Service Procedure

Hate Crime/Incidents

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Policy Ownership District Policing Command

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Governing Policy Directive Victims and Witnesses

Cancellation of 16/2012 Police Response to Hate Incidents

ABSTRACT: This Service Procedure provides detailed operational guidance as to how the Police Service of Northern Ireland (the Police Service) should respond to, report and investigate hate crime incidents, together with overarching principles. These make clear that the new procedures will prioritise the perception of the victim as a hate crime incident, and will accept without challenge this perception throughout the investigation of the offence.

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1. OBJECTIVE

- (1) The key priority for the police in terms of hate and signal crime (App A) is to ensure that the needs of the victim are paramount, these in turn will shape the nature of the police response and subsequent investigation.
 - To assess and manage the risks to the victim/s and to manage those risks through appropriate (a) interventions.
 - (b) To effectively investigate all reported hate incidents in line with investigative standards.
 - (c) To work in partnership with other agencies and organisations to collaboratively address Hate Crime.

2. THE PERCEPTION TEST

(1) Evidence is NOT the test when reporting a hate incident; When an incident or crime has been reported to police by the victim or by any other person and they perceive it as being motivated by prejudice or hate, it will be recorded and investigated as a hate incident or crime. The perception of the victim, or any other person is the defining factor in determining whether an incident is a hate incident, or in recognising the hostility element of a hate crime. Perception-based recording refers to the perception of the victim, or any other person.

It would not be appropriate to record a crime or incident as a hate crime or hate incident if it was based on the perception of a person or group who had no knowledge of the victim, crime or the area, and who may be responding to media or internet stories or who are reporting for a political or similar motive.

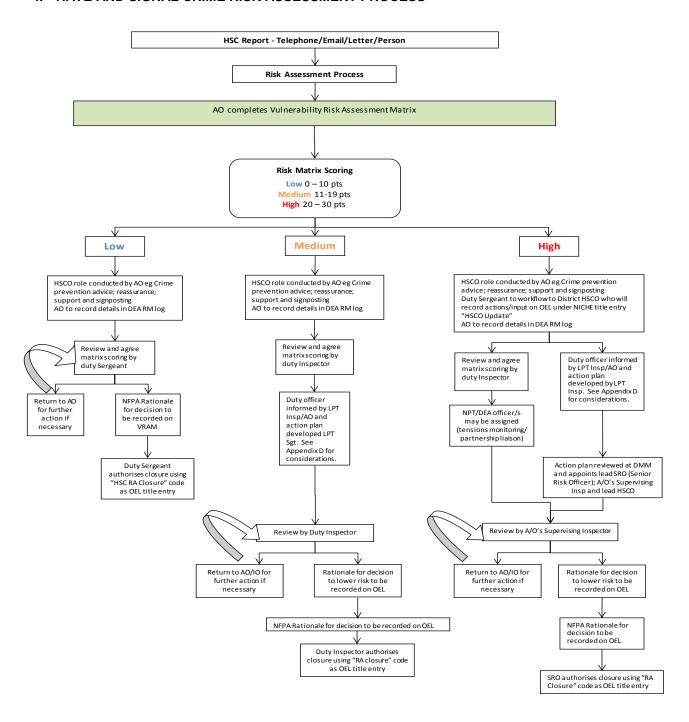
The other person could, however, be one of a number of people, including: police officers or staff; witnesses; family members: civil society organisations who know details of the victim, the crime or hate crimes in the locality, such as a third-party reporting charity; a carer or other professional who supports the victim; someone who has knowledge of hate crime in the area - this could include many professionals and experts such as the manager of an education centre used by people with learning disabilities who regularly receives reports of abuse from students; a person from within the group targeted with the hostility, eg, a Traveller who witnessed racist damage in a local park.

- (2) When an incident or crime has been reported to police by the victim or by any other person and they perceive it as being motivated by prejudice or hate, it will be recorded and investigated as a hate incident or crime. (App B).
- (3) PSNI will accept without challenge the view of a victim or any other person that the crime was motivated by hate on one of the defined grounds.

