

OFFICIAL

Our Ref: IM-FOI-2022-2221
Date: 18th November 2022



FREEDOM OF INFORMATION (SCOTLAND) ACT 2002

I refer to your recent request for information which has been handled in accordance with the Freedom of Information (Scotland) Act 2002.

For ease of reference, your request is replicated below together with the response.

Please may you provide me with:

- **The overall number of hate crimes against the LGBTQ+ community that were recorded by officers in areas: Highlands, Islands, Moray, Aberdeen City and Aberdeenshire.**
- **This information should set out the total number of hate crimes for each region listed by month beginning January 2022 until most recently.**
- **This is to ascertain if hate crimes reported have gone up in recent months or have fallen in these areas.**
- **It will also reveal if Police Scotland's campaign to tackle Hate Crime is effective or not.**
- **If you could also include a list with corresponding figures about the type of hate crime. For instance: assault, verbal abuse, damage to property, threatening behaviour and online abuse etc.**

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.

In terms of Section 17 of the Act, I can confirm that the information you seek is not held by Police Scotland.

By way of explanation, Police Scotland does not record the actual trans-status or the gender/sexual orientation of individuals. Crimes recorded with a transgender and/or gender/sexual orientation aggravation relate to the victim or any other persons perception that the alleged perpetrator's conduct is motivated (wholly or partly) by malice and ill-will

OFFICIAL

OFFICIAL

towards this social group. A crime may be recorded as transgender and/or gender/sexual orientation aggravated whether or not the victim actually identifies with this people group.

However, to be of assistance please see the spreadsheet provided titled Attachment 01. The spreadsheet provides recorded crime that has a transgender or gender/sexual orientation aggravator. The data has been disaggregated by council area. Where the council area requested is not noted this is because the response to your question is zero. Additionally, please note the necessary caveats.

Should you require any further assistance please contact Information Management quoting the reference number given.

If you are dissatisfied with the way in which Police Scotland has dealt with your request, you are entitled, in the first instance, to request a review of our actions and decisions.

Your request must specify the matter which gives rise to your dissatisfaction and it must be submitted within 40 working days of receiving this response - either by email to foi@scotland.police.uk or by post to Information Management (Disclosure), Police Scotland, Clyde Gateway, 2 French Street, Dalmarnock, G40 4EH.

If you remain dissatisfied following the outcome of that review, you are thereafter entitled to apply to the Office of the Scottish Information Commissioner within six months for a decision. You can apply [online](#), by email to enquiries@itspublicknowledge.info or by post to Office of the Scottish Information Commissioner, Kinburn Castle, Doubledykes Road, St Andrews, Fife, KY16 9DS.

Should you wish to appeal against the Office of the Scottish Information Commissioner's decision, there is an appeal to the Court of Session on a point of law only.

As part of our commitment to demonstrate openness and transparency in respect of the information we hold, an anonymised version of this response will be posted to the Police Scotland Freedom of Information [Disclosure Log](#) in seven days' time.