.pone.0016885&type=printable

3. This is an article criticising this use of the study-

https://medium.com/@notCursedE/do-trans-women-retain-male-pattern-violence-df67954373fd

4. This [https://www.transadvocate.com/fact-check-study-shows-transition-makes-trans-people-suicidal_n_15483.htm] article includes parts of an interview with one of the authors of the original 2011 piece, Cecilia Djehne. In the interview, she notes that in fact:

“The study as a whole covers the period between 1973 and 2003. If one divides the cohort into two groups, 1973 to 1988 and 1989 to 2003, one observes that for the latter group (1989 – 2003), differences in mortality, suicide attempts, and crime disappear. This means that for the 1989 to 2003 group, we did not find a male pattern of criminality. As to the criminality metric itself, we were measuring and comparing the total number of convictions, not conviction type. We were not saying that cisgender males are convicted of crimes associated with marginalization and poverty. We didn’t control for that and we were certainly not saying that we found that trans women were a rape risk. What we were saying was that for the 1973 to 1988 cohort group and the cisgender male group, both experienced similar rates of convictions. As I said, this pattern is not observed in the 1989 to 2003 cohort group.

The difference we observed between the 1989 to 2003 cohort and the control group is that the trans cohort group accessed more mental health care, which is appropriate given the level of ongoing discrimination the group faces. What the data tells us is that things are getting measurably better and the issues we found affecting the 1973 to 1988 cohort group likely reflects a time when trans health and psychological care was less effective and social stigma was far worse.”
SEX AND GENDER: CRIMINAL JUSTICE STATISTICS

7. First of all, in her PQ Ms McAlpine said that “Longitudinal studies elsewhere suggest that male-pattern offending remains the same even if men self-declare themselves to be women”. The evidence we are aware on this is shown above. Are you aware of any other evidence on patterns of criminal behaviour by trans people and whether they retain the patterns of their birth sex? Any lines to take you could provide on this for MACCS cases etc would be appreciated.

PQ EXTRACT

Incident Recording (Gender Identity) 8. Joan McAlpine (South Scotland) (SNP): To ask the Scottish Government whether Police Scotland and the Scottish Courts and Tribunals Service record incidents according to the alleged perpetrator’s birth sex, or by self-declaration. (S5O-02988)

The Cabinet Secretary for Justice (Humza Yousaf): With regard to victims, witnesses and suspects, Police Scotland and the Scottish Courts and Tribunals Service record incidents according to a person’s self-identified gender. Police Scotland requires no evidence or certification as proof of gender identity other than a person’s self-declaration, unless—it is important to emphasise this—it is pertinent to any criminal investigation with which they are linked and it is evidentially critical that Police Scotland legally requires such proof.
Joan McAlpine: I thank the cabinet secretary for that answer, but I think that many people will be shocked to hear it. He will be aware that offending rates vary significantly according to biological sex, with males accounting for 84 per cent of violent crime and more than 95 per cent of sexual crime. Longitudinal studies elsewhere suggest that male-pattern offending remains the same even if men self-declare themselves to be women. Does the cabinet secretary agree with criminologists that, if data shows a rise in female sex offending, for example, including rape, that is misleading when those crimes are actually committed by men?

Humza Yousaf: I will try to give the member some reassurance. Of course, I would be happy to see the longitudinal studies that she mentions. I have to say that I meet criminologists regularly and none of them has raised this issue with me, but I am happy to look at any studies that exist. If we should have an unexpected result, such as a rise in the number of women being recorded as committing sexual offences, we would, of course, investigate that further. However, I would say that the statistic that the member quotes—men accounting for 96 per cent of sexual crime—is, in itself, evidence that there is certainly not a pattern of behaviour of those who are born biologically male self-identifying as women to either commit sexual offences or manipulate statistics. If the member would like to provide me with details of those studies, she can, and if she would like to have discussions with criminologists, as I regularly do, I am happy to explore the issue further in detail.

Extract of email

From: ...@gov.scot
Sent: 09 April 2019 19:12
To: ...@gov.scot; ...@gov.scot; ...@gov.scot; ...@gov.scot; ...@gov.scot; ...@gov.scot; ...@gov.scot; Rennick NS (Neil)@gov.scot; Henderson G (Gavin)@gov.scot; ...@gov.scot; ...@gov.scot; ...@gov.scot; Rennick NS (Neil)@gov.scot; Henderson G (Gavin)@gov.scot
Cc: ...@gov.scot; Cowan WJ (Willie)@gov.scot
Subject: RE: Sex and gender: criminal justice stats

(copy as before, plus JAS colleagues)

On the research side of things, I’m not personally aware of any other significant studies. However, I think I would be careful to distinguish between the motivations of individuals
in specific cases (which have presumably driven these many of these questions?), and
general population studies.