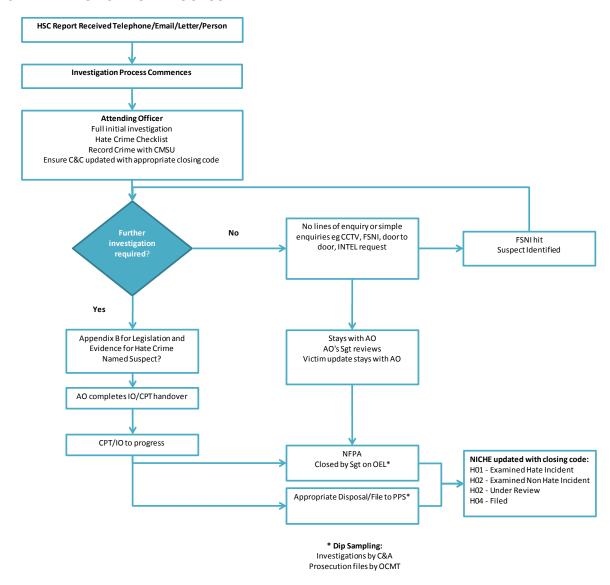
3. VULNERABILITY RISK ASSESSMENT MATRIX

A Vulnerability Risk Assessment Matrix (VRAM) (App C) will be used to assess the risk and impact of hate and signal crime/incident on the victim and the wider community and will provide an audit of the actions taken by PSNI personnel to mitigate further victimisation. Details of the action taken by personnel where a hate crime/incident has been scored as LOW; MEDIUM or HIGH are found in Appendix C and in the following flow chart.

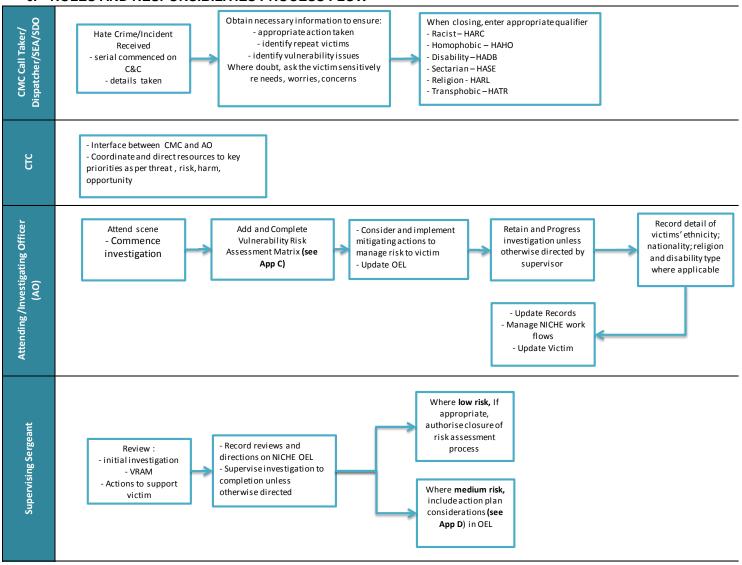
4. HATE AND SIGNAL CRIME RISK ASSESSMENT PROCESS



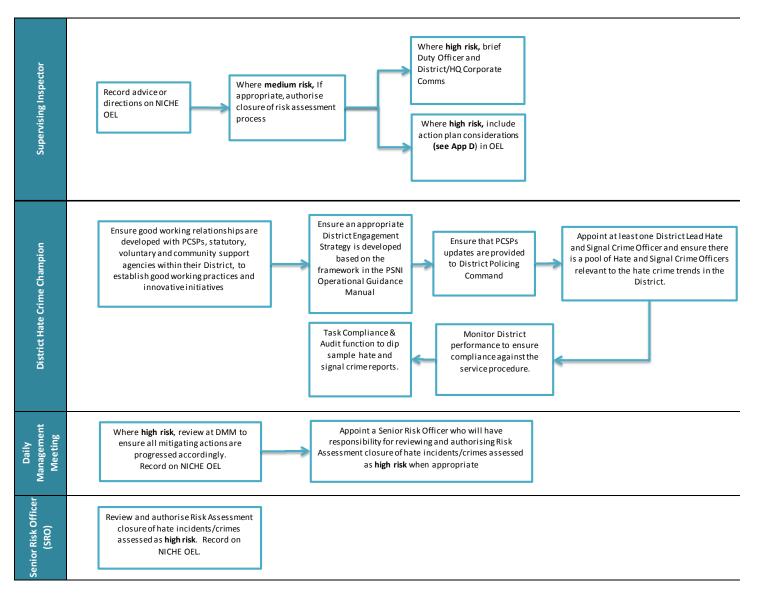
5. HATE AND SIGNAL CRIME INVESTIGATION PROCESS

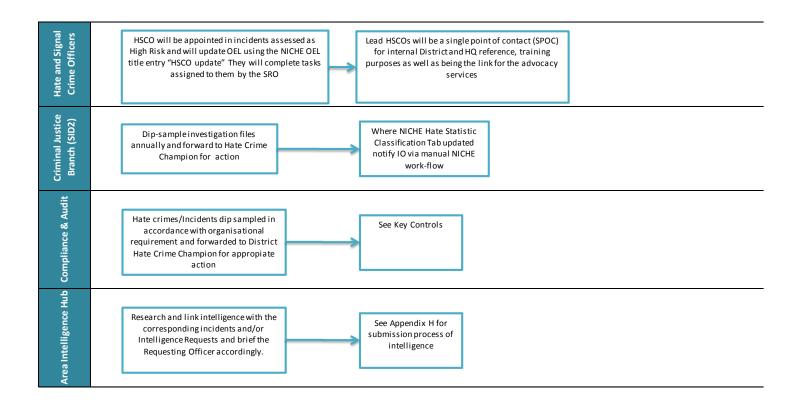


6. ROLES AND RESPONSIBILITIES PROCESS FLOW



This information is available in table format at APPENDIX E





7. KEY CONTROLS CHECKLIST

	Responsible	Compliance – Low
1	CMC	Appropriate qualifiers used on C&C when closing
2	Attending Officer	VRAM added to NICHE and completed
3	Investigating Officer	"Stats Classification Misc" tab appropriately completed on NICHE
4	Investigating Officer	Victim updated within 10 days
5	Sergeant	Supervisory updates on OEL
6	Sergeant	Risk assessment closed using "HSC RA Closure"

