



STAFFORDSHIRE
POLICE

Hate Crime – Sexual Orientation Hate Crime Procedure

What is sexual orientation hate crime?

Any 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 sexual orientation or perceived sexual orientation.

Section 146

(1) This section applies where the court is considering the seriousness of an offence committed in any of the circumstances mentioned in subsection (2)

(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 the sexual orientation (or presumed orientation) of the victim

or

b) that the offence is motivated (wholly or partly) by hostility towards persons who are of a particular sexual orientation

Additional Evidence Gathering to be Considered:

- Examples of sexual orientation hate incidents go beyond the typical examples that may immediately come to mind, such as physical assaults, sexual abuse or public disorder. Discrimination against people who are lesbian, gay or bi-sexual may lie behind crimes of criminal damage; arson; blackmail; robbery; theft; burglary; and indeed almost any other crime.
- Be aware that the victims, complainants and witnesses may have partners and families who are not aware of their sexual orientation;

- Victims, complainants and witnesses may be concerned about being “outed”. They may be out to certain groups of people, such as their friends, but not out to other groups, such as their families or their work colleagues.
- Other issues may be a fear of losing their jobs, their homes, their economic stability and their social standing.
- Ensure the victim, complainants and witness has the opportunity to voice their concerns and set out exactly what they believe the impact on their lives might be.
- A person does not have to be gay to be the victim of a sexual orientation hate crime. If there is a need to establish whether the victim is gay or not, as part of the investigation or to gain greater context, this should be approached sensitively. Asking someone why they think they have been targeted is a useful approach.

Additional Support

Care should be taken to ensure that any telephone call or correspondence is carried out with the person(s) concerned.

Consider seeking advice from a Police LGBT Liaison Officer who may be able to advise you about community matters or activities. They may also be able to offer the victim, complainant and witnesses additional help or support.

Establish whether it would be appropriate to offer the victim the services of a specialist hate crime support agency via the use of Commissioned Services.

- Uniting Staffordshire Against Hate (USAH) Staffordshire Victims +Gateway

Glossary of Terms Used Relating to Sexual Orientation Hate Crime Cases

Bisexual A man or woman who is physically, sexually and/or emotionally attracted to people of both sex.

Coming Out The process of telling others about a change in a person's sexual orientation is often referred to as 'coming out'. Coming out is not necessarily a one-off event - lesbians, gay men and bisexual people may have to come out many times during their lives.

Cottaging is a term to describe the activity of men seeking other men for sexual encounters in a public toilet. Many participants do not define themselves as gay or bisexual.

Cruising A term to describe the practice of men seeking other men for sexual encounters in public spaces such as parks or car parks. Many participants do not define themselves as gay or bisexual.

Gay A man or a woman who is physically, sexually and/or emotionally attracted to people or a person of the same sex.

Gay Sauna is a place where men can meet other men for sexual encounters and social interaction. These are legal and legitimate businesses where payment is made for membership and entrance, not for immoral purposes.

Heterosexual A man or a woman who is physically, sexually and/or emotionally attracted to people of the opposite sex. The term 'straight' is often used in modern society to replace the word 'heterosexual'.

Homophobic This is a dated term to describe a fear of, or a dislike directed towards lesbian, gay or bisexual people, or a fear of, or dislike directed towards their perceived lifestyle, culture or characteristics, whether or not any specific LG or B person has that lifestyle or characteristic. A dislike of someone who is lesbian, gay or bi-sexual does not have to be as severe as hatred. It is enough that people do something or abstain from doing something because they do not like lesbian, gay or bi-sexual people. Although the term homophobic hate crime is still in use, sexual orientation hate crime is a less confusing term.

Homosexual This is clinical term used to describe a gay man, in modern society many gay men and women can be offended by the use of this word, the preferred and more acceptable word is 'gay'.

Lesbian A woman who is physically, sexually and/or emotionally attracted to people or a person of the same sex. (Some lesbians prefer to be called a gay women).

On-line Dating and Social interaction is an extremely popular activity with LGBT community. There are many Apps and websites available in what is now a multi- million pound business. Popular Apps include Gaydar and Grindr.

Outed is the act of disclosing a gay, lesbian, bisexual or transgender (LGBT) person's sexual orientation or gender identity without that person's consent. Outing gives rise to issues of privacy, choice, hypocrisy and can cause a great deal of harm.

People who have sex with a person of the same sex There are many men and women who sometimes have sex with people of their own sex but who do not see that that activity means they are LG or B. In other words, the activity does not define their identity. This may include some married men and women; some people who are from the black and minority ethnic communities; and some people who live in faith communities.

Sexual Orientation Is the preferred term used when referring to an individual's physical and/or emotional attraction to the same and/or opposite gender. "Heterosexual," "bisexual" and "homosexual" are all sexual orientations. A person's sexual orientation is distinct from a person's gender identity and expression.