# Police Scotland reverses policy on recording sex in rape cases following Isla Bryson controversy



Despite previous assurances from leadership, Police Scotland's approach to recording the sex of suspects in sexual assault cases remains a contentious issue, with decisions made on an individual basis. The complexity surrounding this matter has gathered considerable public and political attention, particularly in light of high-profile cases that have ignited a national debate about gender identity and crime statistics.

Since 2019, police procedures mandated that the sex of a suspect is recorded based on their self-declaration or presentation. This policy came under scrutiny with a 2021 petition from the policy collective Murray Blackburn Mackenzie, which argued that this practice could skew statistics, particularly concerning rape—the crime being legally defined in Scotland as penile penetration without consent. Critics assert that recording offenders born male but identifying as female as women could lead to misleading data on sexual offences.

The situation escalated dramatically with the case of Isla Bryson, a trans woman convicted of two rapes. Initially arrested and processed as male, Bryson's case highlighted the potential implications of the existing policy. Had he declared a trans identity before charges were filed, his crimes might have been logged as committed by a woman. Following widespread public outrage, Police Scotland’s Chief Constable Jo Farrell made a significant policy reversal, announcing that any individual convicted of rape or serious sexual assault would be recorded as male, regardless of their self-identified gender.

In a more recent effort to manage the fallout from the Bryson case, Deputy Chief Constable Ian Spiers reiterated that male rapists would categorically be recorded as male. This statement sought to alleviate concerns around the accuracy of crime statistics and the potential risks posed to victims, emphasising the force's commitment to uphold its values of integrity, fairness, and respect. The decision aligns with a move towards using DNA evidence to determine an individual’s sex, thus establishing a more accurate framework for recording crime data.

Moreover, Police Scotland has initiated a review of its policies concerning the recording of sex and gender, aimed at aligning its practices with legislative requirements and societal expectations. This introspective initiative was deemed necessary following criticisms that highlighted a lack of adherence to coherent data recording practices—an inconsistency that could undermine public trust in the justice system. Calls for clarity in legal guidance have been echoed by critics, including Dr Kath Murray from Murray Blackburn Mackenzie, who expressed concerns that the absence of definitive policies has created confusion within law enforcement and the community alike.

The recent unanimous ruling by the UK's Supreme Court further complicates matters. The Court clarified that the terms "man" and "woman" within the Equality Act pertain to biological sex rather than acquired gender. This ruling puts additional pressure on Scottish public bodies to ensure their policies reflect this legal interpretation, which critics contend is necessary for safeguarding the rights of victims and maintaining the integrity of criminal justice statistics.

Among those voicing their concerns is Tess White, Scottish Conservative equalities spokesperson, who stated, “It defies belief that Police Scotland still does not have a clear policy on the accurate recording of sex." White highlighted the potential dangers linked to the Scots' Government's gender self-identification policies, citing the Bryson case as a critical example of how such guidelines may be exploited, thus putting vulnerable populations at risk.

In conclusion, the ongoing discourse surrounding the recording of sex in police reports underscores a fundamental tension between the rights of individuals in the context of gender identity and the necessity for precise data within the criminal justice system. As Police Scotland navigates this complex landscape, the outcomes of its policy review may have far-reaching implications for both public safety and the integrity of crime statistics in Scotland.

### Reference Map

1. Paragraphs 1, 2, 3, 4, 5, 6, 10
2. Paragraph 4
3. Paragraph 4
4. Paragraphs 3, 5
5. Paragraph 5
6. Paragraphs 2, 3
7. Paragraph 6

Source: [Noah Wire Services](https://www.noahwire.com)

## Bibliography

1. <https://www.heraldscotland.com/news/25185466.sex-trans-rape-suspects-not-recorded-default/?ref=rss> - Please view link - unable to able to access data
2. <https://www.scotsman.com/news/politics/police-scotland-recording-of-trans-rapists-isla-bryson-recording-gender-id-4796801> - In September 2024, Police Scotland's Deputy Chief Constable Ian Spiers clarified that male rapists would always be recorded as male, even if they identify as female. This statement aimed to address public concerns following the case of Isla Bryson, a trans woman convicted of rape. Spiers emphasized that the force's policy aligns with its values of integrity, fairness, respect, and upholding human rights. He also noted that DNA samples are used to determine an individual's biological sex, ensuring accurate recording in crime statistics.
3. <https://www.telegraph.co.uk/news/2024/09/25/male-rapists-who-identify-as-women-police-scotland/> - Following public backlash over the Isla Bryson case, Police Scotland announced a policy change stating that male rapists would not be recorded as female, even if they identify as women. Deputy Chief Constable Alan Speirs assured that male sexual offenders would always be identified as men in police records. This decision aimed to address concerns about the accuracy of crime statistics and the potential impact on victims. The policy shift was seen as a response to the controversy surrounding Bryson's case.
4. <https://www.heraldscotland.com/news/24612068.police-scotland-review-trans-recording-policies-outcry/> - In response to public outcry over the recording of trans offenders, Police Scotland announced a review of its policies. Chief Constable Jo Farrell stated that a man who commits rape or sexual assault would be recorded as male, regardless of self-identification. The review aims to ensure that recording practices align with the force's values and legislative requirements. This decision followed criticism from policy analysts and the public regarding the previous approach to recording the sex of trans offenders.
5. <https://murrayblackburnmackenzie.org/2025/03/03/wasting-parliamentary-time/> - Murray Blackburn Mackenzie (MBM) criticized Police Scotland's handling of the recording of trans offenders, particularly in the case of Isla Bryson. They argued that the force's previous policy, which allowed offenders to self-identify their gender, was flawed and led to confusion. MBM called for a clear and consistent approach to recording the sex of offenders to ensure accurate crime statistics and uphold public trust in the justice system.
6. <https://www.bbc.co.uk/news/articles/cvgl9gx9yjdo> - Police Scotland's Chief Constable Jo Farrell addressed concerns over the recording of gender in criminal cases, particularly regarding trans offenders. She criticized the lack of clear legal guidance from both Scottish and UK parliaments on this issue. Farrell emphasized that victims' rights and safety are paramount and stated that male rapists would not be recorded as female, even if they identify as women. She called for a consistent legal framework to guide public bodies in handling gender identity matters.
7. <https://www.scotland.police.uk/what-s-happening/news/2024/september/chief-constable-addresses-gender-self-identification/> - In September 2024, Police Scotland's Chief Constable Jo Farrell addressed the issue of gender self-identification in the context of criminal investigations. She clarified that male rapists would be recorded as male, regardless of self-identification, to ensure accurate crime statistics and uphold victims' rights. Farrell highlighted the lack of clear legal direction on this matter and emphasized the need for a consistent approach to recording gender in criminal cases.