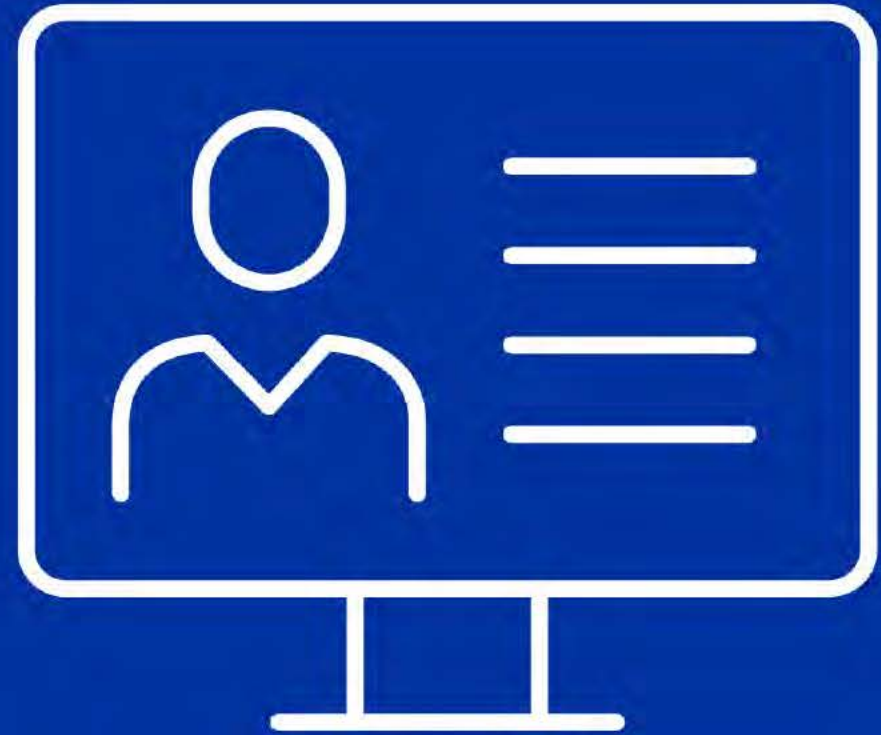


Hate Crime Characteristics



IPLDP0081ppv03_Hate Crime Characteristics



Session aims and learning outcomes



Session aims

This session will develop the student police officers understanding when dealing with public protection.



Learning outcomes

1. Explain the characteristics and terminology associated with hate crime.
2. Describe the five monitored strands of hate crime.
3. Explain the governments recognised definition of hate crime.



Hate crime: terminology



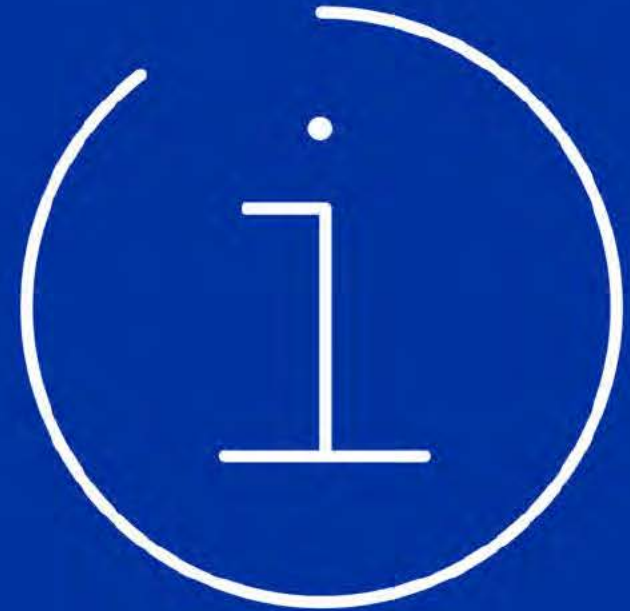
**METROPOLITAN
POLICE**



What does the term 'hate crime' mean?

'The term "hate crime" can be used to describe a range of criminal behaviour where the perpetrator is motivated by hostility or demonstrates hostility towards the victim's disability, race, religion, sexual orientation or transgender identity.'

– Crown Prosecution Service (CPS) 2020



Understanding the terminology

What is meant by the term 'race hate'?

- **S66 Sentencing Act 2020** : *'Demonstrating towards the victim of the offence hostility based on the victim's membership (or presumed membership) of a racial or religious group.'*
- **College of Policing 2014**: *'It automatically includes a person who is targeted because they are an asylum seeker or refugee, as this is intrinsically linked to their ethnicity and origins.'*



What is meant by 'religious hate'?

According to the S66 Sentencing Act 2020

- *'The offence being motivated (wholly or partly) by hostility towards members of a religious group based on their membership of that group.'*
- *'Any incident / crime which is perceived by the victim or any other person to be motivated by a hostility or prejudice based on a person's religion or perceived religion.'*



What is meant by homophobic, biphobic and transphobic hate crime?

According to the S66 Sentencing Act 2020:

- *‘Any incident / criminal offence which is perceived, by the victim or any other person, to be motivated by a hostility or prejudice based on a person’s sexual orientation or perceived sexual orientation.’*
- *‘Any incident / criminal offence which is perceived, by the victim or any other person, to be motivated by a hostility or prejudice against a person who is transgender or perceived to be transgender.’*



What is meant by disability hate crime?

Police and CPS shared definitions:

- *'Any incident / crime which is perceived by the victim or any other person to be motivated by hostility or prejudice based on a person's disability or perceived disability.'*
- *'Disability hate crime and other crimes against disabled people may be underpinned by disablism or prejudice against disabled people.'*



Hostility and crimes against older people

CPS definition:

'Where the victim is 65 or over, any criminal offence which is perceived by the victim or any other person to be committed by reason of the victim's vulnerability through age or presumed vulnerability through age.'





Checkpoint:
any [redacted] ons?





The rise of hate crime, the five monitored strands and definitions

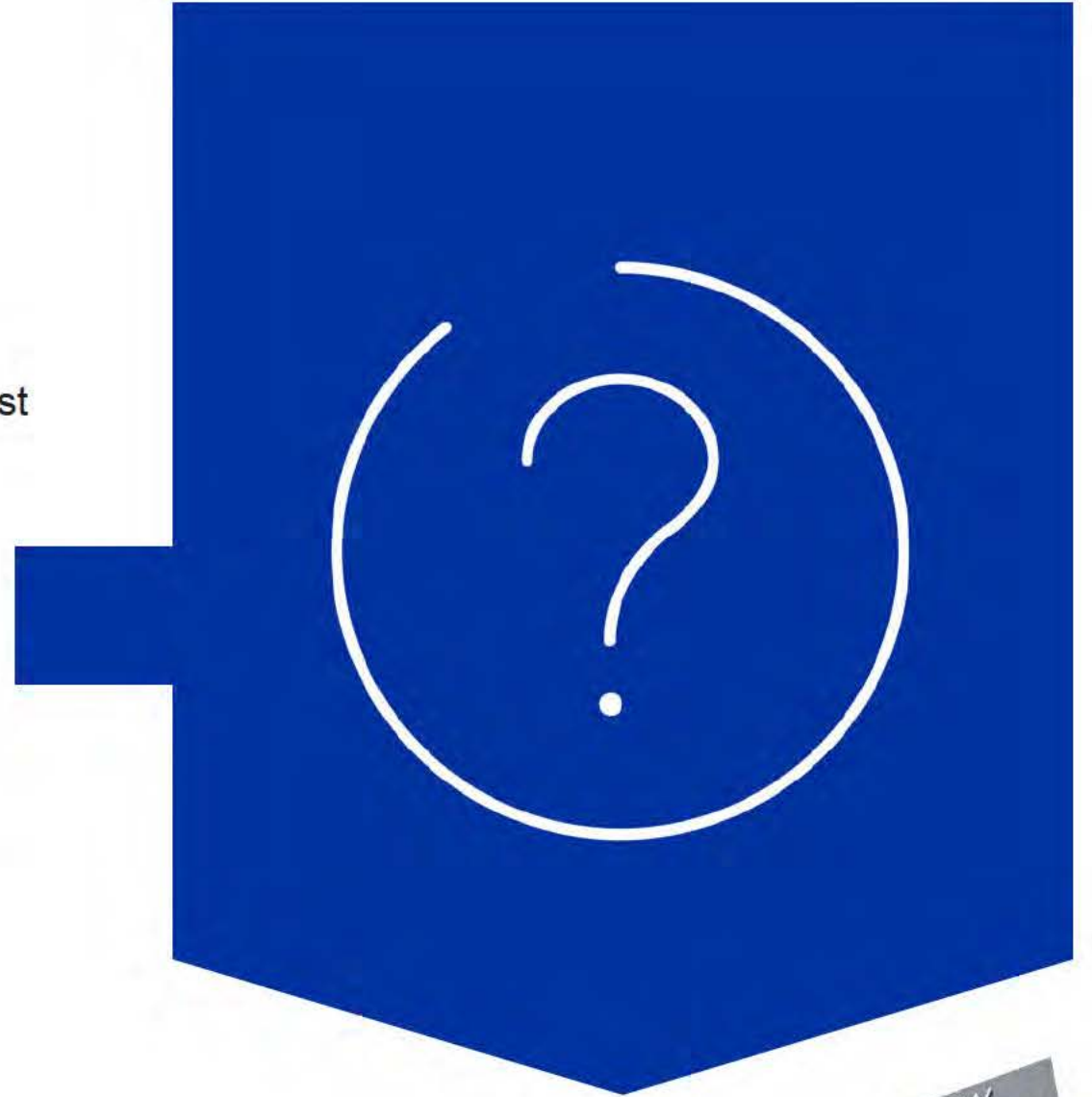


Hate crimes are rising – but how hate is spreading is changing



Debrief

1. What was the source of the data?
2. What type of hate crime was reported to police the most last year?
3. Which was the most targeted faith group?
4. What effect has this had on that particular community?
5. How is hate crime spreading?
6. What was the nature of the work carried out by Cardiff University and why is it significant?



