



# Understanding the difference

The initial police response to hate crime

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## Foreword

"It's a very depressing and demoralising feeling that you're left with, but you can't let these people see that they've affected you, you just try to get on with your life."  
- Hate crime victim

Crimes motivated by hate can have an intense, enduring and sometimes devastating effect on victims and communities. It is particularly distressing to be a victim of crime because of who you are or what you believe. To reflect this, national and local policies and plans are in place in police forces across England and Wales. These help make sure the police service prioritises the needs of victims of hate crime, and supports them through the criminal justice process.

However, it is also important to emphasise that hate crime is an exceptionally broad and complex social problem. So the response needs different government departments, local public services and many other organisations to work together. This must include a focus on anticipating and preventing hate crime, as well as tackling crimes effectively when they have been committed.

We found that the police forces we visited understand that it is important to take hate crime seriously. The forces also recognise they need to encourage victims to report incidents. However, this does not always translate into a deeper understanding of their communities and how they are being victimised.

Some forces need to give far more attention to the experience of victims once they have made a report. Hate-crime victims often exist in small, tight-knit communities. There may only be one opportunity for the police to get things right. Any failure to respond appropriately can have a negative effect, not only on the victims themselves but on the wider community. Also, poor service to victims can mean that fewer people overall report hate crime, and trust in the police decreases as a result. It can also have a negative effect on community cohesion.

In our inspection, we found examples of effective ways of working which, if more forces adopt them, could make a real difference to the police's approach to hate crime, and improve outcomes for victims. That said, there is considerable inconsistency between forces in their approach to hate crime. The challenge for police leaders is to make sure victims of hate crime get a consistently high standard of service no matter where they live or what their personal circumstances are.

We greatly appreciate the contribution that many victims and their representatives made to our work throughout this inspection, including our external reference group. We will be publishing a more detailed report on what victims have told us about their experiences of hate crime later this year.

We have also included case studies of victims' experiences throughout the report. Some of these case studies include language that some people might find offensive. Nevertheless, we have included it, because we believe it is important to be honest about what victims of hate crimes are going through.

# Summary and main findings

"When you're a minority, like I am, it [experiencing hate crime] is part of your DNA essentially."

- Hate crime victim

## Summary

In 2017/18, we carried out an inspection of how the police deal with hate incidents and crimes. This report sets out our findings and makes recommendations aimed at improving policing practice and the service to victims.

In our inspection, we found many examples of individual police officers and staff dealing professionally, sensitively and effectively with victims. We also found positive practice in the approach of most of the forces we visited, which we think should be adopted more widely.

However, we found an inconsistent picture between forces, and sometimes within the forces themselves. We also found victims who had been let down by the police. And the lack of accurate information about hate crime, specifically in terms of crime recording and the identification of hate crime, makes it difficult for the government, police and crime commissioners, chief constables and victim support groups to have an informed understanding of the nature and scale of hate crime, and how to respond effectively to it.

Although we found some progress in encouraging victims to report hate crime, and in improving police practice in dealing with it, progress has been too slow. This is both on a force and national level. Hate crime can have devastating effects on individuals, specific groups and the wider community. Victims deserve a more consistent and considered initial response from the police.

We have made several recommendations in this report. If implemented, we believe these would improve the police response to hate crime, make victims safer, and help build communities' trust in policing.

## What is hate crime?

In this inspection, we define hate incidents and crimes as:

Any criminal offence or incident which is perceived by the victim, or any other person, to be motivated by hostility or prejudice towards someone based on a personal characteristic.<sup>1</sup>

This definition was adopted by criminal justice organisations in 2007, to promote consistency in the absence of a definition set out in law. It puts the emphasis on the perception of either the victim or another person (for example a witness to a crime, or the police officer or staff member who is helping the victim). The victim doesn't need to give the police any evidence or justification to support this perception.

### Motivating factors

The UK government monitors police data on offending motivated by hostility towards these personal characteristics:

- race or ethnicity;
- religion or beliefs;
- sexual orientation;
- disability; or
- transgender identity.

These motivating factors are the same for hate incidents and crimes. The difference is whether the circumstances amount to a crime. However, to the victim, this difference may not be apparent – the hate is the same.

The police identify the different motivating factors by placing a marker on incident and crime records. These markers are known as ‘flags’.

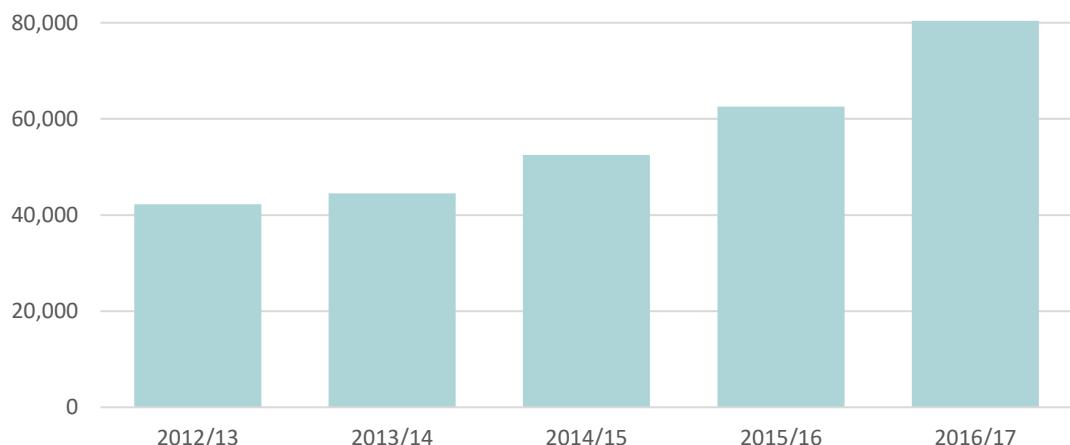
### Prevalence of hate crime

Figure 1 shows the number of hate crimes recorded by the police over the last five years.

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<sup>1</sup> This common definition was agreed in 2007 by the Association of Chief Police Officers (now the National Police Chiefs' Council), Crown Prosecution Service, Prison Service (now the National Offender Management Service) and other organisations that make up the criminal justice system.

**Figure 1: Total recorded hate crime offences 2012/13–2016/17**



**Source: Home Office data published by the Office for National Statistics**

In 2016/17, hate crime accounted for two percent of all crimes recorded by the police.<sup>2</sup> While this is a low proportion in terms of overall numbers of recorded crimes, the effect on individual victims and communities can be devastating. There is also strong evidence to suggest that hate crime is significantly under-reported to the police.<sup>3</sup>

## About this inspection

In 2016, the then Home Secretary commissioned us to carry out an inspection of police forces' understanding of, and response to, hate crime of all types.

Our work began with a preliminary study, published in November 2017.<sup>4</sup> The purpose of this study was to review what work had already been done in this area, and to propose priority areas for the inspection. Based on this study, we decided to focus the inspection on the first stages of interaction between a hate crime victim and the police, and assess:

- how forces raise awareness of hate crime in their communities;
- initial call handling;
- crime and incident recording, including the use of hate crime and online flags;

<sup>2</sup> Total recorded crime for 2016/2017 was 4,269,824.

<sup>3</sup> The Crime Survey for England and Wales (CSEW) is a survey of the victims of different crimes, including those motivated by hate. *Hate crime, England and Wales, 2014/15* for combined survey years 2012/13, 2013/14 and 2014/15.

<sup>4</sup> See: [www.justiceinspectories.gov.uk/hmicfrs/publications/hate-crime-scoping-study/](http://www.justiceinspectories.gov.uk/hmicfrs/publications/hate-crime-scoping-study/)

- how forces use problem profiles<sup>5</sup> to help identify trends and patterns of offending and victimisation;
- the risk assessments forces carry out to determine the response and ongoing support to the victim, and the risk management that follows;
- the police response to reports of hate crime; and the system for referrals to victim support services<sup>6</sup>.

Our findings are based on data and document requests from all 43 forces in England and Wales, and fieldwork in six of those forces. We also considered the national and local plans and training in place to support the police in responding effectively to victims of hate crime.

One of the main aims of the inspection was to identify good ways of working that forces could consider when assessing their own approach to hate crime. We found various examples, which we have included in the relevant sections of the main report.

In 2018, we also worked with Her Majesty's Crown Prosecution Service Inspectorate on a joint inspection of disability hate crime. The report will be published later this year. This report refers in places to the findings from the disability hate crime inspection.

## **Legislation, strategy, policy and guidance**

### **Legislation**

There is no single piece of legislation that criminalises hate crime in the UK, and hate crime is not defined in law (although there are some offences that must always be classified as hate crimes).<sup>7</sup>

Legislation gives prosecutors two options for applying for an increase in sentence for those convicted of a hate crime:

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<sup>5</sup> Forces need to understand the nature of hate crime across their areas. This understanding is based on their assessment of available information and intelligence, which together guide their handling of the problem. The product of this activity is called a problem profile.

<sup>6</sup> We acknowledge that this focus leaves unanswered questions about the investigative process and the results of these investigations. We will consider further how we can integrate this subject area into our future inspection plans. We have gathered data from all forces which we will use as a starting point when considering further inspection activity.

<sup>7</sup> These are incitement to racial hatred (section 18, Public Order Act 1986); incitement to hatred on the grounds of religion or sexual orientation (section 29b, Public Order Act 1986); and racialist chanting (section 3, Football Offences Act 1991).

- the Crime and Disorder Act 1998 provides for a higher maximum penalty for offences considered to be racially or religiously aggravated;<sup>8</sup> and
- the Criminal Justice Act 2003<sup>9</sup> provides for enhanced sentencing for offences considered to be aggravated by any of the five protected characteristics<sup>10</sup> covered by this inspection.

## Strategy

The government's approach to hate crime is co-ordinated jointly between the Home Office and the Ministry of Housing, Communities and Local Government.<sup>11</sup> The government's hate crime action plan<sup>12</sup> sets out five areas of work, from preventing hate crime through to better support to victims.

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<sup>8</sup> Sections 29–32 of the Crime and Disorder Act 1998 (as amended by the Anti-terrorism, Crime and Security Act 2001) identify a number of offences which, if motivated by hostility or where the offender demonstrates hostility, can be treated as racially or religiously aggravated. The offences are assaults, criminal damage, public order offences and harassment.

<sup>9</sup> Section 145 of the Criminal Justice Act 2003 requires the courts to consider racial or religious hostility as an aggravating factor when deciding on the sentence for any offence (other than those detailed in the Crime and Disorder Act 1998 above). Sections 146 of the Criminal Justice Act 2003 allows for increased sentences for aggravation related to sexual orientation, disability or transgender identity.

<sup>10</sup> Characteristics of a person which, if established to be the basis of discrimination, will render that discrimination unlawful under the Equality Act 2010. The characteristics are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

<sup>11</sup> The Ministry of Housing, Communities and Local Government was formerly known as the Department for Communities and Local Government. A new inter-ministerial group, Safer Integrated Communities, was set up in 2017. This group provides scrutiny and oversight of the counter-extremism and integration programmes in the Home Office and the Ministry of Housing, Communities and Local Government. It also encourages the involvement of the whole of government and of civil society to do more to counter extremism and deliver integration.

<sup>12</sup> *Action Against Hate: The UK Government's plan for tackling hate crime*, Home Office, July 2016. Available at:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/543679/Action\\_Against\\_Hate\\_-\\_UK\\_Government\\_s\\_Plan\\_to\\_Tackle\\_Hate\\_Crime\\_2016.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/543679/Action_Against_Hate_-_UK_Government_s_Plan_to_Tackle_Hate_Crime_2016.pdf)

A national policing hate crime strategy sets out the commitment of the police service in England and Wales to reducing the harm caused by hate crime.<sup>13</sup>

Locally, police and crime commissioners and their mayoral equivalents produce police and crime plans which set out the priorities for their respective forces.

### **Policy and guidance**

The national policing hate crime strategy is supported by operational guidance produced by the College of Policing.<sup>14</sup> However, the College hasn't published any authorised professional practice (APP)<sup>15</sup> specific to hate crime, nor is there currently a specific hate crime national training package. There is more about this later in the report.

From our all-force information request, we know that not all forces have operational guidance specific to hate crime which is available to officers.

## **Main findings**

These are the most significant findings and those where we believe positive changes in the police's initial approach will make the biggest difference to victims. We would suggest you read the full report for a complete picture of our findings and more extensive examples of good and poor practice. We have also included word-for-word testimonies from victims who participated in our research project; these add context to the findings.

### **Positive practice**

In the forces that we visited, we found evidence of positive and innovative practice. This was usually due to the work of a small number of committed and passionate people working specifically on hate crime, and working with a range of other organisations.

In Gwent Police, in particular, we found a structured approach to dealing with hate crime, with many examples of positive practice. These included:

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<sup>13</sup> *National Policing Hate Crime Strategy*, College of Policing 2014. Available at: <http://library.college.police.uk/docs/college-of-policing/National-Policing-Hate-Crime-strategy.pdf>

<sup>14</sup> *Hate crime operational guidance*, College of Policing, 2014. Available at: <http://library.college.police.uk/docs/college-of-policing/Hate-Crime-Operational-Guidance.pdf>

<sup>15</sup> Authorised professional practice (APP) is guidance produced by the College of Policing that sets out the expected standards in relevant areas of police work.

- using hate crime ‘champions’ to contact victims and provide follow-up support;
- effective audit arrangements to make sure the force had applied hate crime flags correctly; and
- a ‘cyber community support officer’, recognising that hate crime is increasingly taking place in online communities.

Other examples of positive practice include:

- work to help officers understand how to respond to reports made by transgender victims (Greater Manchester Police);
- work to make sure victims are referred appropriately to support services (Avon and Somerset Constabulary);
- short training videos for officers policing diverse communities to enable them to understand and engage with those communities effectively (Greater Manchester Police);
- comprehensive hate crime risk assessments to help keep victims safe (Nottinghamshire Police);
- effective work with partner organisations to protect victims from further offences (West Yorkshire Police);
- involving local communities in scrutinising the police approach to hate crime (West Yorkshire Police); and
- a training package called ‘Take the hurt out of hate’ for frontline officers and supervisors (Avon and Somerset Constabulary).

We have included more detail about these and other examples from the forces visited in the relevant sections of this report.

### **Raising awareness of hate crime**

We found that the police have done much work to raise the awareness of hate crime in their communities. Most forces have produced information on hate crime, and how to report it, and made it available in different formats and languages.

The number of reports of hate crime to the police has increased in recent years, and continues to do so. But it isn’t possible to isolate the effect that higher police community awareness has had on this increase in reporting.

## **Call handling**

The national focus on increasing reports of hate crime to the police (see [page 39](#)) means there are now multiple routes by which victims or witnesses can report offences. These include online (through the single True Vision website),<sup>16</sup> or through third parties such as charities (see [page 41](#)). However, our inspection found that most hate incidents and crimes are still reported directly to the police, usually to force control rooms.

We found that victims receive an inconsistent response from control room staff. This is partly because control room staff have limited awareness of hate crime and receive little continuing training to help them to recognise examples of it.

We also found that individual officers and staff, and forces more widely, are often reluctant to ask victims whether they perceive there to be a specific motivation for the crime or incident they are reporting. This is a concern, considering that police need to assess the perception of a victim (or any other person) to establish whether a hate crime has been committed.

Introducing a process whereby victims are asked why they think they have become a victim would help forces to understand the nature and scale of hate crime. It would also have wider benefits in identifying and supporting victims.

## **Recording crimes and incidents, including using hate crime flags**

Our crime data integrity inspection programme<sup>17</sup> is still finding problems with the accuracy of some aspects of forces' recording of all crimes and incidents. In this inspection, we found that hate crimes reported by victims are sometimes not recorded properly.

The Home Office requires police forces to use a marker or flag to indicate that a reported incident or crime relates to hate. Accurate flagging of hate crime is essential so that forces and the government can understand and respond appropriately to the problem. It is also important so that PCCs and their mayoral equivalents can commission support services for victims that are appropriate to the needs of communities. They will not be able to do this effectively if forces don't understand the scale and nature of this problem.

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<sup>16</sup> True Vision is a website providing information about hate crime, and an online reporting facility. For more information, see: [www.report-it.org.uk/home](http://www.report-it.org.uk/home)

<sup>17</sup> A rolling programme of crime data inspections. See: [www.justiceinspectorates.gov.uk/hmicfrs/our-work/article/crime-data-integrity/](http://www.justiceinspectorates.gov.uk/hmicfrs/our-work/article/crime-data-integrity/)

Victims, or any other person reporting the hate incident or crime, are not required to provide any evidence or justification for the belief that the motivation of the perpetrator was one of hate. However, this can lead to confusion over whose perception is being recorded (that of the victim, or of the police officer dealing with the report, for instance), and to inconsistencies in how different police officers in the same force flag similar incidents.

We found other significant problems with the way hate crimes are flagged. These include:

- flags not being used when they should have been;
- the wrong flags being used; and
- flags being used without any apparent justification.

Our joint inspection of disability hate crime<sup>18</sup> also found similar problems.

Most forces are doing too little to put this right. This means we have concerns about the accuracy of the hate crime data forces give the Home Office.

### **Equality duty**

Under the Equality Act 2010, police forces are bound by the public sector equality duty (PSED).<sup>19</sup> That is, the duty to:

- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
- advance equality of opportunity between people who share a protected characteristic and those who do not; and
- foster good relations between people who share a protected characteristic and those who do not.

In this inspection, we have found that, in terms of hate crime, the forces we inspected:

- sometimes incorrectly flagged hate incidents and crimes;
- did not gather comprehensive enough data about hate crime victims;
- did not gather enough intelligence about hate crime; and

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<sup>18</sup> This will be published later in 2018.

<sup>19</sup> Equality Act 2010, part 11, chapter, 1 section 149.

- sometimes did not analyse the information they had gathered by creating and using problem profiles.

In our rolling programmes of crime data integrity<sup>20</sup> and custody inspections,<sup>21</sup> we have also found that forces do not always gather comprehensive enough data, both about victims and those who have been arrested.

There is no explicit duty under the Act to gather enough information to make policing decisions that comply with the PSED. But there is an expectation that police forces should be properly informed, otherwise it is difficult for forces to have due regard to their obligations under the Act.

In this inspection, we did not consider in detail to what extent the forces that we visited complied with the PSED. However, we have concluded that forces should be mindful of the implications of not gathering enough information about the people they come into contact with (and hate crime victims in particular), and analyse it appropriately.

### **Understanding hate crime**

The Home Office flags used by forces require the police to identify:

- which of the five protected characteristics has been targeted in the hate incident or crime (recognising that there may be more than one; for example, a victim may have been targeted because of both their religion and race); and
- which specific religion has been targeted in religiously aggravated hate crimes.<sup>22</sup>

However, there are no sub-categories for any of the other strands (such as type of disability or sexual orientation). We found this means forces often don't collect more detailed information about the motivation of hate crimes. This is a significant missed opportunity for forces to build a comprehensive picture of how victims are being targeted in their areas. It would put them in a better position to protect communities and potentially prevent hate crimes

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<sup>20</sup> A rolling programme of crime data inspections. See: [www.justiceinspectorates.gov.uk/hmicfrs/our-work/article/crime-data-integrity/](http://www.justiceinspectorates.gov.uk/hmicfrs/our-work/article/crime-data-integrity/)

<sup>21</sup> For more information, see: [www.justiceinspectorates.gov.uk/hmicfrs/our-work/article/criminal-justice-joint-inspection/joint-inspection-of-police-custody-facilities/](http://www.justiceinspectorates.gov.uk/hmicfrs/our-work/article/criminal-justice-joint-inspection/joint-inspection-of-police-custody-facilities/)

<sup>22</sup> *Counting Rules Crime Flags*. Home Office, London, 2018. Available at: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/710824/count-flags-may-2018.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/710824/count-flags-may-2018.pdf)

happening in the first place (for example, by spotting trends, or sending extra patrols to particular areas at certain times).

We found that some forces aren't even using the limited information they do collect to create problem profiles for hate crime in their areas. So some communities can't be sure that their police forces are taking a co-ordinated and coherent approach to preventing hate crime and keeping them safe.

We found that forces are also currently ill-equipped to assess the nature and extent of online hate crime. This is because there is generally a poor understanding by officers and staff of the Home Office requirement to identify cases that have an online element with a 'cyber-enabled' flag. This means forces have an incomplete picture of the changing nature of hate crime, and indeed online crime of all kinds.<sup>23</sup>

### **Risk assessment<sup>24</sup> and management<sup>25</sup>**

Victims of hate crime can be extremely vulnerable, and are more likely than victims of other types of crime to become repeat victims.<sup>26</sup> So the process of assessing the risks victims of hate crime face – and deciding how to keep them and their family and friends safe (as well as the wider community) – is critical.

In all the forces we visited, we found that there was a process for identifying hate crimes and bringing them to the attention of senior leaders. We also saw some comprehensive approaches focused on managing immediate risks to vulnerable victims of hate crime. This enabled police officers to decide what the appropriate response should be.

However, we found that most of the forces we visited don't use a structured risk assessment process for hate crime victims. We also found that there is no risk management plan; or, if there is one, it doesn't follow a recognised model and/or doesn't explain well enough how the risks to the victim will be managed.

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<sup>23</sup> We are aware of a wider programme of work, led by the NPCC lead for crime and incident recording, to improve use of the online and other flags, and have shared our findings to inform this

<sup>24</sup> The process of estimating and regularly reviewing the likelihood and nature of a risk posed by a perpetrator to a particular victim, children or others. *Understanding risk and vulnerability in the context of domestic abuse*, College of Policing Authorised Professional Practice, 2015.

<sup>25</sup> Management of the safeguarding responses adopted in cases where risk is identified to minimise risk of further harm by the offender. *Op. cit.*

<sup>26</sup> *Action Against Hate: the UK government's plan for tackling hate crime*, July 2016, page 9.

The absence of both structured risk assessments and adequate risk management processes means we can't be sure that victims are always being protected as well as they could be by the police. It also means the police response to victims can be unco-ordinated and inconsistent, and we found examples of this in the cases we examined.

