

Police Scotland's Chief Constable addresses matter of gender self-identification

Police Scotland's Chief Constable Jo Farrell addressed the matter of gender self-identification during a meeting of the Scottish Police Authority Board in Edinburgh today Thursday, 26 September 2024.

Ms Farrell insisted that male rapists cannot demand to be called a woman and to her knowledge, this has never happened.

She also reiterated her commitment and support for the LGBTQI+ community.

She said: "It is important to acknowledge that gender self-identification has been amongst the most emotive and arguably divisive areas of public policy and practice in recent memory.

"Neither the Scottish or UK Parliaments have been able to set out a codified approach in legislation to the legal status, rights or duties pertaining to the concept of gender recognition in a way that reconciles with the Equality Act 2010.

"It is within this context that Police Scotland and other public bodies have determined policy and practice in a way that achieves what we consider to be a legal and appropriate balance of rights and duties.

“Policing needs to consider this in terms of the many situations and scenarios within which we encounter people and this is not restricted to criminal investigations.

“However, I recognise that the focus of debate as it relates to gender self-identification is in the area of serious sexual offences.

“DCC Speirs wrote to the Scottish Parliament’s Criminal Justice Committee this week to explain our approach with particular reference to sexual crime and I wanted to add to that today by providing clarification on my expectations as Chief Constable around our operational practice.

“The purpose of policing in Scotland is to improve safety and wellbeing. Police Scotland take a victim centred approach to investigating crime. Improving the experiences of victims is at the heart of everything we do.

“Being an organisation that effectively supports victims is central to the long-term vision I am setting out to the board, for the SPA’s endorsement today.

“This also reflects the central emphasis that I have given to supporting victims of crime since I took up my role as Chief Constable nearly a year ago.

“We have a critical role to play in preventing violence and safeguarding women and girls. Our aim is to support the development of a society and culture where women and girls live free from all forms of violence, abuse, exploitation and harassment.

“I have been struck by the commentary from some quarters that Police Scotland under my leadership, in supporting policies that seek to respect the rights and dignity of transgender and other minority groups, is perpetuating a policy that is misogynistic. This is inaccurate.

“I have spent my entire career of more than 30 years in policing facing and challenging misogyny while supporting the rights and progression of women. I will continue to do so.

“I want to offer a strong reassurance today – our police officers and staff are trained to investigate crime in a way that focuses on a victim centred, trauma informed approach and which mitigates risk. We will continue to do this every day.

“Let me also make clear my commitment and support for the LGBTQI+ community.

“Everyone must know that when policing talks about keeping people safe, that applies universally.

“Everyone must feel able to speak to the police, to report a crime or to share information knowing they’ll be treated with dignity and respect.

“I stated in May that it was a matter of deep regret that these values, over a period of decades have not always applied to the LGBTQI+ communities of Scotland.

“That remains my position – and as I said at the time, I am dedicated to building a service that all communities can trust, one that is inclusive, respects diversity, and protects the rights and dignity of all individuals.

“In relation to sexual offending, our operational practice and decision making is sound but I have put myself in the position of our Custody sergeants and others on the operational frontline and I can see the benefit of clarifying our position today to ensure that our people continue to get this right.

“I also understand the desire for clarity as it relates to sexual crime, a priority for policing in Scotland. To be clear – a male rapist cannot demand to be called a woman and further traumatise his victim – this would not happen. To my knowledge, this has never happened.

“You can be assured that a man who commits rape or serious sexual assaults will be recorded by Police Scotland as a male.

“By way of further reassurance, as it relates to serious sexual offending, Police Scotland obtain DNA samples from individuals accused of serious sexual assaults and from this sample a DNA profile will be obtained that will determine the person’s biological sex. This profile, and biological sex, is retained on the Scottish DNA Database and is available to be searched against crime scene samples to aid historic and future investigations.

“I would only emphasise that the discussion around decision making on the operational frontline remains hypothetical – to my knowledge, we have never faced this scenario.

“With regards to recording practice, Police Scotland’s procedures on the identification and recording of sex and gender is evidence-led and is in keeping with our values of policing with integrity, fairness and respect, and upholding human rights.

“I note that the Chair’s report refers to the UK Government’s February 2024 commission of an independent review and best practice development around data collection issues – we strongly welcome that work and look forward to seeing its outcome in the months ahead.

“In 2023, Police Scotland, through the Chief Data Office, conducted an analysis of Data collection and Data standards and our subsequent use of data as it relates to Sex & Gender.

“This analysis was set against relevant pieces of legislation including the Data Protection Act, the Public Sector Equality Act as well as the Human Rights and Gender Recognition Act.

“The report came at a time of continued public debate, it made a number of observations and continues to be considered within

Police Scotland. To that end ACC Catriona Paton is reviewing the detail contained within the analytical report and will bring this through Police Scotland governance for further consideration.

“Let me finish by being absolutely clear – a man who commits rape or serious sexual assaults will be recorded by Police Scotland as a male.

“The organisation I lead is wholly committed to tackling violence against women and girls and to supporting survivors and victims effectively.

“We will do this while upholding our values of integrity, fairness, respect and a commitment to upholding human rights.

“Our commitment here is unequivocal and also central to our long-term vision for policing.

“I’m grateful to have had the opportunity to respond to the issues raised recently Chair.”