



Your reference:

Our reference: FOI_2023.0733

E-mail: FOI

@gloucestershire.police.uk

Direct dial: 01452 754304

Postal Address: As above

Date: 07/08/2023

Dear

Gloucestershire Constabulary Freedom of Information request 2023.0733

On 17/07/2023 you sent an email constituting a request under the Freedom of Information Act asking the following:

[...] I am carrying out research into the ways in which apostates are protected within current legal frameworks, with a view to developing evidence-based recommendations for practice in this under-researched area.

I will outline a brief introduction to my research for context, and my FOI questions are below. If you would like any more information about my research, please contact me by email at [...]

Context for research

- Apostasy is defined as leaving or changing your religion or belief. The right to change religion or belief is protected under the Human Rights Act, Article 9, Freedom of thought conscience and religion.
- CPS has confirmed that religious hate crime laws include crimes against apostates, within the 'Definition of a religious group'. Hate crime statistics for England and Wales do not include apostasy as a category, and therefore numbers are unknown, however crimes against apostates could possibly be recorded as 'no religion', 'unknown' or 'other'. College of Policing guidance confirms that forces can "extend their local policy response to include hostility against other groups or personal characteristics, they believe are prevalent in their area or that are causing concern to their community." Therefore it is possible that forces hold local records of hate crime towards apostates.
- The purpose of my research is to understand the experiences of apostates, and how hate crime, domestic abuse and other relevant legislation can protect and support them. An online summary of my research is linked here.

- I am sending this FOI request to all police forces in England and Wales to benchmark national practice. Following this I would like to hold interviews with approximately 10 police forces, (ideally specialist officers in hate crime, domestic abuse, honour abuse) to collect more detailed data on how crimes against apostates may be handled. If your force would like to take part, please provide contact details and I will provide further information.

FOI questions

1. Does your force record crimes against apostates, within formal or informal records?
2. If yes, please provide data for the last 5 years, including the type of offence, the religion or belief of the perpetrator, and of the victim. Please detail any prosecuted cases including the outcome, and also No Further Action (NFA) cases, or any other relevant data.
3. Has leaving or changing religion or belief been recorded as a factor for any offences relating to; domestic abuse, coercive control or honour-based violence, or hate crimes against different protected characteristics eg sexual orientation? If yes, please provide data for the last 5 years.
4. Does your force have any formal or informal policy or operational guidance relating to crime against apostates? If yes please can you provide detail on which policies or operational guidance this is found in and provide a copy of the full text for relevant sections.

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

I can confirm that the information you have requested for Q3 may be held by Gloucestershire Constabulary however we do not record such instances statistically, nor are they held in a format that would allow their extraction within the permitted time constraints. To provide a definitive response would require a manual review of all relevant substantiated crimes recorded over the last 5 years. This would involve the review of hundreds, if not thousands of records and would therefore take far longer than the 18 hours prescribed by the Freedom of Information Act.

When applying the Section 12 exemption our duty to assist under Section 16 of the Act would normally entail that we contact you to determine whether it is possible to refine the scope of your request to bring it within the cost limits. However, from the information we have outlined above I see no reasonable way in which we can do so.

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.

By way of assistance and although excess cost removes the Force's obligations under the Freedom of Information Act, I have supplied the information relevant to your request which has already been retrieved. I trust this is helpful but it does not affect our legal right to rely on the fees regulations for the remainder of your request.

1. No, however, if this information is disclosed then there is an expectation that it would be recorded by applying either the "Religion – Other" or "Religion – non" hate crime tag.
2. N/A
4. No. The local guidance is based upon the national guidance on the recording of hate crime from with the Home Office Counting Rules for Recorded Crime. Further details can be found via the following link:
<https://www.gov.uk/government/publications/counting-rules-for-recorded-crime>

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.

The Information Commissioner can be contacted via the following means:

Website - <https://ico.org.uk/>

Call their helpline - 0303 123 1113

Email - casework@ico.org.uk

Post –

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Yours sincerely,

Disclosure Officer
Gloucestershire Constabulary