We have been told that the College of Policing will be developing guidelines on the risk assessment and management process for the police when responding to vulnerable people. Given our findings, we recommend these guidelines support officers and staff when carrying out risk assessments on victims of hate crime.

### **The quality of the response**

In some areas, we saw good outcomes, especially where forces prioritise hate crime victims and see them promptly and in person. However, some victims are also let down by the police after making their reports. This can be because the police can't, or have decided not to, send an officer to see the victim. We found that most forces don't follow the College of Policing operational guidance<sup>27</sup> which states that all victims of hate crime should be treated as a priority.

The case studies below show two different victim experiences.

Jessica, a trans woman, did not report a hate crime to the police because previously when she had done so she had experienced poor responses. Most recently, she was disappointed to have waited two weeks from submitting an online report before the police contacted her. Then when she was interviewed, she was asked questions that focussed on her being trans in a level of detail which was not relevant to her case and which she found inappropriate and offensive.

In another instance, police questioned her view that what she had experienced was a hate crime.

As a result of these experiences, Jessica said she will not report what has happened to her to the police again.

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<sup>27</sup> College of Policing operational guidance states that an officer should attend the victim of an alleged hate crime within one hour of the offence being reported and that reports should not be resolved over the telephone.

After calling the police to report a homophobic hate crime, Maria was visited by two police officers that same afternoon. She found both officers to be professional and respectful when they questioned her, describing the officer who questioned her as: "somebody who was doing their best to listen attentively, and take down details, and was polite and professional". She felt her case was being taken seriously because they told her they would put time and effort into trying to find the perpetrator.

One of these officers called Maria three days later to update her on the investigation and let her know that efforts to identify the perpetrator had not been successful. They offered to extend the search, but Maria declined as she was satisfied with the lines of enquiry that had been followed up, so the case was closed.

Although Maria felt sorry that the perpetrator was not identified, she was very satisfied with the way the police handled her case.

### **Referring victims to support services**

Every victim of crime is entitled to be referred to a service that can give them support. We found that this happens in two main ways. There is a stark difference in what this means for victims of hate crime:

1. Some forces operate a system whereby all victims are referred for support, unless the victim has said they don't want to be. This results in high levels of victim referrals. We have called this an 'opt-out' system.
2. But most forces have a process that dictates that no victims are referred unless they specifically choose for this to happen. We have called this an 'opt-in' system. In the forces we inspected, there are significantly fewer victim referrals because of this system, meaning that many victims are not getting support from specialist services.

We were told that the general data protection regulations (GDPR)<sup>28</sup> may mean that all forces which currently have an opt-out system have to adapt their victim referral processes. This is because forces will not automatically be able to pass on the details to victim support services without the victim's permission. Based on our findings, this would have an immediate and worrying effect on the number of victims getting support services.

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<sup>28</sup> GDPR is an EU regulation on data protection and privacy which was introduced on 25 May 2018. For more information, see: <https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/>

## **Training**

In some forces, we saw good work to provide joint training with local community groups. This was often focused on a particular strand of hate crime within the local community. However, there is currently no national training package for police officers and staff. We found that, as a result, the training given to officers and staff is neither co-ordinated nor provided to everyone that needs it. This need is most acute in force control rooms, which are the first point of contact with the police for most hate crime victims.

We have been told that the National Police Chiefs' Council (NPCC) is working with the College of Policing to review the current training on offer and is developing a pilot training package for frontline officers and control room staff. We welcome this and recommend that it is given to forces as soon as possible.

## **Causes of concern and recommendations**

### **Cause of concern**

We are concerned that forces and the government don't have enough information to understand fully how different groups are victimised. Having more information would make sure police activity is intelligence-led and that victims get the right support.

### **Recommendation**

- We recommend that, within six months, the NPCC hate crime lead works with the Home Office and the Ministry of Housing, Communities and Local Government to consider jointly whether flags for all forms of hate crime should be differentiated to give a better understanding of how different groups are victimised.

### **Cause of concern**

We are concerned that flagging hate crime incorrectly has serious implications for forces in terms of their ability to understand hate crime and how it affects victims and their communities, and then respond appropriately. Incorrect flagging also undermines the integrity of published national data and analysis.

### **Recommendation**

- We recommend that, within three months, chief constables make sure hate crimes are correctly flagged, and that forces have good enough processes in place to make sure this is done.

### **Cause of concern**

We are concerned that some hate crime victims may be vulnerable to being targeted repeatedly and, at the moment, the risks to them aren't being assessed well enough.

### **Recommendation**

- We recommend that, within six months, chief constables adopt a system of risk assessment for vulnerable victims of hate crime. The NPCC lead for hate crime and the College of Policing should give chief constables advice about how best to do this.

### **Cause of concern**

We are concerned that the risks to some hate crime victims aren't being managed well enough or consistently enough, and some hate crime victims are less safe as a result.

### **Recommendation**

- We recommend that, within six months, chief constables incorporate risk management into a risk assessment process for vulnerable victims of hate crime. The NPCC lead for hate crime and the College of Policing should give chief constables advice about how best to do this.

### **Cause of concern**

We are concerned that the recurring risks to some hate crime victims aren't being managed well enough or consistently enough, and that the most vulnerable victims would be safer if the police routinely worked with partner organisations to manage risks to victims.

### **Recommendation**

- We recommend that, within six months, chief constables work with partner organisations to adopt a system of risk management for vulnerable victims of hate crime. The NPCC lead for hate crime and the College of Policing should give chief constables advice about how best to do this. They should also consider whether the principles of the multi-agency risk assessment conferences (MARAC) process are a good way to manage the risks to hate crime victims.

### **Cause of concern**

We found that forces don't consistently use the Home Office cyber-enabled flag. This means forces and the government may not have good enough information to understand how much different groups are targeted online, which means they can't make sure effective decisions are made about how to respond.

### **Recommendation**

- We recommend that, within three months, chief constables make sure that the Home Office cyber-enabled flag is consistently applied, and that forces have adequate systems in place to make sure that this is done.

## **Additional recommendations**

### **Recommendation**

We believe there needs to be a change to control room practice to make sure victims are asked why they perceive that the perpetrator has acted as they have done. This will make sure victims get an appropriate response.

- We recommend that, within six months, the NPCC lead for hate crime should review and consult on the introduction of a police force control room process, whereby callers are asked why they perceive that the perpetrator has acted as he or she has done.

## **Recommendations**

Our inspection shows that some hate crime victims get a better service than others. This is because forces apply the national minimum standard of response to victims of hate crime inconsistently.

- We recommend that, within six months, the NPCC lead for hate crime works with the College of Policing to review the operational guidance about the minimum standard of response to establish if it is still appropriate and relevant for forces
- We recommend that, following the review, any agreed minimum standard of response for forces should be monitored by force governance processes, including external scrutiny.

## **Recommendation**

We believe hate incident data is a valuable source of information about hate crime. However, this data can't currently be broken down into sub-categories to give a better understanding of the victimisation of different groups.

- We recommend that, within six months, the NPCC lead should work with the Home Office and the Ministry of Housing, Communities and Local Government to review the section of the National Standard for Incident Recording which relates to hate incidents. This should establish what updates would lead to more detailed data on hate crime incidents, which in turn would allow better understanding of the victimisation of different groups.

## **Recommendations**

We don't think the College of Policing operational guidance currently reflects the importance of appropriately flagging hate and cyber-enabled crime.

- We recommend that, within six months, the College of Policing should review and refresh the hate crime operational guidance. This is specifically with reference to the importance of making sure hate crimes are flagged appropriately.
- We recommend that, within six months, the NPCC lead for hate crime and the College of Policing should work together to review and update the hate crime operational guidance to include a section on online offending.

## **Recommendation**

In our view, police forces aren't always giving some hate crime victims enough information about support groups or what happens next with their cases. In other cases, when the police do give victims the information, the police don't always give enough consideration to the victim's circumstances (for instance, by making this information available in different formats or languages).

- We recommend that the NPCC lead for supporting victims should urgently review how much information forces give victims of hate crime. They should also give chief constables guidance about how best to communicate with victims of hate crime, taking their personal circumstances into consideration.

## **Recommendation**

In our view, forces don't gather and use intelligence about hate crime consistently enough. This means forces don't have enough information to understand fully how different groups are victimised and make sure that officers make effective decisions about how to respond.

- We recommend that chief constables make sure officers know it is important to find and record more intelligence about hate crime and use it to inform the police response.

## **Areas for improvement**

- The College of Policing should review the existing hate crime training package. It should then give details of effective training to all forces for them to use, so they can give victims of hate crime a better service.
- The NPCC lead for hate crime should review whether the national hate crime team has enough staff. If necessary, the NPCC lead should commit to recruiting more staff to make sure positive change happens as quickly as possible.

# Introduction

## Background

There is no single piece of legislation that criminalises hate crime in the UK, and the five monitored strands aren't equally protected in law. The five monitored strands are:

- race or ethnicity;
- religion or beliefs;
- sexual orientation;
- disability; or
- transgender identity.

The Law Commission has considered the question of whether hate crime offences should be extended to cover all five characteristics.<sup>29</sup> The Commission concluded that the lack of uniformity in the way the law treats the five monitored strands of hate crime has caused an imbalance in the identification, recording, case management and prosecution of these crimes. The Commission recommended a full-scale review of the operation of the aggravated offences and of the enhanced sentencing system. Building on the Commission's work, the University of Sussex crime research centre conducted a further review of hate crime legislation and made recommendations for improvement.<sup>30</sup>

In July 2016, in a major report to the United Nations on racial discrimination, the Equality and Human Rights Commission also called for a full-scale review of the UK's laws and strategies on hate crime.<sup>31</sup>

A cross-government hate crime programme supports collaborative working between government departments, public services and victims' representatives. This programme is led by a strategy board, and advised by an independent advisory group which brings together victims, advocates and

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<sup>29</sup> *Hate Crime: Should the current offences be extended?* Law Commission Law Com No 348, 2014 [www.lawcom.gov.uk/wp-content/uploads/2015/03/lc348\\_hate\\_crime.pdf](http://www.lawcom.gov.uk/wp-content/uploads/2015/03/lc348_hate_crime.pdf)

<sup>30</sup> *Hate Crime and the Legal Process: Options for Law Reform*, University of Sussex, 2017.

<sup>31</sup> Please see: [www.equalityhumanrights.com/sites/default/files/race-rights-in-the-uk-july-2016\\_0.pdf](http://www.equalityhumanrights.com/sites/default/files/race-rights-in-the-uk-july-2016_0.pdf)

academics. The government's approach to hate crime is co-ordinated jointly between the Home Office and the Ministry of Housing, Communities and Local Government.

The government's hate crime action plan sets out five areas of activity, from preventing hate crime through to improved support to victims.<sup>32</sup> The plan's priorities in relation to improving the police response focus particularly on improvements to recording and police data. Underlying the plan are two themes: working in partnership with communities; and joining up work across hate crime strands to make sure the best ways of working are understood and drawn on in all related work.<sup>33</sup>

A national policing hate crime strategy sets out the commitment of the police service in England and Wales to reducing the harm caused by hate crime.<sup>34</sup> It also sets out the commitment to increasing the trust and confidence in the police of communities which fear they may be targeted by this type of crime. The strategy is supported by operational guidance produced by the College of Policing.<sup>35</sup> This guidance is a comprehensive, standalone resource; the College hasn't published any authorised professional practice (APP) guidance specific to hate crime.

In turn, individual forces have police and crime plans set by police and crime commissioners and their mayoral equivalents, which set out the policing priorities for the force. Only three of the six forces<sup>36</sup> we visited have a plan which says that hate crime is a priority for the force, and is supported by hate crime strategy documents.

### **About this inspection**

Our work began with a preliminary study, published in November 2017. The study showed that, as this was the first time we were to consider the broad range of hate crime in any detail, we should give equal weight to each of the different strands.

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<sup>32</sup> *Action against hate: The UK Government's plan for tackling hate crime*, Home Office, July 2016.

<sup>33</sup> *Op. cit.*, paragraph 5.

<sup>34</sup> *National Policing Hate Crime Strategy*, College of Policing, 2014.

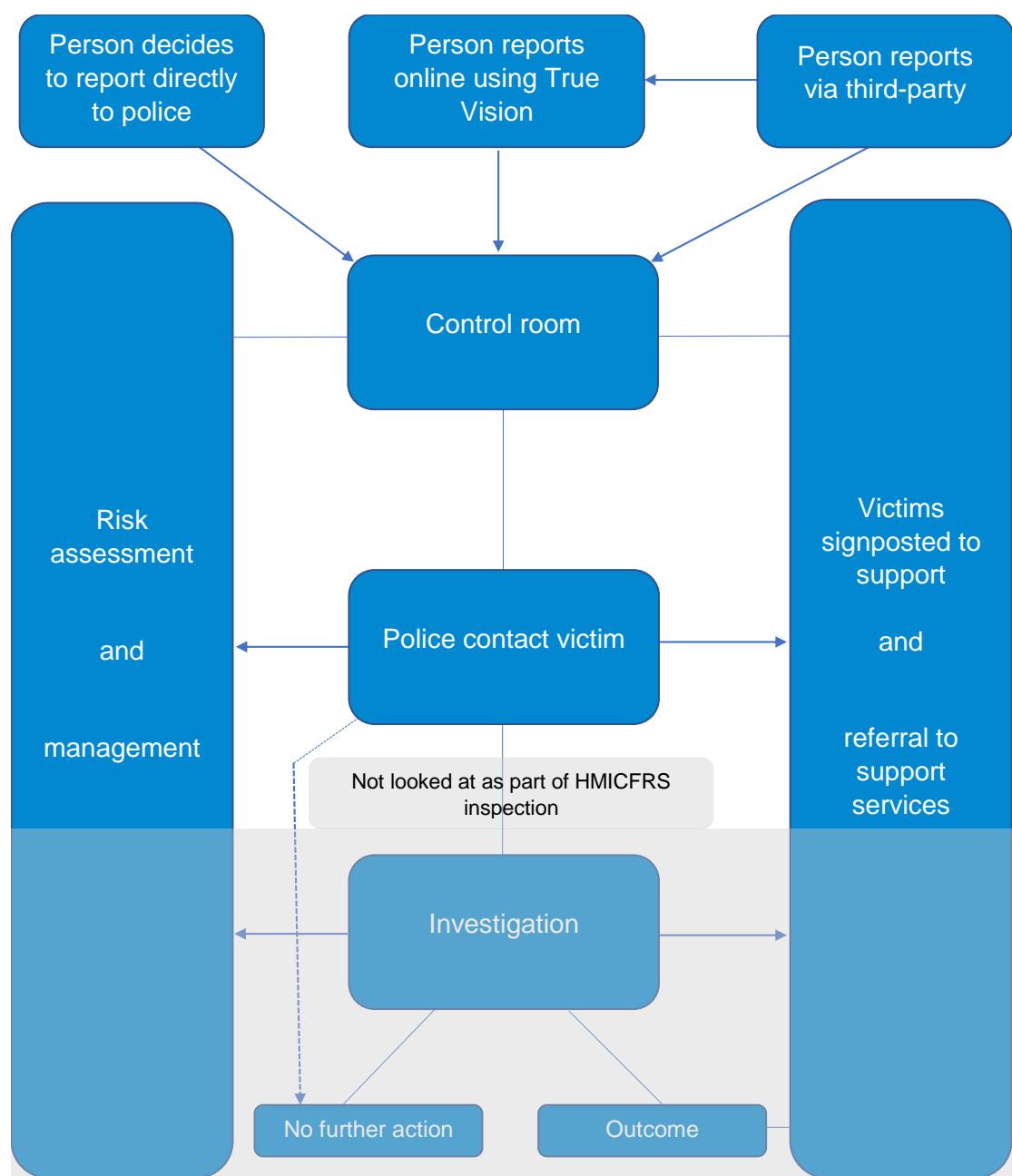
<sup>35</sup> *Hate crime operational guidance*, College of Policing, 2014.

<sup>36</sup> One of the forces that did not have a plan which prioritised hate crime, instead had a plan which included improving social cohesion and this did not specifically mention hate crime.

We decided to focus this inspection on the initial police response: the reporting and recording of hate incidents and crimes. We also examined the processes and efficiency with which police forces referred victims to victim support services.

The inspection followed the typical progress of a victim: from initial contact with the police, to the decision whether to record a crime, and then the referral process to victim support services. The diagram below shows the parts of the police process we looked at.

**Diagram A: Police response to the reporting of a hate crime or incident**



The inspection considered the following overarching criteria:

- strategy and leadership;
- partnership;
- training and awareness;
- identification and recording;
- assessment and management of risk; and
- victim care.

There are more details about the criteria and accompanying indicators in annex A.

We considered how victims contact the police, whether they do this:

- through the online reporting tool True Vision<sup>37</sup>;
- through third-party reporting centres acting as intermediaries for victims; or
- directly to the police.

The inspection also included: police awareness and understanding of hate crime; the work between police and partner organisations to encourage reporting of hate crime; measures and ways to identify and protect victims; and leadership.

One of the main aims of the inspection was to find good ways of working that forces could consider when assessing their own approach to hate crime. We found various examples, which we have included in the relevant sections of the report.

We carried out the inspection in four phases.

In phase one, we asked all 43 police forces in England and Wales to provide us with data and information in relation to their approach to hate crime.

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<sup>37</sup> True Vision is a website providing information about hate crime, and an online reporting facility. For more information, see: [www.report-it.org.uk/home](http://www.report-it.org.uk/home)

In phase two, our inspectors visited six police forces. As well as the general approach to hate crime in each force, we looked at the approach that the force had taken to one specific strand.<sup>38</sup> And we considered the approach taken by some police forces that also define forms of hostility towards victims' other personal characteristics as hate crime. In this report, we have called this 'locally-defined hate crime'.

We reviewed policies and relevant documents forces gave us, interviewed senior and operational lead officers, and held focus groups with frontline officers, staff and partner organisations. We visited control rooms, spoke to staff, and listened to calls from the public. We also completed assessments of 30 cases in each force which had been flagged as relating to the specific type of hate crime relevant to that force.

Phase three was conducted on our behalf by NatCen Social Research, which interviewed victims of hate crime.<sup>39</sup>

Phase four consisted of interviews with national leads from the NPCC, the Home Office, the Welsh Office, and the Ministry of Housing, Communities and Local Government.

To consider the views of victims throughout our inspection, we also set up an external reference group. The aims and members of the group are in annex B.

There is more detail about our inspection methodology in annex A.

## **Findings**

### **Data from all forces**

In November 2017, we asked all 43 police forces in England and Wales to give us data about hate incidents and crimes in their areas for the preceding three years. We also asked for data on locally-defined hate incidents and crimes; this is the first time this information has been collected nationally.

We have used information from this data collection below, as well as that produced by the Home Office.<sup>40</sup>

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<sup>38</sup> The forces we visited, and the specific strands we looked at were: Avon and Somerset Constabulary – locally-defined hate crime; Greater Manchester Police – transgender identity; Gwent Police – sexual orientation; Nottinghamshire Police – race; Suffolk Constabulary – disability; West Yorkshire Police – religion.

<sup>39</sup> A report containing the findings from this work will be published later in 2018.

<sup>40</sup> We collected this data because official statistics were not up to date and did not contain non-crime hate incidents. This data is not comparable to official statistics due to the different

## The nature and extent of hate crime

Data on victims' perceptions and experiences of hate crime is explored as part of the Crime Survey for England and Wales (CSEW).<sup>41</sup> It is important to note that police-recorded data and data from CSEW are recorded differently.<sup>42</sup>

Using combined data from the CSEW for 2012/13 to 2014/15,<sup>43</sup> it was estimated that on average there were 222,000 hate incidents per year. Over the same period, the CSEW found that only 48 percent of hate crimes were brought to the attention of the police. This could mean that a significant proportion of hate crimes go unreported.

While it isn't possible for us to establish the exact extent and nature of the problem, we can say how many hate crimes were recorded by the police.

The Home Office requires forces to flag hate crimes according to the relevant motivating factor, as perceived by any person.<sup>44</sup>

Our data collection suggested that between 2014/15 and 2016/17<sup>45</sup> the total number of recorded hate crime offences increased by 57 percent.<sup>46</sup> This is in line with national hate crime data produced annually by the Home Office,

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time periods in which we collected it and because we collected data for locally-defined hate crime, which is not done by other governmental bodies.

<sup>41</sup> The Crime Survey for England and Wales (CSEW) is a survey of the victims of different crimes, including those motivated by hate. Information on the number of hate crimes reported by respondents to the CSEW was last published in *Hate crime, England and Wales, 2014/15* for combined survey years 2012/13, 2013/14 and 2014/15.

<sup>42</sup> CSEW data cannot be directly compared with recorded crime data because they cover different time periods and the CSEW data includes other hate crime strands which are not included in the Home Office-monitored strands (for example, age and gender hate crimes).

<sup>43</sup> Incidents in this context are events that were experienced by survey respondents who perceived they were hate motivated. It isn't possible to know if these would necessarily constitute crime or non-crime incidents as this figure is an estimate based on the CSEW response rates.

<sup>44</sup> The Home Office Counting Rules for recorded crime help to make sure that crimes are recorded consistently and accurately by all police forces in England and Wales. For details, see: [www.gov.uk/government/publications/counting-rules-for-recorded-crime](http://www.gov.uk/government/publications/counting-rules-for-recorded-crime)

<sup>45</sup> The date range was between 1 November of one year to 31 October of the following year. This was to coincide with our inspection timescale.

