

From: [redacted]

Sent: 13 October 2021 16:01

To: Head of Justice Analytical Services <headofjas@gov.scot>; [redacted]

Cc: [redacted]

Subject: FW: Coding of Sexual Offences - Dependent on Sex [OFFICIAL: POLICE AND PARTNERS]

Hi Amy, [redacted]

To see email below from [redacted] asking my view on whether PS should use biological sex or self-identification to assign a sexual crime code for the recorded crime statistics (for example sexual assault of male/female). As [redacted] notes, this is about measuring crimes not people, but I don't think we'd want a different approach between the two.

[redacted – out of scope]

I wanted to run some thoughts past you before responding. These are;

- This probably is in the Crime Board's remit as we're talking about crime codes (as used in the SCRS), and how they transfer into the statistics.
- Input from the Board should be consistent with Roger's guidance, primarily that organisations (i.e. Police Scotland?) must decide on the most useful definition(s) to use to capture the data they need, including for operational reasons. [redacted – out of scope]
- Thinking about this solely in terms **of using crime codes to provide further information on the victims of crime** - the lines '*data collection needs to be carried out in a way that treats people with dignity and respect*', '*only collect a specific item of data from someone where there is a clear need for this, to minimise the burden on an individual*', '*for most issues...it will not skew the statistics when disaggregated by either concept*' and '*where it is not necessary and proportionate, a question requiring the disclosure of a person's biological sex may be an unjustifiable breach of privacy*' all feel relevant.
- With the above in mind, my initial feeling is that saying biological sex must be used when it is different from how a victim self-identifies, does not sound consistent with the victim-centred approach to recording crime that underpins the SCRS.

So I'm thinking I could say this is primarily an operational consideration for PS, but if you'd like some views – I can see reasons consistent with Roger's guidance and the principles of the SCRS as to why you may want to stick with self-identified for victims (*stressing there is no automatic read across from this to other measures, especially for offenders*), but further to this if you want the Crime Board to reflect on PS's approach and whether it is the right one for sexual crime codes (and domestic abuse Act crimes – which also split by victim sex), my preference would be for a paper to the full Board rather than just seeking my direction.

[redacted – out of scope]

Cheers

[redacted]