



Dear

Gloucestershire Constabulary Freedom of Information request 2023.0303

On 13/03/2023 you sent an email constituting a request under the Freedom of Information Act asking the following:

I am a master's student, researching a dissertation entitled 'Were the Law Commission's 2021 recommendations on sex, [cis]gender identity and hate crime correct?'

The following questions are intended to examine the impact of the recent Law Commission report on Hate Crime, published 2021, on the way police forces record and report on crime.

As you will be aware, crimes aggravated by hostility based on sex are not currently treated as hate crimes under the criminal law.

Some police forces have, however, trialled recording crimes aggravated by hostility towards sex and gender, and in particular misogynistic crime. The Law Commission report, however, argued that sex and gender should not be added as protected characteristics for the purposes of aggravated offences and enhanced sentencing.

As such, please could you answer the following:

1. Do you keep a record of crimes aggravated by hostility towards sex or gender that are reported to (or discovered by) your force?
NB. Please note the reference to gender concerns cisgender identity, as crimes aggravated by hostility towards transgender identity are already captured under s.66(1) Sentencing Act 2020. References to gender in the below questions should also be read as references to cisgender identity.
2. If not:
 - a. Have you ever done?
 - b. Are there plans to do so in future?
3. Has the Law Commission's 2021 report affected whether you collect this information? If so, how?
4. If Yes to question 1, please state:
 - a. The number of crimes and incidents that were logged on your system as aggravated by hostility towards sex or gender in 2020, 2021 and 2022 (please give two separate figures for each year- crimes and incidents)
 - b. For those recorded as crimes, please give the nature of these offences (broken down by year and into crime categories, as defined by your force)
 - c. Please also give the number of crimes logged that led to a:
 - (i) Caution
 - (ii) Criminal prosecution
 - (iii) Conviction

(Please give separate figures for each year)

Under the Freedom of Information Act 2000 s1, I can confirm that Gloucestershire Constabulary holds some relevant information.

Unfortunately, it's not possible to electronically search for the information you have requested in relation to incidents which were logged as aggravated hostility towards sex or gender – recorded by Gloucestershire Constabulary as a hate crime. In order to identify and retrieve the requested information, a manual review of over 2900 incidents would be required as there is no facility to breakdown the strand of hate tags recorded on the incident recording system. A manual review would take longer than the 18 hours prescribed by Section 12 of the Freedom of Information Act.

Please see below for suggestions on how you may be able to refine your request to come within the cost constraints of Section 12 of the Act.

Section 17(5) of the Freedom of Information Act 2000 requires Gloucestershire Constabulary, when refusing to provide information (because the information is exempt) to provide you the applicant with a notice which: (a) states the fact, (b) specifies the exemption in question and (c) states (if not otherwise apparent) why the exemption applies.

In relation to your request Section 12 applies.

Section 12(1) – Fee Regulations states:

Section 1(1) of the Act does not oblige a public authority to comply with a request for information if the authority estimates that the cost of complying with the request would exceed the appropriate limit. (As detailed in the Data Protection and Freedom of Information Fees Regulations of 2004)

The appropriate limit at the moment is £450 calculated at an hourly rate of £25 per hour for all staff time incurred in:

- i. Determining whether information is held
- ii. Locating it
- iii. Retrieving it
- iv. Extracting the information to be disclosed from the other information.

In accordance with the Act, this letter represents a Refusal Notice for your request.

Under Section 16, duty to assist, I can confirm that the answer to Q1 is yes, and subsequently we are able to supply information for Q4 relating to crime data only as the Crime Recording System does record the strand of hate crime.

If you wish to resubmit your request on this basis, please email Freedom.Information@gloucestershire.police.uk

With regards to Q4c, please note that the Constabulary only holds data in relation to the number of individuals charged/summoned for a particular offence, therefore whilst we can provide data relating to the outcome of "Caution" and "Charged/Summons", the ultimate outcome of these offences depends on what happens at court i.e. whether the offender is found guilty (convicted) or not. This information comes from the court results which do not come within our systems. Hence we record the detection disposals for each case but do not have the ultimate conviction data.

Service. Please find a link below to their website:

www.justice.gov.uk/

If you are not satisfied with this response or any actions taken in dealing with your request, you have the right to ask that we review your case under our internal procedure. Please note that a request for an internal review must be made within 20 working days of the response to your original request.

If you decide to request that such a review is undertaken and following this process you are still unsatisfied, you then have the right to direct your complaint to the Information Commissioner for consideration.

Yours sincerely,

Disclosure Officer
Gloucestershire Constabulary