1. **About this policy**

1.1. This policy explains how Hampshire Constabulary will approach the investigation of hate crimes and hate incidents.

1.2. This policy is primarily aimed at police officers and police staff dealing with the initial report, the investigation, and the resulting action that is taken.

1.3. In addition the policy is aimed at supervisors and managers having overall responsibility for the investigation of such incidents.

2. **General principles**

2.1. The purpose of this policy is to clearly define what amounts to a hate crime or hate incident in order that the appropriate response in relation to risk assessment, risk management and investigation is initiated by Hampshire Constabulary.

2.2. Hampshire Constabulary is committed to improving community cohesion, reducing crime and anti-social behaviour, and protecting the public, while ensuring service is built around the needs of the victim.

2.3. The Equality Act 2010, under the public sector equality duty, requires the police service to have due regard to the need to:

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

2.4. Hampshire Constabulary can positively impact upon our duty under this Act by the way we investigate hate crime/incidents. It will also demonstrate our commitment to challenging discrimination whilst looking to increase the confidence of victims and communities in how we deal with such reports.

3. **Statement of policy**

3.1. All definitions used in this policy have been agreed by the National Police Chief’s Council (NPCC) and the Crown Prosecution Service (CPS). These definitions are distinct from the definitions in law.

3.2. This policy refers to the five protected characteristics of monitored hate crime: disability, race, religion, sexual orientation, and transgender.
3.3. Hate crime/incidents will be recorded under their relevant strand heading on the Record Management System (RMS).

3.4. Hate crimes/incidents are taken to mean any crime or incident where the perpetrator’s hostility or prejudice against an identifiable group of people is a factor in determining who is victimised. This is a broad and inclusive definition. A victim does not have to be a member of the group. In fact, anyone could be a victim of a hate crime.

3.5. A Hate Crime is any criminal offence which is perceived, by the victim or any other person, to be motivated by a hostility or prejudice based on a person’s
   - disability or perceived disability, or
   - race or perceived race, or
   - religion or perceived religion, or
   - sexual orientation or perceived sexual orientation, or
   - against a person who is transgender or perceived to be transgender.

3.6. A Hate Incident is any non-crime incident which is perceived, by the victim or any other person, to be motivated by a hostility or prejudice based on a person’s
   - disability or perceived disability, or
   - race or perceived race, or
   - religion or perceived religion, or
   - sexual orientation or perceived sexual orientation, or
   - against a person who is transgender or perceived to be transgender.

3.7. The definitions for the protected characteristics outlined above are as follows:
   - Disability: includes any disability including physical disability, learning disability and mental health.
   - Race: includes any racial group or ethnic background including countries within the United Kingdom and ‘Gypsy & Traveller groups’.
   - Religion: includes any religious group including those who have no faith.
   - Sexual orientation: includes any person’s sexual orientation including people who are ‘heterosexual’
   - Transgender: includes people who are transsexual, transvestite, and people who wish to present/live either full or part time in the gender opposite of their birth.

3.8. The term ‘any person’, relates to any third party, and includes a police officer or police staff member. Therefore, if the victim did not believe the incident to be a hate crime/incident but the police officer attending the scene, or any other person believed it was, then the incident must be recorded as a hate crime/incident.

3.9. Hampshire Constabulary supports the use of self/3rd party reporting of hate crime/incidents, for example via the ‘True Vision’ or ‘tcrime.net’ websites, and will investigate these matters as we would for those reported through more conventional routes.
3.10. In recognising the serious impact hate crime/incidents can have, the Constabulary aims to:

- encourage victims and witnesses to report incidents;
- deal promptly and sensitively with incidents;
- effectively respond to, record, investigate, and monitor all hate crimes/incidents;
- abide by Victim Code in all incidents and recognise victims as potential ‘priority victims’ as defined by the code;
- identify, at the earliest stage possible, repeat victims;
- identify perpetrators and take appropriate action and consider views of victims;
- promote multi-agency involvement in dealing with and preventing such incidents;
- provide crime prevention and safeguarding advice;

3.11. Police officers and police staff subjected to a hate crime or a hate incident will be afforded the same level of service as the general public and ensure we comply with the Seven Point Plan.

4. Implications of policy

4.1. Training

4.1.1. The Hampshire Constabulary Learning and Development Department will deliver appropriate training to staff including community involvement placements, where relevant.

4.1.2. Internal Support and advice is also available from relevant Force liaison officers, including Lesbian and Gay Liaison Officers (LAGLOs), Mental Ill Health Liaison Officers (MIHLOs), Black, Ethnic and Minority (BEAM), Police Link Officers for the Deaf (PLOD), Disability Support Network, District and Force Strategic Independent Advisory Group and Fairness and Equality Action Group (FEAG) champions.

