

HATE CRIME: DELIVERING A QUALITY SERVICE

Good Practice and Tactical Guidance

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Home Office
Police Standards Unit



Association of
Chief Police Officers

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How to use this document

This guidance was commissioned by the ACPO Race and Diversity Working Group and the Home Office Police Standards Unit. All police officers have responsibility for tackling hate crime and this guide will assist by providing options for their consideration.

It is the intention that this document will be a source of guidance for staff performing diverse roles. It is acknowledged that as a reference document police officers and support staff will need to consult various aspects of hate crime investigation and prevention. Consequently certain strands and key themes are emphasised in a number of sections.

This guide captures the headline information only. The CD-ROM source documents provide far more detail and can be accessed and searched, by following the links in the text. To preserve the integrity of the source material these documents have not been edited.

Throughout the document you will see text – which is blue and underlined. This indicates a link to the source of the information to allow you to explore the topic further. On the CD-ROM version simply click on the link to go to the source document. To return to this document, click on the “Back” arrow on the toolbar, or simply close the source document.

If you have Internet access you can also follow links to the Internet websites, which contain further information. All links were correct at the time of writing, but no responsibility is accepted for the content of external websites.

You should ensure you have your own virus protection software when accessing the Internet.

Contents

Acknowledgements	inside front cover
How to use this report	i
Forewords	5 & 6
PART ONE – STRATEGY	7
1. Strategy	7
1.1 Introduction	7
1.2 Strategic Context	7
1.3 Strategic Ownership	8
PART TWO – OPERATIONAL GUIDANCE AND GOOD PRACTICE	9
2. Definitions Relative to Hate Crime	9
2.1 Introduction	9
2.2 Distinction between a Hate Incident and a Hate Crime	9
2.2.1 Hate Incident	9
2.2.2 Hate Crime	9
2.2.5 Hate Incidents: Underpinning rationale	9
2.3 Specific definitions relating to Hate Incidents and Hate Crimes	10
2.3.1 Critical Incident	10
2.3.2 Racist Incident	11
2.3.3 Homophobic Incident	11
2.3.4 Transphobic Incident	11
2.3.5 Faith Related Incident	11
2.3.6 Sectarian Incident	11
2.3.7 Disablist Incident	11
2.4 Hate Crime Repeat Victimisation	11
2.5 Secondary Victimisation	11
3. Legislation	12
3.1 Admission of Witness Statement in Court Proceedings	12
3.2 Racially or Religiously Aggravated Offences	12
3.3 Increase in Sentences for Aggravation Related to Disability or Sexual Orientation	13
3.4 The Criminal Justice (No. 2)(Northern Ireland) Order 2004	14
4. Intelligence	15
4.1 Introduction	15
4.2 Hate Crime Considerations	15
4.2.3 Community Intelligence	15
4.2.8 Community Voices	16
4.2.10 Covert Human Intelligence Source (CHIS)	16
4.2.14 Open Source	16
4.2.16 Crime Pattern Analysis (CPA)	17
4.2.18 Hate Material	17
4.2.20 Political Headlines	17

4.3	Community Cohesion	17
4.4	Data Standards	18
4.5	Conclusion	18
5.	Reporting and Recording of Hate Crime Incidents	19
5.1	First Contact	19
5.2	Under-reporting of Incidents	21
5.3	Third Party and Assisted Reporting	21
5.4	Recording of Hate Incidents and Hate Crimes	22
5.5	Hate Incident Report Forms	23
6.	Support for Victims and Witnesses	24
6.1	Introduction	24
6.2	Service Delivery for the Victims of Hate Crime	24
6.3	Practical approaches to Victim Care	25
6.4	Victim information packs	26
6.5	The Role of the Family Liaison Officer	27
6.6	Witness Care	29
6.7	Witnesses of Homophobic Crime	30
6.8	Intimidation of witnesses	31
7.	Repeat Victimisation	33
7.1	Introduction	33
7.2	Data Collection and Performance Management	33
7.3	Identification of Risk and Police Response	34
7.4	A Model for dealing with Repeat Victimisation	35
7.4.3	Early Identification of Repeat Victimisation	35
7.4.7	Aide Memoir	35
7.4.9	Victim Information Packs	35
7.4.11	Hate Crime Co-ordination	36
7.4.16	Citizen Focused Community Support	36
	Flow Chart for the RV Process	37
8.	Initial Investigation	38
8.1	Introduction	38
8.2	Victim and Witness Risk Assessment	38
8.3	At the scene	39
8.4	Victim considerations	39
8.5	Forensic considerations	40
8.6	Suspect Considerations	41
8.7	Witnesses	42
8.8	At the Police Station	42
8.9	Prolific and Other Priority Offenders	43
8.10	DNA Evidence	43
8.11	Clothing and Footwear	43

9.	Further Investigation	44
9.1	Fundamental principles	44
9.2	Victim	44
9.3	Additional Evidential Opportunities	45
9.4	Detailed Victim statement	46
9.5	Suspect Interviews	47
9.6	After the Interview	47
9.7	Following Charge	48
10.	Supervisory Responsibilities	49
10.1	Overall Responsibility	49
10.2	Response Team/Duty Sergeant	49
10.3	Response Team/Duty Inspector	50
10.4	Debrief	50
10.5	Crime Allocation	51
11.	Charging and Prosecution Considerations	52
11.1	Statutory Charging Scheme	52
11.2	Police Bail	52
11.3	Case Papers	53
11.4	At Court	54
11.5	Bail Proceedings	54
11.6	Retraction of Support for Prosecution	55
12.	Hate Crime Co-ordination	56
12.1	Dedicated Hate Crime Investigation Units	56
12.2	Merseyside Model	57
13.	Partnership/Multi-Agency Work	60
13.1	Introduction	60
13.2	Benefits	60
13.3	Leadership	61
13.4	Problem Solving in Partnerships	62
13.5	Independent Advisory Groups – A Radical Approach to Partnership Working	62
14.	Rural Hate Crime	65
14.1	Context	65
14.2	Racist Hate Crime in Rural Areas	65
14.3	Homophobic/Transphobic Hate Crime in Rural Areas	66
14.4	Gypsies and Travellers in Rural Areas	66
14.5	Migrant Workers	67
14.6	Reporting and Recording Hate Crime in Rural Areas	67
14.7	Investigation of Hate Crime in Rural Areas	68
14.8	Partnership Working in Rural Areas	68

15.	Specific Types of Hate Crime	69
15.1	Introduction	69
15.2	Hate Mail	69
15.3	Internet Hate Crime	70
15.4	Asylum Seekers and Refugees	72
15.5	Hate Crime in Sport	74
15.6	Faith Hate Crime	77
15.7	Gypsy and Traveller Issues	81
15.8	Disability Issues	83
15.9	LGBT issues	85
15.9.1	Community Overview	85
15.9.4	Engaging the LGBT Community	85
15.9.9	Homophobic crime and incidents	86
15.9.12	Barriers to reporting Homophobic Crimes/Incidents	86
15.9.16	Good Practice Initiatives	87
15.9.23	Public Sex Environments	88
15.10	Transgender Community	89
16.	Hate Crimes/Incidents Within Police Organisations	91
16.2	Support for Victims of internal hate crimes/incidents	92
16.3	Leadership	92
17.	Hate Crime Training	93
17.1	Common Themes	93
17.2	Centrex	93
17.3	The National Centre for Policing Excellence (NCPE)	94
17.4	The National Centre for Applied Learning Technology	94
17.5	Skills for Justice	94
18.	Media and Publicity	95
18.2	Pro-active Approaches	95
18.3	Re-active Approaches	96
	PART THREE – PERFORMANCE MANAGEMENT	97
19.1	Introduction	97
19.2	Data Recording	97
19.3	The Police Performance Assessment Framework (PPAF)	98
19.4	Leadership and Individual Performance	99

Foreword



Hate crime scars its victims beyond the legacy of any physical injury. If it is not professionally and successfully countered by the agencies of social control, its pervasive effect is to create alarm and fear as it chips away the mortar of social cohesion.

This document therefore provides comprehensive step-by-step guidance to forces as they revisit and develop their own policy approaches and tactical options. It is not the product of speculative thinking as the sections are constructed on proven good practice in particular areas of activity by various forces across England, Wales and Northern Ireland. It is a textbook therefore for the Police Service to learn from its own experience.

Adoption of the guidance will secure the benefit for victims of a high, and importantly, a common standard of response, action and quality of service across 44 forces. Confusion of expectations amongst partner agencies and community representatives, whose active co-operation is crucial to success, will be significantly reduced.

I am confident that this document provides a real opportunity for the police service to continue to improve its effectiveness in combating hate crime. It will help the Service to make the real difference in bringing to justice those who target their fellow citizens simply because they are different.

In doing so the service will secure the continuing mandate to police by consent our substantial, and increasing, minority populations.



Peter Fahy

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Chair ACPO Race and Diversity Working Group

Foreword



Hate crimes where people are targeted because of the nature of their diversity affects not only the primary victim but also the wider family and sometimes communities. It is a serious crime often committed against victims who are particularly vulnerable due to their individual circumstances.

The Police Service has a real responsibility to investigate and bring to justice perpetrators of such crimes per se but the service needs to take a holistic approach in respect of the manner in which we deal with such victims and raise the confidence levels amongst these groups in their Police Service.

I would recommend Forces revisit their policies and tactical options particularly in relation to Repeat Victimization with a clear emphasis on enforcement prevention and intervention at the earliest stages.

If the service is to deliver long-term solutions and an improved service to victims then working with partners and communities through the Crime and Disorder Reduction Partnerships at a local level has to be the way forward.

This guide brings together the strategies and tactics that have proved effective in different forces, so that local commanders can draw on this shared information when making their management and operational decisions about how to tackle hate crime in their areas

The Police Standards Unit supports the value of sharing this information, and this guide is one of the outputs from our joint work with ACPO on tackling Repeat Victimization and Volume Crime.



Paul Evans

Director of the Police Standards Unit

PART ONE – STRATEGY

1 Strategy

1.1 Introduction

1.1.1 This document provides tactical and practical guidance to police forces in England, Wales and Northern Ireland. It is the product of extensive consultation with police forces, the Home Office and those partner agencies that share the responsibility for tackling hate crime. This guide draws together the learning experience and resulting good practice of police services across England, Wales and Northern Ireland. It therefore represents a bank of ideas and solutions that respect the differences between forces in terms of geography and demographics.

1.2 Strategic Context

1.2.1 It is a mark of the civilisation of a liberal democracy that it deploys the resources of the state to protect the vulnerable. As part of those resources, the police service has specific responsibilities for the protection of life, prevention and detection of crime and the preservation of order. How well it protects those particularly vulnerable to hate crime is a mark of sophistication in the thinking and action of a contemporary police service.

1.2.2 Throughout the 80s and 90s the Service took steps, frequently faltering, to address the specific issues of racial attacks and racist incidents. Definitions were proffered and procedures tightened in order to remove the discretion of officers to discount the racist element. Additional tiers of supervision were imposed and Community Liaison Officers discussed trends and individual cases with Racist Incident Panels.

1.2.3 Real progress could not be achieved in a vacuum caused by the lack of clear understanding. The pervasive thinking was that to be provably fair the Service had simply to 'treat everyone the same'. The negative impact of this approach was compounded by some middle managers being eager to discard the element of racial motivation, as its continued inclusion was a drain on resources and reflected badly on their performance. At the same time a nucleus of officers at all levels resented what they saw as special treatment for the undeserving. The recipe for inadequate action or no action at all, was complete.

1.2.4 There were pockets of good practice. However, they tended to rely on the vision and commitment of individuals at different levels as opposed to being at the core of policing. There were tangible improvements as a response to Lord Scarman's report (1981) into the disturbances in Brixton and elsewhere. Consultative arrangements, lay visitors to detainees in police custody, some training initiatives and the accountabilities in PACE are part of the Scarman legacy. There were other welcome attitudinal developments but sadly, in the crossfire of competing priorities, particularly the strictures of a performance regime, much of the progress quietly ebbed away.

1.2.5 It was the murder of Stephen Lawrence and the ear-splitting wake-up call of the subsequent Inquiry report that reverberated throughout the Service. The idea of 'policing according to need', driven by the trilogy of HMIC thematic Inspection Reports 'Winning the Race' (1997-2001), was weightily endorsed by the Inquiry team. The philosophical change from 'treating everyone the same' to a needs based approach had, and continues to have, significant implications. The needs cannot be assessed without an understanding of the multi-layered nature of our society. Individuals are on different layers at different times as they traverse communities, whether geographic or delineated by ethnicity or lifestyle. This predicates that individuals have changing needs, at various times, in different situations.

1.2.6 The Stephen Lawrence Inquiry Report removed any residual police discretion in recording a racist incident, noting that '*fine words and fine policies*' did not necessarily translate into appropriate operational action. The Inquiry Report concluded that:

'The actions or inactions of officers in relation to racist incidents were clearly a most potent factor in damaging public confidence in the police service.'

1.2.7 The Service has responded and this document of guidance is a product of that response across 44 forces. It is now acknowledged that some incidents, in themselves not grave in the hierarchy of crime or disorder, have a significant impact on individuals, their families and particular communities. An inadequate police response has therefore a corresponding impact on the trust of that community and similar communities elsewhere. The focus has therefore rightly shifted to external impact from concentration on the internal effect on a police service's resources or media image.

1.2.8 The impetus must not be lost in the ether of changing priorities, in the same way that many of the post-Scarman initiatives were lost or allowed to dissipate. Confronting hate crime is not easy. Whatever the difficulties, it is easier than the burden borne by its victims and those around them. It is a barometer of the ability of the Service to respond to individual and collective needs. After tapping that barometer communities will determine the future mandate of the Service to police by consent.

1.3 Strategic Ownership

1.3.1 Strategic ownership of hate crime is the responsibility of Chief Officers both ethically and professionally. It is therefore, recommended that there is a clear and unequivocal commitment from the Force ACPO team with one ACPO member having strategic ownership of hate crime targets. The delivery of hate crime performance is the responsibility of Basic Command Unit (BCU) Commanders. The adoption of a business process model approach to the investigation of hate crime will identify that a number of support services and departments are engaged in the overall process and BCU Commanders may not be in a position to influence the activities of these departments. Direction and support at an ACPO level should ensure that performance across the entire business process is co-ordinated and improved with hate crime investigation and reduction afforded the appropriate level of priority. In addressing hate crime, the style and sensitivity of investigations is as important as targets and procedures. ACPO responsibility therefore extends to determining not simply what has to be achieved but crucially the way it is achieved.

PART TWO – OPERATIONAL GUIDANCE AND GOOD PRACTICE

2. Definitions Relative to Hate Crime

2.1 Introduction

2.1.1 For the police service to be truly effective and provide an appropriate level of service to the victims of hate crime, it is important to have a clear understanding of what constitutes hate incidents, hate crimes and indeed specific types of prejudice such as racist, homophobic and faith related. This section provides definitional clarity.

2.2 Distinction between a Hate Incident and a Hate Crime

2.2.1 A Hate Incident is defined as:

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.

2.2.2 A Hate Crime is defined as:

Any hate incident, which constitutes a criminal offence, perceived by the victim or any other person, as being motivated by prejudice or hate.

2.2.3 It is vitally important to note that all hate crimes are hate incidents. However some hate incidents may not constitute a criminal offence and therefore will not be recorded as a hate crime. For example, making inappropriate reference to the colour of someone's skin, in a non-confrontational social setting, may well be perceived as a racist incident. However there may be insufficient evidence that it would constitute a racist crime. It is important to understand this distinction.

2.2.4 The police are responsible for data collection in relation to hate incidents and hate crimes. It is important that this data is comprehensive and sufficiently robust to establish trends and inform an intelligence driven response

2.2.5 Hate Incidents: Underpinning rationale

2.2.6 **The perception of the victim or any other person is the defining factor in determining a hate incident.** The apparent lack of motivation as the cause of an incident is not relevant as it is the perception of the victim or any other person that counts. The prejudice or hate perceived can be based on any identifying factor including disability, age, faith, sexual orientation, gender identity and race. A victim of a hate incident does not have to be a member of a minority group or someone who is generally considered to be vulnerable. For example, a heterosexual man who is verbally abused leaving a gay bar may well perceive that it is motivated by homophobia although he himself is not gay. Therefore effectively anyone can be the victim of a hate incident, including people working inside the police service.

2.2.7 **The deciding factor lies in the perception of the victim or any other person.**

2.2.8 For data recording purposes the police are obliged to record hate incidents where the perception of the victim or any other person that the motivation for the prejudice or hate is based upon:

- Race
- Sexual orientation
- Faith
- Disability

2.2.9 **Case study example re. Hate Incidents & Hate Crimes**

2.2.10 A physically disabled schoolteacher is supervising a class of teenagers. There are a number of unruly pupils within the group. At various times during the class, the teacher is required to exercise discipline to control misbehaviour. This culminates in a pupil being sent from the class during which the teacher is told, *'Why don't you **** off cripple!'*

2.2.11 The pupil is reacting to the requirement to leave the room and the remark is simply a challenge to the authority of the teacher. The teacher perceives this offensive comment to be motivated by prejudice relating to his/her disability. However, there is insufficient evidence to substantiate a criminal offence and therefore no hate crime has been committed. If reported to the police at this stage, the event must be **recorded** as a **Hate Incident**.

2.2.12 The father of the teenager is a member of a right wing extremist group, which believes that disabled people are a drain on society and should be eradicated. Having heard of the incident involving the teenager, he waits outside the school the following day with a fellow sympathiser.

2.2.13 They set upon the teacher on leaving the school, causing injuries amounting to actual bodily harm. During the incident they continually use abusive language. *'You ****ing cripple. You're not fit to breathe air. You lot should all be sent to concentration camps like in the war.'*

2.2.14 These additional circumstances show that an opportunity arose for this perpetrator to plan and execute a motivated attack on the teacher, based on prejudice towards an identifiable group, in this case disabled people. This event should be recorded and investigated as a hate crime. The same principles would apply if this example was based on sexual orientation, race, or faith.

2.3 **Specific definitions relating to Hate Incidents and Hate Crimes**

The following list of key terms associated with hate incidents and hate crimes is by no means exhaustive.

2.3.1 **The Metropolitan Police definition of a Critical Incident is:**

Any incident 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.

Critical Incidents

2.3.2 Racist Incident

'Any incident which is perceived to be racist by the victim or any other person.' (Stephen Lawrence Inquiry report, recommendation 12)

2.3.3 Homophobic Incident

Any incident which is perceived to be homophobic by the victim or any other person.

2.3.4 Transphobic Incident

Any incident which is perceived to be transphobic by the victim or any other person.

2.3.5 Faith Related Incident

Any incident which is perceived to be based upon prejudice towards or hatred of the faith of the victim or so perceived by the victim or any other person.

2.3.6 Sectarian Incident

Any incident which is perceived to be sectarian by the victim or any other person.

2.3.7 Disablist Incident (or sometimes referred to as a disability related incident)

Any incident which is perceived to be based upon prejudice towards or hatred of the victim because of their disability or so perceived by the victim or any other person.

2.4 Hate Crime Repeat Victimization

2.4.1 The agreed ACPO/PSU definition for hate crime repeat victimisation is:

Where a person or immediate family member suffers more than one hate incident in a 12 month period following the date the first crime was reported.

2.5 Secondary Victimization

2.5.1 If, as victims of hate crimes or incidents, individuals experience indifference or rejection from the police this in effect victimises them a second time. Secondary victimisation takes place whether or not the police are indifferent or reject the victims if that is how the victim feels about the interaction. Whether or not it is reasonable for them to feel that way is immaterial. **The onus falls entirely on the police to manage the interaction to ensure that the victim has no residual feelings of secondary victimisation.**

3. Legislation

This section presents a number of legislative options to be used in combating hate crime.

3.1 Admission of Witness Statement in Court Proceedings

3.1.1 Section 23 of the Criminal Justice Act 1988 provides that, in certain circumstances, it is possible for a statement made by a witness to be admitted as evidence, rather than the witness being required to give oral testimony. This is possible if, for example, the witness has made a written statement to a police officer (or similar investigator) and is prevented from testifying either in person (being dead or unfit to do so due to a physical or mental condition) or through fear.

3.2 Racially or Religiously Aggravated Offences

3.2.1 The Crime and Disorder Act 1998 introduced racially aggravated offences. The Anti - Terrorism, Crime and Security Act 2001 expanded the range of these offences to cover religiously aggravated offences.

3.2.2 Racially or religiously aggravated offences

3.2.3 Section 28 Crime and Disorder Act 1998, as amended by the Anti-Terrorism, Crime and Security Act 2001, defines the terms “racially aggravated” and “religiously aggravated”.

3.2.4 An offence is racially aggravated if:

- at the time of committing the offence, immediately before or after doing so, the offender demonstrates towards the victim hostility based on the victim’s membership (or presumed membership) of a racial group;

or

- the offence is motivated (wholly or partly) by hostility towards members of a racial group based on their membership of that group.

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

3.2.6 An offence is religiously aggravated if:

- at the time of committing the offence, or immediately before or after doing so, the offender demonstrates towards the victim hostility based on the victim’s membership (or presumed membership) of a religious group;

or

- the offence is motivated (wholly or partly) by hostility towards members of a religious group based on their membership of that group.

- 3.2.7 A **“religious group”** means a groups of persons defined by reference to religious belief or lack of religious belief.
- 3.2.8 The Crime and Disorder Act 1998 creates racially or religiously aggravated provisions of the following offences:
- assaults (Section 29)
 - criminal damage (Section 30)
 - public order offence (Section 31)
 - harassment (Section 32)
- 3.2.9 **Racial aggravation and sentencing**
- 3.2.10 Section 153 of the Powers of Criminal Courts (Sentencing Act) Act 2000, as amended, requires the courts to consider racial or religious hostility as an aggravating factor when deciding on the sentence for **any** offence which is not a specific racially or religiously aggravated offence under the 1998 Act.
- 3.2.11 This applies when a court is considering the seriousness of an offence other than one under Sections 29-32 of the 1998 Act.
- 3.2.12 If the offence was racially or religiously aggravated, the court shall treat that fact as an aggravating factor (i.e. a factor that increases the seriousness of the offence) and shall state this in open court.
- 3.2.13 **So racial or religious aggravation, although not an ingredient of the offence, can be taken into consideration by the court in sentencing for any offence.**

3.3 Increase in sentences for aggravation related to disability or sexual orientation

- 3.3.1 Section 146 of the [Criminal Justice Act 2003](#) requires the courts to consider disability or sexual orientation hostility as an aggravating factor when deciding on the sentence for any offence. This section applies where the court is considering the seriousness of an offence committed in any of the circumstances outlined below.
- 3.3.2 Those circumstances are –
- a) that, at the time of committing the offence, or immediately before or after doing so, the offender demonstrated towards the victim of the offence hostility based on –
 - 1) the sexual orientation (or presumed sexual orientation) of the victim, or
 - 2) a disability (or presumed disability) of the victim, or
 - (b) that the offence is motivated (wholly or partly) –
 - 1) by hostility towards persons who are of a particular sexual orientation, or
 - 2) by hostility towards persons who have a disability or a particular disability.
- 3.3.3 The court must treat the fact that the offence was committed in any of those circumstances as an aggravating factor, and must state that finding in open court.