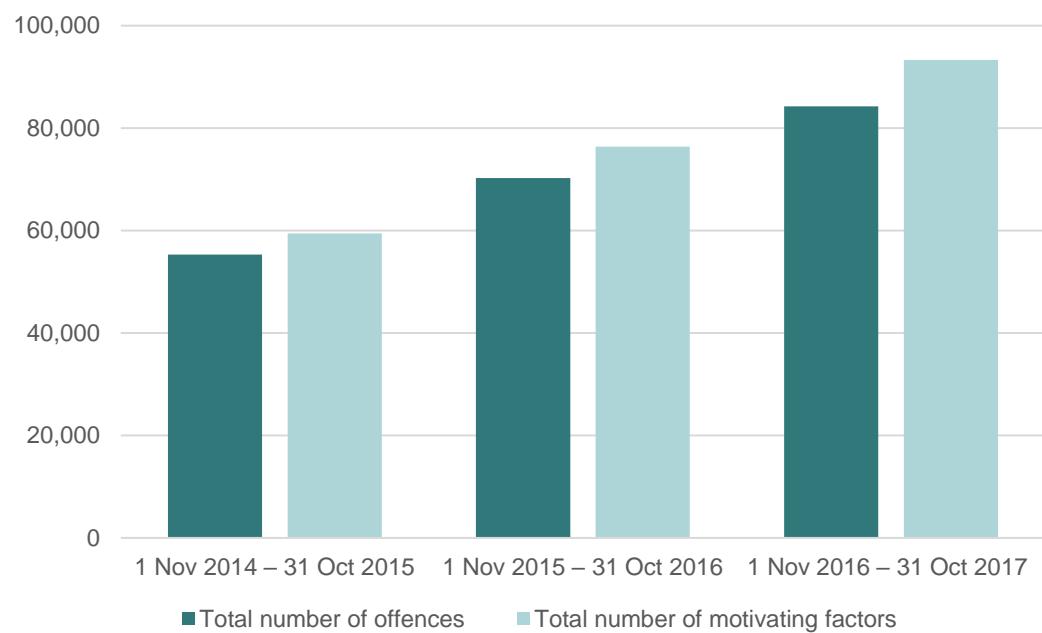
<sup>46</sup> Figures include locally-recognised strands outside the five recognised by the Home Office.

which has continued to see large increases in recorded hate crimes every year since records began in 2011/12.<sup>47</sup>

This increase may show a genuine rise in hate crime, or more people coming forward to report hate crimes that have been committed, or it may be a sign of improved recording practices by the police. However, it is likely that it is a combination of all three reasons.

Our data shows that the total number of recorded motivating factors increased by 52 percent.<sup>48</sup>

**Figure 2: Total hate crime offences and motivating factors 2014/15 to 2016/17**  
Source: HMICFRS all-force data collection



Source: HMICFRS all-force data collection

The difference between the number of motivating factors and the number of crimes is most easily explained by the fact that more than one flag can be applied to each crime. One example is that a crime motivated by a hatred of Jewish people or Sikh people can be flagged as both a race and a religious crime. This may not be the approach taken by all officers, so there is a possibility that not all these offences will be recorded consistently.

We discuss further our concerns about the accuracy of hate crime flagging in the section entitled 'Flagging' below. As such, data about the motivating factors recorded by the police should be treated with caution.

<sup>47</sup> Hate crime, England and Wales, 2016 to 2017. Home Office Statistical Bulletin 17/17.

<sup>48</sup> Figures include locally-recognised strands outside the five recognised by the Home Office.

Racial hate crime represented the largest motivating factor for recorded hate crime, accounting for 70 percent of all motivating factors in 2016/17, followed by sexual orientation hate crime, which accounted for 11 percent of all recorded hate crime.

Our data also shows that there are differences in the rate of increase of hate crime between different motivating factors. Since 2014/15, the motivating factors which have had the largest increase in recording were locally-defined hate crime (increased by 146 percent), religiously motivated hate crime (increased by 123 percent) and disability motivated hate crime (increased by 115 percent).

**Figure 3: Total motivating factors for hate crime and percentage change 2014/15 to 2016/17**

Motivating factor	Hate crime	Percentage increase
Race	65,364 (70%)	46%
Religion	7,931 (8%)	123%
Sexual orientation	10,015 (11%)	54%
Disability	6,638 (7%)	115%
Transgender	1,510 (2%)	108%
Locally-defined	1,857 (2%)	146%
Total	93,315	57%

**Source:** HMICFRS all-force data collection

The fact that locally-defined hate crimes are increasingly being recorded indicates that forces are responding to local concerns and defining these as hate crimes. We discuss this further in the section entitled ‘Locally-defined hate crime’ below.

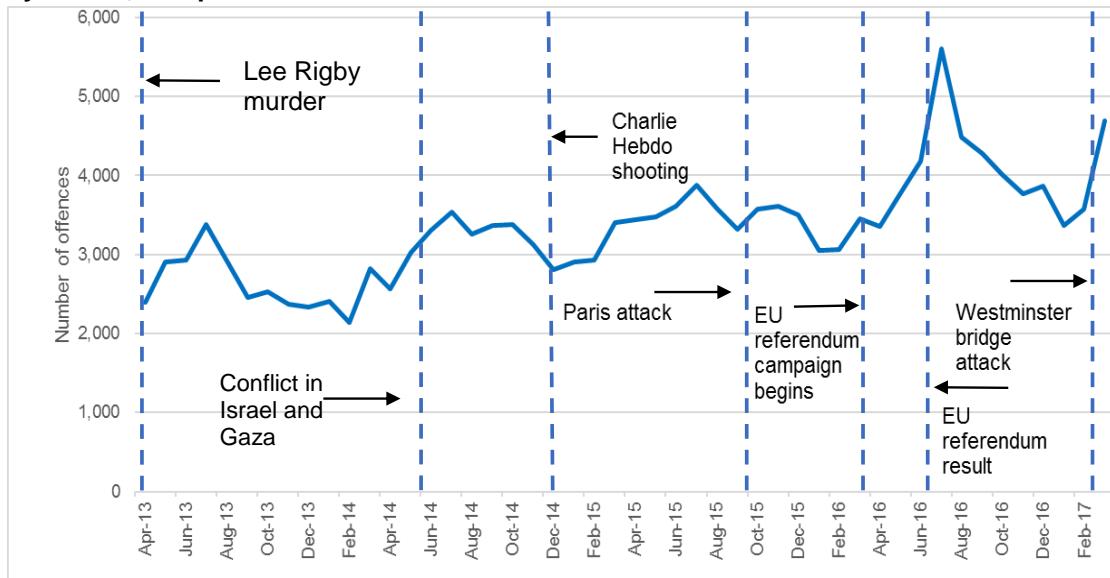
Studies have shown that the number of recorded hate crimes increases after significant events, as figure 4 shows below.

Figure 4 shows a general upwards trend in the number of racially or religiously aggravated offences. It also shows sharp increases in these offences in the aftermath of these events:

- murder of Lee Rigby in May 2013;
- increased conflict in Israel and Gaza in July 2014;

- Charlie Hebdo shooting in January 2015;
- Paris attacks in November 2015;
- beginning of the EU referendum campaign in April 2016 and again after the result in June 2016; and
- Westminster Bridge attack in March 2017.

**Figure 4: Number of racially or religiously aggravated offences recorded by the police by month, 30 April 2013 to 31 March 2017**



Source: Police-recorded crime, Home Office

A hate incident is a record made by the police of a contact made by a person which the police assess doesn't amount to a recordable crime. The Home Office requires forces to flag such incidents with the same flags as those used for crimes (except that religious hate incidents aren't sub-divided into different religions in the same way that religious hate crimes are).<sup>49</sup>

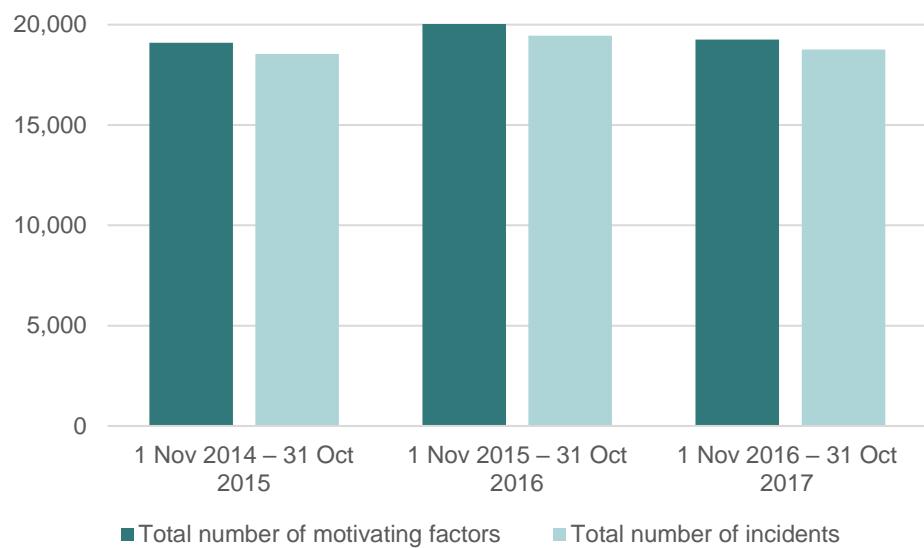
All forces told us that they record hate incidents. All forces also flagged these incidents and all except one could break down these flags into motivating factors and give these to us.

Between 2014/15 and 2016/17, the total number of hate incidents increased slightly (by one percent), however this is a decrease from 2015/16 of four percent.

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<sup>49</sup> The national standard for incident recording (NSIR) counting rules. Home Office. 2011. For more information, see: [www.gov.uk/government/publications/the-national-standard-for-incident-recording-nsir-counting-rules](http://www.gov.uk/government/publications/the-national-standard-for-incident-recording-nsir-counting-rules)

**Figure 5: Total non-crime hate incidents and motivating factors from 12 months to 31 October 2015 to 12 months to 31 October 2017**



**Source: HMICFRS all-force data collection**

Figure 6 shows the percentage changes in the motivating factors for these incidents.

**Figure 6: Total non-crime hate incidents in 2016/17 and percentage change since 2014/15<sup>50</sup>**

Motivating factor	Hate incidents	Percentage change
Race	12,388 (64%)	-6%
Religion	1,407 (7%)	29%
Sexual orientation	2,176 (11%)	-2%
Disability	2,410 (13%)	25%
Transgender	518 (3%)	28%
Locally recognised	345 (2%)	7%
Total	19,244	1%

Source: HMICFRS all-force data collection

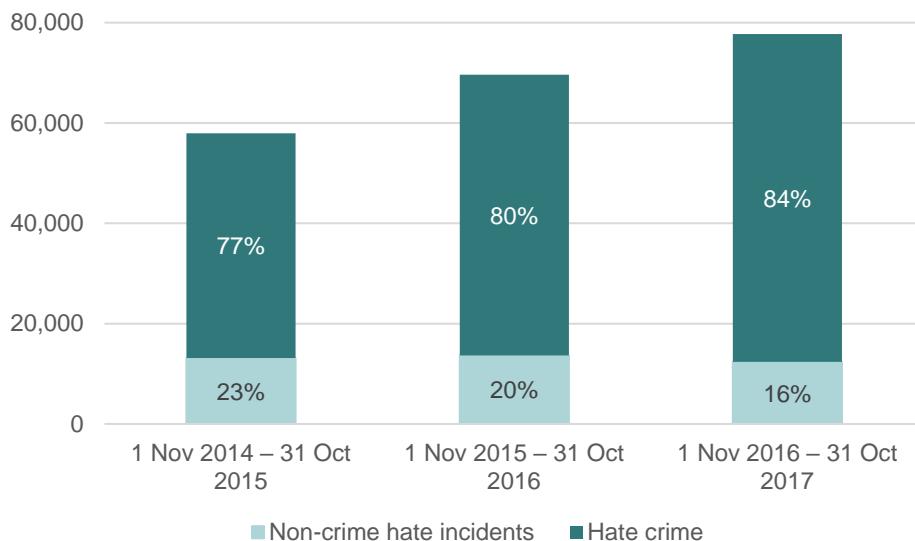
The decrease in incidents in 2016/17 is in stark contrast to the year-on-year increase of hate crimes themselves. Our analysis shows that the decrease in 2016/17 was mainly because of a decrease in the recording of racially motivated incidents, which accounted for most hate incidents. Sexual orientation hate incidents also decreased slightly, although this accounted for only a small proportion of all hate incidents. All other strands of hate incident increased.

Since 2014, the proportion of hate-motivated occurrences that are recorded as a crime has gone up, while the proportion that are recorded as incidents has gone down.

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<sup>50</sup> Because of problems with data quality, the breakdown by motivating factor for hate incidents does not sum to the total number of recorded hate incidents and motivating factors forces provided in the graph below. Additionally, one force was unable to provide incidents broken down by motivating factor, but its data has been included in the total provided in the graph below.

**Figure 7: Racially motivated hate occurrences (incidents and crimes combined) from 12 months to 31 October 2015 to 12 months to 31 October 2017**



**Source: HMICFRS all-force data collection**

There may be several reasons why the overall number of hate incidents recorded by the police decreased, while the number of crimes increased for the protected characteristic of race. As race is the largest proportion of all hate crimes, changes in recording practices have more of an effect on overall hate crime figures. So one explanation is that forces have become better at recognising and recording crimes for this motivating factor, so that offences which would previously have been incorrectly recorded as non-crime hate incidents are now correctly recorded as crimes.

However, given the concerns we raise elsewhere in this report about the accuracy of the flags applied by the police, we believe more work needs to take place to understand the reasons for these variations.

## Information from all forces

We asked forces to provide us with information about their general approach to hate crime. We have collected this information together into the themes below; we have also used this information in other sections of our report.

### Audit

Most forces told us that they conduct audits of hate crime which help to pick up recording problems. However, most of these were as one-off projects, or done on an ad hoc basis, rather than regularly. We have discussed the benefits of completing regular audits of hate crimes in the section entitled ‘Flagging’ below.

**Figure 8: Force audit arrangements**

Audit type	Number of forces
One-off/ad hoc	10
All hate crimes/non-crime incidents	9
Regular dip-sampling	6
Picked up in other audit processes	4
Non-crime incidents only	2
Only in some districts	1
None	9

**Source:** HMICFRS all-force data collection

### **Training**

All but one force said they offer specific training packages about hate crime to new call handlers, police community support officers and newly recruited officers. So a basic level of training for new officers and staff exists in nearly all forces.

Beyond the basic training of new officers and staff, there were also some examples of refresher training being given to all members of the workforce, and targeted training for certain teams, such as serious crime units and vulnerable adult abuse teams.

Several forces told us they are engaging with external organisations to offer tailored training. <sup>7</sup>We have discussed training further on [page 78](#).

### **Community engagement**

Forces also told us about some examples of external awareness raising, and working directly with communities and groups that are at risk of hate crime, to encourage confidence in reporting (such as taxi companies, bus companies, takeaway restaurants, asylum seekers and refugee groups). In some forces, this was organised by dedicated officers who are responsible for external engagement with communities, universities and third-party reporting centres.

**Figure 9: Force awareness raising**

Hate crime awareness raising activities	Number of forces
Media campaigns	28
Events	27
Engagement with third sector	19
Engagement with schools/education establishments	17
Reporting initiatives	12
Engagement with at-risk communities	9

**Source:** HMICFRS all-force data collection

### **Victim support**

Most forces said they have specialist teams to support victims of hate crime (such as hate crime liaison officers). Most forces said they have funded<sup>51</sup> services specifically for victims of hate incidents and crimes.

Forces gave many examples of supporting victims through the criminal justice process. This included examples of forces giving enhanced support for victims of hate crime to support them through investigations, as well as giving reassurance and identifying barriers as to why victims may not want to support a prosecution.

We have discussed victim support in more detail on [page 73](#).

We also used the data and information we received from forces to inform our choice of forces to visit as part of our inspection.

## **Fieldwork findings**

In this section, we detail our findings from the six forces we visited as part of our fieldwork. To help explain our findings in more detail, we first consider the stages of a victim's experience from the point of reporting through to the referral by the police to victim support services. Finally, we consider what we have found about the organisational arrangements that play a part in the way the police service deals with hate incidents and crimes.

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<sup>51</sup> By police and crime commissioners and their mayoral equivalents.

## 1. Initial police action

### Encouraging reporting

We found that all six forces we visited understand that hate crime is under-reported. Work is taking place in all these forces to encourage reporting, and forces are working with partner organisations in a variety of ways.

All the forces have aligned some of their activity to coincide with hate crime awareness week.<sup>52</sup> This is a national campaign to raise awareness of hate crime and is partly funded by the Ministry of Housing, Communities and Local Government.

Forces are using social media as well as more traditional ways of engaging with communities, such as regular visits by neighbourhood officers to places of worship. Elsewhere in this report, we discuss what arrangements are in place to allow victims to report hate crimes via organisations that work in partnership with the police. These are called ‘third-party reporting centres’.

While much work is taking place to encourage hate crime reporting, it is less clear whether forces can measure the results of this activity effectively. We have considered the increases in reported hate crime and the lack of accurate data in other chapters. Despite these limitations, in the forces we visited, we were satisfied that the police understand that under-reporting of hate crime is a problem and are working to address it.

### Contact

In this inspection, we considered the three main ways that victims contact the police. These are:

- through the online reporting tool True Vision;
- through third-party centres acting as intermediaries for victims; and
- directly to the police.

We wanted to look at whether there were any differences in the police response to each of the ways by which victims report hate crimes.

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<sup>52</sup> For more information, see: <https://nationalhcaw.uk/>

## True Vision

The True Vision<sup>53</sup> website gives information about hate crime and allows victims to report incidents to the police. Victims are asked to fill out an online form and this is automatically sent to the relevant police force.

In 2014, funding for the service was restructured between government departments. The service is currently funded by the Ministry of Housing, Communities and Local Government.

At the time of our inspection, the NPCC hadn't updated the site for some time. For example, the latest news section hadn't been updated since 2016. This is unsatisfactory, as it is likely to lead victims to question the collective commitment of the organisations involved in tackling hate crime.

We were also told that, due to problems with a server, it was very difficult to give us management information, such as the number of reports that have been sent to individual forces. However, this problem has now been resolved and in 2017/18 7,849 cases were sent to police forces for action. This is an increase from 4,756 in 2015/16.<sup>54</sup> This is encouraging.

In 2017, the government made an announcement that it was to fund a new online hate crime hub. Greater Manchester Police has since hosted the hub and aligned it quite closely with its own cyber-crime unit. As a result, we were told that the True Vision website is to be updated and when the online hate crime hub is fully functioning, the website will be publicised. The number of reports will also be monitored and analysed, for example to establish whether there are any trends in the type of hate crime and choice of reporting method. We welcome these developments. We discuss the new online hate crime hub on [page 79](#).

The True Vision website automatically forwards the online reports to an email inbox for the appropriate police force. Protocol states that the inbox concerned should be monitored by the force's control room. This is so that forces can assess and deal with all cases in the same way as other calls for service and allocate an appropriate response.

In two of the forces we visited, we found that to reduce demand for police services in the control room, responsibility for monitoring the email inbox has been devolved to station reception officers. In one of the forces concerned,

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<sup>53</sup> True Vision is a website providing information about hate crime, and an online reporting facility. For more information, see: [www.report-it.org.uk/home](http://www.report-it.org.uk/home)

<sup>54</sup> No information is available for 2016/17 because of the server problems.

the station reception officers haven't been given enough training. The protocol for checking the email inbox in that force doesn't mention that hate crime reports are likely to be present.

In our case assessments, we looked at 14 cases that had been reported to the police by way of True Vision. We did not find any differences in the time it took to assess the cases and allocate resources if necessary, compared with the other reporting methods. So we are satisfied that the system is working as intended and that this is a good way for victims to report hate crime.

One case we looked at included the following positive police practice:

An unknown offender tweeted an offensive homophobic message about the head teacher of a school using the school Twitter account. The report came in via True Vision. The police force control room promptly created a log of the report and a crime record. A school liaison officer - who has specific responsibility to engage with schools in the force area - attended the school and conducted many enquiries, identified the suspect and took appropriate action in accordance with the victim's wishes.

## Third-party reporting arrangements

Some of the forces we visited also encourage victims to report crimes to independent organisations, such as charities and locally funded support groups. These organisations can provide opportunities for victims to report crimes. This can be especially beneficial in communities with less trust and confidence in the police, or where there are physical or cultural barriers to reporting. The development of these sorts of opportunities is contained within the government action plan.<sup>55</sup> Guidance on setting up third-party reporting arrangements is also contained in the College of Policing's operational guidance on hate crime.<sup>56</sup>

As all the arrangements we saw were based in physical locations, such as places of worship, we refer to these as third-party reporting 'centres'. In terms of the development of these centres, the forces we visited are at different stages. In two forces, we heard that much effort had previously been made to set up these centres. However, very low numbers of reports had been made using this service. As a result, less effort had been made to keep up these arrangements. In one force, this means the arrangements have stopped completely.

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<sup>55</sup> *Action Against Hate: The UK Government's plan for tackling hate crime*, Home Office, July 2016.

<sup>56</sup> *Hate Crime Operational guidance*, College of Policing, 2014.

Other forces are at the beginning of the process and are actively involving partner organisations in setting up the arrangements. Some forces have combined the reporting centres with the use of True Vision. In practice, the centres complete the report on the True Vision portal and submit this on behalf of the victim. Although this is an effective way for the information to be sent to the police, we noted that forces couldn't easily identify the reporting method (True Vision or third-party reporting). This restricts how well forces monitor the effectiveness of the third-party reporting centres themselves.

To make sure there is consistency between organisations and to set out mutual expectations, there should be an agreed protocol between the parties concerned. Police forces should also commit to training relevant staff from the other organisations.

In Greater Manchester Police, we saw a good example. We have included a copy in annex C.

The forces that had previously found it difficult to keep up a system of reporting centres explained that some barriers were difficult to overcome for these reasons:

- Resourcing – the initial set up of the centres was resource intensive. The police had to divert resources from other activities, and many of the other organisations were also experiencing funding pressures.
- Staff turnover – the high turnover of staff, both within the police and especially within the partner organisations, resulted in a constant need to renew relationships and undertake fresh training.
- Monitoring – the necessity to monitor and review the arrangements and individual reports (to make sure they comply with procedure as well as offer value for money) placed an extra burden on forces.

The apparent lack of reports being made this way has a significant influence on police attitude to the centres. It is unclear whether these low numbers are due to lack of awareness of the centres, or whether victims prefer to report crimes directly to the police as soon as they happen.

