

Hate Crime

Policy & Procedure

Greater Manchester Police

December 2017



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1. Policy Statement

Hate crime is the most impactful manifestation of hostility and prejudice in our society. Being targeted either wholly or partly due to a personal characteristic can have a devastating impact upon the victim and, in some situations, have a corrosive effect on community cohesion.

Public confidence can also be seriously affected if the police and other agencies' responses are seen to be ineffective. This can further lead to victims feeling isolated, fearful of what might happen next and potentially less likely to report further incidence, as well as create an environment for hostility and prejudice to thrive and damage the fabric of our society.

Hate crime is a priority for Greater Manchester Police. The force has a Greater Manchester Hate Crime Working Group to oversee forcewide activity and has identified several equality objectives that are hate crime related. However, the responsibility to provide a quality service to victims extends to every member of staff whose role touches upon the force's response to hate crime – it is essential that we maintain a victim-centred approach by putting them first, understand any impact upon them and liaise with our partners in order to ensure that support based upon victim need is being delivered.

We have adopted the national [College of Policing Hate Crime Operational Guidance](#) as the basis of our policy and all staff should follow its directions and good practice. We will also follow a 'positive intervention' approach, by which we will take firm action against offenders whenever there is sufficient evidence and, where appropriate, explore restorative justice opportunities, ensuring at all times that we maintain a victim focused approach.

1.1 Aims

The purpose of this policy is to ensure that, by dealing with victims of hate crime effectively and conducting thorough risk assessment processes from a victim and, where appropriate, community perspective, we endeavour to reduce the likelihood of future harm, occurrence and impact upon community cohesion by providing guidance to all officers and police staff in the identification of incidents. GMP aims to:

- Give victims the confidence to report hate crime and hate incidents and keep them safe from further risk of harm,
- Develop responses that keep people safe and foster environments that promote cohesive communities,
- Investigate all reports effectively ensuring a victim-centred approach,
- Work with partners to raise awareness and the reporting of hate crime and hate incidents, and
- Adopt a 'positive intervention' approach taking firm action against offenders whenever we have sufficient evidence (refer to Appendix A).

2. Scope

This policy applies to all police officers, special constables and members of police staff dealing with hate crime and hate incidents. It sets out responsibilities and

procedures that are specific to hate crime, and where relevant, links to other force policies whereby hate crime is integrated into our policing response.

3. Roles & Responsibilities

3.1 Assistant Chief Constable, Local Policing

Has responsibility for:

- Providing strategic direction to the force and the Neighbourhoods, Confidence and Equality Unit,
- Overseeing forcewide performance through the Senior Leadership Forum,
- Maintaining an overview of forcewide hate crime activity and how this relates to overall performance, including acting as Chair for the Confidence and Equalities Board which receives updates on hate crime,
- Engaging with the Mayor/Greater Manchester Combined Authority in relation to hate crime related performance and activity,
- As required, acting as Gold Commander for any hate crime related critical incident, and
- As required, acting as the force single point of contact (SPOC) for engagement with the media.

3.2 Chief Superintendent, Professional Standards Branch

Has responsibility for:

- Overseeing forcewide incidence of complaints against GMP staff whereby there is an allegation including a hate element (discriminatory aggravating factor) and taking necessary action where appropriate,
- Ensuring that there are corporate systems to capture data relating to complaints whereby there is a discriminatory aggravating factor, and
- Ensuring that Professional Standards Branch investigators have an understanding of hate crime, and where required, ensure that any training needs are met.

3.3 Head of Profession for Neighbourhoods, Confidence and Equality Unit

Has responsibility for:

- Ensuring that hate crime across all of the hate motivations is integrated into customer insight work,
- Liaising with the Mayor/Greater Manchester Combined Authority on force performance and community engagement,
- Acting as a specialist equality and diversity advisor in the event of a hate crime related critical incident or establishment of any consequence management function,
- Undertaking strategic engagement with corporate partners, and
- Overseeing activity being undertaken by the Equality Team and providing strategic direction as required.

3.4 Equality Team, Neighbourhoods, Confidence and Equality Unit, Local Policing & Criminal Justice Branch

Has responsibility for:

- Maintaining and reviewing force policy,
- Maintaining and reviewing the 'Hate Crime – A Practical Guide',
- Maintaining and reviewing hate crime related service level agreements with partners,
- Maintaining corporate partnership engagement both with statutory and voluntary sector organisations, but in particular with the Crown Prosecution Service,
- Supporting GMP's involvement in the Crown Prosecution Service's (CPS) Hate Crime Scrutiny Panel,
- Identifying to the force any national initiatives or developments in the field,
- Maintaining liaison with the NPCC hate crime lead regarding any developments in national guidance,
- Maintaining liaison with the 'True Vision' Management Group regarding True Vision products, website and on-line reporting,
- Providing guidance to colleagues in relation to hate crime legislation and procedure,
- Supporting districts and branches in the sharing of good practice,
- Liaising with Corporate Communications in order to ensure that the force's website is up-to-date with hate crime related information and advice,
- Providing support to any Consequence Management Team established to respond to a forcewide hate crime related critical incident, and
- Providing administrative support and oversight of the force's Hate Crime Working Group and associated action plan.

3.5 Branch Head, Human Resources Branch

Has responsibility for:

- Overseeing forcewide incidence of grievance and harassment & bullying complaints whereby there is a discriminatory aggravating factor and taking the necessary action where appropriate, and
- Ensuring that Human Resources Branch provide advice and support to grievance managers in investigating grievance and harassment & bullying complaints.

3.6 Branch Head, External Relations and Performance Team, Local Policing & Criminal Justice Branch

Has responsibility for:

- Acting as force signatory for the hate crime related service level agreements with partners and ensuring that those agreements are reviewed,
- Ensuring that Branch's Performance Team produces and develops regular performance management data for the force, such as reporting rates, use of restorative justice, data quality measures and customer satisfaction rates and that this data is made available to branches and districts for review through forcewide systems,

- When appropriate, presenting forcewide and district hate crime related performance at the Senior Leadership Forum,
- Ensuring that the Performance Review Team scrutinises district level performance through the Deputy Chief Constable Audit Meetings and Engagement Visits, and
- Ensuring that the Crime Audit Team undertakes regular hate crime audits, feeding back areas for development through forcewide performance management processes.

3.7 Chief Superintendent, Specialist Operations

The Branch Commander has responsibility for:

- Maintaining a forcewide overview of hate crime and hate incidents reported at all major and sporting events, particularly football events, ensuring - where necessary - that colleagues with another forcewide strategic lead are aware of any emerging trends,
- Ensuring that Specialist Operation Branch staff who are involved in the planning of all major and football events have an understanding of hate crime, and where necessary, ensuring that any training needs are met,
- Ensuring that the Silver Commander for any such major or sporting events is fully aware of their responsibilities.

3.8 Event Silver Commander

Has responsibility for:

- Appointing a Senior Investigating Officer (SIO) who will then be responsible for ensuring that all crime investigation policies are followed throughout the event. If no SIO is appointed, then that responsibility will fall to the Commander.
- Ensuring that reports of hate crimes or hate incidents at any major events are recorded by the officer receiving the complaint or witnessing an incident irrespective of whether suspects are identified or not,
- Ensuring that officers engaged on a major policing event are fully briefed and understand that they are required to take positive action with regard to all reports of hate crime. It is not sufficient to merely record it, but they must also investigate it thoroughly and give the appropriate level of support to victims.
- Ensuring that allegations of hate crime at major events have a focused response, either by appointing a dedicated investigation team or ensuring that the enquiry is appropriately supervised and quality assured.

3.10 Superintendent, Criminal Justice & Custody Team, Local Policing & Criminal Justice Branch

Has responsibility for:

- Working in partnership with criminal justice agencies to provide effective victim and witness care services,
- As required, ensuring that any hate crime related IT enhancements to ICIS case management are undertaken,
- Monitoring compliance against the hate crime related service level agreements, taking any necessary action, and

- Working in partnership with the Equality Team in relation to any revision of the hate crime related service level agreements.

3.11 Chief Superintendent, Public Protection

Has responsibility for:

- Maintaining a forcewide overview of hate crime and hate incidents reported through safeguarding referral mechanisms, ensuring - where necessary - that colleagues with another forcewide strategic lead are aware of any emerging trends,
- Ensuring that public protection investigators have an understanding of hate crime and that any training needs are met, and
- Ensuring that there are systems in place for referrals at point of receipt to be assessed as to whether they should also be recorded as either a hate crime or a hate incident, and when they are, that investigators integrate compliance with this policy into their investigations.

