| Police Scotland logo | Freedom of Information Response Our reference: FOI 23-0660  Responded to: 03 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.

## Please can you provide statistics of hate crimes and incidents recorded which have a transgender aggravator attached. Can I have the following periods

## Annual statistics

## 1 January 2021 - 31 December 2021

## 1 January 2022 - 31 December 2022

## Monthly statistics

## 1 January 2021 - 31 January 2021

## 1 January 2022 - 31 January 2022

## 1 January 2023 - 31 January 2023

## 1 February 2021 - 28 January 2021

## 1 February 2022 - 28 February 2022

## 1 February 2023 - 28 February 2023

In response to your question please see the data table below, it provides the number of recorded hate crimes with a transgender aggravator.

It is worthy of note that the figures provided relate to crimes and incidents recorded as being aggravated by 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 underneath the table.

Recorded Transgender Hate Crimes, between 01 January 2021 and 28 February 2023

| **Calendar Month** | **2021** | **2022** | **2023\*** |
| --- | --- | --- | --- |
| January | 3 | 9 | 16 |
| February | 6 | 13 | 13 |
| March | 12 | 19 | - |
| April | 8 | 12 | - |
| May | 16 | 14 | - |
| June | 10 | 12 | - |
| July | 22 | 8 | - |
| August | 12 | 11 | - |
| September | 25 | 12 | - |
| October | 18 | 17 | - |
| November | 24 | 22 | - |
| December | 10 | 11 | - |
| **Total** | **166** | **160** | **29** |

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 22nd March 2023. The recorded crimes were extracted using the incident date; and extracted from iVPD by selecting hate crimes which included at least one 'Transgender' aggravator. Please note, other aggravators (hate crime and not hate crime related) may also be attributed to the hate crime. Please note, each record will need to be read to confirm the circumstances.

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.

## Please can you provide statistics on the number of trans people charged with an alleged crime and statistics on how many trans people were convicted of crimes from the periods

## 1 January 2021 - 31 December 2021

## 1 January 2022 - 31 December 2022

## Monthly statistics

## 1 January 2021 - 31 January 2021

## 1 January 2022 - 31 January 2022

## 1 January 2023 - 31 January 2023

## 1 February 2021 - 28 January 2021

## 1 February 2022 - 28 February 2022

## 1 February 2023 - 28 February 2023

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 is no straightforward method to extract the data you require. In order to determine the “trans status” of a perpetrator, every recorded offence would need to be manually examined to determine if the trans-status of the perpetrator is recorded. For the time period specified this would equate to tens of thousands of recorded crimes being manually assessed to determine the trans-status of an offender. With an estimate of 3 minutes per record this would greatly exceed the cost 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.

Ordinarily I would provide advice on how to reframe your question in order to provide you with some of the information you have requested, however the scope of the question is so vast that even a significant reduction of the time period, even to a single day would likely exceed the threshold.

## If available, can I get the number of people who were charged with alleged sexual offences from

## 1 January 2021 - 31 December 2021

## 1 January 2022 - 31 December 2022

In terms of Section 16 of the Freedom of Information (Scotland) Act 2002, I am refusing to provide you with the information sought. Section 16 requires Police Scotland when refusing to provide such information because it is exempt, to provide you with a notice which:

(a) states that it holds the information,

(b) states that it is claiming an exemption,

(c) specifies the exemption in question and

(d) states, if that would not be otherwise apparent, why the exemption applies.

Please be advised that information regarding detected sexual offences is publicly available.

As such, in terms of Section 16 of the Freedom of Information (Scotland) Act 2002, I am refusing to provide you with the information sought. Section 16 requires Police Scotland when refusing to provide such information because it is exempt, to provide you with a notice which:

(a) states that it holds the information,

(b) states that it is claiming an exemption,

(c) specifies the exemption in question and

(d) states, if that would not be otherwise apparent, why the exemption applies.

I can confirm that Police Scotland holds the information that you have requested and the exemption that I consider to be applicable is set out at Section 25(1) of the Act - information otherwise accessible:

*“Information which the applicant can reasonably obtain other than by requesting it under Section 1(1) is exempt information”*

The information you are seeking is available as part of the published statistics on the Police Scotland website. To be of assistance please see the link below.

[How we are performing - Police Scotland](https://www.scotland.police.uk/about-us/what-we-do/how-we-are-performing/)

## And during those two periods, how many of them identified as male, female, trans female, trans male or non-binary?

In response to this question please see the response to your second question above.

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.