The development of third-party reporting centres is promoted by the government and the NPCC. However, a 2014 review by the national policing hate crime group found that:

"many failed to deliver tangible results. Others suffered from short-term delivery which could undermine the value of all such schemes."<sup>57</sup>

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<sup>57</sup> *Op. Cit.*, pages 48–49.

It appears that little has changed since this review. It may be that other factors will continue to affect the success of these arrangements. For example, many victims may still expect a quicker police response through direct reporting than via attending a third-party reporting centre. Similarly, the fact that hate crime increasingly takes place online, and the use of IT by victims to report offending (for example, by way of True Vision), may mean that physical centres are increasingly outdated. Indeed, many forces have used these arguments to explain the closure of police front counters.

It is also the case that with reduced resources, police forces and their partner organisations will find it increasingly difficult to keep up the commitment they need to maintain effective third-party reporting arrangements.

This means forces and their partner organisations will need to assess their own arrangements continually in terms of value for money, and the benefits of community engagement.

## **Direct contact with the police**

Despite the existence of True Vision and third-party reporting centres, most victims of hate crime still report these incidents directly to the police. As such, the first interaction most victims have with the police is when they talk to staff working in force control rooms.

Some victims won't realise they have been targeted because of their personal characteristics and therefore have been the victim of a hate crime. So it is vitally important that control room staff have the skills and training to gather enough information about the circumstances of the incident, and the person themselves.

The College of Policing operational guidance states:

“Victims of hate crime must be treated with sensitivity and according to their diverse needs. The victim’s first contact with the police, for example, reporting their experience to a call taker or a member of front-desk staff, will influence their lasting impression of the police service.”<sup>58</sup>

We spoke to control room staff in all the forces we inspected. We also visited control rooms and considered this aspect of police practice in the cases we examined. While all the forces include a hate crime component in their training for new members of the workforce, most officers and staff we spoke to said they had received no specific hate crime training. This was alarming.

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<sup>58</sup> *Op. Cit.*, page 54.

In our case assessments, we saw examples of where this lack of training and awareness had had a detrimental effect on the police working with the victim.

The victim was a vulnerable 17-year-old who identified as a transgender male. He was subject to a physical assault and verbal abuse about his transgender identity by another young person known to him. The victim was flagged as a repeat victim. Despite this, and despite the call being initially graded as a priority, the victim wasn't contacted for 24 hours and the incident wasn't initially recorded as a hate crime. Despite self-identifying as male, the victim's details were recorded under his female identity. This meant that officers and staff who later contacted the victim would not have known how to address the victim, potentially causing distress to the victim.

We also found an example of where control room staff hadn't recognised a hate crime.

A 17-year-old gay victim was assaulted, and received facial injuries. The victim called the police and said she believed this had happened because she was gay. The victim said she had been assaulted by the same person, for the same reason, previously. The control room operator did not assess the victim as being vulnerable and did not flag the incident as being hate related. An officer later visited the victim and made a crime report which was incorrectly recorded as a racial/religiously aggravated assault.

However, we did find examples of more positive control room practice.

An elderly Chinese victim was verbally abused in the street by a group of teenagers. This included what the victim described as the perpetrators making 'slitty eyes' at her. The victim called the police. The control room operator recognised that the victim was likely to be vulnerable, and questioning revealed that she was a repeat victim. The operator notified an inspector, who made sure that officers visited the victim early. A further risk assessment took place and local neighbourhood officers were asked to do more to safeguard the victim.

The NPCC lead for hate crime says that he recognises the need for a training package for control room staff, and work is taking place to create one. This is due to be piloted later this year.

In Nottinghamshire Police, control room staff have a drop-down list of information which automatically appears when incidents are being recorded. This is a useful way of helping them to identify hate crime when speaking to victims.

According to the Crime Survey for England and Wales (CSEW), there is a significant gap between police-recorded hate crime and that experienced by victims. However, it is unclear how much hate crime is reported to the police but not recognised and recorded as such. Some of this may be due to the police recording the reports as hate incidents, but not as hate crimes. We discuss this further on [page 50](#). We also don't know how many reports are not recognised by the police as hate related at all.<sup>59</sup> The interaction between the victim and the police call handler will be the first time when this is possible. It will also be one of the most important times.

The College of Policing guidance on the victim's first contact with the control room could be better. It is currently written in a way that pre-supposes that it is obvious a hate crime has been committed. This isn't always the case and victims may not even be aware that what they have experienced amounts to a hate incident or crime.

Criminal justice organisations use a definition of hate incidents and crimes that is based on the perception of the victim (or anyone else). So it is surprising that victims aren't routinely asked what they perceive to be the motivation for the crime against them. In our all-force information request, we asked forces whether there was a specific question they ask callers. The question we asked was:

"Does your force have a process in place for responders and/or call handlers to ask victims if they consider themselves to be a victim of a hate crime or non-crime hate incident?"

Some 15 forces said they didn't have a process in place. Of the 28 that said they had a process, 10 told us that rather than ask a specific question, this would be covered as part of the THRIVE risk-assessment process.<sup>60</sup>

Of the six forces we visited, five answered 'yes' to the above question. One of the forces said that this would be addressed when considering THRIVE, and the rest said they would ask callers indirect questions, such as 'Do you feel you are being targeted for who you are or what you believe?' to identify hate crime.

However, despite what the forces we visited told us, we found that there was no evidence of this process in 52 of the 180 cases we examined. So it was

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<sup>59</sup> We explain our methodology in annex A; it only included looking at cases which had already been identified as hate crime by forces.

<sup>60</sup> THRIVE is a structured assessment based on the levels of threat, harm, risk and vulnerability faced by the victim, rather than simply by the type of incident or crime being reported to help staff determine the appropriate level of response to a call.

difficult for us to find out how the report had been identified as a hate incident or crime: whether the victim had volunteered this information, or whether the call handler had established this.

We believe that when reporting a crime to the police, victims or those making the report, should routinely be asked why they perceive that the perpetrator has acted as he or she has done. This would give the victim an initial and consistent opportunity to consider the circumstances of the incident that they wish to report. We also believe that this would have a positive effect on the number of hate incidents and crimes that are recognised by the police. As a result, they would identify a greater number of vulnerable victims and give them a service appropriate to their needs.

The wider benefits to this approach are:

- It is possible that other forms of vulnerability would be identified more easily.
- Showing a victim-centred approach would mean victims are more likely to be satisfied.
- It would be easier for control room staff to ask the victim one open question. The current practice is inconsistent, often unclear, and open to error and omission. Asking this question would be particularly beneficial for call handlers who are less confident and/or knowledgeable.

Some control room staff suggested that this change might lead to callers claiming to be hate crime victims to receive a quicker police response and/or a better service. We consider that this is a possibility in a very small number of cases (the number of hate crimes is low compared with overall crime in any case). However, this is a very minor concern when compared with the significant under-reporting and under-recording of hate crimes at present.

### **Recommendation**

We believe there needs to be a change to control room practice to make sure victims are asked why they perceive that the perpetrator has acted as he or she has done. This will make sure victims get an appropriate response.

- We recommend that, within six months, the NPCC lead for hate crime should review and consult on the introduction of a police force control room process, whereby callers are asked why they perceive that the perpetrator has acted as he or she has done.

## **Attendance**

The College of Policing operational guidance sets out minimum standards for the response to reports of hate crime. The incident should be graded as 'priority' and an officer should attend the victim within one hour of the offence being reported. It should not be resolved over the telephone.

Despite this guidance, in our all-force information request, we were told that only two forces had a minimum grading policy for all hate incidents and crimes which said that an officer must attend in person unless specified otherwise by the victim.

We were told by some control room staff and officers that they would treat hate crime victims in the same way as other victims: assess their vulnerability and decide on appropriate action after that. As a result, we found significant inconsistencies in the approach taken to the initial response to hate crime reports. In our case assessments, we found that out of 180 cases, 65 victims weren't visited at all.

However, it was encouraging to find that Nottinghamshire Police has a hate crime policy which states:

"A visit by a warranted police officer or civilian investigative officer must be offered to every victim of a hate crime. It may not always be appropriate for this to occur at the victim's home address; they should be asked what they would prefer.

Hate crimes will be responded to as a priority. It is acceptable for appropriate incidents to be allocated to 'managed incident cars', where attendance is agreed at the convenience of the victim."

All the forces we visited said that they had taken into account the College of Policing operational guidance in their own policies. However, only one is specific about the need to attend the victim within one hour, in line with the national guidance.

In our case assessments, out of 115 cases where forces visited the victim, this only took place within 24 hours on 42 occasions. The average number of days before the police visited, if they did not attend on the same day, was five. So in most of the forces we visited, we found that the service given to victims often varies significantly from the advised minimum standards. There are sometimes delays in officers being assigned to attend calls, and/or delays in the allocation of crimes for investigation.

In our case assessments, we saw examples of where victims weren't visited, enquiries weren't made and opportunities were missed.

A disabled victim left her car parked in the street, with a disabled 'blue badge' clearly on display. When the victim returned, she found that a fake parking ticket had been left on her windscreen. This distressed the victim, who called the police. The police recorded an allegation of crime, but did not visit the victim. The crime investigation was closed without any further enquiries being made, so several investigative opportunities were missed.

However, we did find positive examples where police attended promptly and took positive action.

A victim was being harassed; the perpetrator would regularly bang on the victim's front door and then run off. This was distressing for the victim, who believed that she was being targeted because she was gay. The victim called the police, and a PCSO attended within 20 minutes. An officer with specialist knowledge of hate crime also later attended. The perpetrator was quickly identified, and the matter was resolved according to the wishes of the victim.

We have found in our PEEL inspection programme<sup>61</sup> that some forces are under pressure to respond to increasing and varying demand for their services. For example, in our 2017 PEEL effectiveness inspection we found that:

"almost a quarter of forces are not meeting enough of their demand in as timely a way as we would expect, or are managing demand inappropriately. In some cases, these practices are putting vulnerable people at serious risk of harm."<sup>62</sup>

It is likely that what we found in the hate crime inspection is directly related to these problems.

Whatever the reason, it is now often the case that victims of hate crime don't receive the minimum standards of service as outlined in the College of Policing operational guidance. So the policing of hate crime is at a

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<sup>61</sup> PEEL is our annual assessment of police forces in England and Wales. Forces are assessed on their effectiveness, efficiency and legitimacy. They are judged as outstanding, good, requires improvement or inadequate on these categories (or pillars) based on inspection findings, analysis and Her Majesty's Inspectors' (HMIs) professional judgment across the year.

<sup>62</sup> *PEEL: Police effectiveness 2017 – A national overview*, HMICFRS, 2018. See: [www.justiceinspectorates.gov.uk/hmicfrs/publications/peel-police-effectiveness-2017/](http://www.justiceinspectorates.gov.uk/hmicfrs/publications/peel-police-effectiveness-2017/)

crossroads. Either the minimum standards should be adjusted to reflect the complexities of the current situation, or forces must make renewed efforts to respond appropriately.

### **Recommendations**

Our inspection shows that some hate crime victims get a better service than others. This is because forces apply the national minimum standard of response to victims of hate crime inconsistently.

- We recommend that, within six months, the NPCC lead for hate crime works with the College of Policing to review the operational guidance about the minimum standard of response to establish if it is still appropriate and relevant for forces
- We recommend that, following the review, any agreed minimum standard of response for forces should be monitored by force governance processes, including external scrutiny.

## 2. Police recording practice

### Recording

After the victim, or person acting on their behalf, has reported the incident, the police decide whether what they have been told amounts to a crime. Forces have different ways of making this decision, but all forces should do so in line with the Home Office Counting Rules (HOCR).<sup>63</sup>

For incidents of hate crime, this decision is crucial to the victim in several ways:

- if a crime isn't recorded, then it is likely that no further investigation will take place;
- if a crime isn't recorded, the victim may not be referred to victim support services; and
- if a crime is recorded, but not identified as a hate crime, the victim may not receive the premium service as demanded by force policy.

Accurate crime recording is important because it helps forces decide where they need to allocate their resources. It also helps inform commissioning decisions about victim support services.

The lack of knowledge among police officers and staff may be one reason why hate incidents and crimes are sometimes not recorded properly. One hate crime victim told us that they felt they had to convince the police to record their experience properly:

“I said, ‘A hate crime is actually in front of your eyes and you have the audacity to say that to me?’ and I am knowledgeable of the law and legislation and acts of parliament surrounding all of this, so I lectured her about it.”

As well as this inspection, since April 2016 we have been undertaking a rolling programme of inspections into the accuracy of crime recording by police forces.<sup>64</sup> At the time of writing, we have inspected 20 forces. These

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<sup>63</sup> The Home Office Counting Rules for recorded crime help to make sure that crimes are recorded consistently and accurately by all police forces in England and Wales. For details, see: [www.gov.uk/government/publications/counting-rules-for-recorded-crime](http://www.gov.uk/government/publications/counting-rules-for-recorded-crime)

<sup>64</sup> These reports are available from our website: [www.justiceinspectorates.gov.uk/hmicfrs/our-work/article/crime-data-integrity/reports-rolling-programme-crime-data-integrity/](http://www.justiceinspectorates.gov.uk/hmicfrs/our-work/article/crime-data-integrity/reports-rolling-programme-crime-data-integrity/)

inspections don't specifically examine cases of hate crime, but they have found instances in which hate crimes haven't been recorded when they should have been.

In the six forces we visited, we heard about various methods by which forces identify hate crime that hadn't been recognised. These included searching incident logs for 'key words' that indicated that there may have been a hate crime. We also saw evidence of regular audits of hate incidents to establish whether crimes had taken place that had gone unrecognised. We looked at 42 hate incidents across all the forces. In 11 of these, we concluded that a crime wasn't recorded that should have been. This level of non-recording isn't good enough, and it is worrying that, despite efforts by forces, this problem still exists.

A support worker at a hostel for the homeless called the police to report that a resident was racially abusing other residents and threatening to stab them. The support worker told the police that this had happened four times in an hour. Police officers attended but did not later make a crime record. A risk assessment was conducted, but it didn't consider all the information that was available and the risk was incorrectly graded as low.

As a result of these concerns, we will work with our colleagues who are responsible for our crime data integrity inspections, to see what more can be done to bring about improvements in this area.

## Flagging

It is important to have a consistent way of gathering information about hate incidents and crimes, and their victims. This is especially so because, as we have said above, not all categories of hate crime are treated equally in legislation. For example, most crimes motivated by hostility towards people with disabilities would be prosecuted based on the commission of the underlying offence, and the motivation would be relevant only at the sentencing stage. In contrast, it would often be a specific hate crime if an offence was committed towards someone based on hostility towards the perceived race or religion of the person concerned.

Consistent and accurate information about hate incidents and crimes is important because:

- it enables forces, and the government, to understand the nature of hate crime, and to identify emerging trends;
- forces can easily identify and prioritise incidents and crimes and make decisions regarding the most appropriate response; and/or

- informed decisions can be made about what support services to provide for victims.

The College of Policing operational guidance states:

“It is important that forces are able to locally analyse hate crime to identify trends, degrees of animosity and to prepare intelligence-led deployments.”<sup>65</sup>

The Home Office provides specific directions about ‘flags’ that the police should place on records of hate incidents<sup>66</sup> and crimes.<sup>67</sup> The five motivating factors of hate crime should be flagged for both incidents and crimes. However, for crimes, there is an extra requirement. Where police have applied the religion flag, they also need to add a flag specifying the perceived religion of the victim.<sup>68</sup> This means there is a different standard applied to hate incidents and crimes.

While it is still a requirement for the police to flag hate incidents, in 2016 the Home Office stopped requiring forces to give it this information. We were told that the reason that the national requirement to report hate incidents was stopped was partly because of a desire to reduce the burden on forces. We were also told that because of the variations in the way forces record incidents, there were concerns about the consistency of the data supplied.

In some cases, victims are unlikely to be able to differentiate whether what happened to them was an incident or a crime. Incidents reported to the police, whether or not they amount to a crime, provide valuable information about hostility towards different communities and are often the first indications of the likelihood of future incidents and crimes. They are effectively a ‘warning signal’ to forces and government, and should inform a preventative approach. In the forces we visited, only three had a problem profile<sup>69</sup> for hate crime which used the analysis of hate incidents to inform the force approach.

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<sup>65</sup> *Hate Crime Operational guidance*, College of Policing, 2014, page 103.

<sup>66</sup> *The national standard for incident recording (NSIR) counting rules*, Home Office, 2011.

<sup>67</sup> See footnote 22.

<sup>68</sup> Where the religion flag has been applied, one of the following flags should also be applied to record the perceived (by the offender) religion (or belief or faith) of the victim: Christian, Buddhist, Hindu, Jewish, Muslim, Sikh, Other, No religion, Unknown. If the offender’s perception isn’t known, then the actual religion of the victim should be recorded.

<sup>69</sup> See footnote 5.

It is also the case, as we have shown above, that some of these incidents will be crimes that have gone unrecognised and unrecorded by the police.

The College of Policing operational guidance states:

“The number of non-crime hate incidents is not collated or published nationally, but forces should be able to analyse this locally and be in a position to share the data with partners and communities.”<sup>70</sup>

The current position seems to be that there is an acceptance of the need to record hate incidents, and for forces to use this information to respond. All forces record hate incidents (though we can't be sure whether or how forces use this information). But because forces don't have to report the numbers and type of hate incidents to the government, there is no possibility of using this data to inform the national hate crime picture.

It is also the case that while forces and the government encourage members of the public to report hate incidents and crimes, apparently some forces, or the government, do little with some of the resulting information. This is a missed opportunity to identify emerging trends and compare differences and possible gaps in recording practices between forces. From the information forces gave us, we have given a general analysis of what we have found in relation to hate incidents on [page 29](#). This illustrates that far more could be made of this information than is now the case. We accept that there are sometimes differences between forces in the way that incidents are recorded, but we think the benefits of this approach outweigh these considerations.

We are currently piloting a ‘big data’ system which enables forces to upload incident data to a secure information ‘cloud’ with less effort than previously. This system has the ability to turn this data into analytical products, including ‘heat maps’ which forces can use to inform their policing response. This will mean that any burden on forces to report incident data will be much reduced, but with a significant potential for providing detailed information about incidents, and specifically in this case, hate incidents. For this system to work effectively, the accuracy of the data is important.

The National Standard for Incident Recording counting rules haven’t been updated since 2011. Given our recommendations later in this report about differentiating hate crimes using sub-flags, we believe consideration should be given to updating guidance on the way hate incidents are recorded.

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<sup>70</sup> *Hate Crime Operational guidance*, College of Policing, 2014, page 62.

## **Recommendation**

We believe hate incident data is a valuable source of information about hate crime. However, this data can't currently be broken down into sub-categories to give a better understanding of the victimisation of different groups.

- We recommend that, within six months, the NPCC lead should work with the Home Office and the Ministry of Housing, Communities and Local Government to review the section of the National Standard for Incident Recording which relates to hate incidents. This should establish what updates would lead to more detailed data on hate crime incidents, which in turn would allow better understanding of the victimisation of different groups.

Other than for religiously motivated offences, there are no sub-flags for hate crime. For example, where a hate crime has taken place motivated by hostility towards members of the Gypsy, Roma or Traveller community, it isn't possible to identify this. So despite the importance attached to disaggregating hate crime (separating it into its individual parts), police forces don't have effective ways to do this in relation to all the motivating factors.

The Equality and Human Rights Commission (EHRC) included a recommendation that police data should be disaggregated by protected characteristics, in a submission to the United Nations Committee on the Elimination of Racial Discrimination in 2017.<sup>71</sup> This committee later recommended that the government should systematically collect and publish disaggregated data on the enjoyment of rights by ethnic minorities in all walks of life.<sup>72</sup>

We have been told that there are no current plans to record this level of detail for hate crimes. We believe that this is unhelpful to forces and their ability to understand the potentially vulnerable communities that are being victimised, and to the victims themselves.

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<sup>71</sup> *Race rights in the UK: Submission to the UN Committee on the Elimination of Racial Discrimination in accordance with the Committee's procedures to follow up on Concluding Observations*, The Equality and Human Rights Commission, August 2017. Available at: [www.equalityhumanrights.com/sites/default/files/race\\_rights\\_in\\_the\\_uk - august 2017.pdf](http://www.equalityhumanrights.com/sites/default/files/race_rights_in_the_uk - august 2017.pdf)

<sup>72</sup> International Convention on the Elimination of All Forms of Racial Discrimination. Concluding observations on the combined twenty-first to twenty-third periodic reports of the United Kingdom of Great Britain and Northern Ireland. Available at: [www.equalityhumanrights.com/sites/default/files/icerd- concluding\\_observations.pdf](http://www.equalityhumanrights.com/sites/default/files/icerd- concluding_observations.pdf)

We accept that there will be a cost to making changes to IT systems. Forces will also continually need to review whether emerging problems of hostility should be added to the list of flags. However, we consider that the benefits outweigh these obstacles, especially in this priority area of policing.

### Cause of concern

We are concerned that forces and the government don't have enough information to understand fully how different groups are victimised. Having more information would make sure police activity is intelligence-led and that victims get the right support.

### Recommendation

- We recommend that, within six months, the NPCC hate crime lead works with the Home Office and the Ministry of Housing, Communities and Local Government to consider jointly whether flags for all forms of hate crime should be differentiated to give a better understanding of how different groups are victimised.

There is an expectation, despite the limitations of the current system of flagging, that the flags will be applied accurately and consistently.

The data and information we collected from all forces highlighted several inconsistencies in how they record hate crime flags. We found evidence that:

- some forces aren't flagging racially or religiously aggravated offences as hate crimes;
- some are recording the actual religion of the victim while others are recording the perceived religion that was targeted;<sup>73</sup> and
- some forces are incorrectly recording more than one religion against an offence.

In our all-force data request, we found that of 7,796 religiously motivated crimes, the religion had been recorded as 'unknown' 2,261 times (29 percent).

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<sup>73</sup> The Home Office Counting Rules for recorded crime were changed in relation to religion in 2017, to the effect that the perceived religion means the targeted religion of the offender when known. See also footnote 22.

