

GWENT POLICE HATE INCIDENT AND CRIME PROCEDURE (EXTERNAL)



1.0 Procedure

Operational Guidance for Dealing with Hate Incidents and Crimes

1.1 Introduction

When dealing with external hate incidents¹, the aim of all police personnel is to protect and reassure people and communities that may be affected. This document sets out the procedure by which Gwent Police will address external hate incidents. There is a separate procedure for internal hate incidents.

External hate incidents are taken to mean incidents which occur within our communities, where the victim and/or suspect is not a member of Gwent Police Personnel. In cases where a member of the public alleges that a hate incident has occurred which a member of police personnel has perpetrated, these will be referred to the Professional Standards Department.

Section 3.4 gives information on what to do in circumstances of initial contact, incident recording and closure.

Details of all hate incidents and crimes can be found on QlikView for local and for worldwide monitoring

The following appendices can be viewed at the rear of this document :-

Appendix 1- Dealing with hate crimes;

Appendix 2- Hate crime /Incident process checklist;

Appendix 3- Neighbourhood management (repeat victims/hate crime incidents) process;

Appendix 4- Scrutiny Process

¹ To avoid repetition the term 'Hate Incident' will be used in this document to encompass both 'Hate Crime' and 'Hate Incidents' apart from when the term 'hate crime' is used as a specific, exclusive term of reference

Appendix 5- Glossary of Abbreviations

1.2 Objectives

Our key objectives relating to hate incidents are:

- To build and retain the *confidence* of our communities in relation to reporting hate incidents
- To provide a service that is *sensitive* to cultural differences
- To provide a service that is *considerate* of individual needs in relation to disability, sexual orientation, transgender, faith and race
- To provide a service that is *accessible* to isolated or hard to reach communities
- To provide a service that understands and is *responsive* to the needs of individuals or groups affected
- To provide solutions that are *prompt and effective* in reducing the impact on individuals and communities
- To accurately record *information and intelligence* in order to make meaningful strategic and tactical plans
- To accurately *record* and effectively *monitor* our hate incidents in order to identify trends and patterns and put into place appropriate interventions
- To effectively *scrutinise* our handling of hate incidents and associated processes

1.3 Definitions

1.3.1 HATE INCIDENT – ‘Any non-crime incident which is perceived by the victim or any other person to be motivated by hostility or prejudice based on actual or perceived disability, race, religion and belief, sexual orientation and transgender’

1.3.2 HATE CRIME – ‘A criminal offence which is perceived, by the victim or any other person to be motivated by a hostility or prejudice based on a person’s actual or perceived disability, race, religion and belief, sexual orientation and transgender’

Agreed by Home Office and Association of Chief Police Officers (ACPO)

The Home Office require all Police forces to record the following types of hate incidents and crimes:

- Transphobic
- Homophobic
- Racist
- Faith or belief / non-belief related
- Disablist

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Further information around the characteristics of these 6 groups can be found on the Community Cohesion/Hate Crime intranet page. Some key points around definition to remember include:

- Transphobic hate incidents relate to incidents that affect the Transgender community. The Transgender community includes anyone who presents as a different gender to that which they were biologically born, people who may alternate between genders, transsexual individuals (who are undergoing gender reassignment surgery or treatment), or people that share characteristics of both sexes (intersex)
- Hate incidents relating to sexual orientation can affect gay, lesbian or bisexual people (although Gwent record Biphobic incidents separately – see below).
- Racist hate incidents can affect people of any ethnic origin. Racist incidents include those that are targeted at non-visible ethnic minority groups such as Gypsy/Traveller communities, and Eastern European communities. The term 'Racist', in this context, can also mean that a person is a victim of a hate incident because of their nationality, for example, an anti-English or anti-Welsh hate incident would be classed as 'racist'.
- The Equality Act defines a disabled person as a person who has a physical or mental impairment which has a substantial and long-term adverse effect on their ability to perform normal day-to-day activities. Disabilities can be visible (for example a person using a wheelchair) and non-visible (for example a learning difficulty). The definition of disability includes people with illnesses such as cancer, multiple sclerosis and HIV.
- Gwent Police recognises that 'disability' does not automatically mean 'vulnerability', and understands that our role as a police service is not only to protect disabled people that are in vulnerable situations, but also to enforce their rights.
- Biphobic hate incidents are those directed at people who have an attraction to both males and females. We record Biphobic hate incidents separately because community feedback has indicated that sometimes, perpetrators of Biphobic hate crime are from within the gay community.

1.3.3 PERCEPTION – There are 3 important factors to consider around perception and hate incidents:

1. A person can be a victim of a hate incident because of an actual characteristic, or because they are perceived to have a certain characteristic. For example, after the events of 9/11, people with an

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Asian appearance were found to be targets of verbal or physical attacks, not because of their race, but because of their perceived (i.e. Muslim) religion.

2. It is **not** up to police officers or any other person to decide whether a hate incident has occurred - a hate incident **must** be recorded where any victim or witness **believes** the motivation to be prejudice or hostility.
3. Likewise, **YOU** can identify a hate incident, even if the victim does not believe they have been targeted because of hate motivation

1.3.4 HATE MOTIVATION - 'Hate crimes and incidents are taken to mean any crime or incident where the perpetrator's hostility or prejudice against an identifiable group of people is a factor in determining who is victimised'
Agreed by Home Office and ACPO

Hate motivation must be proved in court, so it is imperative that any evidence relating to the perpetrator's hostility towards a certain group is gathered.

1.3.5 REPEAT VICTIM - the first time a hate incident is reported to the police or other agency may not be the first time that person has become a victim.

Any police personnel acting as first contact for a victim of hate crime should establish whether they have had anything similar happen to them before, whether reported or not. The definition of a 'repeat victim' of hate crime is anyone that has had more than 1 experience during a rolling 12 month period.

1.4. Building Trust and Confidence

Building trust and confidence is essential to ensure that communities report hate incidents to Gwent Police, and that they feel reassured that they will receive an appropriate level of support. Gwent Police will seek to achieve this through the following:

1.4.2 Engagement – Neighbourhood Policing Teams will develop neighbourhood profiles that identify minority and hard to reach groups in their area. They will also utilise the most effective mechanisms (for example community forums, PACT meetings, newsletters etc.) to engage with communities and provide information on issues relating to hate incidents. The Neighbourhood Management Database will provide a tool for collating community contacts and monitoring levels of community engagement.

