

29th June 2021

Freedom of Information Request - Reference No: 20211024

REQUEST

1. How many disability hate crimes have been recorded by your police force for the last two financial years –2019/20 and 2020/21?
2. How many disability hate crimes were committed by repeat offenders (of a previous disability hate crime) in the last two financial years- 2019/20 and 2020/21?
3. How many disability hate crimes during each financial year (2019/20 and 2020/21) concerned acts of violence against a person?
4. How many incidents of disability hate crime were recorded as taking place online in each financial year (2019/20 and 2020/21)?
5. How many of the recorded disability hate crimes in each financial year (2019/20 and 2020/21) resulted in a CPS referral?
6. How many of the recorded online disability hate crimes in each financial year (2019/20 and 2020/21) resulted in a CPS referral?

Clarification

South Yorkshire Police has received a number of similar requests to yours in the past.

<https://www.southyorkshire.police.uk/find-out/accessing-information/request-information-under-the-freedom-of-information-act/disability-hate-crime-ref-20201530/>

<https://www.southyorkshire.police.uk/find-out/accessing-information/request-information-under-the-freedom-of-information-act/hate-crime-nov-2018-to-nov-2020-ref-20202393/>

<https://www.southyorkshire.police.uk/find-out/accessing-information/request-information-under-the-freedom-of-information-act/hate-crime-ref-20190113/>

<https://www.southyorkshire.police.uk/find-out/accessing-information/request-information-under-the-freedom-of-information-act/hate-crime-ref-20191128/>

<https://www.southyorkshire.police.uk/find-out/accessing-information/request-information-under-the-freedom-of-information-act/hate-crime-ref-20191087/>

Reply to Clarification

On the basis of the information provided I can refine my questions to the below- we still require the data for 2020/21, the data on repeat offenders for both financial years in question and the data on CPS referrals for both years as this was not previously requested.

1. How many disability hate crimes have been recorded by your police force for the last financial year –2020/21?
2. How many disability hate crimes were committed by repeat offenders (of a previous disability hate crime) in the last two financial years- 2019/20 and 2020/21?

3. How many disability hate crimes during financial year 2020/21 concerned acts of violence against a person?
4. How many incidents of disability hate crime were recorded as taking place online during the financial year of 2020/21
5. How many of the recorded disability hate crimes in each financial year (2019/20 and 2020/21) resulted in a CPS referral?
6. How many of the recorded online disability hate crimes in each financial year (2019/20 and 2020/21) resulted in a CPS referral?

RESPONSE

I approached our Crime Management Data Returns Unit for assistance with your request.

In relation to Question 2 of your request.

Section 17 of the Freedom of Information Act 2000 requires South Yorkshire 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 following exemption applies to the disclosure of the information:

Section 12(2) – Exemption where cost of compliance exceeds appropriate limit

A Performance Review Officer has explained that there is no option to allow us to specify that the repeated crime must be a disability hate crime. The search indicator will likely count ANY type of crime and will trigger the indicator accordingly. So for example, if someone committed a theft last month and then this month committed a disability hate crime, the repeat suspect indicator would trigger for that person as they've been a suspect in the last 12 months (regardless of crime type). Therefore, this would encompass all crime types rather than restricted to disability hate crime and there would be no way to determine the previously-committed crimes unless each nominal was manually reviewed. As this check is only for 12 months of data, we would need to therefore also manually check all disability hate crimes provided for your date parameter, and cross reference these to see if they met the criteria of your repeat suspect request.

In essence, this process would take much longer than 18 hours of work.

The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 provide that the cost limit for non-central government public authorities is £450. This must be calculated at the rate of £25 per hour, providing an effective time limit of 18 hours.

Guidance from the Information Commissioner to public authorities is that where one part of a request is reasonably estimated to exceed the appropriate limit then the authority is not obliged to consider or comply with the remainder of the request up to the point at which the appropriate limit has been reached. Please note point 30 of the below link:-

https://ico.org.uk/media/for-organisations/documents/1199/costs_of_compliance_exceeds_appropriate_limit.pdf

Although excess cost removes the force's 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 neither does it bind South Yorkshire Police to any commitment that it will release information in such a manner in the future

The Performance Management Support Officer has conducted a search of our Crime Management system, Connect. This system is used to record complaints or allegations of those matters, which the Home Office specify should be recorded as 'crimes'.

They have provided the following explanation and attached spreadsheet:-

I have provided all crimes recorded on CONNECT Crime with the Disability Hate crime indicator applied, broken down by online crime indicator, HO Group (highlighting **violence against a person**), outcome of offence and financial year.