Hate crime – five monitored strands

There are five monitored strands of hate crime:

- Disability.
- Race.
- Religion.
- Sexual orientation.
- Transgender.



Defining hate crime

Police and CPS shared definitions for identifying and flagging hate crimes:

- *‘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 disability or perceived disability; race or perceived race; or religion or perceived religion; or sexual orientation or perceived sexual orientation or transgender identity or perceived transgender identity.’*
- *‘For a hate crime there must be an identifiable criminal offence (such as an assault or criminal damage, for example) before the qualification of whether or not it is racist or homophobic etc.’*



What is a hate incident?

'Any incident which the victim, or anyone else, thinks is based on someone's prejudice towards them because of their race, religion, sexual orientation or disability, or because they are transgender.'

– College of Policing, 2020



What is hostility?

As outlined by the CPS:

- 'There is no legal definition of hostility so we use the everyday understanding of the word, which includes ill-will, spite, contempt, prejudice, unfriendliness, antagonism, resentment and dislike.'
- 'The demonstration of hostility must be nearly contemporaneous to the conduct element of the offence.'

As noted in R v Davies and Ely (2004):

'The motivation based on hostility need not be the sole or main motivation for the offence; it may also be motivated by other reasons.'





Checkpoint:
any [redacted] tions?



Perception and secondary victimisation

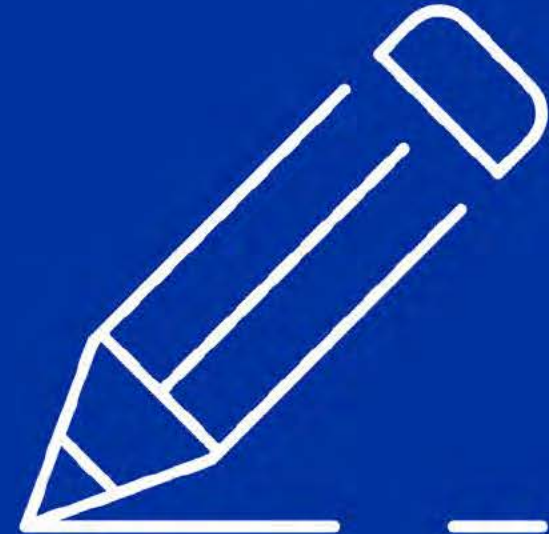


Perception-based recording of hate crime

For recording purposes, the perception of the victim, or any other person:

'... is the defining factor in determining whether an incident is a hate incident, or in recognising the hostility element of a hate crime.'

College of Policing, 2020





Checkpoint:
any [redacted] ns?

Case study: Sophie Lancaster – A Dark Angel





What was the motivation
for the attack on Sophie
and [REDACTED] ?

Secondary victimisation

'A victim suffers further harm because of insensitive or abusive treatment from those who should be supporting them.'

– College of Policing, 2014





Checkpoint:
any [redacted] tions?



Wrapping up



Summary

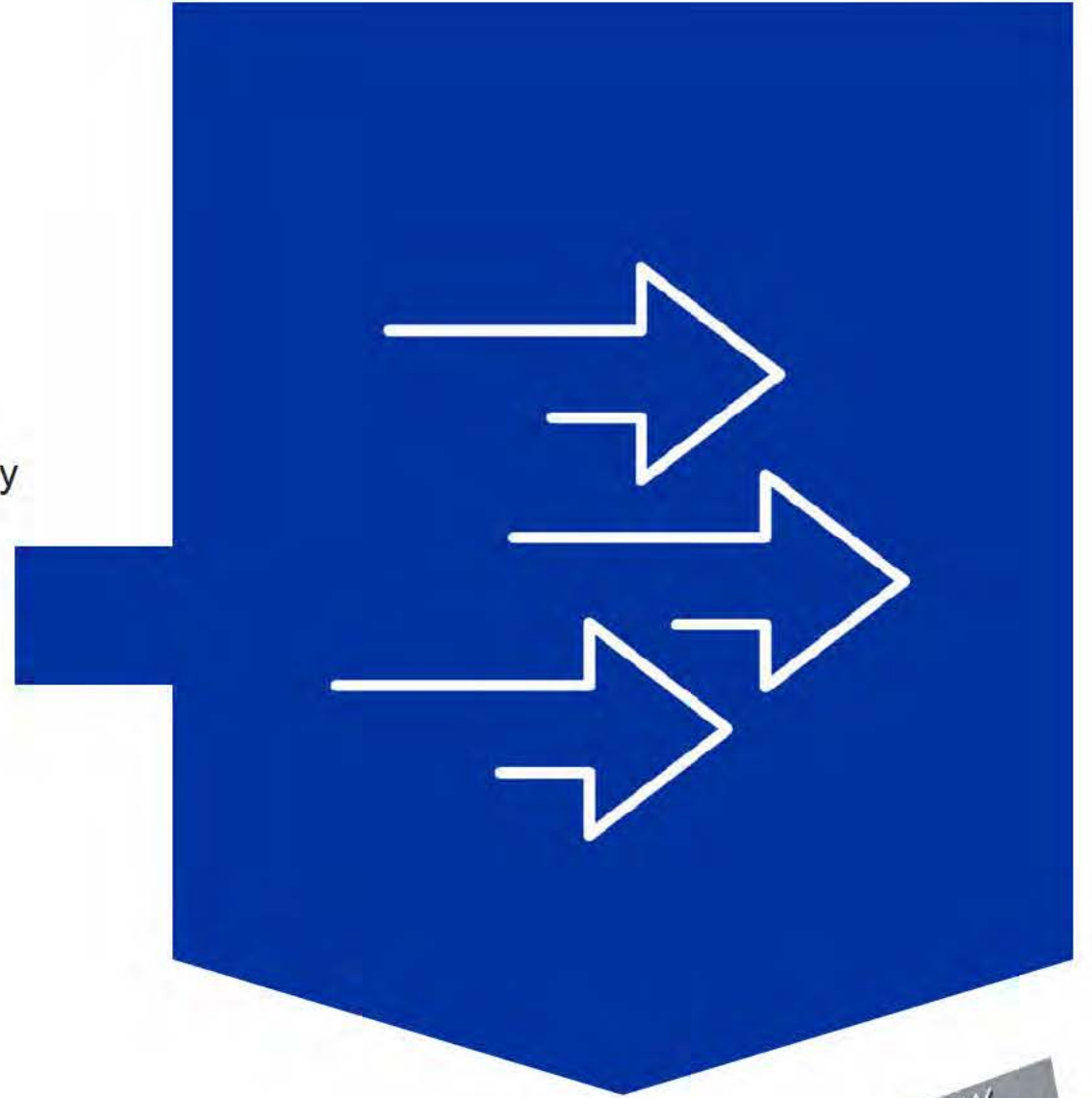
In this session we've looked at:

- The term 'hate crime.'
- The definition of hate crime.
- The definition of a hate incident.
- Hostility.
- The five monitored strands of hate crime – disability, race, religion, sexual orientation and transgender.
- Secondary victimisation.



What's next?

The next session looks at the law, national guidance and key case law that underpins hate crime.



1. Blackstone's Handbook for Policing Students (2021), Oxford University Press, c.14
2. App.college.police.uk. 2020. *Hate Crime*. [online] Available at: <<https://www.app.college.police.uk/app-content/major-investigation-and-public-protection/hate-crime/>> [Accessed 4 December 2020].
3. Cps.gov.uk. 2020. *Disability Hate Crime And Other Crimes Against Disabled People - Prosecution Guidance | The Crown Prosecution Service*. [online] Available at: <<https://www.cps.gov.uk/legal-guidance/disability-hate-crime-and-other-crimes-against-disabled-people-prosecution-guidance>> [Accessed 4 December 2020].
4. Cps.gov.uk. 2020. *Homophobic, Biphobic And Transphobic Hate Crime - Prosecution Guidance | The Crown Prosecution Service*. [online] Available at: <<https://www.cps.gov.uk/legal-guidance/homophobic-biphobic-and-transphobic-hate-crime-prosecution-guidance>> [Accessed 4 December 2020].
5. Cps.gov.uk. 2020. *Racist And Religious Hate Crime - Prosecution Guidance | The Crown Prosecution Service*. [online] Available at: <<https://www.cps.gov.uk/legal-guidance/racist-and-religious-hate-crime-prosecution-guidance>> [Accessed 4 December 2020].
6. [Sentencing Act 2020 \(legislation.gov.uk\)](https://www.legislation.gov.uk)

HATE CRIME LEGISLATION

IPLDP0082ppv06_Hate Crime Legislation

Aims & Objectives

Session aims

This session will develop the recruit police officers understanding when dealing with public protection.

Learning outcomes

1. Interpret and explain definitions, legislation associated with 'public protection-hate crime' and religious hate.
2. Identify legislation use to define racial or religiously aggravated hate crime.
3. Identify and interpret law that deals with incitement.





Hate Crime

- An internationally recognised term used to describe a range of offences and motivations.
- Has a significant impact on the victim and causes damage to communities.
- Victims are targeted for what they are or who their attacker perceives them to be – for example, the Stephen Lawrence case.
- Any criminal offence can be a hate crime if it is carried out because of hostility or prejudice based on disability, race, religion, transgender identity or sexual orientation.



Three Specific Options to Help Combat Hate Crime

Legislation has provided **three** specific options to assist in combating hate crime.

These are:

1. Racially or religiously aggravated offences.
2. Specific offences that will always be classified as hate crimes.
3. Enhanced sentencing legislation for any offence.