- 3.3.4 It is immaterial for the purposes of paragraph (a) or (b) whether or not the offender's hostility is also based, to any extent, on any other factor not mentioned in that paragraph.
- 3.3.5 In this section "disability" means any physical or mental impairment.

3.4 The Criminal Justice (No. 2) (Northern Ireland) Order 2004

3.4.1 The Criminal Justice (No. 2) Northern Ireland Order came into force on 28 September 2004.

3.4.2 The main points of the legislation are:

Article 2 – Where an offence involves hostility based on religion, race, sexual orientation or disability, on conviction the court must take this into account when sentencing.

Article 3 – Article 8 Public Order (NI) Order 1987 (which defines fear and hatred) will now include sexual orientation within the definitions of 'fear' and 'hatred'

3.4.3 Whilst this legislation does not create any new offences based on a 'hate related' motivation it provides the court with the power to increase sentencing where such a motivation is evidenced.

3.5 The following links outline legislative tools, which must be considered when dealing with hate crimes/incidents:

England and Wales Offences [England & Wales Legislation](#)

Northern Ireland Offences [NI Legislation](#)

4. Intelligence

4.1 Introduction

- 4.1.1 The concept of intelligence is often confused with complex systems and processes. On occasions managers do not fully maximise the use of focused intelligence when dealing with hate crime.
- 4.1.2 In essence hate crime should be treated no differently to other areas of core business and effective analysis should be at the heart of any response. Every opportunity should be taken to exploit all available resources and opportunities to achieve the best possible outcome.
- 4.1.3 The National Intelligence Model (NIM) provides the police service with a framework which not only delivers a structured approach to problem solving policing but also ensures that value for money is secured in terms of the efficient and directed tasking of resources.
- 4.1.4 It is a requirement that the NIM and accompanying minimum standards are fully understood by all those who have responsibility for progressing the strategic and tactical issues surrounding hate crime.

4.2 Hate Crime Considerations

- 4.2.1 The nature of hate crime intelligence may not be as obvious as that concerning other areas of criminality such as burglary or robbery, and the danger comes when indicators are misconstrued or not interpreted properly. The fear of becoming a victim frequently outweighs the probability of being victimised. Listening to and acting upon all sources of information is vital to ensure the proper interpretation of hate crime indicators.

- 4.2.2 These sources of information include:

- Community Intelligence
- Community voices
- Covert Human Intelligence Sources (CHIS)
- Open Source Intelligence
- Crime Pattern Analysis
- Hate Material
- Political headlines (Part of Open Source)

4.2.3 Community Intelligence

- 4.2.4 The value of Community Intelligence was highlighted in the report by Her Majesty's Inspectorate Of Constabulary, ["Winning the Race: Policing Plural Communities"](#)

- 4.2.5 HMIC subsequently defined Community Intelligence as:

"local information, direct or indirect, that when assessed provides intelligence on the quality of life experienced by individuals and groups, that informs both the strategic and operational perspectives in the policing of local communities".

- 4.2.6 HMIC went on to say that; “Community Intelligence should be valued by force managers as highly as criminal intelligence in terms of its contribution to effective policing”.
- 4.2.7 The National Intelligence Model provides the formal system for gathering, analysing and disseminating such intelligence.
- 4.2.8 **Community Voices**
- 4.2.9 These could range from formalised meetings with community leaders to daily interaction by patrol officers with individuals in the community. The input from ordinary members of communities could prove invaluable, particularly those key people that do not claim representative status but are marked by the credibility in which they are held locally, not least of all by young people. It is important that information received is clearly documented and put into the intelligence system for analysis. One apparently isolated piece of information could ultimately prove crucial to the final intelligence picture. Experience has shown that vital indicators raised at public meetings have failed to enter the intelligence pool and so vital intelligence that could have been used to alleviate community tension was missed. The emphasis should be that **ALL** officers irrespective of rank or role have a responsibility to ensure timely intelligence is put into the intelligence system.
- 4.2.10 **Covert Human Intelligence Source (CHIS)**
- 4.2.11 CHIS deployment has proven successful in combating many forms of criminality. The opportunities to capitalise on its methodology in tackling hate crime are extensive. Experience has shown that those involved in targeting vulnerable communities tend to broadcast or even exaggerate their exploits and therefore potential sources of information for other criminality may well have information relating to hate crime by way of association. The most ethical and efficient use of such sources can be seen in forces that have established dedicated source handling units in line with the ACPO minimum standards.
- 4.2.12 Analysis of an offender’s lifestyle and associates may identify investigative opportunities to exploit, including the cultivation of sources. The comprehensive profiling of an individual is essential to allow the CHIS to be tasked to maximum effect. This process is central to understanding the motivation of the individual and allows the authorising officer to make a measured judgement regarding risk when deciding whether to grant an authority under the Regulation of Investigatory Powers Act 2000 (RIPA).
- 4.2.13 The following Home Office Website provides further information on the Regulation of Investigatory Powers Act 2000:
www.homeoffice.gov.uk/crimpol/crimreduc/regulation/index.html
- 4.2.14 **Open Source**
- 4.2.15 Open source information is an important strand of intelligence gathering. A single incident in one part of the country could act as a catalyst for disorder anywhere else, or an innocuous piece of information may provide meaning elsewhere. The following, though not exhaustive should be considered to enhance any analytical product:
- Newspapers (National, Local, including specific interest publications e.g. The Voice, Asian Times, Gay Times)

- The Internet
- Demographic material, such as census data
- Periodicals
- Broadcast Media
- Opinion polls
- Academic research
- Bill posters/Stickers
- Partnership information

4.2.16 **Crime Pattern Analysis (CPA)**

4.2.17 Crime Pattern Analysis is an essential tool to focus BCU resources on local policing problems. However unlike volume crime, hate crime is frequently more difficult to 'hotspot' as the cause may not be as straightforward to determine. For example an increase in criminal damage to vehicles may not only constitute vandalism but could also represent a more targeted attack on users of particular religious premises

4.2.18 **Hate Material**

4.2.19 One of the most common forms of hate crime activity is the sending of offensive material. Analysis of such material has proven to yield results in terms of not only identifying offenders but also identifying pre-cursor activity. Effective management, collation and analysis of such material is strongly recommended especially when considering strategic and/or emerging issues.

4.2.20 **Political Headlines**

4.2.21 Political headlines can be a strong indicator of more organised activity. Issues such as housing for asylum seekers or refugees have potential to impact upon community cohesion. A diligent use of open source research is a useful 'radar' to monitor community tension and inform community policing strategies

4.3 **Community Cohesion**

4.3.1 All communities have the potential to fragment and become isolated, symptoms of such fragmentation should be identified at the earliest opportunity. The National Crime and Operations Faculty are currently developing a menu of options for such circumstances, of which intelligence is a key feature. The guide will deliver best practice and advice pertaining to Community Cohesion and the NCOF may be contacted for further information www.centrex.police.uk/ncof/

4.3.2 The following documents provide further information regarding community cohesion:

[Community tension indicators](#)

[Community Cohesion Guidance](#)

[Community Cohesion – Cattle report](#)

[Area Based Initiatives – Advice](#)

www.homeoffice.gov.uk/comrace/cohesion/

4.4 Data Standards

- 4.4.1 The accuracy and timeliness of data cannot be over emphasised. Some forces have reviewed their business processes associated with the submission of intelligence and crime reports and have set appropriate data standards to ensure they are submitted at the earliest opportunity. Some guiding principles are set out in the ACPO Manual of Standards for the Recording and Dissemination of Intelligence Material.
- 4.4.2 All officers should have an understanding of the principles contained within the ACPO Manual and in particular, police forces should consider the use of aide memoirs for officers and posters in report writing rooms.

4.5 Conclusion

- 4.5.1 If the National Intelligence Model is to work efficiently and effectively then the management of information and intelligence is vital. Hate crime should not be viewed as a particularly difficult or overly sensitive facet of intelligence gathering, but should be seen as an opportunity to apply learning from other areas of law enforcement. The challenge is to recognise hate crime as mainstream policing and fully exploit the National Intelligence Model, thus enabling the police, the community and all appropriate stakeholders to work together to prevent, reduce and detect hate crime.

5. Reporting and Recording of Hate Crime Incidents

5.1 First Contact

5.1.1 Hate crime is largely based on ignorance and motivated by prejudice and hostility rather than personal gain. It is important in the first instance that all police personnel, when dealing with hate crime victims, have an awareness of their unique needs and vulnerability.

There is no place within the police service for inappropriate prejudice or behaviour.

Staff must always act professionally when dealing with victims of hate crime.

5.1.2 It is likely that the call responder or station officer will be the victim's first contact with police and as such their lasting impression of the police service will be influenced by this initial encounter. Obviously, this is not unique to hate crime.

5.1.3 Police staff should be aware that there may be considerations present in terms of language, religion and cultural/lifestyle backgrounds and should do their utmost to meet the diverse needs of each victim.

5.1.4 Assistance may be sought from internal and external partners and good practice put in place to provide a service according to victims' needs. An example of this is in the Metropolitan Police Service which has established a resource to utilise the skills and diverse backgrounds of police staff. The following links provide details of the scheme:

[Cultural and Communities Resource Unit](#)
[Possible usage of CCRU support staff](#)

5.1.5 It is essential for all police staff to be aware of the potential for hate crime to escalate into a critical incident. Failure to provide an appropriate and professional response to such reports could cause irreparable damage to future community confidence in the police service.

5.1.6 Police staff receiving notification of a potential hate crime should:

- Gather full information sensitively and reassuringly. An accurate 'first account' should be recorded.
- Assess the level of response required based on any identified risks to the victim, including any injuries and presence of the suspect at the scene.
- Instigate suitable interventions to remove or minimise any risks identified such as arranging for the immediate attendance of officers to the scene or provide initial advice to the victim.
- Sensitively conduct immediate research into the background of the victim, the suspect and location on all available information indices (e.g. Intelligence and crime reporting systems) in order to better inform officers attending the scene.

- This information will include:
 - Any previous history that may identify repeat victimisation.
 - Any description/possible location of suspect(s).
 - Possible location of any witnesses.
 - Officer safety.

- **Explain to the victim how the police will respond and what will happen next.**

- An officer should attend the scene in response to any hate crime incident reported to provide both reassurance and immediate support to the victim. **It is ACPO policy that each Chief Constable/Commissioner should make attendance at such incidents mandatory.**

- **Good practice indicates that a hate crime report should not be taken over the phone unless the victim clearly states that they wish to report it that way.**

In such circumstances the person taking the call should complete the initial report unless the caller specifically requests to speak to a specialist investigator.

- A supervising officer of at least the rank of Sergeant must be informed and should attend the scene.

- An officer of at least the rank of Inspector must be informed of any hate crime incident that has the potential to become a critical incident.

5.1.7 **Command and Control systems ideally should have the ability to monitor, retrieve and review information on all hate crime incidents.**

- 5.1.8 When dealing with a suspected case of hate crime the caller, whether by telephone or in person, should be calmed, reassured and dealt with in a courteous manner that together underpins support and sensitivity. Such sensitivity will extend to providing the caller privacy at a police station.
- 5.1.9 Victims of possible homophobia should not be questioned regarding their sexuality. If they choose to volunteer this information then this should be recorded in the report. Where the victim or witness does provide this information it is vital that it remains confidential.
- 5.1.10 Police personnel involved in the investigation must not disclose information regarding the victim's or a witness' sexuality to their family or friends without their express permission. The victim or witness may not have told their respective friends or family of their sexuality, such a disclosure, even inadvertently, could seriously erode their confidence in the police and that of the community they represent.

5.2 Underreporting of Incidents

5.2.1 **It is accepted that many hate crime incidents go unreported to police and each force should consider the following approaches to encourage victims to report incidents.**

- A publicity campaign to advertise the action police will take against hate crime offenders and encouraging victims to come forward and report all incidents. The “Hate Crime a Menace in Society”, campaign, run by Essex Police provides an excellent example of such a campaign, endorsed by the Home Secretary. Full details are available at: www.essex.police.uk
- Forces should also consider developing protocols for self-reporting forms. This both helps to increase reporting of hate crime incidents and can provide a useful source of community intelligence. The ‘**True Visions**’ project provides an excellent template for reporting forms. www.report-it.org.uk
- It is important that recording of all such incidents is mandatory.

5.2.2 All police personnel should receive appropriate training in the identification of hate crime.

5.2.3 The Home Office Codes of Practice on the reporting and recording of racist incidents should be adhered to by all forces in England and Wales.

[Code Of Practice – Reporting and Recording of Racist Incidents](#)

5.3 Third Party and Assisted Reporting

5.3.1 The aims of having third party reporting sites are to increase reporting of hate crime and to increase the flow of intelligence from the community. These are achieved by providing members of the public with an alternative point of contact.

5.3.2 There are two ways in which these reports can be made; either by completing a self-reporting form and forwarding it to the police by post or by attending an alternative reporting site.

5.3.3 Reporting sites can be tailored to the requirements of specific types of hate crime, for example homophobic crimes being reported at a venue frequented by gay men, to ensure that the person making the report or forwarding information to police is comfortable with the location. For other victims of hate crime venues such as mosques, temples, churches and community centres may be appropriate.

5.3.4 An information sharing protocol must be established between the third party site and the Police so that those using the site are confident about what will happen with the information they provide and that it will remain secure.

5.3.5 Officers must recognise the competing and often conflicting demands of protecting the anonymity of the victim or witness in accordance with their wishes and our duty of care to protect them. Approaches such as risk assessment, multi-agency partnerships, crime scene

management, the exploitation of forensic opportunities, recognition of repeat victimisation, intelligence management, all assist the police in balancing these competing demands. This document makes reference to all these approaches to assist officers in the maintenance of this delicate balance.

5.3.6 Further information on third party/assisted reporting is contained in the following document:

[Third Party Crime Reporting](#)

5.4 Recording of Hate Incidents and Hate Crimes

5.4.1 It must be clearly understood that evidence of an offence is not a requirement for a hate incident to be recorded.

5.4.2 **There is no evidential test as to what is or is not a hate incident.**

5.4.3 **Perception by *anyone* that a hate incident has occurred is all that is required.**

'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.'

5.4.4 Where the hate element is not immediately apparent the person reporting should be asked the reasons for their belief, which should be recorded to assist in identifying possible lines of enquiry. It should also be noted that other incidents that are not initially recorded as hate incidents may be so recorded at a later stage, if the victim subsequently discloses such a perception or their original perception changes.

5.4.5 Police officers may well identify a hate incident as such even where the victim or others do not. Where this occurs the incident should be recorded in the appropriate manner. Victims may either be unwilling to reveal that they are being targeted because of their skin colour, religion or lifestyle (especially in the case of someone from the Lesbian, Gay, Bisexual and Transgender (LGBT) community) or may not be in fact aware that they are a victim of hate crime even if this is obvious to another person.

For example a heterosexual man walking through an area frequented by gay men is verbally abused without provocation. He reports the incident but does not believe it to be homophobic because he is not gay. The officer taking the report is aware that several men have been attacked in that area over the last few weeks and suspects that someone is targeting men in the area because they perceive them to be gay. The officer correctly reports this as a homophobic incident recording the reasons in the report.

5.4.6 Where **any** person, including police personnel, reports a hate incident it must be recorded as such

- Regardless of whether they are the victim or not.
- Whether a crime has been committed or not.
- Irrespective of whether there is any evidence to identify the hate element.

5.4.7 Such records must be factually accurate, easy to understand and identify at an early stage any risks to the victim, their family or the community as a whole.

- 5.4.8 By adopting this approach the service ensures that all reports of hate incidents are recorded and acknowledges the perceptions of everyone concerned.

5.5 Hate Incident Report Forms

- 5.5.1 It is a matter for individual police services to determine the most effective system of hate incident report forms, if indeed they are considered necessary over and above existing computerised Crime Reporting Systems. Guidance on the format of such forms can be found at:
www.raceactionnet.co.uk
- 5.5.2 Merseyside Police has developed good practice on Hate Incident Forms, which can be found at: [Merseyside Hate Incident Form](#).

6. Support for Victims and Witnesses

6.1 Introduction

- 6.1.1 It is critically important that the responsibility for the care of victims and witnesses is delivered in the most professional manner which is marked by its thoroughness and sensitivity.
- 6.1.2 Hate crime victims face the added trauma of knowing that the perpetrator's motivation may be an impersonal group hatred, relating to some feature that they share with others. A crime, that might normally have a minor impact becomes, with the hate element, a very intimate and hurtful attack that is likely to undermine the victim's quality of life.
- 6.1.3 It is vital that the level of support offered is appropriate to the needs of victims and witnesses.
- 6.1.4 All necessary measures must be taken to provide immediate practical help and ongoing reassurance.

6.2 Service Delivery for the Victims of Hate Crime

- 6.2.1 Whilst every incident is different, there are a number of common aims which personnel must pursue in addition to effective investigation and detection of offences. They should:
- allay the fears of the victim – to this end it is important that police, individually and collectively, fully understand the impact of hate incidents;
 - explain that details of the incident are likely to be shared with other agencies. Any particular concerns or circumstances of the victim should be given due consideration by the investigating officer when sharing information with other agencies. Advice from supervisors should be sought in difficult or complex cases;
 - develop a supportive professional relationship with individual victims and their families to help them feel confident to act as prosecution witnesses;
 - remember that a positive arrest and prosecution policy is the primary response for the successful resolution of hate crime. However, a wider range of options are also available to investigating officers e.g. ASBO's, Restorative Justice Programmes or Civil Injunctions;
 - inform the Crown Prosecution Service of particular victim/witness needs. Information flow between the police and the CPS must be maintained throughout the prosecution process;
 - liaise with appropriate statutory agencies and voluntary bodies to support victims, prevent further crimes or incidents or help them take suitable action against offenders. Advice should be sought from supervisors to establish the relevant agencies or bodies; and

- **update the victim on an ongoing basis. In particular dates and outcomes of remand and bail applications, should be notified to victims.**

6.3 Practical approaches to Victim Care

6.3.1 To provide a quality service to victims, certain aspects of the police approach need highlighting:

- **First impressions last and are important. Professionalism needs to be marked by understanding and respect, so that a positive relationship is developed with the victim. This approach needs to be maintained. It should be the subject of ongoing review.**
- The victim's needs are paramount and immediate steps must be taken to meet them, starting with prompt attendance, first aid and scene preservation.
- Be aware that anger, frustration and feelings of powerlessness are commonly experienced by victims. In some contexts, sympathy is not always wanted or needed at first. An initial victim need is often for someone to listen and vent or express feelings to. Frequently this falls to the first police officer attending the scene. This initial interaction is critical to the investigative process and the probability of securing best evidence. The potential for the inadvertent alienation of victims is a major risk to any successful investigation, prosecution and conviction.
- In appropriate cases the investigating officer should consider appointing an interviewing officer who shares the same gender/ethnic group/other characteristic as the victim. To facilitate this Forces should make every effort to draw on the variety of skills and backgrounds of colleagues to enhance the service for the victims of hate crime. The Metropolitan Police Service provides an example of good practice having formally established such a resource. The following links provide details of this scheme:

[Cultural and Communities Resource Unit](#)
[Possible usage of CCRU support staff](#)

- The foundations of trust and confidence are cemented and reinforced by the degree of seriousness and priority attributed to the investigation of hate crime.
- Listening to the views of the victim is essential. Where possible, these should be acted upon, further enhancing the victim's sense of empowerment, trust and confidence.
- Investigating officers should consider lay involvement or advice to support the victim of a hate crime and assist the investigation. They should draw upon the experience of supervisors and/or specialists.

- By working sensitively, full and detailed statements can be obtained, providing comprehensive evidence to inform the courts of the impact on the victim. Careful, sensitive yet probing questioning is essential and will establish whether this is the first incident, which experience suggests is unlikely. This will also help to establish if there are other victims.
- The investigating officer must remember that the victim's needs may change as the investigation progresses.
- A multi-agency approach has the potential to deliver the best level of support and service to a victim of hate crime, e.g. victim support, local statutory agencies and other community resources. The police are well placed to act as a central point of contact and coordination to enhance the service to the victim. It is important to be explicitly clear that the victim has given permission, preferably in writing, to share information with other agencies during the investigation. This ensures the victim's rights and confidentiality are not compromised.
- Victims of hate crime are likely to benefit from a visit and advice from a trained Crime Prevention Officer. This is a simple but effective method to reduce repeat victimisation, show the victim that the police take the matter seriously and instil additional confidence in the minds of the victims and their families.
- Best practice emphasises that risk identification with subsequent and continuous risk assessment are vital to the provision of a quality service to the victim of a hate crime. Risk assessment should be undertaken for every reported hate crime.
- The continuous risk assessment may lead the investigating officer to consider physical protective measures such as improved lighting, covert CCTV and/or high visibility patrolling. In extreme cases witness protection may be considered as the appropriate course of action to protect the safety of the victim, their family or indeed witnesses. This is a specialist area of police work and advice must be sought from supervisors on how to access the necessary expertise and support.
- **It is important that the victim should have a consistent point of contact with police regardless of the scale of the investigation. It is of equal importance that the victim is comfortable and confident with this point of contact.**

6.4 Victim information packs

- 6.4.1 Victim information packs produced by the police can be tailored to meet local needs, with specific focus on the crime and victim group. Generic victim publications (for example, those that cover domestic violence, racist attacks and homophobic incidents in the same leaflet) should be avoided as they might, in some cases, offend. At the same time it must be recognised that some victims (for example, a gay, black man) may benefit from the support offered in more than one leaflet. The packs can provide a wealth of helpful information about support services, other agencies and preventive measures. They lend themselves to local multi-agency development and offer scope for sponsorship. Victim information packs should be considered together with the services offered by the local Victim Support scheme.

It is important that members of the different groups that the leaflets target check victim packs regularly, to ensure changes are identified and revisions made.

