

WILTSHIRE POLICE



XXXXXX XXXXXXXX
By email

**Force Disclosure Unit
Police Headquarters**
London Road
DEVIZES
Wiltshire
SN10 2DN

Date 24/07/25

Our Ref FOI 2025-624

Dear XXXXXXXXX,

I write in connection with your request for information dated 24/07/25, concerning Homophobic Hates Crimes.

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 Business Intelligence Unit and the Hate Crime Lead of Wiltshire Police. Your request for information has now been considered and I am **not** obliged to supply the information you have requested.

You wrote:

Under the Freedom of Information Act 2000, I am requesting the following information covering the period from July 2021 to the most recent full calendar year available:

1. The number of recorded homophobic hate crimes (i.e. those motivated by sexual orientation), broken down by:
 - Year
 - Offence type (e.g. harassment, assault, criminal damage)
2. The investigative outcomes for these offences for each year (e.g. charge, caution, no further action).
3. The number of non-crime hate incidents (NCHIs) recorded in the same period where the motivation was related to sexual orientation.
4. Any anonymised internal reports, summaries, or strategic documents produced since July 2021 that relate to homophobic hate crime trends, community safety, or policing response.
5. A copy of your current operational hate crime policy or guidance, specifically covering how homophobic hate crimes and NCHIs are defined, recorded, and investigated.

Keeping Wiltshire Safe

Our response:

Section 1 of the Freedom of Information Act 2000 (FOIA) places two duties on public authorities. Unless exemptions apply, the first duty at s1(1)(a) is to confirm or deny whether the information specified in a request is held. The second duty at s1(1)(b) is to disclose information that has been confirmed as being held.

Whilst I can confirm Wiltshire Police do hold the requested information, section 12(1) of the FOIA states:-

Section 1(1) 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.

The information you are requesting is not stored in a way which permits for easy retrieval. To establish this data would require manually reviewing each individual occurrence over the last four years which would take a substantial amount of time.

Under the circumstances I am absolutely confident that to locate, retrieve and extract the information you seek would by far exceed the time obligations upon this authority to comply, and in so doing would exceed the fees limits. This is set at £450 calculated at a flat rate of £25 per hour for those work activities comprising of confirming the information is held, locating it, retrieving it and extracting it. Therefore the whole of the request should fall under the exemption of section 12 of the Freedom of Information Act 2000.

Please note:

If one part of the request engages a Section 12 response, the whole request will engage a Section 12 response. The reason being is due to the fact that locating, retrieving and extracting any further information would only add to the already exceeded time obligations.

Forces may use different recording systems, therefore it may be possible some Forces can provide this information where others cannot.

Ordinarily under our Section 16 obligation to provide advice and assistance we would advise you of a way to refine your request to a more manageable level. Due to the difficulties in obtaining the requested information, as outlined above, I cannot think of a way in which this could be achieved.

Although excess cost removes the Forces' obligations under the Freedom of Information Act, as a gesture of goodwill I have supplied information, relative to your request, retrieved or available before it was realised that the fees limit would be exceeded. 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. What I can provide you with is documented below:

1.

For Hate Crimes data is provided from July 21 to end of December 24 for Crimes and Niche Incidents with the NICL Qualifier 'Prejudice – Sexual Orientation'

Distinct Count of OccNo	2021	2022	2023	2024
Niche Incidents	22	25	11	10
Assault Emergency Worker - actual		1		

Keeping Wiltshire Safe

bodily harm (Sec 47)				
Assault occasioning actual bodily harm (Sec 47)		6	11	7
Assault occasioning actual bodily harm (Section 47)	7	2		
Assault or assault by beating of a constable		1	3	3
Assault or assault by beating of a constable (Assaults on Emergency Workers (Offences) Act 2018 Sec 1)	3			
Breach SHPO/interim SHPO/SOPO/interim SOPO/ Foreign Travel Order or fail to comply with requirement Under Sec 103D (4) in relation to a SHPO			1	
Causing intentional harassment, alarm or distress (S4A POA)	35	24		
Causing intentional harassment, alarm or distress (Sec 4a POA)		46	81	72
Common assault (S39) and assault without injury (Class 105A)	13	4		
Common Assault and Battery		6	15	13
Criminal damage to a building - business and	1			

community (under £5000)				
Criminal damage to a residence (under £5000)	1			
Criminal damage to other property (under £5000)		3		
Encouraging or assisting serious self-harm				1
Exposure		1		1
Exposure (S66, SOA 2003)	1			
Fear or provocation of violence (S4 POA)	2			
Fear or provocation of violence (Sec 4)		2	3	3
Harassment		8	13	21
Harassment (S2 Harassment Act 1997)	6	2		
Harassment etc. of a person in his home		1		1
Harassment, alarm or distress (S5 POA)	6	2		
Harassment, alarm or distress (Sec 5 POA)		7	5	
Non Notifiable - Harassment, alarm or distress (Sec 5 POA)			4	5
Other criminal damage to a building - business and community (under £5000)			4	3