1.4.3 Understanding differences and being sensitive to these – Neighbourhood profiles will be accessible to all police personnel so that they can learn about issues affecting minority communities in their area. All

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personnel must demonstrate an awareness of cultural differences and individual needs and ensure that their interactions with individuals or groups take account of these. An example might be understanding a victim's requirement to observe a religious duty when asked to attend an appointment at a police station, or providing information in easyread format for a person with learning disabilities. More information around accommodating different needs and making sure appropriate support is provided to individuals can be found on the Community Cohesion Team's intranet site.

1.4.4 Awareness – The Community Cohesion Team will continue to work with minority groups and the wider community to raise awareness of hate incidents and how they can be reported. This may be through online consultation, specialist forums for specific groups or awareness sessions at community venues. Neighbourhood and Partnership Teams will support this activity, particularly where a particular issue has been identified within a community.

1.4.5 Third Party Reporting – Third Party Reporting systems allow a person to report a hate incident to an agency other than the police. Third party reporting is effective in allowing people that may not have the confidence to approach the police directly to make a report, either as a victim or a witness. Gwent Police supports 4 Third Party Reporting systems:

SaferWales: SaferWales is supported by all of the Welsh Forces and provides paper-based forms and an online reporting facility in a variety of languages and formats at www.saferwales.com. A person making a report is offered the choice as to whether their details will be shared with the police.

SaferNewport: SaferNewport is a system serving the Newport area and supported by a variety of local agencies. Paper-based forms and an online reporting facility in a variety of languages and formats are available at www.safernewport.com. A person making a report is offered the choice as to whether their details will be shared with the police.

True Vision: True Vision is a national online reporting scheme which sends details provided directly to the appropriate police force www.report-it.org

Talk About It Centres: Talk About It Centres are located throughout Gwent and provide a safe space and appropriate support for people with learning disabilities to report hate incidents. Talk About It Centres offer the choice of police involvement. A list of Talk About It Centres can be found on Gwent Police's external and internal websites.

Third Party Reporting should not be an alternative to reporting directly to the police in an emergency as the response will naturally be delayed. Victims and witnesses of hate incidents should always be encouraged to report directly to the police, although third party systems are effective in building confidence in the policing system by providing less direct contact in the first instance.

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1.4.6 Internet – The Community Cohesion Team and Corporate Communications Department will use the force internet to publish advice and guidance to members of the public on hate crime, as well as providing an online reporting service through the SaferWales, True Vision and SaferNewport scheme.

1.4.7 Information – Information containing advice and guidance in relation to hate incidents and their reporting will be made available in relevant places that provide community services as well as online and in a variety of accessible formats (for example, community languages, BSL, easyread, large print). SaferWales and SaferNewport reporting forms will be made available at all community venues across Gwent, including libraries, doctors surgeries, community centres and colleges.

1.4.8 Independent Advisory Group –The IAG will be asked to provide feedback to Gwent Police in relation to confidence amongst minority communities and bring to the Force's attention any local patterns or concerns. For more information on the role of the IAG policy, please refer to the Community Cohesion Team's intranet pages.

1.4.9 Getting it right first time – nothing affects a person's confidence in our services more than their actual experiences. This is why every contact counts, and this guidance should be followed in order to make sure we provide every victim of a hate incident with a quality service.

1.4.10 Schools – Schools Liaison Officers and any other personnel that have regular contact with educational services should encourage awareness of hate incidents and crimes with students and staff, and seek to address any patterns or concerns around hate 'bullying' through delivery of appropriate lessons or other appropriate interventions.

1.5 Providing an Accessible Service to Isolated Communities

Communities and individuals can become isolated or hard to reach by the police for a range of reasons, including:

- **Communication barriers**
- **A lack of understanding of what the police's role is**
- **Physical impairments or illness**
- **Geographical location**
- **Stigma or embarrassment**
- **Fear (of the wider community, of the police)**

For these very reasons, hard to reach communities can be the most vulnerable to becoming victims of hate incidents. It is therefore imperative that Gwent Police ensure that our services are accessible to all of our communities.

1.5.1 Reporting mechanisms - All materials published in order to offer advice and guidance on hate incident reporting will detail the different ways in which to report incidents, including:

- By telephone (or SMS emergency text)
- In person at a police station
- In person to an officer on patrol
- Through a third party representative (for example a friend, or support worker)
- Through a Third Party Reporting System

1.5.2 Languages – Advice and guidance documents will be offered in a range of languages that are relevant to the profile of our communities. LanguageLine may be used for initial contact with a person whose English is poor, this service is available via a three-way telephone conversation, or face to face with the victim/witness with an interpreter on the phone.

Professional language interpreters (including British Sign Language) should be used for any evidential purposes. Interpreters should be accessed via Wales Interpreting and Translation Services (WITS) whose contact details can be found on the intranet.

1.5.3 Blind/Visually Impaired People – People with sight loss may require audio, Braille or large print versions of hate incident information. This can be co-ordinated by the Community Cohesion Team. The Community Cohesion Team's intranet site also includes a short educational video giving guidance on how to support a person with sight loss.

1.5.4 Deaf and Hard of Hearing People – Gwent Police has a number of police personnel who are trained to Intermediate level in British Sign Language and can assist with communication with a Deaf person, as well as advise on Deaf and hard of hearing cultural issues. Details of trained staff are available on the ORIS system. Neighbourhood Teams should ensure that Deaf people within their community have a means of contacting an officer in a non-emergency situation (there is an SMS text service for 999 scenarios). This could be an email address or Blackberry number to text.

1.5.6 Police Station opening times – Will be published on the internet and advertised clearly at each station. Members of the community can also call 101 to report a non-emergency hate incident.

1.6 Providing a Service which is Responsive to the Needs of Individuals or Groups Affected

Every victim of a hate incident will have specific, individual needs, which may be relatively low level, or require a higher level of intervention and support. The following are key aspects to delivering a policing service that is responsive to these needs:

1.6.1 Respect for Diversity – All police personnel should consider individual needs of community members, and the provision of appropriate communications or emotional support. Detailed information for officers which includes advice around diverse needs and resources in relation to dealing with hate incidents can be found on the Community Cohesion Team's intranet site. The site also includes details of specialist partner and external agencies that will be able to assist in supporting diverse victims of hate incidents.

1.6.2 Confidentiality – Any member of police personnel should be alert to the needs of the victim or witness in relation to confidentiality. This is especially important where, for instance, a victim may not wish for friends or family to be aware of their sexual orientation or transgender. Any breach of confidence is a serious issue which is likely to damage the reputation of the force and risk personal repercussions for the victim.

