| Police Scotland logo | Freedom of Information ResponseOur reference: FOI 23-0725Responded to: 14th April 2023 |
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Your recent request for information is replicated below, together with our response.

To provide some general context, Police Scotland defines a **hate incident** as ‘*any incident which is perceived by the victim or any other person to be motivated (wholly or partly) by malice and ill-will towards a social group but which does not constitute a criminal offence*.’

Police Scotland defines a **hate crime** as, ‘*any crime which is perceived by the victim or any other person, to be motivated (wholly or partly) by malice and ill-will towards a social group.*’

Social groups are identified in accordance with the Lord Advocates guidelines on Aggravations of Offences against Prejudice i.e. race, sexual orientation, religion/faith, disability or transgender identity.

## I would like to request the following for the years 2013 to 2023 or as many of those years as are available for the following:

## Hate crimes reported as being perceived to have been based on the protected characteristic of sexual orientation, specifically towards lesbians.

## Hate crimes reported as being perceived to have been based on the protected characteristic of sexual orientation, specifically towards gay men.

## Hate crimes reported as being perceived to have been based on the protected characteristic of sexual orientation, specifically towards bisexual men.

## Hate crimes reported as being perceived to have been based on the protected characteristic of sexual orientation, specifically towards bisexual women.

## Hate crimes reported as being perceived to have been based on the protected characteristic of gender reassignment.

In response to your request, 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, hate crime information is not recorded in a manner which easily allows the extraction of information relating to the perceived gender of individuals to identify their sexual orientation or trans-status. In order to provide you with the specific information you require each hate crime with a transgender or sexual orientation aggravator would need to manually examined to determine the sexual orientation or transgender status of the victim.

In the financial year 2022/2023 there have been 1,082 detected hate crimes with a sexual orientation aggravator. I estimate that it would take 3 minutes to examine a single record, this would equate to an excess of 54 hours for this single year alone greatly exceeding the time threshold set out within the Act.

Police Scotland have assessed that the £600 cost limit within the Act equates to 40 hours of work and so this part of your request would breach the cost threshold.

However, to be of assistance and to keep in spirit of the Act, I can provide the following tables. The information provided below relates to Concern Incident Nominals, this is number of persons involved in incidents relating to Sexual or Transgender based Hate.

It is worthy of note that the figures provided relate to crimes and incidents recorded as being aggravated by sexual orientation and transgender prejudice. Victims of hate crimes/incidents do not have to be a member of any of the protected groups in order to be a victim. For example, an individual who is the victim of a transphobic incident does not have to be transgender, or disclose their transgender identity, for this to be perceived, recorded and investigated as a hate related incident.

Please note the caveats noted at the bottom of the tables.

Table1: This table provides Sexual Hate Concern incident nominals where the sexual hate reason is Lesbian.

The date period for all tables is 01 April 2014 until 28 February 2023.

| Year | 14/15 | 15/16 | 16/17 | 17/18 | 18/19 | 19/20 | 20/21 | 21/22 | 22/23\* |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Total | 75 | 77 | 96 | 104 | 94 | 141 | 352 | 341 | 332 |

Table 2: This table provides Sexual Hate Concern incident nominals where the sexual hate reason is Gay.

| Year | 14/15 | 15/16 | 16/17 | 17/18 | 18/19 | 19/20 | 20/21 | 21/22 | 22/23\* |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Total | 208 | 255 | 277 | 356 | 440 | 577 | 1261 | 1465 | 1354 |

Table 3: This table provides Sexual Hate Concern Incident Nominals where sexual hate reason is Bisexual.

| Year | 14/15 | 15/16 | 16/17 | 17/18 | 18/19 | 19/20 | 20/21 | 21/22 | 22/23\* |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Total | 15 | 8 | 14 | 20 | 21 | 25 | 54 | 61 | 65 |

Table 4: This table provides Transgender Hate Concern Incident Nominals

|  Year | 14/15 | 15/16 | 16/17 | 17/18 | 18/19 | 19/20 | 20/21 | 21/22 | 22/23\* |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Total | 37 | 39 | 79 | 66 | 101 | 129 | 155 | 294 | 250 |

1. The data for all tables has been extracted from iVPD. The data was extracted using the incident's raised date.

2. Table 1 relates to Sexual Hate Concern Incident Nominals, where the Sexual Hate Reason is 'Lesbian'.

Table 2 relates to Sexual Hate Concern Incident Nominals, where the Sexual Hate Reason is 'Gay'.