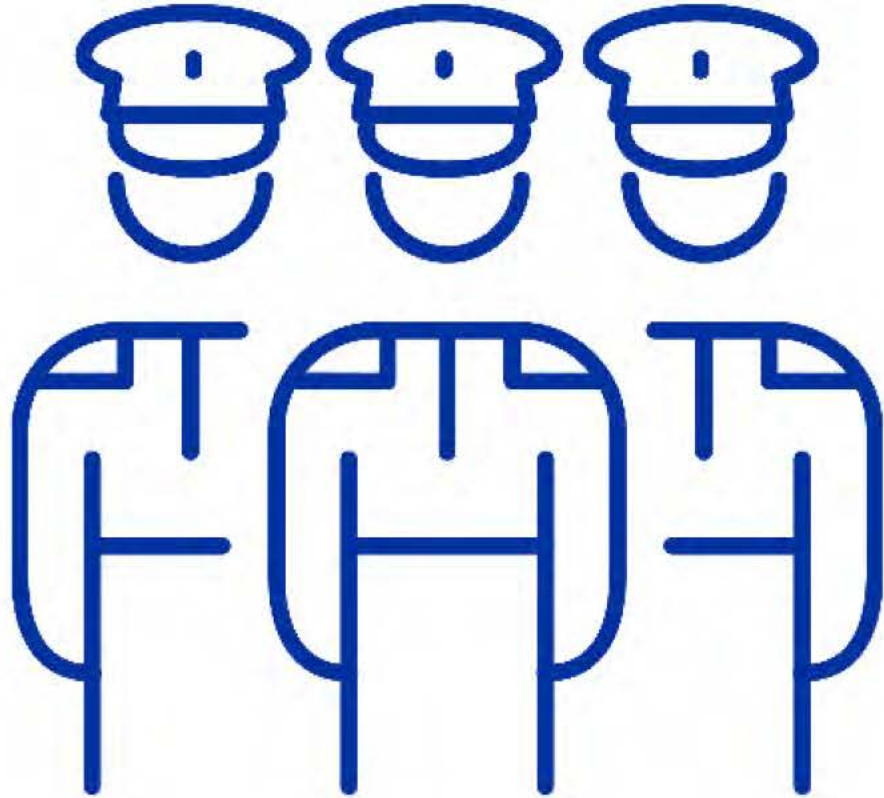


Introducing the Crime and Disorder Act 1998 (CDA)

Sections 28 to 32 of the act creates separate offences.

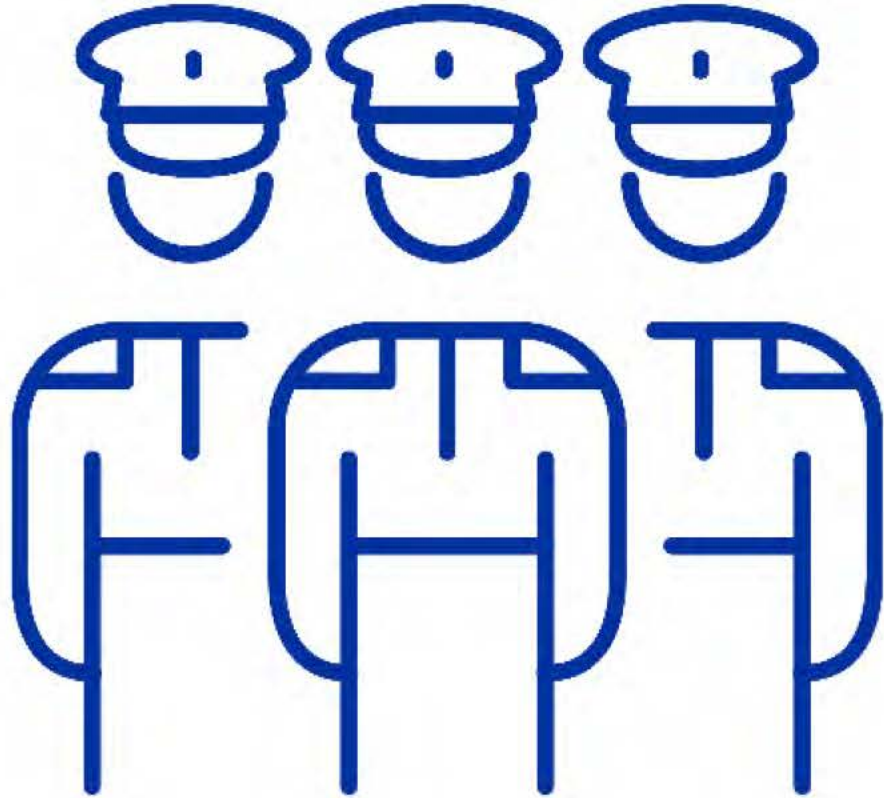
- *An offence becomes racially or religiously aggravated for the purposes of this act if the offender demonstrates hostility or is motivated by hostility on racial or religious grounds.*
- The specific offences cover wounding, assault, criminal damage, harassment, stalking and threatening / abusive behaviour.





Racially or Religiously Aggravated Offences

An aggravated offence is committed if, at the time of committing the offence or immediately before or after committing the offence, the offender **demonstrates** towards the victim of the offence **hostility** based on the victim's membership – or presumed membership – of a **racial or religious group**, or the offence is **motivated** (wholly or partly) by hostility towards members of a racial or religious group based on their membership of that group.



Racially or Religiously Aggravated Assaults

S29(1) Crime and Disorder Act 1998 (CDA) creates these distinct racially or religiously aggravated offences:

- Common Assault
- Wounding or infliction of bodily harm.
- Assault occasioning actual bodily harm.
- Common assault.
- Section 75A of the Serious Crime Act 2015 (strangulation or suffocation).

Racially or Religiously Aggravated Criminal Damage

S30(1) of the CDA creates the distinct offence of racially or religiously aggravated criminal damage.



Racially or Religiously Aggravated Harassment

- This is covered by section 32(1) of the CDA.
- The offences are racially and religiously aggravated forms of the basic offences under the Protection from Harassment Act 1997.





Racially or Religiously Aggravated Public Order Offences

S31(1) of the CDA creates these distinct racially or religiously aggravated offences:

- Fear or provocation of violence.
- Intentional harassment, alarm or distress.
- Harassment, alarm or distress.



**METROPOLITAN
POLICE**

**MORE
TRUST**

**LESS
CRIME**

**HIGH
STANDARDS**

Sentencing for Hate Crime

Assessing seriousness – S63 Sentencing Act 2020

Where a court is considering the seriousness of any offence, it must consider—

- (a) the offender's culpability in committing the offence, and
- (b) any harm which the offence—
 - (i) caused,
 - (ii) was intended to cause, or
 - (iii) might foreseeably have caused.