3.12 Branch Head, Corporate Communications Branch

Has responsibility for:

- Ensuring that media scanning is undertaken and provided to the Hubs in order to identify any hate crime related issue that may attract media attention,
- Acting as the force SPOC for hate crime related media enquiries, delegating responsibility to Senior Leadership Team members as required,
- Acting as a specialist communications advisor following any hate related critical incident or establishment of any consequence management function, delegating responsibility to Senior Leadership Team members as required,
- Ensuring the development and maintenance of a forcewide Hate Crime Communications Plan,
- Ensuring development of hate crime related communications activity, and
- Ensuring development of hate crime related communications material for forcewide and/or district use.

3.13 Chief Superintendent, Operational Communications Branch

Has responsibility for:

- Ensuring that all hate crimes and hate incidents are properly recorded at first point of contact within Operational Communications Branch (OCB),
- That all OCB staff are trained to identify all aspects of hate crime and properly record as such in line with the Graded Response Policy, and
- Ensure that all staff are familiar with and promote, the alternative methods of reporting hate crime incidents via True Vision or other on-line mechanisms.

3.14 Territorial Commander – ‘Gold’

Have responsibility for:

- Promoting the reporting, investigation and prosecution of hate crime and hate incidents across their territorial command area,

- Ensuring that the Community Safety Partnership and other criminal justice partners play a full role in the prevention of hate crime and that they arrange good reporting and responding mechanisms to hate crime patterns,
- Appointing a Hate Crime Champion from their districts' Senior Leadership Team ('Silver' - ideally with a criminal justice and/or partnership lead), and
- Ensuring that the SLT Hate Crime Champion liaises at a senior level with the CPS's Branch Crown Prosecutor via local prosecution teams and support the delivery of effective hate crime prosecutions.

3.15 District Superintendent - 'Silver' Hate Crime Champions

Have the responsibility for:

- Promoting a policing style that demonstrates a commitment to delivering a quality service and support to minority groups and vulnerable people, victims and witnesses of hate crimes and hate incidents,
- Including hate crime within District Policing Plans and communicating those plans to local communities,
- Maintaining an oversight of local hate crime performance, looking for opportunities to further improve performance, as required, including the use of the Office for Criminal Justice Reform's hate crime performance toolkit,
- Ensuring that district staff have an awareness of the force's hate crime service level agreements with the CPS, other criminal justice agencies and Victim Support and apply where relevant to their respective roles,
- Ensuring that hate crime related activity linked to any relevant equality objective is undertaken and that the objective is achieved,
- Ensuring that all hate crimes and hate incidents are properly recorded and fully investigated, reviewed by district representatives and that all hate crimes and hate incidents are discussed at the daily Pacesetter meetings,
- Ensuring that hate crimes will not be finalised until such time as they are subject to a review by them or a nominated supervisor,
- Ensuring that positive intervention guidelines are being effectively managed on the district,
- Promoting and ensuring that officers are undertaking a 'harm, risk, threat and vulnerability' assessment, taking cognisance of the National Decision Making model,
- Ensuring that officers are attending hate crime training opportunities delivered by OLWD and co-ordinating any further district level training on the awareness of hate crime on the district, as necessary,
- Ensuring that there are effective mechanisms in place for the effective management of the district's third party reporting centres, and
- Appointing a middle leader as a 'Bronze' district Hate Crime Champion.

3.16 District 'Bronze' Hate Crime Champions

Have responsibility for ensuring that district activity aligned to the following is undertaken:

- Developing relationships with, and raising the confidence of, minority communities and vulnerable individuals who may be more likely to be affected by hate crime,

- Ensuring that Local Policing Teams (LPT) are aware of and have links with outside agencies co-ordinating support services, particularly for repeat victims and those with bespoke needs,
- Developing and co-ordinating alternative reporting mechanisms for hate crime, including training and support for third party reporting centres and the provision of 'True Vision' reporting packs locally (ensuring that the inserted pre-paid envelope has the divisional Hub's address and business reply service's licence number),
- Ensuring that third party reporting centre staff are aware that any third party reporting form should include all available details, and in particular: 1) if the victim does not wish to be identified or contacted further, this fact **must** be clearly endorsed on the form, and 2) in **all** cases whereby a hard copy reporting form has been completed (as opposed to reporting on-line), then the form must be forwarded as soon as possible to the relevant LPT supervisor,
- Attending at any local Hate Crime Forum (or similar) and working with partners to co-ordinate city/district wide joint responses to hate crime that is focussed on priorities,
- Maintaining an overview of current and developing hate crime trends on the district and supporting LPTs to implement local responses, as appropriate,
- Maintaining a working knowledge of force and national responses to hate crime and developments in the field, and
- Cascading knowledge of hate crime to LPTs in order to raise their understanding and maintain focus as a priority, including raising awareness of the 'Hate Crime – A Practical Guide' that is available on force forms (by packs).

3.17 Local Policing Team Inspectors and Sergeants

Have responsibility for:

- Promoting a 'positive intervention' approach to hate crimes and hate incidents, ensuring that the victim is put first,
- Ensuring that their staff deliver effective responses to hate crime, and where necessary, provide support and guidance,
- Ensuring that their officers are aware that if proceedings are not to be pursued through the criminal justice process, then the advice of a supervisor or person/s nominated by the District Superintendent must be sought,
- Monitoring hate crime and hate incident reports in order to identify if any have the potential to have an impact upon community cohesion and/or be a critical incident, and
- Ensuring that there is supervisory oversight of hate crime and hate incident investigations, including ensuring that a 'harm, risk, threat and vulnerability' assessment taking cognisance of the National Decision Making model is undertaken and that hate related incidents and crimes are effectively triaged through iOPS problem solving tool.

3.18 Local Policing Team Duty Detective

- Ensuring that there is specialist investigative oversight of hate crime investigations, providing guidance to investigating officers as appropriate.

3.19 Local Policing Teams

Have responsibility for:

[Equality Team - Neighbourhoods, Confidence and Equality Unit]

- Developing relationships with, and raising the confidence of, the police amongst minority communities and vulnerable individuals who may be more likely to be affected by hate crime,
- Utilising contacts within the community to raise awareness of hate crime and the priority given to it by GMP,
- Understanding hate crime trends and emerging issues within their neighbourhood,
- Working with partners to develop multi-agency responses to reports of hate crimes and hate incidents, and
- Identifying and supporting hate crime victims at a neighbourhood level.

4. Terms and Definitions

4.1 Hate motivations

Nationally, the police and the Crown Prosecution Service record hate crimes and hate incidents that have either been or perceived to have been motivated by hostility or prejudice due to a person's:

- Disability
- Race
- Religion / belief
- Sexual orientation
- Transgender identity

or a combination of the above.

Greater Manchester Police also records an additional hate motivation of:

- Alternative sub-culture

4.2 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 a person's alternative sub-culture identity, disability, race, religion, sexual orientation or perceived alternative sub-culture identity, disability, race, religion, sexual orientation or against a person who is transgender or perceived to be transgender”

4.3 Hate crime

“Any criminal offence which is perceived by the victim or any other person to be motivated by hostility or prejudice based on a person's alternative sub-culture identity, disability, race, religion, sexual orientation or perceived alternative sub-culture identity, disability, race, religion, sexual orientation or against a person who is transgender or perceived to be transgender”

For guidance on the difference between a hate crime and a hate incident and how a hate incident should be dealt with, refer to Appendix B.

4.4 Perception

The perception of the victim or any other person is the defining factor in determining a hate crime or a hate incident. The apparent lack of motivation as the cause of a crime or an incident is not relevant, as it is the perception of the victim or any other person that counts. For example:

A heterosexual man who is verbally abused leaving a gay bar may well **perceive** that the abuse was motivated by homophobia, although he himself is not gay.

A member of a black minority ethnic (BME) community reports that their car tyres were slashed overnight – there are no witnesses. However, as some other residents from BME communities in the area have had similar damage to their cars, the victim **perceives** that the crime was motivated by racial prejudice.

The fact that any person can perceive an incident to be motivated by hostility or prejudice is of particular note when officers are dealing with persons who either have a learning disability, dementia or mental ill health. On occasions, the victim may not realise that they have been subject to a hate crime or a hate incident. Therefore, a police officer can still record it as such based upon their's or other third party's perception.

Such perception should be captured within the MO text within the crime.

