



FREEDOM OF INFORMATION REQUEST



Request Number: F-2020-01542

Keyword: Crime

Subject: Disability Hate Crimes

Request and Answer:

Your request for information has now been considered. In respect of Section 1(1)(a) of the Act we can confirm that the Police Service of Northern Ireland does hold some information to which your request relates and this is being provided to you. We further consider that some information you seek in request number 1 is exempt by virtue of section 21 of FOIA, requests 1 - 7 are exempt by virtue of section 22 of FOIA and we have detailed our rationale as to why these exemptions apply. Consequently our responses reflect the time period up to 30th June 2020. We have also provided you with links to guidance issued by the Information Commissioner's Office which we have followed in responding to your request.

Request 1

How many disability hate crimes have been recorded by your police force for the following periods August 1 2019 to August 1 2020?

Answer

Some of the information you request is publically available in Table 21 of our latest hate crime quarterly update to 30th June 2020:

https://www.psni.police.uk/globalassets/inside-the-psni/our-statistics/hate-motivation-statistics/2020-21/q1/hate-motivation-tables-jun_-20.xls

Please note this covers the time period up to 30 June 2020 only.

Section 17(1) of the Freedom of Information Act 2000 requires the Police Service of Northern Ireland, 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 not otherwise apparent) why the exemption applies.

The exemption/s, as well as the factors the Department considered when deciding where the public interest lies, are listed below:

Section 21 (1) Information reasonably accessible by other means: Information which is

reasonably accessible to the applicant otherwise than under Section 1 is exempt information.

Section 21 is an absolute class based exemption and no evidence of harm or a public interest test is required.

The below exemption applies to requests 1 -7 for information from 30 June 2020.

Section 22(1)(a) – Information Intended for Future Publication: Information is exempt information if (a) the information is held by the public authority with a view to its publication, by the authority or any other person, at some future date (whether determined or not)

The full text of exemptions can be found at www.legislation.gov.uk and further guidance on how they operate can be located on the Information Commissioners Office website www.ico.org.uk.

Pursuant to the provisions of Section 22 of the Freedom of Information Act 2000 it has been decided to refuse access to the information you have requested. Under Section 22 (1) of the Act the Police Service of Northern Ireland (PSNI) is not obliged to disclose information that is held with a view to its publication at some future date.

Information relevant to your request to cover the time period after 30th June 2020 until 1st August 2020 will be published in November 2020 and will be made available on the PSNI website

Section 22 is a qualified exemption and PSNI is obliged to carry out a Public Interest Test.

Public Interest Test

Factors Favouring Release

Disclosure would demonstrate PSNI's openness and transparency.

Factors Favouring Retention

The spending of additional funds in order to facilitate this FOI request would not be in the public interest as this information is due to be released in the near future.

Decision

There needs to be a real and valid reason which identifies a tangible benefit to the public from disclosure of information. As the information is intended to be published at a future date, it is reasonable to exempt it as publication is imminent.

Request 2

How many incidents of disability hate crime concerned acts of violence against a person August 1 2019 to August 1 2020?

Answer

There were 46 recorded Violence against the person offences in the period 1 August 2019 - 30 June 2020.

Violence Against the Person Offences	Number
Violence with injury	6
Violence without injury	4
Harassment	36
Total	46

Request 3

How many incidents of disability hate crime were recorded as taking place online August 1 2019 to August 1 2020?

Answer

There were 13 recorded offences with a disability hate motivation and a 'cyber' flag, in the period 1 August 2019 - 30th June 2020.

Request 4

How many of the recorded disability hate crimes resulted in a charging decision August 1 2019 to August 1 2020?

Answer

Two recorded offences with a disability hate motivation resulted in an outcome of 'Charge/Summons'. None of these offences had a 'cyber' flag. Please note this covers the time period up to 30 June 2020.

Request 5

How many of the recorded disability hate crimes were prosecuted from August 1 2019 to August 1 2020

Answer

In the period 1st August 2019 to 30th June 2020 a total of two prosecutorial decisions to prosecute were received from the PPS for offences where a motivation of "Disability" was recorded against the incident.

Request 6

How many of the recorded disability online hate crimes resulted in a charging decision August 1 2019 to August 1 2020

Answer

Please see answer to request 4

Request 7

How many of the recorded disability online hate crimes in each financial year were prosecuted decision August 1 2019 to August 1 2020

Answer

In the period 1st August 2019 to 30th June 2020 no prosecutorial decisions to prosecute were received from the PPS for offences where a motivation of "Disability" and a flag of "Cyber-enabled" were recorded against the incident.

Please note: Information relating to prosecutions is provided by the Public Prosecution Service to PSNI for information purposes only and may not be wholly accurate. For accurate figures the relevant information should be sought from either NI Courts or PPS directly.

Changes can be expected to figures from 1st April 2020 as records are subject to ongoing validation and quality assurance processes until publication in May 2021; annual revisions to previously published financial year figures may also be applied at this time.

Online offences have been identified through the use of a 'cyber' flag placed on relevant records. This is in accordance with the Home Office definition of online crime. Please see below for further information on what constitutes an online crime, and associated data quality issues.

This information is based on data extracted from a live crime recording system and may be subject to change. It is dependent on the information having been input into the system in such a way as to identify those records that are relevant.