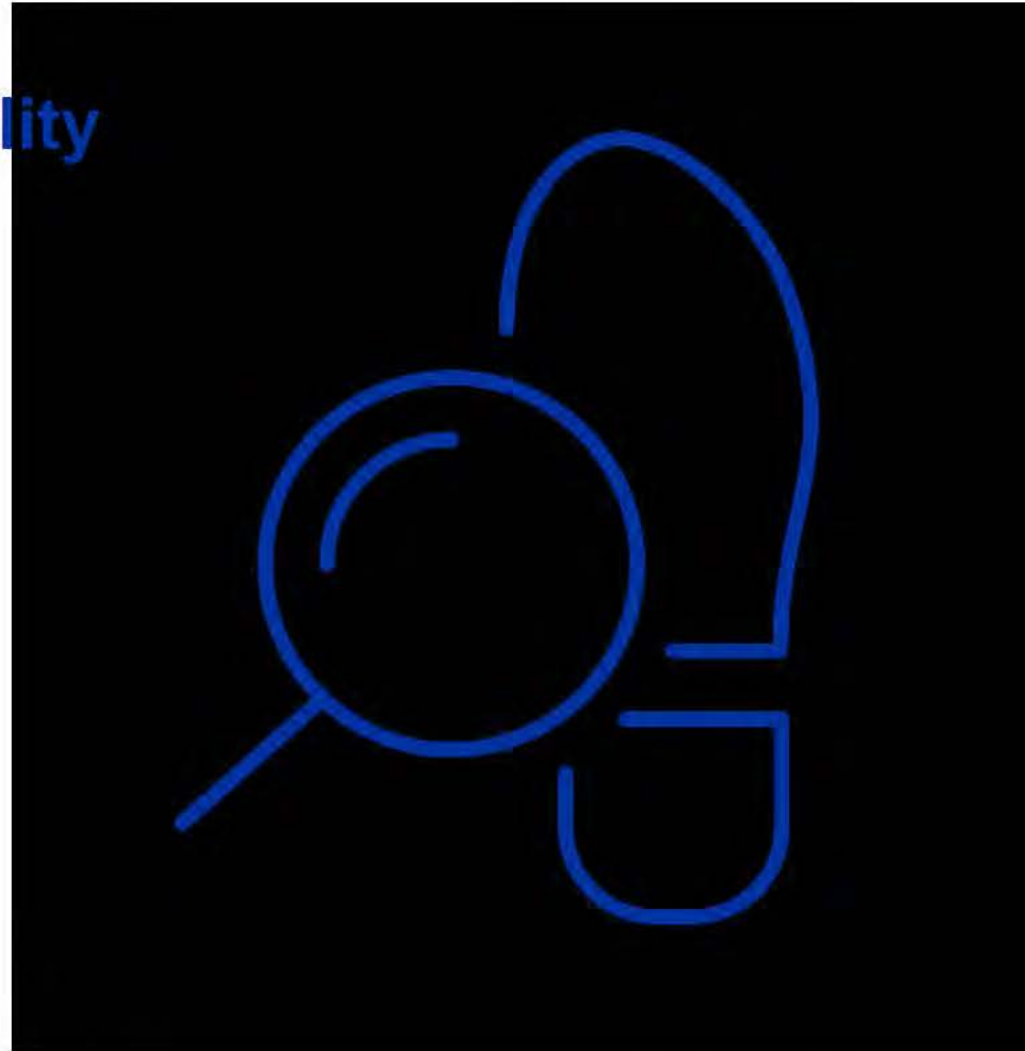


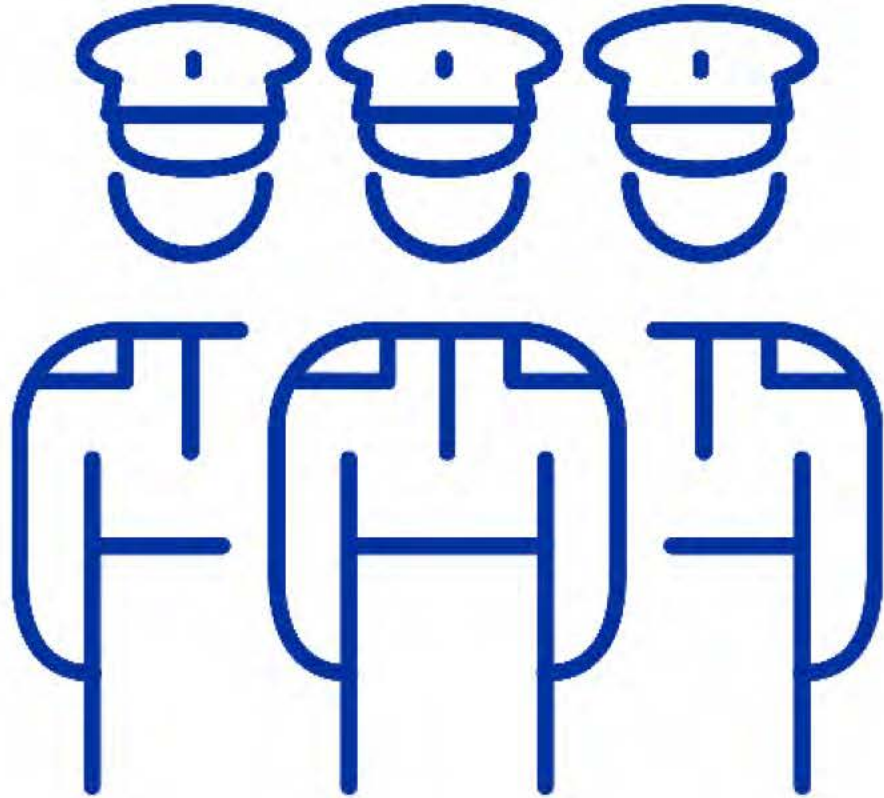
Sentencing for Crimes Motivated by Hostility

Hostility - S66 Sentencing Act 2020

- (a) racial hostility,
- (b) religious hostility,
- (c) hostility related to disability,
- (d) hostility related to sexual orientation, or
- (e) hostility related to transgender identity.

NB Not offences under S29-32 Crime and Disorder Act 1998.





Victimisation and Repeat Victimisation

The police definition of repeat victimisation is:

- Where a victim of a reported hate crime was also the victim of another reported hate crime in the previous 12 months.

Secondary victimisation can occur if a victim suffers further harm because of insensitive or abusive treatment from those who should be supporting them.

References

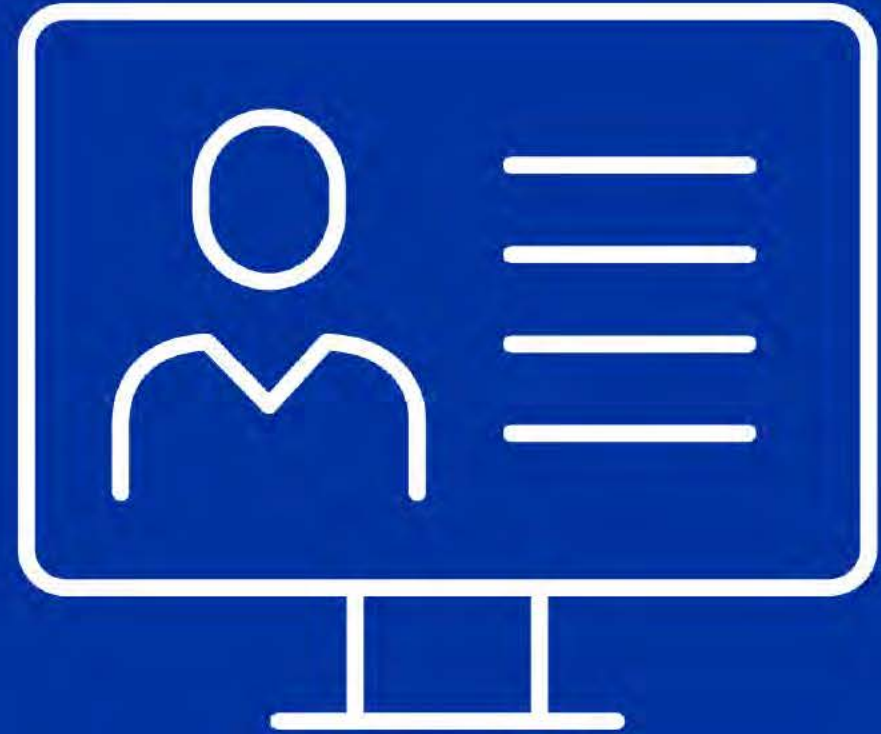
1. Blackstone's Handbook for Policing Students 2021, Oxford University Press, c.14.
2. Cps.gov.uk. 2020. *Hate Crime | The Crown Prosecution Service*. [online] Available at: <<https://www.cps.gov.uk/crime-info/hate-crime>> [Accessed 4 December 2020].
3. The National Archives. 2020. *The National Archives*. [online] Available at: <<https://www.nationalarchives.gov.uk/>> [Accessed 4 December 2020].
4. Legislation.gov.uk. 2020. *Legislation.Gov.Uk*. [online] Available at: <<https://www.legislation.gov.uk/>> [Accessed 4 December 2020].



Hate Crime - Responding to an Incident



IPLDP0083ppv02_Hate Crime Responding to an Incident



Session aims and learning outcomes



Session aims

This session will develop the student police officers understanding when dealing with public protection.



Learning outcomes

1. Identify national and local guidance in response to hate crime incidents.
2. Identify and relate the most appropriate referral mechanisms to support victims of hate crime.
3. Interpret and explain the Met's hate crime mission and MPS Mission.
4. Describe the initial response for police forces and some partner agencies to take upon notification of a suspected incident of hate crime.

MPS 'Hate Crime' mission

The mission of the MPS is to make London safer for everyone regardless of their race, faith, age, gender, disability or sexual orientation.

We also aim to increase safety and improve public confidence.

In order to succeed we need to work with communities to give them the confidence to report crime and give us the information that allows us to identify and prosecute offenders.

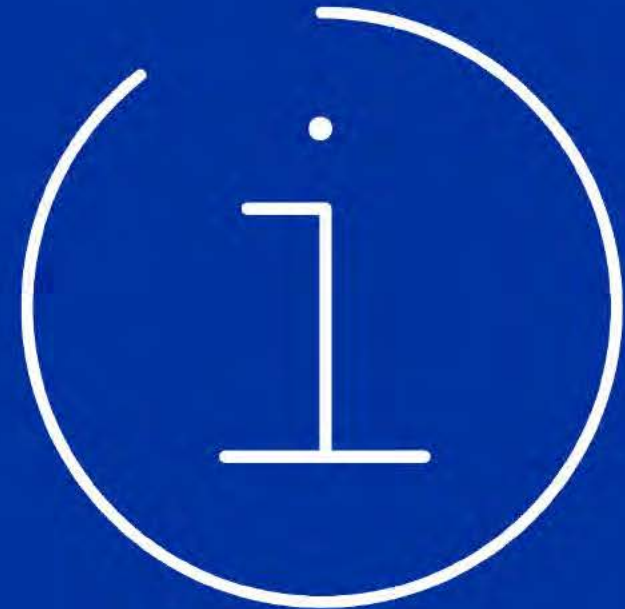




What is the definition of a
hate  crime?

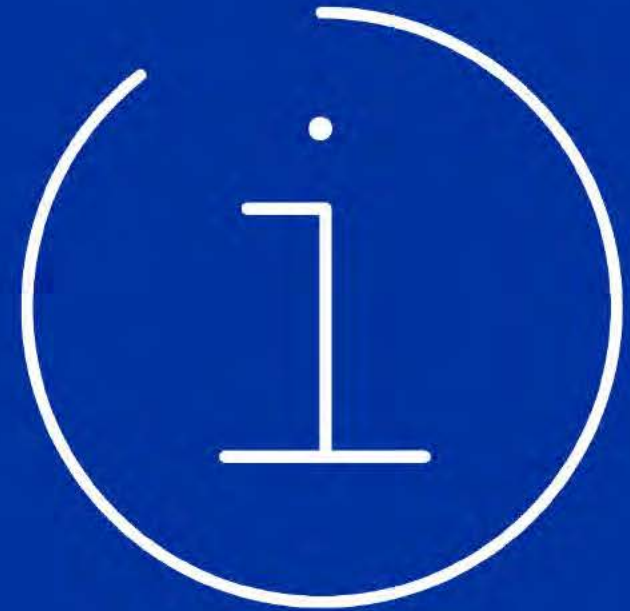
Hate crime definition

"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 race or perceived race; religion or perceived religion; sexual orientation or perceived sexual orientation; disability or perceived disability and any crime motivated by hostility or prejudice against a person who is transgender or perceived to be transgender."