1.6.3 Victim focus – Police Personnel dealing with victims should not make assumptions about the wishes of the victim in relation to what happens after they report an incident. Investigating officers should establish what is important to the victim and how they would like the situation to be resolved. It is important for hate incidents to be treated seriously, and wherever possible, a criminal investigation to be undertaken. Police personnel should not discourage victims from taking the next step in pursuing an investigation, but rather provide appropriate support and reassurance in encouraging victims to have the confidence to take further action.

Police personnel should be mindful that due to the nature of hate incidents, some victims may wish no further action to be taken. In all cases, the officer should outline the options available and provide realistic expectations about what can and cannot be achieved. Where a person does not wish to take further action, any decision to pursue a criminal investigation, contrary to the wishes of the victim must be carefully considered in relation to the potential future impact on the individuals involved and the wider community. Supervisors should always be consulted where the service offered or delivered is not in line with the expectations of the victim.

1.6.4 Impact on individual – The first consideration for any member of police personnel is to provide the best possible service that will reduce the impact on the victim. This may involve any combination of the below options:

- Conducting a criminal investigation
- Dealing with the matter by way of an informal community resolution
- Putting in place crime prevention measures
- Offering general advice and guidance
- Sign-posting to specialist support services
- Arranging follow-up visits by Neighbourhood Officers or increased patrols

1.6.5 Impact on communities – Police Personnel should always assess the impact that any reported hate incident might have on the wider communities affected. If there is a likelihood of any escalation or wider impact then advice should be sought from the local Neighbourhood Policing Team and/or Community Cohesion Team and consideration should be given to completion of a Community Impact Assessment (see separate policy). If the hate incident has the potential to develop into a critical incident, the force Critical Incidents policy should also be referred to.

1.6.6 Impact on friends and family – Close friends or family of the victim may also be affected by the impact of hate incident. For example, a mother is becoming increasingly distressed that her disabled son is being verbally abused by neighbours. Because of the son's disability he is unaware of the level of abuse, but his mother is suffering significant distress. Gwent Police should provide the same level of support to the mother as a third party as they would to any direct victim of a hate incident. Recording the level of impact that an incident has had on the wider family or community in a range of ways (Community Impact Assessment, Victim Personal Statement) is important, and will assist with successful prosecutions.

1.7 Providing Solutions that are Prompt and Effective

The full process for dealing with hate incidents is detailed in [Appendix 1 \(Dealing with Hate Crimes/Incidents Process New\)](#).

1.7.1 Initial contact and call handling – All police personnel who carry out public facing duties must be able to recognise and deal with the initial report of a hate incident. This includes:

- Communications Suite Operatives
- Station Enquiry Officers
- Police Officers
- Police Community Support Officers

During this initial contact police personnel must make an assessment of the immediate needs of the victim and then obtain sufficient detail in order to create an incident log and direct resources in the appropriate manner.

1.7.2 Incident recording – During initial contact with a victim or witness reporting an incident, all relevant details should be recorded and an ORIS incident log created. Initial contact (where appropriate) should establish with any victim or witness whether they believe they have become a victim of, or witnessed, a hate motivated incident. This may be determined by asking a generic question such as:

“do you think you have been targeted for any reason?”

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During initial contact, it should also be established whether the caller is a repeat victim of hate incidents. If they are, this should also be recorded on the ORIS log. Where the caller identifies as having a disability, communication difficulties or any specific support needs, this should be noted on the log in order for the responding officer to put in place any support needed.

All hate incidents will be transferred to Guardian 2, and logs should not be closed until a Guardian reference has been generated. If a hate incident is identified, this should be made explicit in the body of the text (e.g. “the victim believes this is a disability hate incident”) and a Communications Suite supervisor should be notified.

1.7.3 The Force Hate Incident Checklist (Appendix 2) is available on the Community Cohesion Team/Hate Crime intranet site, which provides a framework to guide police personnel through dealing with a hate incident, including checking against recording requirements.

1.7.4 Deployment – An officer will **always attend** a report of a hate incident, or where it is suspected that there may be a hate motivation, and calls will be graded in line with force policy (including Vulnerable Victims Guidance available to the Communications Suite).

The final judgement will rest on the call taker as to what grade response to allocate as each situation is individual and has unique circumstances, but the following can be taken as basic guidelines for victims of hate incidents:

- Any victim of a hate CRIME should be allocated either emergency or priority response dependent on the nature of the offence and circumstances (in line with the Vulnerable Victims Guidance)
- A call from any victim of a hate INCIDENT should ALWAYS be allocated for an officer visit, but this can be done in line with the severity of the incident. The victim should be consulted as to whether they would prefer a uniformed visit or to call into their local station. Only in cases where the victim has specified preference, should advice be given via the telephone only
- Consideration must be given to upgrading the response if the caller is a repeat victim, taking into consideration both the nature of the incident(s) and **the impact that events are having on the victim** (assessment of the mental state and level of distress of the caller is vital here)
- In line with the Vulnerable Victim Guidance, any caller who is identified as having a learning disability, or mental ill health, should be graded as priority, whether this is an INCIDENT or CRIME

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1.7.5 Incident Closure – The following Closing Qualifiers (closing categories) should be used *only* to close hate incidents:

1.7.6 RACIAL

This qualifier is to be used to identify any incident which is perceived by the victim or any other person to be racially motivated. This will include any motivation based on colour, race, nationality or ethnic or national origins, including countries within the UK and Gypsy and Traveller groups

1.7.7 RELIGION OR BELIEF

This qualifier is to be used to identify any incident which is perceived by the victim or any other person to be motivated because of a person's religion or belief or perceived religion or belief. This will include any religious or belief group, and any lack of religion or lack of belief.

1.7.8 SEXUAL ORIENTATION

This qualifier is to be used to identify any incident which is perceived by the victim or any other person to be motivated because of a person's sexual orientation or perceived sexual orientation.

1.7.9 DISABILITY

This qualifier is to be used to identify any incident which is perceived by the victim or any other person to be motivated because of a person's disability or perceived disability. This includes physical disability, learning disability and mental health disability.

1.7.10 TRANSGENDER

This qualifier is to be used to identify any incident which is perceived to be motivated because a person is transgender or is perceived to be transgender by the victim or any other person. Transgender includes people who are transsexual, transgender, transvestite and those who hold a Gender Recognition Certificate under the Gender Recognition Act 2004.

1.7.11 BIPHOBIC

This qualifier is to be used to identify any incident which is perceived by the victim or any other person to be motivated because of a person's bisexuality or perceived bisexuality. A person who is bisexual is attracted to people of both genders, and biphobic hate incidents should be recorded as separate to homophobic hate incidents.