4.2. Legislative Options

4.2.1. For the purposes of this policy, police officers and police staff, their supervisors and managers have access to the Police National Legal Database (PNLD) which provides full details of the following legislative options to be used in combating hate crime.

4.2.2. The Crime and Disorder Act 1998 creates racially or religiously aggravated provisions of the following offences:

- Assaults (Section 29)
- Criminal damage (Section 30)
- Public order offence (Section 31)
- Harassment (Section 32)

4.2.3. Each Community Safety Partnership is expected to have strategies in place to prioritise the effective recording and reduction of racial incidents. Section 17 of the Crime and Disorder Act 1998, imposes an obligation on specified bodies, e.g. local
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authorities, to consider crime and disorder reduction in the exercise of all their duties.

4.2.4. Section 153 of the Powers of Criminal Courts (Sentencing Act) Act 2000, as amended, requires the courts to consider racial or religious hostility as an aggravating factor when deciding on the sentence for any offence which is not a specific racially or religiously aggravated offence under the 1998 Act.

4.2.5. Section 146 of the Criminal Justice Act 2003 requires the courts to consider disability or sexual orientation hostility as an aggravating factor when deciding on the sentence for any offence.

4.2.6. The Code of Practice for Victims of Crime (Ministry of Justice, 2013) is a statutory document which explains what support and information victims of crime – both people and businesses – can expect. Some victims in special circumstances, for example children or victims of the most serious crimes, are entitled to extra support which is detailed in the Code.

4.3. Risks

4.3.1. If not properly identified, recorded and investigated, a hate crime/incident can have a disproportionate and devastating effect on the victim, their quality of life, and that of their community.

4.3.2. People who are either victims of a hate crime or hate incident or persons who wish to report such incidents on behalf of someone else are entitled to receive the highest standards of professional service from police officers and police staff. Any member of the Hampshire Constabulary to act in a manner that falls short of this standard, it is likely to seriously affect the trust and confidence of the police service with the public.

4.3.3. If any member of the Hampshire Constabulary falls short of the requirements of the Victims Charter, it is likely to seriously affect the trust and confidence of the police service with the public.

4.4. Consultation

4.4.1. The following individuals, groups and departments have been consulted in the writing of this policy: -

- Public Protection Department
- Corporate Communications Department
- Criminal Justice Unit;
- Representative of District Chief Inspectors
- Strategic Independent Advisory Group
- Learning and Development
- Representative of LGB&T Resource Group
- Local FEAG Leads – Fairness and Equality Strategic Group
- Internal Support Groups
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- Unison and Federation

5. Monitoring and evaluation

5.1. Accountability for delivery of this policy and the management of high risk hate crime/incident victims in their locality will be carried out by District Commanders through local management and tasking processes.

5.2. Scrutiny of delivery of this policy will be through the Force Fairness and Equality Strategic Group (FESG), Force Hate Crime Working Group and through District and Strategic Independent Advisory Groups (SIAG).

5.3. The Performance and Consultation Team, Intelligence, Tasking and Development Directorate are responsible for:

- Providing statistical data for Hampshire Constabulary, the Home Office, and other statutory agencies upon request, and

- User satisfaction surveys with victims of race hate crime/ incidents, producing reports to Hampshire Constabulary on the resulting feedback, and data to the Home Office.

5.4. Intelligence, Tasking and Development Directorate can be tasked via TPM to produce an intelligence product for high risk hate crimes/incidents which inform management plans through the local DMM and TPM processes.

6. Review

6.1. The Force Hate Crime Lead will review this policy annually. The next review will consider any changes to legislation, legal challenges to the Hampshire Constabulary, and any discrepancies highlighted with regards to the policy.

6.2. The policy will be updated and amended where appropriate to take account of these issues.

7. Other related policies, procedures and information sources

7.1. Related Policies

7.1.1. 14800 Policy - Victims and Witnesses

7.2. Related Procedures

7.2.1. Hate Crime Plan
7.3. **Information Sources**

7.3.1. Human Rights Act 1998

7.3.2. Crime and Disorder Act 1998

7.3.3. Powers of Criminal Courts (Sentencing) Act 2000

7.3.4. Criminal Justice Act 2003

7.3.5. Gender Recognition Act 2004

7.3.6. Equality Act 2010

7.3.7. True Vision Website (owned by the Association of Chief Police Officers) www.report-it.org.uk

7.3.8. www.tcrime.net (funded by the Home Office for the reporting of transphobic crime)


7.3.10. Code of Practice for Victims of Crime (Ministry of Justice, 2013)


7.3.13. Hate Crime Operational Guidance (COP, 2014)

7.3.14. [AD203 Equality Impact Assessment](#)

**Origin:** Partnerships and Neighbourhoods