Hate Incidents & Crimes

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At the time of ratifying this procedure, the author is satisfied that this document complied with relevant legislation and Force requirements.

Sign and date

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(Author(s))
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1. Responsibilities

1.1 Individual and Group Responsibilities

1.1.1 The Assistant Chief Constable Territorial Policing is responsible for the implementation and development of policies relating to the minimum standards of response and investigation into hate incidents and crimes.

1.1.2 Area Commanders have overall responsibility for the strategic management of the police response to all race / hate crime / incidents and for maintaining inter-agency co-operation. They must also ensure that staff comply with this procedure.

1.1.3 The role of the Communities Unit is to create and assist in the implementation of Force procedure, to ensure there is a corporate approach in the response to and the investigation of Hate Crime.

1.1.4 Overall responsibility for this procedure will be aligned to the role of the Head of the Communities Unit.

1.1.5 The Diversity Unit which sits within the Communities Unit has a responsibility to support the areas & other staff with issues and queries surrounding hate crime. The Diversity Unit will ensure that there is clarity and transparency around operational guidelines & procedures relating to Hate Crime. The Diversity Unit will work to increase the reporting of hate crime through a variety of means and will conduct spot checks ensuring that appropriate action is taken in accordance with Force procedure.

1.1.6 There are three area Partnership Development Units responsible for hate crime monitoring; their role is to ensure a multi agency response to hate crime;
- Quality assure investigations and offer support and guidance to investigating officers;
- Maintain records around the number of incidents, crimes, arrests etc.

2. Guidance

2.1 Definitions

2.1.1 A hate incident is: “any incident, which may or may not constitute a criminal offence, which is perceived by the victim or any other person as being motivated by prejudice or hate”.

A hate crime is: “any hate incident, which constitutes a criminal offence, perceived by the victim or any other person, as being motivated by prejudice or hate.

The meaning of motivation is broader than simply hatred of a particular group. We use the following definition when referring to an offender’s motivation. “Hate crimes and incidents are taken to mean any crime or incident where the perpetrator’s prejudice, hostility or hatred towards an identifiable group of people is a factor in determining who is victimised”
2.1.2 Developed by ACPO this definition is broad and inclusive. In line with the ACPO guidance and the cross-government Hate Crime Action Plan, we monitor and record hate crimes for the following groups; Race, Religion, Sexual Orientation, Disability and Transgender.

2.1.3 The Crime and Disorder Act 1998 introduced racially aggravated offences which on conviction attract a higher sentence than the same offences where no aggravating factors are involved. The Anti-Terrorism, Crime and Security Act 2001 expanded the range of these offences to cover religiously aggravated offences.

2.1.4 Section 29 to 32 of the Crime and Disorder Act 1998 creates racially or religiously aggravated provisions of the following offences:

- Assaults (Section 39,47 and 20)
- Criminal Damage (Section 1)
- Public Order Offence (Section 4, 4a and 5)
- Harassment (Section 2 and 4)

2.1.5 A **critical incident** is where the effectiveness of the police response is likely to have a significant impact on the confidence of the victim, their family and / or their community.

2.1.6 **Repeat victimisation** is categorised as where a person or an immediate family member suffers more than one hate incident in a 12 month period following the date the first crime was reported.

2.1.7 A **“Racial Group”** means a group of persons defined by reference to race, colour, nationality (including citizenship) or ethnic or national origins.

2.1.8 A **“Religious Group”** means a group of persons defined by reference to religious belief or lack of religious belief.

### 2.2 Guidance for Effective Management of Hate Incidents / Crimes

**Call Management Bureau / Resource Deployment Centre**

2.2.1 The Call Management Bureau / Resource Deployment Centre has responsibility for the following:

- Primarily to ensure the safety of the victim;
- Conducting an initial risk assessment;
- Keeping the caller/victim informed of deployment as per the PASS guidelines
- Ensuring hate incidents are graded 1 or 2 unless in exceptional circumstances as detailed in 2.7;
- Ensuring correct coding of hate incidents / crimes
- Initial call taker to tag the incident to their supervisor’s list as soon as practicable. Additionally, if there was an immediate threat to public safety they should inform their supervisor verbally. They will then ensure appropriate initial management of the incident. This will include informing the Area Duty Inspector.
- To make the Officer in the Case aware of any relevant information including repeat victimisation.
The Officer in the Case

2.2.2 The Officer in the Case, in this case the first attending officer, this will normally be a Targeted Patrol Team patrol officer. In cases where an incident has not initially been identified as a hate incident, it is the responsibility for the Officer in the Case, whether Targeted Patrol Team or Neighbourhood Policing Unit, to inform the Call Management Bureau / Centralised Crime Recording Bureau. The Officer in the Case’s responsibilities are as follows:

