

## **GWENT POLICE HATE INCIDENT AND CRIME PROCEDURE (INTERNAL)**



Heddlu  
Gwent  
Police

### **1.0 Procedure**

#### **Guidance for Management of Internal Hate Incidents**

### **Introduction**

When dealing with internal hate incidents<sup>1</sup>, the aim of Gwent Police as an organisation is to protect and reassure police personnel that may be affected. This document sets out the procedure by which Gwent Police will address internal hate incidents. Internal hate incidents are taken to mean an incident which occurs within the organisation (one member of staff victimising another). There is a separate procedure for dealing with external hate crime incidents.

In cases where a member of the public alleges that a hate incident has occurred which a member of police personnel has perpetrated, this should be referred to the Professional Standards Department.

### **1.1 Objectives**

Gwent Police's key objectives relating to internal hate incidents are:

- To build and retain the *confidence* of police personnel in reporting internal 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 police personnel
- 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
- To accurately *monitor* hate incidents within the workplace in order to put in place preventative or remedial interventions

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<sup>1</sup> 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

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- To effectively *scrutinise* our handling of internal hate incidents and associated processes

### 1.2 Definitions

**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’

**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
- Sexual orientation related
- Racist
- Faith or belief / non-belief related
- Disablist

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, and transsexual individuals (who are undergoing gender reassignment surgery or treatment).
- Hate incidents relating to sexual orientation can affect gay, lesbian or bisexual (people who have an attraction to both males and females) people.
- 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’.

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- The Disability Discrimination Act (DDA) defines a disabled person as “someone who has a physical or mental impairment that has a substantial and long-term adverse effect on his or her ability to carry out 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.

**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 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 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

**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*

- An incident or offence where a person is targeted simply because they are vulnerable, is not a hate incident or crime.
- An incident or offence that involves a person that has a disability, minority ethnicity or faith, is gay, bisexual or transgender, but is not motivated by prejudice or hostility is not a hate incident or crime (unless perceived by a victim, witness or third party)

In the event of a criminal offence being committed, 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.

**REPEAT VICTIM** - the first time a hate incident is reported may not be the first time that person has become a victim.

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Any supervisor that has a hate incident reported to them 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.

### 1.3. Processes

#### 1.3.1 Initial Response

##### Reporting

Any police personnel subject to a hate incident, or witness to a hate incident should report it immediately to a supervisor. If the victim or witness does not wish to approach their supervisor, they can report the incident via a third party mechanism. Third party reporting systems that can be used by police personnel include:

Safe Call (0800 9151571)

Safe Call provides a direct, confidential line direct to the Standards Department.

SaferWales ([www.saferwales.com](http://www.saferwales.com))

True Vision ([www.report-it.org.uk](http://www.report-it.org.uk))

SaferNewport ([www.newporthatecrimeforum.co.uk](http://www.newporthatecrimeforum.co.uk))

All of the above offer the victim the choice as to whether their personal details may be shared with the Police. If this option is selected an investigation will commence in the normal manner.

#### 1.3.2 Supervisory Response

Any supervisor dealing with a report of an internal hate incident should ensure that the person making the report is aware of the following:

- That they will receive the full support of the organisation and their line management
- That they will be offered the opportunity to have a person with them during any subsequent proceedings relating to the incident to provide support. This person will be chosen by the person making the report (for example, a friend, member of Unison or the Police Federation, or member of an internal Support Network)
- That they will be given the opportunity to influence how the organisation deals with their report (in accordance with Force policy/procedure)
- That the matter will be referred to the Professional Standards Department (PSD) via the Head of the respective Service Area (or their deputy) no later than 9am the following day

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The supervisor will also have responsibility for risk assessing the situation at all stages, from initial notification to conclusion of any investigation. The safety and well-being of victims and witnesses must be paramount, and any potential for further victimisation should be identified at the earliest opportunity.

The supervisor should ensure that any risks are identified and recorded within an action plan, devised by the supervisor or Professional Standards Department which should also include details of how these risks will be identified, actioned and then minimised. The action plan should not only draw on the supervisor's perception of risk levels, but, perhaps more importantly, on the perceptions of the victim or witness.

