

**Police Headquarters**

London Road

DEVIZES

Wiltshire

SN10 2DN

disclosure@wiltshire.police.uk

Date 25/04/2023

Our ref FOI 2023/427

I write in connection with your request for information dated 13/04/2023 concerning hate crime.

I am required by the Freedom of Information Act 2000 to handle all requests in a manner that is blind as to the identity and motives of the requestor. Any information released as a response to a request is regarded as being published and therefore in the public domain without caveat.

Following receipt of your request, research was conducted by at Wiltshire Police.

Your request for information has now been considered and I am able to respond as follows.

You wrote:

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? **No**

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?

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It is not possible to do this presently as we use a crime recording system, used by number of forces, to collect this data which would require a National agreement to implement changes to it. No guidance has yet been received.

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)

I am satisfied that all the relevant information has been passed to me and been considered in the light of your request within the time constraints applicable under the legislation.

Wiltshire Police would like to thank you for the interest that you have shown in the Force.

Yours sincerely

Force Disclosure Decision Maker

Wiltshire Police offers a re-examination of your case under its review procedure.

Force Disclosure Unit

Wiltshire Police HQ, London Road, Devizes, Wiltshire SN10 2DN
Telephone 101 ext 62005

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Freedom of Information Request Appeals Procedure

1. Who Can Ask for a Review

Any person who has requested information from Wiltshire Police, which has been dealt with under the Freedom of Information Act, is entitled to complain and request an internal review, if they are dissatisfied with the response they received.

2. How to Request a Review

Requests for review of a Freedom of Information request must be made in writing to the:

Force Disclosure Unit
Wiltshire Police Headquarters,
London Road, Devizes,
Wiltshire,
SN10 2DN

Email at disclosure@wiltshire.police.uk.

The reference number, date of the request and details of why the review is being requested must be included. Requests for review should be brought to the attention of the Force Disclosure Unit within 20 working days of the Force's response to the original FoI request.

3. Review Procedure

Receipt of a request for review will be acknowledged in writing to include confirmation of the reasons for the review. The review will be conducted by another Decision Maker, who is independent from the original Decision Maker. The Force Disclosure Unit will set a target date for a response. The response will be made as soon as is practicable with the intention to complete the review within twenty working days. In more complex cases the review may take up to 40 working days.

The Independent Decision Maker will conduct a review of the handling of the request for information and of decisions taken, including decisions taken about where the public interest lies in respect of exempt information where applicable. The review enables a re-evaluation of the case, taking into account the matters raised by the complaint.

4. Conclusion of the Appeal

On completion of the review the Independent Decision Maker will reply to the complainant with the result of the review. If the complainant is still dissatisfied following the review they should contact the Information Commissioner to make an appeal. The Information Commissioner can be contacted via the following details:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF
Tel: 01625 545 700

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Fax: 01625 524 510

Email: mail@ico.gsi.gov.uk

Please note that the ICO's offices will be closed for the foreseeable future and are therefore unable to receive correspondence via post.

If you should wish you contact them, please visit <https://ico.org.uk/global/contact-us/>