



# Staffordshire Police Equality Impact Assessment



The purpose of this EIA is to ensure you consider any equality issues as part of your decision making when developing / reviewing your policy / procedure.

Please complete the sections below and send to the Equality and Diversity unit to be quality assured. New / revised policies cannot be published on the policy database until the EIA has passed the quality assurance process.

<b>Title of policy:</b>	Hate Crime Policy
<b>Department:</b>	Investigative Services
<b>Date:</b>	25 <sup>th</sup> October 2013

## 1. Identify the aims and purpose of the policy

### Definition

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. This is a broad and inclusive definition. A victim does not have to be a member of the group. In fact, anyone could be a victim of a hate 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 a hostility or prejudice based on a personal characteristic'.

**A hate crime** is a hate incident, the circumstances of which amount to a criminal offence

Association of Chief Police Officers (ACPO) and the Crown Prosecution Service (CPS) have agreed the following 5 monitored strands of hate crime:

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

Staffordshire Police records hate crimes which sit outside the five monitored areas under the category of 'other'. Examples of 'other' hate crimes include the case of a victim who was murdered for being a 'Goth' and targeting people based on hostility towards age.

In the absence of a legal definition of 'hostility' the CPS 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.”**

**What is disability 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 disability or perceived disability.

**What is a racist 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 race or perceived race.

**What is a religious 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 religion or perceived religion.

**What is a homophobic 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.

**What is a transphobic crime?** - Any criminal offence which is perceived, by the victim or any other person, to be motivated by a hostility or prejudice against a person who is **transgender** or perceived to be transgender.

**Crimes against older people** – Older people can be victims of crime in a number of ways and settings, including being targeted based on hostility towards age.

For recording purposes, the perception of the victim or any other person is the defining factor in determining whether an incident is a hate incident or in recognising the 'hostility' element of a hate crime.

A victim's perception that an act was a crime is not defining, however. The alleged actions of the perpetrator must amount to a crime under normal crime recording rules, but if this is the case then the perception of 'the victim or any other person' will decide whether the crime is recorded as a hate crime. If the facts do not identify any recordable crime but the victim, or any other person, perceived the act to be motivated by hostility or prejudice, then the circumstances should be recorded as a hate incident and not a crime.

**2. Identify the individuals and organisations that are likely to have an interest in, or be affected by the policy.**

All Staffordshire police officers and police staff.  
Christian Police Association  
Crown Prosecution Service  
Disability Support Group  
Hate Crime Partners such as Chase Against Crimes of Hate (CACH), Partners Against Crimes of Hate (PACH) and Challenge North Staffs (CNS)  
Her Majesty's Inspector of Constabulary (HMIC)  
Home Office  
Local Contacts as Identified by Tactical Hate Crime Focus Group  
Members of the Public.  
Staffordshire Association for Women in Policing (SAWP)  
Staffordshire County Council  
Staffordshire Police and Crime Commissioner  
Staffordshire Police Federation  
Staffordshire Police Lesbian, Gay, Bisexual and Transgender (LGBT) Association  
Staffordshire Police Multi-Cultural Association  
Stoke on Trent City Council  
UNISON Staffordshire  
8 District Councils of Staffordshire

**3. Data**

In September 2012, the Home Office published statistics on hate crimes recorded by the police in England and Wales for the first time. In 2011 to 2012, 43,748 hate crimes were recorded by the police, of which:

35,816 (82%) were race hate crimes

1,621 (4%) were religion hate crimes

4,252 (10%) were sexual orientation hate crimes

1,744 (4%) were disability hate crimes

315 (1%) were transgender hate crimes

In comparison to police figures, the findings from the 2010/11 Crime Survey for England and Wales suggest that hate crime is hugely under-reported - with estimates of 260,000 incidents on average each year.