- 6.4.2 Information packs must be made available in a format appropriate for the victim's needs and capabilities. Third party assistance will be required for victims with reading difficulties.
- 6.4.3 ['True Vision'](#) was launched in May 2004 and is aimed at improving the service the police provide to minority communities. Several police forces have joined together to provide a single self-reporting and information pack together with an on-line facility that allows victims to report hate crime directly to the police. The packs are available in all police stations of forces signed up to 'True Vision'; and have also been distributed to a variety of locations, including pubs, clubs, libraries and health groups. They contain a variety of information intended to support victims and witnesses of hate crime or persons seeking information on behalf of someone else.
- 6.4.4 Each police force has a different local sheet in their packs, these and further information regarding the project can be viewed on this web site:
www.report-it.org.uk
- 6.4.5 It is best if victim information packs can be handed to the victim by an investigator at an early stage in the investigation. This is better than the more impersonal option of sending packs through the post.
- 6.4.6 **Victim Support line** (0845 30 30 900) is a national local-rate service provided by Victim Support providing confidential emotional support and practical advice to victims
www.victimsupport.org.uk

6.5 The Role of the Family Liaison Officer

- 6.5.1 The deployment of a family liaison officer (FLO) is not restricted to cases of homicide. They can play a crucial role in many critical incidents.
- 6.5.2 When appointing an FLO it is essential that they are suitably trained for this important role. It is a sensitive and complex function, balancing the needs of the family with a requirement to gather evidence and to preserve the integrity of the investigation. The family liaison task should be the overriding role of the selected officer. Consideration should be given to providing resilience in the role with the provision of a Deputy FLO. In cases where the lifestyle, friends and associates of the victim may hold the key to identifying witnesses or suspects, the family liaison role is pivotal to the success of the investigation.
- 6.5.3 In more serious cases Senior Investigating Officers need to document an appropriate family liaison strategy (the ACPO Murder Investigation Manual is a good source of guidance for the formulation of a Family Liaison Strategy for any type of hate crime). In the case of complex investigations conducted amidst heightened community tensions, the police response must be flexible and dynamic. Assistance in the Family/Police Liaison process can be sought from various groups and individuals which include the following:
- Victim Support
 - Elected representatives
 - Local community representatives

- Religious leaders
- Voluntary support groups
- Local community forums
- Individuals with informal influence and local credibility

- 6.5.4 **There can be no standard formula: the optimum approach to meeting a family's needs will be unique in each case. The Family Liaison Advisory Team based within the Racial and Violent Crime Task Force, New Scotland Yard can provide additional advice if required.**
- 6.5.5 **The Family Liaison Strategy must be constantly reviewed to ensure that a trusting relationship is established and maintained with the family. Documented reviews of the Family Liaison arrangements must form an integral part of the total investigative process.**
- 6.5.6 Every case is different, it is therefore important to select an individual FLO with the appropriate knowledge and experience. It is important that efforts are made to ensure that there are trained FLOs from diverse backgrounds with a range of experience and skills. The Family Liaison Coordinator within each Force should be consulted when considering the deployment of an FLO.
- 6.5.7 Family liaison must continue throughout the investigation, inquest, prosecutions and appeals.
- 6.5.8 Renewed family liaison should be considered when cases become the subject of fresh media attention or when similar offences occur which are likely to refocus attention on the case.
- 6.5.9 The family should also be advised of reviews of undetected crimes and also of the possibility of future events, such as appeals. This could be done through an FLO not necessarily appointed full time.
- 6.5.10 At times, the criminal justice process tends to view crimes as 'one-off' events, somehow disconnected from the continuum of hate victimisation that may be the experience of the victim. The FLO should explain the limitations of the Criminal Justice process and within this explanation encourage realistic victim expectations.
- 6.5.11 **Exit Strategy**
- 6.5.12 Although involvement with the family may be prolonged, it is important to develop a suitable exit strategy from the outset, with a planned approach continually reviewed by the officer in charge of the investigation. The family should be made aware of this strategy at the earliest opportunity. The objective is to leave the family understanding the parameters of the duration and scope of the family liaison arrangements, and satisfied the conduct of the police investigation and the level of support provided.
- 6.5.13 **FLO Welfare**
- 6.5.14 The welfare needs of the FLO must be recognised and addressed. Adequate support facilities must be provided and the needs reviewed during the course of an investigation. These welfare considerations should also be acknowledged during the post-investigative period. Failure to provide support for family liaison officers may, ultimately, hinder their ability to

deliver what can be an intensely demanding service. It should therefore be regarded as important as failing the victim or family.

6.5.15 **Challenging Cases**

6.5.16 Cases may arise when, from the outset or at an early stage in the investigation, direct dialogue between the family and police cannot be established or breaks down. The reality is that some families have had previous negative experiences with the police. Lack of contact with the family is a crisis. It is problematic, if not impossible, to protect and support a disaffected family..

6.5.17 Additionally, families are the source of a wealth of information that can make a positive contribution to the investigation. We look to families to be partners in an effective investigation. Their knowledge, views and insight are important and may be vital to success. Anything short of direct dialogue with the family has the potential to impair intelligence flow and hence weaken the investigation.

6.5.18 **The officer in charge of the investigation must make all possible immediate attempts to overcome any barriers or difficulties.**

6.5.19 If these cannot be overcome directly nor constructive progress achieved, other local intermediaries may be able to assist. If this approach is unsuccessful it is imperative that advice is sought from supervisors as early as possible to ensure that dialogue continues. This advice could be from an officer's supervising Inspector, up to and including the formation of a Gold Group to overcome these difficulties.

6.5.20 **Police must never view the victim's family as 'them and us'. Professional thinking is based upon 'us all' working together towards a common goal.**

6.5.21 Where there is no direct dialogue with the family there is often an intermediary acting on their behalf. These individuals may wish to assume the role of lay oversight, as trustees of the family's interest in their relationship with the police. It must be acknowledged that this is a less than ideal situation. However, if the victim or their family will only communicate through a third party, police must accede to their wishes as a starting point to build a more positive relationship.

6.5.22 Every effort must be made to establish good relationships with third parties. Requests, ideas and exchanges of views and information that would normally be sought from the family members direct should continue through the third party without delay. Intermediaries should be seen as an opportunity to establish or maintain a meaningful dialogue with the family. Whilst dealing with families through intermediaries is far from ideal, nevertheless, the opportunity to establish and maintain a meaningful dialogue with the family must be seized.

6.6 **Witness Care**

6.6.1 Witness evidence is a key component in the criminal justice process. The majority of hate crime goes unreported through lack of trust in the police service. If there is an unwillingness to come forward on the part of hate crime victims due to this lack of confidence the same considerations apply to witnesses. Proactive efforts to foster trust amongst minority communities should form the foundation of witness care in hate crime cases. Dignity and

respect must be the features of all interactions which acknowledge the seriousness of hate-motivated acts.

- 6.6.2 There must be recognition of the support needed for young witnesses. Advice may be sought from youth issues/unit officers who will be aware of any assistance available.
- 6.6.3 If witnesses of hate crimes come from the same background or chosen lifestyle as the victim, they too are likely to have experienced some victim trauma, through their membership of the same depersonalised 'target group'. A witness is likely to be strongly affected if the crime in question was one of violence or otherwise frightening. In the latter circumstances officers should be alert to the possible requirement for medical attention, even in the absence of physical injury. Understanding and sympathy are vital to avoid the risk of subjecting the witness to secondary victimisation by the police. In other words the investigative process itself, if not professionally conducted can lead to additional trauma for both the victim and witnesses.
- 6.6.4 Witnesses, like victims, should have a consistent point of contact where information about the progress of the case can be updated.
- 6.6.5 Witnesses should be assisted in preparation for what many regard as the ordeal of the courtroom experience. The Witness Service run by Victim Support in all Crown Courts now operates at a number of Magistrates' Courts, whilst family liaison officers can also assist with the process. Witnesses, who are performing a public duty, have the right to be treated with dignity and respect. The Service should be alert, along with other criminal justice agencies, to the need to minimise the trauma of a court appearance for vulnerable witnesses. Individual bad experiences are effectively tantamount to secondary victimisation and create barriers to future co-operation with police. Equally the police have a responsibility to ensure that witnesses have a realistic expectation of the type of experience they will face when giving evidence in a hate crime trial.

6.7 Witnesses of Homophobic Crime

- 6.7.1 There may be difficulties in obtaining witnesses from the LGBT community due to perceptions, or experience, that the police have negative attitudes towards them. These may be complicated in certain cases by additional fears regarding confidentiality from witnesses who might not wish their sexual orientation to be widely known, by, for example their family, neighbours or work colleagues.
- 6.7.2 Sensitivity in such cases is an acquired skill. It is advisable to seek advice or support from officers with experience and acknowledged expertise in this area.
- 6.7.3 Approaches for assistance to relevant respected community leaders and group representatives can be helpful in assuring witnesses of discretion, dignity and respect. Care needs to be taken not to undermine their standing and community confidence by failure to honour any assurances given by the police. Discretion, dignity and respect must underpin the relationship with witnesses.

6.8 Intimidation of Witnesses

- 6.8.1 Witness intimidation is a serious crime that attacks the framework of the criminal justice system. It is an arrestable offence under Section 24 of the Police and Criminal Evidence Act 1984 (Article 26 of the Police and Criminal Evidence [Northern Ireland] Order 1989). Witness intimidation in a case of hate crime is particularly abhorrent. It is likely to be more traumatic if the subject is of the same hate target group as the victim of the original offence. Witnesses to a hate crime who have been subjected to, or at risk of, intimidation should be afforded the same level of service provided to the original victim.
- 6.8.2 Witnesses should be provided with information about intimidation and what action to take should it occur. The provision of booklets and leaflets outlining this information is good practice. If there are reasons to believe that witness intimidation may occur in a specific case, then proactive steps should be taken to protect the witness by selecting the most appropriate option(s) from a range of measures. These include:
- home and mobile alarms
 - mobile 999 telephone
 - surveyed and enhanced home security
 - measures to capture evidence of intimidation
 - provision of escorts
 - targeting of suspects
- 6.8.3 In these circumstances, the witness should be clear on what action to take and who to contact 24 hours a day. These issues should be discussed at an early meeting between the police and the CPS, in order to provide the best quality of service to witnesses.
- 6.8.4 The Youth Justice and Criminal Evidence Act 1999 introduced a number of measures intended to assist victims and witnesses in giving evidence in criminal cases. Section 17 of the Act identifies witnesses who are eligible for assistance on the grounds of being in fear or distress of testifying.
- 6.8.5 These measures make the process of giving evidence less traumatic. They include:
- screening witnesses from the accused
 - giving evidence by means of a live video link
 - video recording of an interview to be admitted as evidence in chief
 - video linked cross-examination
- 6.8.6 Community safety strategies should take account of witness intimidation and have in place a range of counter-measures drawing on the resources of other agencies. These include:
- the use of professional witnesses in areas with particular problems
 - the use of anti-social behaviour orders (ASBOs)
 - re-housing of witnesses
 - evicting perpetrators using civil law such as breach of a tenancy agreement
 - harnessing the active support of community groups or other local stakeholders
 - proactive use of local media

6.8.7 **In addition to the legal meaning of witness intimidation, the witness's feelings towards the criminal justice process should not be overlooked. The prospect of giving evidence can be intimidating in itself. It is therefore important that the witness is made to feel as comfortable as possible with the entire process.**

6.9 The following documents can provide further sources of information:

[Youth Justice and Criminal Evidence Act 1999](#)

[The Witness Care Manual, Witness Availability & the Witness Warning System](#)

[International Students Devon and Cornwall](#)

6.10 The following Criminal Justice Website can offer further advice and guidance:
www.cjonline.gov.uk/home.html

7. Repeat Victimisation

7.1 Introduction

- 7.1.1 The vast majority of hate crime victims are, or are at a greater risk of becoming, repeat victims. The first time an incident comes to the notice of the police is not necessarily the first time an offence has been committed. Victims of hate crime suffer personal trauma from such incidents, which often has a devastating impact not only on their quality of life but also on that of their family/friends and the wider community. Such impacts provide a clear motivation to bring perpetrators, many of whom are known or suspected, to justice. A victim-focused investigation, followed by the apprehension and prosecution of offenders, will raise public and individual confidence in the Criminal Justice System.
- 7.1.2 The awareness and response to Repeat Victimisation has improved in recent years. Most police services in the UK have developed a Repeat Victimisation strategy and introduced policies to enhance service delivery. Utilising the existing relationships within Crime and Disorder Reduction Partnerships and local Criminal Justice Boards will be vital to ensuring the success of such strategies.
- 7.1.3 Strategy and policy are not always translated into action at operational level. Leadership is therefore crucial in ensuring that strategic intention and policy aspiration is translated into operational action. Front line staff who understand the rationale for action are more likely to deliver the requisite service. Leadership must, therefore, provide the explanatory bridge between the reasons for action and the action itself. Practitioners not only need to know what to do but also why they need to do it.
- 7.1.4 Best practice indicates that a police service should have a clear corporate policy on Repeat Victimisation. It also indicates that such a corporate policy should not totally constrain initiative and creativity at BCU level. Commonality of service delivery, with the requisite corporate accountability should dictate the balance over freedom of BCU command.

7.2 Data Collection and Performance Management

- 7.2.3 The mechanisms for collecting data and its quality vary between forces. Currently, forces are defining and as a result, measuring Repeat Victimisation differently. A single definition would provide consistency and facilitate meaningful comparisons of forces' performance.
- 7.2.4 By adopting the following definition all police services will be able to standardise the capture of data across BCUs. This will assist in accurately monitoring performance against local crime reduction strategies.

'Where a person or immediate family member suffers more than one hate incident in a 12 month period following the date the first incident was reported.'

- 7.2.5 This definition should be used as a common standard to inform performance measurement and trend identification across all BCUs within an individual police service. The NIM strategic and tactical assessments should address Repeat Victimisation in the broader sense and

thereby specifically identify circumstances where victims of hate crime are being repeatedly targeted.

7.3 Identification of Risk and Police Response

- 7.3.1 There is an obvious and strong correlation between Repeat Victimisation and vulnerability. This document has already highlighted the increased vulnerability of victims of hate crime. It is therefore clear that repeat victims of hate crime are likely to be some of the most vulnerable victims that police officers encounter.
- 7.3.2 Equipping officers with the means to identify more readily vulnerable victims is essential to prevent further victimisation. An individual's race, for example, is acknowledged as an enduring and significant factor in repeat victimisation. Early identification of Repeat Victims facilitates appropriate resource deployment and an informed response. Therefore appropriate tactics effectively to prevent further victimisation should be employed at the earliest opportunity.
- 7.3.3 Tactical interventions will depend on the circumstances and the particular environment in which hate crime is occurring. They may include:
- issue of personal attack alarms
 - issue of handheld camcorders
 - utilisation of local CCTV
 - issue of mobile telephones
 - introducing or maximising upon local neighbourhood watch schemes
 - re-housing the victim
 - obtaining ASBO's for the perpetrators
- 7.3.4 Important as the above measures are, it must be remembered that the most effective tactical intervention is identifying and arresting the perpetrators and bringing them before the courts.
- 7.3.5 The police response should not only be appropriate to the specific type of incident but also the risk of Repeat Victimisation, and the needs of the individual victim. Factors, which will influence an appropriate police response, will include whether the victims live alone, are particularly vulnerable by virtue of age, disability, language or immigration status and whether there are particular issues that leave them susceptible to intimidation.
- 7.3.6 **The objectives are to treat the victim with respect, help them feel safe and provide a proportionate response based on assessment of individual need.**
- 7.3.7 The medium to long-term support of victims is often best served by agencies other than the police. Community and Disorder Reduction Partnerships (CDRP)/Community Safety Partnerships can play an important role in bringing the key agencies together to identify and deliver the necessary services to support victims of crime. However, they need to work closely with other agencies, such as housing, education and a range of non-statutory bodies if services are to be effective. In West Yorkshire, for example, police have established a single database (Vulnerable Victims Database [VIVID]), which generates electronic referrals to Social Services. The database is a 'One Stop' solution that captures and actions information in respect of repeat victims of hate crime and other particularly vulnerable victims.

- 7.3.8 Improved partnership working through the use of Community Advocates is an innovative approach intended to raise victim confidence levels and forces should explore this area further through the CDRPs. This role is distinct but complementary to that of the Police Officer.

7.4 A Model for dealing with Repeat Victimization

- 7.4.1 The model set out in the following pages has been designed to introduce consistency when dealing with repeat victims of hate crime. It can contribute to crime reduction whilst facilitating the provision of a quality service to victims.

- 7.4.2 The starting point for this model lies in applying the standard definition for Repeat Victimization. The model is fully compatible with the NIM and the TCG process, and therefore a key element in force-wide and BCU crime pattern analysis of hate crime. The model should also be considered complimentary to individual police service performance management systems.

7.4.3 Early Identification of Repeat Victimization

- 7.4.4 Call Management Centres should have the capability to identify promptly individuals, families or premises subject to repeat victimisation by interrogating integrated IT systems. Where cases of hate incidents are personally reported at police stations or other reporting centres, recording staff should initiate a search of integrated command and control systems to establish if the victim, family or premises have previously been targeted.

- 7.4.5 Ideally existing integrated IT systems should capture and maintain information on victims, families or premises subjected to incidents of hate crime and highlight repeat victimisation. In the absence of such a capability, forces should establish and maintain a suitable database to capture this information

- 7.4.6 Such information, together with any previous intelligence, must be passed to the initial officer attending the scene.

7.4.7 Aide Memoir

- 7.4.8 Good practice indicates that the provision of an aide memoire for front line staff will enhance the quality of service provided to repeat victims of hate crime. Merseyside Police have adopted such an aide memoire which is both simple yet effective in providing key information and prompts for staff responding to such incidents.

[Merseyside Aide Memoir](#)

7.4.9 Victim Information Packs

Good practice indicates that victim information packs are a key resource in providing victims of hate crime with 24-hour contact details for relevant police personnel and other partnership agencies. Such agencies can provide support and guidance to the victim or witnesses throughout and in some instances beyond the Criminal Justice Process. Victim information packs should be handed personally to the victim or witness at the earliest opportunity.

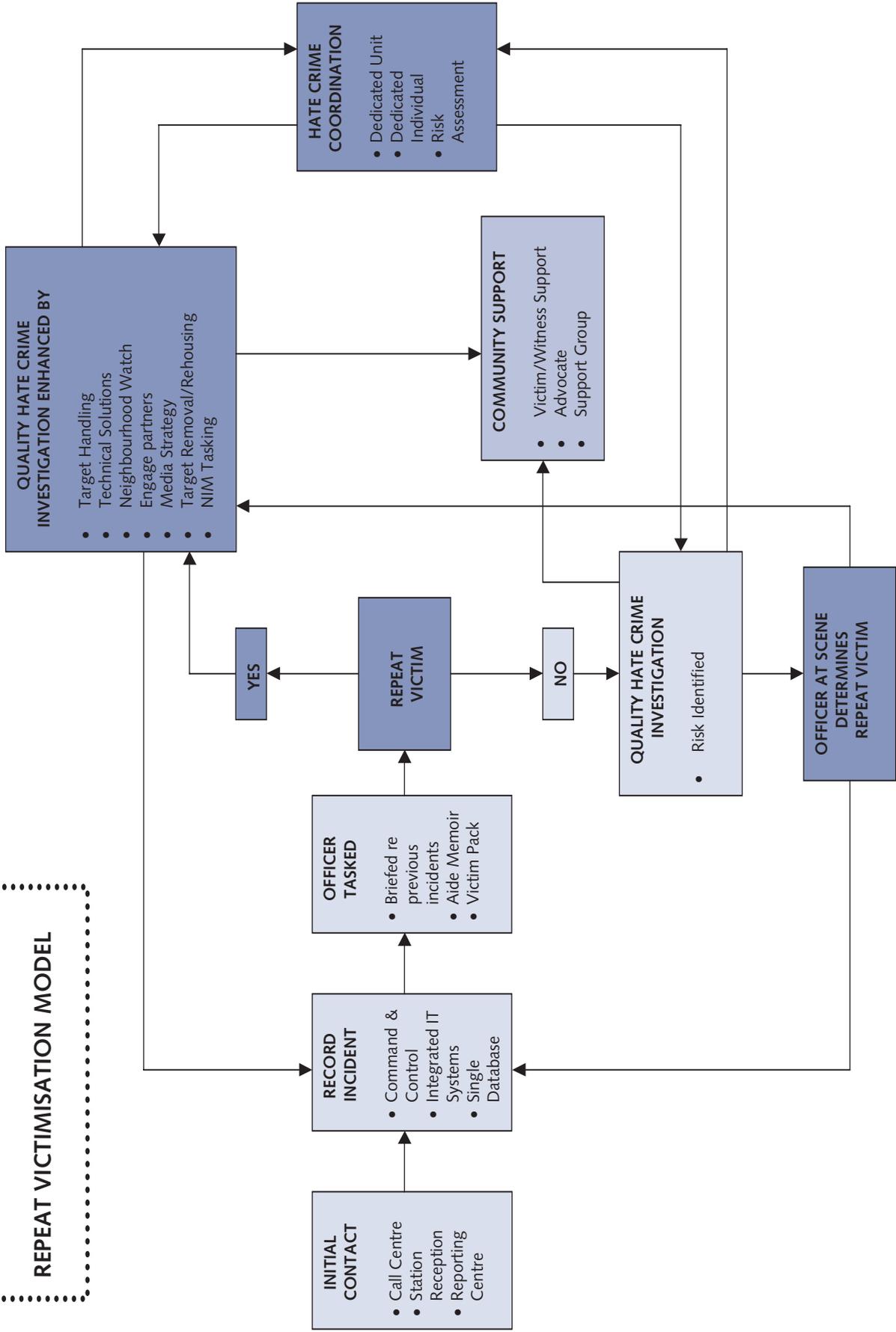
- 7.4.10 The True Vision Project has provided an excellent template for victim information packs, already adapted and refined for local use by a number of police services.
www.report-it.org.uk
- 7.4.11 **Hate Crime Co-ordination**
- 7.4.12 This function is crucial in ensuring the effective response and management of hate crime incidents. Forces must have a process in place to ensure that information captured by officers attending hate crime incidents is passed to either a dedicated Hate Crime Unit or a Hate Crime Co-ordinator. The merits of establishing a *dedicated unit* are detailed later in this document but individual police services must consider the method of co-ordination most appropriate to their local circumstances.
- 7.4.13 It is important that the unit or individual is equipped with the necessary skills to capture, analyse, and research information to support the investigation process, initiate action and prevent further victimisation.
- 7.4.14 A key element of this function necessitates a risk assessment of victims, witnesses and families to identify the potential for further attacks.
- 7.4.15 The Hate Crime Co-ordinator should provide all relevant information to the BCU or indeed force intelligence section. Utilising the NIM, suspects can then be identified and targeted for proactive operations.
- 7.4.16 **Citizen Focused Community Support**
- 7.4.17 In cases of Repeat Victimisation, support for the victim, and indeed witnesses, attracts additional significance. This important need may be best met through a multi-agency approach at BCU level. This could be carried out through Victim Support/Witness Services working closely with the CPS and Police. It could be augmented by the provision of a community-based support worker, such as a Community Advocate. This may be a volunteer or a remunerated post funded through CDRP's. The primary function of this individual would be to support the Police in updating victims/ witnesses on the progress of the investigation. They would help to address any specific needs of victims or witnesses to ensure their continued engagement within the overall criminal justice process. Additionally, this individual will be exposed to open source and community intelligence which will assist the investigation and prevent further victimisation.

