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Our Ref: IM-FOI-2022-1059
Date: 10th June 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.

1. How many hate crimes did your police force record, as having been committed against people who identify as transgender? Starting in April 2021 and finishing at the end of March 2022.

2. How many hate crimes did your police force record, as having been committed based on sexual orientation? Starting in April 2021 and finishing at the end of March 2022.

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 ask you to note that Police Scotland does not record the actual trans-status of individuals. The crimes recorded with a transgender aggravation relates to the victim or any other persons perception that the alleged perpetrator's conduct is motivated (wholly or partly) by malice and ill-will towards this social group. A crime may be recorded as transgender aggravated whether or not the victim actually identifies with this people group.

I would ask you to note that Police Scotland does not record the sexual orientation of individuals. The crimes recorded based on sexual orientation relates to the victim or any other persons perception that the alleged perpetrator's conduct is motivated (wholly or partly) by malice and ill-will towards this social group. A crime may be recorded as sexual-orientation aggravated whether or not the victim actually identifies with this people group.

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The table below provides the number of detected hate crimes that have either a Transgender aggravator or a Sexual orientation aggravator. I would ask that you take note of the caveats below the data table.

Recorded Transgender and Sexual Orientation Hate Crime (By Aggravators Individually), Police Scotland ^{1,2}	
Period: 1st April 2021 - 31st March 2022 (Inclusive)	
Hate Aggravator	Period
Transgender	186
Sexual Orientation	1,853

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 17th May 2022.

1. The data was extracted using the incident's raised date and extracted from iVPD by selecting hate crime aggravators individually. Please note, Table1 displays recorded hate crimes which include at least one of the hate aggravators (Transgender or Sexual Orientation) separately.

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/>).

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.pnn.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.