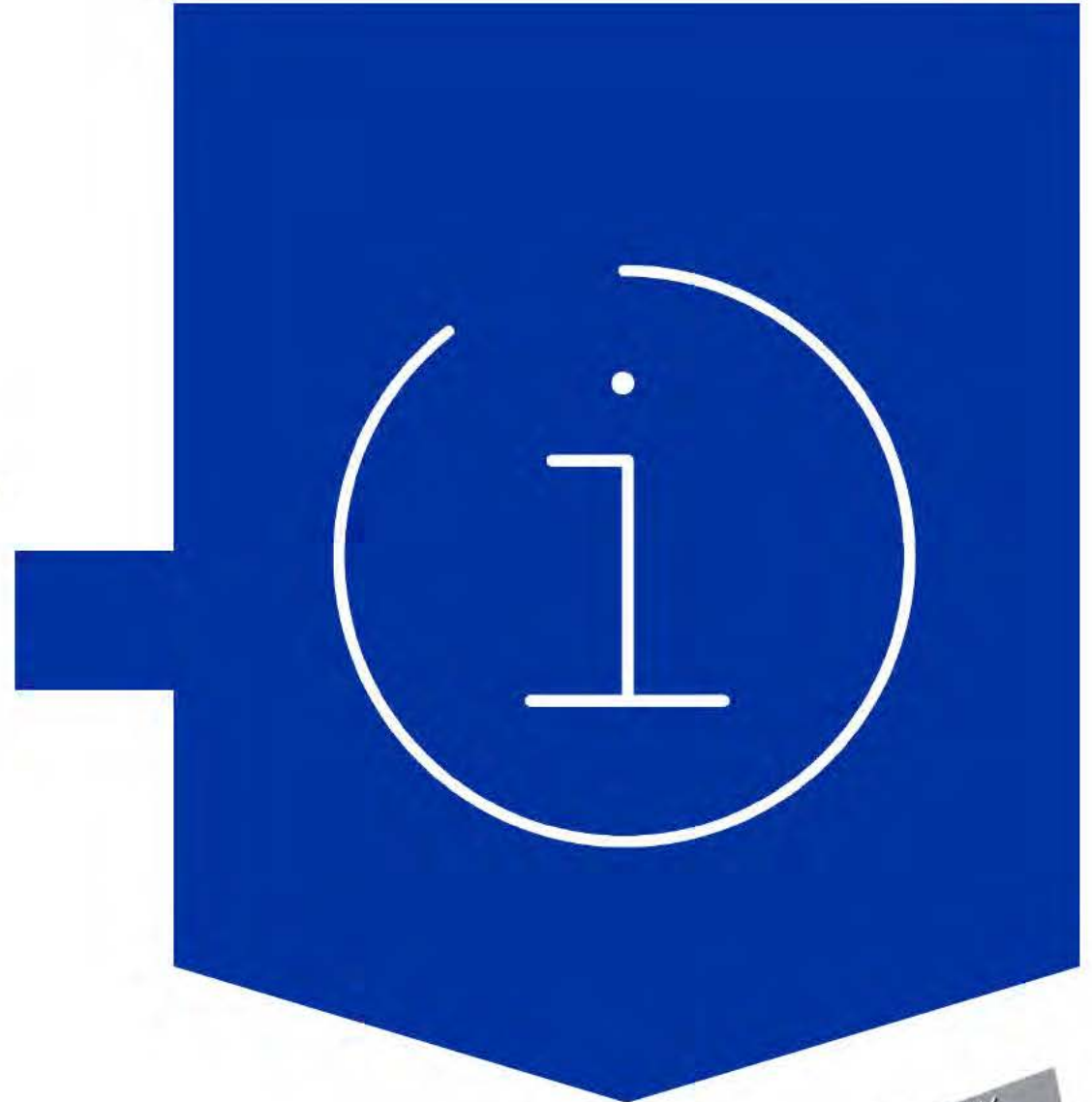
Motivated hate crime

Motivated 'hate crimes' and incidents are taken to mean any crime or incident where the perpetrator's hostility or prejudice against an identifiable group of people is a factor in determining who is victimised.



Aggravated hate crime

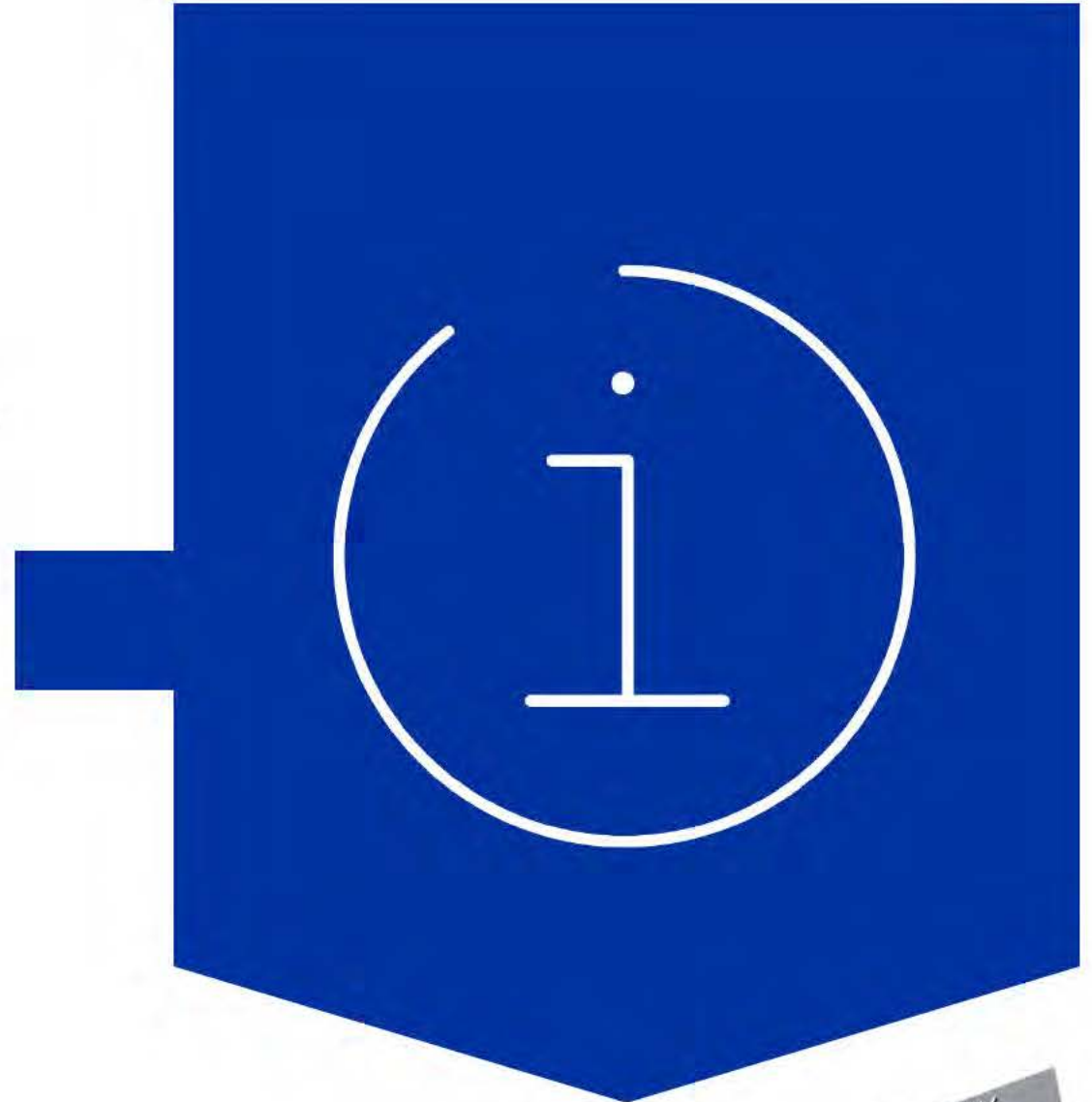
Aggravated 'hate crimes' and incidents are taken to mean any crime or incident where there are aggravated factors related to the victims race, religion, disability, sexual orientation or transgender identity.



Who investigates what crimes?

Most aggravated offences will remain with the reporting officers and motivated will be investigated by the local BCU Safeguarding unit.

Each case will be reviewed on its own merit and depends on local BCU polices .





Questions?