- To protect the victim and ensure that they are no longer at risk;
- To take positive action;
- To conduct a risk assessment in respect of the potential for further victimisation;
- To investigate offences, gather evidence and take positive action against all perpetrators;
- To inform their Partnership Development Unit of the incident whatever the outcome;
- To keep the incident up to date via the resource deployment centre and the crime recording bureau;
- If following attendance the incident transpires not to be hate motivated the full reasoning should be recorded and recounted to the Resource Deployment Centre;
- To take a statement at the time and not postpone to a later date,(In exceptional circumstances this may not be possible if this is the case a full record must be made on the log as to why this was not carried out);
- The first attending officer will remain the Officer in the Case throughout the entire enquiry unless the Duty Divisional Inspector makes the decision to pass the enquiry to another named officer (i.e. Neighbourhood Policing Unit officer). In this case the victim must be informed and the Atlas log updated accordingly with the new Officer in the Case’s collar number and name. The case handover must physically be given and explained to the new Officer in the Case’s Sergeant by the existing Officer in the Case’s Sergeant. Handovers must not be left for unknown officers.

Targeted Patrol Team Sergeant

2.2.3 The Targeted Patrol Team Sergeant’s responsibilities are as follows:

- Be aware of all hate incidents / crimes that occur on their tour of duty.
- Monitor and intervene when necessary to ensure that they are satisfied that the minimum standards of investigation have been conducted at the scene and that the investigation is progressing in a timely manner;
- Ensure the Targeted Patrol Team Inspector is aware of the incident and the preliminary investigation and findings.

Targeted Patrol Team Inspector

2.2.4 The Targeted Patrol Team Inspector’s responsibilities are as follows:

- The management of the investigation throughout;
- Tasking a Sergeant to supervise the Officer in the Case and the investigation;
- Deciding whether the investigation needs to be passed to another officer i.e. Neighbourhood Policing Unit officer.
Custody Sergeant

2.2.5 The Custody Sergeant’s responsibilities are as follows:
• Ensure that “QH” code for hate crime is displayed on the charge sheet which will identify hate crime cases to the CPS.

2.3 Specialist Support / Measures

2.3.1 Specialist Support / Measures as listed below may be required / or need to be considered:
• If the case is of a serious nature it will be investigated by the relevant specialist department, Specialist Investigation Unit, etc;
• If the victim is a repeat victim please refer to the force procedure on repeat victimisation.
• The Independent Advisory Group is an independent body who may be consulted on issues of community sensitivity. Full details are available from the Diversity Advisory Unit;
• An interpreter may be required. Family members must not be used to interpret, other than as a last resort and only to establish facts that might secure the immediate safety of all parties;
• Are there any special needs i.e. disability;
• Has the victim been subjected to targeted attacks and repeat victimisation;
• Officers should consider the most appropriate method of recording the interview in the initial stages of the investigation and if necessary complete a Form 404 (first contact booklet).

2.4 Reporting Methods

2.4.1 The following methods should be used to report hate crime:
• Via emergency call;
• Via non-emergency call;
• In person;
• Through force website;
• Via postal report;
• Community reporting centre;
• Through a referral from another agency.

All reports that do not come through call handling should be directed to the Diversity Advisory Unit at Headquarters or the Equality & Diversity mailbox.

2.5 Community Reporting

2.5.1 Community reporting is an important way to overcome communication barriers between the police and the community. Until the commencement of the third party reporting project, victims of hate motivated incidents had to report directly to the police for the incident to be recognised and action taken. Third party reporting changes this procedure for people affected by hate incidents / crimes.

2.5.2 Reports of hate incidents can now be made by victims and any other party or an independent third party reporting centre. These centres are non-policing agencies
and they can pass information on to the police on the victim’s behalf. The police are then required to act on this as if they had received the report directly.

2.5.3 The Diversity Unit manages these centres with the Area Diversity Units. All reports of hate incidents / crimes from the reporting centres should be e-mailed to hate.crime.reporting@cheshire.pnn.police.uk

2.6 Intelligence

2.6.1 Intelligence relating to offences and offenders will be submitted to the Intelligence Unit to ensure that it is properly stored, assessed and retained. Intelligence is significant for the identification of persistent or serious offenders, trouble hotspots and repeat victims.

2.7 Grading

2.7.1 Officers will be deployed to ALL hate incidents that necessitate a grade 1 or grade 2 response, irrespective of whether the victim cancels police assistance. Prioritising the safety of the victim should always be the main consideration in any grading decision, and the expectation is that most hate incidents will require this level of response. Prior to closure of any hate incident the operator must tag the incident to the Resource Deployment Centre supervisor. In exceptional circumstances, with the agreement of the victim, operators may consider the option to book a scheduled appointment. In these cases the appointment must be booked as soon as possible. The reasons for this decision should be recorded on the incident log and passed to a supervisor to ratify or amend the decision. All decisions should be recorded on the NSPIS log.

