



Ministry of Defence Police

Freedom of Information Manager

Ministry of Defence Police

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E-mail: MDP-FOI-DP@mod.gov.uk

Our Ref: eCase: FOI 2023/04652

RFI: 113/23

Date: 12th May 2023

Dear [REDACTED]

**FREEDOM OF INFORMATION ACT 2000: MINISTRY OF DEFENCE POLICE:
RECORDING HATE CRIME.**

We refer to your email dated 12th April 2023 to the Ministry of Defence which was acknowledged on the 12th April 2023 by The Ministry of Defence Police.

We are treating your email as a request for information in accordance with the Freedom of Information Act 2000 (FOIA 2000).

In your email you requested the following information:

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 such, all the below questions relate only to the Ministry of Defence special police force, and no other areas of the organisation.

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?

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?

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

A search for information has now been completed I can confirm that the Ministry of Defence Police do hold information in scope of your request.

1. Do you keep a record of crimes aggravated by hostility towards sex or gender that are reported to (or discovered by) your force?

Yes

2. If not:

b) Have you ever done?

b) Are there plans to do so in future?

2. Has the Law Commission's 2021 report affected whether you collect this information? If so, how?

No

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)

0

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)

No information held.

c) Please also give the number of crimes logged that led to a:

(i) Caution

0

(ii) Criminal prosecution

0

(iii) Conviction

0

If you wish to complain about the handling of your request, or the content of this response, you can request an independent internal review by contacting the Information Rights Compliance team, Ground Floor, MOD Main Building, Whitehall, SW1A 2HB (e-mail CIO-FOI-IR@mod.gov.uk).

Please note that any request for an internal review should be made within 40 working days of the date of this response.

If you remain dissatisfied following an internal review, you may raise your complaint directly to the Information Commissioner under the provisions of Section 50 of the Freedom of Information Act. Please note that the Information Commissioner will not normally investigate your case until the MOD internal review process has been completed. The Information Commissioner can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. Further details of the role and powers of the Information Commissioner can be found on the Commissioner's website at <https://ico.org.uk/>.

Yours sincerely

MDP Secretariat and Freedom of Information Office