

GWENT POLICE

Hate Incident and Crime Policy



Authorised Professional Practice (APP)

APP is the national body of consolidated professional practice and guidance for policing and is authorised as such by Chief Constables' Council. It significantly reduces the amount of national guidance in circulation, encourages the use of professional discretion and brings consistency to all authorised police practice.

It has the same legal status as previous guidance; it is not the law and so, while police officers and police staff can be expected to have regard to APP in discharging their responsibilities, the status of APP is advisory. There may be circumstances when it is perfectly legitimate to deviate from APP, provided that there is clear rationale for doing so.

This Policy has been checked against APP. Gwent Police has adopted the APP provisions, with supplementary information contained in the procedures, which reflects local practice and the needs of the communities served by Gwent Police.

Those provisions are shown in the links below and can be accessed via the home page of the APP website:

The below link relates to the Authorised Professional Practice site of the College of Policing. Advice in the section headed Major Investigation and Public Protection currently provides two documents:-

Hate Crime Strategy (2014) and College of Policing (2014) Hate crime Operational Guidance.

Development of APP on Hate Crime will begin in 2015. Until publication of APP the above documents provide guidance.

<http://www.app.college.police.uk/>

1.1 Introduction

1.1.1 Definitions

Gwent Police's mission statement is to 'Protect and Reassure Communities', This means that we have a responsibility to ensure that our diverse communities feel that they are safe, and that they are able to report any incidents, concerns or fears to Gwent Police.

Gwent Police also has a duty to ensure that its police personnel work in an environment free from bullying, harassment, verbal abuse, discrimination, victimisation and any unfair treatment.

This document sets out Gwent Police's aims in relation to dealing with internal and external 'Hate Incidents'¹, in order to ensure that both our colleagues and our communities are treated fairly, with respect and dignity, and are provided with appropriate support.

HATE INCIDENT – 'Any non-crime incident which is perceived by the victim or any other person to be motivated by hostility or prejudice based on actual or perceived disability, race, religion and belief, sexual orientation and transgender'

HATE CRIME – 'A criminal offence which is perceived, by the victim or any other person to be motivated by a hostility or prejudice based on a person's actual or perceived disability, race, religion and belief, sexual orientation and transgender'

Agreed by Home Office and Association of Chief Police Officers (ACPO)

PRINTED VERSIONS SHOULD NOT BE RELIED UPON. THE MOST UP TO DATE VERSION CAN BE FOUND ON THE INTRANET POLICIES SITE.

1.1.2 Impact of Hate Incidents

Our experience in Gwent is that the majority of external hate incidents are localised, involving low level anti-social behaviour or criminal damage. Internally, hate incidents may take the form of derogatory comments, abusive emails or text messages, or any other form of workplace 'bullying'. However, the term 'low level', in both instances, can be misleading, as we recognise that the most important factor when dealing with hate incidents is not the severity of the incident, but the disproportionate effect this has on victims when the abuse, threats or damage is motivated by hate or prejudice (whether perceived or otherwise) towards the victim's race, religion, sexual orientation, gender identity or disability.

¹ To avoid repetition the term 'Hate Incident' will be used in this document to encompass both 'Hate Crime' and 'Hate Incidents' apart from when the term 'hate crime' is used as a specific, exclusive term of reference

We also recognise that in many cases, 'lower level' hate incidents can occur frequently and over a longer period of time. Where people are repeat victims of this type of behaviour, the risk is twofold. Firstly that the level of offending will escalate to more serious offences being committed, and secondly that the victim will become increasingly isolated, fearful and desperate.

Gwent Police understands that hate incidents can affect some of the most vulnerable and socially excluded people in society and so it is critical that we provide a service that is prompt, sensitive and effective in order to build and retain the trust and confidence of our minority communities. Gwent Police also recognises the importance of identifying hate incidents at an early stage, not only to prevent escalation, but also to ensure that a successful prosecution is achieved in the event of a hate crime, with enhanced sentencing secured wherever possible.