Keeping Wiltshire Safe

Other criminal damage to a residence (under £5000)		1		1
Other criminal damage to a vehicle (under £5000)		1	1	
Other criminal damage, other (under £5000)			2	1
Pursue course of conduct in breach of Sec 1 (1) which amounts to stalking				2
Putting people in fear of violence (harassment)				1
Racially or religiously aggravated assault or assault occasioning actual bodily harm (Sec 47)			1	
Racially or religiously aggravated common assault		1		
Racially or religiously aggravated common assault or beating		1		
Racially or religiously aggravated criminal damage		1		1
Racially or religiously aggravated harassment or stalking without violence	1	1		1

Racially or religiously aggravated harassment, alarm or distress - words or writing (Sec 5 POA)		2	3	2
Racially or religiously aggravated harassment, alarm or distress (Sec 5 POA)	2			
Racially or religiously aggravated intentional harassment, alarm or distress (Sec 4a POA)	1	4	3	4
Rape of a Male aged 16 or over (Sec 1 - SOA 2003)	2			
Robbery personal			2	
Send communication threatening death or serious harm				2
Send false communication with intent to cause harm				1
Sending letters etc with intent to cause distress or anxiety	9	5		
Sending letters etc. with intent to cause distress or anxiety		14	16	2
Sexual assault on a male aged 13 or over			1	2
Sexual assault on a male aged 13 or over (Sec 3, SOA 2003)	1			

Stalking involving fear of violence		1		
Theft from shops and stalls				1
Theft if not classified elsewhere			2	
Use of words or behaviour or display or written material - Acts intended to stir up racial hatred			1	
Wounding with intent to do grievous bodily harm (Sec 18)			1	

2.

Distinct Count of OccNo	2021	2022	2023	2024
1: Charged	3	9	11	21
1: Summoned/postal requisition	10	6	10	2
10: Police - formal action not in public interest			1	
12: Named suspect identified but is dead or too ill (physical or mental health) to prosecute		2	1	
14: Victim declines/unable to support action to identify offender	3	7	1	3
15: CPS - named suspect, victim supports but		2	3	2

evidential difficulties				
15: Police - named suspect, victim supports but evidential difficulties	37	56	43	31
16: Victim declines/withdraws support - named suspect identified	10	21	19	19
17: Suspect identified but prosecution time limit expired	3	1	8	5
18: Investigation complete no suspect identified	14	32	44	30
1A: Alternate offence charged	1		2	3
1A: Alternate offence summonsed/postal requisition	1	1	3	3
2: Youth conditional caution		1		
20: Other body/agency has investigation primacy	5	5	2	5
22: Diversionary, educational or intervention activity, resulting from crime reports, has been undertaken and is not in the public interest to take any further action.		2	3	2
3: Adult caution				1

3: Adult conditional caution		1	2	
8: Community resolution	3	3	7	6
8: Youth restorative disposal	1		8	5
9: CPS - prosecution not in public interest				1
New - Under Investigation			1	8
Niche Incidents	22	24	15	14

3.

For NCHIs data is provided from June 23 which is when they came into effect, until the end of the December 24:

X4 NCHIs recorded

5.

Wiltshire Police follow the National guidance on Hate Crime as per <https://www.app.college.police.uk/app-content/major-investigation-and-public-protection/hate-crime/>.

Wiltshire Police have our own policy as attached in the PDF sent with this document.

With regards to NCHI we again follow the National Guidance [Non-Crime Hate Incidents: Draft Code of Practice on the Recording and Retention of Personal Data \(accessible\)](#) - GOV.UK with our own guide (please find the redacted version of this guide attached at the end of the response letter).

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

The exemption applicable to the information requested is:

Section 12 - Exemption where cost of compliance exceeds appropriate limit

In accordance with section 17 of the Act, this letter represents a Refusal Notice for this particular request.

Keeping Wiltshire Safe

Please contact me if you would like to discuss the withheld information.