Hope that helps,


Extract of email

From: gov.scot
Sent: 10 Apr 2019 12:36
To: @gov.scot; @gov.scot; @gov.scot; @gov.scot; @gov.scot; @gov.scot; @gov.scot; @gov.scot
Cc: @gov.scot; @gov.scot; @gov.scot; @gov.scot; @gov.scot; @gov.scot; @gov.scot; @gov.scot; @gov.scot; @gov.scot; @gov.scot; @gov.scot
Subject: RE: Sex and gender: criminal justice stats

Ms McAlpine stated in her PQ that there were longitudinal studies which demonstrated
trans women offend at a similar rate to. Would it be possible for JAS colleagues to do
some further investigation into that, so that we know with some more certainty that we
have already identified the available research evidence?

Thanks again
Hi,

asked me to look into this as per below, do you have a deadline? There appear to be a good few papers, but I’ve not yet dived into the rabbit-hole of citations!

Cheers,

Scottish Government

From:  
Sent: 23 April 2019 12:23
To:  
Cc:  
Subject: RE: Sex and gender: criminal justice stats

I have started to work up advice for CabSec Justice now on this proposed meeting which will refer to the one piece of research we found. I will circulate for views. I expect I will need to send this up at the end of this week, beginning of next at the latest. I think the submission could go up without your having formed views on the evidence if need be.

Extract of email

From:  
Sent: 24 April 2019 12:24
To:  
Cc:  
Subject: RE: Sex and gender: criminal justice stats

Afternoon,

I’ve had a look at the available literature, and have the following comments:

a) The Swedish study mentioned, which you confirmed in an earlier e-mail shows that from 1973 to 1988, transwomen showed similar rates of convictions (not looking at specific crime types) as cis-males (but not in the period 1989-2003), appears to be only significant study in this area.

Happy to discuss.
Extract of email

From: [redacted]
Sent: 24 April 2019 14:28
To: [redacted]
Cc: [redacted]; [redacted]
Subject: RE: Sex and gender: criminal justice stats

Thanks, useful to know. I'll incorporate confirmation re the longitudinal studies into the draft submission. You will get a chance to comment also before it goes up.

From: [redacted]
Sent: 26 April 2019 10:35
To: [redacted]
Cc: Rennick NS (Neil); [redacted]; [redacted]; Henderson G (Gavin);
Subject: Crime statistics- Gender Recognition Act 2004- sex/gender

Follow Up Flag: Follow up
Due By: 30 April 2019 16:00
Flag Status: Flagged

3. On the background information, I have used comments provided by [redacted] and [redacted] including their confirmation that we do appear to have identified the only significant longitudinal study re crime rates of trans people following gender transition.
However, in relation to reported crime, I suppose that trans men might commit less commonly committed crimes which women more often commit, so there might be ‘skewing’ of those. [The study from 2011 referenced in the draft submission to CSJ suggested that trans men who had surgery before 1989 had a higher crime conviction rate than their female control group.]
Exchange 6

Extract of email

From: [Redacted]
Sent: 07 January 2020 16:47
To: Cabinet Secretary for Social Security and Older People
Cc: Minister for Older People and Equalities; Rennick NS (Neil); Henderson G (Gavin); [Redacted];; ; Campbell J (Jeanette) (Special Adviser)
Subject: Gender Recognition Act 2004: article by Dr Peter Dunne

PS/Cabinet Secretary

8. Our view is that Dr Dunne’s article makes a number of useful points. For example:

   • It notes (and we have seen this previously) that Swedish research by Dhejne et al does not suggest that trans women are a rape risk even though some people argue this research found that trans men commit violent crime.
1. I attach above, in ERDM and word, draft answers to these questions and would be grateful for comments.

2. Some specific points arise:
   - Does [redacted] have any comments on the answer to question 4 and the Swedish research?

---

Extract of email

From: [redacted]
Sent: 13 February 2020 13:55
To: [redacted]; [redacted]; [redacted]; [redacted]; [redacted]; [redacted]
Cc: [redacted]; [redacted]; Henderson G (Gavin); [redacted]
Subject: RE: Media query - GRA FoI - Scotsman

Hi [redacted],

I have added comments on question 3; I’m content with the responses drafted for questions 4 and 15.

Thank you,