1.1.3 Supervision

Effective end to end supervision and management of hate incidents is critical, and will assist in identifying issues relating to service delivery and supervision/case management on an ongoing basis, ensuring that we are continually improving the service delivered to victims of hate incidents, both internally and externally.

1.1.4 Serious Crime or Disorder

Hate incidents involving serious crime or large scale disorder are rare in Gwent, however, we have an intelligence and engagement strategy that is capable of identifying and managing risk and which takes account of developing national and international issues.

In the event of a hate incident emerging, which involves the commission or threat of serious crime or disorder, the force has detailed procedures and operational structures that are able to respond to critical incidents and serious crime investigations on a 24/7 basis. Any hate incident has the potential to become a critical incident because of the associated community tensions. Police Personnel should be aware that the way any hate incident is dealt with by Gwent Police can have a significant impact on the community's perception of the force, and their confidence in our services. For more information on Critical Incidents, please refer to Gwent Police's Critical Incident Policy.

1.2 Aims of Policy

This Policy (and associated Procedures) will:

- 1.2.1 Set out Gwent Police's approach to dealing with hate incidents to ensure professionalism and consistency in accordance with Force policy and procedure and/or the Standards of Professional Behaviour for Police Officers and the Disciplinary Procedure for Police Staff

File classification: OFFICIAL

- 1.2.2 Describe the key processes and operational/support structures that will allow this to be delivered
- 1.2.3 Detail individual, departmental and force responsibilities in respect to recognising, recording, investigating and scrutinising hate incidents
- 1.2.4 Provide guidance on effective victim support
- 1.2.5 Highlight the impact of hate incidents
- 1.2.6 Signpost to further support for police personnel when dealing with hate incidents
- 1.2.7 Ensure that all members of Gwent Police are proactively supporting the principles of opportunity, dignity and fairness in the workplace and professionalism and integrity in all of our activities
- 1.2.8 Provide a victim focussed response to all hate incidents

2.0 The Legal Basis

Welsh Language Act 1993
Race Relations Act 1976
Race Relations Amendment Act 2000
Protection from Harassment Act 1997
The Human Rights Act 1998
Police and Criminal Evidence Act 1984
Equality Act 2010
Health and Safety at Work Act 1974
The Gender Recognition Act 2004

In addition to the above, Gwent Police recognises the Pilkington Inquiry, declared a Critical Incident by ACPO.

3.0 Human Rights Certificate of Compliance

The policy has been checked for compliance with the Human Rights Act; with particular reference to the legal basis of its precepts: the legitimacy of its aims; the justification and proportionality of the actions intended by it; that it is the least intrusive and damaging option necessary to achieve the aims; and that it defines the need to document the relevant decision making process's and outcomes of actions.

4.0 Compliance with The Welsh Language Scheme

File classification: OFFICIAL

This policy aims to comply with the organisation's Welsh language Scheme in terms of dealing with the Welsh speaking public, impact upon the public image of the organisation and the implementation of the language scheme.

5.0 Risk Assessment and Health and Safety Considerations

The Gwent Police Service Dynamic Assessment should be applied as necessary. A training package in the use of risk assessment will be provided to all police personnel if requested or required.

6.0 Identification Section

Policy Title: Hate Incident and Crime Policy

Reference: 112/14 a issue 3

ACPO LEAD: Assistant Chief Constable

Service Area Owner: Head of Neighbourhood Policing/Standards

Departments Responsible: Neighbourhoods / Standards

Links to other Policies/Procedure: Information Security, Data Protection, Freedom of Information, Caught and in Court, Crime Recording, Critical Incidents, Media, Community Impact Assessment, Victim Support, Sudden Deaths, Interpreters, Licence to lead.

Policy Implementation Date: 19th Dec 2011

Policy Review Date: Dec 2013