4.5 Hostility

The Act does not define hostility, but its dictionary definition includes “unfriendliness, ill-will, ill-feeling, spite, contempt, prejudice, antagonism, resentment and dislike”. Whilst ‘hate crime’ is a universally used term amongst criminal justice agencies and the public, it should be noted that the perpetrator does not need to demonstrate hate but rather hostility – which has a lower threshold.

4.6 Alternative sub-culture

Alternative sub-culture means a discernible group that is characterised by a strong sense of collective identity and a set of group-specific values and tastes that typically centre on distinctive style/clothing, make-up, body art and music preferences.

Those involved usually stand out in the sense that their distinctiveness is discernible both to fellow participants and to those outside the group. Groups that typically place themselves under the umbrella of ‘alternative’ include goths, emos, punks, metallers and some variants of hippie and dance culture (although this list is not exhaustive).

4.7 Disability

Section 146 of the Criminal Justice Act 2003 defines disability as ‘a physical or mental impairment’.

However, this definition of disability is not the same definition of disability as defined by the Equality Act 2010 which covers people with a wide variety of disabilities and can include the following: sensory impairment, mental health, learning difficulties, mobility, hidden and other. Hidden could include, for example, muscular dystrophy and HIV. Other could include, for example, severe disfigurement.

We will record disability hate crime in accordance with the Equality Act's definition. Therefore if anyone perceives an incident to be motivated by hostility or prejudice due to a person's disability or perceived disability, GMP will record it as such. Evidence of disability-related hostility can be considered as an aggravating factor in any crime by virtue of S146 Criminal Justice Act 2003, which the CPS will consider in making their charging decision and whether S146 is applicable.

See Appendix C in relation to more guidance on how to respond to disability hate crime and, in particular, policy direction in relation to the identification and flagging of disability hate crime.

4.8 Racial group

A racial group means a group of persons defined by reference to race, colour, nationality (including citizenship) or ethnic or national origins.

The definition is wide and victims may come within the definition under more than one of the categories. Gypsies and Travellers, refugees or asylum seekers or others from less visible minorities would be included within this definition.

There has been a legal ruling that Jewish people and Sikhs are included in the definition of a racial group (*Mandla v. Dowell-Lee* (1983) 2 AC 548) – this is in addition to Judaism and Sikhism being included within the definition of a religious group. See below for definitions relating to anti-Semitism.

4.9 Religious group

A religious group means a group of persons defined by reference to religious belief or lack of religious belief. This would include, for example, Muslims, Hindus and Christians, and different sects within a religion. It also includes people who hold no religious beliefs at all.

As mentioned previously in this policy, in 1983 a legal ruling stated that Jewish people are included in the definition of a racial group, and therefore, an anti-Semitic hate incident/crime could be racially motivated. The Crime and Disorder Act 1998 (as amended) introduced religiously aggravated offences and, therefore, anti-Semitic hate crime could be either racial or religious. What is important to remember is that the victim maybe able to assist as to what the actual motivation of the offender appeared to have been.

The information is of relevance to any charging decision that would be considered by the CPS. A decision will be made based on the evidence available for assessment of the appropriate legislation that has considered both victim and offender accounts.

4.10 Anti-Semitism

The European Union Monitoring Centre (EUMC) definition as included the Hate Crime Authorised Professional Practice is as follows:

Anti-Semitism [sic] is a certain perception of Jews, which may be expressed as hatred towards Jews. Rhetorical and physical manifestations of anti-Semitism [sic] are directed towards Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities.

Anti-Semitic incident – any incident which is perceived to be anti-Semitic by the victim or any other person.

4.11 Islamophobia

Islamophobia has been defined as the fear and/or hatred of Islam, Muslims or Islamic culture. It is also a phrase that is used to describe any remark, insult or act, the purpose or effect of which is to violate a Muslim person's dignity or create an intimidating, hostile, degrading, humiliating or offensive environment. This definition can be applied to individuals and to the Muslim community as a whole.

Islamophobic incident – any incident which is perceived to be Islamophobic by the victim or any other person.

4.12 Sexual orientation

Sexual orientation is the phrase that is used to describe an individual's physical and/or emotional attraction to others and, therefore, includes people who identify themselves as gay, lesbian, bisexual or heterosexual.

4.13 Homophobia

Homophobia is a term used to describe a dislike of lesbian, gay and bisexual people (LGB), or aspects of their perceived lifestyle – it can also include an irrational fear of someone who identifies themselves as lesbian, gay or bisexual. Therefore, the dislike does not have to be restricted to individuals, but can be towards the LGB community and a perception of a believed characteristic associated with a LGB person.

Therefore, a person who identifies themselves as either gay, lesbian, bisexual or heterosexual can be the victim of a sexual orientation hate incident/crime.

4.14 Transgender

Section 146 Criminal Justice Act 2003 in relation to the consideration of an uplift in sentence for transgender motivated hate crimes states "references to being transgender include references to being transsexual, or undergoing, proposing to undergo or having undergone a process or part of a process of gender reassignment".

Transgender is an 'umbrella' term that is preferred to the term transsexualism as it removes the emphasis away from sexuality towards gender. The term 'Trans' is more commonly used when referring to the wider transgender community, i.e. including also those persons who identify as transvestites/cross-dressers.

As with any other member of society, a transgender person can identify themselves as gay, lesbian, bisexual or heterosexual. What is important to recognise is that gender identity is different from a person's sexual orientation.

Therefore, if a transgender person is the victim of a hate incident or crime due to their transgender identity, it will usually be classed as a transgender hate incident or crime. If it is due to their sexual orientation (see above), then this would usually be classed as a sexual orientation hate incident or crime.

See also **Appendix D** in relation to further guidance on unauthorised breaches of the Gender Recognition Act 2004.

4.15 Transphobia

Transphobia is a term used to describe a dislike of transgender people, or aspects of their perceived lifestyle - it can also include an irrational fear of someone who identifies themselves as transgender. Therefore, the dislike does not have to be restricted to individuals, but can be towards the transgender community and a perception of a believed characteristic associated with a trans person.

4.16 Secondary victimisation

If, as victims of hate crime or incidents, individuals experience indifference or rejection from the police service or other criminal justice agency, this in effect victimises them a second time. This is classed as 'secondary victimisation'.

Secondary victimisation takes place whether or not the police are indifferent or reject victims if that is what the victim perceives about the interaction.

Whether or not it is reasonable for them to perceive it that way is immaterial. The onus falls entirely on the police service or other agency to manage the interaction to ensure that the victim has no residual perceptions of secondary victimisation.

4.17 Acronyms

BME – Black minority ethnic (community)
CPS – Crown Prosecution Service
ERPB – External Relations and Performance Branch
ET – employment tribunal
EUMC – European Union Monitoring Centre
FWIN – Force Wide Incident Number (record of a call to GMP)
HIGG – Hate Incident Governance Group
IPCC – Independent Police Complaints Commission
LGB – Lesbian, gay and bisexual (community)
LPT – Local Policing Team
MO – modus operandi
NSIR – National Standard of Incident Recording
OCB – Operational Communications Branch
OIC – officer in the case
OLWD – Organisational Learning and Workforce Development (Branch)
OPUS – Operational Policing Unit System
PSB – Professional Standards Branch
SIO – Senior Investigating Officer
SPOC – Single point of contact
TCCG – Tactical Tasking and Co-ordination Group

5. Procedure

As hate crime can relate to any criminal offence, e.g. assaults, burglary, harassment, there may be procedural guidance specific to that category of crime and, where this is applicable, then this should also be referred to in all cases. This Hate Crime Policy does not seek to replicate that guidance or expected minimum standards of crime

investigation, but rather indicate any **additional** procedure that is specific or **particularly relevant** to hate crime.

Further information has also been developed through the '**Hate Crime – A Practical Guide**'. Please refer to **Appendix E** for its content.

Any member of staff dealing with a hate crime or hate incident can also refer to the [College of Policing Hate Crime Operational Guidance](#) for further information and guidance.

The Equality and Human Rights Commission has also developed guidance on [freedom of expression](#). The guide explains the legal framework which protects freedom expression and the circumstances in which that freedom may be restricted in order to prevent violence, abuse or discrimination. The guidance will be particularly relevant for senior leaders having responsibility for GMP's policing of public demonstrations and those officers responding to reports of hate crime on the internet or via social media.