Table 3 relates to Sexual Hate Concern Incident Nominals, where the Sexual Hate Reason is 'Bisexual'.

Table 4 relates to Transgender Hate Concern Nominals.

3. Please note, that multiple hate concern reasons can be attributed to an incident nominal. All tables provide a count of incident nominals, not hate concern reasons.

All statistics are provisional and should be treated as management information. All data have been extracted from Police Scotland internal systems and are correct as at 27th March 2023.

Police Scotland does not retain any information for statistical purposes once a record has been weeded from iVPD.  When a record is weeded, it is removed from the system, and there is no retention of data outside the weeding and retention policy.  Please note, the weeding and retention policy states that if a person is recorded as "no concern / not applicable" then this will only be retained for 6 months

Please note that these data are collated from the Police Scotland iVPD system, which has an automated weeding and retention policy built on to it. A copy of the retention policy is available on the Police Scotland internet site.

## I would additionally like to know how many of these reports led to an arrest, and additionally how many led to a conviction.

With regards to conviction data I must advise that Police Scotland does not hold prosecution information. As such, in terms of Section 17 of the Freedom of Information (Scotland) Act 2002, this represents a notice that the information you seek is not held by Police Scotland.

You may wish to contact the Crown Office and Procurator Fiscals Service (COPFS) which holds conviction information for Scotland. A request can be submitted to COPFS via email using the following address foi@copfs.gsi.gov.uk

With respect to arrests, in response to your request, 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, as earlier noted for the financial year 2022/2023, there are 1082 *detected* hate crimes with a sexual orientation aggravator. There are data systems will hold further *recorded* hate crimes which have not yet been detected. As part of the investigative process it can be the case that a suspect is arrested then later released without charge. There is no way to know this information without manual examination of each report. To examine all *recorded* crimes would be a larger undertaking, however using the earlier sum provided, this action would greatly exceed the cost threshold set out within the Act.

Ordinarily I would suggest ways to refine your request however the manner in which the information is held is complex and as such would require a significant reduction in the time frame, however it is worthy of note that the time period may have to be significantly narrow that this would mitigate any meaningful comparative data.

Police Scotland have assessed that the £600 cost limit within the Act equates to 40 hours of work and so this part of your request would breach the cost threshold.

To be of assistance I can provide the tables below with statistics relating to detected offences. Please note the caveats at the bottom of the tables.

Please note that the information provided below is not comparable with the earlier provided data as they relate to different statistical groupings. The information below relates to hate crimes whereas above the statistics relate to hate concern incidents.

Detected Sexual Orientation Hate Crimes, Police Scotland

The date period 01 April 2014 - 28 February 2023 (Financial Years)

|  Year | 14/15 | 15/16 | 16/17 | 17/18 | 18/19 | 19/20 | 20/21 | 21/22 | 22/23\* |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Detected Sexual Orientation Hate Crimes | 624 | 744 | 710 | 949 | 1029 | 1177 | 1318 | 1409 | 1082 |

1. Please note, Detected Hate Crimes have been extracted from iVPD using the incidents created date.

2. Please note, Detected Hate Crimes which include at least one Sexual Orientation Hate Aggravator have been selected.

3. Please note, more than one aggravator can be attributed to a hate crime.

Detected Transgender Hate Crimes, Police Scotland

The date period 01 April 2014 - 28 February 2023 (Financial Years)

|  Year | 14/15 | 15/16 | 16/17 | 17/18 | 18/19 | 19/20 | 20/21 | 21/22 | 22/23\* |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Detected Transgender Hate Crimes | 24 | 28 | 34 | 52 | 51 | 76 | 48 | 95 | 85 |

1. Please note, Detected Hate Crimes have been extracted from iVPD using the incidents created date.

2. Please note, Detected Hate Crimes which include at least one Transgender Hate Aggravator have been selected.

3. Please note, more than one aggravator can be attributed to a hate crime.

All statistics are provisional and should be treated as management information. All data have been extracted from Police Scotland internal systems and are correct as at 27th March 2023.

Police Scotland does not retain any information for statistical purposes once a record has been weeded from iVPD.  When a record is weeded, it is removed from the system, and there is no retention of data outside the weeding and retention policy.  Please note, the weeding and retention policy states that if a person is recorded as "no concern / not applicable" then this will only be retained for 6 months.

Please note that these data are collated from the Police Scotland iVPD system, which has an automated weeding and retention policy built on to it. A copy of the retention policy is available on the Police Scotland internet site.

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 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 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.