

Date:28th February 2020

Your ref: PPCW Ref: 1536/0220

Our Ref: PPCW Ref: 20.20

Justice Sub-Committee Clerks
Room T2.60
The Scottish Parliament
Edinburgh, EH99 1SP
Tel: 0131 348 5220
justicecommittee@parliament.scot



Gary Ritchie
Assistant Chief Constable
Partnerships, Prevention and Community Wellbeing
Tulliallan Castle
Tulliallan
Kincardine
FK10 4BE

01259 733114
ACCPartnershipandPrevention@scotland.pnn.police.uk

Dear Mr Finnie

Scottish Intelligence Database

Thank you for your recent letter regarding media reporting of data contained on Police Scotland's databases, in relation to reported non-crime hate incidents.

Can I first of all confirm that Police Scotland is committed to tackling all forms of hate crime, and the recording of non-crime hate related incidents enables the service to understand both local and national tensions within communities, take appropriate action to support and protect victims and ultimately prevent matters escalating into criminality.

Your letter refers to the 'Scottish Intelligence Database' however, for clarity, your points relate to non-crime hate incidents, which are recorded in Police Scotland's interim Vulnerable Persons Database (iVPD). The Scottish Intelligence Database is used to record intelligence in relation to crime, therefore non-crime related hate incidents are not recorded on this system. I can provide further information regarding the iVPD system should you so wish.

It may be helpful if I first provide some precursory background around how our approach to hate crime and incidents has developed.

Following the recommendations made in Lord McPherson's report into the racist murder of Stephen Lawrence in 1993, the Lord Advocate in Scotland created guidelines which shaped the approaches of the police service, and continues to influence current practice in Police Scotland. The Lord Advocate instructed that the following definition be used:

“an incident is aggravated by prejudice if it is perceived to be aggravated by prejudice by the victim or any other person”

I would emphasize particular words from this definition as these are key to understanding our approach: each 'incident' (not crime) requires to be investigated if there is prima facie evidence that a person (not necessarily the victim) 'perceives' that it is based on prejudice. The recent media reports suggested that the police service had introduced a culture whereby 'jokes' or freedom of speech were curtailed. This is emphatically not the case: this definition was introduced, following the, as described by Lord McPherson, 'collective failure' in the investigation of Stephen Lawrence's murder to ensure that hate incidents and crimes are afforded the correct degree of importance and investigation. This is particularly important in ensuring that confidence is built and maintained with members of minority communities who we know may be reluctant to report hate incidents.

From an operational perspective, hate related incidents are reported through various means. Each report is recorded and risk assessed by our Contact, Command and Control staff who then allocate the most appropriate local response. Local officers thereafter carry out necessary enquiry to establish whether an incident should be recorded as a hate crime (in line with Scottish Crime Recording Standards) requiring subsequent investigation. Where an incident does not amount to a crime, but meets the non-crime hate incident criteria (i.e. perceived to be motivated by hate or prejudice towards individuals or groups, based on protected characteristics), this is recorded on the iVPD system. There is continued scrutiny and governance locally and nationally during the above stages, ensuring each report is recorded appropriately and investigated effectively. In addition, Police Scotland's Hate Crime Standard Operating Procedures (SOP available via Police Scotland website), outlines our commitment to provide an effective response to hate related crimes and incidents. The SOP provides instruction and guidance on the recognition, recording, reporting and investigation of hate crimes and hate incidents. This is very much a victim centred approach, with the perception of the victim, or any other person, being a key factor in the decision to record as a hate related matter. The recording of all hate crimes and non-crime hate incidents allows for an informed assessment of any perceived vulnerabilities, and assists in the early identification of repeat victims and perpetrators, emerging crime patterns or community tensions.

Information contained on iVPD is held in accordance with automatic weeding/retention rules, specifically developed for the types of information contained on the database. Those rules were developed to ensure good business practice and compliance with relevant legislation and standards.

In relation to the disclosure of information, Police Scotland has a legal duty to share information regarding individuals undertaking regulated work where there may be concerns over a risk to children and vulnerable adults. The organisation fully complies with existing legislation governing the assessment of information not relating to convictions, and such information is only disclosed after considering whether it is accurate, relevant, proportionate and necessary, and is assessed in line with the Home Office framework.

Disclosure of this information requires a significant threshold to be reached and happens only in a small minority of cases. Individuals have a number of rights in relation to personal data that Police Scotland holds about them. The General Data Protection Regulation 2016/679 (GDPR) and Data Protection Act 2018 detail how individuals can exercise those rights, have access and dispute personal data held. Police Scotland's website has further information regarding an individual's rights – Data Protection – Your Rights

I hope this is of assistance. I am happy to clarify or discuss further as required.

Yours sincerely

A handwritten signature in black ink that reads "Gary Ritchie". The signature is written in a cursive style with a large initial 'G'.

Gary Ritchie
Assistant Chief Constable