1.7.12 The COMMUNITY COHESION TEAM (CT) qualifier can be used if the incident involves a member of a minority community or if you are unsure whether an incident is hate related. The log will then be reviewed by the Community Cohesion Team.

1.7.13 Crime recording –Where a crime is believed to have been committed a crime report will be completed within 72 hours in line with National Crime Recording Standards. Appropriate categories should be allocated on Guardian 2, including the appropriate hate crime tag (detailed at 3.5) and, if necessary, the Repeat Victim marker.

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1.7.14 Intelligence reports – Intelligence reports should be submitted in the normal way via the Criminal Intelligence System, using the 5x5x5 grading system. The Force Intelligence Unit will validate, assess and disseminate intelligence in line with ACPO National Standards for the Recording and Dissemination of Intelligence Material.

1.7.15 Primary investigation – The first point of contact is also an opportunity to establish what material is available that might need to be secured as evidence. Considerations should include:

- Is the offender known?
- Where is the offender now?
- Has this (or similar) happened before?
- Are there any witnesses?
- CCTV?
- Has the offender left any objects at the scene?
- Is there likely to be blood/DNA/fingerprints at the scene?

1.7.16 Secondary investigation – Upon initial attendance and once any immediate threat/risks have been dealt with the officer will begin the process of secondary investigation. Key considerations are:

- Secure/preserve scenes that might contain physical or forensic evidence – arrange for specialist assistance (CSI/PoLSA etc) where appropriate
- Record details of any injuries
- Is the offender known? If so, is an immediate arrest necessary?
- If the offender is not known, what enquiries should be prioritised in order to identify them?
- Identify witnesses
- Secure CCTV evidence
- House to House enquires
- Media appeal
- Examination of communications devices (mobile telephones, computers etc)
- Suspect interviews
- Consultation with EROs and CPS during custody process
- Obtain Victim Personal Statement. This is mandatory for victims of hate crime as it provides important supporting evidence for prosecution purposes. Where a victim declines the opportunity to make a Victim Personal Statement, it should be explained that this may have an impact on hate motivation being proven in court.

1.7.17 Neighbourhood Management – Neighbourhood Teams will retain an overview of the levels and nature of hate incidents within their area, and provide localised support to victims that is tailored to their specific needs. A process for the management of hate incidents by Neighbourhood Teams is detailed in [Appendix 3](#).

1.7.18 Effective supervision – Supervisors have a responsibility for ensuring a prompt and effective response to all reports of hate incidents. The level of supervision should be proportionate to the nature of the incident but as a minimum the relevant patrol sergeant should be notified as soon as an incident is created relating to a hate crime. Supervisors must also monitor the progress of investigations and ensure that all the requirements of the Victims Code of Practice are complied with.

Where an incident has the potential to become a critical incident the duty Inspector should be notified immediately. Where appropriate the duty Inspector will confer with the duty Silver Commander in relation to declaring a critical incident.

Supervisors should also refer to the Force Hate Incident Checklist in order to monitor the level of service being delivered to hate incident victims by their staff. This checklist may also be implemented as a local quality assurance tool for officers to complete and submit to their Supervisors if required.

1.7.19 Support – The force Community Cohesion Team will be notified of all hate incidents through the use of appropriate closing categories on ORIS, and will act as a point of reference for advice, guidance and support to investigating officers and those involved with engagement activity. They will also assist with referral to support services for victims and witnesses and monitor hate incidents across the force against the Force Hate Incident Checklist.

1.8 Victim/Witness Support

1.8.1 Victim Support – By recording all hate incidents (whether an incident or an offence) on Guardian 2, an automated referral will be sent to Victim Support for specialist victim or witness support. Further information is available on the Community Cohesion Team's intranet site.

1.8.2 External Agencies – There are a number of external agencies that can provide support to victims and witnesses of hate incidents, or to officers that are dealing with a hate incident. Before making any referral to an external agency (apart from Victim Support) permission from the victim or witness should be sought. This can be evidenced by a signed statement in an officer's pocket notebook. A list of useful contacts, websites and support services can be found on the Community Cohesion's intranet site.

1.8.3 Special Measures/enhanced support – It is the responsibility of police personnel to determine as early as possible whether the victim or witness requires any enhanced support during the investigative process. This may include interpreter services, appropriate adults or advocates. Consideration should also be given to special measures that may be needed if the case goes to court. Further advice can be sought from the Public Protection Unit, or Admin of Justice Department. Any need for Special Measures should be indicated on the MG11, MG3 and MG6 forms.

Further details can be found in the Force's Vulnerable and Intimidated Witnesses Policy and Procedure.

1.8.4 Community Resolutions/Discretion – There will be occasions where a victim does not wish to support a formal criminal investigation or a prosecution. Where a crime has been committed or it is suspected that a crime has been committed there must be careful consideration of the balance between the wishes of the victim and the interests of the wider community.

The actions and previous offending history of the alleged offender would also be relevant in determining whether or not a criminal investigation is necessary.

In cases where it is assessed as proportionate, the use of discretion and less formal methods of resolution may provide a more satisfactory outcome for the victim. Examples might include:

- Arranging a meeting between victim and offender so that the offender can understand the impact of their actions and apologise. This should not be undertaken lightly and should be carefully mediated, used only in circumstances where appropriate, and where any such meeting will not put the victim at increased risk. Full and informed consent of both parties should be sought prior to any kind of face to face meeting.
- Introducing an independent intermediary to act as a mediator (for example a representative from a Regional Equality Council such as SEWREC or VALREC)
- Encouraging an offender to take responsibility for clearing up/paying for damage
- Issuing a verbal warning
- Offering a Conditional Caution where an offender has already been arrested

1.8.5 Case Handling Meetings

All hate incidents will be best dealt with in partnership with other agencies. Where a person is a repeat victim, they are identified as vulnerable, or there are complex circumstances, a case handling meeting can be called. A case handling meeting involves the police, as well as any other partner agencies that could assist in resolving the case quickly and effectively. Common partner agencies to involve in a case handling meeting include regional equality councils, social services and housing. Each LPU will have different mechanisms to call a case handling meeting. If you are unsure how to do this, contact either the Community Cohesion Team, your local Partnership Sergeant or Inspector, or Community Safety Partnership.