The action plan should be dynamic, and updated regularly to ensure that any situational change is monitored and reviewed in relation to changing risk levels. Any interventions put in place should be appropriate to the situation, and clearly documented. The focus should always be on reducing the risk of further victimisation.

An appropriate risk intervention tool to use as a framework for providing support to victims of hate incidents is the RARA model:

- Removal of the risk
- Avoidance of the risk
- Reduction of the risk
- Acceptance of the risk

The RARA model could, depending on the seriousness of the issues, include arrest or suspension from duty to simple words of advice.

### **1.3.3 Senior Management Response**

The relevant Senior Manager will:

- Ensure that immediate support is provided to the person making the report
- Bring to that person's attention this procedure, and the Force Hate Incident and Crime Policy
- Ensure that this procedure is adhered to

The Head of Professional Standards Department will:

- Appoint an investigating officer and commence an internal investigation

## **4. Investigation**

### **4.1 At the Scene**

It is imperative to remember that initial actions taken at the scene of an incident can have a significant impact on the success of any later investigation. These actions could, in some circumstances, be conducted by the person taking the report prior to Professional Standards attendance. In some cases, this can determine the difference between proving/refuting an allegation or accusation. Considerations should include:

- Dealing with the victim sensitively – first impressions have a lasting effect
- Preserving the scene of the incident to prevent loss or destruction of evidence
- Gathering evidence at the scene
- Locating and speaking to witnesses
- Dealing with the accused person in a proper and proportionate manner in accordance with the relevant procedure (see 2.2)

If the alleged incident constitutes a criminal offence, further information on effective investigation and best evidence can be found in the Force's External Hate Incident Procedure.

### **4.2 Dealing with the alleged perpetrator**

In the case of an internal hate incident, the person responsible for the alleged behaviour will probably be known to the person reporting the matter. It is important that this person also receives the proper level of support and advice. This support could be available from Unison, Federation etc.

It is also important to remember that hate incidents are committed because of a person's prejudice or hostility toward a particular group. In addressing a perpetrator's actions, it is equally important to address the underlying attitude or value base that has resulted in the incident.

The Force's Dignity at Work Procedure contains further information on dealing with instances of harassment in the workplace that are motivated by prejudice, please refer to Sections 1.2.6, 1.2.7 and 1.2.8 for further guidance on resolution.

## **5. Victims**

### **5.1 Appropriate support**

It is important to ensure that the victim of any hate incident is offered appropriate support. Even when a hate incident is considered to be relatively 'low' in terms of severity, the nature of hate incidents mean that they are personal, and are more likely to have a significant impact on their victims.

It is also important to be guided by the victim as to what support services (if any) they would like to access. Any referrals should be made with the victim's consent.

Gwent Police has a number of internal support structures that can provide assistance to, and help to ensure the welfare of, victims of hate incidents. Unison, the Police Federation, Confidential Advisors, Occupational Health Unit and the Staff Support Networks can all be accessed either direct by the victim or their supervisor. More information on these services can be found on the Force intranet.

**5.2 Victim Support** – Victim Support provides a range of services that support victims of hate incidents. Further information is available on the Community Cohesion Team's intranet site.

**5.3 External Agencies** – There are a number of external agencies that can provide support to victims and witnesses of hate incidents. A list of useful contacts, websites and support services can be found on the Community Cohesion's intranet site.

## **6. Monitoring**

The Head of the Service Area (or their Deputy) will be responsible for future monitoring of both the future conduct or behaviour of the perpetrator, and the welfare of the victim.

## **2.0 The Legal Basis and Legitimate Aims**

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  
Equality Act 2010

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 Incident and Crime Procedure (Internal)**

**Reference: 112/14b issue 2**

**ACPO Lead: DCC**

**Service Area Owner: Detective Superintendent Professional Standards Department**

**Department Responsible: Professional Standards Department**

**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: 19<sup>th</sup> Dec 2011**

**Procedure Review Date: Dec 13**