Hate Crime definitions

What is a hate motivated incident or hate motivated crime as recorded by the police?

Hate crime is defined as any criminal offence which is perceived, by the victim or any other person, to be motivated by hostility or prejudice towards someone based on a personal characteristic. PSNI also use the principles of this definition to record non-crime hate incidents (see 'Hate Incident or Hate Crime' below).

Hate Incident or Hate Crime?

Police recorded crime data is a victim oriented approach to crime recording. A crime will be recorded as having a hate motivation where it meets the relevant definition provided above. Not all hate motivated incidents will result in the recording of a crime, as what has occurred in the incident may not be of the level of severity that would result in a crime being recorded. Where crimes with a hate abuse motivation are recorded, they are classified according to the Home Office Counting Rules and form a subset of the overall police recorded crime statistics.

Further details of the background and recording practice in relation to police recorded crime statistics are available in the User Guide to Police Recorded Crime Statistics. An explanation of what constitutes an incident and a crime is provided in Section 2.1 of this guide, while reference to hate motivated incidents and crimes is available in Section 6. These recording practices, methods of counting outcomes and allocation of crime types apply equally to crimes with a hate motivation.

Disability

Any disability including physical or sensory disability, learning disability, long term illness and Mental health

The Perception Test

Evidence is not the test when reporting a hate incident; when an incident or crime has been reported to police by the victim or by any other person and they perceive it as being motivated by prejudice or hate, it will be recorded and investigated as a hate incident or crime. The perception of the victim, or any other person is the defining factor in determining whether an incident is a hate incident, or in recognizing the hostility element of a hate crime. Perception-based recording refers to the perception of the victim, or any other person. It would not be appropriate to record a crime or incident as a hate crime or hate incident if it was based on the perception of a person or group who had no knowledge of the victim, crime or the area, and who may be responding to media or internet stories or who are reporting for a political or similar motive. The other person could, however, be one of a number of people, including: police officers or staff; witnesses; family members; civil society organizations who know details of the victim, the crime or hate crimes in the locality, such as a third-party reporting charity; a carer or other professional who supports the victim; someone who has knowledge of hate crime in the area – this could include many professionals and experts such as the manager of an education centre used by people with learning disabilities who regularly receives reports of abuse from students; a person from within the group targeted with the hostility, e.g., a Traveler who witnessed racist damage in a local park.

Online Crime - Home Office Definition and Guidance

Online crime (formerly cybercrime) is identified through the use of a 'flag' on the crime recording system. Its aim is to help provide a national and local picture of the extent to which the internet and digital communications technology are being used to commit crimes. An offence should be flagged where the reporting officer believes that on the balance of probability the offence was committed, in full or in part, through a computer, computer network or other computer-enabled device.

Below is an outline of the circumstances in which a crime should be flagged as online:

Online crime (formerly cybercrime) is identified through the use of a 'flag' on the crime recording system. Its aim is to help provide a national and local picture of the extent to which the internet and digital communications technology are being used to commit crimes. An offence should be flagged where the reporting officer believes that on the balance of probability the offence was committed, in full or in part, through a computer, computer network or other computer-enabled device.

A crime was committed *online or through internet-based* activities, such as: sending or receiving emails, use of social media or networking sites, use of internet forums or blogs, online auction or retail sites, communication via online video game networks or communications platforms; and a 'computer, computer network or other computer-enabled devices were used to commit a crime. This includes desktop computers or laptops in the home or in the workplace, smartphones, tablets and other telecommunications devices linked to computer networks, or any other identifiable computer system or network that produces, processes and transmits data, which may also include internal intranets.

Data quality: While crimes included within the police recorded crime statistics for Northern Ireland are individually checked for compliance with the Home Office Counting Rules, the identification of an online crime is derived from a motivation 'tick box' on the system used by PSNI to record crime. The motivation is identified and completed by a police officer or member of police staff for each such reported incident or crime. The correct application of an online motivation for all such incidents/crimes is not quality assured by the PSNI Statistics Branch. As Online Crime has not been assessed as a National Statistic it is being presented here as an Official Statistic.

If you have any queries regarding your request or the decision please do not hesitate to contact me on 028 9070 0164. When contacting the Corporate Information Branch, please quote the reference number listed at the beginning of this letter.

If you are dissatisfied in any way with the handling of your request, you have the right to request a review. You should do this as soon as possible or in any case within two months of the date of issue of this letter. In the event that you require a review to be undertaken, you can do so by writing to the Head of Corporate Information Branch, PSNI Headquarters, 65 Knock Road, Belfast, BT5 6LE or by emailing foi@psni.pnn.police.uk.

If following an internal review, carried out by an independent decision maker, you were to remain dissatisfied in any way with the handling of the request you may make a complaint, under Section 50 of the Freedom of Information Act, to the Information Commissioner's Office and ask that they investigate whether the PSNI has complied with the terms of the Freedom of Information Act. You can write to the Information Commissioner at Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. In most circumstances the Information Commissioner will not investigate a complaint unless an internal review procedure has been carried out, however the Commissioner has the option to investigate the matter at his discretion.

Please be advised that PSNI replies under Freedom of Information may be released into the public domain via our website @ www.psni.police.uk

Personal details in respect of your request have, where applicable, been removed to protect confidentiality.