

**From:** [redacted]  
**Sent:** 18 October 2021 09:32  
**To:** [redacted]  
**Cc:** [redacted]  
**Subject:** RE: Coding of Sexual Offences - Dependent on Sex [OFFICIAL: POLICE AND PARTNERS]

## **OFFICIAL: POLICE AND PARTNERS**

[redacted],

Many thanks. I'll put this on the agenda for our next TWG which I'm just about to arrange and look for a paper to be presented to SCRB thereafter.

[redacted]

Governance, Audit and Assurance  
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**From:** [redacted]  
**Sent:** 18 October 2021 09:10  
**To:** [redacted]  
**Cc:** [redacted]  
**Subject:** RE: Coding of Sexual Offences - Dependent on Sex [OFFICIAL: POLICE AND PARTNERS]

Hi [redacted]

I'm good thanks, hope the same for you? I've added [redacted] and [redacted], given the links to the recently published guidance on recording sex and gender.

The question of how sex-based crimes codes are applied might be best considered by the full Board, rather than just feedback from myself (especially given the reference to COPFS's expectations on the modifiers). Would it be worth putting a paper to the next Board on this for any views/reflections? As part of this, it would be helpful to understand what current practice is, at what point a victim would be asked their sex/gender, and if they always are asked, what is the specific question?

[redacted – out of scope]

Happy to give some initial thoughts in the meantime, if that's useful. Noting that this shouldn't pre-empt a wider Board discussion, nor extend beyond the specific ask about recording crime codes for victims of sexual crimes/Domestic abuse Act – I think the following areas of the SG guidance might be relevant.

- *Organisations must decide on the most useful definition(s) to use to capture the data they need, including for operational reasons.*

- *'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'*

Based on those lines, I'd wonder to what extent it would be consistent with the victim-centred approach to recording crime (underpinning the SCRS), if it stated that a victim's biological sex should be used to record sexual/domestic abuse Act crime codes (where this is different from how a victim self identifies or presents).

Hope this is useful and happy to discuss

Cheers

[redacted]

**From:** [redacted]

**Sent:** 11 October 2021 12:10

**To:** [redacted]

**Cc:** [redacted]

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

## **OFFICIAL: POLICE AND PARTNERS**

Hi [redacted],

Hope you are well.

Hopefully a quick question. Following the report issued in September by the Scottish Govt on collecting data on sex and gender, can I clarify the position with regards to coding of crimes.

[redacted – out of scope]

...when it comes to recording of sexual offences there is a requirement for us to code the offence depending on the sex and age of the victim. Also whilst the charges to the PF are gender neutral, there are modifiers which are required to be appended to the sexual offence charges (as below). Can you advise if the expectation with regards to 'coding' of sexual offences would be as they present or as their biological sex.

[redacted – out of scope]

I don't know if any communication has been had with COPFS with regards to their modifiers and their expectations.

Modifier	Description
S001	SEXUAL OFF - FEMALE UNDER 13
S002	SEXUAL OFF - FEMALE OVER 13 AND UNDER 16
S003	SEXUAL OFF - FEMALE OVER 16
S004	SEXUAL OFF - MALE UNDER 13
S005	SEXUAL OFF - MALE OVER 13 AND UNDER 16
S006	SEXUAL OFF - MALE OVER 16

Thanks

[redacted]

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