| Police Scotland logo | Freedom of Information Response Our reference: FOI 24-0977  Responded to: 27 May 2024 |
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Your recent request for information is replicated below, together with our response.

## 1. What is Police Scotland's definition of "Hate" when assessing whether to record  a Non Crime Hate Incident?

## 2. What is Police Scotland's definition of "Hate" when assessing whether to investigate a complaint made under the Hate Crime and Public Order (Scotland)  Act 2021, given that thee is no definition of "Hate" contained within the Act?

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.

When an incident is perceived by the reporter to be motivated by hostility or prejudice (malice or ill-will), then both of the following two principles must apply for the incident to be recorded as a Non-Crime Hate Incident (NCHI):

* Would a reasonable person consider the report to be motivated by hostility or prejudice (malice or ill-will), towards one or more characteristics protected within the legislation?
* Does it have a policing purpose:

(a) protecting vulnerable people

(b) protecting the rights of others (c) preventing crime?

## 2. Under what statutory  authority are Non Crime Hate Incidents recorded?

Non-Crime Hate Incident (NCHI) recording stems from the Macpherson report after the Stephen Lawrence Public Inquiry.

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.