

Title:	Hate Crimes and Hate Incidents	
Practice / Business Area:	Protecting Vulnerable People	
Department Responsible:	Corporate Services	
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Version Number:	07 (external)	Chief Constable
SOUTH WALES POLICE PROCEDURE OBJECTIVE:		
To reduce the harm caused by hate crime and increase the trust and confidence in the police by communities that fear they may be a target of hate crime and incidents.		
GUIDANCE:		
All aspects of this Guidance and Procedure are mandatory therefore please refer to Procedure.		
GENERIC RISK ASSESSMENT:		
Risk Assessment Form accessed via Niche OEL code HC09 Risk Assessment / Decision making.		
PROCEDURE:		
<u>ROLES AND RESPONSIBILITIES</u>		
The identification and investigation of Hate Crimes and Hate Incidents is an issue for all South Wales Police personnel with officers and staff having specific roles and duties to undertake.		
<u>Chief Officers</u>		
Chief Officers have strategic responsibility for the investigation and management of Hate Crimes and Hate Incidents.		
<u>Corporate Services Department</u>		
The Corporate Services Department manages this strategic responsibility on behalf of Chief Officers.		
<u>BCU Commanders</u>		
BCU Commanders are responsible for the local delivery of Hate Crime and Hate Incident investigation and management. They MUST :		
<ul style="list-style-type: none"> • Convene a regular forum that functions as a Review Group for hate crime, chaired by a member of the Senior Management Team. Hate Crimes, Hate Incidents, Action Plans and Community Impact Assessments will be reviewed and updated as necessary at these meetings to ensure both organisational and BCU Annual Plan priorities are met. Meeting minutes will serve as an auditable record of the BCU's response to hate crime for both internal and external inspections e.g HMICFRS. 		
<u>Officer or member of staff receiving the first report of a Hate Crime or Hate Incident</u>		

The officer or member of staff receiving the report of a Hate Crime or Hate Incident **MUST:**

- Ensure a Control Works incident or NICHE occurrence is created, which clearly identifies the crime or incident as being motivated by prejudice or hate. The nature of the Hate Crime or Hate Incident should be described in the free text and using the Niche NICL Code.

Public Service Centre

Public Service Centre personnel **MUST** ensure:

- Hate Crimes and Hate Incidents are to be subject to the THRIVE process but due to the prevailing community tensions and feedback around hate and the policing response both nationally and locally such calls should be graded G1 or G2 *unless there are exceptional circumstances* e.g where the victim is not available.
- The nature of the Hate Crime or Hate Incident is described in the free text and using the Niche NICL Code.
- All Hate Crimes and Hate Incidents must be resourced and attended in person by a Response or N.P.T officer.
- The Front Line Supervisory Officer and Bronze Inspector are made aware of the report of Hate Crimes and Hate Incidents for consideration and review of initial actions.

Bronze Inspector

The Bronze Inspector **MUST:**

- Review the incident for correct grading, response and updates e.g. suspect details.
- Ensure the Front Line Supervisor is aware of the incident.

Front Line Supervisor

The Front Line Supervisor **MUST:**

- Ensure appropriate resources are allocated.
- Ensure attendance within grading timescales.
- Ensure an OIC is appointed (this will normally be the first attending officer unless there are practical reasons why this would be inappropriate).
- Intrusively supervise every Hate Crime and Hate Incident, the lines of enquiry, victim support measures and ensure full updates are recorded on the Niche OEL, endorsing accordingly using HC04 code.

First Attending Officer

The First Attending Officer will normally become the Officer in the Case (OIC) unless it is impractical for them to do so. If this is the case then the Supervisory Officer must assign an OIC before the conclusion of the Tour of Duty.

The OIC is responsible for the investigation of the Hate Crime or Hate Incident and keeping the victim updated on the progress of the investigation.