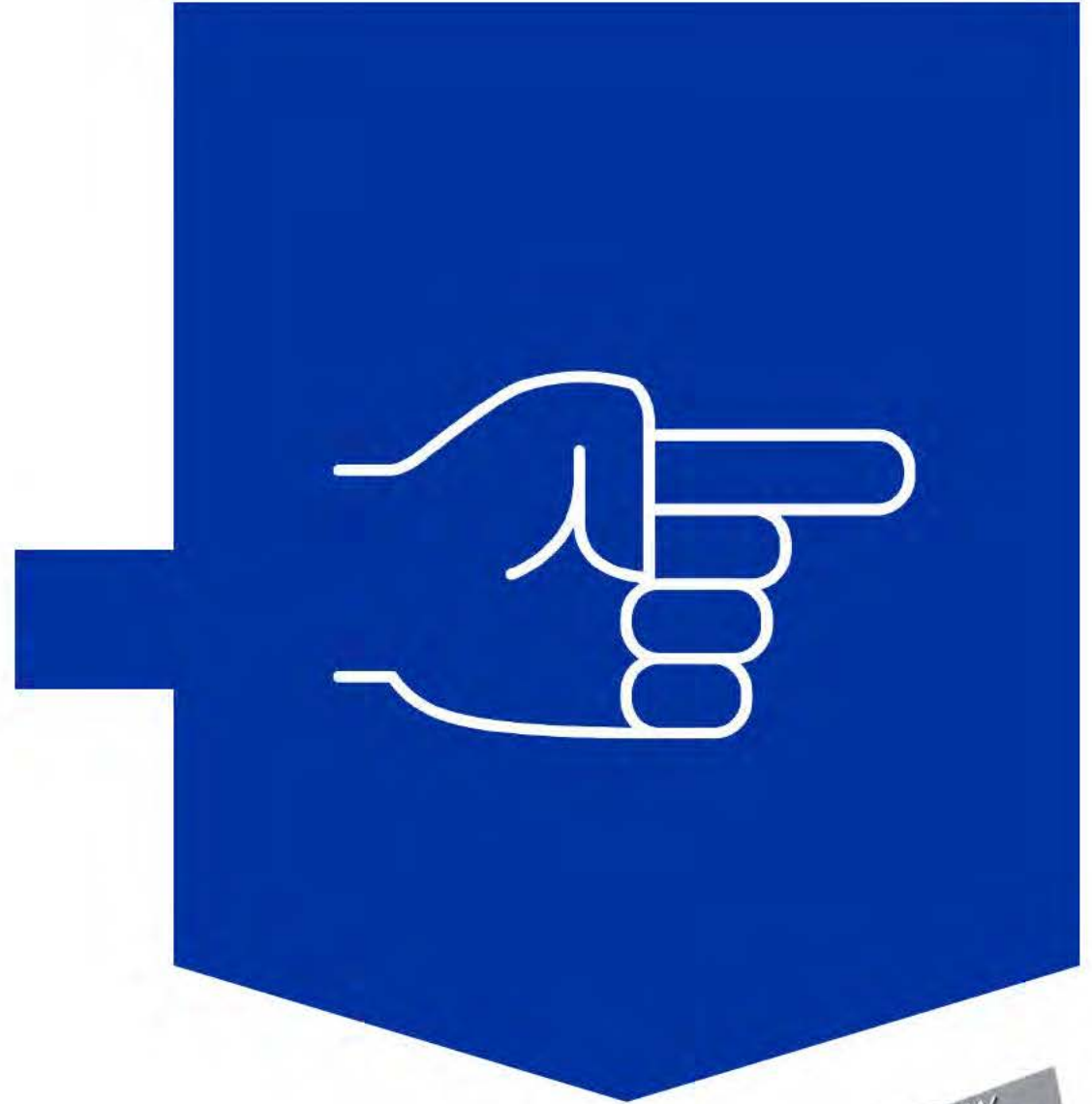
Hate crime: the risks

Hate crime is largely based on ignorance and motivated by prejudice and hostility rather than by personal gain.

All police personnel must be aware of the unique needs and vulnerability that result from being a victim of hate crime (College of Policing, 2004).

Failure to provide an appropriate and professional response to such reports could cause irreparable damage to future community confidence in the police service.

(MPS, 2018)

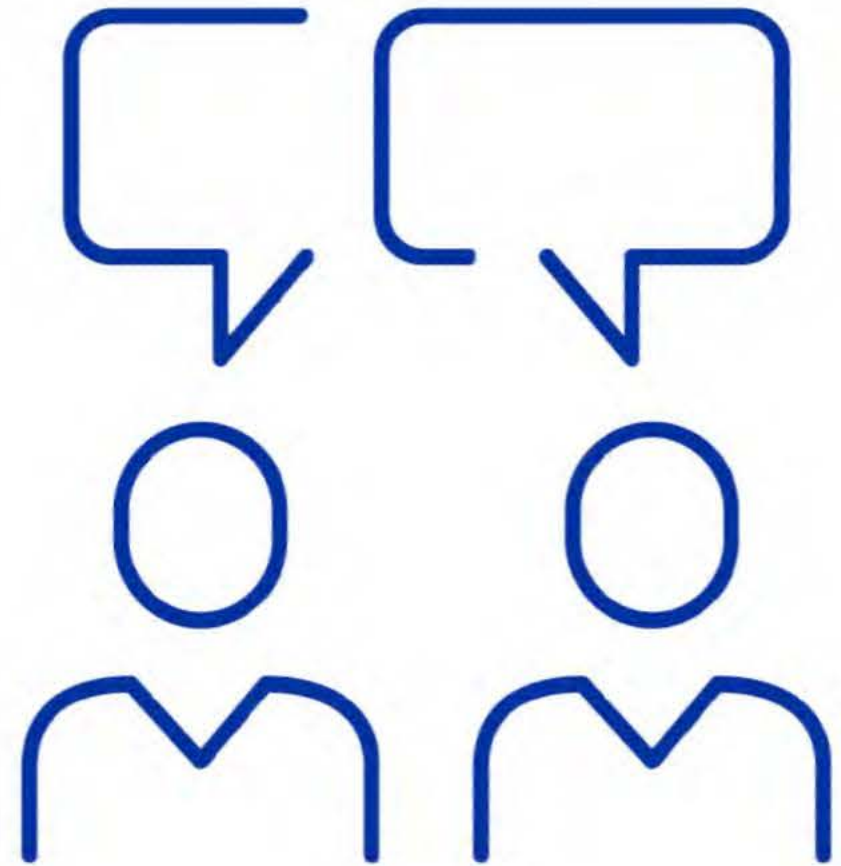




Task 1

What are the barriers to reporting hate incidents or hate crime?

 5 minutes



Examples of barriers to reporting hate incidents or crime

- Fear.
- Mistrust.
- Culture.
- Isolation.
- Self-pride.
- Vulnerability.

(College of Policing, 2014)

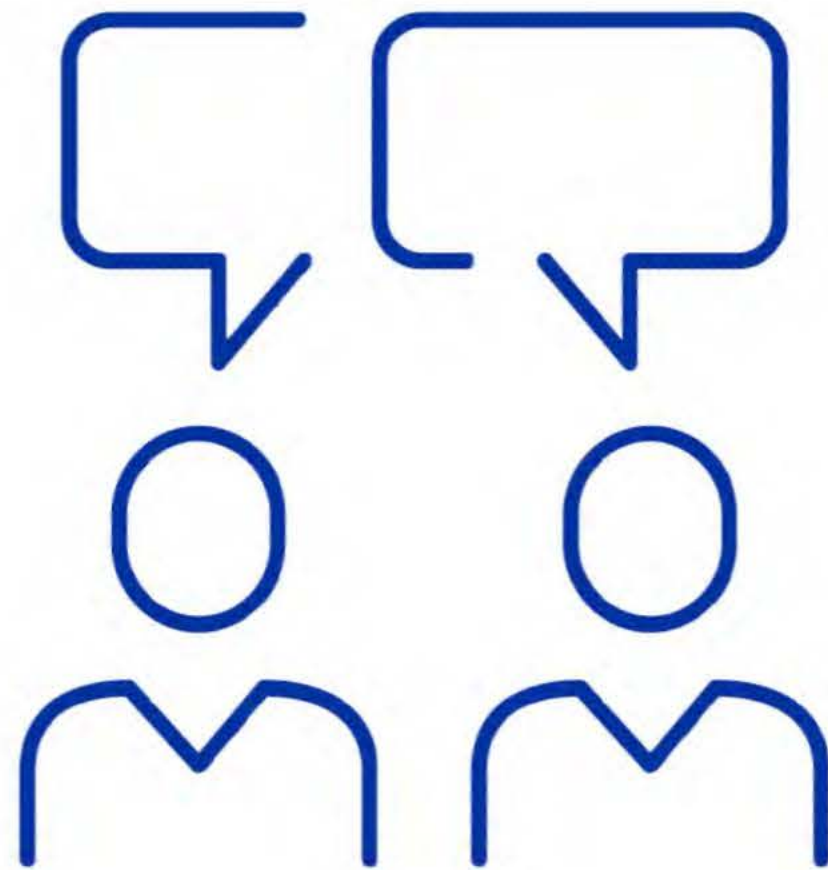




Task 2

What has the MPS done to encourage reporting?

 5 minutes



There are a number of different ways third party crime reporting can be facilitated including:

- In person.
- Anonymously.
- Via a support organisation.
- Over the telephone.
- Self-reporting packs (e.g. 'true vision').
- By text.
- By letter.
- By fax and / or internet.



We will believe a victim such that we record the crime allegation. From that point we will investigate impartially and with an open mind to establish the facts.





Questions?