2.7.2 An example of an incident that would fit the criteria for a scheduled appointment would be where a victim contacts the police to report a historical incident, they agree to this level of response and there are no immediate concerns for their welfare or that of their immediate family.

2.8 Coding

2.8.1 Hate incidents are not crimes. It is important to establish at the start whether or not the incident involves a crime. If it does not, it will be an incident.

2.8.2 Any ‘hate’ incident will be coded appropriately in accordance with the National Standards for Incident Recording.

2.8.3 This procedure advocates an incremental response to hate incidents (not hate crimes) so that where it can be shown the incident is perception based alone or that the behaviour did not involve malice, then varying levels of response can be implemented. These can include the officer:

- Submitting a hate incident report with no further action taken.
- Submitting a hate incident report and informing the alleged perpetrator that an allegation has been made against them.
- Submitting a hate incident report and informing the alleged perpetrator that their behaviour is offensive.
- Dealing with the alleged perpetrator for any offences that may have been committed.
2.8.4 The initial incident code for hate reports should be as follows:
• QH Hate Crime

2.8.5 The closure codes for hate reports should be:
• QHR Racially Motivated
• QHH Homophobic Motivated
• QHT Transphobic Motivated
• QHD Disability related
• QHF Faith related

2.9 Closure

2.9.1 An incident must not be closed unless the incident log has been updated with the following information and authorised by the Resource Deployment Incident Management. The attending officer must provide this information to the deployment staff:
• Full nature of complaint / offences committed and action taken;
• Details of officer in case;
• Crime number (If available);
• If no further action, provide full details as to why this is the case.

2.9.2 All the above must be included on the incident log.

2.9.3 Where an incident is initially coded as a hate incident but enquiries subsequently reveal that the incident is not of a racial / hate nature and this is acknowledged by the CV or witness, the Deployment Centre (Sgt or Police Staff Supervisor) has the authority to close the incident under an alternative code. However justification must clearly be shown in the text of the incident log that this is NOT a hate incident and this must be sufficient to negate the original racial / hate element. Notwithstanding these procedures, all such incidents should still be referred to the CRR Inspector.

2.10 Recording of Crimes

2.10.1 Cheshire Constabulary will record and investigate all hate crimes brought to its attention that occur in Cheshire.

2.10.2 The following must be considered when recording crimes:
• Officers / Centralised Crime Recording Bureau / Community and Race Relations Inspectors must ensure that the Crime Modus Operandi contains the appropriate evidence of the hate elements in line with the National Crime Recording Standards;
• Officers / Call Management Bureau / Community and Race Relations Inspectors must ensure that the appropriate flags i.e. hate, racist, homophobic, transphobic etc are indicated on Atlas;
• Offences can be no crimed on the authority of the Area Diversity Sergeant in accordance with the Home Office Counting Rules 2004. The reasons must be recorded.

2.11 Evidence

2.11.1 The following should be considered when securing evidence:
• Photographing of criminal damage;
• Photographing of injuries of the victim – consent must be obtained prior to taking photographs of injuries and the victim should be made aware that the photographic evidence could be used in any subsequent criminal or civil proceedings. This should be recorded and signed by the victim in the officer’s pocket notebook;
• Verbal evidence from independent witnesses as well as other family members and neighbours;
• CCTV;
• Tapes of calls to emergency services;
• Officer statement;
• House to house enquiries;
• Covert Surveillance in line with the Regulation of Investigatory Powers Act 2000 (RIPA) and the Home Office Covert Human Intelligence Sources Code of Practice;
• Medical evidence – consent should be sought from the victim to access these records and recorded in pocket notebook.

2.11.2 There may be a need for more formal information gathering by using plain-clothes officers, cameras etc. This proactive gathering of information should only be approved if the use of such evidence gathering techniques is considered proportionate to the problem. In all cases any relevant information will be fed through the National Intelligence Model process and the review, retention and deletion of all information will be carried out in accordance with Management of Police Information guidance. Officers considering this type of intelligence gathering should pay due regard to the requirements of the Human Rights Act and the Regulation of Investigatory Powers Act.

2.12 Negative Statements

2.12.1 Officers must not attempt to dissuade a victim from seeking prosecution or from pursuing the hate element of the crime. If a victim does wish to make a negative statement the following must be considered:
• Establish whether the negative statement is due to victimisation or fear of intimidation;
• If the victim refuses to co-operate but will not make a negative statement the officer should record this in their pocket notebook and where possible, signed by the victim.
• If the victim states that the crime is not hate motivated despite clear evidence that it would be considered so, the case must be submitted to the Hate Crime Specialist at the CPS who will give guidance reference charging.