5.1 Receipt of hate crime and hate incident reports

Increasing and improving hate crime reporting depends upon partnership engagement and action. Failure to respond correctly to a victim can have a significant impact on future community relationships and affect our ability to develop community intelligence. GMP has developed a range of reporting methods that suits victims' needs, including reporting on-line via 'True Vision' and through hate crime reporting centres. Victims can also download self reporting forms from the 'True Vision' website. Guidance on dealing with 'True Vision' and third party reports is detailed below.

5.1.1 Receipt of self-reporting 'True Vision' form

For further information on 'True Vision', please refer to **Appendix F**.

Local Policing Team Supervision

The below procedural responsibilities can be delegated to other staff within the Local Policing Team (LPT), but LPT supervision has the responsibility for ensuring that procedures are adhered to.

- Upon receipt, if the details contain sufficient detail to:
 1. Identify that on the balance of probabilities a notifiable crime has occurred, and
 2. That they are the victim, parent, carer, professional third party or person reasonably assumed to be acting on the victim's behalf, and
 3. There is nothing to indicate that they wish no further action to be taken.

Check with the given details that a crime has not already been recorded, and if not, immediately arrange for a crime to be created in the relevant category for allocation in accordance with divisional policy.

Note – some hate crimes are reported anonymously. It is not necessary to have the victim's details in order to record a crime. The victim page has an option of '*unknown*' and should be used in this circumstance.

- If the details given indicate that:
 1. A hate incident not amounting to a crime has occurred, or
 2. The informant is a true third party not reasonably acting on behalf of the victim, but the relevant motivation is present, or
 3. The victim of a hate incident not amounting to a notifiable crime is identified, but has indicated that they do not want any further contact with the police or any other action at all.

Immediately create a hate incident (non-crime) for allocation in accordance with district policy.

- If the True Vision form has been completed by a third party, the MO should commence with the words, “third party referral...”
- If following the recording of a hate incident, further information or confirmation of a crime by the victim is obtained, the hate incident should immediately be re-classified into the relevant crime classification.
- If the information provided does not give sufficient detail to immediately create a hate crime or a hate incident, then a FWIN should be created for the recording of the incident in accordance with National Standard of Incident Recording (NSIR) and for management information. This does not prohibit local enquiries, such as telephone contact to determine if a hate crime or hate incident is required. All victim contact should be recorded in line with the Victims’ Code of Practice.
- Retain the completed self-reporting form as an associated document and comply with the Force’s Retention and Disposal of Policing Records policy and, as the form includes personal sensitive data, it must be handled, stored and disposed of in accordance with the Force’s GPMS Procedure.

Investigating Officer

- Ensure that relevant intelligence is created for rating to assist in the tasking and co-ordinating process.

Designated Decision Maker

- In cases where the decision to record a hate crime or a hate incident cannot be determined, the final decision will be made by the district’s Designated Decision Maker.

5.1.2 Receipt of third party reporting form

There are a number of organisations, both voluntary and statutory, that have agreed to be hate crime reporting centres. Their volunteers or staff take reports from the victims, or any other person reporting a hate crime or hate incident, passing them onto the relevant district for recording, allocation and investigation. Such facilities enable people reporting hate crimes or hate incidents the opportunity to do so without going directly to the police. These organisations are *‘reasonably assumed to be acting on behalf of the victim’* and must therefore result in the recording of a crime when the circumstances amount to a notifiable offence.

GMP encourage the direct reporting of hate crimes and hate incidents, however, if the victim or person acting on their behalf are adamant that no further contact be made, then the wishes of the informant will usually be the determining factor.

Local Policing Team Supervision

The below procedural responsibilities can be delegated to other staff within the Local Policing Team (LPT) Hub, but LPT supervision has the responsibility for ensuring that procedures are adhered to.

- Follow the process for completed 'True Vision' forms above.
- In relation to received, completed forms whereby the victim does not wish to be identified or contacted, in cases of very serious crimes, such as rape or murder, and where the information may inform a part of the intelligence gathering process or the information may prevent the commission of such an offence, the details will be referred to:
 1. The Senior Investigating Officer in the case of a Major Investigation Team investigation, or
 2. The District Detective Chief Inspector in any other case for consideration.
- Retain the completed third party reporting form as an associated document and comply with the Force's Retention and Disposal of Policing Records policy and, as the reporting form includes personal sensitive data, it must be handled, stored and disposed of in accordance with the Force's GPMS Procedure.

Designated Decision Maker

- In cases where the decision to record a hate crime or a hate incident cannot be determined, the final decision will be made by the district's Designated Decision Maker.

5.2 Investigation of hate crimes and hate incidents

GMP has developed service level agreements with the CPS in relation to the handling of: disability, racist & religious, and sexual orientation, including homophobic & transphobic hate crime cases. These can be found on the force policy intranet site alongside the Hate Crime Policy, or via the above hyperlink.

Whilst as from April 2013 GMP started recording alternative sub-culture hate crime, the flagging and recording of cases as hate crimes has not extended to the CPS. Therefore, there is not a separate service level agreement with the CPS in relation to the handling of alternative sub-culture hate crime cases, albeit the content of the above service level agreements do still provide some generic good practice guidance.

The service level agreements cover:

- Investigation,
- Statements,
- Interviewing suspects,
- Charging,

- Case handling,
- Case file preparation (including file requirements),
- Victim and witness care,
- Withdrawal of support, and
- Discontinuing cases.

All staff should refer to their content for procedural guidance.

5.2.1 Initial investigation and witness considerations

The role of any member of staff having initial contact with the victim cannot be underestimated. A lasting impression of the police service and the criminal justice system as a whole will undoubtedly be influenced by this initial encounter and staff should be mindful to do their utmost to meet the diverse needs of each victim.

Remember – this might be the first time that the person has had the courage to approach the police to report an incident. Therefore, care should be taken at the outset to create an environment whereby the person reporting feels confident to say what has happened and pass on any sensitive information. In order to achieve this, privacy may be needed when initially interviewing the person, this might be particularly relevant for victims of homophobic or transphobic incidents.

As mentioned above, assessing the needs of individual victims is an essential element of the police's initial response to hate crime. From the outset, investigating officers need to consider whether any victim or witness could be classed as 'vulnerable' or 'intimidated' and, therefore, whether any 'special measures' would be required in order to ensure equal access to justice for all victims of hate crime.

LPT Inspectors

- **Must** attend the scene if the hate crime or hate incident is declared a critical incident, and
- Where there is concern about community tension, carry out a community impact assessment.

LPT Sergeants

- **Must** attend the scene if the hate crime or hate incident is declared a critical incident.
- Assess **all** reports of hate crime and hate incidents and consider if scene attendance is required and inform the LPT Inspector accordingly,
- Identify potential critical incidents and thereafter follow force guidance on how to manage critical incidents,
- Ensure that the investigating officer is taking a positive intervention approach, providing victims with the necessary support and referral to other appropriate agencies. If the investigating officer informs you that the victim does not support a prosecution or does not wish to follow a restorative justice outcome, consider visiting the victim in order to ensure that the victim has had all witness protection issues explained to them.
- Ensure that the investigating officer has identified if the victim or any key witness could be classed as 'vulnerable' or 'intimidated' and, therefore, whether any consideration of 'special measures' is required. Provide support and guidance as appropriate.

- Ensure that the investigating officer has completed a **'harm, risk, threat and vulnerability' assessment taking cognisance of the National Decision Making model** and that the result/s of the assessment and outcome of the initial investigation are endorsed on the crime report prior to the end of their tour of duty. **See investigator officer section for guidance as to what a low, medium or high risk hate incident or crime could be** – albeit it is not intended to be exhaustive.
- Ensure that the investigating officer has submitted a hate crime or a hate incident, as appropriate.

OCB Call Handler

- Inform the relevant LPT Duty Detective of all hate incidents and hate crimes, ensuring that their details are placed on the FWIN.

LPT Duty Detective

The duty detective is to make contact with the Investigating Officer and ensure that the below points are discussed with them and/or endorsed on the FWIN as appropriate:

- Consider the 'golden hour' actions applicable to that incident.
- Consider the victims needs and vulnerabilities.
- Ensure the history of all parties involved is reviewed to ensure that the incident is not dealt with in isolation.
- Ensure that the crime report includes a comprehensive summary of the MO. It is important that what the victim or witness reports being said or written is recorded verbatim.
- Ensure the Officer in the Case (OIC) submits a crime report with the correct hate motivation identified.
- Ensure the OIC creates a hate crime offender marker for offenders on OPUS.
- Where necessary help the OIC devise an investigation strategy, ensuring that there are continued efforts to identify evidence of hostility, prejudice or motivation.