7.5 The following documents and web links provide further sources of information:

[Lancashire Constabulary – Reducing RV A Recipe for Action](#)
[CDRP Partnerships](#)
www.crimereduction.gov.uk

7.6 A flow chart illustrating the whole process is shown overleaf.

REPEAT VICTIMISATION MODEL



8. Initial Investigation

8.1 Introduction

8.1.1 **The aim of a hate crime investigation is to identify and prosecute offenders to the satisfaction of the victim and the community and seek to reduce repeat victimisation.**

8.1.2 This document provides essential guidance to forces to enable them to set a corporate and consistent standard of investigation across each force area. This will prevent essential tasks being omitted by staff during the investigative process.

8.1.3 Individual police officers and their supervisors have an additional responsibility to consider any hate incident as a potential critical incident. Experience has shown that seemingly straightforward hate crime incidents have the potential to become critical for an individual police force and significant for the service as a whole. The requirement for a corporate and consistent investigation across the police service is therefore aimed at the early identification of potential critical incidents.

Critical Incidents

8.1.4 Scope also exists for additional courses of action in conjunction with, and simultaneous to, the actual police investigation. This could include the use of ASBOs, rehousing of victims or witnesses, or indeed revoking tenancy agreements in relation to alleged perpetrators. Investigators must also recognise the benefits of a proactive media strategy, particularly at local level, and appropriate crime prevention measures for the protection of victims, witnesses and communities.

8.2 Victim and Witness Risk Assessment

8.2.1 At all stages, from initial notification to the conclusion of any investigation, police staff must be aware that there may be attendant risks to the safety and well-being of victims and witnesses. An important risk factor is the identification of potential further victimisation. Immediate steps should be taken to identify and record these risks. If a risk is identified steps should be taken to manage the risk by using appropriate interventions. The perceptions of victims and witnesses of their own risk are necessary considerations.

8.2.2 Risk assessment and management is a dynamic process subject to constant situational change. The level of risk should be monitored, with regular reviews, along with interventions put in place to ensure that they are appropriate to the prevailing situation, providing reassurance and reducing the likelihood of further victimisation. A record of this risk assessment should be kept to ensure openness and accountability.

8.2.3 An appropriate risk intervention tool is the RARA model. This involves:

- **R**emoval of the risk
- **A**voidance of the risk
- **R**eduction of the risk
- **A**cceptance of the risk

Further details can be found in the following hyperlink.

[RARA model](#)

8.3 At the scene

8.3.1 It is imperative that all officers remember that their initial actions taken at the scene of an incident can have a **significant impact** on the success of any later investigation. In some cases this can determine the difference between conviction and acquittal of an accused at court. This is particularly important when:

- dealing with the victim sensitively – first impressions have a lasting effect
- preserving the scene of the incident to prevent the loss or destruction of evidence within it
- gathering evidence at the scene (especially forensic evidence)
- locating and speaking to witnesses
- dealing with any suspect(s), whether present at the scene or not

8.3.2 Immediate action at the scene is the optimum opportunity to secure evidence. Failure to do so may result in the permanent loss of such evidence.

8.3.3 **Your duty is to provide support for the victim and actively investigate the incident. Take positive action, don't just record it.**

8.4 Victim considerations

- Address any safety and medical needs, reassuring the victim and witnesses. Consider the option to remove them from the scene.
- Record any visible injuries in notes at the scene.
- Record the victims' emotional response to the incident, for example, are they in a state of shock.
- Bear in mind the difference between arrest conditions and charging standards, also consider using powers under Section 25 PACE 1984 and Breach of the Peace.
- Identify any special requirements of the victims such as the need for an interpreter and take steps to address them where practicable. The attached link provides the revised agreement on the arrangements for the attendance of interpreters in investigations and proceedings within the Criminal Justice System.

[Interpreters agreement](#)

- If the suspect left the scene prior to police arrival, enquire of their whereabouts/direction of travel and obtain a "first description" to circulate to mobile patrols. **Actively seek the suspect.**

- Seek the consent of the victim for referral to other agencies and provide them with the relevant Hate Crime Investigation Unit phone number and appropriate helpline numbers.
- Ensure the local Beat/Ward officer is notified and receives a copy of the report to assist in ongoing victim reassurance.
- In more serious incidents, consider deploying a Family Liaison Officer.

8.5 Forensic considerations

- Consider cordoning off the scene to prevent scene contamination including any route the suspect(s) may have used to escape and establish a sterile corridor.
- Photograph all exhibits prior to seizure to show where they were located at the scene and take all possible steps to seize, secure and package evidence correctly at the scene to prevent contamination and preserve its integrity and continuity.
- Take photographs of injuries/damage at the scene, even if a specialist photographer is called to attend later.
- Identify DNA opportunities from scene, victim and suspect, remembering that 'People can be scenes too.' Officers should be open to the possibility that there may be forensic evidence present on the clothing of both the victim and the suspect, linking them irrefutably to the scene or to each other. Minute blood drops, saliva, glass fragments, paint/spray and clothing fibres, whilst invisible to the naked eye, may all be present. Where officers suspect this to be the case they should make every effort to seize the item and package it for later forensic analysis. The existence of forensic evidence has in the past meant the difference between a conviction and an acquittal.
- Ensure that correct procedures for seizing and packaging are strictly adhered to, preventing subsequent evidential exclusion on the grounds of contamination.
- Advise the victim/witness regarding preservation of scenes that may require forensic examination later.
- Record any exhibit details on the crime report together with any reference numbers and current location of exhibits for later examination.

8.5.1 Where appropriate

- Consider the attendance of a Crime Scene Examiner
- Consider the attendance of a photographer
- Consider that the victim may need to be photographed again at a later date (e.g. when bruises are more visible)
- Consider use of a trained Forensic Medical Examiner for early medical evidence
- Seek the advice of detectives or specialist hate crime investigators where available

8.6 Suspect Considerations

- 8.6.1 **If a power of arrest exists and your suspect is both identifiable and can be located, then an arrest should be affected at the earliest practicable opportunity.**
- 8.6.2 The decision to arrest is a matter for the officer based on the evidence available at the time. It is *not* based on whether the victim wishes to proceed with a prosecution or not. The officer will most likely have to justify to their immediate supervisors why an arrest was not made at the time. The officer must record their reasons for not arresting in any subsequent report of the incident. It is good practice that in circumstances where a victim is particularly vulnerable, such as domestic violence, and in this instance, hate crime, a robust, positive arrest policy must be applied. It demonstrates the police service's commitment to protect the victim, witnesses, families and indeed communities.
- 8.6.3 It is important to bear in mind the difference between having reasonable grounds to suspect an offence has been committed and CPS charging standards. For example, the Crown Prosecution Service requires formal evidence from a registered medical practitioner to prove the assault amounted to Actual Bodily Harm. A police officer needs only reasonable grounds, such as a cut or visible bruising to justify an arrest on suspicion of assault occasioning Actual Bodily Harm.
- 8.6.4 If the suspect is not present but can be identified then they should be actively sought. The first officer on the scene must circulate a description to other officers in the area so that they can be located at the earliest opportunity. A further circulation on the Police National Computer (PNC) must be considered.
- 8.6.5 It is important to note anything the suspect says and record it as soon as practicable in accordance with PACE.
- 8.6.6 Hate crime has an emotional impact not only on victims, but also on investigating police officers. However abhorrent we may find the behaviour of an alleged perpetrator, individuals in police custody must be treated with respect and dignity in recognition of their human rights.
- 8.6.7 **Evidence**
- Record any admissions, significant statements and unsolicited comments made by the suspect in accordance with PACE.
 - Record the exact words/phrases used by the suspect.
 - Record the exact words/phrases used by the victim when reporting the incident. Consider using any 999 recorded conversation.
 - Seize any CCTV footage and note the presence of other CCTV. If unable to seize it at the time ensure steps are taken to preserve it for later seizure.
 - Establish and record who is at the scene, victim, suspect, witnesses, children etc. Providing accurate information is crucial to the investigation and in identifying all possible victims.

- Consult/seek advice from a hate crime investigator/detective officer.
- Where possible obtain a statement from the victim(s) at the scene. This does not need to be a detailed statement just a brief outline of what happened, details of the incident including weapons/threats used, injuries /damage caused, effect on any children and identification of any known suspect. It should be sufficient to enable a second investigator to interview any suspect at a later stage and possibly charge. A more detailed statement can be obtained at a later date.
- Consider opening a crime scene/Incident log.

8.7 Witnesses

- Search for witnesses and record full details. Consider regular visitors to the scene such as milkman/woman postman/woman etc. Where practicable speak to the local ward/beat officer who may be able to assist.
- Identify any special needs of the witnesses, such as interpreter requirements, and take steps to address them. Record these needs under the Achieving Best Evidence Guidelines

[Interpreters Agreement](#)

www.homeoffice.gov.uk/justice/legalprocess/witnesses/

[Best Evidence N Ireland](#)

- Identify and record any risk to the witnesses on the crime report and any intelligence report such as repeat victim, repeat venue, proximity of suspect to the witness' address, whether the suspect knows the witness' address, possibility of witness intimidation by the suspect.

8.8 At the Police Station

- Complete a full crime report recording any intelligence and historical information, include details of any previous reports concerning the same suspect/victim/location and results of PNC searches.
- Complete a hate crime incident form (ensure local procedures are followed).
- Record all risk identification and action undertaken to remove or reduce these risks on the crime report.
- Record a summary of the incident in the service intelligence system.
- Establish the preferred language of the victim and consequential interpreter requirements. Establish a point of contact, where possible, with a friend or relative to facilitate communication. **Do not use children as interpreters.**

[Interpreters Agreement](#)

- It will help to ensure a quality investigation, if all tasks are completed on the assumption that there will be a charge and prosecution.
- Liase with dedicated hate crime investigator where available.
- Ensure the effective handover of prisoners to a specialist hate crime investigation unit, where available, with a full initial investigation package (photographs, statements, exhibits and a brief summary of events).

8.9 Prolific and Other Priority Offenders

Procedures should be in place to identify prolific and other priority offenders at any point of the offending cycle, including at the scene and in particular on their arrival in the custody suite.

8.10 DNA Evidence

- 8.10.1 A DNA confirmation sample will be required of those arrested as a result of DNA evidence. *ACPO guidelines* do not allow offenders to be charged solely on the initial DNA result as this is regarded as intelligence and not evidence. The evidential DNA sample should be processed, and if appropriate, fast tracked for analysis in order to reduce the bail period before charge. Where the offender is prolific and likely to be subject to a custodial sentence upon conviction, it is advisable to secure confirmation of DNA evidence whilst the offender is still in custody. This will require the arrest to be pre planned and an additional premium paid to the forensic science provider. The costs associated with fast tracking the process however, are readily justified to prevent further hate crimes and to protect the victim and reassure the wider community.

8.11 Clothing and Footwear

- 8.11.1 Consideration should be given to seizing clothing and footwear for forensic analysis in order to link the offender to other crime scenes. *The ACPO National Footwear Development Group* recently provided some useful guidance on the issue of seizing footwear.

9. Further Investigation

9.1 Fundamental principles

9.1.1 Fundamental principles must underpin further investigation, irrespective of whether the service appoints a specialist investigator or the initial investigator retains the investigation.

- The victim must be contacted within 24 hours of the officer being assigned the investigation unless they specifically request otherwise. Ideally, this initial contact should be in person. This reassures the victim that the police are treating the incident seriously.
- The investigating officer should continue to monitor the level of risk to the victim and witnesses throughout the investigation and put in place appropriate interventions to reduce or remove any real or anticipated risks. Ensure the victim/witness is kept informed.
- **It is particularly important for the investigating officer to keep the victim advised if a suspect has been charged and is later released on bail from court, together with any bail conditions.** If the suspect breaks those conditions by, for example, making contact with the victim, the suspect can be arrested and brought back before the court. Any evidence where bail conditions have been breached strengthens the case for a remand in custody at a later court hearing.
- The victim must also be informed before a suspect is released from police custody and given reasons for the release.
- The investigating officer should arrange a single point of contact with the victim to avoid confusion and ensure consistency. Should the officer be unavailable for any significant length of time (such as annual leave) then a deputy should be appointed and introduced to the victim.
- The officer must remain sensitive to the wishes and needs of the victim and any witnesses and balance this with the requirements of the investigation process. For example a victim may not be available to provide a statement on a particular day due to their religious observances and alternative arrangements should be made.

9.1.2 Adherence to the above will assist in maintaining the confidence and trust of the victim and community in the police service.

9.2 Victim

9.2.1 Generally most investigations will begin with the victim and it cannot be over-emphasised that their individual needs and concerns must be considered and addressed.

9.2.2 Dependent on the circumstances of the incident, the level of risk assessed and their own wishes, the investigating officer should arrange for suitable and appropriate crime prevention advice.

9.2.3 This can include:

- A visit by the local crime prevention officer to the victim's address to give advice on home and personal security.
- Provision of information on local support groups.
- Referral to Victim Support.
- A visit by the local beat/ward officer to provide further reassurance and facilitate local community support.

9.2.4 These interventions are likely to address some of the victim's concerns and reduce the likelihood of re-victimisation especially where no suspect has been arrested. It is also important that the officer takes time to explain the investigation process, what the police can realistically do for them and answer unhurriedly any questions they may have. This may possibly be the first time that the victim has come to the police for help and will encourage them, and through them, the wider community, to report incidents of hate crime.

9.2.5 Gaining the confidence of the victim is key to a successful investigation. This can be of special significance when dealing with people who have been subjected to particular forms of hate crime such as homophobic. A victim may be reluctant to discuss details that are deeply personal, such as their sexuality, which may not have been shared with their own family and friends, if they are not confident that the police will treat them appropriately.

9.3 Additional Evidential Opportunities

9.3.1 Second only in importance to the care of the victim is the responsibility of the investigating officer to review all the available information and evidence. Any evidential gaps in the investigation should be pursued with the officer's supervisor and steps taken to address these gaps. Any omissions should be recorded along with any subsequent efforts to address them.

9.3.2 The officer, in consultation with their supervisor should identify further lines of enquiry and opportunities to gather additional evidence. Where specialist hate crime investigators or units exist, they can provide additional advice on evidential opportunities. A specialist investigator can assist the investigating officer to formulate an investigative strategy, review the initial investigation, and identify any potential missed evidential opportunities, such as:

- examine linked and working Command and Control entries to identify further possible witnesses who may have called to report the incident;
- request the 999 emergency tape where appropriate. This has proved instrumental in both identifying a suspect or revealing further evidential leads linked to other intelligence or crime reports;
- when interviewing vulnerable and/or intimidated victims/witnesses and children follow the guidance for achieving best evidence. Consider the use of video/audio equipment;
- use Language Line and interpreters where required;

- review any medical evidence, obtaining appropriate consent from the victim. Consider medical examinations, by a general practitioner or at hospitals and ambulance service records;
- conduct structured and documented local enquiries at premises near to, or overlooking scenes;
- consider witness opportunities within the crime scene environment such as cash points, bus routes, and cinemas;
- secure and review CCTV evidence;
- ensure photographs of the victim are taken and request specialist photographer where necessary;
- expedite forensic submissions in liaison with the Forensic Manager;
- devise a media strategy and instigate press appeals for witnesses;
- research crime and intelligence systems to establish if the incident is linked to others, or whether the offender has used similar methods in other incidents;
- present all corroborating evidence to the suspect in interview, such as, photographs, weapons, and clothing;
- consider triangulation and interrogation of mobile phones relevant to enquiry;
- ensure that Victim Personal Statements are included in the case papers;
- remember the value of Community/Neighbourhood officers and task accordingly;
- instigate surveillance with necessary authorities and deploy technical equipment if appropriate.

9.3.3 **The starting point for further investigation will in most cases commence with a comprehensive interview with the victim, resulting in a detailed victim statement.**

9.4 Detailed Victim statement

9.4.1 Ideally the statement should be taken from the victim as soon as practicable whilst the details are still fresh. Small and apparently insignificant details, which may be forgotten over time can be vital in proving a case. The statement is the aide memoir for the victim at a trial often a lengthy time after the event.

9.4.2 The statement should be written in the victim's words without police jargon. It should include:

- any previous history of this type of incident whether reported to police or not;

- a description of the victim and their clothing along with descriptions of witnesses. This will be particularly useful if there are other witnesses, who come forward or are found later, who are described in the victim and/or other witness statements;
- any gestures or language, including abuse used by the suspect and anything the suspect said in the victim's presence should be written verbatim. This can be useful if there was more than one suspect and a name was said which might go some way to identifying them;
- the time of the incident as well as the times of any previous incidents of a similar nature. This may help in seeing if there is a pattern to the attacks and could inform a pro-active operation later;
- what effect this incident has had on the victim whether it be physical, psychological, financial etc.

9.4.3 Where a statement has already been obtained this should be scrutinised alongside all the other evidence to build up an accurate picture of what has occurred. Does the totality of the evidence support the victim's account?

9.4.5 The statement may also lead to further avenues of enquiry and new witnesses being found. Where there are gaps or inconsistencies in the statement compared to the initial report, the officer should speak to the victim to clarify them.

9.4.6 The officer should visit the scene where possible to familiarise themselves with it.

9.5 Suspect Interviews

9.5.1 **Suspect interviews are fundamental to the success of an investigation and care should be taken in how they are prepared and conducted. Investigators should bear in mind that this might be the only opportunity they have to obtain the suspect's account.**

9.5.2 Officers should listen carefully to the language and terminology being used by the suspect during interview. This is especially important where specific language or terms have been quoted either by the victims or witnesses in their statements or used by the suspect when spoken to by officers and recorded in their arrest notes. This may assist in linking them into the incident through their language. The interviewing officers should question the suspect's understanding of the terms used and whether they understand that they could be considered to be offensive as this may give a clearer indication the motivation behind the incident. Further information on suspect interviews is contained in the following documents:

[Suspect Interviews](#)

[PEACE Interview Model](#)

9.6 After the Interview

9.6.1 Where the suspect puts forward an alibi, it should be investigated to either corroborate or challenge their account. Any new evidence gained should be put to the suspect in a second interview.

- 9.6.2 **Whether a decision to charge the suspect or not is made at this point the victim must be informed of the progress of the investigation.** This provides reassurance and reinforces the view that the police take seriously all hate crimes and incidents.

9.7 Following Charge

- 9.7.1 Once the suspect is charged and a custody officer decides to release on bail, the investigating officer should both immediately inform the victim and any witnesses that the suspect will be released and any bail conditions imposed. This contact as with all others should be recorded as part of the investigation.
- 9.7.2 It is especially important that the bail conditions are recorded and local officers are fully briefed and tasked to enforce them. The local beat officer in particular should be informed of any conditions imposed. A good tactical example of ensuring compliance is a curfew check.
- 9.7.3 Should the suspect breach their bail conditions, they should be quickly re-arrested to prevent further victimisation and loss of confidence in the police. Such action will help to deter further breaches.

10. Supervisory Responsibilities

10.1 Overall Responsibility

10.1.1 To ensure that all personnel involved in hate crime investigation maintain the highest standard, supervisors must take an active interest in overseeing the investigative process. They must provide both support and assistance as well as taking steps to bridge any gaps in the investigation.

10.2 Response Team/Duty Sergeant

10.2.1 In all cases:

- consider attending the scene, to provide advice and assistance to officers, which also sends a clear message to the victim/witnesses/community that the matter is being taken seriously;
- ensure the initial investigating officer is taking positive action and is fully supporting the victim;
- confirm that all forensic opportunities are being exploited;
- check the integrity and continuity of exhibits;
- provide advice to initial investigating officer(s) on evidence preservation;
- identify potential critical incidents and brief the Duty Officer;
- open a Critical Incident/Incident management Log where appropriate;
- ensure initial risk identification has been conducted and recorded;
- where a Crime Scene/Incident Log has been initiated, ensure that it is accurate and fully completed;
- examine the initial crime report entry identifying any gaps in the investigation and ensuring the investigating officer rectifies them before finishing their tour of duty;
- ensure the officer has completed a detailed intelligence report.

10.2.2 **Ensure:**

- liaison with specialist hate crime investigation supervisor and staff if available;
- any training needs of the team are identified and addressed;
- all officers are aware of local force/service initiatives regarding ASBOs, Acceptable Behaviour Contracts (ABC);

10.3 Response Team/Duty Inspector

- consider attending the scene, to provide advice, assistance and leadership to officer. This also sends a clear message to the victim/witnesses/community that the matter is being taken seriously;
- **if a critical incident has been identified, the Response Team/Duty Inspector must attend the scene;**
- in a critical incident fully brief the BCU Commander/Deputy at the earliest opportunity;
- ensure effective cordons are in place and cordon logs are properly maintained;
- supervise any Scene Management Logs;
- consider opening a decision log to safeguard accountability;
- ensure effective handover to incoming shift supervisors of any ongoing incident;
- consult with scenes of crime officers and the Crime Scene Co-ordinator where appropriate;
- ensure consultation with specialist hate crime investigators where available;
- review any risk assessment of victim;
- consider deploying a [Family Liaison Officer](#);
- where there is concern about [community tension](#) consult with the local Community Liaison Officer;
- brief the local press/force press officer.

10.4 Debrief

10.4.1 Debriefing is good practice after any incident. It provides an opportunity for feedback, supports team members and adds value to the investigation. This debrief should focus on:

- capturing the learning experience and highlighting good practice;
- identifying any gaps in policies and procedures with regard to hate crime investigation, for referral to senior management;
- identifying the welfare needs of staff as a result of dealing with the incident;
- individual or collective training needs.

10.5 Crime Allocation

- 10.5.1 **Each Chief Constable must have a policy that clearly indicates where the ownership of hate crime investigation rests.**
- 10.5.2 **Crime Managers responsible for the allocation of hate crimes must ensure that this policy is fully understood and adhered to at BCU level. This will clearly establish and ensure ownership throughout the course of the investigation.**
- 10.5.3 Experience has shown that any failure to ensure the investigation is properly allocated and expeditiously pursued can have a negative impact on its outcome. Additionally such a failure undermines victim and community confidence in the police.
- 10.5.4 **All hate crime incidents must be assessed and taken seriously from the outset.**
- 10.5.5 However, the reality of finite police resources and increasing public expectation will require the ownership of any investigation to be continually assessed. Factors that must be considered include the impact on the victim/family/community and also the gravity of the offence. Weighting factors such as 'aggravation', 'motivation' and 'repeat victimisation' must also be considered.