The First Attending Officer **MUST:**

- Establish with the victim their **preferred method of contact**
- Establish with the victim whether there is **any other person** they would like to be contacted on their behalf.
- Provide the victim with the **Control Works incident and/or Niche occurrence numbers**.
- Correctly **identify and endorse** the Hate Crime or Hate Incident on Control Works/Niche, specifying whether the hostility is Disability, Racial, Faith or Belief, Homophobic or Transgender in nature. (Remember if any person, including the officer or victim, believes the occurrence to be motivated by prejudice or hate, then it is.)
- **Take Positive Action** to identify what offences have been committed, consider arrest, restorative justice etc.
- **Take a Statement** at the time if practicable to secure the victim's commitment. Also complete a Victim Personal Statement (VPS), and if the case proceeds to court then obtain a further VPS detailing the impact of the crime nearer to the Court date.
- Consider the circumstances of the victim and whether the completion and submission of form **PPN** is appropriate.
- **Crime** the matter where applicable under NCRS guidelines if not already crimed at source by PSC.
- Update the supervisory officer.
- **Record the update** on the Niche OEL with details of all actions taken and Markers added where appropriate.
- Complete the **Hate Crime Risk Assessment** via the Niche OEL – HC09 code. See Risk Assessment notes below.
- Complete the Victim Needs Assessment via the Niche OEL – VU01 code. This will determine whether the victim will receive a standard or enhanced service under the Victims Code of Practice.
- Seek consent and refer the victim to support agencies (South Wales Victim Focus or other specialist support).

Hate Crime Officers

Hate Crime Officers provide reassurance, support, assistance and advice, in order to meet the individual and specific needs of the victim. They are not the primary investigators of Hate Crimes or Hate Incidents.

Hate Crime Officers **must**:

- Review and monitor the victim Risk Assessments and consider the requirement for an Action Plan in liaison with the relevant Local Policing Inspector.
- Where necessary, formulate an Action Plan in consultation with the Local Policing Inspector.
- Support the Local Policing Inspector in considering the requirement for and preparation of a Community Impact Assessment.
- Facilitate the involvement of other relevant agencies to provide reassurance, advice and support to victims where necessary.
- Provide support and advice to the OIC who is undertaking the investigation, with particular emphasis on, victim care, mediators, interpreters and cultural issues.

- Consider and where appropriate task other BCU police officers and police staff with providing additional support and advice to the OIC and the victims e.g the Crime Reduction adviser, ASB officer, CID or Public Protection officer, etc.
- Visit every Hate Crime and Hate Incident victim within 7 days of the occurrence being reported unless the victim declines this service.
- Research NICHE and other intelligence facilities to identify, monitor and record hate occurrences / crimes.
- Attend BCU Hate Crime Review Group meetings and update the Senior Management Team on all Hate Crimes and Hate Incidents to enable robust senior management involvement and direction.
- Support community tension monitoring processes.

Local Policing Inspector

The Local Policing Inspector **MUST**:

- Liaise with the OIC and the Hate Crime Officer to formulate, approve and implement any Victim Action Plan that has been identified as necessary by the Risk Assessment process.
- Ensure the implementation of the Action Plan.
- If necessary, produce a Community Impact Assessment to ensure the future safety and wellbeing of the victim and the wider community.

NPT Supervisor

The NPT Supervisor **MUST**:

- Support the Local Policing Inspector in implementing any Action Plan
- Coordinate any required follow up actions considered necessary, including victim reassurance visits.

Incident Review Team (IRT)

The Incident Review Team in the Public Service Centre may review Hate Crime and Hate Incidents as part of the IRT remit, and may expedite some enquiries, actions and updates. This does not, however, affect all the specific responsibilities listed above.

FORMS:

- Risk Assessment Form accessed via Niche OEL code HC09.

LEGISLATION & REGULATION:

The Crime & Disorder Act 1998 <http://www.legislation.gov.uk/ukpga/1998/37/contents> (as amended by the Anti-Terrorism, Crime & Security Act 2001) addresses the issue of racially and religiously aggravated crime.

It sets out certain conditions under which specified 'base' offences are deemed to be racially and religiously aggravated and it provides increased powers available to courts to punishment of such offences.

In addition, the Act allows the courts to consider racial or religious motivation or racial or religious hostility as aggravating factors **when deciding on the sentence** for any

offence which is not specifically a racially or religiously aggravated offence under the Act.

The Criminal Justice Act 2003 <http://www.legislation.gov.uk/ukpga/2003/44/contents> addresses the issue of sexual orientation and disability hate aggravated crime.

The Act sets out a requirement for the courts to consider hate of sexual orientation and disability as aggravating factors **when deciding on the sentence for any offence** in a very similar way the Racial or Religious aggravated offences, except that no new specific offences were created.

So, hatred of sexual orientation or disability, although not an element of the offence can be taken into consideration by the court in sentencing for any offence.