| Police Scotland logo | Freedom of Information Response Our reference: FOI 25-0816  Responded to: 10 April 2025 |
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Your recent request for information is replicated below, together with our response.

**Please can you advise me what your policy is on the gender and pronouns you use when a suspect/criminal is transgender? My enquiry relates to the recording of crimes and public communications/press releases, not internal HR procedures for police officers.**

**Please can you give me direct answers to the following questions.**

**1. Would the force describe someone as having a gender and/or pronouns that are different to their birth sex if they DO NOT have a gender recognition certificate (GRC)? E.g. if a person born male identifies as a woman but does not have a GRC, would you call them a woman and use she/her pronouns?**

**2. Would the force describe someone as having a gender and/or pronouns that are different to their birth sex if they DO have a gender recognition certificate (GRC)? E.g. if a person born male identifies as a woman and has a GRC, would you call them a woman and use she/her pronouns?**

**3. In cases of rape, which requires male genitalia to commit, would the force use she/her pronouns and record the suspect/culprit's gender as female, if they identity as a woman but DO NOT have a GRC?**

**4. In cases of rape, which requires male genitalia to commit, would the force use she/her pronouns and record the suspect/culprit's gender as female, if they identity as a woman and DO have a GRC?**

There is no set policy on the gender and pronouns used by Police Scotland when a suspect/criminal is transgender.

There are also no set policies to answer questions 1-4 listed above, therefore the information sought is not held by Police Scotland and section 17 of the Act applies.

Police Scotland recognises that gender self-identification is a sensitive area of public policy. The Scottish and UK Parliaments have not yet set out a clear position around the legal status of the concept of gender recognition in a way that reconciles with the Equality Act 2010. The absence of direction has left Police Scotland and other public bodies to determine policy and practice in a way that achieves a legal and appropriate balance of rights and duties.

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

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.

At this time Police Scotland deals with each incident on a case-by-case basis.

We are conducting a full review of Police Scotland’s use of sex and gender to consider any improvements to the terminology, recording practices and use of data, ensuring they are current, comply with relevant legislation and provide clear guidance to aid operational practice.

If you require any further assistance, please contact us quoting the reference above.

You can request a review of this response within the next 40 working days by [email](mailto:foi@scotland.police.uk) or by letter (Information Management - FOI, Police Scotland, Clyde Gateway, 2 French Street, Dalmarnock, G40 4EH). Requests must include the reason for your dissatisfaction.

If you remain dissatisfied following our review response, you can appeal to the Office of the Scottish Information Commissioner (OSIC) within 6 months - [online](https://www.foi.scot/appeal), by [email](mailto:enquiries@foi.scot) or by letter (OSIC, Kinburn Castle, Doubledykes Road, St Andrews, KY16 9DS).

Following an OSIC appeal, you can appeal to the Court of Session on a point of law only.

This response will be added to our [Disclosure Log](http://www.scotland.police.uk/access-to-information/freedom-of-information/disclosure-log) in seven days' time.

Every effort has been taken to ensure our response is as accessible as possible. If you require this response to be provided in an alternative format, please let us know.