11. Charging and Prosecution Considerations

11.1 Statutory Charging Scheme

- 11.1.1 Under the Statutory Charging Scheme, CPS prosecutors will make charging decisions in all indictable only, either way and summary offences, with some exceptions such as most motoring offences (except dangerous driving or where death has resulted) and certain street offences.
- 11.1.2 The first 14 areas/forces migrated to the statutory scheme in October 2004, with all remaining areas/forces in England and Wales completing migration by the end of 2005.
- 11.1.3 The victim's views must always be taken into account although the decision to charge will ultimately rest with the CPS.

11.2 Police Bail

- 11.2.1 If after charge, the suspect is released on bail with or without conditions, the victim must be notified as soon as practicable in order for them to be aware of prevailing circumstances and initiate any safety plans previously considered appropriate. It is imperative that the victim is aware of the detail of any bail conditions imposed to ensure positive action is taken if there is a subsequent breach.
- 11.2.2 Whilst the decision regarding the granting of bail rests with the Custody Officer, for that officer to be fully informed in making the decision it is essential for the Investigating Officer to be aware of the grounds for refusing bail as outlined under Section 38(1) Police and Criminal Evidence Act (PACE).
- 11.2.3 The Investigating Officer has a duty to bring to the attention of the Custody Officer any factors falling under this section, which may impact on a victim of hate crime. This is particularly important in assessing the likelihood of revictimisation. During the decision making process it will be necessary to take the needs and wishes of the victim into account and make appropriate representations to the Custody Officer based on relevant factors.
- 11.2.4 Robust application of Section 38 PACE will send a positive message to communities.
- 11.2.5 Factors to be included in the post charge decision regarding custody or bail are clearly set out in PACE Codes of Practice. These are:
 - (i) His [Her] name or address cannot be ascertained or the custody officer has reasonable grounds for doubting whether a name or address furnished by him [her] as his [her] name or address is his [her] real name or address
 - (ii) The custody officer has reasonable grounds for believing that the person arrested will fail to appear at court to answer to bail.
 - (iii) In the case of a person arrested for an imprisonable offence, the custody officer has reasonable grounds for believing that the detention of the person arrested is necessary to prevent him [her] from committing an offence.

- (iv) In the case of a person arrested for an offence, which is not an imprisonable offence, the custody officer has reasonable grounds for believing that the detention of the person arrested is necessary to prevent him [her] from causing physical injury to any other person or from causing loss of or damage to property.
- (v) The custody officer has reasonable grounds for believing that the detention of the person arrested is necessary to prevent him [her] from interfering with the administration of justice or with the investigation of offences or of a particular offence. OR
- (vi) The custody officer has reasonable grounds for believing that the detention of the person arrested is necessary for his [her] own protection.

IF THE DETAINEE IS A JUVENILE –

- (i) Any of the requirements of paragraph (a) above is satisfied). OR
- (ii) The custody officer has reasonable grounds for believing that he [she] ought to be detained in his [her] own interests.

11.3 Case Papers

- 11.3.1 Investigating officers must recognise the importance of completing all case papers to the highest possible standard. There is an added responsibility on supervisors/file preparation units to ensure remedial action is taken where errors or omissions are identified.
- 11.3.2 The case papers must include a Victim Personal Statement detailing the effect the incident had on the victim.
- 11.3.3 In overnight charge cases, a brief summary must be prepared highlighting:
- Details of the incident, accurately reflecting the charge
 - The reasons why this is a hate crime
 - Any additional aggravating factors
- 11.3.4 This will enable the prosecutor readily to grasp the essence of the case without detailed reference to statements. This will assist in making the court aware that the charge directly relates to a hate crime. This is especially important when dealing with charges where the legislation does not specifically reflect the hate crime nature of the incident.
- 11.3.5 To secure a conviction in cases involving racial or religious aggravation it is essential that the best evidence possible is obtained. The Crown Prosecution Service (CPS) will then be able to review the evidence in accordance with the code for Crown Prosecutors and the CPS Policy on the prosecution of [Racist and Religiously Aggravated Crime](#).
- 11.3.6 In cases of hate crime the victim or witness statement is only part of the evidential chain that the CPS will require in order to fully review a case.

11.3.7 Other links in the chain include:

- Details of previous incidents against the victim
- Details of previous incidents involving the defendant
- The ability and/or willingness of the victim to give evidence
- Impact of the alleged offence on the wider community
- The likelihood of recurrence
- Views on the safety of the victim and their family
- Information from other agencies e.g. Social Services or Housing
- Any other orders in existence e.g. ASBOs, civil injunctions
- Does the current incident breach any order?

11.3.8 Where possible, in cases where a suspect has been held in custody with a recommendation for a remand in custody, the officer in the case should endeavour to attend the remand hearing. Their presence will ensure that the prosecutor is fully briefed and that the needs of the victim can be presented to the court.

11.4 At court

11.4.1 Attending court and giving evidence can be particularly traumatic for victims and witnesses of hate crime. The following steps will help to reduce the trauma of the experience:

- contacting the court to see if there is a waiting facility separate from the accused, their friends or family.
- arranging with the witness liaison service for the victims and witnesses to attend court before the day of the trial to view a courtroom and explain court procedure.
- the investigating officer should meet and remain with victims and witnesses where possible. If unable to do so he [she] should arrange for "witness liaison" to meet and remain with them.
- if this is not possible it might be worth suggesting that the victim is accompanied by a friend or family member not evidentially connected with the case.

11.4.2 Further advice and resources for victims/witnesses regarding court proceedings are available at the following link:

www.cjsonline.gov.uk/witness

11.5 Bail Proceedings

11.5.1 Victims of hate crime may be afraid of the possible repercussions for them once a defendant is charged. To protect victims and witnesses from threats, the risk of danger or repeat offences, the CPS may apply for a remand in custody or at least ask the court to attach bail conditions. The court can only remand in custody if the CPS can show that there are substantial grounds for not granting bail. It is therefore vital that the following information is provided to the CPS:

- details of the defendant's previous convictions
- details of any previous incidents involving the defendant

- the police view on victim and family safety
- the likelihood of recurrence
- the existence of any other orders e.g. ASBOs, civil injunctions
- the Victim Personal Statement
- any other relevant information

11.5.2 A court can only remand in custody on compelling evidence. Failure to provide such evidence can lead to a remand on bail thereby reducing the confidence of the victim or the public at large in the totality of the Criminal Justice Process.

11.5.3 A priority for the investigator is speedily to inform the victim of the result of a court hearing including details of any bail conditions.

11.6 Retraction of Support for the Prosecution

11.6.1 Many victims of hate crime make an immediate decision not to report incidents due to lack of confidence in the criminal justice system. When offences are reported, previous failures to report should not be seen as diminishing a witness's credibility.

11.6.2 In cases where a victim or witness wishes to withdraw their support for the prosecution a formal statement must be taken fully explaining their decision to withdraw support. When submitting the withdrawal statement to the CPS the officer must attach an accompanying report with details of his [her] views on:

- the reasons given by the victim
- how the victim would react to being compelled
- future risks to the safety of the victim and their family
- the impact on the wider community

11.7 The following documents provide further sources of information:

[The CPS Guidance on Prosecuting Cases of Racist and Religious Crime](#)

[Racist and Religious Crime – CPS Prosecution Policy](#)

[Racist and Religious Crime – A Summary of CPS Prosecution Policy](#)

[The CPS Guidance on Prosecuting Cases of Homophobic Crime](#)

[The CPS Policy for Prosecuting Cases with a Homophobic Element](#)

[Policy for Prosecuting Cases with a Homophobic Element – Leaflet](#)

12. Hate Crime Co-ordination

12.1 Dedicated Hate Crime Investigation Units

12.1.1 Specialist hate crime investigators should be part of units dedicated exclusively to the investigation of hate crime. This provides them with the opportunity to undertake more thorough and effective investigations thus providing a better quality of service to victims. Ideally they should not be abstracted to fulfil competing demands resulting in a reduction of service to victims. The benefit to victims and the Service of dedicated hate crime units should not be underestimated, despite resource implications. Such benefits include:

- reinforcing the message to the public that hate crimes will not be tolerated by the police;
- specific and relevant training can be tailored to meet the needs of dedicated hate crime investigators;
- a dedicated unit can assume responsibility for the investigation of the majority of hate crime incidents freeing up front line uniform officers and detectives;
- dedicated teams quickly acquire expertise in the investigation of hate crimes;
- the expertise, enhanced training and experience of dedicated hate crime investigators builds confidence with victims;
- dedicated Investigation Teams are better placed to ensure compliance with common minimum standards or standard operating procedures for the investigation of hate crime incidents;
- performance monitoring of these standards or procedures is made easier when service delivery is focussed through dedicated units;
- dedicated Units are likely to become focal points for the dissemination of good practice from which all staff can benefit;
- hate crime forums are influenced by the credibility of the units leading to a more beneficial exchange of ideas and information;
- the capture and analysis of hate crime related community intelligence is enhanced;
- the credibility and ability to support consistently multi agency partnerships thereby increasing the range of tactical options for problem identification and resolution;
- the unit/team can assist in the identification of hate crime offenders and provide intelligence on hate crime “hotspots”;
- the unit can provide a single investigative point of contact particularly when repeat victimisation has occurred. This will ensure investigative focus and continuity in managing the previous history and ongoing victim care;

- they are best placed to coordinate pro-active and re-active operations to target the perpetrators of hate crime;
- different units can exchange good practice and maximise experience and expertise to solve common problems;
- promotion of the work of the unit/team through the media with emphasis on its successes and victim case studies will provide reassurance.

- 12.1.2 It is desirable to select officers for the unit that, in addition to some investigatory experience, have a genuine interest in this specialist work. Trainee Detective Constables should spend time within the unit to enhance their investigative skills in this specialist area of crime.
- 12.1.3 Probationers should be given the benefit of short attachments to hate crime units to gain a greater understanding of hate crime and polish their skills in dealing initially with incidents of hate crime.
- 12.1.4 **Chief Officers are responsible for ensuring that such units are resourced adequately and staffed appropriately.**

12.2 Hate Crime Co-ordination – Merseyside Model

- 12.2.1 Establishing dedicated hate crime units is acknowledged good practice. However, pragmatism requires a balance between available resource and delivering a quality service to victims. It is recognised that the formation of dedicated investigative units may not be reconcilable with the competing demands in every force area.
- 12.2.2 A good example of a creative and successful alternative to dedicated investigative teams can be found in Merseyside Police. This Service operates a system of regionalised Hate Crime Incident Management Units ensuring that their service response is effective and consistent and hate crime investigation is properly quality assured.
- 12.2.3 These Incident Management Units do not carry out specific investigations, but oversee and co-ordinate responses to hate crimes and provide support to appointed investigators. This approach has a number of distinctive features:
- it has been specifically designed to minimise the disadvantage of not having dedicated units;
 - uniform officers and detectives at BCU level are the first line of response and conduct initial investigations. They also conduct further investigations supported by advice and guidance from the regional Incident Management Unit;
 - hate crime co-ordinators from the Incident Management Unit provide robust quality assurance of any investigation. This is an integral part of the process and minimises any deviation from common minimum standards;
 - hate crime co-ordinators focus on providing additional services to the victim through multi- agency partnerships.

- 12.2.4 Uniform officers and detectives at BCU level are afforded the opportunity to develop and enhance skills in hate crime investigation.
- 12.2.5 Victim packs are a unique feature that has been a major contributory factor to the success of the Merseyside Model. The first officer attending the scene will provide the victim of a racist incident with a **Victim Pack**, which contains:
- a 'Hotline' number.
 - Merseyside Police Policy including definition;
 - a useful names and addresses booklet including Victim Support Scheme, Local Authorities, Housing Associations, Citizens Advice Bureau, voluntary services, probation advice, community advice and Asylum Seeker Specialists;
 - there is a specific section relating to the Police Incident Management Units with clear instructions on how to engage the police;
 - contact details for all hate crime coordinators;
 - a Self Reporting Form;
 - a Harassment Incident Log;
 - advice in different languages on personal safety and security.
- 12.2.6 Merseyside are developing this pack to include other groups who are subject to hate crime.
- 12.2.7 A hate crime pack is issued to all officers, as a reporting/investigation tool. The pack includes the following:
- check list/[Aide Memoir](#)
 - body maps to illustrate suspect descriptions
 - witness statement forms
 - pre statement witness interview forms
- 12.2.8 Included in the pack is a [Hate Incident Report Form](#). This forms the basis of the initial investigation and foundation for multi agency information sharing. It is faxed by the initial investigator to the respective hate crime co-ordinator and the details of the investigation are recorded. The form is scanned into the Merseyside Crime Reporting system to enable other investigators to view its content, and to ascertain, for example, any linked offences.
- 12.2.9 The initial investigating officer takes a statement from the victim at the scene and this must be faxed to the co-ordinator before the officer goes off duty. This enables the co-ordinator to make prompt contact with the victim and to assure the quality of the investigation at an early stage.
- 12.2.10 The report form is a comprehensive tool to assist officers to take all necessary and positive action. The form proves useful in ensuring initial action is in accordance with force policy and meets common minimum standards.

- 12.2.11 The Hate Incident Forms are subsequently stored for disclosure purposes as unused material. The hate crime co-ordinators are responsible for their storage and retrieval.
- 12.2.12 The absence of dedicated investigators necessarily creates a significant training demand if a consistent and appropriate quality of service is to be given to victims. The responsibility of line supervisors/managers is consequentially onerous.
- 12.2.13 **Chief Officers adopting an alternative to dedicated investigation teams must recognise and address staff training and supervisory needs if victims of hate crime are not to be disadvantaged.**

13. Partnership/Multi Agency Work

13.1 Introduction

- 13.1.1 Partnership working and the need for total professionalism are identified as essential pre-requisites to police activity in combating hate crime. A cursory scan of this document will readily detect these two recurrent themes that underpin, and at the same time overarch, each section. The doctrine of partnership, first espoused by police leadership in the 1980's, is accepted by both national and local government, and endorsed by statute, as the most effective way of tackling problems of crime and disorder.
- 13.1.2 The maximum exploitation of partnership arrangements is crucial to a meaningful and sustained attack on hate crime, where victim confidence in police credibility is often tenuous and frequently tainted. The statutory partnerships are necessarily at the core of joint working but, particularly in respect of hate crime

13.2 Benefits

- 13.2.1 The benefits of statutory partnership activity to tackle hate crime are clear:
- it facilitates the sharing of information and intelligence to quantify the hate crime geographically or within a specific section of a local population;
 - it prompts agencies with community safety responsibilities to develop and then deliver a co-ordinated safety package for actual and potential victims of hate crime;
 - it prevents duplication of agency effort in terms of service delivery;
 - it produces a consolidated approach to accessing additional resources.
- 13.2.2 Whilst reaping the substantial rewards in terms of service delivery from active participation in statutory partnerships, the extension of partnership activity into communities, to encourage collaborative working beyond statutory limits, has even greater potential. The key is imagination and innovation to secure a spread of partners. The goal is to involve groups and individuals that other partnerships cannot reach in order to exploit the potential:
- a sustainable relationship between police and minority communities working together to address local hate crime problems, enhances trust and develops confidence in the ability and commitment of police to deal vigorously with hate crime;
 - an ongoing dialogue will produce the confidence necessary to generate a flow of community intelligence. This ongoing appraisal of the impact of hate crime on day-to-day quality of life is important in determining adjustments to policing policy, priorities and operational practice;

- the openness and transparency that is integral to partnership working, provides a platform for better understanding by police of the community impact of hate crime. At the same time the community can better understand the police response and legal requirements than can circumscribe police action and inhibit successful prosecutions;
- collaboration is the parent of joint-ownership of problems. Such ownership of problems and solutions provides an opportunity to share in the success of hate crime initiatives. This in itself is a spur to further collaborative effort.

13.2.3 Effective partnership work ensures that individual and collective needs generated by hate crime are not only captured but, more importantly, positive action is taken. Its most tangible benefit is to produce an environment where individuals feel free to live, work and move freely. Such an environment is not only less tolerant of hate crime but, more importantly, less tolerant of those who commit it.

13.2.4 The collective benefits of developing trust and confidence, securing intelligence, improving mutual understanding, harnessing community support and opening up opportunities for shared success impact at all stages of the police response to hate crime. From, for example, the provision of assisted reporting sites or the mechanism for third party reporting of hate crime, through the investigative process, to joint approaches to repeat victimisation and critical incidents, there are tangible benefits at every stage.

13.2.5 These benefits, like most things worthwhile, are not realised without effort, commitment and, at times, frustration. A force or BCU that has, perhaps, succumbed to frustration and pursued a unilateral approach to hate crime will find itself ill equipped and alone when faced with an actual or potential critical incident. It will not be able to galvanize the influence or energy of others because the foundation of trust and the building blocks of mutual confidence and experience of joint problem solving are absent. A critical incident generates suspicion and unhelpful speculation. Crisis is not the setting for securing unequivocal external support unless the groundwork has been done in jointly addressing the routine and unexceptional.

13.3 Leadership

13.3.1 The message must be clear from chief officers that partnership, particularly with individuals and groups who have real influence within communities, is a key plank in the overall strategy to defeat hate crime. The absence of such a message, consistently reinforced, will leave partnerships to be forged according to the whim of individual discretion. Such an approach leads to inconsistencies in service delivery from BCU to BCU and leaves victims at the mercy of a postcode lottery.

13.3.2 There will be necessary variations to meet geographical and demographic circumstances and according to the varying abilities and range of influence of partners. **Such variation, however, must be within a force framework of partnership.** Policy guidance should allow sufficient flexibility for the development of good practice at BCU and sector levels. The aim being that the good practice emerging from such flexibility can ultimately benefit the force as a whole, and therefore victims of hate crime and the wider public.

- 13.3.3 The leadership at chief officer level must be reflected at BCU, hate crime specialist, sector and individual beat officer levels. All have crucial leadership roles and responsibilities in securing the expertise and enthusiastic commitment of partners. Experience has shown that, without police leadership, many partnership schemes lose focus, energy or direction. A leadership vacuum means that valuable opportunities are lost, existing partners become disenchanted and prospective partners are discouraged. Victims of hate crime and communities are denied the best protection whilst perpetrators prosper.

13.4 Problem Solving in Partnerships

- 13.4.1 It is recognised that enforcement alone cannot resolve the pervasive fears that corrode quality of life. Indeed, in many cases, enforcement may not be possible because of a host of evidential difficulties. The impossibility of securing a conviction does not mean that the problem has evaporated. The task remains manifest for the police to tackle in lateral and imaginative ways. Partnership approaches to hate crime reductions are readily amenable to problem solving methodology.
- 13.4.2 The four stage SARA (**S**can **A**nalysis **R**esponse **A**ssessment) approach has been used for some time in problem-orientated policing (POP) as a methodical process for problem solving. Application of the process can ensure that a hate crime problem is effectively identified and tackled, avoiding any waste of time and resources. SARA is commonly used within the police service, so an understanding of the process may assist partner agencies to work with the police to tackle local problems.
- 13.4.3 Further information on the SARA model and problem orientated policing may be found in the following documents:

[What is Crime Reduction](#)

[The Process of Crime Reduction](#)

[Evaluating Crime Reduction Projects and Initiatives](#)

[Further references](#)

[Crime Reduction Research Series Paper 6, Not Rocket Science? Problem-Solving and Crime Reduction by Tim Read](#)

[Crime Detection and Prevention Series Paper 75 Problem-Orientated Policing Brit Pop by Adrian Leigh, Tim Read, Nick Tilley. London: Home Office, 1996](#)

[Police Research Series Paper 93, Brit Pop II: Problem-Orientated Policing in Practice by Adrian Leigh, Tim Read, Nick Tilley. London: Home Office, 1998](#)

[What makes a good SARA? Mike Townsley & Ken Pease, August 2001](#)

[Merseyside Police](#)

www.crimereduction.gov.uk/learningzone/sara.htm

13.5 Independent Advisory Groups – A Radical Approach to Partnership Working

- 13.5.1 Much of the Service shows a frustration that statutory consultation arrangements, despite considerable investment of time and resources, are failing to inform strategic thinking and operational action or, in many cases, offer a comfort zone rather than an informed critical edge. Additional consultative mechanisms are necessary.

- 13.5.2 The MPS took the radical step of establishing a Lay Advisory Group to advise on the range of complex issues surrounding race. The approach was radical in that the MPS invited some of its most articulate and consistent critics. Subsequently the value of the Lay Advisory Group, welcomed by HMIC in *Winning the Race (3)*, has been confirmed as further groups have been established around gay, lesbian and transgender issues as well as Gypsies and Travellers.
- 13.5.3 The independence of the membership is confirmed in that they monitor, observe or participate in police activity without having any responsibility for the outcomes. Their freedom extends to an ability to make observations both within the force and to the people of London. Equally, the MPS is not obliged to follow their advice. Practically such lay involvement, whilst enhancing operational policy, poses no threat to the Commissioner or the office of constable, as it does not affect the powers, responsibilities or accountabilities of either.
- 13.5.4 An Independent Advisor should be:
- able to appraise critically police policies and practices;
 - representative of and commanding the respect of communities policed;
 - able to make a dispassionate, measured and ethical assessment of their experience;
 - able to bring relevant expertise, experience and integrity;
 - committed to the improvement of community and police relations.
- 13.5.5 The process is not without its tensions. However, the electricity of such tension has frequently generated the spark of beneficial change. At the outset, some MPS practitioners and managers were undoubtedly sceptical. Fears regarding breaches of confidentiality on operational matters and notions of power without responsibility have proved groundless. Indeed, officers in charge of sensitive operations (e.g. Operation Trident to impact on gun crime) welcome Advisory Group advice and assistance. Additionally their advice has been welcomed by officers dealing with actual and potential critical incidents.
- 13.5.6 It is disappointing that the majority of forces have failed to adopt this radical partnership initiative. The MPS initially took the bold step as part of their response to the more damning conclusions of the Stephen Lawrence Inquiry. The inspiration for the LGBT group was the horrific bombing outrage at the Admiral Duncan Public House. Other forces must grasp the opportunity to establish similar bodies in relative calm without the imperative of a crisis.
- 13.5.7 Independent Advice now has a fundamental role within the MPS. Their initial consultative role has evolved into a valuable example of partnership in action. Advisors are called upon to provide advice across a wide range of policy issues, operational matters and critical incidents. Their value is not the relaxing comfort of a warm bath, it is the more welcome stimulus of a cold shower.