In the period 2011/12 Staffordshire Police recorded 764 hate crimes. 57% of the recorded crimes had an outcome; for example, the offender received a caution or a warning, or the case was resolved in accordance with the victim's wishes. During the period 2012/13 the force recorded 806 hate crimes and 59.7% of those crimes had an outcome. (Staffordshire Police – Service Development Unit)

### **3.1 Age**

Although there is no statutory definition of a crime against an older person, it is recognised that older people can be victims of crime in a number of circumstances and settings, including being targeted based on hostility towards age. Therefore consideration should be given to any victims who are targeted on the basis of age such as in the case of distraction burglaries.

### **3.2 Disability**

Hate crime data published by ACPO for 2011 showed a further increase in disability hate crime. However data produced for the calendar year 2011 shows that Staffordshire Police recorded 36 disability hate crimes compared with 41 in 2010 (ACPO Hate Crime Data 2011). Staffordshire recorded 116 disability hate crimes and incidents for the year 2012 to 2013.

### **3.3 Race**

Data produced for the calendar year 2011 shows that Staffordshire Police recorded 461 hate crimes related to race compared with 762 in 2010 (ACPO Hate Crime Data 2011). Staffordshire recorded 967 race hate crimes and incidents for the year 2012 to 2013.

### **3.4 Religion or Belief**

Data produced for the calendar year 2011 shows that Staffordshire Police recorded 4 hate crimes related to religion/faith compared with 9 in 2010 (ACPO Hate Crime Data 2011). Staffordshire recorded 5 religious/faith hate crimes and incidents for the year 2012 to 2013.

### **3.5 Sex**

Sex is not a nationally monitored area. There is no decisive data that males or females are more at risk of being a victim of hate crime.

### **3.6 Sexual Orientation**

Data produced for the calendar year 2011 shows that Staffordshire Police recorded 42 hate crimes related to sexual orientation compared with 43 in 2010 (ACPO Hate Crime Data 2011). Staffordshire recorded 145 sexual orientation hate crimes and incidents for the year 2012 to 2013.

### **3.7 Transgender**

Data produced for the calendar year 2011 shows that Staffordshire Police recorded 4 hate crimes related to transgender and 4 in 2010 (ACPO Hate Crime Data 2011). Staffordshire recorded 13 transgender hate crimes and incidents for the year 2012 to 2013.

## **4. Research**

Summarise the findings of any research you have considered regarding this policy for all or any of the protected groups. This could include information you have obtained from other sources e.g. ACPO, Home Office.

### **4.1 Age**

The policy considers issues that arise from dealing with victims of hate crime or incidents that require a particular response or consideration relating to their vulnerability and this includes those from particular age groups such as children or the elderly.

### **4.2 Disability**

The policy considers issues that arise from dealing with victims of hate crimes or incidents that require a particular response or consideration relating to their vulnerability and this includes people with a disability. A particular response for victims of disability hate crime could include considering whether there is a need for special measures. Special measures can mean ensuring the victim has an appropriate adult with them during an interview. Or, arranging for an intermediary to be present. An intermediary is a specialist who can help a victim or witness with

communication difficulties.

#### **4.3 Race**

The policy considers issues that arise from dealing with victims of hate crimes or incidents that require a particular response or consideration relating to their vulnerability and this includes people from a minority ethnic background. A particular response or consideration could include being aware that a victim of race hate crime may not wish to give evidence because he or she lives or works in a community in which they feel isolated or particularly vulnerable. There may also be a need to provide a translator if the victim does not speak English.

#### **4.4 Religion or Belief**

The policy considers issues that arise from dealing with victims of hate crimes or incidents that require a particular response or consideration relating to their vulnerability and this includes those who may be targeted because of a particular religion or belief. In addition to the fact that a victim of religious hate crime may not want to give evidence because her or she lives or works in a community in which they feel isolated or particularly vulnerable, victims and witnesses may be fearful of the consequences of giving support to the prosecution.

#### **4.5 Sex**

The policy makes no distinction between males or females when dealing with victims of hate crimes or incidents.

#### **4.6 Sexual Orientation**

The policy considers issues that arise from dealing with victims of hate crime or incidents because of their sexual orientation. This includes being aware that victims may not want their sexual orientation to be disclosed.