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



Keeping Wiltshire Safe

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 Fol 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
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 to contact them, please visit <https://ico.org.uk/global/contact-us/>

Keeping Wiltshire Safe

Non-Crime Hate Incident Guidance

Following the case College of Policing V Miller interim guidance was given regarding the recording of non-crime hate incidents. The Home office have now written a Code of practice for all Police forces to follow when deciding whether or not to record non-crime hate incidents. This code of practise has been agreed in Parliament and went live on Saturday the 3rd of June 2023. This was launched in Wiltshire Police January 2024.

Home office definition of a non-crime hate incident.

“A non-crime hate incident (NCHI) means

- an **incident** or alleged incident
- which involves or is alleged to involve an act by a person (**‘the subject’**)
- which is perceived by a **person other than the subject** to be motivated - wholly or partly - by **hostility or prejudice** towards persons with a **particular characteristic.**”

“Particular Characteristic” This means protected characteristics within hate crime legislation.

- Race
- Religion
- sexual orientation
- Transgender
- Disability
- or perceived to be a member of those protected groups.

Wiltshire Police are a recording authority and there are some very important changes that we all need to understand.

- 1. We do not automatically record all non-crime hate incidents.**
- 2. If recording incidents, key decisions must be made about recording personal data.**

3. **Personal data must be deleted if the “additional threshold test” is not met.**
4. **Subjects must be informed that their personal data is being held in relation to a non-crime hate incident.**
5. **We must not use “criminal” terminology e.g., Victim / Suspect in our incident recording or investigation logs.**

Should we record the incident at all?

The following three considerations are taken from the code of practice which contains helpful examples and should be read in conjunction with this guide.

1. Consider using common sense reasoning and drawing on supporting information where available; whether the subject involved in the incident in question was motivated by intentional hostility or prejudice towards a particular characteristic. If neither hostility nor prejudice are demonstrated, or the recording authority believes that any hostility or prejudice demonstrated is unintentional, the incident should not be recorded as an NCHI.
2. Consider whether there is a **common-sense reason** not to record an NCHI - for example if the complaint is trivial, irrational and/or malicious. If the recording authority judges this to be the case, an NCHI should not be recorded. As part of determining if the complaint is trivial, irrational or malicious, the recording authority should pay particular attention to the **context** of the incident to determine if the complaint was made in good faith.
3. Consider whether the recording of an NCHI would interfere with the subject’s right to **freedom of expression**. All recording authorities have a duty to balance the right to free expression with the need to record NCHIs to mitigate a real risk of significant harm to individuals or groups with a particular characteristic(s) and/or a real risk that a future criminal offence may be committed against individuals or groups with a particular characteristic(s). All efforts should be made to avoid a chilling effect on free speech (including, but not limited to, lawful debate, humour, satire

and personally held views). The recording authority should bear in mind that disagreement, debate, or the expression of unpopular or controversial views, opinions or humour are not, by themselves, grounds for an NCHI. Even where the speech is potentially offensive, a person has the right to express personally held views in a lawful manner. This includes the right to engage in legitimate debate on political speech or speech discussing political or social issues where there is likely to be strong differences of opinion. Further information on freedom of expression can be found in Section 4 of the codes of practice.

What is personal data

Personal data is any information that can be used to identify an individual.

Most commonly this would be names, age, date of birth, address. But it could also be descriptive information that would identify someone. E.g. “The man that lives above the chip shop on Market Street in Sandford” Whilst this example does not directly name the individual you could identify that person if they are the only man that lives above the chip shop in Market Street, Sandford.

What does the code say about recording personal data?

There may be a need to record non crime hate incident to assist with patrol planning such as incidents occurring in certain locations such as a place of worship or a meeting place to assist the police in planning patrols around potential hot spots. In this case we would only need to record time, date, location, and a description of the incident. There would be no need to record personal data of the subject.

If there is a need to record personal data of the subject we must ensure that the incident passes the additional threshold test.

Additional Threshold Test for the Recording of Personal Data.

“There are two subsets of NCHI records: those that include personal data of the subject, and those that do not.

Keeping Wiltshire Safe

Personal data may only be included in an NCHI record if the event presents a real risk of significant harm to individuals or groups with a particular characteristic(s) and/or a real risk that a future criminal offence may be committed against individuals or groups with particular characteristic(s).

The recording authority should utilise judgement to determine if this threshold has been met. This may include examples where the behaviour of the subject falls short of criminal conduct but may later be evidence of a course of criminal conduct (for instance, harassment).