Investigating Officer

- Liaise with the LPT Duty Detective, as above,
- Reassure the victim. Remember - victims of hate crimes or hate incidents can be particularly affected by what has happened to them. Take time to explain police procedures. This can be particularly relevant if it is a hate incident that is being reported, as the investigating officer has no police powers that they can use, but a 'positive intervention' approach with partners can be still be achieved (partners sometimes having their own powers and procedures that they can invoke). Maintain a 'victim centred approach' – empowering victims to make informed decisions can bring back a sense of control in what happens next to them,
- Understand what specific needs the victim (or witness) has – for example, any cultural considerations, language or other access needs. Make sure these are recorded wherever appropriate so that these needs are met throughout the investigation,
- Where a complainant has been the victim of sexual orientation or transgender hate crime, you should not ask intrusive questions about their sexuality or transgender identity which are not linked to the circumstances of the offence.

If they choose to volunteer this information then this should be recorded in the report. Where the victim or witness does provide this information it **must** be treated in strictest confidence. **Do not** disclose information regarding the victim's or witness's sexuality or transgender identity to their family or friends without their express permission. The victim or witness may not have told friends or family about their sexuality / transgender identity, and such a disclosure, even inadvertently, could seriously undermine victim and community confidence in the police.

- Identify whether the victim is a repeat victim – the police service recognises that hate crime is under-reported, so there is greater potential for those reporting to the police for the first time to actually be repeat victims. Also consider whether repeat victimisation relates to the location. Ensure that any repeat victimisation is recorded,
- Identify at the outset if the victim, or any witnesses, could be classed as 'vulnerable' under Section 16 of the Youth and Criminal Evidence Act 1999 or 'intimidated' under section 17 of the same Act and, thus, suitable for a video interview or a request for any necessary 'special measures',
- Explore perception, as it can reveal further evidence or incidents – but do not challenge it. **It must be stressed that even if there is little background to the perception, it must be accepted.** In particular, persons with mental ill health or a learning disability may have a lack of perception. If you are investigating any hate crime or hate incident and you perceive the crime or incident to be motivated by prejudice or hostility, even though the victim or any other person has not highlighted this as an issue, it should be recorded as a hate crime or hate incident (whichever is applicable).
- Consider what, if any, impact the hate crime or hate incident has on community cohesion. Consider if the hate crime or hate incident is a 'critical incident'. Seek advice from a supervisor if in doubt,
- **Conduct a 'harm, risk, threat and vulnerability' assessment for all hate incidents and hate crimes taking cognisance of the National Decision Making model.** Ensure that the outcome of the initial investigation is endorsed on the crime report prior to the end of your tour of duty. Consideration can be given to conducting a risk assessment on witnesses if you feel that there is a risk to witnesses relevant to the case. Below is guidance as to what a low, medium or high risk hate incident or crime could be – albeit this is not intended to be exhaustive:

Low – no act/threat of physical violence or damage/threat to the victim's property that could endanger life to any person. No community cohesion issues. Not a repeat victim whereby there has been any increase in severity. Possible benefit from support of other services. If appropriate, consider liaising with supervision. Liaise with the duty detective.

Medium – threat or actual use of violence has or is not likely to lead to serious harm. Victim is a repeat victim whereby there has been an increased impact upon the victim's well-being or an increase in severity. There is potential for impact community cohesion, however, not immediate impact. The victim would benefit from support from other agencies. Liaise with supervision and the duty detective.

High – victim is at imminent risk of serious harm (including circumstances whereby another person might be at risk, e.g. arson), evidence or belief that the incident has or is likely to have an impact upon community cohesion. Consider action as per medium risk. Consider if a critical incident. Consider

completion of a community impact assessment. Liaise with supervision and duty detective.

- When either inputting a crime via mobile devices or telephoning details of the hate crime or hate incident through to the Crime Recording Unit, **ensure that all relevant details are provided that are included on the 300k** (hate crime/incident form). If you complete a paper copy of form 300k during the recording of a hate crime or hate incident, retain as an associated document and comply with the Force's Retention and Disposal of Policing Records policy and, as the document contains personal sensitive data, it must be handled, stored and disposed of in accordance with the force's GPMS Procedure.
- Ensure that the crime report includes a comprehensive summary of the MO – quite often very abusive words are allegedly used by the offender. It is important that what the victim or witness reports being said or written is recorded verbatim – just put them in quotation marks. Also include any perception, whether that be the victim's or any other person's. Particularly for religious hate crime, include whether the victim was wearing traditional dress at the time, as this might provide evidence as to motivation.
- Devise an investigation strategy based upon all information gathered, ensuring that there is continued efforts to identify any evidence of hostility, prejudice or motivation, and
- In planning your investigation strategy consider if any specialist advice may be needed on the circumstances of the incident, e.g. LPT Duty Detective, Equality Team from the Neighbourhoods, Confidence and Equality Team.

5.2.2 Statements

Investigating Officer

- Refer to either the service level agreements with the CPS or the 'Hate Crime – A Practical Guide' for the relevant legislation and guidance on what information could be included in victim or witness statements or any video interview. From the outset, you need to consider what could potentially be evidence of hostility, prejudice and motivation. You need to have an understanding of the definitions for hate crime and hate incidents, as well as any relevant legislation.
- If the victim is a serving police officer, you should not ask them to provide their own statement – take a statement from them yourself.

5.2.3 Protecting and supporting victims and witnesses

Under the terms of the Victims' Code of Practice, hate crime victims are entitled to an enhanced service as they fall within the category of 'victims of the most serious crimes'.

Investigating Officer

- In all cases where a prosecution is being considered or on-going, you will need to notify the CPS of any victim or witness needs, vulnerability or issues in relation to availability and attendance at Court. In doing so, you need to consider the below, which can be particularly relevant to hate crime victims:

- 1) If the victim/witness can be identified as vulnerable or intimidated under the terms of the Youth Justice and Criminal Evidence Act 1999,
- 2) If and what type of special measures are requested or needed,
- 3) If an interpreter or any other assistance is required, and
- 4) Any issues in relation to language or contact with the victim/witness.

Ensure that the reverse of the MG11 is fully completed with any information relating to the above. If the victim or witness requires a Special Measures Assessment as a vulnerable or intimidated witness, then submit a MG2 with the file.

- Ensure, where appropriate, that victim and witness details are provided to the Witness Care Unit.
- Establish if the victim gives consent for referral to the current Force provider of victim services. If the victim does not give consent, ensure that the crime report is endorsed accordingly.
- Provide details of organisations or partner agencies that can help, especially if the victim is culturally isolated or a vulnerable adult. Refer to the 'Hate Crime – A Practical Guide' for national organisations that provide support to hate crime victims and liaise with your Local Policing Team for local organisations.
- Make the victim aware of their entitlement to make a Victim Personal Statement. Explain that this can be done at the time or later, up to the point of sentencing. Direct them to where this and other information is available on the internet – www.gov.uk or www.gmvictims.org.uk
This information is available in a number of other languages and alternative formats, e.g. large print, Braille and audio. Contact the Force's Victim and Witness Care Manager within Local Policing & Criminal Justice Branch for any further information.

GMP has also developed a service level agreement with the current provide of victim services. This can be found on the force policy intranet site alongside the Hate Crime Policy.

5.2.4 Suspect considerations – including interview

Investigating Officer

- If a suspect is identified, the decision to arrest is based on the evidence available and whether any of the 'necessary criteria' is applicable, and is a matter for the officer. GMP has a 'positive intervention' policy and the decision to arrest should not solely be based on whether the victim wishes to proceed or not. You must consider all aspects of the offence when making the decision not to arrest, e.g. community confidence etc. The fact that the police have been called indicates positive action is being sought and the rationale of the victim for not support a prosecution at the time **must** be made clear in an officer's assessment of the incident. If you make the decision not to arrest when there are clear grounds and evidence to proceed with an arrest and take positive action, you **must** at the earliest opportunity discuss this decision with a supervisory officer.
- Planning and preparation for the interview is essential and specialist advice may be needed on the circumstances of the incident, e.g. LPT Duty Detective, Equality Team from the Neighbourhoods, Confidence and Equality Team. Ensure that the interview plan includes exploring hostility, prejudice

and motivation – refer to relevant legislation, including the Criminal Justice Act 2003.