#### **4.7 Transgender**

This policy considers issues that arise from dealing with victims of hate crime or incidents that may be from the transgender community. This includes being aware that victims may not want their transgender status to be disclosed.

### **5. Consultation**

Summarise the opinions of any consultation for all or any of the protected groups. Who was

consulted and how e.g. survey, discussion, forum.

If there was no consultation please justify why.

The Staffordshire Police Hate Crime policy and procedures have been prepared to be compliant with Association of Chief Police Officers (ACPO) Hate Crime Manual 2013. This national document was developed following national consultation with a wide variety of professional and voluntary bodies including representatives from all protected groups.

At a local level Staffordshire Police has consulted in the following manner:

- Satisfaction surveys of hate crime victims.
- Service Level Agreement with Crown Prosecution Service (Regional) formulated following consultation with key minority groups
- Mencap and Staffordshire Police approaches to hate crime
- Transgender consultation day and conference to enhance Staffordshire Police approach to hate crime
- Regular meetings with key partners, these being CACH, PACH and CNS and groups representing city and county councils
- Locally identified single points of contact with responsibility for developing and maintaining relationships with key local groups.
- Staffordshire Police Disability Support Group
- Staffordshire Police Lesbian, Gay, Bisexual and Transgender Support Association
- Staffordshire Police Multi-cultural Association

The policy was considered at the internal Tactical Hate Crime Focus Group on 28<sup>th</sup> June 2013; and the internal Strategic Equality Steering Group (SESG) on 4<sup>th</sup> July 2013.

The policy was sent to attendees for consideration and the following feedback was received: The LGBT Association asked for details of the force LGBT Liaison Officers to be included in the policy to raise awareness of this support network. This has been done.

The LGBT Association also asked for sexual orientation and transgender to be included as separate categories, without any duplication of glossary of terms. This was to avoid any confusion between the two terms. This has been done.

The procedures and points of consideration for each of the specific hate crime areas was shared with hate crime partners and single points of contact (SPOCs) for hate crime from across the force at a consultation meeting arranged for 5<sup>th</sup> September.

CACH (Chase Against Crimes of Hate), CNS (Challenge North Staffs), PACH (Partners Against Crimes of Hate) and Mencap attended the consultation meeting. There were a number of internal representatives including hate crime single points of contact (SPOCs) from across the force. The meeting was chaired by the Head of the Protecting Vulnerable People (PVP) department.

Feedback from the meeting was as follows:

The section on whether to record something as a hate crime or hate incident was too confusing and should be re-worded. This was done with the help of partners.

The list of monitored strands of hate crime should include religion or belief instead of religion or faith. Also, ethnicity should be included alongside race to help people understand what is meant by race. Both suggestions were included.

A prompt for officers to consider whether victims need additional and specific hate crime support (as included in the sexual orientation section) should be added to all sections. This has been done.

Officers need to approach sexual orientation hate crime victims sensitively. They should think carefully about whether there is a need to ask a victim if they are gay. This advice was incorporated into policy, with a suggestion officers ask a victim why they think they have been targeted.

The definition of autism should include reference to Asperger's syndrome. The definition has been amended to include mention of Asperger's syndrome.

A sentence should be added to the learning disability section to highlight the importance of language and the fact there may be a need for additional support when interviewing

someone with a learning disability. This has been done.

There was also an action for a representative from the Equality and Diversity Unit to meet with Mencap to develop some language support to include in the policy. This meeting took place and guidance was agreed and sent to the Head of the Protecting Vulnerable People (PVP) Department for inclusion in the policy. The guidance covers two areas: 'How can you tell if someone might have a learning disability?' and 'Communicating well with people with a learning disability'.

### **5.1 Age**

The Staffordshire Police Hate Crime policy and procedures have been prepared to be compliant with ACPO Hate Crime Manual 2013. The guidance it contains was formulated following consultation with a wide variety of professional and voluntary bodies including representatives from all protected groups nationally.

### **5.2 Disability**

The Staffordshire Police Hate Crime policy and procedures have been prepared to be compliant with ACPO Hate Crime Manual 2013. The guidance it contains was formulated following consultation with a wide variety of professional and voluntary bodies including representatives from all protected groups nationally.