1.9 Prosecutions

1.9.1 Best Evidence – Hate motivation must be proven in court in order to secure an enhanced sentence. To prove hate motivation, the hostility or prejudice of the perpetrator towards a particular group must be evidenced. Evidence of the level of impact that the hate crime has had on a victim will also support successful prosecution. Examples of best evidence will include:

- Victim Personal Statement (mandatory for victims of hate incidents)
- Evidence of any hostile abuse (for example racist language used)
- Prior evidence of suspect's prejudice or hostility towards a certain group (for example, comments on social networking sites)
- Any additional evidence of victim impact

Evidential Review Officers should be consulted with, prior to interviewing individuals involved in a hate crime case in order to provide advice and guidance on information to be sought during interview.

1.9.2 Victim/Witness Care – Where a criminal investigation is conducted and it is intended that a prosecution will be sought there should be regular dialogue between Police, CPS and Witness Care Unit throughout. Bear in mind that some victims or witnesses (for example people with learning disabilities or poor English skills) may find it difficult to read a printed letter, so consideration should be given to providing updates that are accessible. It is essential that victims of hate crimes are kept informed at all relevant stages during an investigation in order to ensure their continued support for Police action.

1.9.3 Withdrawal – Where a victim chooses to ask for withdrawal of criminal proceedings, there should be considered dialogue with the CPS about the merits of pursuing a prosecution in the wider public interest. A detailed statement with the reasons for requesting the withdrawal should be obtained from and signed by the victim. This should include confirmation that they have not been pressurised or coerced into making the decision to withdraw. The victim should be advised that a request to withdraw does not necessarily mean that the case will not proceed to Court.

1.9.4 Case Flagging – The MG file should be clearly marked to indicate that the case is a hate crime. A detailed MG6 should also detail relevant information such as previous incidents or offending behaviour that do not form part of the prosecution case. Any hate crime file will be encased in a pink 'Hate Crime' file before submission to CPS by the Evidential Review Officers.

1.10 Operational and Support Structures

Operational

1.10.1 Force Communications Suite – Responsible for taking reports via telephone, for creating incident reports and for deploying/notifying the appropriate resources. Also have a duty to correctly classify or categorise crimes and incidents.

1.10.2 Neighbourhood Policing Teams – Responsible for engagement with minority communities, for attending scheduled calls relating to hate crime and for the investigation of less-complex hate incidents such as threatening words/behaviour and minor criminal damage.

1.10.3 Neighbourhood Support Teams – Responsible for attending all calls relating to hate incidents and for dealing with protracted or complex hate crime investigations where the offence committed is one that would normally be considered to be volume crime

1.10.4 Serious Violent Crime Team – Responsible for dealing with any hate incident where it is reasonably suspected at the outset that an offence of kidnap/abduction or assault contrary to S20/S18 Offences against the Persons Act 1861 is involved.

1.10.5 Onyx Unit – Responsible for dealing with any hate incident where at the outset it is reasonably believed that a rape or serious sexual offence has been committed

1.10.6 Public Protection Unit – Responsible for dealing with hate incidents involving the serious physical, emotional or sexual abuse of children or vulnerable adults. Will also support investigators dealing with hate incidents in a domestic environment.

1.10.7 Major Incident Team – Responsible for dealing with any hate incident where it is reasonably believed at the outset that a suspicious death is involved

Support Services

1.10.9 Community Cohesion Team – Responsible for providing advice and guidance to officers involved in the investigation of hate crime, engaging with minority communities and providing appropriate support and signposting to victims. They are also responsible for improving accessibility of reporting as well as keeping force the intranet up to date with information of use to officers in dealing with hate crime. The Community Cohesion Team will conduct a daily review of hate incidents that have been reported.

1.10.10 Community Safety Partnerships/Community Cohesion/Hate Crime Forums – Responsible for ensuring a multi-agency approach to supporting victims of hate incidents and crimes, particularly in high risk, or repeat victim cases, through effective partnership working and case handling.

1.10.11 Administration of Justice Unit – Responsible for supporting investigations through the provision of custody facilities and ensuring that hate crimes are explicitly flagged to CPS, Evidential Review Officers, Witness Care Unit and Case Progression Unit

1.10.12 Force Intelligence Unit – Responsible for collecting information and intelligence in relation to hate incidents. Will monitor trends, crime series and high risk issues, reporting through strategic and tactical assessments. Will supply Analytical, Research and Field Intelligence capability to hate incident where a critical incident has been declared or where serious crime is involved. Also responsible for collating analytical data for NCTT responses

1.10.13 Special Branch – Responsible for assisting investigating officers in relation to the status of foreign nationals. Also responsible for providing an intelligence link to the National Public Order Intelligence Unit

1.10.14 Organised Crime Unit – Responsible for supporting hate crime Investigations that require surveillance or financial investigations

1.10.15 Corporate Communications Department – Responsible for assisting investigating officers and Neighbourhood Policing Teams in relation to media issues and the preparation of public confidence material such as leaflets, internet content and newsletters. Also responsible for delivering appropriate and regular internal and external media messages.

1.10.16 Police Authority - The Police Authority will monitor activity in relation to hate incidents and have an overview of Gwent statistics through 6 monthly reports.

1.10.17 Independent Advisory Group - The IAG will monitor any ongoing activity in relation to hate incidents, provide input where necessary when developing hate incident services for communities, and act as a Critical Friend should a critical incident develop.

1.10.18 Service Development Team - Will submit quarterly force figures to the National Community Tensions Team and ensure that Force data is available for scrutiny. Will also quality assure the service delivered to victims of hate incidents through incorporation into the Force's performance review systems.

1.11 Supervision, Management and Scrutiny

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The Scrutiny Process is documented in full in [Appendix 4](#) (Scrutiny Process New).

1.11.1 FCS Supervisors/FCR Inspector – Responsible for the effective supervision of initial contact, incident recording and resource deployment

1.11.2 Neighbourhood work stream Sergeants – Responsible for the effective supervision of less complex or serious incidents in real-time and for reviewing investigations to ensure compliance with minimum standards and Victims Code of Practice.

1.11.3 Neighbourhood work stream Inspectors – Responsible for ensuring effective localised engagement plans and the maintenance of Neighbourhood profiles.

1.11.4 Partnership Inspectors/Sergeants – Responsible for dip-sampling hate crime investigations conducted in their area. Responsible for ensuring that regular multi-agency forums are held, encompassing hate incident figures as a standing agenda item, reviewing local patterns and trends and tackling ongoing cases.

1.11.5 Detective Inspectors – To take a lead role in complex investigations as directed by force Daily Management Meeting or CID SMT.

1.11.6 Community Cohesion Team – Responsible for daily review of any hate incidents and ensuring correct classification as well as appropriate officer/victim/witness support.

1.11.7 Silver Commanders – Responsible for performing Silver Command function when a critical incident is declared. Also for overall day to day supervision of the forces initial response to hate incidents.

