

Free Speech Union briefing

Police still wasting time investigating Non-Crime

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September 2024



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Executive Summary

During 2023, the Free Speech Union submitted two series of Freedom of Information ('Fol') requests to all police forces in England and Wales, asking for detail on the number and type of recorded Non-Crime Hate Incidents ('NCHI'). Our Fol requests covered two periods:

1. Period 1 (12 months): 14 March 2022 to 14 March 2023
2. Period 2 (6 months): 14 March 2023 to 14 September 2023

Specifically, our Fol request was as follows:

The total number of non-crime hate incidents recorded by the Constabulary, broken down by individual "hate" characteristics (e.g. Race, Disability, Gender Reassignment etc.) If it is not possible to provide the information broken down by individual characteristics, please just provide the total number of incidents recorded. If individual incidents may be flagged with more than one characteristic please indicate this in your response.

A new [draft code of practice](#) on the recording of NCHI was laid before Parliament in March 2023. After review by the [College of Policing](#), the new code came into force on 2nd June 2023 alongside new [authorised professional practice](#) (APP) – operational guidance for police forces in England and Wales when it comes to the recording and retention of NCHIs – drafted by the College of Policing. Consequently, our second series of Fol responses should, in part, reflect any immediate change in NCHI recording arising from the new code of practice.

After excluding police forces with incomplete or inconsistent data (detailed below), our analysis included 29 police forces, together covering approximately **73%** of the population of England and Wales (population statistics by police force were drawn from the ONS statistics for the year

ending March 2023)¹. Restated on an annualised basis, the number of NCHIs recorded across these 29 forces increased by **+1.6%** from **11,554** in Period 1 to **11,740** in Period 2. This suggests that the new code of practice had little impact on the recording of NCHIs over the periods under consideration.

According to [The Telegraph](#), between [May 2014](#) and 2019, a total of **119,934** NCHIs were formally recorded by 34 police forces in England and Wales. This works out approximately **21,480** per annum. Even after allowing for the greater number of police forces in the *Telegraph's* analysis (34 rather than 29), this indicates there had been some reduction in NCHI recording following the [2020 Harry Miller judgment](#) and prior to the issuing of the new code of practice in 2023.

While it is difficult to discern any consistent change in NCHI recording following the introduction of the 2023 Code of Practice, the headline figures mask considerable underlying data variability:

- Sixteen forces saw an increase in NCHI recording between the two periods. Weighting the percentage change in NCHI for each of these forces by the population figures of each region gave an average percentage increase of approximately **+28.2%**.
- Thirteen forces saw a decrease in NCHI recording between the two periods. Weighting the percentage change in NCHI for each of these forces by the population figures of each region gave an average percentage reduction of approximately **-17.1%**.

¹ <https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/datasets/policeforceareadatatables>

Data Weaknesses and Excluded Police Forces

The FoI responses varied in terms of data completeness, consistency and granularity. This means it is difficult to draw definitive conclusions on patterns of NCHI recording from the information received. There did not appear to be any standard categorisation system being employed across police forces either to identify NCHIs or to flag different types of NCHIs. This was often highlighted to us by a given force in its response. This was also clear where, for the same police force, the format and detail of the second FoI response was materially different to that of the first FoI response. IT system changes within certain police forces also caused problems with some FoI data.

Within police databases, multiple prejudice strands (race, gender etc.) can attach to a single NCHI or an NCHI may be recorded with no associated prejudice strand. Where police forces only provided us with the aggregate number of prejudice strands for a period, it was not possible, therefore, to infer the true underlying number of NCHIs (which could be a higher or lower figure). In these cases, we used the total number of prejudice markers as a proxy for the underlying number of NCHIs.

Seven police forces failed to respond to both FoI requests, preventing calculation of the movement in NCHI reporting:

	Period 1 Response	Period 2 Response
<u>Incomplete Data</u>		
Cheshire Constabulary	N	N
City of London Police	N	N
Devon and Cornwall Police	Y	N
Hampshire and Isle of Wight Constabulary	N	Y
Lincolnshire Police	N	Y
Norfolk Constabulary	Y	N
Thames Valley Police	N	Y

We excluded a further seven police forces due to the data inconsistencies

in the FoI responses: Avon and Somerset, Derbyshire, Durham, Dyfed-Powys, Gloucestershire, Merseyside, West Mercia.

We have restricted our statistical inferences to the headline movement in the number of NCHIs recorded and the movement between the two periods. For period 1 only, however, we have analysed the sub-types of NCHI. Despite the very different recording methods and sub-categorisation, some patterns do emerge. Around 60% of NCHIs in period 1 entailed some kind of racial element and this proportion was relatively consistent across police forces. The next two largest categories were sexual orientation (14%) and disability (10%).