2.13 Victim Care

2.13.1 The following should be adhered to regarding victim care:
• The victim must be contacted as a minimum every 10 days by the Officer in the Case regardless of the progress of the investigation. This must be recorded on the crime log;
• Consider the suitability of critical markers on the victim’s address;
• If the suspect is arrested / bailed / released without charge, the victim must be informed where possible after arrest but prior to release. This must be recorded on the Atlas crime log;
• Victims must be offered a referral to the Victim Support Service;
• The Victims Code of Practice (2005) should be consulted in conjunction with this procedure and adhered to in respect of direct victims of criminal conduct;
• Victim personal statements should be completed immediately after a complaint statement / interview has taken place. A further statement may be compiled or updated at a later stage in the inquiry and medical evidence may be utilised to support this;
• Establish how the victim can be contacted safely, ensuring that all police officers in contact with the victim are aware of this information and that it is recorded on the contact log;
• Obtain the victim's views about the level of risk to themselves;
• Encourage victims to report all incidents to the police;
• Refer the victim to organisations that provide support and advice;
• Consider that victims with insecure immigration status may fear contact with the police. Such individuals might have additional barriers that need to be addressed.

2.14 CPS Checklist

2.14.1 This list is not exhaustive but the CPS has requested the following information to allow the best opportunity of a successful prosecution:-
• Are there any previous incidents against this victim, if so, did they report it, what occurred, were there any offences, did prosecution take place?
• Are there any previous incidents involving this defendant, were they reported, what occurred, what / if any offences;
• Ability / willingness of victim to give evidence;
• What is the effect on the wider community;
• What is the likelihood of recurrence;
• Views on safety of victim / family;
• Information from any other agencies e.g. social services, housing departments, health, education;
• Any current civil proceedings;
• Any other orders in existence e.g. ASBOs, civil injunctions;
• Is the current incident in breach of any order;
• Any other information;
• Police view on victim and family safety;
• Victims own view on own and family safety;
• Victim personal statement.

2.15 Training

2.15.1 Police Student Officer training regarding hate crime will be conducted within the Initial Police Learning and Development Programme and includes definitions, best practice and minimum investigative standards.

2.15.2 Call handling staff will be trained, as part of their initial training, in definitions and best practice by the Diversity Unit staff and / or call handling trainers.
2.15.3 Any other hate crime training requirements may be directed to the Diversity Unit at Headquarters.

2.16 Information Sharing between Agencies

2.16.1 Information sharing protocols are in place with many partner agencies. Further information about protocols is available through the Force Solicitors office.

2.16.2 If in doubt regarding the disclosure of information, the Force Data Protection Officer should be consulted.

2.17 Leadership

2.17.1 Individual managers and supervisors are responsible for ensuring that this procedure is applied in their area of operations.

3. Procedure Aim

3.1 Cheshire Constabulary will respond efficiently and effectively to all reports of hate incidents and crime, ensuring that all victims receive a quality of service, according to their individual needs, that is fair and equitable. All reports will be properly investigated and offenders will be held accountable without discrimination through the criminal justice system.

3.2 Cheshire Constabulary will work in partnership with other criminal justice agencies, public bodies and statutory and voluntary sector services. In addition, we will maintain a firm commitment to the Force Equality & Diversity Policy and Single Equality scheme.

3.3 The aim of this procedure is to provide clear guidance on the expected minimum standards for reporting, responding to and the investigation of hate incidents and crimes.

3.4 This procedure will assist with:-

- Protecting members of the public who may be subjected to hate incidents / crimes;
- Establishing an effective, professional and corporate approach to the identification, reporting, recording and investigation of hate incidents and crimes. This will include a varying level of response for hate incidents.
- Facilitating effective action against offenders so that they can be held accountable through the criminal justice system;
- Adopting proactive multi-agency approaches in preventing and reducing hate crime and creating safer communities;
- Gaining the trust and confidence of the community and encouraging the reporting of all incidents;
- Ensuring that all police employees who interact with the public are made aware of, and understand, the definition of a hate incident and crime and understand and comply with the mechanisms for reporting, recording and investigation of hate incidents and crimes.
• To assist in the discharge of the Constabulary’s duty under the Race Relations (Amendment) Act 2000.

4. Appeals

4.1 Members of staff may appeal against the application of this procedure to their supervisor via the Constabulary Grievance Procedure. Members of the public may appeal against the application of this procedure verbally or in writing via the police complaints procedure.

5. Review

5.1 This procedure will be reviewed annually after it has been ratified.
• Its effectiveness in the business area concerned
• Any changes to legislation
• Challenges to the procedure
• Any identified inefficiencies in relation to implementation
• Impact on diversity and equality (High on the Equality Impact Assessment Template)