1.11.8 Senior Investigating Officers – Responsible for performing the role of SIO in Major Crime Investigations as directed

1.11.9 Neighbourhood Policing and Partnership Superintendents – Responsible for having an effective engagement strategy within the LPU in relation to hate incidents.

1.11.10 Director of Intelligence – Responsible for having an effective intelligence strategy that supports the force's response to hate incidents.

1.11.11 Head of Corporate Communications – Responsible for handling media enquiries in relation to hate incidents.

1.11.12 Chief Superintendent Head of Local Policing – Accountable to the Assistant Chief Constable for the force's response to hate incidents.

NOT PROTECTIVELY MARKED

2.0 The Legal Basis and Legitimate Aims

Equality Act 2010
Welsh Language Act 1993
Race Relations Act 1976
Race Relations Amendment Act 2000
Protection from Harassment Act 1997
The Human Rights Act 1998
Police and Criminal Evidence Act 1984

In line with Gwent Police's Equality Duties, this procedure aims to:

- Advance equality of opportunity
- Eliminate harassment and victimisation
- Foster good community relations

3.0 Human Rights Certification of Compliance

The procedure has been checked for compliance with the Human Rights Act; with particular reference to the legal basis of its precepts: the legitimacy of its aims; the justification and proportionality of the actions intended by it; that it is the least intrusive and damaging option necessary to achieve the aims; and that it defines the need to document the relevant decision making process's and outcomes of actions.

4.0 Compliance with The Welsh Language Scheme

This procedure aims to comply with the organisations Welsh language Scheme in terms of dealing with the Welsh speaking public, impact upon the public image of the organisation and the implementation of the language scheme.

5.0 Risk Assessment and health and safety Considerations

The Gwent Police Service Dynamic Assessment should be applied as necessary. A training package in the use of risk assessment will be provided to all police personnel if requested or required.

6.0 Procedure Identification Section

Procedure Title: Hate Crime (External) Procedure

Reference: 112/14 b issue 2

ACPO Lead: ACC

Service Area Owner: Head of Neighbourhood Policing

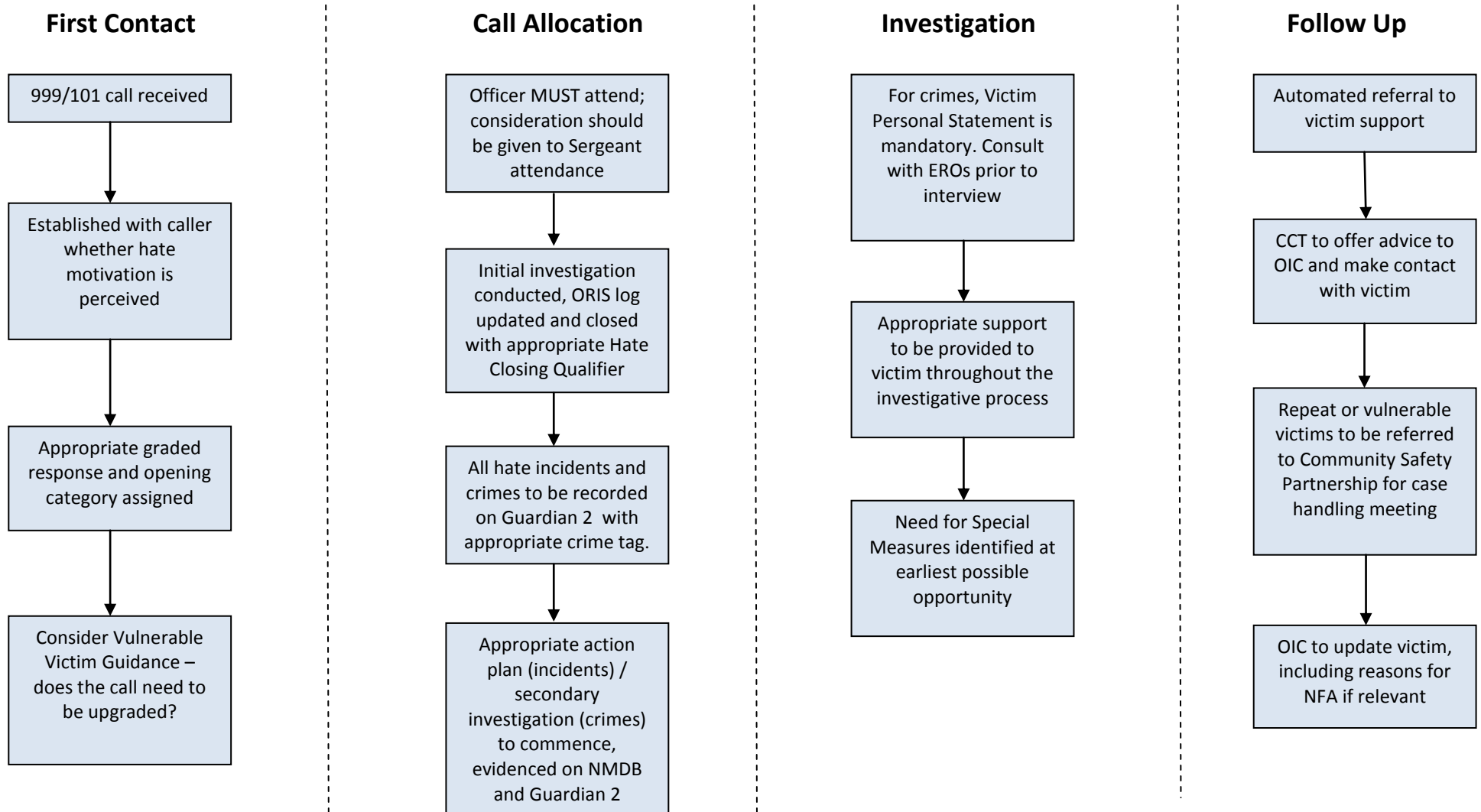
Department Responsible:

Links to other Policies/Procedure: Information Security, Data Protection, Freedom of Information, Caught and in Court, Crime Recording, Critical Incidents, Media, Community Impact Assessment, Victim Support, Sudden Deaths, Interpreters, Licence to lead.

