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Mr Nick Henderson  
 request-3768-2e12834a@whatdotheyknow.com

Date: 5th February 2009

Tel No.: (DDI) 01622 654429

FOI Ref.: 8319/2008

Dear Mr. Henderson,

**FREEDOM OF INFORMATION REQUEST**

I write in connection with your request for information received by Kent Police on the 24<sup>th</sup> October 2008. I am very conscious that this response finds you some time after the statutory time limit permitted to a public authority for dealing with requests has passed and for this failure in our service I apologise.

I note that you seek access to information, in summary, regarding the total number of homophobic hate crimes reported in the last three years and the total number of cases that were reported to the Crown Prosecution Service in the last three years.

Following receipt of your request, searches were conducted within Kent Police to locate the information relevant to your request and I can respond as follows:

*Question 1a) The total numbers of homophobic hate crimes reported to Kent Police in the last year.*

Answer: There were 114 homophobic hate crimes reported to Kent Police between 1<sup>st</sup> January 2008 and the 31<sup>st</sup> December 2008. These results are based on reviewing GENESIS the crime-recording database as at 15:30pm on Wednesday 28<sup>th</sup> January 2009, and are subject to change as new information is received.

*Question 1b) The total numbers of homophobic hate crimes reported to Kent Police in the last three years.*

The following table provides the statistics relating to the number of recorded homophobic hate crimes for 2006, 2007 and 2008. Please note the recording of 'Homosexual Prejudice (Male and Female)' was introduced in 2006 and it is therefore not possible to provide statistics prior to this date.

Calendar Year	Number of Crimes reported
2006	86
2007	100
2008	114

It is imperative to note that the above data was extracted on the Modus Operandi probable cause of 'homosexual prejudice' (Male and Female)' and the use of the Modus Operandi probable cause is only as accurate as the inputting officer or member of staff.

**Modus Operandi** (often used in the abbreviated forms **M.O** or **simply Method**) is a [Latin](#) phrase, used in law enforcement to describe a [criminal's](#) characteristic patterns and style of committing crimes.

*Question 2a and 2b) The total numbers of those hate crimes reported to the Crown Prosecution Service in the last year and the last three years.*

The table below shows how the aforementioned homophobic hate crimes were handled once they had been reported and provides the figures for the last three years.

DETECTIONS	2006	2007	2008
<b>Charged / Reported for summons</b>	13	17	30
<b>Caution/ Reprimand/ Final Warning</b>	12	13	24
<b>Penalty Notice for Disorder</b>	1	1	6
<b>Taken into Consideration</b>	0	0	1
<b>Undetected</b>	58	68	53
<b>No Crime - genuine mistake/Secondary incident or no further action</b>	2	1	0
<b>Total</b>	86	100	114

Please note that a crime is deemed detected when a crime has been committed and recorded; A suspect has been identified and has been made aware they will be recorded as being responsible and what the full implications are and one of the methods of detections as shown below apply.

Methods of Detection breakdown:

1) Charged - this is when a person has been charged or summonsed to court for the crime.

2) Caution/Reprimand/Final Warning – These are all out-of-court disposals and are formal notices issued to the detained person by the Police confirming that they have committed the offence.

- A reprimand is a formal warning given by a police officer to the detained person who admits the offence.
- A final warning is a formal warning given by a police officer to the detained person who admits the offence and has committed previous offences.
- A caution is a formal warning given on the permission of or by a senior officer to the detained person who admits the offence.

3) Penalty Notice for Disorder- This is another out-of-court disposal, that can be issued for less serious offences and can be issued either on the street or at a police station. Penalty Notices for Disorder may also be referred to as PND's and unlike reprimands, final warnings and cautions can be issued to an individual who the police officer believes to have committed the offence, even if the individual does not admit to the offence. A PND is a Fixed Penalty Notice and requires the individual to pay a fine of either £50.00 or £80.00 within 21 days or to request a court date within this time.

4) Taken into Consideration (TIC) - Taken Into Consideration. An offence which is admitted but which has not been charged, which a defendant wishes to admit to the court and receive an appropriate sentence for, to avoid a later investigation and subsequent, separate conviction for the offence. The court will take account of offences TIC when sentencing. A 'TIC can only be added where there is a substantive charge of a similar type, which the defendant has either pleaded guilty to, or been convicted of.

5) No Crime - A crime once recorded will be classified as a 'No Crime' if either one of the following applies;

- The crime was committed outside the jurisdiction of the police force in which it was recorded
- Following a report of an incident, which has subsequently been recorded as a crime additional verification
- If information is available which determines that no notifiable crime has been committed
- If the crime as alleged constitutes part of a crime already recorded (secondary Incidents)
- If the reported incident was recorded as a crime in error.

6) Undetected - This is where no suspect or offender has been identified for the recorded crime and the crime goes undetected.

**The above is taken from the Home Office Counting Rules 2008/09 and [http://www.cjsonline.org/offender/out-of-court\\_disposals](http://www.cjsonline.org/offender/out-of-court_disposals)**

The Criminal Justice and Investigative Standards departments have advised us that the case files are sent to the Crown Prosecution Service for 'pre charge advice'. Those files with which the Crown Prosecution Service is not able to proceed with are then recorded as no crimes. The table above discloses the number of cases that were charged and we therefore know that these cases were reported to the Crown Prosecution Service. However we cannot accurately confirm the number of overall cases that have been reported to the service as some cases may have been reported and then recorded as no crimes, and this information is not held in a retrievable format. In accordance with the Freedom of Information Act 2000 this letter acts as a Refusal Notice for this part of the request.

It is important to highlight that a number of studies have established that homophobic hate crimes are under- reported. The Gay British Crime Survey 2008 conducted by Sam Dick of Stonewall (a professional lobbying group promoting equality and justice for Lesbians, Gay men and Bisexuals) confirmed that three in four victims did not report the hate incident to the Police, and seven in ten victims did not discuss the incident with anyone.

Kent Police is urging the gay, lesbian, bi-sexual and transgender community to use the free 24-hour [Kent Homophobic and Transphobic Reporting Line](#). This will ensure hate crime is reported and can be fully investigated.

The Kent Homophobic and Transphobic Reporting Line offers round-the-clock advice to anyone who has experienced homophobic or transphobic crime. Call handlers have been specifically trained to deal with sensitive incidents and can transfer crime reports to the police. The number is **0800 328 9162**. It is operated jointly by Kent's 13 crime and disorder reduction partnerships.

Kent Police will take action against homophobic or transphobic crime. In a recent case two women from Whitstable were found guilty of homophobic harassment. One woman received a 24- month supervision order and was ordered to pay £625.00 costs. The other was given an immediate jail sentence of 150 days.

Thank you for your interest in Kent Police and I hope that the information we have been able to provide is of use to you. A sheet, which summarised your rights, was enclosed with the acknowledgement sent to you and as suggested therein, should you have any further questions concerning your request, please contact me quoting the reference number shown above.

Yours sincerely,

**Laura Birchley**  
**Freedom of Information Administrator**