- 13.5.8 The following document provides further information on establishing Independent Advisory Groups:

[Independent Advisory Groups](#)

- 13.5.9 Specific examples of partnership activity are given in the individual sections of the document on reporting, investigation, repeat victimisation and critical incidents. This section underlines the importance of partnership activity to a cohesive response to hate crime.

The following documents provide sources of information and further examples of good practice:

[Crime and Disorder Act 1998](#)

www.crimereduction.co.uk/partnerships

www.crimereduction.gov.uk/infosharing00.htm

[Data Exchange & Crime Mapping Guide for CDP](#)

[Working in Partnership PSNI](#)

[Multi-Agency Group Southampton City](#)

[The main sources of funding for the voluntary and community](#)

[Multi-agency working to tackle racist incidents Barnsley](#)

[Designing Out Hate: Lessons from the Targeted Policing Initiative](#)

[Anti-Hate Crime Project in Southwark](#)

14. Rural Hate Crime

14.1 Context

- 14.1.1 The Police Service, in common with other service providers, has tended to view racism and therefore hate crime as a problem confined to urban areas with significant minority populations. This is in spite of substantial evidence that rural racism and consequential hate crime is a fact of rural life. Its impact on victims is in fact even more severe, as their relative paucity in the population leaves them particularly isolated and vulnerable, without the reassuring strength of their own recognisable community. Obviously these factors render victims more susceptible to repeat victimisation.
- 14.1.2 This situation represents a major challenge for the majority of forces who police rural communities across the country. A central tenet of this guidance has been to steer officers to their line management for necessary advice and direction. Officers in rural areas may not have this opportunity as they frequently work alone or with minimal direct contact with their immediate supervisors. As the reported incidence of hate crime in rural areas is not geographically concentrated, individual officers seldom get the opportunity to gain the necessary operational experience to become proficient in dealing with this type of crime.
- 14.1.3 All service providers, especially the Police Service, need to be particularly mindful of those experiences suffered by the victims of hate crime in rural areas. Their cumulative effect can be the erosion of confidence, not only of the individual, but also the community to which they belong in the capability of criminal justice partners to respond positively and prosecute offenders. Feelings of marginalisation and isolation are the result of institutional failures to acknowledge fully and respond to the distressing circumstances which victims and their families confront on a daily basis. Investigating officers need to appreciate these feelings. Such feelings can present tangible barriers to engagement that investigating officers must negotiate in a determined, and above all, a compassionate manner.
- 14.1.4 To address effectively the prevention, investigation and detection of hate crime in rural areas, chief officers and BCU Commanders must ensure that it is included in their strategic thinking and planning.

14.2 Racist Hate Crime in Rural Areas

- 14.2.1 In 2001 a survey conducted on behalf of The Observer newspaper indicated the risk of being subjected to racist attacks to be ten times greater in rural areas than in urban areas. Furthermore, this research revealed that in rural areas racially motivated attacks affected a disproportionately higher ratio of the ethnic minority population compared with that in urban areas. In certain rural counties around one in fifteen of the ethnic minority population were subject to racist attacks. In major conurbations such as Greater London and the West Midlands that ratio reduced markedly to one in two hundred.

14.2.2 A recognised national organisation is The Monitoring Group (TMG) (www.monitoring-group.co.uk). Through their experience of working in Cornwall, Pembrokeshire and the rural areas of Nottinghamshire, TMG has identified four main reasons underpinning the problem of rural racism:

1. A denial of the existence of ethnic minority people in rural areas, which results in a widespread denial of racism and racist violence.
2. A colour-blind approach to ethnic minority people which results in a failure to acknowledge their diverse needs, their experience of racism and racist hostility.
3. A belief that racist violence is an urban problem and does not exist in rural areas.
4. A lack of effective support, consultative structures and mechanisms for isolated ethnic minority people.

14.3 Homophobic/Transphobic Hate Crime in Rural Areas

14.3.1 This guidance has already recognised that society is becoming evermore diverse. Urban areas have historically been the more cosmopolitan and more responsive to the dynamics of the pace of change than their rural counterparts. In urban areas the development of recognisable LGBT communities is relatively commonplace, for example the gay village in Manchester, whereas the introduction of a gay venue in small towns is often met with suspicion if not hostility. Some of the main reasons underpinning rural homophobic and transphobic hate crime are:

- a denial of the existence of LGBT individuals or groups in rural areas which results in a widespread denial of homophobia and homophobic attacks;
- a failure to acknowledge the specific needs of the LGBT community, their specific experience of homophobia and homophobic attacks;
- a reluctance by some rural communities to acknowledge homophobic and transphobic incidents as a problem;
- a lack of effective support, consultative structures and mechanisms for LGBT individuals or groups living in rural areas;
- that confidentiality has additional significance for LGBT individuals and their families in rural communities.

14.4 Gypsies and Travellers in Rural Areas

14.4.1 Residents in rural areas frequently have more interaction with Gypsies and Travellers than their counterparts in urban areas. The provision of an effective and quality policing service to these minority groups has its own inherent challenges regardless of the environment, either rural or urban.

Specific guidance in relation to Gypsies and Travellers is outlined later in this document. The following publication provides further information.

[Working With Travelling People](#)

14.5 Migrant Workers

- 14.5.1 Parts of the rural economy are dependant on a ready supply of migrant workers. Their employment, and in some cases their immigration, status may often be in doubt. Ironically, whilst the economy secures the benefits of their labour, the workers themselves are vulnerable to abuse mostly in terms of their pay and employment conditions, but also in terms of hate crime.
- 14.5.2 Rural communities often see migrant workers as taking local jobs and thus preventing local people from securing appropriately paid employment. Whatever the economic reality, there is the potential for heightened resentment which could be the precursor to hate crime perpetrated against this group.
- 14.5.3 Although the situation is improving, the intelligence picture surrounding migrant workers is unclear and provides little understanding at a force or national level. The lack of a clear intelligence picture is a further hindrance when police attempt to deal with this group as victims of hate crime.
- 14.5.4 The precarious nature of their employment status often leads to an unwillingness to become involved with law enforcement agencies thus leaving them vulnerable to repeat victimisation. The repeated exploitation of this group, coupled with the ambiguity of their employment or immigration status, are additional barriers to the effective reporting of hate crime to the police.
- 14.5.5 Police have a responsibility to recognise their vulnerability and protect them accordingly. Perpetrators must recognise that police take their protective duty seriously, and that the exploited are no less eligible to a sensitive and thorough police response to their needs. If police fail to deliver this response effectively, there is a risk that the vulnerability of the migrant workers will be ruthlessly exploited, not just economically, but physically by perpetrators of hate crime.
- 14.5.6 Progressive escalation of violence, left unchecked, leads to increasingly serious injury and even death. Failure to deliver a quality service to migrant workers who are victims of hate crime can lead ultimately to costly and protracted international investigations under the intensity of an international media spotlight.

14.6 Reporting and Recording Hate Crime in Rural Areas

- 14.6.1 All the generic factors previously acknowledged relating to the reporting and recording of hate crime are equally applicable to rural areas. However, the specific issues of denial, isolation, lack of effective support and the belief that hate crime is an urban problem place a particular responsibility on police in rural areas to adopt and adapt the good practice advocated in this publication.

14.7 Investigation of Hate Crime in Rural Areas

14.7.1 This publication sets out investigative standards that are applicable to all of the police services across the country. In rural areas police services face additional challenges in their attempt to achieve or indeed surpass these investigation standards. These include:

- the geographic spread of hate crimes/hate incidents resulting in fewer individual experiential opportunities to hone investigative skills;
- line managers will also suffer from the lack of experiential opportunities from either an investigative or supervisory perspective;
- the combination of the two factors above increasing the risk of failing to recognise the warning indicators of a potential critical incident;
- the lack of ready access to interpretation services;
- the logistics of distance, travel and availability of transport, making personal contact with victims and witnesses problematic.

14.7.2 Although these points are applicable to all forces to some extent, the likelihood is that they will be more challenging to predominantly rural forces when conducting a hate crime investigation.

14.8 Partnership Working in Rural Areas

14.8.1 The development of robust and effective partnership working is an essential element in any strategy to combat hate crime. Furthermore, it helps to nurture confidence in victims, their families and the wider community, if the police and partner agencies take hate crime seriously.

14.8.2 The Rural Racism Project coordinated by The Monitoring Group is an example of a developed partnership delivering a programme of support services for victims, their families and isolated community groups in the South West of England. The expertise and experience of TMG project workers provide an additional resource in the reduction of the harm that hate crime inflicts upon victims and their communities.

14.8.3 Joint training and the provision of secondment opportunities can enhance understanding of victim perspective with the aim of improving the effectiveness of the police response to hate crime. Such an approach will offset to some extent the lack of experience within some statutory partnerships such as Crime and Disorder Reduction Partnerships (CDRPs) in rural districts. Partnership arrangements may be less well established and lack the holistic nature that addressing the problem of hate crime demands. The Police Service is ideally placed to assume a leadership role in expanding and extending partnership networks and developing joint working protocols to enhance local service provision particularly to those who feel isolated and on the margins of rural society.

15. Specific Types of Hate Crime

15.1 Introduction

- 15.1.1 The, at times, painful learning experience of the Service in firstly acknowledging the pernicious nature of race hate crime, then developing appropriate operational responses and an investigative strategy, has enabled the Service to acknowledge more readily the impact of hate crime on other vulnerable groups.
- 15.1.2 This part of the document provides guidance in respect of a variety of hate crimes affecting a range of vulnerability, whilst acknowledging that race hate crime remains statistically predominant, meriting continuing determined and consistent police efforts.

15.2 Hate Mail

15.2.1 A common type of hate crime is the distribution of hate mail such as offensive letters, leaflets, posters or other material delivered either by hand or via the postal system. Police should not underestimate the devastating impact this can have on a victim and should deal with such matters professionally, sensitively and reassuringly. Much of this material is disposed of by the recipient and goes unreported. However where such items are brought to police attention they should be treated as a forensic exhibit. Evidence can be lost if the exhibit, which, in the case of letter includes both the envelope and its contents, is not dealt with correctly from the outset. The following good practice will assist in reducing loss or contamination of evidence when handling hate mail exhibits:

15.2.2 **DO:**

- wear at least two pairs of Latex gloves when handling any exhibit and hold it by the edges. Historically tests have shown that it is still possible to leave fingerprints through a single pair and incorrect handling can destroy any possible marks on the item. The overall rule should be to handle the item as little as possible;
- where possible package the items at the scene to prevent contamination later;
- photocopy the exhibit if possible so that a copy can be placed with the case papers and prosecutor can have ready access to it;
- consult your scenes of crime officer;
- draw on the expertise of the local hate crime investigations team;
- obtain a statement from anyone who has handled the item to preserve continuity and to provide a ready index if elimination fingerprints are later necessary;
- label the exhibit clearly and make clear its storage location in any subsequent report.

15.2.3 **DO NOT**

- pass the exhibit around;
- open a sealed envelope if it is believed to contain hate mail;
- take a letter out of an envelope if the contents are suspected to be hate mail;
- replace a letter into an envelope if it has already been removed. This could destroy potential forensic evidence. Package it as a separate item.

15.2.4 If a suspect has been arrested for any offence and is in possession of hate mail material, it is worthwhile to conduct a search of their home address and any premises to which they have access. 'Premises' includes any vehicle. Careful consideration should be given to the appropriate powers of search under PACE or other legislation.

15.2.5 An example of good practice in relation to the investigation of hate mail is Operation Athena Delton, an MPS initiative.

[Operation Athena Delton – Hate material/literature Intelligence Database](#)

15.3 **Internet Hate Crime**

15.3.1 All technological progress provides opportunities for innovation in criminal activity. The internet is certainly no exception. Those who aim to spread hate and intolerance have seized upon the opportunities presented by ready access to a worldwide audience.

15.3.2 Obviously, e-mail hate messages can be sent anonymously or using a false identity. Similar to ordinary mail, individuals can be targeted to receive messages without their consent or knowledge. However, the internet offers extensive opportunities to target a much wider audience in a much faster time frame. As the users of this medium are disproportionately young they are particularly vulnerable to the corrupting influence of web-based hatred and susceptible as potential victims.

15.3.3 **Internet Watch Foundation (IWF)**

15.3.4 The [IWF](#) monitors and minimises the misuse of the Internet, particularly in relation to criminal activity. Their primary focus has been on child abuse images but this has widened to include hate material.

15.3.5 **Role and remit of IWF**

- To foster trust and confidence amongst current and future Internet users and minimise availability of illegal content.
- Operates an Internet Hotline to enable the public to report potential illegal activity encountered on the Internet via websites, newsgroups, mobile phones or other online services.
- To assist Internet Service Providers (ISPs) and Mobile Operators in combating the abuse of their systems for the dissemination of criminal content.

- To communicate regularly with the Government through the Department of Trade and Industry and Home Office, and input into programmes and initiatives surrounding online safety.
- To assist law enforcement agencies in the fight against criminal content on the Internet. Work closely with the police, lending expertise to help trace the individuals responsible for such online criminal activity.

15.3.6 The IWF operate a 'notice and take down' service for both Internet Service Providers and Mobile Operators to alert service providers of criminal material found on their servers.

15.3.7 Even if no criminal offence is disclosed most ISPs include 'terms of service' or 'acceptable use policies' which prohibit users from posting hateful or illegal materials online.

15.3.8 **Offences and Initial Investigation of Internet Hate Crime**

15.3.9 Police officers may receive complaints regarding the content of websites, chat rooms, newsgroups, unsolicited emails and text messages sent on mobile phones. Officers may also come across such material from open source intelligence. Should an allegation be received or information discovered, the following steps should be taken:

- establish exactly the nature of the complaint and the specific medium concerned;
- follow service instructions for crime reporting or inputting onto corporate databases;
- identify possible criminal offences after considering available [legislation](#);
- secure all evidence, both hard copy and electronic copies;
- do not allow any further use of the computer, including logging off and switching off;
- consider specialist electronic scene preservation. This includes hard drives, floppy discs, CD Rom etc. It also includes electronic audit trails of messages and access to documents;
- consider conventional crime scene preservation, such as offices, and the contents of waste bins and shredders. A good example is a mechanical fit between a printer and its paper;
- ascertain date, time and electronic/geographic place of origin for e-mails;
- ascertain details of complainant's computer system for evidential and continuity purposes.

15.3.10 If not a crime allegation, consider advising complainant to contact the Internet Watch Foundation.

15.3.11 *Additional sources of advice:*

- Hate Crime Unit
- Criminal Investigation Department
- Hi Tech Crime Unit
- Telephone Intelligence Units. Most police services have a single point of contact within its Intelligence structure to act as liaison with Service Providers. This will assist in establishing the source of Emails sent.
- Special Branch
- Anti Terrorism Unit
- Crown Prosecution Service

15.3.12 **Jurisdiction**

15.3.13 Perpetrators of Internet hate crimes are not constrained by national or international boundaries. Even though communications may be of short duration, most computers are located in easily identifiable places. Computers can be accessed remotely, regardless of the location of the person who is posting, sending, viewing or receiving information online. Whatever the location of the computer or the individual, there will inevitably be an electronic audit trail that will have significant evidential value.

15.3.14 Be aware that many sites carrying messages of hate are hosted in other countries where their content may be protected by local legislation, such as that safeguarding free speech under the US constitution.

15.3.15 The Police Service faces a fundamental challenge when dealing with Internet hate crime, as there are considerable gaps in current legislation which investigators will find difficult to bridge. Hate on the Internet is very much an emerging issue that will be impossible to eradicate fully within the existing national and international legislative framework. Forces should be mindful of the pace of technological change and the significant challenges that the Service will face.

15.4 Asylum Seekers and Refugees

15.4.1 The policing of asylum seekers and refugees presents particular challenges, specifically in terms of the reporting, recording and investigation of hate crime targeted against them.

15.4.2 The growth in asylum seekers and refugee numbers in recent years, not helped by the growth in tensions across the world, has obliged police forces to develop tailor-made approaches according to their individual policing needs. The police response has had to be hurriedly formulated against an unhelpful background of the seamless negativity of sections of the press, and the opportunism of extremist political factions exploiting fears and prejudices.

15.4.3 The hate ingredient behind verbal assaults and attacks on the person and property of asylum seekers and refugees differs subtly from other hate crime. In addition to the motivation of hatred for an individual being 'foreign' or culturally different, there are unfounded perceptions that preferential treatment is offered to them in terms of benefits, health care, housing and employment.

15.4.4 Collectively asylum seekers and refugees lack the basis for a unified community of their own as they are drawn from disparate cultures, faiths and ethnic origins. This disparity of origins results in an inability of asylum seekers and refugees to benefit from the empathy and support of an established community. Indeed this lack of support is often replaced by hostility where people from neighbouring countries such as Iran and Iraq or different ethnic groups from the Balkans are collocated.

15.4.5 **Key considerations in policing the asylum seekers and refugees**

15.4.6 Asylum seekers and refugees are entitled to the same protection to live life free from crime, harassment and intimidation as any other member of society

15.4.7 Successful policing outcomes will be dependent on engaging their trust and confidence. Police efforts are often compromised as initial detention as suspected illegal immigrants may be their first experience of police. The attitude of those with no experience of UK police officers may be tainted by their experience of the oppression of police in their country of origin. This can lead to a conflict with our role in supporting victims of hate crime.

15.4.8 Recent experience has shown that the placement of asylum seekers into unprepared communities has led to detrimental consequences on community cohesion. The vast majority of those seeking asylum are law-abiding citizens who seek a better life for themselves and their families, in a safe environment free from persecution. Indeed the ultimate contribution made by the majority of these individuals through their skills and economic activity, ultimately exceeds the initial support provided. In order to enable them to make that contribution the police have a responsibility to protect them from hate crime and live in an environment free from fear.

15.4.9 The ACPO Guide to meeting the needs of asylum seekers and refugees offers a full range of options for police in managing these complex issues in partnership with other key agencies. It identifies the following good practice in relation to policing hate crime against asylum seekers:

- recognition by each force that there is a need for long term planning and a commitment to assist the integration of asylum seekers and refugees with local resident communities;
- establishment of defined police roles such as community liaison, dedicated investigation and a focused intelligence led approach;
- creation of a partnership network with voluntary and statutory agencies and individuals;
- creation of a local directory of interpreters to assist with communication between asylum seekers and police to assist the reporting of all crime;
- appointing Police Liaison Officers at appropriate levels, such as BCU, Force or a regional appointment;
- establishment of asylum seeker forums for practitioners, partnerships, local people, and asylum seekers themselves to solve problems;

- local recording systems for hate crimes/incidents against asylum seekers and refugees. Where different ethnic groups are settled together on dispersal, local crime recording systems should capture internal inter-ethnic crime, such as those between Kosovans and Serbians;
- devise information and welcome packs and, as with other documentation, make available in all relevant languages;
- establish police surgeries within 'one stop' multi agency arrangements;
- devise an effective communication strategy. This is effective in countering media inaccuracy, dispelling myths, ensuring clear communication between partnerships and advertising 'wins' where, for example, crime has reduced in asylum areas.

15.4.10 **National Asylum Support Service (NASS)**

www.ind.homeoffice.gov.uk

15.4.11 **Role of NASS**

15.4.12 NASS is a Government Agency whose aim is to provide an effective support system to asylum seekers. In order to meet its obligations NASS provides the following services:

- emergency accommodation
- dispersal accommodation
- financial support provided in cash
- co-ordinated input from the Voluntary sector and stakeholders

15.4.13 NASS caseworkers have received training in the management of hate crime and are therefore a key partner in both engaging asylum seekers with confidence and also assisting with the building of the wider intelligence picture

[NASS](#)

15.4.14 **The following case study outlines the approach taken by Strathclyde Police and their partners. It identifies a number of items of good practice suitable for adoption by other forces.**

[Sight Hill Estate Glasgow and Racially Aggravated Crime and Asylum Seeker Project](#)

15.4.15 The ACPO Asylum Seekers Policing Guide provides further guidance and may be obtained at the following link:

www.acpo.police.uk/policies/

15.5 **Hate Crime in Sport**

15.5.1 Sport engages millions of people in the UK from grass roots to international professional competition. It has almost universal appeal either as a spectator or a participant, irrespective of class, background, gender, age, sexual orientation, physical ability and ethnicity.

- 15.5.2 The competitive nature of sport provides a focus for those anxious to exploit difference. Regrettably, hate in all its forms infiltrates sport at all levels. From homophobic abuse during a football match in a local park, to the murder of Israeli Athletes at the Munich Olympics in 1972 the scale and complexity of the issue remains a constant challenge requiring ongoing vigilance.
- 15.5.3 Hate Crime in Sport is neither trivial nor less important than hate crime elsewhere. It has the same corrosive effect on the safety and quality of life on those subjected to it. Additionally hate crime in sport attracts intense media interest and has additional potential to escalate into Critical Incidents.
- 15.5.4 The guiding principles for the Police Service must be to:
- deliver a robust and effective response to hate crime in sport using appropriate legislation;
 - pro-actively identify and combat hate crime in sport using the National Intelligence Model.
- 15.5.5 This response must be proportionate because police services have differing demands and priorities in relation to hate crime in sport dependent upon the location of sporting venues, the range of sporting events and demographics. These variables do not negate the importance of the two fundamental principles above.
- 15.5.6 Any strategy to deliver upon the two principles outlined above must be based around three key strands of activity.
- 15.5.7 **1. Robust and Effective Action**
- Establish and maintain effective links between ACPO business areas, Event Commanders, Football Intelligence/Liaison Officers, technical support and public order specialists.
 - Forge partnership links with official bodies such as the Football Association, England and Wales Cricket Board, Rugby Football Union etc.
 - Fully engage with local sports clubs both amateur and professional and area associations.
 - Use legislation effectively and liaise with CPS e.g. Banning Orders.
 - Ensure Hate Crime is part of standard event briefing.
 - A close working relationship with stewards is vital. Stewards should be properly trained, briefed and aware of their responsibilities should an incident occur. Stewards must be fully integrated into any police operation not only from a public order perspective but also from a hate crime perspective.
- 15.5.8 **2. Building Community Confidence**
- Aim to increase reporting of hate crime in sport through building confidence between police and administrators, players and spectators.

- The provision of a sensitive and professional response to meet the specific needs of victims of hate crime in sport. Our duty is to actively investigate the incident, preserve evidence and provide support for the victim. It is vital that officers take positive action and do not merely record incidents of hate crime in sport.

15.5.9 **3. Intelligence Led – NIM**

- Conduct strategic and tactical assessments.
- Develop a Control Strategy to meet local demands and issues.
- Develop intelligence products to reinforce Control Strategy such as subject profiles, problem profiles and Case Analysis.
- Identify grounds and venues where hate crime occurs.
- Identify areas in vicinity of grounds and venues where hate crime occur.
- Use covert and overt methods to gather intelligence and target offenders.
- Gather open source intelligence.
- Recognise different levels of hate crime in Sport: Local, Cross Border and National/International.