Supervisor to the Investigating Officer

- When an officer makes the decision not to arrest and take positive action, they must at the earliest opportunity discuss their decision with a supervisory officer. As their supervisor, you **must** assess this decision and record your assessment on the FWIN and/or hate incident/crime.

5.3 Prosecution of hate crime

Investigating Officer

- Refer to **Appendix C** - GMP's positive intervention approach in relation to how the advice of a supervisor **must** be sought if it is concluded that proceedings are not to be pursued through the criminal justice process. The assessment of the supervisor must be recorded on the FWIN.

5.3.1 Restorative justice

As already detailed in this policy, GMP will follow a 'positive intervention' approach when dealing with hate crimes and hate incidents – this could include, where appropriate, the use of restorative justice.

For responsibilities and guidance on using restorative justice in a hate crime or hate incident context, please refer to GMP's [Restorative Justice Policy](#).

5.3.2 Case file management

GMP's Service Level Agreements with the CPS outline responsibilities and guidance on case file management.

5.3.3 Cautions and penalty notices for disorder

For responsibilities and guidance on administering cautions and exclusions on the use of penalty notices for disorder, please refer to the relevant policies that have been developed by the Criminal Justice and Custody Branch.

GMP has also developed a service level agreement with the CPS and other criminal justice agencies in relation to methods of disposal other than a charge – this can be found on the force policy intranet site alongside the Hate Crime Policy.

5.4 Supporting our staff - hate incident or crime committed by a member of the public against a member of staff whilst on duty

The ability to protect its staff affects how the public views the police service. If it cannot protect its own employees, it cannot be expected to protect the public or gain their confidence.

The nature of policing places officers and staff in situations of conflict and, as a result, hate crime is a risk. But the fact that someone becomes a victim of a hate crime whilst carrying out their job does not mean that it has any lesser impact – hate crime hurts no matter what. Hate crime committed against our staff will not be

tolerated and the principles of the above guidance will equally apply to them as victims.

The expectation is that officers, who are present when a fellow colleague is experiencing hate-related behaviours by a member of public, must ensure that they challenge, take positive action and support their colleague as a victim. We all have a collective responsibility to do so and should not wait for a colleague to ask for help.

Supervisors have an additional responsibility to ensure the well-being of their staff. They should speak with any member of staff who has been the victim of a hate crime and explore what support they may need.

The [College of Policing Hate Crime Operational Guidance](#) has further guidance on:

- Considerations of victim support and investigation
- Legal duties to protect staff from harassment,
- Expressions of personal belief, and
- Refusal by a member of the public to accept an allocated officer.

The [Code of Ethics](#) also states that you must:

- Uphold the law regarding human rights and equality,
- Treat all people fairly and with respect, and
- Treat people impartially.

5.5 Professional Standards Branch responding to discrimination

Investigating, managing and resolving public complaints and internal conduct of a discriminatory nature is a priority of the Professional Standards Branch (PSB).

Discrimination means treating someone unfairly because of a protected characteristic they share with others as set out under the Equality Act 2010. GMP additionally records alternative sub-culture.

Such matters are a standing agenda item in the PSB daily tasking meeting to review any allegations of discriminatory behaviour by police officers, staff, contractors or volunteers. Further governance is provided in the monthly PSB – Tactical Tasking and Co-ordinating Group (TTCG) to ensure progress and to be satisfied that sufficient resources are allocated.

The [IPCC](#) have published guidelines, setting out how allegations of discrimination and public complaints are to be managed.

The [Code of Ethics](#) is also very relevant and sets out how police officers, staff, contractors or volunteers should behave.

Where a complaint is reported against a police officer, special constable, member of staff or volunteer and involves an element of discrimination, this is not recorded on the crime recording system as a hate incident or a hate crime, however, is recorded within professional standards processes. This in compliance with the national crime recording standards. A hate crime would only be recorded when a police officer, special constable, member of staff or volunteer is charged with a criminal offence.

5.6 Public complaints of a discriminatory nature by police officers, staff, contractors or volunteers

Discrimination complaints will often involve a complainant who already has very low levels of trust in the police. Failure to engage effectively and empathetically with the complainant is likely to reinforce this mistrust and undermine confidence in the complaints process.

When dealing with a public complaint that includes an allegation of discrimination, the Independent Police Complaints Commission (IPCC) guidelines provides useful advice to deal with the complainant in an empathetic manner.

A form 1010 will be completed and forwarded to the Professional Standards Branch for recording, consideration of referral to the IPCC in line with guidelines, assessment and investigation.

5.7 Conduct matters arising from discriminatory behaviour by police officers, staff, contractors or volunteers

Conduct matters can negatively affect:

- Members of the public, and
- Internal GMP staff.

Victims may need welfare support throughout any subsequent investigation.

Any allegation of discriminatory behaviour which constitutes a recordable conduct matter and or a criminal offence must be forwarded to the Professional Standards Branch for recording, consideration of referral to the IPCC in line with the guidelines, assessment and investigation.

Subject to the level of assessment it will be investigated either as a crime or by misconduct proceedings via the Police (Performance) Regulations or Discipline - Police Staff policy.

5.8 Bullying or harassment

An allegation of bullying or harassment within the workplace must be managed through the formal Fairness at Work and/or Bullying or Harassment policy.

However, subject to the severity of what is reported, referral may be required to the PSB in line with conduct matters.

Again victims may need welfare support throughout any subsequent investigation.

5.9 Hate Incident Governance Group

GMP has the **Hate Incident Governance Group** (HIGG), the purpose of which is to have:

- Organisational oversight of all hate incidents/cases involving discrimination within the force.
- It will provide an understanding of the volume of cases and the type of issues staff experience when concerned about fairness.

- It will ensure that the needs of the people involved (aggrieved and subject) are addressed appropriately throughout the processes taken and specifically at the point of resolution.
- It will ensure a timely, proportionate and appropriate response to issues raised from a position of triage and governance.
- It will track the progress of issues raised and ensure fairness and consistency of the application of the process and outcomes.
- It will determine how to benchmark over time to achieve proportionate, fair and consistent outcomes and processes.
- It will be a multi-disciplinary panel in order to give objective perspectives on the issues raised.
- It will influence early intervention, when necessary, through the empowerment of managers by providing advice and direction.
- It will intervene if the process isn't flowing as it should.
- It will influence how the organisation learns from hate incident cases.

The HIGG has oversight and governance of complaints that fall within the remit of both HR and PSB and that are:

- Internal conduct matters of a discriminatory nature (publically raised complaints will continue to be dealt with through Professional Standards Branch).
- Hate incidents raised via grievance processes.
- Hate incidents raised within employment tribunal (ET) cases outside of grievance processes.

Contact details

- Refer to the Fairness at Work Management Toolkit for guidance on how to deal with internal grievances and the Bullying and Harassment Policy in relation to internal reports of bullying and harassment.
- For police officer, police staff, contractor or volunteer issues initially contact the Duty Investigating Officer, Professional Standards Branch on extension 62910.
- Matters which should be considered serious enough to require involvement of Professional Standards Branch includes allegations of potentially unlawful discriminatory behaviour – this includes bullying and harassment and acts of unlawful direct or indirect discrimination in relation to age, disability, gender reassignment, pregnancy and maternity, marriage and civil partnership, race, religion or belief, sex and sexual orientation.

5.10 Hate crime reported via social media

The development and use of social media has increased significantly in recent years. Information technology makes it easy to send or transmit material to an intended or incidental victim. Although hate mail is still sent through the postal system, the majority of it is now sent by e-mail, social networks, instant messaging and open-source websites.

In addition, social media has provided a platform for some victims or witnesses to report incidents of hate crime via social media – please refer to **Appendix E** for further guidance on how to respond.