The recording authority (Police) should also bear in mind that the risk of significant harm may be greater if the individual(s) who has experienced the incident is considered to be vulnerable. Further information on recognising vulnerability-related risk can be found on the College of Policing's website [here](#).

If an incident does not pass this threshold test, but all the other criteria required to record an NCHI are met, an NCHI without personal data may be recorded instead.

In these instances, the recording authority should ensure that any personal data that may previously have been recorded on policing systems in relation to the initial incident report is removed. For example, if personal information relating to the subject was recorded by the call taker when the initial report was made, this personal information should be deleted from the relevant policing system by the recording authority once it has been determined that the threshold test has not been met. If the criteria needed to record an NCHI are not met more generally, the recording authority will be required to close the original non-crime incident record. The recording authority should ensure that the non-crime incident record does not include any personal data before closing it. As set out in paragraph 23, if personal data has previously been recorded (for example, by the call taker during the initial report), this should be removed from the relevant policing system by the recording authority once it has been determined that the criteria needed to record an NCHI have not been met."

Who will make the decision to record a Non crime hate incident and if personal data should be recorded?

The decision to record a non-crime hate incident should be taken by the on-duty control room FORS supervisor, FIM or duty Inspector. By the very nature of this being a non-crime incident it may not be appropriate for this to fall to the Inspector where the call to service originates from. Due to managing immediate threat harm and risk if the call to service is through CCC and the FIM is committed with a more serious incident the decision making maybe nominated to another Inspector such as the CIT Inspector. If further enquiries are required that require local investigation then it may be appropriate that this sits with the Duty Inspector or Local NPT inspector for incidents of a repeat nature requiring further investigation. There are approximately 10 NCHI's a month recorded in Wiltshire at present

We should delete personal data from our systems including our initial call logs if the “additional threshold” test is not met.

“If personal information relating to the subject was recorded by the call taker when the initial report was made, this personal information should be deleted from the relevant policing system by the recording authority once it has been determined that the threshold test has not been met.”

Who to contact to delete personal data

From Control room STORM logs, Force Control room Supervisor

Unlinking personal data from Niche

The Data Quality Team will action tasks to delete or unlink personal data and will keep a record of all such requests/action taken for audit purposes.

Personal details held on an Occurrence enquiry log OEL.

Requests to delete personal data from an OEL will be sent by the authorising Inspector following their assessment to Head of Information Management and Assurance for final approval to delete personal information from an OEL.

Subjects must be informed if personal data is held in relation to non-crime hate incidents

Responsibility for Informing a subject that the force holds their personal data in relation to a non-crime hate incident falls to the staff member or officer investigation that incident. Staff should follow the guide on how to do this in the least intrusive way. A template has been created and is held within the allocations department. If the NCHI is allocated to Allocations they will send the template letter to the subject informing them of their data being retained under subject status but that they are not a suspect or a crime and no further action is being taken against them.

What terminology should we use to identify people involved in the incident?

The code states

“For the avoidance of doubt, where an individual is making, or has made, a complaint about another person, this code refers to them as the ‘complainant.’ The person being complained about is referred to as the ‘subject.’ These are neutral terms with no criminal connotations.”

When writing entries on an investigation log or choosing the persons role you must use neutral, non-criminal terminology. **“Victim and Suspect” must not be used for non-crime hate incidents.**

Whilst we await changes to niche please use non-criminal terminology such as ***Reporting person and subject.***

How will Non crime hate incidents be recorded?

If a decision is made that we should record a NCHI we now have a new Occurrence Type. **“OTHER – NON-CRIME HATE INCIDENT.”** This occurrence type should only be used when the decision to record as a hate incident has been made.

Historic Non-crime hate incidents identified.

Any rights of access request or disclosure requests relating to Disclosure and Barring Service (DBS) that highlights that we hold personal information

regarding a historic non-crime hate incident recorded before this code (June the 5th 2023) should be assessed against this code.

The assessment will be undertaken by the Inspector with responsibility for the community area. This Inspector will be best placed to determine current threat harm and risk considering community tensions and the relevance of the historic incident.

If the incident does not meet the criteria for recording a NCHI or pass the additional threshold test for recording personal data then we should delete the incident or personal information in line with this code by requesting the on duty FORS and data quality team to delete the relevant data off of STORM and NICHE. If we hold the information at the time of the request, it should be disclosed that we held the information and that it has been either deleted or held in line with the code.

