



STAFFORDSHIRE
POLICE

Hate Crime – Introduction Procedure

Introduction

In its plan to tackle Hate Crime, HM Government set out the national context for the policing of Hate Crimes and Non-Crime Hate Incidents:

“Hate crime has a particularly harmful effect on its victims, as it seeks to attack an intrinsic part of who they are or who they are perceived to be: their race, religion, sexual orientation, disability or transgender identity. The previous Government’s plan to tackle hate crime (*Challenge It, Report It, Stop It*, 2012) delivered real improvements in the way in which hate crime can be reported as well as improving understanding within the Police Service of the impact that hate crime can have on communities”.

The Government plan further supports our force policy in relation to hate crime. The following procedure is published to assist Force Contact Operators and staff, frontline officers, investigative services supervisors and managers when responding to, and investigating reports of hate crime and non-crime hate incidents.

Hate Crime

A Hate crime is a criminal offence committed against a person or property and that is perceived by the victim or any other person to be motivated by hostility towards someone based upon a real or perceived personal characteristic. They are crimes where the perpetrator’s hostility or prejudice against an identifiable group of people is a factor in determining who is victimised. A victim, complainant or the person the reporting incident does not actually have to be a member of the group. In fact, anyone associated with an identifiable group of people (even mistakenly) could be a victim of a hate crime.

Non-Crime Hate Incident

A non-crime hate incident is any non-crime incident where a crime has not been committed, but meets the following criteria and is perceived by the reporting person or

any other person that the incident was motivated by hostility or prejudice based on a personal characteristics:

- A person's race or perceived race

A person's religion or perceived religion

- Any religious group including those who have no faith in a theology sectarianism and ethno-religion
- Antisemitism can be both racial hostility- for example , targeting Jewish people or communities- or religious hostility targeting Judaism

A person's sexual orientation or perceived sexual orientation

- Any person's sexual orientation

A person's disability or perceived disability

- Any disability including physical disability, learning disability, mental health or development disorders

A person who is transgender or perceived transgender

- Including people who are transsexual, transgender, cross dressers and those who hold a Gender Recognition Certificate under the Gender Recognition Act 2004

There are reasonable objective grounds that support the person reporting's perception of hostility or prejudice.

The report is not assessed as malicious, trivial, vexatious or falling within Article 10 Right to Freedom of Expression.

Hostility

'Hostility' is not a legal term. In the absence of a legal definition of 'hostility' the Crown Prosecution Service gives the following guidance to prosecutors:

"Consideration should be given to ordinary dictionary definitions, which include ill-will, ill-feeling, spite, contempt, prejudice, unfriendliness, antagonism, resentment, and dislike."

In all cases of hostility, victims should be treated sensitively in a way that is appropriate to their needs, recognising the greater impact that hate crimes and incidents may have on victims.

Recording Hate Crimes and Non-Crime Hate Incidents

In determining the aggravating element of a hate crime or non-crime hate incident, where the alleged acts of the perpetrator amounts to a crime under crime recording

rules, this will be recorded as a hate crime. Where the alleged acts of the 'subject' do not amount to a crime, this will be recorded as a non-crime hate incident. Not all hate incidents will amount to criminal offences, but it is equally important that these are reported and recorded by the police.

Evidence of the hate element is not a requirement for hate crimes. You do not need to personally perceive the crime to be hate related. It would be enough if another person, a witness or even a police officer thought that the incident was hate related. **Officers and Staff should not challenge the initial perception of victims or complainant reporting the incident.**

However it is important to investigate the complainant perception to establish why they hold their belief.

For non-crime hate incidents there must be reasonable objective grounds before the incident will be recorded as hate-related.

Nationally Monitored Hate Crimes

NPCC and the Crown Prosecution Service monitor five specific strands of hate crime:

- Disability
- Race
- Religion or Belief
- Sexual Orientation
- Transgender

'Other' Hate Crimes

Staffordshire Police monitors hate crimes and non-crime hate incidents that do not fit into the five monitored areas and records them under the category of 'Other'. Examples of 'Other' hate crimes and non-crime hate incidents are people who are targeted due to hostility towards them based on different personal characteristics, e.g. being a 'Goth' or people who are targeted based on hostility towards age.

Links to other crime types

Hate crimes and Non-crime incidents may also be linked with other crimes and staff must be aware of these lines of enquiry when taking reports and investigating both hate crime and other associated offences. In particular the following types of offending may be linked:

- Homicide
- Vulnerable Adult Abuse
- Honour Based Violence
- Sexual Offences
- Stalking / Harassment

- Assault
- Criminal Damage
- Public Order offences
- Distraction Burglaries

Hate crimes has the potential to escalate into a critical incident, regardless of how trivial an incident may initially appear: For further guidance please see [Force Critical Incident Policy](#).

Repeat Victims or non-crime hate Incidents

‘Repeat hate crime victimisation occurs when either a person or family member or partner or specific location suffers from more than one hate crime/non-crime hate incident within a rolling 12 month period. This also includes offences which may not have previously been reported to the police’.

Victims or complainants may be too frightened to report earlier incidents or may not realise that the abuse they are suffering is a crime or an incident the police will record or respond to They may be subjected to repeat incidents by the same offender or third party, or repeat incidents by different offenders or third parties.

Repeat incidents should be recorded where it is appropriate as they may demonstrate a course of conduct, for example, harassment, or an escalation in behaviour or increase community tension, and are likely to increase the threat of further attacks.

- If a hate crime or non-crime hate incident falls within the above definition the Force Contact Operators will ensure that the STORM incident is tagged with the relevant hate crime tag which will bring it to the attention of the Early Intervention and Prevention Unit (EIPU) Hate Crime Problem Solver
- The EIPU Hate Crime Problem Solver will liaise with the relevant LPT to problem solve the issues surrounding the repeat victim or location in line with the repeat victim policy.
- From the information provided the local supervisor will record and identify repeat victims on Niche.

Role of Early Intervention & Prevention Unit (EIPU) Problem Solver

The role of the (EIPU) Hate Crime problem solver is to provide support and specialist knowledge to operational officers and strategic resources as well as multi-agency partnerships. They contribute to problem solving, trends and incident reduction regarding repeat victims and locations for those most vulnerable and at risk. They also influence the development of hate crime strategies and with partner agencies, both statutory and non-statutory.