15.5.10 **Football Intelligence Officers (FIOs) Hate Crime Responsibilities**

15.5.11 Professional football continues to be the focal point of hate crime within sport and particular measures have been developed to confront that problem. The appointment and development of the role of FIOs is one such measure and has proved central to the effective policing of hate crime in football. They are a positive link and with Club Officials, Stewards and Match Commanders and perform a co-ordination role in intelligence led operations. Their key role in relation to hate crime in football is to:

- brief and advise the match commander in line with the tactical assessment before, during and post event;
- ensure that appropriate incident flags are placed on command and control or crime reports to ensure trends can be monitored;
- ensure all reported incidents of hate crime are included in the post-event report;
- in the event of any arrest/summons liaise with the Crown Prosecution Service prior to or at first hearing re an application for a Football Banning Order;
- following a designated match, establish from the host football club whether stewards or club officials have received any reports of hate crime/incidents. The results of these enquires are to be recorded in the post event report.

15.5.12 **The Match Commander's Hate Crime responsibilities at Football Matches**

15.5.13 The ultimate responsibility for the implementation of these guidelines rests with the Match Commander. They must:

- ensure that officers engaged in policing football events are fully briefed and understand the 'Positive Action Policy' which must be part of any operational order;
- ensure that incidents of hate crime at designated football matches are recorded by the officer receiving a complaint or witnessing an incident irrespective of whether suspects are identified or not;
- ensure that allegations of hate crime at football events have a focused response, either by appointing a dedicated investigation team or ensuring the enquiry is appropriately supervised and quality assured.

15.5.14 The following Case Study outlines practical application of the points outlined above:

"OPERATION JOBSON"

15.5.15 There have been a number of innovative operational approaches and guidance documents developed in relation to hate crime in sport. The following, although not an exhaustive list, will provide colleagues with additional useful material.

15.5.16 Operation Athena-Sport based at New Scotland Yard has a London and National remit in tactically advising on Hate Crime in Sport. It is represented on the ACPO Racism in Football Working Group and has strong links to key partners including the Football Association (FA), Kick it Out and Show Racism the Red Card.

15.5.17 Operation **Athena-Sport** is available for advice on these issues – contact number 0207 230 4293

15.5.18 Additionally The FA have set up a hotline in partnership with Athena-Sport
FootballforAll@TheFA.com Free phone 0800 085 0508

www.thefa.com/TheFa/EthicsAndSportsEquity/RacialEquality/Postings/2004/04/ReportRacism1.htm

www.kickitout.org

[Show Racism the Red Card](#)

[Football Offences and Disorder Act](#)

15.6 Faith Hate Crime

15.6.1 The law offers the same protection to an individual who is physically or verbally attacked, or their property damaged, because of their religious belief. In dealing with allegations of religiously aggravated offences, the earlier guidance in this document regarding the reporting, recording, investigation, critical incident potential and repeat victimisation remain

both pertinent and valid. However, there are a number of additional factors and subtleties that a professional police officer must bear in mind.

- 15.6.2 The physical appearance of a victim will provide a trigger for a reporting/investigating officer's consideration that, even when not alleged, an offence may have a racial motivation. Where 'faith hate' is a motivational element, physical appearance can easily lead staff into unwarranted assumptions that may prove detrimental to the confidence of a victim in the police. Muslims and Christians, for example, are evident in all ethnic groupings and their religious affiliations are not contained by national boundaries.
- 15.6.3 Whilst the depth of devotion to a chosen religion will vary from individual to individual, there is no point in attempting to make a value judgement as to where on a sliding scale of religious commitment a particular victim sits. To the majority of adherents, their religion is at the very core of their existence. It is more professional to assume a victim's religious affiliation to be profound.
- 15.6.4 The Service needs to be continually mindful that an attack on one person because of their religious belief may be viewed by the victim, their family and communities as an attack on the religion itself and all who share that faith. This is acutely relevant during times of continuing international tension where sensitivities are raw and perpetrators are not slow to exacerbate such divisions. Every crime against every individual is a serious matter: every crime has the critical potential to produce reverberative effects across the country and beyond.
- 15.6.5 **Reporting, Recording, Repeat Victimisation and Investigation**
- 15.6.6 Beyond the key points highlighted earlier in this document, when dealing with faith hate crimes/incidents there are additional factors that underpin professionalism.
- Criminal damage attacks on religious premises (churches, mosques, synagogues etc) are readily recognisable as a product of religious bigotry, whilst attacks on individuals or their property may not be so obvious.
 - A victim may not wish to attribute an attack as motivated by religious bigotry. It may be too emotionally painful to acknowledge and preferable to rationalise the attack as another manifestation of local 'yobbery'.
 - Where there is no obvious motivation for a seemingly random attack; **'think faith hate'** as a distinct possibility. For example, otherwise unexplained criminal damage to a window through which religious paraphernalia are visible may be a motivational indication. Such an indication must be explored.
 - It is important that 'faith hate' motivation is established to identify perpetrators. Whereas failure to establish motivation will lead to trends remaining hidden, corrective action is not taken and the slow burning threat to community cohesion awaits the spark of conflagration.
 - Remember that for the devout, their home may be an extension of their communal religious facility. For the devout Muslim, for example, their home is an extension of their mosque and must be treated as such.

15.6.7 The Metropolitan Police publication: [“Policing diversity – MPS handbook on London’s religions, cultures and communities”](#) is particularly useful in helping staff to understand the tenets of particular religions. Significantly it will assist officers unwittingly causing offence through improper actions or vocabulary.

- Officers must remember causing offence at a sensitive time leaves an indelible negative impression on victims, their families and communities. The fact that the officer was well intentioned is irrelevant.
- Motivational malice is transferable. For example, if a Hindu is assaulted and the assailant says, “You deserve that you Muslim scum” – the ‘religiously aggravated’ aspect of the assault is complete. The key is the motivation not the particular characteristic of the targeted victim. It is therefore irrelevant that, in this example, the victim is not Muslim and, as a Hindu, may have theological differences with the Muslim faith.
- Establish whether the victim will feel more at ease and more confident if a faith leader or representative is present at the interview. If this will facilitate the process arrange for such a presence.

15.6.8 **Police Leadership**

15.6.9 As with all other types of ‘hate crime’ the stance taken by chief officers and BCU and departmental command teams is crucial in influencing the operational attitudes and behaviour of response and investigative staff. If the issue is demonstrably important in the leadership style and actions of managers, this will be reflected in service delivery. The subtleties of religious observance, aligned with the risks to community cohesion, demand the attention of the leadership of a force. It should not be lost on such leadership that the provision of a professional police response is once again a key facet of successful service delivery.

15.6.10 **Points to consider:**

- has the force considered a NIM strategic threat assessment for faith hate crime? Is this linked into strategic and local planning processes?
- a multi-faith group meeting regularly with the chief officer team can add value both for the force and for inter-faith understanding. Although the various faiths have their differences, they often galvanize in opposition to faith hate crime which can usefully deter the malevolent amongst their own followers;
- is the above reinforced by a similar forum at BCU level?
- the job description of BCU liaison officers must include a responsibility to develop and maintain an effective working relationship with faith communities;
- the larger forces and those with significant numbers of multiple religions should consider the appointment of a faith liaison officer at force level or to serve the needs of a geographical group of BCUs;

- smaller forces could consider an arrangement to draw on the knowledge, expertise and advice of a faith liaison officer from a larger force or, in some cases, a regional appointment may be a viable option;
- ensure that faith hate crime/incidents are flagged on command and control systems;
- ensure that each BCU has a specific contingency plan for attacks on religious premises or individuals to include cascading the necessary information of fact and reassurance to the right people quickly;
- proper concentration on external service delivery should not forget the internal resource. A diverse personnel profile will readily provide knowledge of the majority of faiths and the denominations within those faiths. It may be that individuals will need reassurance themselves so that they in turn can prove a credible reassurance to a particular faith community.

[Cultural and Communities Resource Unit](#)
[Possible usage of CCRU support staff](#)

- develop a positive relationship with the faith media;
- ensure that intelligence on faith hate crimes/incidents are incorporated into level 1, 2 and 3 NIM assessments and shared accordingly.

15.6.11 **Concluding Remarks**

15.6.12 International events in a troubled world provide catalysts for faith hate. Such events, well beyond our control, generate fresh hate, revitalise long standing hatreds as well as providing a poisoned and twisted legitimacy to the opportunist thug or vandal. Victims are not responsible for, nor necessarily best placed, to determine the motivation of their assailant. Their injury runs much deeper than the physical abrasion or their homes daubed with graffiti. These are attacks, not only on their body or possessions, but also on their spirit and the very core of their being.

15.6.13 All faiths rightfully expect to be protected by their police service. Faith hate crime has historically been a neglected area. Indeed it is only latterly that the legislature has acknowledged the problem. The Service has learned a great deal, often through painful experience, in rising to the challenge of other aspects of hate crime. Much of this knowledge and experience is readily transferable and this section adds to that body of knowledge with specific guidance for faith hate crime/incidents.

15.6.14 Total professionalism in the approach to faith crime issues will deliver the quality of service vulnerable victims deserve. In satisfying their needs the Service will also benefit the members of all faiths, as well as the 15% of the population who claim no religion. The protection of people who wish to follow their chosen faith and fulfil their religious obligations, will enhance community cohesion. From commitment to that protection and innovative thinking in translating commitment to policy and practice, sustainable good practice will emerge.

15.6.15 The following links provide further sources of information:

[Tactical considerations to prevent and investigate faith crime
www.homeoffice.gov.uk/comrace/faith/crime/index.html](https://www.homeoffice.gov.uk/comrace/faith/crime/index.html)

15.7 Gypsy and Traveller Issues

15.7.1 Conventions and definitions

15.7.2 Decisions in the cases of The Commission for Racial Equality (CRE) v Dutton 1989 and CRE v Punch Retail 2000 have established Romany Gypsies and Irish Travellers (commonly referred to as Gypsies or Travellers) as specific ethnic groups. As such they are entitled to the full protection of the Race Relations Act (as amended) and associated racially aggravated legislation.

15.7.3 Their status should be acknowledged by capitalising the words Gypsy and Travellers in all documents.

15.7.4 In Northern Ireland (and the Republic of Ireland) Irish Travellers find the term 'Gypsy' offensive. For this particular group the appropriate terminology in Northern Ireland is therefore Travellers and for colleagues in the rest of the UK, the appropriate terminology is Travellers or Irish Travellers.

15.7.5 There is no definition of a Gypsy or a Traveller for the purposes of criminal law. Police should remember that Gypsies and Travellers may be either visible or non-visible ethnic minorities.

15.7.6 It is important to realise that Gypsies and Travellers are not always site resident or permanently travelling. The lack of appropriate site provision has led to many people who would otherwise pursue a travelling lifestyle moving into settled housing. They nonetheless retain their cultural values and still consider themselves to be Gypsies or Travellers. This may continue for several generations after taking up settled housing. Indeed it is the intention of many to return to a travelling lifestyle. Residential status in no way diminishes the potential of becoming a victim of hate crime based on ethnicity as a Gypsy or a Traveller.

15.7.7 Legislation

15.7.8 There is no specific legislation to protect Gypsies or Travellers as they are included in legislative provisions intended to protect all members of society from racially motivated actions.

15.7.9 Gypsies and Travellers are however particularly susceptible to notices excluding them from a variety of premises. In the past the police have, in many cases, treated these notices as a matter for the CRE. However, subject to individual circumstances, there is potential for criminal offences to be committed by the display of such notices. These circumstances should therefore be thoroughly investigated and police action considered in addition to any referral to the CRE.

15.7.10 Further information can be obtained from the following links:

www.thegypsycouncil.org

[Commission for Racial Equality](#)

15.7.11 **Reporting**

15.7.12 Gypsies and Travellers experience particular difficulties in reporting hate crime contributing to significant levels of under reporting. In part, this can be attributed to an historically poor level of cooperative engagement with police, whilst inadequate or insensitive police responses when crime is reported should not be discounted as additional factors.

15.7.13 Effective investigation of reported hate crimes will generate confidence in police amongst Gypsy and Traveller communities leading to improved levels of reporting. The more comprehensive the knowledge of the actual level of hate crime enables police to devise the appropriate investigative and preventative response. The following measures will assist in improving levels of reporting:

15.7.14 **Ensuring that Gypsies and Travellers are aware of what constitutes hate crime and how it can be reported**

- Police should not automatically assume lower levels of literacy amongst Gypsy and Traveller communities. However, similar to language issues in other communities, police should be aware that on occasion literacy may be an issue.
- Tapes explaining rights and methods of reporting are a useful information medium although the use of posters and leaflets should not be discounted.

15.7.15 Partnership working with representative organisations and the [Traveller Education Service](#) is essential to ensure an increased awareness.

15.7.16 **Reporting crime is made as easy as possible**

- Third party/assisted reporting schemes utilising neutral venues or venues familiar to Gypsies and Travellers as reporting centres.
- Self-reporting packs are a worthwhile option.
- In common with the rest of society Gypsies and Travellers have increasing access to the internet and may prefer this as a method of reporting.
- Police must be willing to record allegations of hate crime or indeed hate incidents that may have occurred in another force area and to report them to the appropriate force for further investigation. This is particularly important to families/individuals who travel.

15.7.17 **Recording**

15.7.18 All reports of hate crime made by Gypsies and Travellers should be flagged on Command and Control and intelligence systems in order that trends may be easily identified and the performance of police service delivery assessed. This is good practice endorsed by the CRE.

15.7.19 Further information is available in the following document:

[MPS 'Guide to working with Travelling People'](#)

15.8 Disability Issues

15.8.1 Overview

15.8.2 The Disability Discrimination Act (DDA) defines a person as “disabled” if they have a “physical or mental impairment, which has a substantial and long term adverse effect on that person’s ability to carry out normal day-to-day activities”:

15.8.3 Disability cuts across all sections of society, communities and cultures:

- It is estimated there are 8.9 million people with a disability in the UK.
- 25% of the population have a friend or relative with a disability.

15.8.4 It is impossible to quantify the full extent of hate crime against disabled people at present. Therefore it is important that the Police Service establishes accurate reporting and recording procedures. Police crime reporting systems are beginning to identify disabled people’s exposure to hate crime, however the current lack of sophistication and consistency prevents reliable analysis.

15.8.5 Barriers to Reporting

15.8.6 Accessibility of services for disabled victims of hate crime is an issue. The disabled have an equal right of access and welcome to police premises and police have a responsibility to provide facilities that encourage reports of hate crime. The former is a priority for police premises whilst the latter requirement can be met by adopting innovative solutions:

- ensuring station reception areas are accessible and provide suitable facilities such as intercom access, buttons and automatic doors;
- access to British Sign Language interpreters, videophones, type talk and text messaging services;
- provision of self-reporting crime packs through community organisations;
- provision for assisted reporting at third party sites;
- publicity of reporting methods to the disabled community.

15.8.7 Investigation

15.8.8 Securing evidence may present challenges to conventional investigative practices arising out of the nature of the victim’s impairment. There is a need to deploy innovative approaches to secure evidence and support a successful prosecution.

- ensure the victim is properly supported by a family member, friend or professionally trained individual at the time of a detailed interview and taking of a statement. Such a victim centred approach will not only contribute to the welfare of the victim but will also importantly safeguard the integrity of the investigation;

- video interviews with vulnerable victims, particularly those with a learning difficulty or mental illness. is the primary method of '[Achieving Best Evidence](#)'. Forces are not always providing adequate resources to meet this need, both in the provision of technology and in the number of officers suitably trained;
- where video interviewing is not practicable due to the deficiency of accommodation, facilities or trained interviewers, alternative methods of capturing evidence must be pursued and the decision-making process documented;
- the use of a facilitator to assist with communication must be considered, for example, a signer for a deaf person;
- draw on the expertise of individuals and organisations within strategic and local partnerships with particular knowledge of specific disability to assist with the investigative process;
- utilise the knowledge and experience of staff within the force. The Metropolitan Police Service's [Cultural and Communities Resource Unit](#) provides an example of such good practice;
- the National Crime Operations Faculty (NCOF) has developed a database of specialist witnesses and officers who have dealt with unusual or specialist cases.

15.8.9 The need to maintain communication with the victim remains paramount throughout the investigative process. Difficulty in maintaining this communication by conventional means is not an excuse for failure to do so. Methods to be employed include the following:

- braille, audiotape
- specialist intermediary, such as a BSL signer
- involve disability organisations to ensure that police communications are available in a suitable format, such as 'easy-read'

15.8.10 **Totality of the Process**

15.8.11 Remember that the Criminal Justice system is a single entity to the majority of the population and a failure at a latter stage of the process, which may be outside of the immediate control of the police service, is a failure for all of us. Early identification of potential barriers in the criminal justice process is important, such as the logistics of attendance at court. The Police Service must play its part within the wider Criminal Justice family in overcoming these barriers.

15.8.12 **Partnerships and Independent Advice**

15.8.13 It is unrealistic to expect every operational officer to have detailed knowledge across the range of disabilities. The Police Service must therefore seize the opportunity to establish and nurture professional relationships with those organisations and individuals who have the comprehensive knowledge and expertise concerning specific aspects of disability.

15.8.14 The formation of disability independent advisory groups at force level or disability representation on independent advisory groups at borough level must be considered.

15.8.15 **Training Issues**

15.8.16 Lack of awareness of the specific challenges faced by disabled people can give rise to negative attitudes which in turn produce the greatest barriers to delivering an effective and quality service to disabled victims of hate crime.

15.8.17 Awareness training will give officers the necessary confidence to communicate effectively with disabled people and deter them from the use of inappropriate language and terminology. A trained investigator, for example, will be better equipped to identify issues likely to undermine the confidence of victims and witnesses.

15.8.18 Centrex is developing a national learning package entitled 'Disability and the Police', which will include a focus on service delivery. Part of this package is already available through the National Centre for Applied Learning Technology (NCALT) website with the full programme, including an interactive e-learning programme scheduled for completion within the first quarter of 2005 and will be available at <http://www.ncalt.com/>

15.8.19 Additional Sources of Advice and Guidance

The Employers forum on Disability (<http://www.employers-forum.co.uk/www/index.htm>)

The Disability Rights Commission (<http://www.drc-gb.org/>)

The British Council of Disabled People (<http://www.bcodp.org.uk/>)

15.9 **LGBT issues**

15.9.1 **Community Overview**

15.9.2 There has never been a UK census which has asked people to record their sexual orientation. However current estimates suggest that between 7-10% of the UK population are lesbian, gay or bisexual.

15.9.3 The LGBT community is not a single entity, within its own diversity there are disabled people, people of all faiths and ethnicity and from all demographic and socio-economic backgrounds. This community, like all others, will have victims as well as perpetrators of crime and it is essential that when delivering policing services no assumptions are made and everyone is treated according to their individual need.

15.9.4 **Engaging the LGBT Community**

15.9.5 It is important to assume that most communities will include lesbian, gay and bisexual people of all ages. Many lesbians, gay men and bisexuals will also be in established relationships within wider geographic communities. It would also be an incorrect assumption that, because an area has few or no gay venues, it has no LGBT population.

15.9.6 Conversely, not all members of the LGBT community will regularly visit gay venues or the gay 'scene'. Therefore, some thought has to be given to the range of environments within which the community can be engaged. Examples include sporting environments, with numerous national and local LGBT sports clubs and associations [www.outforsport.org or www.gaysport.info] and online LGBT communities [www.gay.com or www.gaydar.co.uk].

15.9.7 It is essential when establishing local consultative or advisory processes that consideration is given to engaging and including members of the LGBT community. It is also important when a member of the LGBT community is engaged as part of an investigation that police recognise the possibility of various family structures and relationships. LGBT people may have a close relationship with their blood relations or they may be estranged from them. In addition LGBT people can often have a close, familial relationship with people, who although not biologically related are regarded by the person concerned as their family; to whom they would turn for mutual support and love in times of crisis. Police staff need to be sensitive not only to the needs of the individual but also their wider circle of friends and family, both biological and non-biological. This is particularly important with respect to police family liaison services.

15.9.8 Confidentiality is a critical issue in the development of the trust and confidence of the LGBT community. Good practice indicates:

- where a victim/witness has disclosed their sexual orientation to police, the officer must not disclose to the victim's or witness's relatives or friends without their express permission and must be mindful that they do not inadvertently do so either. The relatives/friends of the victim may not be aware of this fact and if they are made aware this can cause additional problems for the victim/witness and result in a loss of confidence in the police both by the victim/witness and the LGBT community at large;
- the same rules of confidentiality apply to the individual's employer and work colleagues;
- consider seeking advice from the LGBT community liaison officers in appropriate cases.

15.9.9 **Homophobic crime and incidents**

15.9.10 The Sigma Research Vital Statistics Survey 2002 reported that 34.3% of gay men in the UK had been subjected to verbal abuse by a stranger in public and 7.1% of gay men were subject to physical assault, due to their sexual orientation. A comparison of these figures to homophobic crime reported to the police indicates that only around 10% of homophobic incidents and crime are reported.

15.9.11 It should be noted that there is a variation in reporting within the LGBT community itself. The above survey relates solely to gay men, however research by the Metropolitan Police Service's *Understanding Hate Crime Team* indicates that members of the lesbian community are substantially less likely to report hate crime than gay men.

15.9.12 **Barriers to Reporting Homophobic Crimes/Incidents**

15.9.13 Members of the LGBT community are deterred from reporting homophobic crime to the police for a variety of reasons. A 2004 survey by Dorset Police revealed that victims did not report homophobic crime for a variety of reasons:

- 38% did not think the crime important enough to report
- 25% did not believe the police would take them seriously

- 15% did not trust the police
- 5% did not know how to report
- 17% could not be bothered or failed to report for other reasons

15.9.14 This means that 83% of respondents indicated that victims were not reporting for reasons which represent the barriers that police have to overcome.

15.9.15 It is evident that there are issues of trust and confidence that create barriers between the LGBT community and the police. It is important that at a force and local level police identify these barriers and initiate action to remove them. Winning trust and confidence in an incremental way will over time increase the number of homophobic crimes reported. The benefits of this increased reporting will be a clearer picture of the level of actual incidents, a better flow of intelligence leading to more effective preventative and enforcement action.

15.9.16 **Good Practice Initiatives**

15.9.17 In recent years police services have strived to improve the service they provide to victims of homophobic crime. There is still more that can be done and good practice is emerging throughout the country as the police more fully engage with this section of society. This document has identified the following broad areas of good practice that would be applicable to most police services.