There are several specific offences aggravated by hostility towards a victim's race or religion.<sup>74</sup> In these cases, not all forces are applying a hate crime flag at all, as shown in figure 10 below. Forces need to be able to use a flag in these cases to differentiate the actual race or religion targeted by the perpetrator.

**Figure 10: Total racially or religiously aggravated offences in 2016/17 not flagged as a hate crime**

Offence type	Crimes not flagged as hate crime
Racially or religiously aggravated assault with injury	201
Racially or religiously aggravated assault without injury	385
Racially or religiously aggravated public fear, alarm or distress	2,498
Racially or religiously aggravated other criminal damage	121
Racially or religiously aggravated harassment	111

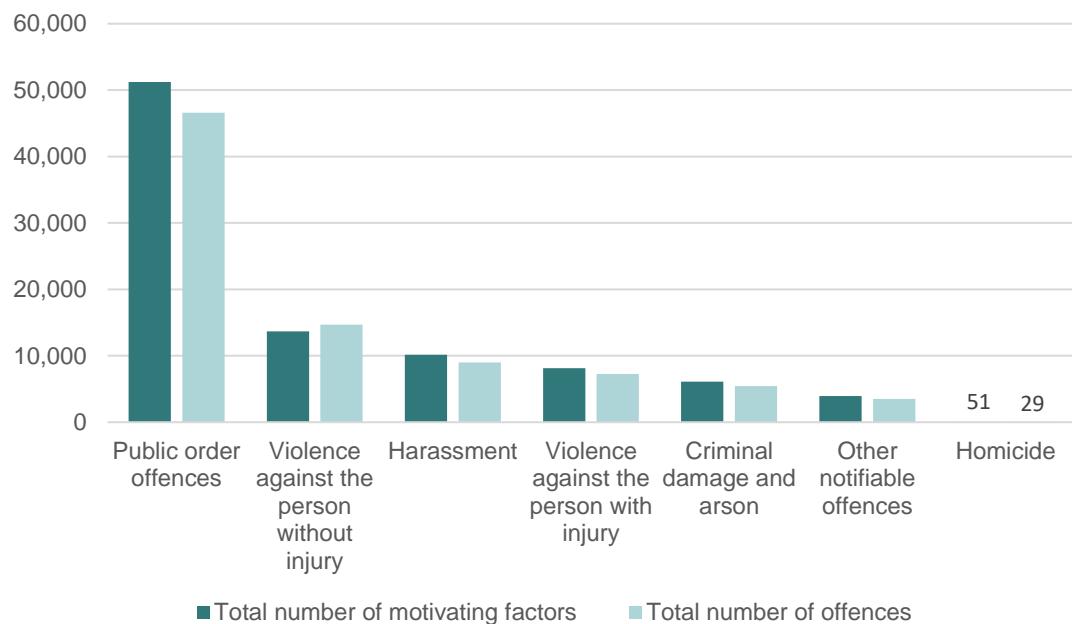
**Source:** HMICFRS all-force data collection

Figure 11 on the next page shows the number of hate crimes broken down by offence type.

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<sup>74</sup> Sections 29–32 of the Crime and Disorder Act 1998 (as amended by the Anti-terrorism, Crime and Security Act 2001) identify several offences which, if motivated by hostility or where the offender shows hostility, can be treated as racially or religiously aggravated. The offences are assaults, criminal damage, public order offences and harassment.

**Figure 11: Total hate crime offences and motivating factors in 2016/17 by offence type**



**Source: HMICFRS all-force data collection**

The total number of crimes involving violence against the person without injury is higher than the number of motivating factors. This indicates that not all these crimes are being flagged.

In the forces we inspected, we found that the importance of flagging hate incidents and crimes correctly isn't always recognised. We found very serious problems in two forces, which led us to conclude that the flagging of some hate crime is either inaccurate (the wrong strand of hate had been flagged) or wrong (there was no evidence of any hate motivation at all).

In our examination of cases, 43 out of 180 had, in the view of inspectors, been incorrectly flagged at the time of reporting. There was no evidence to suggest that the incidents or crimes related to the flag that had been applied, and there was no justification recorded for the decision to do so.

In one force we visited, a recent audit of 700 hate crimes had concluded that as many as half of the religious flags were incorrect, and should have been recorded as race instead.

In another force, the hate crime problem profile concluded:

“There is currently ‘amnesia’ regarding hate identification in systems and processes.”

Here is an example of one case which was incorrectly flagged.

The victim was driving her motor vehicle when two youths threw stones at her vehicle. She stopped to speak to the youths and they tried to take the car keys from her, and then subjected her to racial abuse and threats. The victim reported the incident directly to the police. However, no police attended despite the victim being distressed. There were later difficulties in contacting the victim and the crime was recorded without any further investigation taking place. The police eventually contacted the victim and told her there would be no further investigation. Both the incident and subsequent crime were recorded as both racially and religiously motivated harassment. However, there was no information recorded anywhere that supported the conclusion that the crime was religiously motivated.

In the six forces we inspected, only four had a hate crime policy which was specific about the need to flag hate crimes. Of these policies, only one covered the subject in enough detail and explained the flags and why it was important that they were correctly applied.

The College of Policing operational guidance was published in 2014. This pre-dates changes to the Home Office Counting Rules,<sup>75</sup> which introduced the requirement to separate religious hate crime into its separate strands. Also, the operational guidance isn't clear enough about which flags to apply in what circumstances. It also doesn't give useful guidance to forces about how to achieve consistency and compliance. Considering the importance attached to having accurate and complete information, the operational guidance should be updated.

### **Recommendation**

We don't think the College of Policing operational guidance currently reflects the importance of appropriately flagging hate crime.

- We recommend that, within six months, the College of Policing should review and update the operational guidance on hate crime. This is specifically with reference to the importance of making sure hate crimes are flagged appropriately.

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<sup>75</sup> See footnote 44.

In five of the six forces we inspected, we found a lack of effective audit arrangements to check the flags and make corrections if necessary. However, we also found an example of good practice.

In Gwent Police the diversity and inclusion unit conducts daily and weekly audits of all hate incidents and crimes. On occasions where the flag is potentially incorrect, the unit liaises with the reporting officer to review the circumstances and correct this if appropriate. This gives reassurance that the data is as accurate and complete as possible. It also enables reporting officers to learn and improve continually.

Recent organisational change within police forces has sometimes resulted in reductions to these support functions, as chief constables have moved officers and staff to frontline roles. More responsibility is now placed on officers and staff to get things right when taking reports, as there is often no support to check and correct errors or omissions. Sometimes this isn't reinforced with the appropriate level of training and awareness. We consider training later in this report.

### Cause of concern

We are concerned that flagging hate crime incorrectly has serious implications for forces in terms of their ability to understand hate crime and how it affects victims and their communities, and then respond appropriately. Incorrect flagging also undermines the integrity of published national data and analysis.

### Recommendation

- We recommend that, within three months, chief constables make sure hate crimes are correctly flagged, and that forces have good enough processes in place to make sure this is done.

## Gathering data

As well as flagging hate crimes accurately, it is important that forces gather enough information about victims and perpetrators. Good quality, comprehensive data is especially important in the police approach to hate crime. It allows forces to consider how the different strands of hate crime can overlap, in ways that may not be immediately apparent either to the victim or the police. This overlap of different protected characteristics is sometimes called 'intersectionality'.

The College of Policing operational guidance states that, as well as analysing flagged hate crime, forces should:

“be able to understand other factors from the data such as offence circumstances or the age and gender of victims and offenders.

Analytical products also enable managers to make more effective deployment decisions”.<sup>76</sup>

In the cases we looked at, 43 out of 180 (24 percent) had information missing about the victim that could have been used to help understand the nature of hate crime. We couldn’t tell whether the information was missing because the victim didn’t want to provide it, or whether the police had failed to ask the victim. As we weren’t looking at the police response beyond the initial crime recording stage, we did not gather information about how well forces gathered information about perpetrators.

However, in our programme of police custody inspections, conducted jointly with Her Majesty’s Inspectorate of Prisons, we have consistently found that forces don’t gather enough evidence about those people that are taken into custody.<sup>77</sup> Also, in our programme of crime data integrity inspections, we routinely report that forces require improvement in the gathering and recording of information about victims.<sup>78</sup>

In the crime data integrity inspections, we have found that forces only regularly record the most basic information such as age and gender. The ethnicity of victims is also recorded, but less frequently, and in about four in ten audited cases the ethnicity was unknown. It was only known in less than 5 percent of audited cases whether the victim is disabled, and/or what their sexual orientation is.<sup>79</sup>

The crime data integrity inspection team concluded that a large percentage of victims are either not asked for this information or don’t provide it. It wasn’t possible to tell which reason applied for the absence of the information, and therefore whether improvements could be made by forces to the way in which they gather information about victims.

In our fieldwork in one force we visited, a recent audit conducted by the force on their religion and race hate crime showed that the victim’s ethnicity was only recorded in 73 percent of the cases.

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<sup>76</sup> *Hate Crime Operational guidance*, College of Policing, 2014.

<sup>77</sup> See footnote 21.

<sup>78</sup> See footnote 20.

<sup>79</sup> These results are taken from the crime data integrity inspection workbooks of the first 20 published inspections. The results outline the protected characteristics of the victims of crimes audited, not the number of hate crimes audited.

In another force, a hate crime problem profile showed that, for all crime, the self-defined ethnicity of the victim was completed in less than 10 percent of cases over a nine-month period. The document concluded that:

“Failure to accurately record self-defined ethnicity has damaged the constabulary’s capability to identify vulnerable victims and disproportionately targeted communities.”

So there is evidence, from this and other inspections, that forces don’t pay enough attention to gathering information about victims and perpetrators. Later in this report we consider how this information is used by forces to understand the nature and extent of hate crime in their areas, and in turn, the implications for their public-sector equality duty.<sup>80</sup>

We will work with our colleagues in our crime data integrity inspection team to consider what improvements can be made to the way in which information is gathered from victims of crime. This includes whether forces should record whether victims have been asked to provide information about their personal circumstances, but have declined to do so.

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<sup>80</sup> The public-sector equality duty requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities. For further information, see:

[www.gov.uk/guidance/equality-act-2010-guidance](http://www.gov.uk/guidance/equality-act-2010-guidance)

### 3. Looking after victims

#### Risk assessment

For the purposes of this inspection, we use the term ‘risk assessment’ to mean “the process of estimating and regularly reviewing the likelihood and nature of a risk posed by a perpetrator to a particular victim, children or others”.<sup>81</sup>

In the previous section regarding control room practice, we discussed how forces approach initial risk assessments, which enable them to consider the immediate risk to victims. Initial risk assessments are often used as a way for the force to determine the priority of response and by what means the victim should be contacted. If an initial risk assessment is completed, it is done before the victim is visited and spoken to in detail.

Enhanced or secondary risk assessments enable forces to consider in more detail the level and nature of the risk to the victim. This includes any previous victimisation and the likelihood of it happening again or becoming more serious. Enhanced risk assessments can also be used to consider the wider implications for the community.

In one case we looked at, we found a positive example of the use of a risk assessment process.

The victim was a man who likes to wear women’s clothes, although he told police that he will only do this in the care home where he lives. While visiting his local town, he was shouted at, being called "cross dresser" and "fucking nonce". The victim called the police, who attended the call promptly. A risk assessment was completed, and the victim was given crime prevention advice. The police worked with the victim to create a risk management plan. The suspect was later identified and dealt with appropriately after taking into consideration the wishes of the victim.

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<sup>81</sup> *Understanding risk and vulnerability in the context of domestic abuse*, College of Policing, 2015.

We also found examples where there was no risk assessment conducted.

The victim was a trans female who was threatened in the street and called a "fucking tranny". The victim called the police but no risk assessment took place in the control room. Although the police attended promptly, no subsequent risk assessment was conducted and no risk management plan was created. It was never established that the victim had in fact been a victim of a similar event the previous day. There was no referral to Victim Support – an independent charity supporting victims and witnesses of crime in England and Wales – or to specialist organisations.

A good example of the use of enhanced risk assessments in policing is that of the domestic abuse, stalking and harassment and honour-based violence risk identification, assessment and management model (DASH). This model allows for officers to consider the victim's level of risk: low, medium or high. We consider below, in 'Managing risks to victims' how this model could usefully be adapted for hate crime.

Despite the universally acknowledged risks to hate crime victims, there is currently no standard way for forces to assess these risks. The College of Policing operational guidance states the importance of risk assessments, but doesn't give definitive guidance as to the best model to use, instead recommending a more general approach.<sup>82</sup> The lack of national direction means that the type and level of service victims receive depend on where they live.

In our all-force information request, we were told that 12 forces have a bespoke hate crime risk assessment, 18 use a generic risk assessment that applies to all victims, five use a risk assessment for hate crime which relates to anti-social behaviour and eight have no secondary risk assessment process at all. Similarly, in our case assessments, we found that only 56 out of 180 had an enhanced risk assessment completed. This is deeply unsatisfactory.

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<sup>82</sup> *Hate Crime Operational guidance*, College of Policing, 2014, page 88. The guidance advises that the 'RARA' model is one appropriate option.

The following case study shows how an enhanced risk assessment for victims of hate crime can work in practice:

Nottinghamshire Police introduced its current risk assessment tool in 2016, following a review supported by Nottingham Trent University.

The risk assessment asks 27 questions, divided into four sections:

- questions about the incident reported;
- information about perpetrators;
- questions about previous victimisation; and
- information about impact.

At the end of the risk assessment, the completing staff member answers four diagnostic questions about current harm, risk of harm through repeat victimisation, community cohesion and confidence in Nottinghamshire Police. The officer then uses their professional judgment to provide an overall level of risk of low, medium or high.

The risk assessment is subsequently reviewed by a supervisor and a final assessment of overall risk is endorsed. This risk assessment defines further levels of activity in the case beyond investigation.

Many victims of hate crime have complex needs and some victims suffer repeatedly.<sup>83</sup> So we consider that the consistent use of a comprehensive secondary risk assessment process for hate crime victims is extremely important. These risk assessments should be placed on force systems in such a way as to be viewable by all police officers and staff, and be capable of being easily used to inform forces' hate crime approach.

We understand that the NPCC hate crime working group had previously considered whether to endorse a specific risk assessment, but decided not to in favour of including the importance of risk assessments in a forthcoming training package. While we welcome the inclusion of this important subject in training, this development doesn't go far enough to bring consistency to the police service response, and make sure that the risks to all hate crime victims are appropriately considered.

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<sup>83</sup> *Hate Crime Operational guidance*, College of Policing, 2014, page 1.

## Cause of concern

We are concerned that some hate crime victims may be vulnerable to being targeted repeatedly and, at the moment, the risks to them aren't being assessed well enough.

## Recommendation

- We recommend that, within six months, chief constables adopt a system of risk assessment for vulnerable victims of hate crime. The NPCC lead for hate crime and the College of Policing should give chief constables advice about how best to do this.

We are aware that the College of Policing is considering the use of a general risk assessment process for vulnerable victims. The above recommendations could usefully be combined with this work.

A good risk assessment process helps forces to manage the risks to victims. This applies to cases that need an immediate response by the force, and to those cases where the police need to work with partner organisations.

## Managing risks to victims

For this inspection, we have used the term 'risk management' as meaning the "management of the responses adopted in cases where risk is identified, to minimise risk of further harm by the offender".<sup>84</sup>

Risk assessment and risk management are often viewed as the same thing, but they are different parts of a continuum of keeping victims safe. Risk assessment is a way of gathering information, assessing what the risks are to the victim, and attempting to quantify the likelihood of the risk occurring. Risk assessment processes should be reviewed regularly and updated as circumstances change. Risk management is the process of identifying what safeguarding actions need to be taken to minimise or eradicate the risks to the victim. This can also be applied to those associated with the victim and to the wider community.

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<sup>84</sup> *Understanding risk and vulnerability in the context of domestic abuse*, College of Policing, 2015.

In our inspection, we examined whether the forces we visited were identifying cases which had the potential to become critical incidents,<sup>85</sup> and bringing these to the attention of senior managers on a daily basis. Every force had well-established procedures for this to take place. However, for the management of the risks to individual victims this isn't always the case. While the College of Policing operational guidance includes the importance of risk assessment, the process of risk management isn't made clear. For hate crime victims, we were concerned that the management of risk isn't systematic and structured and is therefore more open to error and omission.

We consider that the management of risk is essential to keeping victims safe and preventing repeat victimisation. It is likely that forces that use a structured secondary risk assessment will find it easier to identify how they intend to manage those risks.

In our case assessments, we found that 44 out of 180 had a risk management plan to keep victims safe. We also found that a risk management plan was more likely to be recorded when a structured risk assessment process had been used.

We consider that the best place to record a risk management plan is within the risk assessment form, where the risks themselves have been identified. So we believe that the current College of Policing review of risk assessments should also examine whether the risk assessment form should incorporate a risk management plan.

### **Cause of concern**

We are concerned that the risks to some hate crime victims aren't being managed well enough or consistently enough, and some hate crime victims are less safe as a result.

### **Recommendation**

- We recommend that, within six months, chief constables incorporate risk management into a risk assessment process for vulnerable victims of hate crime. The NPCC lead for hate crime and the College of Policing should give chief constables advice about how best to do this.

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<sup>85</sup> Any incident where the effectiveness of the police response is likely to have a significant impact on the confidence of the victim, their family and/or the community. *Authorised Professional Practice: Critical Incident Management*, College of Policing. For more information, see: [www.app.college.police.uk/app-content/critical-incident-management/types-of-critical-incident/](http://www.app.college.police.uk/app-content/critical-incident-management/types-of-critical-incident/)

Half the forces we visited use multi-agency risk assessment conferences (MARACs)<sup>86</sup> as part of their approach to risk management of hate crime. These hate crime MARACs are partnership meetings, involving local authority and voluntary agency partners. The purpose of the meeting is for the partners to exchange information to safeguard the victim. The College of Policing operational guidance advocates such an approach as good practice.<sup>87</sup>

We saw an example of this positive practice in West Yorkshire Police.

In West Yorkshire Police, each of the three sectors of Leeds district holds a hate crime multi-agency risk assessment conference every six weeks for hate crime victims. These groups are chaired by the Safer Leeds Partnership. Attendees include a range of statutory and third-sector services, such as the youth offending service, anti-social behaviour teams, housing providers and Victim Support. Any of the partners can nominate cases for discussion. The MARACs address safeguarding for victims as well as dealing with perpetrators.

In the three forces we visited that operate a MARAC system, it was notable that none of them operate across the forces in all local authority areas. So there was inconsistency of approach even within forces. We were told that this was sometimes because of a lack of commitment from local authorities. Such inconsistency within force areas is unacceptable, and police leaders should work harder to make sure there is a partnership approach to safeguarding victims across their local authority boundaries.

For domestic abuse MARACs, high-risk cases are automatically referred following a DASH risk assessment (see above). However, none of the forces that operate a hate crime MARAC system have a structured process of referral to the partnership meeting. This means the system is open to error or omission. In some forces, we were told that officers aren't always sure that the MARAC was considering the most high-risk cases.

We consider that the MARAC system for risk management, based on the learning and approach taken with domestic abuse, can usefully be used in hate crime cases. This can be a valuable way to involve partners in keeping victims safe. However, the MARAC system can only work effectively when it is used consistently and accompanied by a structured risk assessment process.

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<sup>86</sup> MARACs are more often used in domestic abuse cases.

<sup>87</sup> *Hate Crime Operational guidance*, College of Policing, 2014, page 89.

## Cause of concern

We are concerned that the recurring risks to some hate crime victims aren't being managed well enough or consistently enough, and that the most vulnerable victims would be safer if the police routinely worked with partner organisations to manage risks to victims.

## Recommendation

- We recommend that, within six months, chief constables work with partner organisations to adopt a system of risk management for vulnerable victims of hate crime. The NPCC lead for hate crime and the College of Policing should give chief constables advice about how best to do this. They should also consider whether the principles of the multi-agency risk assessment conferences (MARAC) process are a good way to manage the risks to hate crime victims.

## Allocation of investigations

While this inspection did not examine the investigative process itself, we did consider which officers would be allocated hate crimes to investigate.

In our all-force information request we were told that only three forces had specialist hate crime investigators. Some forces told us that hate crimes would be dealt with by teams that deal with all other vulnerable people, or would have some form of oversight by officers or staff with enhanced knowledge of hate crime. However, in most forces (25), we were told that there was neither a specialist investigative response nor any such oversight. So we consider that it is likely that, in most cases, allegations of hate crime will be dealt with by frontline officers.

We conducted assessments of 138 hate crimes in the six forces we visited. Of the 138, 101 were investigated by frontline officers, that is either response<sup>88</sup> or neighbourhood<sup>89</sup> officers. In only two cases was the crime investigated by a CID<sup>90</sup> officer.

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<sup>88</sup> Officers whose primary role is to respond to calls for service by members of the public.

<sup>89</sup> Officers who are allocated to dedicated areas.

<sup>90</sup> Criminal investigation department officers have usually received enhanced investigative training.

## Victim care

Following a report of a hate crime, victims can expect to be treated in line with the *Code of Practice for Victims of Crime*.<sup>91</sup> Victims of hate crime are entitled to an enhanced service as they are deemed to be victims of serious crime. Our inspection did not consider how forces were complying with their duties under the code. This was because the inspection was focused on initial reporting and recording activity.<sup>92</sup>

However, we did inspect forces' approach to initial victim contact. This covered the provision of information to victims and the referral of victims to support services. We have considered the latter under the section entitled 'Referral of victims to support services' below. In relation to victim contact, we found a variety of arrangements.

In some forces, the sole responsibility for engaging with a victim during an investigation is left to the investigating officer. With these arrangements, the expectation is that officers have had enough training and experience to deal with the care of vulnerable hate crime victims. This would include being aware of the local and national support organisations to which victims could be referred.

These are the arrangements in one of the forces we inspected. However, we found that officers hadn't had enough training. Competing demands also meant that officers there do not have enough time to spend with the victim to understand their needs. This force had very low hate crime victim satisfaction levels, as measured by the force's own victim surveys.