Procedure Implementation Date: 19th Dec 2011

Procedure Review Date: Dec 13

APPENDIX 1 Dealing with Hate Crimes/Incidents Process – New



APPENDIX 2



HATE CRIME / INCIDENT Procedural Checklist

This checklist should be referred to by the Officer in Charge and/or their Supervisor in the event of any hate incident or crime

A hate incident is defined as:

'Any **non-crime incident** which is **perceived by the victim or any other person** to be motivated by hostility or prejudice based on actual or perceived **disability, race, religion and belief, sexual orientation and transgender**'

A hate crime is defined as:

'A **criminal offence** which is perceived **by the victim or any other person** to be motivated by a hostility or prejudice based on a person's actual or perceived **disability, race, religion and belief, sexual orientation and transgender**'

There are 5 types of hate incidents/crimes that Gwent Police are **required** to record:

- **Transgender** - against a person that presents as a different gender to their biological gender. Includes Transsexual women (male to female), Transsexual men (female to male), people that cross dress (Transvestites), and people who are intersex. 'Intersex' is a general term used for a person with an anatomy that doesn't seem to fit the typical definitions of female or male.
- **Sexual Orientation** - against a person that is lesbian, gay or bisexual.
- **Race** – where a person is targeted because of hostility towards their ethnicity, skin colour, or nationality, including Gypsy/Traveller communities. May also be applicable to crimes against people with Refugee or Asylum Seeker Status.
- **Religion or belief / non-belief** - against a person of any faith or belief, including none.
- **Disablist** - against a disabled person who has a visible or non-visible impairment.

***Remember* the importance of PERCEPTION**

1. A person can be targeted because of their **actual** gender, sexuality, race, faith or disability, or because the perpetrator **perceives** the victim to have that characteristic
2. Hate motivation can be perceived by the **victim**, a **witness, third party** or **you** as an officer. Where **anyone** perceives there to be a hate motivation, our responsibility is to record the incident or crime as hate motivated, even if there is no evidence at this point to suggest this is the case.

***Remember* the importance of HATE MOTIVATION**

1. Hate motivation (prejudice or hostility towards a particular individual or group) must be proved in court. Any evidence that you can collect at this stage that the perpetrator has demonstrated hostility or prejudice will help.
2. An incident or crime that involves a person from a minority group should not automatically be recorded as a hate incident or crime unless someone perceives this to be the case

CRITICAL INCIDENTS

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 the community

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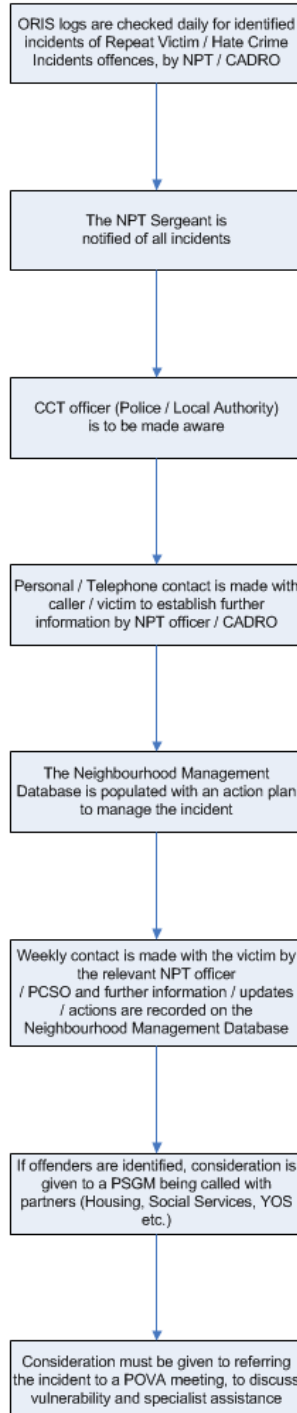
CONSIDERATION / ACTION	Y	N	ADVICE
Initial Assessment			
Why has this incident/crime been classified as hate motivated? Victim Perception Witness Perception Third Party Perception (e.g. other agency) Your own Perception	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	See page overleaf for further clarification
Which of the hate crime categories is applicable to this victim/incident? Disability Race Religion/Belief Sexual Orientation Transgender	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	More than one category may apply
Is the victim (or location) a repeat victim of hate incidents/crime? (more than one occurrence in a rolling 12 month period)	<input type="checkbox"/>	<input type="checkbox"/>	Details of any repeat victims should be flagged to Community Cohesion Team and relevant Partnership Insp
Vulnerable Person Form completed?	<input type="checkbox"/>	<input type="checkbox"/>	If appropriate
Does this person require a translator (written language) or interpreter (spoken language or British Sign Language)?	<input type="checkbox"/>	<input type="checkbox"/>	Translation and Interpreting services provided by WITS. Call 02920 857500/732 4060
Community Cohesion Team contacted for a victim visit/specialist advice?	<input type="checkbox"/>	<input type="checkbox"/>	CCT contact number: 722 3208 / 722 3209
Bobby Van referral made?	<input type="checkbox"/>	<input type="checkbox"/>	Referral forms and guidance on intranet
Does this incident or crime have the potential to become a critical incident?	<input type="checkbox"/>	<input type="checkbox"/>	See overleaf for definition. Refer to Critical Incident Procedure and complete Community Impact Assessment
Does the victim consent to their details being shared with other specialist support agencies? Permission should be expressed via a signed Pocket Notebook entry	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	Consider referral to: SEWREC for Newport and Monmouthshire 01633 250006 (support for all types of hate crime) VALREC for BG, Caerphilly and Torfaen 01443 742704 (support for all types of hate crime) Further referral suggestions can be found on CCT intranet page
Recording			
ORIS Closing Category allocated: Homophobic Racial Religious Transphobic Disablist Biphobic*	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	*Although the Home Office does not require recording of biphobic hate crimes and incidents, Gwent records these separately and has a dedicated closing category
Guardian Crime / Incident Tag allocated: Homophobic Racial Religious Transphobic Disablist	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	All hate incidents to be recorded on Guardian. ORIS logs will not be closed until a Guardian reference number has been generated.
Associated Persons created on incident log?	<input type="checkbox"/>	<input type="checkbox"/>	APs should be created or checked for all victims of hate incidents/crimes
Follow Up			
Officer details left in an accessible format?	<input type="checkbox"/>	<input type="checkbox"/>	For people with learning disabilities, or difficulty speaking English, consider writing important details down in simple language
Evidential Review Officer consulted prior to interview?	<input type="checkbox"/>	<input type="checkbox"/>	EROs should be consulted prior to all victim/witness interviews in relation to a hate crime in order to secure best evidence
Victim advised of investigation outcome?	<input type="checkbox"/>	<input type="checkbox"/>	
Hate Crime File			
Victim Impact Statement taken?	<input type="checkbox"/>	<input type="checkbox"/>	ALL victims of hate crime should have a VIS taken. If a person chooses not too, they should be informed that this may have a negative impact on hate motivation being proven at court
Hate crime clearly stated in file?	<input type="checkbox"/>	<input type="checkbox"/>	All hate crimes should be made explicit in the content of the file in order to be flagged at ERO stage