Records Retention

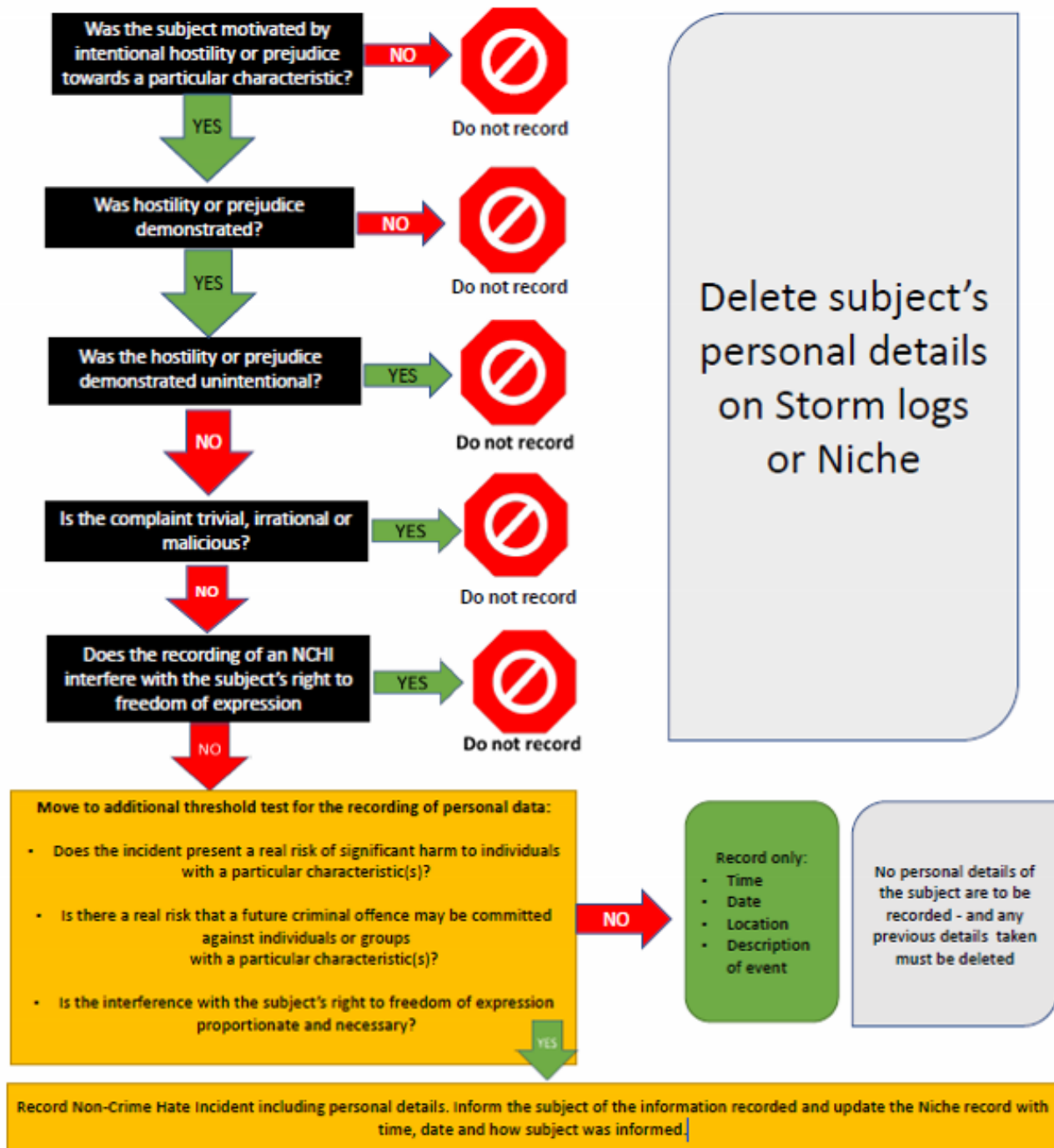
Non crime hate incidents will be retained in line with the code

The review before deletion will sit with Records Management dept who will run checks on the reporting person and subject against local databases and PND and PNC and pass their recommendation to the W10 (Inspector level) for final sign off.

Non-Crime Hate Incidents – decision making

This does not apply to hate crime. Please record hate crime in the usual way.

Hate incidents during school hours on school premises should be dealt with by the school and not recorded.



Resources

Code of practice for non-crime hate incidents

College of policing course

College of policing flow chart

College of policing decision tree

College of policing APP