One victim told us about their experience from one force:

"So my question is, why was he sent out to take my report when he, when they should have sent somebody out that had trans training, that knew how to deal with trans people, that had opted in to the training?"

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<sup>91</sup> *Code of Practice for Victims of Crime*, Ministry of Justice, October 2015. Available from: [www.gov.uk/government/publications/the-code-of-practice-for-victims-of-crime](http://www.gov.uk/government/publications/the-code-of-practice-for-victims-of-crime)

<sup>92</sup> We have reported on the *Code of Practice for Victims of Crime* in other reports, such as *Living in fear – the police and CPS response to harassment and stalking. A joint inspection by HMIC and HMCPSI*. HMIC, July 2017. Available from: [www.justiceinspectories.gov.uk/hmicfrs/publications/living-in-fear-the-police-and-cps-response-to-harassment-and-stalking/](http://www.justiceinspectories.gov.uk/hmicfrs/publications/living-in-fear-the-police-and-cps-response-to-harassment-and-stalking/)

In some forces, victim care or safeguarding arrangements are the responsibility of neighbourhood officers and police and community support officers (PCSOs). This is a more satisfactory arrangement. However, the system by which these officers and staff are allocated to individual cases doesn't always work effectively. As a result, some victims receive inconsistent responses from the police.

A 14-year-old victim with autism was chased by two other boys who called him a 'spastic' and when they caught him they put a lighter to his neck, frightening him. This was reported by the victim's mother. The police gave the victim and mother appropriate advice regarding travel to and from school and how to report any further victimisation. The victim was also seen by a PCSO. The victim and the suspects were referred to the local authority social care department for more support.

A young victim, who suffers from learning disabilities, was in a park with her father. A group of youths verbally abused the victim. The youths later went to the victim's house and threatened the father to 'take him out' if he called the police. The father did call the police but no risk assessment was conducted and no police attended. The victim's house later had eggs thrown at it. The police did not contact the victim until 22 days later.

We saw positive practice regarding victim care in one force we visited, which we set out on the next page.

Gwent Police has adopted an approach to victim care based on a system of hate crime support officers (HCSOs). HCSOs are volunteers from within the force who take on the role on top of their day-to-day duties. The HCSOs are allocated to individual crimes and their main areas of responsibility are:

- maintaining regular contact with their allocated victims;
- referring victims and witnesses to specialist organisations as appropriate;
- working with local policing teams to establish and maintain links with communities that have less trust and confidence in the police;
- providing advice and guidance to investigating officers; and
- encouraging the reporting of hate incidents and crimes.

Gwent Police believes that the introduction of hate crime support officers has positively affected the experience of hate crime victims in Gwent. There are other advantages to having this approach: the HCSOs have opportunities for development; and the investigating officer can concentrate on the investigation itself, with advice and information available from the HCSOs should they need it.

This is a comprehensive approach to victim care. However, it does require administrative support to enable it to function and make sure that all the volunteer staff remain trained and committed to the role.

In the forces we inspected, we also looked at the information they provide to hate crime victims, to inform them about what they could expect from the police. We were surprised to find that most of the forces hadn't considered the importance of providing this information in a fully accessible format, for example, for victims who are blind or where English isn't their first language.

One force is providing information to victims in a leaflet that was written in 2009. This contains inaccurate information; it leads victims to believe that they will receive an automatic referral to victim services, which isn't the case.

In Gwent Police, the diversity and inclusion unit is responsible for making decisions regarding the provision of information to hate crime victims. Individual decisions about what information leaflets are sent to victims are made. These are tailored to what is known about the circumstances of the victim, including their first language or whether it is appropriate to send information by letter to particular victims. An example given to us was whether it was appropriate to send a letter to the house of a young victim who had been the subject of a crime based on their sexual orientation if it wasn't known whether the parents of the victim were aware of their sexual orientation.

This is a sophisticated approach to the provision of information to hate crime victims. However, once again it requires a dedicated system to enable it to function. This approach isn't currently available in the other forces we visited.

It is also important to note that the provision of information in an appropriate format isn't just a problem for hate crime victims. It is likely that victims in most forces will suffer from a similar lack of regard for their individual circumstances.

Hate crime victims told us that it was important that the police provided them with information about the support services that were available because:

- it enabled them to make informed decisions about whether they wanted to receive support;
- there were sometimes delays in receiving contact from victim support services; or
- some victims may want to take up support at different times and/or may want to refer themselves to support at another time.

### **Recommendation**

In our view, police forces aren't always giving some hate crime victims enough information about support groups or what happens next with their cases. In other cases, when the police do give victims the information, the police don't always consider enough the victim's circumstances (for instance, by making this information available in different formats or languages).

- We recommend that the NPCC lead for supporting victims should urgently review how much information forces give victims of hate crime. They should also give chief constables guidance about how best to communicate with victims of hate crime, taking their personal circumstances into consideration.

We have stated elsewhere in this report that we are concerned that forces don't collect enough information about victims. This affects forces' ability to make decisions about their approach to supporting hate crime victims, and about victims and crime more generally. We have considered this further under 'Equality duty' below.

## Referral of victims to support services

After a victim has made a report to the police, the police are required to decide whether the circumstances amount to a crime. This decision is of crucial significance in terms of the subsequent referral to victim support services. The referral is the responsibility of the police, though the services themselves are provided by the police and crime commissioner or their mayoral equivalents for the force concerned.

If the behaviour that the victim has reported doesn't amount to a hate crime, a hate incident is recorded instead. In most cases in these circumstances, there is no opportunity for the victim to be referred to support services. However, some forces have recognised that victims of hate incidents would still benefit from victim support services, as this example shows:

David was the victim of a hate crime because he was visually impaired. He reported his experience to the police, but was not referred or signposted to any support organisations. He would have liked to have been offered a referral to Victim Support, but was not aware this was possible.

In our all-force information request, we found that 37 out of 43 forces said that they would refer victims of hate incidents (as well as hate crimes) to victim support services. This is encouraging and recognises that this kind of behaviour aimed at victims can be damaging, regardless of the legal definition. However, the fact that six forces do not adopt this sort of approach reflects the inconsistency across forces that we found in other areas of our inspection.

We were surprised, and disappointed, that most of the forces did not know how many hate crime victims had been referred for support, and whether there were any differences between different groups. In our view, forces haven't considered the importance of this, or recognised the need to monitor performance to make improvements for victims. As we have stated elsewhere, this won't just be a problem associated with hate crime victims, but will be true of victims of crime more generally.

It is important to understand the rate of referral for hate crime victims in particular. It may indicate that different levels of support are being provided to different groups. It can also inform the commissioning decisions regarding victim care services. For example, we heard anecdotal evidence that victims of crime motivated by their perceived transgender identity are less likely to want to be referred, because they do not want the circumstances of the crime exposed to further scrutiny. The result of this is that some of the more vulnerable victims of hate crime may not be receiving the support that they need.

One victim told us:

“To be honest, I didn’t know that you should be offered it, it wasn’t until my friend (...) said that he’d had victim support and he said, ‘Did you?’ And I said, ‘I didn’t even know it existed, so no.’ (...) I might have said yes if they’d offered me that in the early stages.”

At the time of our inspection, forces operated one of two systems for referral to victim support services:

- Opt-in – where victims aren’t referred unless they specifically consent for their information to be passed to the referral organisation. For hate crime, 25 out of the 43 forces told us that they use this system.
- Opt-out – where victims’ details are automatically passed to victim support services unless they specifically state that they do not want this to happen. For hate crime, 18 forces told us that they use this system.

Some forces have a different system of victim referral for hate crime from other types of crime.

**Figure 12: Systems used by forces to refer victims to support services**

<b>System used for victim referrals</b>	<b>Number of forces</b>
Opt-in for all crimes	23
Opt-out for all crimes	16
Opt-in for most crimes, opt-out for hate crime	2
Opt-out for most crimes, opt-in for hate crime	2

**Source: HMICFRS all-force data collection**

We were told by forces that the introduction of the General Data Protection Regulation (GDPR)<sup>93</sup> is likely to have a significant effect on the referral of victims to support services. This is particularly the case for those forces that operate an opt-out system.

We found that there was a significant difference in the referral rate of hate crime victims to support services based on which system was in operation. Our assumption, prior to the inspection, was that forces that operate an opt-out system would have a far higher referral rate to victim support services. This is because this system is less open to error or omission. It is also less reliant on officers having the knowledge and experience to involve victims in their own care needs.

In one force which operates an opt-in system, for the particular strand of hate crime we were inspecting, we found that less than 10 percent of victims had been referred to victim support services in the previous calendar year. In another force operating the same system, across all strands of hate crime, the victim referral rate was about 18 percent.<sup>94</sup> For those forces which operate an opt-out system, the referral rate was above 70 percent.

This is a stark and very worrying difference. It indicates that in forces that use an opt-in system, the vast majority of hate crime victims won't be referred to support services. As most forces use an opt-in system, the consequences for most hate crime victims are clear.

We can't say, for either system of referral, how many victims went on to receive support services. However, we have provided these overall findings to the Office of the Victims' Commissioner.<sup>95</sup>

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<sup>93</sup> GDPR is an EU regulation on data protection and privacy which was introduced on 25 May 2018. For more information, see: <https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/>

<sup>94</sup> This figure is approximate as it is based on slightly different reporting periods.

<sup>95</sup> The role of the Victims' Commissioner is to promote the interests of victims and witnesses, encourage good practice in their treatment, and regularly review the *Code of Practice for Victims of Crime*, which sets out the services victims can expect to receive. Further information is available at: <https://victimscommissioner.org.uk/>

We have indicated above that the new General Data Protection Regulation is likely to affect victim support service provision. However, one force we visited has a process that provides a good victim referral mechanism that is unlikely to be affected by the new regulations.

Avon and Somerset Constabulary and its police and crime commissioner jointly fund the force victim service provision, which is called 'Lighthouse'. The service is located within police buildings and, because it is operated by the police force, no personal data passes immediately to an outside organisation.

The provision is an opt-out service. Referrals are made to Lighthouse unless the officer taking the report states that they have asked the victim, and the victim has indicated that they do not want this to happen. Information on all hate crime victims is available to Lighthouse as they have access to police crime records. They use this system to check that hate crime victims have been referred, and can contact victims that haven't been referred to check that this is appropriate.

All referred victims are contacted and a common needs assessment is completed. This indicates what type of support the victim would benefit from, and why. Importantly, this assessment is placed on the force crime recording system, so it is visible to officers. This provides important information to officers and allows them to take this assessment into account when contacting the victim and conducting the investigation.

## 4. Organisational arrangements

In this section, we consider force-wide and national arrangements for the police response to hate crime.

### Training and awareness

National guidance to officers is provided by the College of Policing. This operational guidance was published in 2014 and some aspects of policing practice have since moved on. We have indicated in this report some areas that would benefit from revision or further focus.

The College of Policing doesn't currently provide any form of training material for forces to use that specifically relates to hate crime. The subject is partly covered in other training material, for example training relating to vulnerability. Forces have either developed their own training packages, or made no provision at all.

All the forces we inspected have included a training input on hate crime for new recruits. Only one force has made a commitment to train all its other operational police officers and staff.

Avon and Somerset Constabulary has developed a bespoke training programme, 'Taking the hurt out of hate', for all frontline officers and supervisors. The concept of unconscious bias is introduced in a short but powerful film – based on a real case study – to promote discussion, self-reflection and personal action planning. At the time of our inspection, almost 2,000 officers and staff had completed the programme.

In the other forces we inspected, some 'awareness raising' is provided to officers, but this is inconsistent and usually based on individual initiatives. We have called this awareness raising because it doesn't appear that these inputs have been designed, planned and reviewed by the force training departments. There is no apparent commitment from these forces to provide the content more widely as part of their force training plans.

We did not review the quality of any of these force-specific awareness-raising initiatives. However, from what we were told by officers and partner organisations, two particular inputs (one in partnership with LGBT Foundation)<sup>96</sup> have provided a valuable insight for officers dealing with hate crime.

In Greater Manchester Police, officers working in partnership with the support organisation LGBT Foundation have developed a 'Transgender toolkit'. This is a short document available to officers on the force intranet which provides information to help them deal with victims of crime motivated by their transgender identity.

The same organisations have also collaborated to produce a one-minute video. This is designed to be played to officers as part of a briefing package before they go on patrol in the Gay Village area of Manchester. This video is predominantly for officers from other parts of Manchester who aren't necessarily experienced in dealing with victims who are lesbian, gay, bisexual or transgender.

We are concerned that there is no national training product available to forces regarding providing a high-quality and consistent service to victims of hate crime. Until this is done, it is likely that victims will continue to receive an inconsistent service, as we have found in this inspection.

We have been told by the NPCC lead that work is taking place to create a training product. However, we believe that in the first instance it would be beneficial for a review to be undertaken of existing training material. This would mean training material that is already available, and found to be effective, can be shared between forces. This is a more efficient use of resources and is more likely to be quickly and more readily adopted by forces. In the longer term, we believe that these products can be used along with a national training package which should be provided to all frontline officers and staff.

### **Area for improvement**

- The College of Policing should review the existing hate crime training package. It should then give details of effective training to all forces for them to use, to give victims of hate crime a better service.

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<sup>96</sup> LGBT Foundation is a national charity providing advice, support and information services to lesbian, gay, bisexual and trans (LGBT) communities. Further details are available at: <https://lgbt.foundation/>

## Online offending

The digital age, with the increased use of social media, has brought an almost inevitable change to the way that some hate crime takes place. For example, ‘online hate speech’ is a term that has become commonplace to describe words that are used online to attack a person or group based on a personal characteristic.

In 2018, the government asked the Law Commission to review the laws on offensive communications and assess whether they give victims the right protection online.<sup>97</sup>

Also on a national level, the Home Office has responded to this increase in online offending by providing funding for an online hate crime hub. The small team<sup>98</sup> of specialist full-time staff is being hosted by Greater Manchester Police and is located alongside the force’s cyber-crime unit. The hub, which went live in January 2018, is run by police officers and staff for the NPCC. The unit has been set up to make sure that online cases are managed effectively and efficiently, and aims to help provide better support for victims and to streamline the process for frontline officers.

Reports made through True Vision (see [page 40](#)) will automatically be sent to the hub, where they will be assessed and relevant cases will be assigned to the appropriate local police force for investigation. When fully functioning, the intention is for the hub to streamline and simplify current processes, avoid duplication, use the expertise of dedicated staff, and improve the efficiency of the response of forces. The hub will keep victims updated about the progress of the report.

To make sure there is a better understanding of online offending of all types, in 2015 the Home Office introduced a requirement for forces to flag cyber-enabled offences. The offences this flag applies to are those that have been committed in full or in part through a computer, computer network or computer-enabled device. Despite this requirement, forces have been slow to make sure that this flag is applied rigorously and routinely. In the last Home Office crime figures, it was still not possible to report on this element of crime statistics, due to the perceived unreliability of the data.

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<sup>97</sup> For more information, see: [www.lawcom.gov.uk/government-asks-law-commission-to-look-at-trolling-laws/](http://www.lawcom.gov.uk/government-asks-law-commission-to-look-at-trolling-laws/)

<sup>98</sup> When fully-staffed, the unit is planned to be staffed by one sergeant, two constables and a researcher.

In our all-force data request, we found that only 2.5 percent of hate crimes had a cyber-enabled flag. This is unlikely to be the true extent of the problem.

Only 16 of the 43 forces said that they examined websites (for example, social media sites) where hate incidents or crimes might happen. The majority of these (14) weren't done regularly, but in response to high-profile incidents or when community tensions were raised. Also, many online 'scans' were because of hate incidents or crimes occurring on the force's own social media pages rather than other online community forums.

We found more evidence of this problem in our review of cases. The cyber-enabled flag had only been placed correctly on 15 of the 40 relevant offences (38 percent). We also spoke to officers, who told us that they were unaware of the requirement to flag cyber-enabled offences.

We report on the ability of forces to understand the hate crime problem in their areas under the section below, entitled 'Force understanding'. However, only one of the forces we inspected that had a hate crime problem profile included any mention of digital hate crime offending.

The problem profile in this case stated:

"The hate crime and overall cyber-crime analysis indicate that there is a substantial proportion of cyber-related offences which remain unflagged, meaning that we do not have a clear or consistent understanding of this problem."

We are surprised that forces haven't done more to understand the changing nature of hate crime and take online offending more seriously. The only way to do this comprehensively is by first using the Home Office cyber-enabled flag. Forces need to make sure that officers and staff are aware of the need for this flag to be placed on the force crime-recording system. They also need to make sure there is a system of supervision and audit in place to provide assurance that this has happened.

We know that police forces' approach to digital crime has been inconsistent. Some forces are struggling to respond effectively to crimes that have taken place either online or through other digital media.<sup>99</sup>

Without a robust system that allows forces to understand the changing nature of hate crime, it is more difficult to predict future demand for service and the required changes to resourcing. We have focused on hate crime in this inspection, but the same is true of other types of crime.

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<sup>99</sup> PEEL: Police efficiency 2017 – A national overview, HMICFRS, 2017. See: [www.justiceinspectorates.gov.uk/hmicfrs/publications/peel-police-efficiency-2017/](http://www.justiceinspectorates.gov.uk/hmicfrs/publications/peel-police-efficiency-2017/)

## **Cause of concern**

We found that forces don't consistently use the Home Office cyber-enabled flag. This means forces and the government may not have good enough information to understand how much different groups are targeted online, which means they can't make sure effective decisions are made about how to respond.

## **Recommendation**

- We recommend that, within three months, chief constables make sure that the Home Office cyber-enabled flag is consistently applied, and that forces have adequate systems in place to make sure that this is done.

More work needs to take place to understand online hate crime. However, one force we inspected had recognised the need to begin to change its policing approach. This was in recognition of the fact that the communities that forces now police are no longer just physical entities.

Gwent Police has recently introduced a 'cyber CSO'. This is a member of police staff with a remit that covers online offending to:

- provide a visible presence to the online community;
- be alert for and report any online hate crime; and
- provide messaging to communities as a form of 'counter narrative'.

The cyber CSO also provides advice to officers who are dealing with online offences and provides prevention advice to victims and community groups in relation to online crime.

The College of Policing operational guidance doesn't contain a specific section on online hate crime, and as policing in this area has moved on significantly since 2014 when it was written, the operational guidance should be reviewed and updated.

### **Recommendation**

We don't think the College of Policing operational guidance currently reflects the importance of appropriately flagging cyber-enabled hate crime.

- We recommend that, within six months, the NPCC lead for hate crime and the College of Policing should review and update the hate crime operational guidance to include a section on online offending.

## **Intelligence gathering**

The College of Policing operational guidance states:

"The effective and efficient collection, recording, dissemination and retention of information allows material to be identified which can be assessed for intelligence value. It also enables decisions to be made about priorities and tactical options."<sup>100</sup>

In keeping with the College of Policing operational guidance, it was our expectation that intelligence gathering about hate crime would be at the heart of the police response. This should be easily identifiable and therefore capable of being analysed to inform police activity, and to identify emerging problems or patterns.

Engagement with communities is one of the primary roles of neighbourhood officers in particular. The results of this interaction should most easily be seen in the intelligence records. These indicate a flow of information from communities about the concerns they have. In the forces we visited, we found that there were generally very low numbers of intelligence records being created which had been marked as relating to hate crime.

In one force we visited, only nine intelligence records relating to hate crime had been submitted in the six months prior to January 2018, and in another force, it was only ten. In a further force, we were told that it wasn't possible for the force to identify those intelligence records that related to hate crime due to the limitations of the force intelligence system.

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<sup>100</sup> *Hate Crime Operational guidance*, College of Policing, 2014, page 96.

The number of intelligence records is so low that this can't be related to a reduction in neighbourhood officers. We were certainly not told that this was the case. Consequently, this must be a failure by police forces to understand the importance of this information, to assign this work to officers accordingly, and to make sure that intelligence records are made and submitted.

### **Recommendation**

In our view, forces don't gather and use intelligence about hate crime consistently enough. This means forces don't have enough information to understand fully how different groups are victimised and make sure that officers make effective decisions about how to respond.

- We recommend that chief constables make sure officers know it is important to find and record more intelligence about hate crime and use it to inform the police response.

We consider below how the limited intelligence available is being used, along with other information, by police forces.

## **Repeat victimisation**

“...it was often becoming the norm, to a certain extent, which is terrible to say. But, yeah, it was becoming the norm.”  
- Hate crime victim

Victims of hate crime are more likely than victims of some other crimes to be targeted repeatedly. The victims also expect this targeting to continue.<sup>101</sup>

The College of Policing operational guidance states:

“Helping officers to identify the most affected victims more easily is an essential part of preventing further victimisation. Early identification of repeat victims helps forces to deploy appropriate resources to provide an effective response.”<sup>102</sup>

In our case assessments, we considered whether the victims had been the victims of previous crimes, and whether they had been victims of previous hate incidents and crimes.

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<sup>101</sup> *Hate crime operational guidance*, College of Policing, 2014, page 1.

<sup>102</sup> *Op. cit.*, page 87.

In 40 out of 180 cases, the victims in our case assessments had previously been the victims of crime, and in 39 out of 180 cases the victims had previously been targeted in hate incidents and crimes. While we found that, in most cases, the officers recognised this repeat victimisation, this had only been flagged on the police systems in 9 out of 39 cases.

Accordingly, improvements need to take place in the police approach to the identification and flagging of repeat victimisation in hate crime cases.

## Forces' understanding of hate crime

Forces need to understand the nature of hate crime across their areas. This understanding is based on their assessment of available information and intelligence, which together guide their handling of the problem. The result of this activity is called a problem profile.

The College of Policing states that problem profiles are used to:

“provide a greater understanding of established and emerging crime or incident series, priority locations or other identified high-risk issues”.<sup>103</sup>

Given the importance of hate crime and the likely vulnerability of the victims and communities concerned, we would expect all forces to have a hate crime problem profile. But in our inspection, we were disappointed to find that four of the six forces don't have a problem profile for hate crime. This is a major concern.

