

Our Ref: IM-FOI-2022-1793
Date: 20th September 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.

In response to your request, it is important 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.

Additionally, it is worthy of note that the figures provided relate to crimes and incidents recorded as being aggravated by the identified specific 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.

Further, please also note the caveats noted along with the tables provided.

For every full year from January 1st 2018 onwards:

- 1. The total number of hate crimes recorded by the Constabulary, broken down by individual ‘hate’ characteristics (e.g. Race, disability etc.)**

In response to your request, please see the table below. I would ask you to note the caveats provided below the table.

Recorded Hate Crime, broken on Hate Aggravator, Police Scotland. ^{1,2}				
Period: 1st January 2018 to 31st December 2021, Calendar Years.				
Hate Aggravator	2018	2019	2020	2021

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Disability	323	321	428	517
Sexual Orientation	1,262	1,466	1,735	1,776
Race	4,325	4,139	4,495	4,218
Religion	556	649	558	525
Transgender	86	134	114	166
Total	6,552	6,709	7,330	7,202

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 1st September 2022.

1. The data was extracted using the incident's raised date and extracted from iVPD by selecting hate crime aggravators.

2. As there can be multiple aggravators attached to a hate crime, the total number of aggravators will not reflect the number of unique hate crimes.

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 (<https://www.scotland.police.uk/access-to-information/freedom-of-information/disclosure-log/2021/june/21-1479-sop-records-retention/>).

2. With respect to crimes that were so recorded due to the hate element being related to 'gender identity', 'gender reassignment' or 'transphobia'(or whichever similar term the Force may use) please provide a detailed breakdown of the specific crimes involved e.g. rape, murder, assault, harassment etc.)

In response to your request please see the table below. I would ask you to note the caveats provided below the table.

Recorded Hate Crime with a Transgender Hate Aggravator, broken on Crime Bulletin Category, Police Scotland.^{1,2}				
Period: 1st January 2018 to 31st December 2021, Calendar Years.				
Crime Bulletin Category	2018	2019	2020	2021
Serious Assault (incl. culpable & reckless conduct - causing injury)	1	0	0	0
Robbery and assault with intent to rob	0	1	0	2
Domestic Abuse (of male)	0	0	0	0
Group 2 - Sexual Crimes	8	7	8	6
Common theft	0	1	0	0
Vandalism (incl. reckless damage, etc.)	2	2	2	4
Culpable & reckless conduct (not firearms)	1	0	0	1
Carrying offensive weapons (incl. restriction)*	0	1	0	1
Offensive weapon (used in other criminal activity)*	0	1	0	1
Common Assault	12	18	13	22
Common Assault (of an emergency worker)	1	0	0	0

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Breach of the Peace	0	0	0	2
Threatening and abusive behaviour	47	73	65	95
Stalking	2	1	2	0
Racially aggravated harassment/conduct	0	1	1	0
Other Group 6 offences	11	28	22	29
Dangerous driving offences	1	0	0	0
Crime Classification Not Known	0	0	1	2
Total	86	134	114	165

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 1st September 2022.

1. The data was extracted using the incident's raised date and extracted from iVPD by selecting the Transgender Hate Crime aggravator.

2. Recorded Hate crimes with at least one transgender hate aggravator have been selected and displayed within Table 1. Please note, other aggravators may also be recorded on the identified hate crimes along with the transgender hate aggravator.

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 (<https://www.scotland.police.uk/access-to-information/freedom-of-information/disclosure-log/2021/june/21-1479-sop-records-retention/>).

3. The total number of non-crime hate incidents recorded, similarly broken down as per question 1.

In response to your request, please see the table below. I would ask you to note the caveats provided below the table.

Recorded Hate Concern Incidents, broken on Hate Concern Category, Police Scotland.¹				
Period: 1st January 2018 to 31st December 2021.				
Hate Concern Description	2018	2019	2020	2021
Disability	48	61	76	111
Race	177	322	532	537
Religion / Belief	28	49	66	79
Sexual Orientation	49	107	145	166
Transgender	22	36	56	81
Total	324	575	875	974

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 1st September 2022.

1. The data was extracted using the incident's raised date and extracted from iVPD by selecting hate concern marker.

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

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4. With respect to non-crime hate incidents that were so recorded due to the hate element being related to ‘gender identity’, ‘gender reassignment’ or ‘transphobia’(or whichever similar term the Force may use) please provide a detailed breakdown of the specific type of incident involved.

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, there are 212 recorded hate incidents with a transgender hate concern marker. However, as there is no crime attached to the incident there is no straightforward method to extract the data required. In order to provide you with the information you require a manual assessment of each of the reports would need to be undertaken, then summaries of each report would need to be created. A conservative estimate is that it would take approximately 15 minutes per record which equates to 53 hours of work.

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 I have provided the recorded hate incidents with a transgender concern marker broken down by year. I would ask you to note the caveats provided below the table.

Recorded Hate Incidents, Nominals with a Transgender Hate Concern marker, Police Scotland.^{1,2}				
Period: 1st January 2018 to 31st December 2021.				
Nominals	2018	2019	2020	2021
Transgender Hate Concern marker.	22	36	63	91
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 1st September 2022.				
1. The data was extracted using the incident's raised date and extracted from iVPD by selecting the Transgender Hate Concern marker.				
2. Recorded Incidents, nominals with a transgender hate concern marker have been selected and displayed within Table 3.				
<i>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</i>				

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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.