Managing Risk and Vulnerability

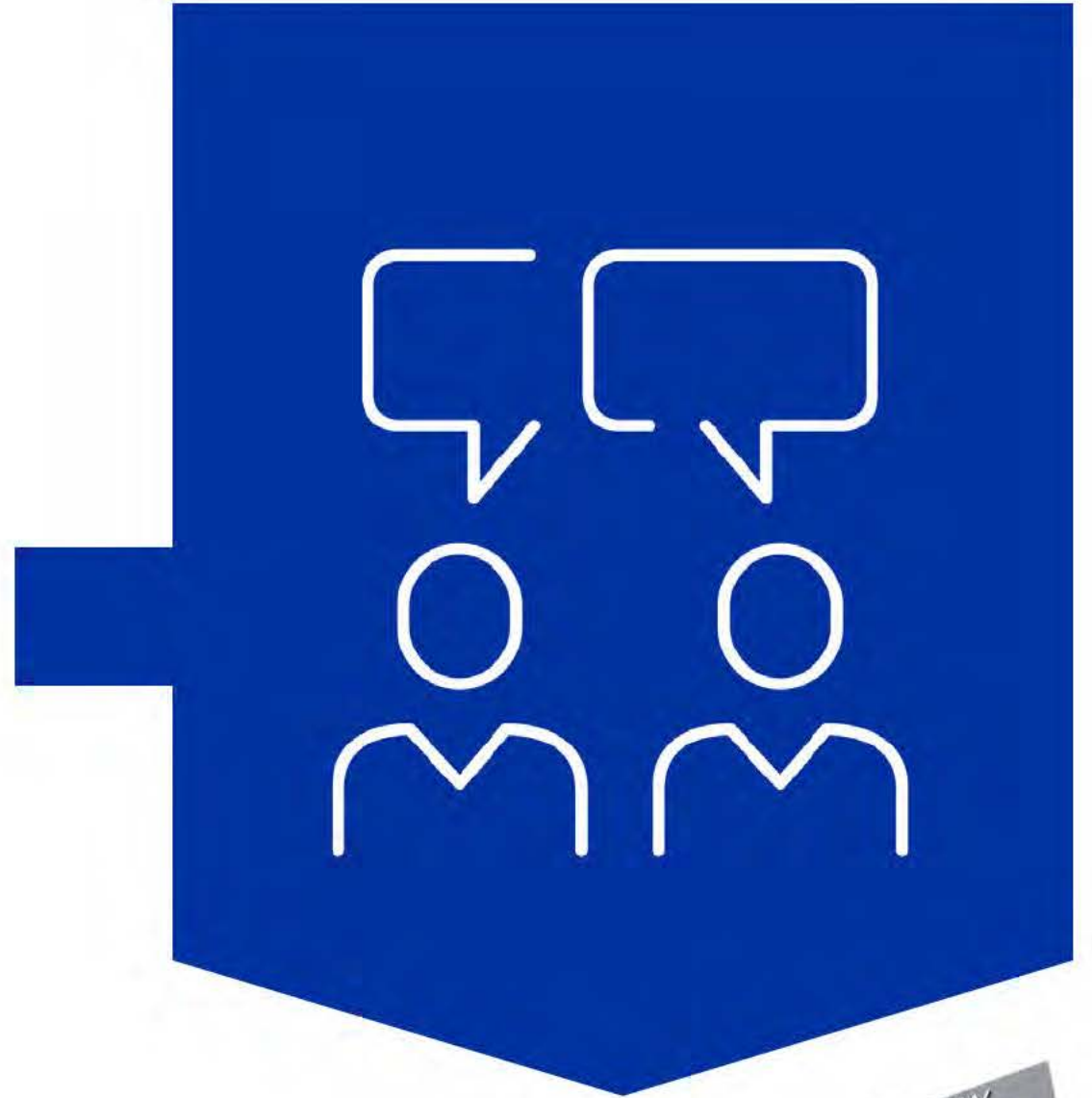


Risk and vulnerability

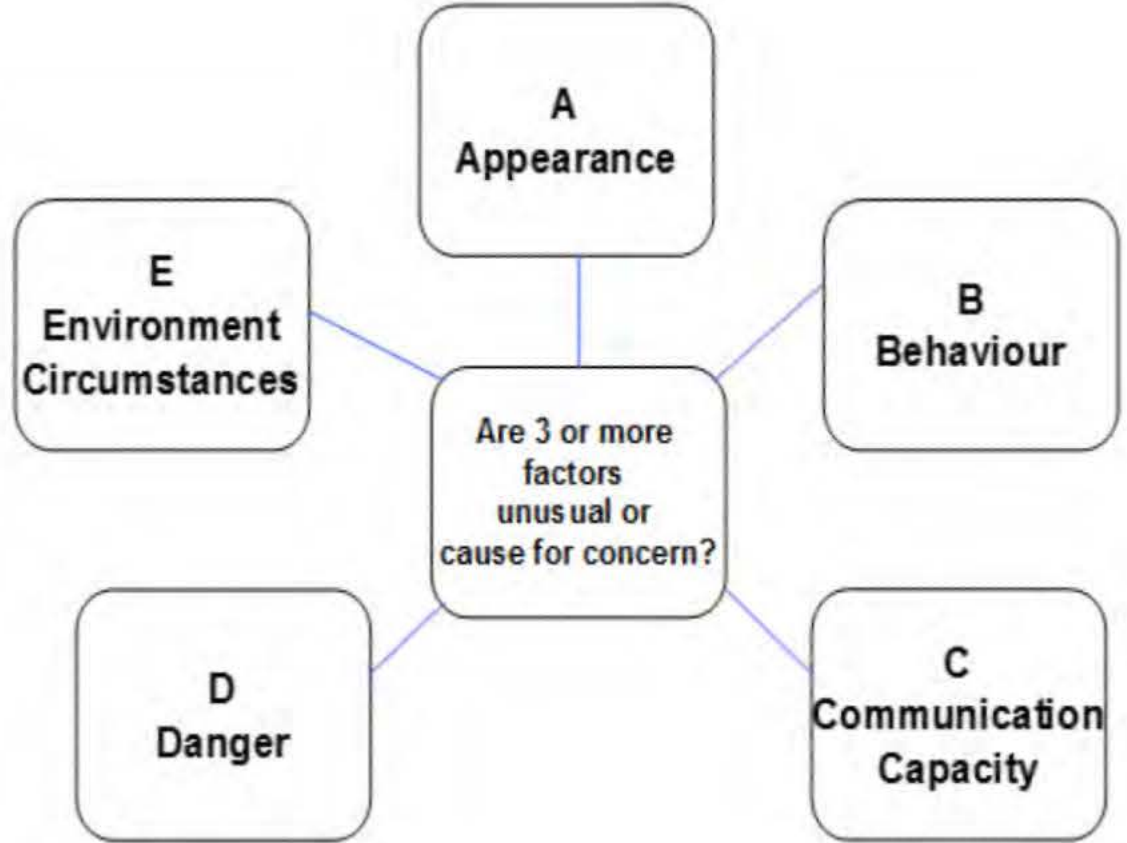
National guidance:

- Identify, assess and manage risk.
- Consider risk of community tension.
- If risk is high, inform supervisor immediately.
- Any risk and decisions must be recorded.

(College of Policing, 2017)



Vulnerability Assessment Framework





Questions?





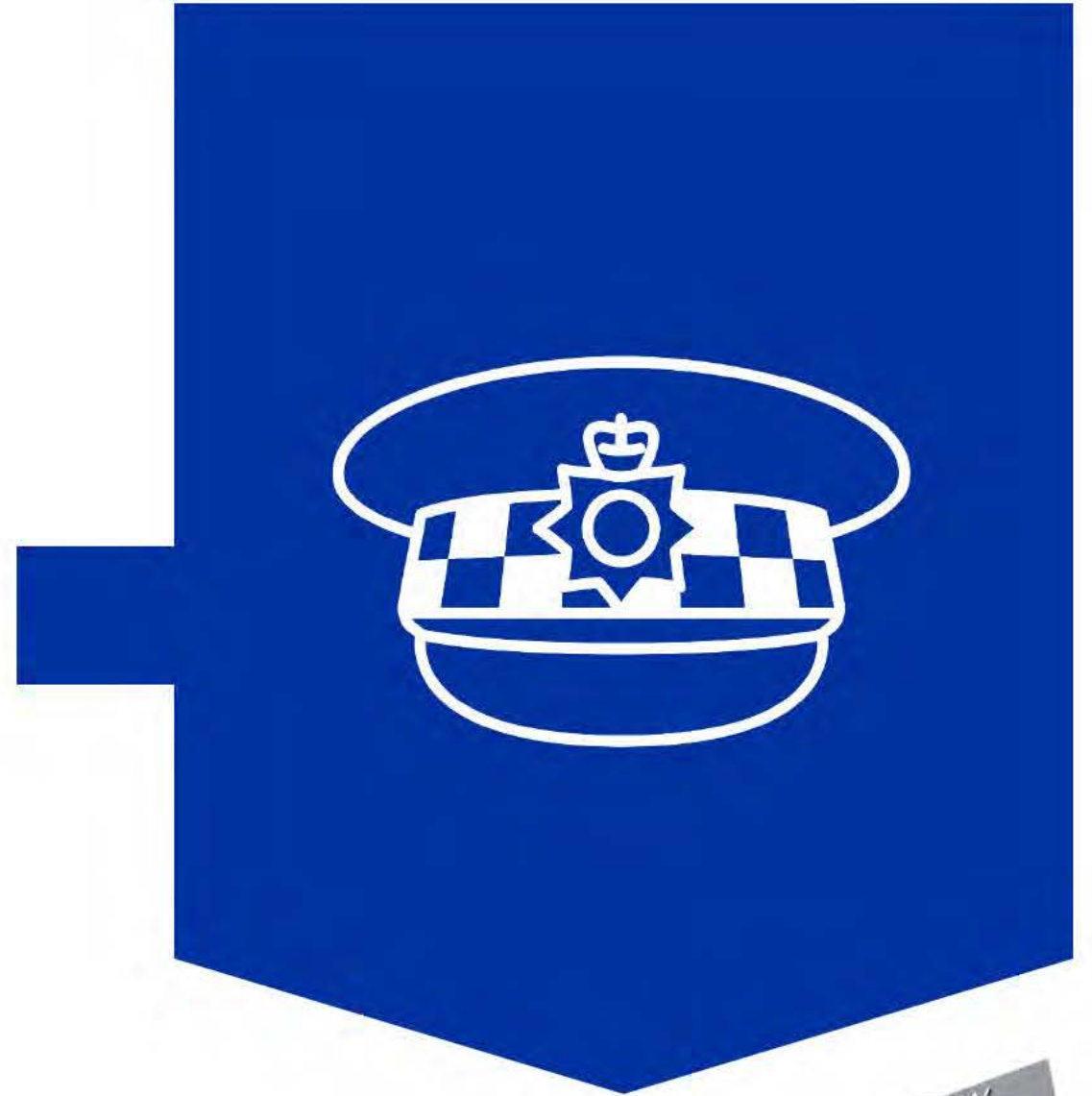
The Police Response



College of Policing guidance

- Gather full information.
- Assess the response required.
- Instigate suitable interventions.
- Background search.
- Problem Profile.

(College of Policing, 2014)



MPS primary investigation frontline checklist – immediate action

- Risk and vulnerability.
- Supervisor.
- Emergency life support / ambulance?
- Police powers – S17 PACE?
- Is this a threat to life?
- Is this a critical incident?



MPS primary investigation frontline checklist

- Consider and respect protected characteristics.
- MERLIN – child is involved / present.
- All incidents must be recorded on CRIS.
- Use form 124H on CRIS to risk assess.
- The 'Duty Officer' must be informed of all 'hate incidents'.