NOT PROTECTIVELY MARKED

APPENDIX 3

Neighbourhood Management (Repeat Victims / Hate Crime Incidents) Process - New

OVERALL MANAGEMENT OF THE INCIDENT IS CONDUCTED BY THE WARD OFFICER AND SUPERVISED BY THE NEIGHBOURHOOD SERGEANT



APPENDIX 4

Scrutiny Process - New

QUARTERLY INTERNAL OVERVIEW
BY GWENT HATE CRIME FORUM

Six-monthly Data Audits are completed by Service Improvement and disseminated by CCT

Data provided by enhanced services on QlikView allowing for Crimes / incidents to be viewed in real-time by:

- Location
- Trend
- Volume
- Type of Crime / Incident
- Category of Crime / Incident
- Status (through log of enquiries)
- Graded Response

Sanitised data of anonymous reports to be provided by all third party schemes in order to inform scrutiny of emerging trends via CCT

Daily local review by NPT / Response Sergeants

LISTEN checks to be completed, specific to Hate Crime (Processing Development)

CCT to review Guardian 2 / ORIS entries every morning and dip-sample ASB closed logs

Any logs with incorrect closing category to be flagged and re-closed

EROs and File Vectors to review PINK File cases and re-submit where necessary

Investigation to be completed again, examining aspects of hate

LPU Partnership Forums to review all cases bi-monthly

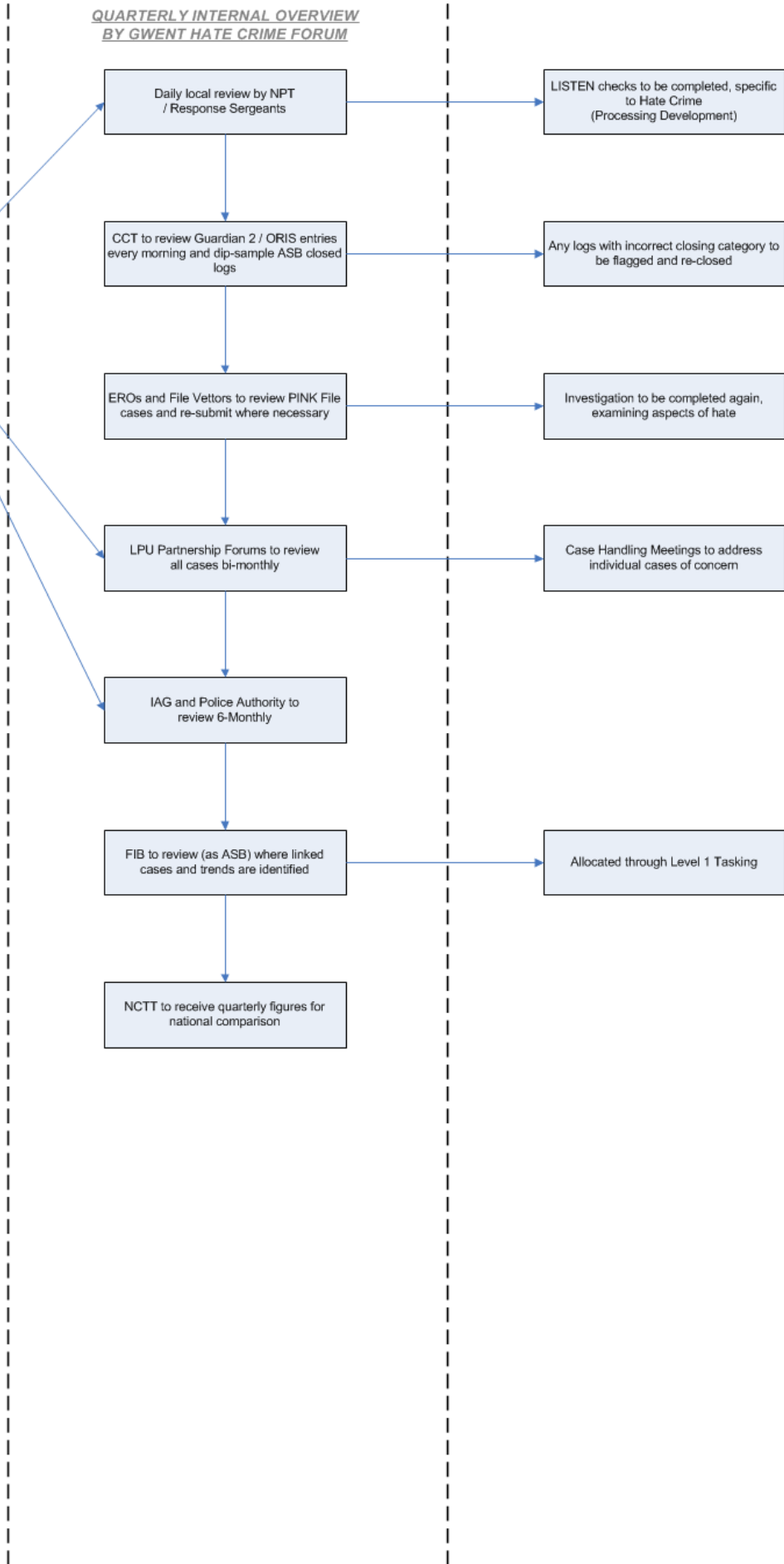
Case Handling Meetings to address individual cases of concern

IAG and Police Authority to review 6-Monthly

FIB to review (as ASB) where linked cases and trends are identified

Allocated through Level 1 Tasking

NCTT to receive quarterly figures for national comparison



APPENDIX 5

Glossary of Abbreviations

ACPO – Association of Chief Police Officers

CCTV – Closed Circuit Television

CID SMT – Criminal Investigation Department Senior Management Team

CPS – Crown Prosecution Service

CSI – Crime Scene Investigation

FCR – Force Control Room

FCS – Force Communications Suite

MG6 – Case File Information (form)

MG File – File submitted by the police to CPS

NCTT – National Community Tensions Team

NPT – Neighbourhood Policing Team

NSU – Neighbourhood Support Unit

ORIS – Operational Resource Information System

PACT – Partnerships and Communities Together

POLSA – Police Search Advisor

SEWREC – South East Wales Regional Equality Council

VALREC – Valleys Regional Equality Council

WITS – Wales Interpreting and Translation Service