### **5.3 Race**

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### **5.4 Religion or Belief**

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### **5.5 Sex**

The Staffordshire Police Hate Crime policy and procedures have been prepared to be compliant with ACPO Hate Crime Manual 2013. The guidance it contains was formulated following consultation with a wide variety of professional and voluntary bodies including representatives from all protected groups nationally.

### **5.6 Sexual Orientation**

The Staffordshire Police Hate Crime policy and procedures have been prepared to be compliant with ACPO Hate Crime Manual 2013. The guidance it contains was formulated following consultation with a wide variety of professional and voluntary bodies including representatives from all protected groups nationally.

### **5.7 Transgender**

The Staffordshire Police Hate Crime policy and procedures have been prepared to be compliant with ACPO Hate Crime Manual 2013. The guidance it contains was formulated following consultation with a wide variety of professional and voluntary bodies including representatives from all protected groups nationally.

## **6. Conclusions**

Taking into account the results of the monitoring, research and consultation, set out how the policy impacts or could impact on people from the following protected groups? (Include positive and/or negative impacts)

### **6.1 Age**

While there is no decisive data that people from a particular age group are more likely to be victims of hate crime, the policy recognises that older people can be victims of crime in a number of circumstances and settings, including being targeted based on hostility towards age such as in the case of distraction burglaries.

### **6.2 Disability**

National data shows a further increase in disability hate crime. However data produced for the calendar year 2011 shows that Staffordshire Police recorded less disability hate crimes compared with 2010 (ACPO Hate Crime Data 2011).

### **6.3 Race**

The policy considers issues that arise from dealing with victims of hate crime who require a particular response and this includes those from minority ethnic communities.

#### **6.4 Religion or Belief**

The policy considers issues that arise from dealing with victims of hate crime who require a particular response and this includes those from particular religions or beliefs.

#### **6.5 Sex**

The policy recognises that both males and females can be victims of hate crime and there is no decisive data that one gender is more likely to be a victim than the other.

#### **6.6 Sexual Orientation**

The policy considers all issues that arise from dealing with hate crime victims who require a particular response and this includes those targeted because of their sexual orientation or perceived sexual orientation.

#### **6.7 Transgender**

The policy considers all issues that arise from dealing with hate crimes victims who require a particular response and this includes those from the transgender community.

### **7. Decisions**

If the policy will have a negative impact on members of one or more of the protected groups, explain how the policy will change or why it is to continue in the same way. If no changes are proposed, the policy needs to be objectively justified.

The policy will not have a negative impact on any of the protected groups. The policy and its supporting procedures are designed to take account of members of recognised protected groups

### **8. Monitoring arrangements**

If the policy is new what consideration has been given to piloting the policy?

If monitoring is not already in place what arrangements have been made to monitor the effects of the policy on equality and diversity?

The policy is not new; the Hate Crime policy is the most recent update based on current best practice guidance. Hate Crime arrangements within Staffordshire Police includes partnership work with hate crime support groups, charities and the County and Stoke on Trent Councils.

Staffordshire Police is committed to ensuring that its policies and working practices are working to achieve its priorities. To monitor performance and development in this area the force engages in the following quality assurance processes:

- Monitoring the number of reports of hate crimes / incidents
- Monitoring the outcomes of all reported hate crime
- Monitoring satisfaction levels of victims of hate crime
- Internal audits that review our process from call for service to court disposal
- Tactical Hate Crime Focus Group considers the force approach to hate crime/incidents and identifies best practice, areas for improvement and organisational learning
- Force Strategic Equality Steering Group directs the force approach to hate crime.
- Performance Assessment Unit (PAU) monitors the force professional standards.
- External reviews – The force participates in inspections and reviews by external partners including Her Majesty’s Inspector of Constabulary (HMIC) and Ministry of Justice.
- Partnership – The force shares monitoring data with key partners to ensure external and independent scrutiny of its approach to hate crime.

**This equality impact assessment will be published on the force website.**

EIA Form Dated  
01/2/13