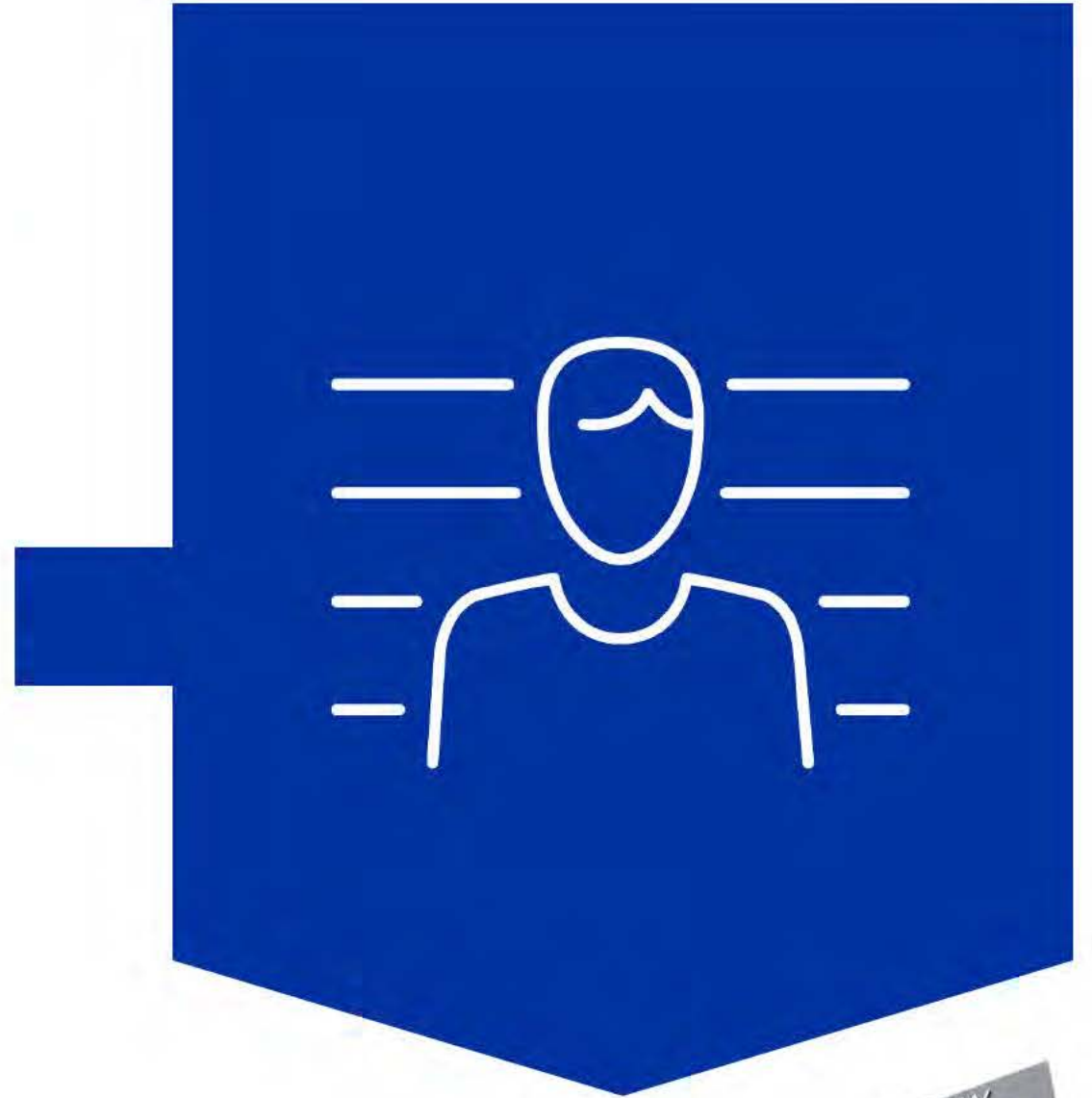
MPS primary investigation frontline checklist - action at the scene

- Search for CCTV sources.
- Consider video, photograph and sketch.
- Consider forensic opportunities.
- Consider reassurance patrols post incident.



MPS primary investigation frontline checklist - suspects

- Do not stereotype suspects profile.
- Arrest suspects if present and grounds exist.



MPS primary investigation frontline checklist - victims

- Use gender neutral language. Police terminology, lack of awareness and knowledge can increase these barriers.
- Be polite for every occasion but especially useful if victim/witness has a disability (remember this may not always be obvious).



Victim actions

- Develop a supportive, professional relationship with individual victims and their families.
- Do not stereotype.
- Consider obtaining early victim / witness statements.
- Third party reports.
- Identify possible intimidate OR vulnerable victims and witnesses.



Repeat victimisation

The National Police Chiefs Council provide the following definition:

‘Where a victim of a reported crime was also the victim of another reported hate crime in the previous 12 months’.

(College of Policing, 2014)





Questions?





Supporting Victims



The London Victims Witness Service (LVWS)



The new service brings together five key areas of support for victims and witnesses through a single integrated service:

1. The service provides support to adult (18+) victims of crime.
2. Provides specialist support for victims and survivors of domestic abuse (aged 16+).
3. Provides access to Restorative Justice.
4. Delivers pre-trial and outreach support for prosecution and defence witnesses.
5. Provides support for people affected by major crime incidents.

“Communities Against Hate,” (CATCH) also provides specialist help to support victims.

LVWS: supporting recovery



Crime impact assessment will focus on:

- Feelings of safety.
- Ability to manage aspects of everyday life.
- Housing.
- Finances.
- Confidence.
- Relationships / social life.
- Work, study and training.
- Alcohol and drugs use.

(London Victim Witness Service, 2020)

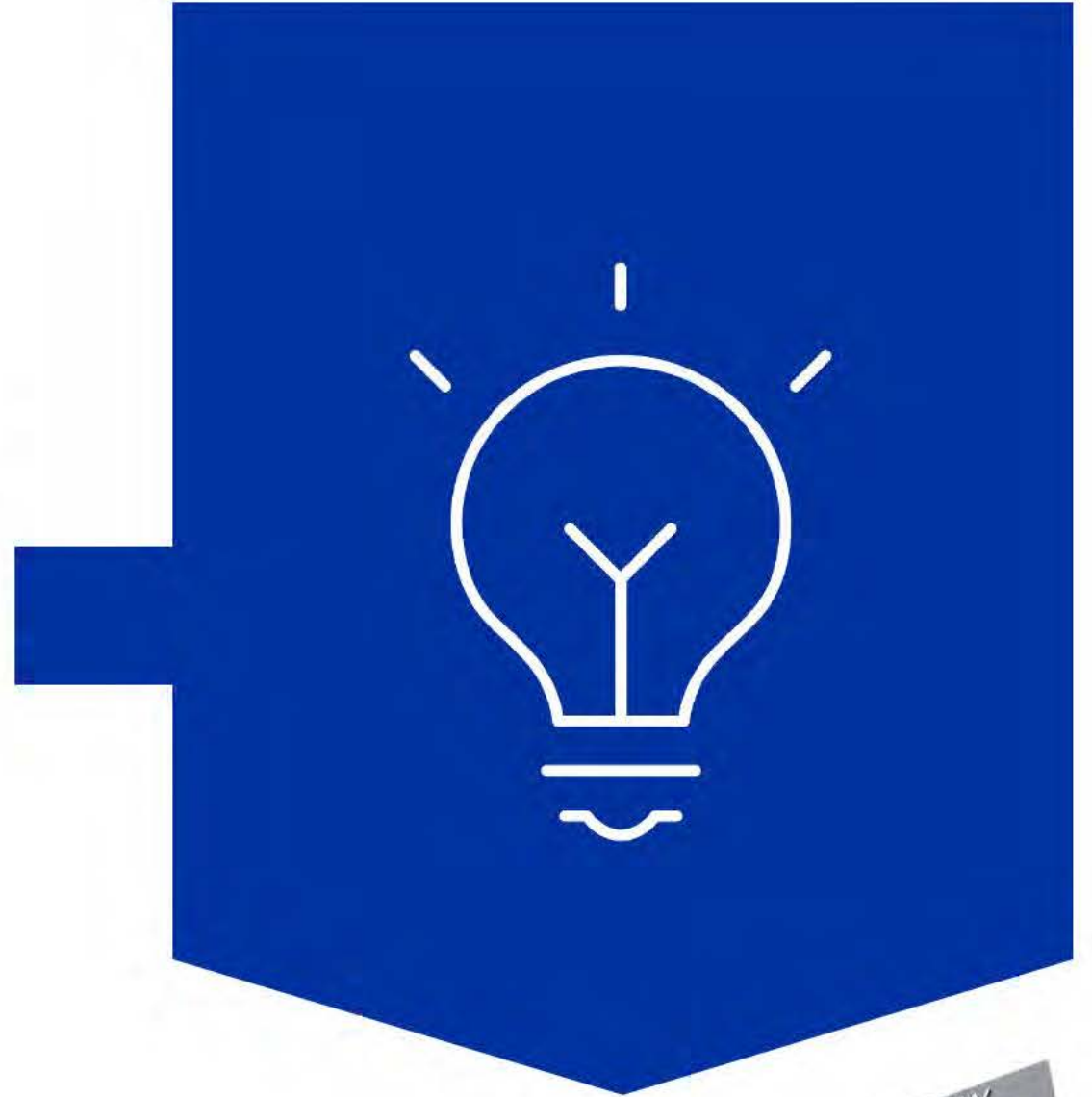
Review and recap

The mission of the MPS is to make London safer for everyone regardless of their race, faith, age, gender, disability or sexual orientation.

It is essential that all police staff are aware of the potential for hate crime to escalate into a critical incident.

Identify, assess and manage risk.

Trust and confidence.





What next?



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