6. Associated Documents

- [College of Policing Hate Crime Operational Guidance](#)
 - ACPO 'True Vision' website – www.report-it.org.uk
 - GMP 'Hate Crime – A Practical Guide'
 - GMP's guidance on managing critical incidents
 - GMP Hate Crime Service Level Agreements with the CPS, other criminal justice agencies and Victim Support in Greater Manchester
 - GMP Restorative Justice Policy
 - GMP Penalty Notices for Disorder Policy
 - GMP Simple Cautioning of Adult Offenders Policy
 - GMP Fairness at Work Policy/Toolkit
 - GMP Bullying and Harassment Policy
 - GMP Discipline Policy (police staff)
 - GMP Retention and disposal of policing records
 - GMP's Dog Related Incidents Policy and Procedures
 - Office for Criminal Justice Reform's hate crime performance toolkit
 - Public Order Act 1986 (introduced a number of racially motivated offences, including racial incitement)
 - Crime and Disorder Act 1998 (racially and religiously aggravated offences)
 - Criminal Justice Act 2003 (sentencing aggravating factors for disability, race, religion, sexual orientation and transgender identity)
 - Racial Hatred Act 2006 (religious incitement offences)
 - Criminal Justice and Immigration Act 2008 (sexual orientation incitement offences)
 - Sections 16 and 17 of the Youth and Criminal Evidence Act 1999
 - Victim Code of Practice
 - National Decision Making Model
 - [Freedom of Expression Legal Framework | Equality and Human Rights Commission](#)
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7. Consultation & Statutory Compliance

7.1 Statutory Compliance

7.1.1 Data Protection Act (1998)

GMP's crime recording system is used within the force to record hate incidents non-crimes. The business rules do not allow for an offender menu to be completed for hate incident non-crimes. This process has not changed since the policy was last reviewed in 2014.

There have been no policy changes which would impact upon previous feedback from Information Compliance which related to the retention and storage of documentation that contains personal sensitive data (self reporting forms, third party reporting forms and the 300k hate incident form).

7.1.2 Freedom of Information Act (2000)

The Hate Crime Policy can be published, as well as any documents under the 'Hate Crime – A Practical Guide'. Any policy that is mentioned in the Hate Crime Policy, the owner of that policy will need to be consulted prior to any publication.

7.1.3 Equality Act 2010

This Hate Crime Policy is demonstration of the force's commitment and compliance with the Public Sector Equality, in particular the elimination of harassment and victimisation.

Hate crime has a particular impact for people from minority communities and those communities more generally. By setting out in detail the level of service we will provide to victims of hate crimes and hate incidents, we are explicitly recognising the additional impact that hate crime has upon victims and communities, and responding to the individual needs of diverse victims - for example by providing alternative reporting options.

8. Appendices

8.1 Appendix A - Positive intervention

We will follow a 'positive intervention' approach, by which we will take firm action against offenders whenever we have sufficient evidence. However, the outset of any investigation it is important for us to listen to the victim and understand what resolution they would prefer in order to maintain a victim centred response, as there are other options available, such as: civil injunctions, restorative justice etc that the victim may be satisfied are better courses of action rather than proceedings through the criminal justice process.

In the event of an offence being identified, a positive arrest and prosecution are the primary ingredients for a successful resolution of hate crime. Action at all stages of the police response should ensure the effective protection of victims while allowing the criminal justice system to hold the offender to account.

That said, it is recognised in some circumstances that this may not be the best course of action for the victim or offender. In order to capitalise on all methods of a victim focussed resolution, if there is clear evidence to suggest prosecution is an available option and it is concluded that proceedings are not to be pursued through the criminal justice process, the advice of a supervisor or person/s nominated by the District Superintendent **must** be taken.

8.2 Appendix B – The difference between a hate crime and a hate incident

Some hate incidents that are reported may not constitute a criminal offence and, therefore, they will not be recorded as a hate crime. They will still be recorded as a hate incident; within Greater Manchester Police we utilise our crime recording system to do this, submitting a 'hate incident – non crime'. By using this facility, it enables the force to task and monitor any interventions that may still be appropriate for a hate incident, as well as monitor any emerging trends or repeat locations.

For example: a member of the public is refused entry into a nightclub, they believe due to their transgender identity. This is not a criminal offence that is covered under legislation that the police would pursue, but should be recorded as a hate incident as the victim perceives that they have been the subject of prejudice due to their transgender identity.

What must be remembered is that the approach when investigating an initial report of a hate incident is to decide whether a crime has taken place or not.

If it is subsequently **confirmed that a crime has not been committed**, then consideration should be given as to what interventions are appropriate for that particular circumstance, bearing in mind that police powers cannot be utilised e.g. powers of entry and search to premises. But in any event, when dealing with a hate incident, there is no “suspect” in the same way that there would be if a hate crime had been committed. Indeed, the crime recording system will not allow for an offender menu (OM) page to be created on a hate incident (777). The officer should still point out to the alleged perpetrator that their actions have caused offence and that GMP will be recording that fact. In practice, the officer’s role is one of a “community negotiator”, potentially reducing the likelihood of community tension. In addition, when dealing with a hate incident, the officer should explain to the complainant the limitations of any interventions so as not to unrealistically raise their expectations, for example an arrest cannot take place.

For example: A neighbour, whilst in their own home, hears a conversation taking place in their next door neighbour’s house (the houses are semi-detached). The complainant overhears what they believe to be abusive racist comments and reports this to the police. When the officer attends, they establish that both parties were inside their own dwellings, and therefore, a crime under the Public Order Act has not been committed. The officer submits a hate incident, but attends the next door neighbour’s house to inform them that their conversation had been overheard and had caused alarm and distress. In addition, they point out that if that same conversation had been overheard in the street, then they may have been liable to arrest and possibly prosecution. The next door neighbour apologises for any offence caused.

If at any point a crime is identified, then the officer should from that point on deal with it as such.

8.3 Appendix C – Disability hate crime

This section highlights the particular issues affecting disabled people and is intended to assist GMP in improving the service it provides to them.

In recent years, the police have noted some distinct features in the types of hate crimes experienced by disabled people. It is believed that disabled people are more likely to know the perpetrator and to be subjected to continual and escalating abuse from the same offender or group of offenders. There have been many reported such cases where disabled people have been randomly targeted for abuse or attack in the street or on public transport, but many others where they have been subjected to systematic ill-treatment which often builds in intensity.

Vulnerability

There have also been occasions when disability hate crime has not been recognised for what it is, leading to incidents not being flagged as disability hate incidents or crimes. There has often been a focus on the victim being vulnerable, without additional consideration being given to disability hostility or motivation.

The term ‘vulnerable’ has many meanings in different policing situations. It also has some legal definitions.

Sometimes the nature of a person's disability makes it easier for the offender to commit a particular offence. This is sometimes referred to as the victim being vulnerable or an 'easy target' and no further thought is given to the issue of hostility. This approach should not be followed – a person's vulnerability is not by reason of their disability alone. It is the particular situation in which they may find themselves and which is then exploited that makes them susceptible to be targeted for some types of criminal offences. An offender who targets a disabled person to exploit this situation may be motivated wholly or partially by hostility and so is the more culpable for it, and the courts can sentence accordingly.

'Mate crime'

This is a term used by some people to describe the persistent problem of disabled victims who are harmed in abusive relationships by offenders who either set out to, or take the opportunity offered by the relationship to abuse the victim. Abuse can be financial or violent and often has an escalating nature. Although a category of 'mate crime' is not recorded within GMP or nationally, there needs to be an understanding of the term if the victim uses it, and that such a report is likely to be a disability hate crime or incident.

Nature of disability hate crime

Below are some examples that demonstrate the nature of disability hate crime:

- While there are many random attacks on disabled people from strangers, perpetrators are often 'friends', carers, acquaintances, or neighbours,
- Incidents escalate in severity or can be sustained attacks and/or involve excessive violence,
- Absence of derogatory words (commonly heard as part of racist and other hate crimes) can make gathering evidence of hostility more difficult,
- Multiple perpetrators are involved in incidents, condoning and encouraging the main offender(s) – often filming this on their mobile phones and sending pictures to friends and social networking sites,
- Cruelty, humiliation or degrading treatment, often related to the nature of the disability, e.g. destroying mobility aids,
- False accusations of the victim being a paedophile or similar taunts.

Attacks on assistance dogs

Assistance dogs don't just provide valuable support to disabled people, they undertake essential tasks so that their owners can lead independent, fulfilling lives.

Attacks on assistance dogs can have a devastating impact not only on the dog that is injured, but also the owner as it can create a great deal of anxiety and reduce a person's sense of safety. Time without an assistance dog, which undergoes intensive and specific training, can be very detrimental to the freedom of the owner. On occasions, some assistance dogs may be retired from service leaving the disabled person without the support that they need. So the impact of attacks on assistance dogs cannot be underestimated.

Sadly, every month around the country such attacks do take place – these may be as a result of poor dog owner control or a deliberate act by another dog owner; potentially using their own dog as a weapon against an assistance dog. In the latter

circumstances when there has been deliberate involvement of a person in an attack on an assistance dog, whether that be – for example - that person kicking the assistance dog, or deliberately setting their own dog on the assistance dog, then this should be flagged as a disability hate incident/crime and then the exploration of hostility and/or motivation due to disability can be explored.