Three of the forces that do not have a problem profile have hate crime as a priority for the force in their police and crime plan.<sup>104</sup>

Of the two forces that have a hate crime problem profile, neither has apparently used intelligence to inform the analysis. As we have said above, the absence of intelligence records in all forces is a contributory factor to this.

We believe that there is a more fundamental problem which is affecting the understanding of hate crime, both on a force and national level. This relates to the quality and accuracy of police-recorded incident and crime reports. We consider this further under the section 'Equality duty' below.

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<sup>103</sup> *Intelligence management*, College of Policing APP. Further details available at: [www.app.college.police.uk/app-content/intelligence-management/intelligence-products/](http://www.app.college.police.uk/app-content/intelligence-management/intelligence-products/)

<sup>104</sup> Police and crime plans are an essential planning tool for police and crime commissioners and were introduced as a statutory requirement for all police force areas as part of the Police Reform and Social Responsibility Act 2011.

Although we have concerns about the accuracy of recorded hate incidents and crimes, the reports still hold important information. Forces can use the information when deciding where officers and staff should patrol to prevent crime, give reassurance and engage with victims and communities. This is especially so for those officers and staff working in neighbourhood roles.

In our inspection, we spoke to neighbourhood officers and staff in each of the six forces. They told us that part of their daily duty involves searching their crime-recording systems for incidents and crimes that have taken place in their area since they were last at work. They also said that the provision of bespoke and regular analytical products has mostly disappeared. We were told this may be due to budget cuts to the relevant analytical departments.

As a result, it is less easy for neighbourhood officers to understand any emerging problems or hate crime trends in their areas.

Avon and Somerset Constabulary uses Qliksense, an internally developed business intelligence system. The force also provides a 'hate daily output' to relevant officers and staff. This is an automated report which identifies hate incidents and crimes across all the force IT systems, including those used in the control room. The report provides a comprehensive daily overview of the preceding 24 hours. It is sent automatically to about 150 individuals, including neighbourhood managers, beat managers and hate crime champions. It is also sent to the force's:

- incident assessment unit to make sure that crimes are correctly recorded;
- victim support service Lighthouse (see above), for them to consider victims' needs; and
- intelligence unit so that trends, potential hotspots and repeat victims/offenders can be assessed on a threat, harm and risk basis.

Qliksense can also be used by individual neighbourhood officers to provide information about their own areas.

While the provision of information to officers and staff is important, it is rendered less useful if the quality of the information itself isn't comprehensive and accurate.

## Equality duty

Police forces are specified public bodies under the Equality Act 2010, and have a duty to comply with the public sector equality duty.<sup>105</sup> The duty is to have ‘due regard’ to the need to achieve the three goals:

- eliminating unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
- advancing equality of opportunity between people who have a protected characteristic<sup>106</sup> and those who do not; and
- fostering good relations between people who have a protected characteristic and those who do not.

There is no explicit legal requirement under the duty to collect and use equality information, but to have due regard to the aims of the duty, police forces must understand how the effect of their policies and practices differs with respect to those with particular protected characteristics.

Although there is no specific duty to gather and analyse information, there is a requirement in principle that public authorities should be properly informed.<sup>107</sup>

In this report, we have shown that improvements can be made in the areas of:

- identification of hate incidents and crimes;
- gathering of hate crime intelligence;
- gathering of information about those who encounter the police; and
- analysing the information that has been gathered.

There are several consequences of these failings for police forces, and these are summarised by the Equality and Human Rights Commission on its website:

“If you do not consider how a function can affect different groups in different ways, it is unlikely to have the intended effect. This can contribute to greater inequality and poor outcomes.”<sup>108</sup>

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<sup>105</sup> Equality Act 2010, part 11, chapter 1, section 149.

<sup>106</sup> See footnote 10.

<sup>107</sup> R (Hurley and Moore) v Secretary of State for Business, Innovation and Skills [2012] EWHC 201, paragraphs 89–90.

<sup>108</sup> See: [www.equalityhumanrights.com/en/advice-and-guidance/public-sector-equality-duty](http://www.equalityhumanrights.com/en/advice-and-guidance/public-sector-equality-duty)

Police and crime commissioners (PCCs) and their mayoral equivalents also rely on this information, including to inform commissioning decisions regarding the provision of victim support services.

In this inspection, we considered the effect of police practice only in relation to hate crime. So it wasn't possible to conclude to what extent forces were complying with their general public sector equality duty. However, we consider that improvements in the way that police gather and use information in relation to hate crime will have a positive effect on their ability to comply with this duty.

## Engaging with communities

We have discussed some ways in which forces engage with communities to allow them to report incidents and crimes more easily. In this inspection, we also considered other ways in which forces engage with victims and communities.

Five of the six forces we inspected have force-level independent advisory groups (IAGs). The purpose of an IAG is to provide a forum where independent advisers can give advice to the force on the development and review of policy, procedures and practices which may affect different communities.<sup>109</sup> From our examination of the minutes of the last meetings, it appeared that the subject of hate crime hadn't been discussed in two of the five IAGs.

All the forces we inspected participate in scrutiny arrangements, usually organised and chaired by the Crown Prosecution Service (CPS). At these meetings, hate crime cases are discussed with a variety of partner organisations. The purpose of these scrutiny panels is to:

- bring members of local communities into the CPS to review finalised hate crime files jointly;
- raise awareness and learning among communities of how and why prosecution decisions are made;
- increase learning among CPS staff on how cases might be handled better;

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<sup>109</sup> *Independent advisory groups: advice and guidance on the role, function and governance of IAGs*. Association of Chief Police Officers, 2011. See:

<http://library.college.police.uk/docs/appref/independent-advisory-groups-iag-guidance-revised-september-2011.pdf>

- increase learning among other parts of the criminal justice system to give communities more confidence, encouraging victims and witnesses to come forward to report incidents of hate crime and continue with the legal process to its conclusion; and
- ultimately, to contribute to the reduction in hate crime attrition rates.<sup>110</sup>

The regularity of these meetings varies, as does the way in which they are conducted. What is common to all is the fact that only cases that have been sent by the police to the CPS for prosecution are discussed.

Only two of the forces inspected have considered the importance of involving members of the community in routinely examining cases that hadn't been sent to the CPS.<sup>111</sup> This was surprising, considering this is a valuable way of learning about the experiences of victims. It is especially so, as these cases would probably not have had such a high degree of supervision and oversight.

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<sup>110</sup> *A guide to setting up hate crime scrutiny panels*, Crown Prosecution Service, 2007. See: <https://lemosandcrane.co.uk/resources/Guide%20to%20setting%20up%20hate%20crime%20scrutiny%20panels.pdf>

<sup>111</sup> Most forces also operate a system of out-of-court disposal panels. The purpose of these arrangements is to consider cases that have resulted in an alternative outcome to a charge. These do not specifically cover hate crime cases, although it is possible that some such cases will be jointly reviewed by partners.

West Yorkshire Police operates a system of district scrutiny panels for hate crime. The intention is to increase public understanding, confidence and trust in how West Yorkshire Police provides its services.

The panels independently review a selection of crime investigations within West Yorkshire. This is done using set criteria, based on a review of information or evidence available to the decision maker at the time. The purpose is to offer constructive scrutiny at an organisational and individual level. This is to promote good ways of working, identify potential policy or staff development needs, and identify more effective working practices with other organisations.

The panels are independently chaired. They include independent members of the public who work or live in West Yorkshire and who are representative of different communities, a member from the office of the police and crime commissioner (OPCC) and police representatives. Other members can be invited on a case-by-case basis, depending on the agreed theme of the meeting.

Another important way that forces engage with hate crime victims is through force victim satisfaction surveys. The Home Office no longer requires forces to conduct hate crime victim satisfaction surveys on a quarterly basis.<sup>112</sup>

However, all the forces we visited still conduct surveys of hate crime victims. The surveys not only provide raw data about satisfaction rates for hate crime victims, they can also provide detailed information about victims' experiences. So we were surprised that some of the leaders in the forces we visited did not know what the satisfaction levels were for hate crime victims in their area.

In our inspection, one force had a very high overall satisfaction rate of 87 percent, four forces were between 70 percent and 80 percent, and one force had a very low satisfaction rate of 52 percent.

Also, the forces we visited couldn't show that they are routinely using the survey data in a co-ordinated way to understand and improve the experiences of hate crime victims.

Another valuable source of information regarding the perceptions and experiences of victims of hate crime is explored as part of the Crime Survey for England and Wales (CSEW). Of the respondents to the CSEW (2011/12 to 2012/13) who did not report a hate crime to the police, 43 percent felt that the police wouldn't or couldn't do anything.

The CSEW surveys for 2012/13 to 2014/15 also show that hate crime victims were less likely than victims of crime overall to be very or fairly satisfied by the

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<sup>112</sup> The requirement was removed in 2017, although many forces do still conduct these surveys.

police handling of the incident (52 percent, compared with 73 percent). Hate crime victims were also more likely to be very dissatisfied with the police handling of the matter than victims of crime overall (35 percent, compared with 14 percent).

In the 2012/13 to 2014/15 CSEW surveys, 92 percent of victims of hate crime said they were emotionally affected by the incident, compared with 81 percent of overall crime victims. Victims of hate crimes were more likely to say they suffered a loss of confidence or felt vulnerable after the incident (39 percent), compared with overall crime victims (17 percent).

So despite an intensified focus by the police service in recent years, many victims of hate crime are still dissatisfied with the police response.

## **Locally-defined hate crime**

As part of this inspection, we also considered the approach taken by some police forces to define forms of hostility towards victims' other personal characteristics as hate crime.

In our all-force information request, we were told that 31 of 43 forces have taken this approach. The most common types of hostility towards personal characteristics that have also been defined as hate crime are:

- misogyny or gender;
- alternative sub-cultures; and
- age or older people.

Some forces told us that they are recording locally-defined strands which would ordinarily be incorporated within the five monitored strands. For example, crimes against Irish travellers, which would ordinarily be recorded as a race hate crime. It isn't clear whether these forces are incorrectly recording these strands, or whether they are applying two identification flags, in this example, one for race hate and one to identify a crime against Irish travellers.

We asked forces to explain how they identify the locally-defined hate crimes. From the results, there is no consistent approach (see figure 13 below). It wasn't possible to establish whether the problems we found with the flagging of the five monitored strands of hate crime, also exist with these locally-defined strands.

**Figure 13: How forces record locally-defined hate crime**

<b>Method of recording</b>	<b>Number of forces</b>
Unique flags/qualifiers for each alternative strand	18
A generic 'other hate crime' flag, which can then be searched	7
Free-text word searches in the crime occurrence	1
Unclear/not provided	5

**Source:** HMICFRS all-force data collection

## National considerations

Police leadership nationally is provided by Assistant Chief Constable (ACC) Mark Hamilton, who has been the national lead for hate crime since 2014.

In 2016, the government published *Action Against Hate: the UK Government's plan for tackling hate crime*.<sup>113</sup> In the plan, the police were assigned several actions to be completed, either by themselves or in partnership with others. At the time of our inspection, some of these actions hadn't been started, and others had seen slow progress.

The *National Policing Hate Crime Strategy* was published in 2014.<sup>114</sup> It is now four years old, but much of the strategy is still relevant; for example, the need to encourage victims to report hate crime. However, much has also changed; for example, the use of social media and the increase in hate crime that is committed online. So we believe it should be reviewed and updated to establish whether the strategy is still relevant, and to prepare the police service for future problems.

ACC Hamilton chairs a national hate crime working group, with regional police attendees and other interested parties. There is also a system of regional hate crime groups, with local forces represented. The forces we inspected consider this to be an effective structure to allow national messages to be circulated and discussed, and to allow forces to talk to each other about what they have learned.

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<sup>113</sup> *Action Against Hate: the UK Government's plan for tackling hate crime*, Home Office, July 2016.

<sup>114</sup> *The National Policing Hate Crime Strategy*, College of Policing, 2014.

In Wales, the national hate crime criminal justice board is co-chaired by a police representative and a member of the Welsh government. This board brings a consistency and co-ordination to the police approach to hate crime in Wales.

ACC Hamilton has one person who provides him with some support for the national hate crime portfolio. However, this person also has other responsibilities including for the Ministry of Housing, Communities and Local Government. The work requirements of the NPCC hate crime portfolio are many and varied, and are often high profile and need swift responses. This includes existing commitments to work on the government hate crime action plan.

We have made numerous recommendations for improvement in this report, and combined with the existing commitments of the NPCC portfolio, we are concerned that there aren't currently enough resources available to make quick and meaningful progress.

### **Area for improvement**

- The NPCC lead for hate crime should review whether the national hate crime team has enough staff. If necessary, the NPCC lead should commit to recruiting more staff to make sure positive change happens as quickly as possible.

## Conclusion

Hate crime victims are more likely to suffer repeat victimisation, more likely to suffer serious psychological effects as a result, and less likely than the victims of other crime to be satisfied with the police response.<sup>115</sup>

One hate crime victim told us:

“When you’re a minority, like I am, it [experiencing hate crime] is part of your DNA essentially.”

In the introduction to this report, we highlighted that it was our intention to seek out positive practice in relation to the police response to hate crime. We wanted to focus on the initial engagement of victims with the police, because when the police get things right first time we have seen the positive experience for victims that often follows.

Our report includes numerous examples of police work, sometimes with partner organisations, that we would like to see adopted more widely.

The number of reports of hate crime made to the police has increased considerably over recent years. We don’t know how much of this can be attributed to the work of the police and partner organisations to encourage victims to come forward. However, we did see evidence of concerted efforts by the police to work with local communities and organisations to promote reporting opportunities.

We have showcased this good work where we have found it, but we are concerned by the overall approach to hate crime. Victims face a ‘postcode lottery’ response, not just between forces, but sometimes within forces themselves.

The increase in reports of hate crime has also been accompanied by increased demand on the police caused by, among other things, rises in other recorded crimes. This is at a time of tightened police budgets. We have reported on the effects of this in our annual PEEL inspection report.<sup>116</sup>

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<sup>115</sup> *Action Against Hate: the UK Government’s plan for tackling hate crime*, Home Office, July 2016, executive summary.

<sup>116</sup> *PEEL: Police effectiveness 2017 – A national overview*, HMICFRS, 2018. See: [www.justiceinspectorates.gov.uk/hmicfrs/publications/peel-police-effectiveness-2017/](http://www.justiceinspectorates.gov.uk/hmicfrs/publications/peel-police-effectiveness-2017/)

We looked at 180 hate incidents and crimes across the six forces we visited. In 89 out of the 180 cases, we considered that the police response wasn't good enough. We saw evidence of delays and lack of action which led to the victim being let down.

It is difficult to escape the conclusion that competing demands are affecting the ability of forces to respond effectively to hate crime. However, it is also the case that we did not see a uniform commitment by the force leaders to treat victims of hate crime as a priority.

In this report, although we have concentrated on police activity before an investigation begins properly, we are aware of a substantial decline in some of the outcomes<sup>117</sup> of hate crime investigations, including those that result in a charge. Hate crime convictions fell in 2016/17, though a record number of sentences were increased by the courts as a result of being identified as hate related.<sup>118</sup> We will continue to monitor this situation. Together with others, we will review whether it is appropriate to inspect this aspect of the police and criminal justice response in our continuing programme of work related to vulnerable people.

We have shown in our report that incidents of hate crime 'spike' after national events. So there is a real possibility that there will be a similar increase in reports in 2019 if, as is anticipated by the government, the United Kingdom formally leaves the European Union. Police forces should prepare for this eventuality and make sure that the recommendations in this report are used in the future to improve the police response to hate crime victims.

The continued focus on hate crime by the government, police and partner organisations is imperative. There is still much work to do to make sure that victims who report hate crime to the police are given the service that they deserve.

We believe that the initial response by the police to those who report hate incidents and crimes is of critical importance. An improved focus on the accuracy and consistency of initial police action, and improvements to the care of victims is now needed. This will build on some of the good work we have seen in this inspection, and help build stronger communities and keep victims safe.

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<sup>117</sup> We monitor the outcomes of investigations where action has been taken by a force and this includes outcome 1 (charge/summons), 2 (youth caution), 3 (adult caution), 4 (taken into consideration), 6 (penalty notice for disorder), 7 (cannabis/khat warning) and 8 (community resolution).

<sup>118</sup> *Hate Crime Annual Report 2016–17*, Crown Prosecution Service, 2017. Available at: [www.cps.gov.uk/sites/default/files/documents/publications/cps-hate-crime-report-2017\\_0.pdf](http://www.cps.gov.uk/sites/default/files/documents/publications/cps-hate-crime-report-2017_0.pdf)

## Definitions and interpretation

In this report, the following words, phrases and expressions in the left-hand column have the meanings assigned to them in the right-hand column.

Sometimes, the definition will be followed by a fuller explanation of the matter in question, with references to sources and other material which may be of assistance to the reader.

Term	Definition
aggravating factor	fact or circumstance that increases the severity or culpability of a criminal act and which the courts must consider when deciding on the sentence for certain offences; in the context of this report this means racial or religious hostility (as per section 145 of the Criminal Justice Act 2003) or aggravation related to sexual orientation, disability or transgender identity (as per section 146 of the Criminal Justice Act 2003)
audit	means of checking upon and monitoring the accuracy of recorded data to oversee the effectiveness and efficiency of the recording system and the accuracy of the records it contains
Authorised Professional Practice (APP)	official source of professional practice on policing, developed and approved by the College of Policing, to which police officers and staff are expected to have regard in the discharge of their duties
chief officer	in police forces outside London: assistant chief constable, deputy chief constable and chief constable; in the Metropolitan Police Service: commander, deputy assistant commissioner, assistant commissioner, deputy commissioner and commissioner; in City of London Police: commander, assistant commissioner and commissioner; includes a member of staff who holds equivalent status to an officer of these ranks
Code of Practice for Victims of Crime (Victims' Code)	code placing obligations on organisations providing services within the criminal justice system (including the police) to provide a minimum level of service to victims of criminal conduct; established under the Domestic Violence, Crime and Victims Act 2004

Crime Survey for England and Wales (CSEW)	quarterly independent survey of crime commissioned by the Office for National Statistics, involving the collection of information about people's experience of crime from several thousand households in England and Wales; formerly known as the British Crime Survey
crime-related incident	record of an incident reported to the police which would ordinarily amount to a notifiable crime, but is not recorded as a crime; this can happen for the following reasons: when the incident is reported by a third party (not on behalf of the victim) and the victim declines to confirm a crime occurred; where the victim cannot be traced; when the incident is being dealt with and recorded by another police force; or where the NCRS or HOCR direct that a crime should not be recorded (e.g. certain offences which occur in schools which are required to be dealt with by the school and not recorded by the police)
critical incident	any incident where the effectiveness of the police response is likely to have a significant impact on the confidence of the victim, their family and/or the community
Crown Prosecution Service (CPS)	principal prosecuting authority in England and Wales responsible for prosecuting criminal cases investigated by the police and other investigating bodies, for advising the police on cases for possible prosecution, reviewing cases submitted by the police, determining any charges in more serious or complex cases, preparing cases for court, and presenting cases at court
cyber-crime	offences committed by means of communications technology; these fall into one of two categories: new offences such as offences against computer systems and data, dealt with in the Computer Misuse Act 1990 (for example breaking into computer systems to steal data); and old offences committed using new technology, where networked computers and other devices are used to facilitate the commission of an offence (for example, the transfer of illegal images)

cyber-enabled crime	crimes which have been committed in full or in part through a computer, computer network or computer-enabled device
cyber-enabled flag	notification on police IT systems which identifies where a crime has been committed in full or in part through a computer, computer network or computer-enabled device
DASH risk assessment	domestic abuse, stalking and harassment and honour-based violence risk identification, assessment and management model used by police and other agencies
disability	physical or mental impairment that has a substantial and long-term negative effect on someone's ability to do normal daily activities; Equality Act 2010
Equality and Human Rights Commission	statutory non-departmental public body; established by the Equality Act 2006; responsibility for promoting and enforcing equality and non-discrimination laws in England, Scotland and Wales; took over the responsibilities of the Commission for Racial Equality, the Equal Opportunities Commission and the Disability Rights Commission; also has responsibility for other aspects of equality law: age, sexual orientation and religion or belief
expert reference group	independent group of people with relevant skills and experience convened to guide and advise on specialist areas of inspection
flags	markers on IT systems, which highlight particular characteristics or needs, and which enable police officers to identify and assess risks effectively
GDPR (General Data Protection Regulation)	regulation in EU law on data protection and privacy for all individuals within the European Union; also addresses the export of personal data outside the EU; introduced on 25 May 2018
hate crime	criminal offence which is perceived by the victim, or any other person, to be motivated by hostility or prejudice towards someone based on a personal characteristic

hate incident	incident, that does not amount to a criminal offence, which is perceived by the victim, or any other person, to be motivated by hostility or prejudice towards someone based on a personal characteristic
Home Office Counting Rules (HOCR)	rules in accordance with which crime data – required to be submitted to the Home Secretary under section 44 of the Police Act 1996 – must be collected; they set out how the police service in England and Wales must record crime, how crimes must be classified according to crime type and categories, whether and when to record crime, how many crimes to record in respect of a single incident and the regime for the re-classification of crimes as no-crimes; the HOCR specify all crime categories for each crime type including the main ones of homicide, violence, sexual offences, robbery, burglary, vehicle offences, theft, arson and criminal damage, drug offences, possession of weapons, public order offences, miscellaneous crimes against society, and fraud
incident reports	reports of events received by the police that require police attention; whether an incident report becomes a crime record is determined on the balance of probability that a notifiable offence has occurred as set out in the Home Office Counting Rules; if an incident does not turn out to be a crime, it must still be logged on the force's incident-recording system
independent advisory group (IAG)	people or organisations brought together to provide senior police officers with the opportunity to discuss issues of concern about policing in local communities where trust in the police can be problematic; the need for such independent advice was identified in the Stephen Lawrence Inquiry Report published in 1999, which concluded more should be done to engender trust and confidence in such communities
Law Commission	statutory independent body; created by the Law Commissions Act 1965 to keep the law of England and Wales under review and to recommend reform where it is needed