- **Liaison Officers**

15.9.18 Many police services have introduced liaison officers with specific responsibility for engaging with this community and providing support to victims and witnesses of homophobic crime. However, for this role to be effective, forces must recognise the need for an ongoing investment in terms of training and support. It is essential that liaison officers are allocated the time to perform the role, thus effectively meeting the needs of this community. This liaison role facilitates the building of relationships, increases accessibility to **policing** services through an identified contact point, and provides a specialist advice point for other officers.

- **Awareness training for staff**

15.9.19 Whilst liaison officers provide specific support, the vast majority of engagements with the LGBT community will be with other police and civilian staff and it is essential that their encounters are positive and professional. Indeed such encounters are critical in ensuring that trust and confidence is maintained and developed. Several police forces have introduced awareness training on LGBT issues as part of their wider diversity training some drawing on the active involvement of members of the LGBT community.

- **Identifying Homophobic Crime/Incident on Command and Control Systems**

15.9.20 Good practice indicates that homophobic incidents and crimes should be flagged on force Command and Control systems. Flagging such incidents on Command and Control logs will allow an accurate picture of homophobic incidents/crimes to be maintained. This will further facilitate accurate crime and intelligence reports culminating in the ability to conduct detailed research and analysis, ultimately feeding into the NIM. This approach will further enhance the ability to identify and respond to issues of repeat victimisation. Where this

policy is implemented it is important that clear guidelines are given to staff to ensure flags are correctly applied.

- **Reviewing Standard Operating Procedures (SOPs) on Hate Crime**

15.9.21 As well as effective technical systems to ensure the identification of homophobic crimes/incidents, it is essential that staff at all levels appreciate how their role contributes to providing a policing service that better meets the needs and builds the confidence of the LGBT community. As a recent review process conducted by the Metropolitan Police Service found, independent advice on the SOPs themselves greatly improved their effectiveness, from the call responder to senior management. Such a review offers an opportunity to integrate good practice in the reporting of crime, in the processing of those reports, in victim/witness family liaison, in critical incident identification and handling, in the roles/responsibilities of independent advisors, LGBT community liaison officers and staff association members, and in monitoring/compliance.

- **Third Party Reporting**

15.9.22 There are a number of initiatives that encourage and assist victims and witnesses to report homophobic incidents and crime, these include:

- self-reporting schemes, allowing victims to make direct reports of incidents/crimes without having to speak to the police. A consortium of police forces are currently developing this scheme nationally, under the True Vision Project, more information can be obtained at www.report-it.org.uk
- assisted reporting scheme, involving a third party such as an LGB voluntary organisation, who take details of a homophobic incident or crime and pass the report to the police.

Such schemes have proved effective in sending a clear message to LGB communities that the police are determined to address this problem.

15.9.23 **Public Sex Environments**

15.9.24 The issues surrounding public sex environments are complex and consequently can provide a challenge for police forces. Whilst complaints of consensual public sex must be considered and responded to, it must also be noted that the people engaging in such activity are potential targets for hate crime perpetrators. Reporting of crime committed in these environments presents particular problems, as victims may not wish to report from a misconception that police will primarily be interested in why they were there, as opposed to the homophobic attack on them. Other victims may feel unable to report due to their not being 'out' or because of other personal factors. However, as victims of hate crime they are entitled to the same access to policing services as any other citizen

15.9.25 The policing of public sex environments creates a dilemma for both local commanders and chief officers. The police have a responsibility to ensure that local community concerns are adequately addressed, as much of the activity between consenting adults in such environments may be unlawful. However, police must accept they also have the dual responsibility of ensuring that victims of homophobic attacks in such environments receive

a professional police response. Therefore, careful consideration should be given when planning police operations in such environments to ensure that staff are fully briefed in respect of their dual responsibilities.

15.9.26 Further advice is available in the ACPO leaflet '[Policing Public Sex Environments](#)' [ACPO 2000].

15.9.27 **Further advice**

15.9.28 Further advice on engagement and policing initiatives within LGB communities can be obtained from the ACPO LGBT Portfolio Group.

15.10 Transgender Community

15.10.1 Community Overview

15.10.2 Transgender people (transpeople) can be at complete disagreement with the gender on their birth certificate. Some resolve this by undergoing reassignment surgery. Others live with the discomfort, and conform to the roles expected of them by society. The issue is one of gender identity not sexual orientation. People have the right to expect police officers to respect their chosen gender. Professional sensitivity to this choice will inspire the confidence of transpeople. If in doubt, ask the person how they would like to be treated. It should be remembered that the trans community is not a single entity. A trans person may be lesbian, gay, bisexual or straight, they may be of any race, religion or ethnicity or of combined heritage. They may be disabled and they will be woman and men.

15.10.3 Barriers to Reporting Transphobic Crime/Incidents

15.10.4 By treating transpeople with respect, recognising their right to be individuals, we can build trust and confidence in their community. This is particularly important as many transgender people fear ridicule and victimisation from police officers. As a result, they may not feel confident to report hate crimes/incidents or present themselves as witnesses. A particular concern will be that they fear press intrusion into their private lives after giving evidence in court.

15.10.5 Confidentiality is an extremely important issue for many transpeople.

15.10.6 Depending on an individual's particular situation, the sudden release of information regarding their gender status could have a damaging, and at times catastrophic impact on, partners, families, neighbours, and employers, as well as the individual themselves. The individual may suffer threats and physical violence as well as damage to their property as a result of such disclosures. It should also be noted that where a disclosure happens when the individual has full recognition under the Gender Recognition Act 2004 the act of disclosure may itself be a criminal offence.

15.10.7 Liaison officers have been successful in building relationships with the transgender community and identifying barriers to engagement and reporting. The good practice outlined within the LGBT section is equally applicable to the transgender community.

15.10.8 The flagging on Command and Control systems of transphobic crime/incidents separate from homophobic crime/incidents within some forces, has proved useful in identifying policing issues specific to the transgender community.

15.10.9 **Current legislative position**

15.10.10 Police officers and police staff should be aware that transsexual people, living full time in their chosen role, can change their documentation to reflect their new gender. This includes driving licences and passports. The only document that cannot be changed at this time is the UK birth certificate, and certain markers internal to the Department of Work and Pensions (DWP). With the Gender Recognition Act 2004 (GRA), which comes into effect in early 2005 all documents including birth certificates and DWP, markers can be changed. The legislation will have an impact on policing services as it includes a prohibition on the disclosure of information relating to a individuals previous gender identity. The restriction on disclosure relates to any person, including police officers and staff, unless such a disclosure is required for the prevention and investigation of crime (GRA Section 22).

15.10.11 The following document provides further information:

[Transgender People](#)

16. Hate Crimes/Incidents Within Police Organisations

- 16.1.1 The commitment of the Police Service to be an inclusive organisation will not be achieved unless forces have in place policy and procedures to address internal hate crimes/incidents such policies must be transparent and, most importantly, be capable of confronting unacceptable behaviour. The evidence of the HMIC Thematic Inspection Report '[Diversity Matters](#)' (2003) was unequivocal in the view that the welcome improvement in the standard of service afforded to victims of hate crimes/incidents amongst the general public, is not always delivered to victims of similar crimes/incidents within Forces.
- 16.1.2 It is not acceptable that police employees who are victims of hate crimes/incidents receive an inferior service to that which they have a duty to provide to members of the public. It corrodes the essential quality of working life for internal victims and promotes apprehension and isolation amongst staff who share the same gender, ethnicity, sexual orientation, disability or religious belief as victims from outside of the service. Discounting the gravity of such incidents by failing to provide a standard of investigative service at least equivalent to that offered to the public, is to cement barriers in place rather than to dismantle them.
- 16.1.3 A failure to deliver an equivalent and proper standard of service to internal victims of hate crimes/incidents is not without an external impact. As dissatisfied internal victims seek the solace of their own communities as they share their experience, the confidence of that community, is shaken if not dissolved. There is no quantum leap in logic in the premise that "if they cannot deal effectively with hate crime in their own organisation, what chance is there that I will receive a sympathetic and professional service if I become a victim of hate crime".
- 16.1.4 To eliminate the feeling amongst minority staff of less eligibility to a quality investigative service and to generate and maintain confidence amongst the public, it is essential that internal hate crimes/incidents are recorded and investigated in the manner advocated elsewhere in this guidance. The principles underpinning the recommended investigative procedures and the culture of victim support, should apply equally to the management and practice of investigating internal allegations of hate crimes/incidents. Victims of internal hate crimes/incidents must not receive an inferior service to that provided to members of the public.
- 16.1.5 Adherence to this guidance will ensure that staff throughout England, Wales and Northern Ireland are guaranteed the proper investigative approach that is their entitlement. It should no longer be a matter of local discretion to invoke a grievance/ resolution procedure in response to hate crime/incident allegations. These are not matters that can be addressed satisfactorily by an elusive search for conciliation or offset as 'high spirits'. The crushed spirit of the victim who is a colleague is the 'trade off' for the short-lived satisfaction enjoyed by the perpetrator(s). A hate crime investigation, in line with this guidance, is the mechanism to address the victim's needs, to make inclusion a reality and to build wider public confidence. Pragmatically, adherence to hate crime investigative procedures will prevent the loss of valuable physical and forensic evidence.

- 16.1.6 The adoption of this approach will have resource implications. At least some members of professional standards units will require the skills appropriate to hate crime investigation. It is appreciated that the volume of such work in smaller forces may not justify such skills being a permanent feature of their unit. An agreement to access a shared resource with neighbouring forces may be the answer or access within a force to specialist hate crime investigators may be seen as more feasible.
- 16.1.7 **The overriding consideration is that investigations of internal hate crime should be marked by a level of professional expertise no less than that afforded to external hate crime.**

16.2 Support for Victims of internal hate crimes/incidents

- 16.2.1 The importance of minority support groups within forces has been a constant theme of Home Office and ACPO papers in the last decade. This theme is at the core of tackling internal hate crime and mirrors the importance of support emphasised in this guidance for external victims. Whilst internal support organisations are ideally placed to fulfil the vital support role, their obvious convenience does not equal an exclusivity of support to the prejudice of external support groups. The choice of support is the exclusive and individual choice of the victim.
- 16.2.2 Internal support groups have a crucial role to play in the development of policy and practice to enhance the quality of service delivered to the internal victim. They are in a unique position to empathise with the victim's needs and aspirations, and their perspective is vital to the realisation of victim centred investigations.

16.3 Leadership

- 16.3.1 The desired outcome will not be realised without the clear leadership of Chief Constables and their senior teams. Their ongoing commitment to victim satisfaction is the cornerstone of addressing internal hate crime aspect and a precursor to securing an inclusive organisation. The nominated diversity champion has the key role of ensuring that top team commitment becomes the investigative reality detailed in this guidance.
- 16.3.2 Beyond the provision of adequate resources, arrangements must be put in place for scrupulous monitoring, meaningful evaluation and rigorous performance measurement. Their absence will lead to accountability being opaque when it should be clear and therefore improvement becomes a matter of chance when it should be a certainty.
- 16.3.3 Any police organisations will only succeed in promoting inclusivity amongst its people if it is able, and seen to be able, to deliver real quality of service to a member of its staff who is the victim of internal hate crime. Failure to do so will undermine the notion of inclusivity, damage the recruitment and retention of all staff and tarnish police credibility with the public at large. Such failure ignores our duty as an employer and, importantly, unpicks the fabric of integrity that we have stated is non-negotiable.
- 16.3.4 All these organisational hazards can be readily avoided, if the principles and procedures in this guidance for the investigation of hate crime are applied with professional vigour to internal hate crime allegations.

17. Hate Crime Training

17.1 Common Themes

17.1.1 The complex and costly training issues associated with the police response to hate crime should not be underestimated. It is beyond the remit of this guidance to determine the format or content for hate crime training in England, Wales and Northern Ireland.

17.1.2 However from a good practice perspective, some common themes have emerged during the compilation of this guidance that underpin any discussion on the inherent training implications for police when responding to hate crime. These themes are:

- the investigation of hate crime must be incorporated into probationer, national accredited investigator, SIO and critical incident training;
- the involvement of members of local communities to provide lay oversight of these training processes ensuring additional quality assurance;
- a continued commitment to the role of the Family Liaison Officer (FLO);
- senior management emphasising the importance of recording hate incidents/crimes through briefing opportunities;
- keeping hate crime prevention, investigation and detection on the radar of those individuals charged with the design of current and future police training programmes;
- a recognition of a correlation between international terrorism and incidents of hate crime in local communities with resultant training implications for the police;
- communities across the United Kingdom are becoming more diverse with inherent training implications for the police;
- training is not always best delivered on a course or in a classroom. Diverse communities, their environment and their problems are a valid training experience;
- the continuing requirement to train all police officers in their duty to respect, protect and promote [human rights](#). This is the basis for an appropriate and proportionate response to hate crime.

17.2 Centrex

17.2.1 Centrex is the organisational title of the Central Police Training and Development Authority, whose role is to define, develop and promote policing excellence. Further information can be obtained by accessing the following website:

www.centrex.police.uk/

17.3 The National Centre for Policing Excellence (NCPE)

17.3.1 The [NCPE](#) is a partner agency with Centrex. Their primary role is to generate professional doctrine for the police service on operational procedures. It is anticipated that this guidance document will be incorporated into any future NCPE professional doctrine in the prevention, investigation and detection of hate crime.

17.4 The National Centre for Applied Learning Technology

17.4.1 The National Centre for Applied Learning Technology is a partner of Centrex and provides a comprehensive web based hate crime training resource. The site requires registration but carries no subscription fee:

www.ncalt.com

17.5 Skills for Justice

17.5.1 Skills for Justice is the Sector Skills Council for the Justice Sector, and is uniquely placed to bring together the component parts within the Justice Sector to form a coherent whole, to create better networking of information and provide a single focus on skills issues for the Justice Sector

17.5.2 Skills for Justice draws on, and extends further, the membership of the three former National Training Organisations:

- Community Justice NTO
- Custodial Care NTO
- Police Skills and Standards Organisation (PSSO)

www.skillsforjustice.com

18. Media and Publicity

- 18.1.1 An integrated media strategy is essential for the prevention, investigation and detection of hate crime. Depending upon the prevailing circumstances, such a media strategy will require the adoption of both pro-active and re-active approaches.
- 18.1.2 In all hate incident cases media considerations are important but never more so when the incident is or has the potential to become a critical incident. Police officers and particularly investigating officers will invariably benefit by seeking early advice from a Press Officer when dealing with hate incidents. Equally, the Press Officer will benefit from early notification of such incidents by investigating officers. This interaction will assist in the early formulation of a media strategy and create a range of media handling options for both investigating officers and their line managers.

18.2 Pro-active Approaches

- 18.2.1 Pro-activity offers many opportunities to raise awareness of issues and specific cases, to market initiatives and successes in countering fear of crime and to promote an anti-hate crime ethos.
- 18.2.2 One specific pro-active opportunity arises where an investigating officer may consider a witness appeal through the media to progress the investigation. Indeed, such an appeal can also be utilised to encourage other victims of hate crime to come forward. Appeals should include a contact number for the incident room or investigating officer and the number for Crimestoppers.
- 18.2.3 Terminology is important when describing hate crime. For example, offences should not be described as being racially motivated unless there is supporting evidence. The use of terms such as 'hate incident', 'racist incident' and 'homophobic incident' can be used where this is the perception but there is as yet no supporting evidence.
- 18.2.4 ACPO media guidelines provide further clarification. www.acpo.police.uk/policies/
- 18.2.5 Any pro-active media appeal relating to suspects should not promote negative stereotypes or use terminology that is insulting or outdated. If investigators or press officers are unsure of appropriate terminology then they should consult their force diversity advisors.
- 18.2.6 Consideration should be given to the target audience and their media preferences such as Asian Radio, The Voice, The Gay Press, and Local Community Newspapers. Community consultation may assist in identifying the most appropriate media to use. The targeted use of posters, distribution of leaflets and siting of appeal boards may prove valuable. For all these options, translation into relevant languages may also be necessary.
- 18.2.7 It is imperative that communities are updated via the relevant media with details of arrests, charges and court verdicts. This assists community reassurance, confidence in the criminal justice system and may encourage people to come forward in future.

18.3 Re-active Approaches

- 18.3.1 Police dealings with the media are an ideal opportunity to demonstrate our openness and accountability to the public. Nevertheless, there may be particular instances where a pro-active appeal may be detrimental to the investigation. However, it must be acknowledged that the media have a range of sources of information beyond the police service which will require a response. Media reports based on information from non-police sources may be influenced by the particular agenda of the external source, leaving police the difficult task of countering distortion to the prejudice of the investigation.
- 18.3.2 In response to such unsolicited enquiries press officers should prepare for investigating officers:
- specific responses
 - key information points
 - outline matters that should not be disclosed
- 18.3.3 In particular cases it may not be possible to discuss all details 'on the record'. Instead it may be appropriate to brief media on the background of an incident to encourage responsible and accurate reporting or to alert them to the detrimental effect media coverage may have on the investigation.
- 18.3.4 It may occasionally be appropriate to hold a pre-verdict briefing after evidence in a complex case has been heard. This offers the opportunity to clarify a complicated case, particularly for reporters who have not attended the whole trial.
- 18.3.5 These options should only be considered in consultation with the designated press officer.
- 18.3.6 Further guidance can be found in the ACPO Media Advisory Group Guidelines: www.acpo.police.uk/policies/

PART THREE – PERFORMANCE MANAGEMENT

19 Performance Management

19.1 Introduction

19.1.1 Performance Management for Police Services is dynamic with many recent and ongoing developments. The Police Standards Unit (PSU) is leading the process in partnership with the Association of Chief Police Officers (ACPO) and the Association of Police Authorities (APA). Most recently a good practice document on 'Managing Police Performance – a practical guide to performance management' has been issued. This can be accessed through the following link:

www.policereform.gov.uk/docs/mpp_guide.html

19.1.2 It is important that managers keep themselves apprised of further developments through the PSU web site:

<http://www.policereform.gov.uk/>

19.2 Data Recording

19.2.1 Incidents

19.2.2 Forces need to be corporate in the capture and use of hate crime data. This will highlight good practice and make comparisons of performance easier. At present the National Standard for Incident Recording is being developed with the aim that it will be introduced in April 2005. It is likely to include in its Notifiable List of Incidents, within the Public Safety Category, 'Hate Incidents' which are neither crime related nor a crime, but which involve a victim's perception that race, sexual orientation, religion or disability was a factor in the incident.

19.2.3 Crimes

19.2.4 The majority of hate incidents will be both recordable and notifiable. This means that any incident that amounts to an allegation of hate crime (as outlined below) should be treated as a crime related incident in accordance with guidance in the [National Crime Recording Standard](#) (NCRS). That is, they result in a recorded crime or where this does not happen, good and appropriately detailed reason is provided.

19.2.5 The Home Office Counting Rules for Recorded Crime set the rules for counting and classifying crime. These rules can be found on the Home Office web-site:

www.homeoffice.gov.uk/rds/countrules.html

- 19.2.6 In addition to guidance provided by the Home Office, each police force is expected to have appointed a Force Crime Registrar providing expert local guidance on interpretation of these rules.
- 19.2.7 Hate crime is not recorded as a single category of crime. Instead, it occurs as a feature of different types of crime. The Counting Rules include a number of crime types where the racially or religiously aggravated forms of hate crime might commonly be recorded. However, some forms of hate crime fall outside these specific categories. The April 2004 Counting Rules include the following specific crimes where racial or religiously aggravated commonly occurs:
- 8D Racially or Religiously Aggravated Other Wounding
 - 8E Racially or Religiously Aggravated Harassment
 - 58E Racially or Religiously Aggravated Criminal Damage to a Dwelling
 - 58F Racially or Religiously Aggravated to a Building other than a Dwelling
 - 58G Racially or Religiously Aggravated Criminal Damage to a Vehicle
 - 58H Racially or Religiously Aggravated Other Criminal Damage
 - 105B Racially or Religiously Aggravated Common Assault
- 19.2.8 The Police Standards Unit has issued all police forces with a Crime Data Review Manual, which sets out self-inspection techniques for checking the quality of the recording of crime data. These checks are aimed at ensuring that forces comply with the National Crime Recording Standard. The PSU manual can be found at:
<http://www.policereform.gov.uk/psu/qualityassurance.html>
- 19.2.9 The most relevant checks in the PSU manual are:
- 'Investigation 3 – crimes recorded in specialist units' (where a force has a specialist unit dealing with any type of hate crime)
 - 'Investigation 6 – classification of crimes'.

19.3 The Policing Performance Assessment Framework (PPAF)

- 19.3.1 The PPAF Framework will help measure success in achieving the five key priorities of the [National Policing Plan for 2004–07](#). The PPAF provides measures of satisfaction plus overall trust and confidence in the police, as well as measures that put performance into context in terms of efficiency and organisational capability. Interim performance indicators have been established and for hate crime these are found within the Citizen Focus Domain. These include:
- a) Satisfaction of victims of racist incidents with respect to the overall service provided.
 - b) Comparison of satisfaction for white users and users from visible minority ethnic groups with respect to the overall service provided.
- 19.3.2 The [National Policing Plan 2004–2007](#), describes in more detail the ongoing work to develop PPAF. The complete set of performance measures are currently being finalised.

19.4 Leadership and Individual Performance

- 19.4.1 One of the underpinning features throughout this document is the need for professionalism as integral to success. Such success is provably tangible when that professionalism is assessed at each level of responsibility.
- 19.4.2 The leadership of chief officers is readily measurable in the response of their organisation's response to hate crime:
- is it given sufficient priority?
 - is each investigation marked by its sensitivity and diligence?
 - are victims and diverse communities satisfied with their local police response?
- 19.4.3 By using relevant performance indicators, BCU Commanders should be held account in respect of hate crime performance. This should not be a narrow focus on levels of measurable success but, importantly, should include the level of satisfaction of victims where an investigation has failed to result in a successful prosecution. Hate incidents are of their nature personally invasive. In responding to such incidents the manner in which the investigation is conducted is as important to victims and the wider community as securing a conviction.
- 19.4.4 Those at the top and towards the top of the organisational pyramid can only achieve their performance goals if response, investigative and specialist staff have performed their roles with the requisite sensitivity and professionalism. These are aspects of their duties that demand the specific and sustained attention, direction and support of middle managers and supervisors.
- 19.4.5 It is only the tangible delivery of organisational aspirations, however laudable the intention, that will establish and reinforce police credibility with victims of hate incidents, their families and their wider communities. It is by the actions of its officers and staff that the quality of the police response will be judged. It is that quality that turns the intentions into tangible service delivery. An acknowledged quality of service will mark the commitment of forces to policing according to need and to the protection of the vulnerable.