Officers dealing with an attack on an assistance dog should refer to GMP's Dog Related Incidents Policy and Procedures

Therefore, in GMP we have introduced a key policy change to our approach to disability hate crime, as follows:

Whenever you are dealing with a disabled victim of crime, you must ask yourself:

'Would this have happened to the victim if they were not disabled?'

'Why is this not a disability hate crime?'

In the absence of any other clear motivating factor, consideration **must** be given as to whether the incident or crime should be flagged as a disability hate crime - the exploration of disability motivation can then included within investigation and interview strategies, whether or not such evidence is later established.

8.4 Appendix D – Transgender hate crime relating to unauthorised breaches of the Gender Recognition Act 2004

The Gender Recognition Act 2004 (GRA 2004) provides for the legal recognition of a Trans person in their acquired gender and the opportunity to acquire a new birth certificate for their new gender. The GRA 2004 also protects those who have received or are in the process of receiving a Gender Recognition Certificate from having this information revealed without their consent.

Section 22 GRA 2004 say: Under section 22 GRA 2004 (see annex), it is an offence for a person who has acquired “protected information” in an “official capacity” to disclose the information to any other person.

That “protected information” includes information regarding the application process itself, whether it has been applied for, started or concluded OR, if a Gender Recognition Certificate has been granted, the gender status of the individual before his or her acquired gender.

“Official capacity” relates to a person’s functions as a civil servant, constable, holder of public office or in connection with the functions of a local or public authority of a voluntary organisation.

It also includes those functions as an employer or prospective employer or in the conduct of business or the supply of professional services.

It is not an offence to disclose protected information relating to a person in circumstances set out in statute and including:

- the information does not enable that person to be identified;
- that person has agreed to the disclosure of the information;
- the information is protected information by virtue of subsection (2)(b) and the person by whom the disclosure is made does not know or believe that a full gender recognition certificate has been issued;
- the disclosure is in accordance with an order of a court or tribunal;
- the disclosure is for the purpose of instituting, or otherwise for the purposes of, proceedings before a court or tribunal;
- the disclosure is for the purpose of preventing or investigating crime; and
- the disclosure is made for the purposes of the social security system or a pension scheme.

If you receive a report of an unauthorised disclosure of protected information, then this should be recorded as a transphobic hate incident (as whilst a criminal offence, those offences under the GRA are not recordable crimes). In all cases whereby it is considered that there are sufficient grounds for a prosecution, a referral must be made to the CPS for a charging decision.

8.4 Appendix E – ‘Hate Crime – A Practical Guide’

The force’s ‘Hate Crime – A Practical Guide’ can be found on force forms / by packs, or via the hyperlink above. It includes:

- 300k – hate incident form,
- Definitions and legislation and guidance on statement taking with a focus on what could be relevant in relation to hate crimes,
- A flowchart advising on when to submit a hate crime or a hate incident, and when the offence is to be recorded as a racially or religiously aggravated offence,
- More information on disability hate crime, making reference to CPS guidance,
- Guidance on dealing with hate incidents on retail premises, and
- Contact details for national organisations that provide support to hate crime victims (refer to the Greater Manchester Victim Services website for local organisations - <http://www.gmvictims.org.uk/>)

8.5 Appendix F - ‘True Vision’

‘True Vision’ has been developed by the police service (National Hate Crime Programme Lead) as an on-line hate crime and hate incident resource for both the police and the public. It’s website address is: www.report-it.org.uk

On the website, people can:

- Find out what hate crimes or hate incidents are,
- Find out about the ways in which they can be reported,
- Report hate crime or hate incidents using the on-line form,
- Download materials that have been developed, e.g. self-reporting forms, posters, leaflets, guidance on third party reporting, and
- Find out about organisations that support victims of hate crime.

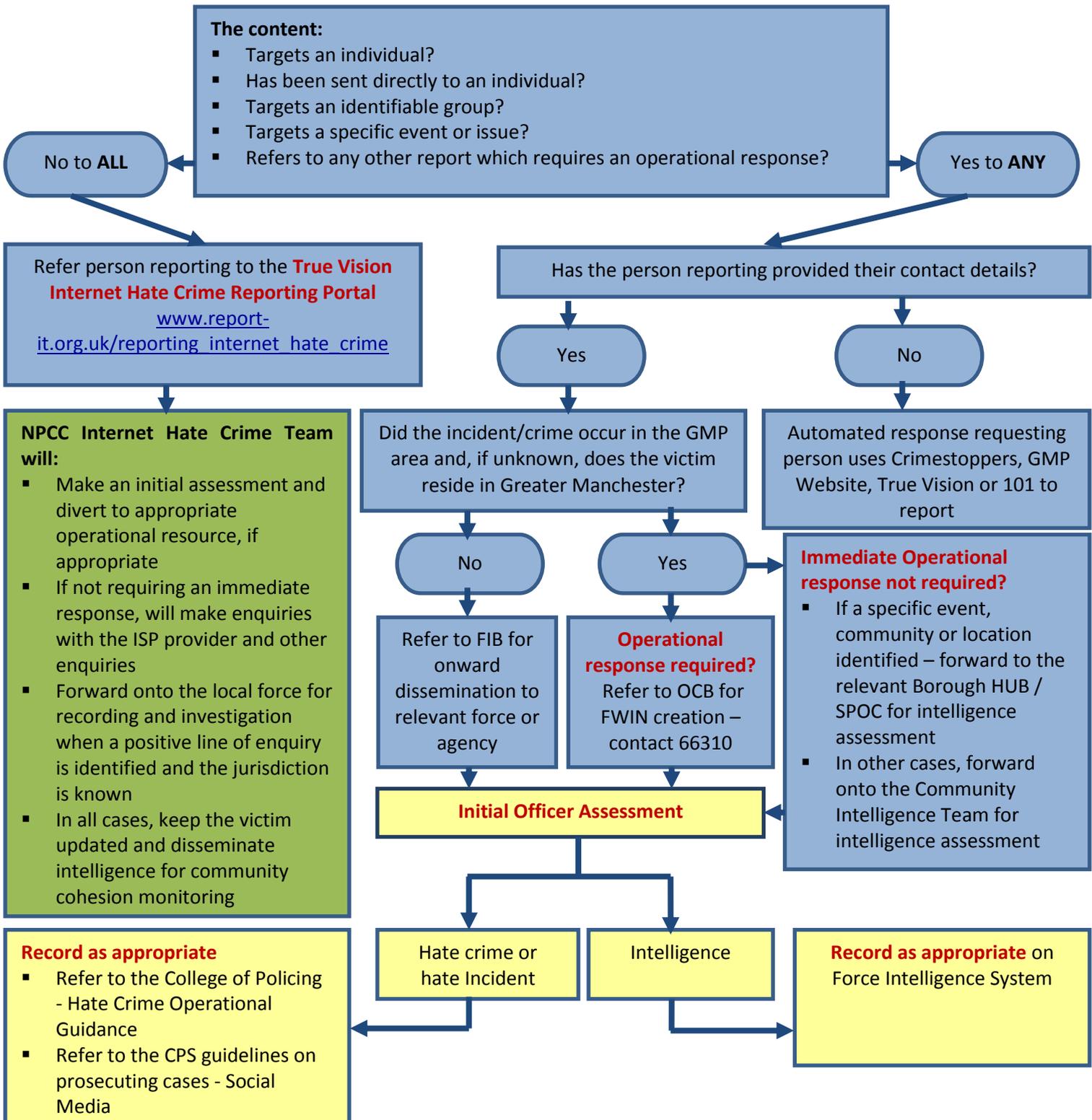
True Vision self-reporting packs – GMP’s Design and Print also have the artwork for the self-reporting packs that includes local contact details. Districts can order directly from Design and Print, but need to ensure that they arrange for the inserted pre-paid envelope to have the divisional Hub’s postal address and business reply service’s licence number. However, you should contact the Equality Team (62203 or 62206) prior to any printing in order to ensure that the content is up-to-date.

8.6 Appendix G – Hate crime reported via social media

The following flowchart has been developed to support officers in responding to hate crime reported via social media.

Further guidance can be sought from the Force Intelligence Bureau’s Community Intelligence Team or Cyber Crime Team.

Appendix G



Useful Links & Contacts

[College of Policing - Hate Crime Operational Guidance](#); [CPS guidelines on prosecuting cases - Social Media](#); [GMP Cyber Support Team](#); [Force Hub – Community Intelligence Team](#)