local policing team	team of police officers, staff and PCSOs working in neighbourhoods to keep local communities safe; teams often comprise neighbourhood policing teams and response teams, and sometimes investigation teams
MARAC (multi-agency risk assessment conference)	locally-held meeting where statutory and voluntary agency representatives come together and exchange information about high-risk victims of domestic abuse; any agency can refer an adult or child whom they believe to be at high risk of harm; aim of the meeting is to produce a co-ordinated action plan to increase an adult or child's safety, health and wellbeing; agencies that attend vary, but are likely to include the police, probation, children's, health and housing services; over 250 in operation in England and Wales
Mayor	directly-elected entity; first introduced by the Local Government Act 2000; can exercise the functions of a police and crime commissioner
misogyny	dislike of, contempt for, or ingrained prejudice against women
motivating factor	fact or circumstance that motivates the commission of an incident or offence; in the context of this report, any person can perceive a factor to be the motivation for committing an offence
NPCC (National Police Chiefs' Council)	organisation which brings together 43 operationally independent and locally accountable chief constables and their chief officer teams to co-ordinate national operational policing; works closely with the College of Policing, which is responsible for developing professional standards, to develop national approaches on issues such as finance, technology and human resources; replaced the Association of Chief Police Officers on 1 April 2015 national policing lead senior police officer with responsibility in England and Wales for maintaining and developing standards and guidance for all police forces in respect of a particular area of policing
NPCC lead	senior police officer with responsibility in England and Wales for maintaining and developing standards and

	guidance for all police forces in respect of a particular area of policing
partner organisations	public, private or voluntary sector entities, such as those concerned with health, education, social services and the management of offenders, which from time to time work with the police to attain their common or complementary objectives
partnership	co-operative arrangement between two or more organisations, from any sector, which use their respective powers and resources to try to achieve a specified common objective
PEEL	annual assessment by HMICFRS of police forces in England and Wales; we assess forces on their effectiveness, efficiency and legitimacy; we judge them as outstanding, good, requires improvement or inadequate on these categories (or pillars) based on inspection findings, analysis and Her Majesty's Inspectors' professional judgment across the year
perpetrator	someone who has committed a crime
police and crime commissioner (PCC)	elected entity for a police area, established under section 1, Police Reform and Social Responsibility Act 2011; responsible for securing the maintenance of the police force for that area and securing that the police force is efficient and effective; holds the relevant chief constable to account for the policing of the area; establishes the budget and police and crime plan for the police force; appoints and may, after due process, remove the chief constable from office
police and crime plan	plan prepared by the police and crime commissioner which sets out police and crime objectives, policing which the police force is to provide, financial and other resources which the police and crime commissioner (PCC) will provide to the chief constable, means by which the chief constable will report to the PCC on the provision of policing, means by which the chief constable's performance will be measured, crime and disorder reduction grants which the PCC is to make, and conditions to which such grants are to be made; PCC's police and crime objectives are the objectives

	for the policing of the area, the reduction of crime and disorder in the area, and the discharge by the police force of its national or international functions
problem profile	strategic review based on information gathered about the potential scale of a problem in the relevant area
protected characteristics	characteristics of a person which, if established to be the basis of discrimination, will render that discrimination unlawful under the Equality Act 2010; characteristics are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation
public sector equality duty	requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities
racially or religiously aggravated offence	aggravated criminal offence motivated by hostility, or where the offender shows hostility, towards a victim's race or religion; introduced by sections 29–32 of the Crime and Disorder Act 1998 (as amended by the Anti-terrorism, Crime and Security Act 2001); only offences that can be racially or religiously aggravated are assaults, criminal damage, public order offences and harassment
risk assessment	process of estimating and regularly reviewing the likelihood and nature of a risk posed by a perpetrator to a particular victim, children or others
risk management	management of the responses adopted in cases where risk is identified, to minimise risk of further harm by the offender
sexual orientation	person's sexual identity in relation to the gender to which they are sexually attracted
sub-culture	cultural group within a larger culture, often having beliefs or interests at variance with those of the larger culture
third-party reporting centres	places, usually within communities, where victims of hate crime can report a crime

THRIVE	structured assessment based on the levels of threat, harm, risk and vulnerability faced by the victim, rather than simply by the type of incident or crime being reported to help staff determine the appropriate level of response to a call
trans/transgender	person whose sense of their own gender differs from what would be expected based on the sex characteristics with which they are born
True Vision	online national reporting tool for hate crime
unconscious bias	unconscious attribution of particular qualities to a member of a certain social group
victim satisfaction	measurement of how content a victim is with the contact he has had with the police and the action the police have taken; this includes victims of burglary, vehicle crime and violent crime; the figures concerning victim satisfaction specify the percentage of victims who are satisfied with the service provided by the police
Victim Support	independent charity supporting victims and witnesses of crime committed in England and Wales; set up almost 40 years ago; oldest and largest victims' organisation in the world; offers assistance to more than a million victims of crime each year and works closely with the police and other institutions and entities in the criminal justice system
victim support services	services which enable and support victims of crime to participate in the criminal justice system; includes information, advice and care and can be provided by a few organisations including the police and voluntary organisations
vulnerability	condition of a person who needs special care, support or protection because of age, disability or risk of abuse or neglect
vulnerable victim	individual eligible for extra support under the Code of Practice for Victims of Crime; defined in the code as an individual who was under the age of 18 at the time of the offence, or whose quality of evidence is likely to be affected because of a mental disorder, another

	"significant impairment of intelligence and social functioning", or who has a physical disability or is suffering from a physical disorder
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## **Annex A – Methodology**

The purpose of this inspection was to assess the effectiveness of police forces in England and Wales at identifying, recording and responding to reports of hate crime, and to identify effective practice to promote improvements.

### **Inspection development**

Following an initial desk-based review of literature, including legislation and policy, we invited a panel of people with experience in the field of hate crime to form an expert reference group. The purpose of the group was to:

- provide specialist advice, support and constructive challenge to the methodology and development of the inspection; and
- act as critical advisers throughout the inspection process.

We list external reference group members at annex B.

A set of inspection criteria was developed (see table 1). This was based on known risks identified through the initial literature review and consultation with our expert reference group.

We identified six main areas within the focus of the inspection:

- effectiveness of strategies and leadership at local and national levels;
- effectiveness of partnership arrangements;
- training and development;
- effective identification of hate crime;
- effective assessment and management of risk for hate crime victims; and
- provision of appropriate support to victims.

The inspection focused on the initial stages<sup>119</sup> of the police response and covered all five monitored strands of hate crime. These are:

- disability;
- race;
- religion;

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<sup>119</sup> See diagram A for details of the stages of police response covered.

- sexual orientation; and
- transgender.

We also inspected a locally-defined strand of hate crime.<sup>120</sup>

## Inspection criteria

**Table 1: HMICFRS hate crime inspection criteria**

General Criterion	Specific Criterion	Indicators
1. There are effective strategies and strong leadership is demonstrated at national and local level.	1.1 There is effective strategic leadership at national level.	<p>1.1.1 The NPCC lead for hate crime drives improvements in the way that the reporting and recording of offences are dealt with by the police.</p> <p>1.1.2 The College of Policing and Home Office have designated leads for hate crime and they provide visible leadership in developing national policy and guidance.</p> <p>1.1.3 Progress has been made in implementing those actions that fall to the NPCC lead in the 2016 national hate crime strategy.</p>
1. There are effective strategies and strong leadership is demonstrated at national and local level.	1.2 Police National Guidance is available and fit for purpose.	<p>1.2.1 Authorised Professional Practice (APP) is available for forces and practitioners.</p> <p>1.2.2 National policies and guidance provide clear and unambiguous direction to forces.</p> <p>1.2.3 Policies are reviewed and updated whenever legislation or procedural changes are made.</p>
1. There are effective strategies and	1.3 There is effective strategic	1.3 There is effective strategic leadership at force level.

<sup>120</sup> The approach taken by some police forces that define forms of hostility towards victims' other personal characteristics as hate crime.

strong leadership is demonstrated at national and local level.	leadership at force level.	<p>1.3.1 The force has a named strategic lead in a position to influence the organisation and partners.</p> <p>1.3.2 The force structure gives clarity as to which resources deal with reports of hate crime.</p> <p>1.3.3 The force has sufficient resources and capability to respond to increasing levels of hate crime offences online.</p> <p>1.3.4 The force has taken action to embed the police aspects of the national hate crime strategy 2016.</p>
1. There are effective strategies and strong leadership is demonstrated at national and local level.	1.4 The force understands the nature and extent of hate crime.	<p>1.4.1 The force gathers sufficient information from victims of crime to satisfy its equality duty, and the analysis of this information contributes to the understanding of hate crime.</p> <p>1.4.2 The force has an understanding of the numbers of reports for hate crime across the range of offence types, including trends, changes in demand, location patterns and where victims have more than one protected characteristics.</p> <p>1.4.3 The force has an understanding of the links with other offence types such as anti-social behaviour.</p>
1. There are effective strategies and strong leadership is demonstrated at national and local level.	1.5 The force has oversight and performance management arrangements in place in relation to hate crime.	<p>1.5.1 There are clear mechanisms in place to monitor performance.</p> <p>1.5.2 The force has effective mechanisms in place for good practice and lessons learned (from internal and external sources) to be identified and disseminated.</p> <p>1.5.3 External scrutiny arrangements are in place for oversight of police response to hate crime.</p>

<b>General Criterion</b>	<b>Specific Criterion</b>	<b>Indicators</b>
2. There are effective partnership arrangements at a national and local level to drive improvements in reporting and recording.	2.1 Police work with partners to encourage the reporting of hate crimes.	<p>2.1 Police work with a range of partners that has a demonstrable effect on the number of crimes reported across all strands of hate crime.</p> <p>2.2 Police are responsive to local issues and work with communities and partners to recognise and prioritise these.</p> <p>2.3 Police work with partners to anticipate and respond to incidents which may affect the community, with specific reference to the likelihood of increased reporting of hate crime.</p>
3. Training and Awareness provision for staff dealing with hate crime cases is effective.	3.1 Police are trained to recognise and respond to reports of hate crime.	<p>3.1.1 Officers and staff are aware of legislation/force/CPS guidance and policy on hate crime.</p> <p>3.1.2 Training on recognising hate crime has been delivered to all relevant staff.</p> <p>3.1.3 The training is effective – all staff (including call handlers and other relevant staff) have an understanding of legislation and legal guidance in relation to hate crime.</p> <p>3.1.4 Officers and staff have an understanding through effective training of responsibilities under equality legislation (including the Equality Act 2010) and recognise protected characteristics.</p>
3. Training and Awareness provision for staff dealing with hate crime cases is effective.	3.2 Officers and staff recognise the likely impact of hate crime offences on the victim.	<p>3.2.1 Officers and staff can describe the likely impact of hate crime upon both victims and communities.</p> <p>3.2.2 Officers and staff are aware of third sector and statutory agencies in relation to hate crime and linked offences.</p>

		<p>3.2.3 Victim feedback provides positive evidence of officers and staff providing empathic responses.</p> <p>3.2.4 Officers and staff are aware of local communities which are vulnerable to hate crime victimisation.</p>
3. Training and Awareness provision for staff dealing with hate crime cases is effective.	3.3 The force has an effective, clearly stated policy on hate crime.	<p>3.3.1 There is clear guidance on what constitutes hate crime and links to other relevant policies relating to vulnerability (such as harassment, equality and diversity etc.).</p> <p>3.3.2 Force hate crime policy adequately takes account of the duty on the force in relation to the Equality Act 2010.</p>
4. Police effectively identify hate crimes.	4.1 Police use 'flags' or other means to identify hate crimes.	<p>4.1.1 There is a flagging system which is robust and operates across all IT systems used by the force.</p> <p>4.1.2 The flagging system used by forces is consistently used by officers and staff to identify hate crime.</p> <p>4.1.3 There is a clear link between the identification of hate crime and the performance and oversight arrangements of the force.</p>
4. Police effectively identify hate crimes.	4.2 Police accurately record hate crimes.	<p>4.2.1 Hate crimes are recorded correctly and in accordance with National Crime Recording Standards.</p> <p>4.2.2 There are effective processes in place to make sure that officers and staff ask victims if they consider themselves to be a victim of hate crime.</p> <p>4.2.3 There are effective processes in place to identify possible hate crime where this is not recognised by, or otherwise ascertained from, the victim.</p>

<b>General Criterion</b>	<b>Specific Criterion</b>	<b>Indicators</b>
5. The police assess and manage the risk to victims effectively.	5.1 Police use risk assessment screening tools effectively to assess risk to victims and families.	5.1.1 Risk assessment tools are used appropriately by officers and staff dealing with hate crime.
5. The police assess and manage the risk to victims effectively.	5.1 Police use risk assessment screening tools effectively to assess risk to victims and families.	5.1.1 Risk assessment tools are used appropriately by officers and staff dealing with hate crime.
5. The police assess and manage the risk to victims effectively.	5.2 The police are able to identify and highlight repeat victims.	5.2.1 Repeat victims are 'flagged'. 5.2.2 Appropriate action is taken where flags are in place. 5.2.3 There are appropriate, effective partnerships in place to make sure that vulnerable victims of hate crime are safeguarded.
5. The police assess and manage the risk to victims effectively.	5.3 The police are able to identify and highlight repeat offenders.	5.3.1 Repeat offenders are 'flagged'. 5.3.2 Appropriate action is taken where flags are in place.
5. The police assess and manage the risk to victims effectively.	5.4 The police respond appropriately to manage risks to hate crime victims.	5.4.1 Call handlers make sure that appropriate resources are allocated. 5.4.2 There is an effective initial response to managing the risks to victims who report hate crime. 5.4.3 Appropriate steps are taken to minimise risk (e.g. making appropriate referrals for victim safeguarding).

<b>General Criterion</b>	<b>Specific Criterion</b>	<b>Indicators</b>
6. Victims receive appropriate care and support from agencies.	6.1 Agencies are responsive to the needs of victims.	<p>6.1.1 There is an effective initial response to the care of victims who report hate crime.</p> <p>6.1.2 Appropriate referrals to support the victim are made in a timely way.</p> <p>6.1.3 There are sufficient effective services for victims of hate crime in place within the area.</p> <p>6.1.4 Safe, effective and proportionate prevention advice is given to victims.</p>
6. Victims receive appropriate care and support from agencies.	6.2 Victims feel safer as a result of effective engagement with agencies.	6.2.1 Victim survey results provide positive feedback on performance.

## Inspection phases

The inspection was divided into four phases.

### Phase one: data submission

Analysis of a data submission request from all 43 forces. The data we gathered from this phase informed our selection of forces for the phase two inspection work.

### Phase two: fieldwork

This phase comprised in-depth fieldwork. It focused on six forces:

- Avon and Somerset Constabulary;
- West Yorkshire Police;
- Greater Manchester Police;
- Gwent Police;
- Nottinghamshire Police; and
- Suffolk Constabulary.

Our fieldwork included an examination of 30 cases of hate crimes and incidents. These were selected randomly by our inspectors from a list of identified cases provided by the forces.

As well as the case assessments, we conducted interviews with a range of senior and operational lead officers. We also held focus groups with frontline officers, staff and representatives of partner organisations. Finally, we conducted reality testing in control rooms.

### **Phase three: victim engagement**

We commissioned NatCen Social Research to undertake a qualitative research project with victims of hate crime. The work was designed to gain the views of victims of these crimes to provide a victim perspective to the inspection finding.

### **Phase four: national interviews**

For the final phase of the inspection, we carried out interviews with several national figures in the field of hate crime. Those interviewed included representatives from the:

- National Police Chiefs' Council;
- Home Office; and
- Department for Housing, Communities and Local Government.

We are grateful to all those who assisted this inspection.

## Annex B – External reference group

### Objectives

In line with the joint inspection methodology<sup>121</sup>, we set up an external reference group for this inspection. The objectives are to:

- represent the principal interested parties in the area of business under scrutiny;
- provide advice to the inspection team on strategic, technical and/or operational issues associated with the service under inspection;
- provide support where appropriate to both fieldwork and victim engagement research;
- facilitate direct links into the organisations or groups which the members represent for consultative purposes;
- comment on emerging findings and final recommendations; and
- encourage relevant organisations or bodies to accept ownership of recommended action and support implementation.

### Membership

Mark Hamilton	Assistant chief constable – Police Service of Northern Ireland; Hate crime lead – National Police Chiefs' Council
Mike Ainsworth	Chair of the independent advisory group to the cross-government hate crime programme; director of London services for Stop Hate UK
Lorel Clafton	Equalities and Human Rights Commission
Paul Giannasi	Head of the cross-government hate crime programme
Jo Taylor	Hate crime lead – College of Policing
Hardyal Dhindsa	Hate crime lead – Association of Police and Crime Commissioners

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<sup>121</sup> Standard Methodology for Joint Thematic Inspections, Criminal Justice Joint Inspectorates, April 2014, paragraphs 8.17–23. Available from: [www.justiceinspectores.gov.uk/cjji/inspections/cjji-standard-methodology-for-joint-thematic-inspections/](http://www.justiceinspectores.gov.uk/cjji/inspections/cjji-standard-methodology-for-joint-thematic-inspections/)

Anthony Rogers	Her Majesty's Crown Prosecution Service Inspectorate
Mick Conboy	Hate crime lead – Crown Prosecution Service
Jonet Tann	Home Office
Sally Sealey	Department for Housing, Communities and Local Government
Rose Simkins	Chief executive – Stop Hate UK
Nik Noone	Chief executive – Galop
Mike Whine	Director of Government and International Affairs, Community Security Trust
Fiyaz Mughal	Director – Faith Matters/Tell Mama
Iman Abou Atta	Director – Tell MAMA
Mike Smith	CEO – Real
Jabeer Butt	Acting chief executive, Race Equality Foundation
Dr Mark Walters	Reader in Criminal Law and Criminal Justice, University of Sussex Crime Research Centre
Prof Neil Chakraborti	Head of Department – department of Criminology, University of Leicester; director – Centre for Hate Studies
Dr Stevie-Jade Hardy	Hate crime expert – University of Leicester
Dr Nathan Hall	Associate head, Institute of Criminal Justice Studies, University of Portsmouth
Jeffrey DeMarco	NatCen Social Research
Sarah Sharrock	NatCen Social Research
Stephen Silverman	Director of investigations and enforcement, Campaign Against Antisemitism

We would like to place on record our thanks for the assistance afforded to us by our expert reference group members.

# **Annex C – Greater Manchester hate crime reporting centres**

## **Core commitments**

Hate crime reporting centres are there for victims of hate crime who do not wish to report directly to the police, and who may want further support and assistance. Reporting centres work with victims in different ways. However, all agree to operate in line with these core commitments in order to ensure that victims receive a similar service across Greater Manchester. Staff training and support is available to all reporting centres to help them meet these core commitments.

All hate crime reporting centres across Greater Manchester have agreed to the following commitments.

### **A. Promoting your status as a Reporting Centre**

3. Advertise hate crime reporting centre status in place of work/building(s), as well as on the organisation's website, including a link to the True Vision website, or other locally commissioned hate crime reporting service, such as Stop Hate UK.
4. Ensure the contact details for the centre are up-to-date on your website, and inform your local authority and GMP hate crime partnership lead of any changes.
5. Sign and display the 'Statement' certificate and other Greater Manchester publicity material.
6. Use the agreed Greater Manchester hate crime branding and definitions, or branding and definitions from commissioned hate crime services, such as Stop Hate UK.
7. Actively raise awareness of hate crime among the local community and service users, and ensure they are aware the organisation takes hate crime reports.

### **B. Staff training and development**

8. Actively raise awareness of hate crime amongst staff, and ensure they are aware of how the organisation takes hate crime reports.
9. Develop a learning culture within the place of work, and ensure relevant staff are trained in identifying hate crime, taking reports and providing support to victims.
10. Identify a hate crime champion in the workplace, who is responsible for:

- 11.being a link between the centre and the local authority and police; and
- 12.ensureing information is cascaded to relevant people throughout the organisation.
- 13.Inform your local authority and GMP hate crime partnership lead of any changes to the Hate Crime Champion.
- 14.Develop good working relationships with other hate crime reporting centres in the area.
- 15.Identify and share good practice and areas for improvement.

### **C. Taking reports**

- 16.Ensure that the six strands of hate crime are part of core business (disability, race, religion/belief, sexual orientation, transgender and alternative sub-cultures).
- 17.Provide a safe and confidential environment for people to report hate crime.
- 18.Use the True Vision reporting form to take reports (or Stop Hate UK where relevant), and complete the reporting form within 24 hours of receiving the report.
- 19.Provide support and advice to victims of hate crime and signpost to other services, where appropriate

## Annex D – About the data

The information presented in this report comes from a range of sources, including published data, HMICFRS data collection, case file reviews and inspection fieldwork.

Source	Notes about the data
Crime Survey for England and Wales (CSEW)	<p>The Crime Survey for England and Wales (CSEW), is a survey of the victims of different crimes, including those motivated by hate. Information on the number of hate crimes reported by respondents to the CSEW was last published in hate crime, England and Wales, 2014/15 for combined survey years 2012/13, 2013/14 and 2014/15.</p> <p>Data from CSEW is not comparable to police recorded data because they cover different time periods and the CSEW data includes additional hate crime strands which are not included in the Home Office-monitored strands (for example age and gender hate crimes).</p>
Home Office-recorded crime	Data on the volume of recorded hate crime under the five monitored strands is provided by the Home Office for England and Wales and British Transport Police.
HMICFRS all-force data collection	<p>HMICFRS asked all 43 forces to provide us with data relating to hate crime and non-crime incidents.</p> <p>HMICFRS's data are not comparable to official statistics due to the different time periods in which we collected it and because we collected data on locally-defined hate crime outside of the 5 strands monitored by the Home Office.</p> <p>Due to issues with quality, Northamptonshire Police's data have been excluded from the analysis.</p>
HMICFRS all-force information request	HMICFRS asked all 43 forces to provide us with information on their approach to hate crime.

HMICFRS case file reviews	HMICFRS completed assessments of 30 case files in each force which had been flagged as relating to the specific type of hate crime relevant to that force (180 in total).
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