| Police Scotland logo | Freedom of Information Response Our reference: FOI 23-1812  Responded to: 03 August 2023 |
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Your recent request for information is replicated below, together with our response.

## On 2nd July the Mirror quoted Police Scotland: "On June 8, we received a report of a hate crime at HMP Edinburgh. A 24-year old man has been charged in connection with threatening and abusive behaviour." [https://www.mirror.co.uk/news/uk-news/inmate-charged-hate-crime-against-30372957](https://gbr01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.mirror.co.uk%2Fnews%2Fuk-news%2Finmate-charged-hate-crime-against-30372957&data=05%7C01%7Cfoi%40scotland.police.uk%7Cf5f43ebdf1f845742cf508db84704641%7C6795c5d3c94b497a865c4c343e4cf141%7C0%7C0%7C638249389968094288%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=VDYm1axvHRUvsMLSq6bzxXtcMtYuBGt3HR6Ax2%2FOOq0%3D&reserved=0) Under The Freedom of Information (Scotland) Act 2002 please therefore provide responses to the following questions – 1. How many incidents of threatening and abusive behaviour by prisoners have been reported to Police Scotland by the Scottish Prison Service for each of the last 5 years? 2. How many of these incidents have had a hate crime aggravator attached for each of the last 5 years? 3. Please disaggregate the number of incidents that have had a hate crime aggravator attached by each of the characteristics: race; religion: disability; sexual orientation; transgender identity.

Having considered your request in terms of the Act, I regret to inform you that I am unable to provide you with the information you have requested, as it would prove too costly to do so within the context of the fee regulations.

As you may be aware the current cost threshold is £600 and I estimate that it would cost well in excess of this amount to process your request.

As such, and in terms of Section 16(4) of the Freedom of Information (Scotland) Act 2002 where Section 12(1) of the Act (Excessive Cost of Compliance) has been applied, this represents a refusal notice for the information sought.

By way of explanation, the only way to provide an accurate response to your request would be to manually examine each and every relevant crime report to establish whether the person reporting is listed as being linked to the Scottish Prison Service. Furthermore the location and type of organisation, if relevant is contained within crime reports and again would require case be case assessment. As such this is an exercise which would far exceed the cost limit set out in the Fees Regulations.

To illustrate the numbers of crime reports involved, for the financial year 2022/23 there were 41,594 recorded crimes of threatening and abusive behaviour.

You can access our published crime statistics [here](https://www.scotland.police.uk/about-us/what-we-do/how-we-are-performing/).

If you wish to submit a list of locations, we may be able to search each location individually and provide stats depending on the numbers involved. Please be advised that only crime /hate crime data would be available to research as incidents do not align with the Scottish Government Justice Department crime classification codes such as threatening and abusive behaviour.

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](http://www.itspublicknowledge.info/Appeal), by [email](mailto:enquiries@itspublicknowledge.info) 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.