	Responsible	Compliance – Medium
1	CMC	Appropriate qualifiers used on C&C when closing
2	Attending Officer	VRAM added to NICHE and completed
3	Investigating Officer	"Stats Classification Misc" tab appropriately completed on NICHE
4	Investigating Officer	Victim updated within 10 days
5	Sergeant	Supervisory updates on OEL
6	Sergeant	Action plan considerations included in OEL
7	Inspector	Risk assessment closed using "HSC RA Closure"

	Responsible	Compliance – High
1	CMC	Appropriate qualifiers used on C&C when closing
2	Attending Officer	VRAM added to NICHE and completed
3	Investigating Officer	"Stats Classification Misc" tab appropriately completed on NICHE
4	Investigating Officer	Victim updated within 10 days
5	Sergeant	Supervisory updates on OEL
6	Inspector	Action plan considerations included in OEL
7	DMM	Subject to DMM
8	Lead District HSCO	Input using "HSCO Update"
9	Senior Risk Officer	Risk assessment closed using "HSC RA Closure"

ſ		Responsible	Compliance - additional
	1	C&A	Dip Sampling
	2	OCMT	Annual dip sample of prosecution files

8. INDEX FOR APPENDICES

Please refer to the attached Appendices for additional assistance when carrying out an investigation into a reported hate crime/incident.

APPENDIX 'A' DEFINITION OF HATE AND SIGNAL CRIME	10
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APPENDIX 'A' DEFINITION OF HATE AND SIGNAL CRIME

Title	Definition	Included subjects
Hate incident/crime NB This includes incidents, which	RACIST Any non-crime incident/criminal offence which is perceived, by the victim or any other person, to be motivated by a hostility or prejudice based on a person's race or perceived race, or	Any racial group or ethnic background or national origin, including countries within the UK, and Gypsy and Traveller groups.
the police have no statutory power to deal with however other agencies	RELIGIOUS Any non-crime incident/criminal offence which is perceived, by the victim or any other person, to be motivated by a hostility or prejudice based on a person's religion or perceived religion or	Any religious group, including those who have no faith.
may have (eg Equality Commission)	HOMOPHOBIA Any non-crime incident/criminal offence which is perceived, by the victim or any other person, to be motivated by a hostility or prejudice based on a person's sexual orientation or perceived sexual orientation or	Any person's sexual orientation.
	DISABILITY Any non-crime incident/criminal offence which is perceived, by the victim or any other person, to be motivated by a hostility or prejudice based on a person's disability or perceived disability or	Any disability including physical or sensory disability, learning disability, long-term illness and mental health.
	TRANSPHOBIA Any non-crime incident/criminal offence which is perceived, by the victim or any other person, to be motivated by a hostility or prejudice against a person who is transgender or perceived to be transgender. SECTARIANISM	People who are transsexual, transgender, transvestite and those who hold the gender recognition certificate under the Gender Recognition Act 2004.
	Any non-crime incident/criminal offence which is perceived, by the victim or any other person, to be motivated by a hostility or prejudice based on a person's religious denomination or political opinion or perceived religious denomination or political opinion	It is broadly accepted that within the Northern Ireland context an individual or group must be perceived to be: - Catholic or Protestant; - Nationalist or Unionist; - Loyalist or Republican However can also relate to other religious denominations for example Sunni and Shi'ite in Islam

Hate crime prosecution	A hate crime prosecution is any hate crime which has been charged in the aggravated form or where the prosecutor has assessed that there is sufficient evidence of the hostility element to be put before the court when the offender is sentenced.
Non-monitored hate crime	Any crime or incident where the perpetrator's hostility or prejudice against an identifiable group of people is a factor in determining who is victimised.
Signal Crime	A 'signal crime' can be defined as any criminal incident that causes change in the public's behaviour and/or beliefs.

Additional guidance on defining hate incidents including crimes and signal crimes is available here.

Guidance in relation to recording sub-categories of religions; disabilities and ethnicity is available here Examples of hate incidents including crimes are available here.

APPENDIX 'B' LEGISLATION AND EVIDENCE FOR HATE CRIME

Legislation on hate crime offences that may be considered for hate crime offences can be found by clicking here.

Details of a hate motivated case where an offence is aggravated by hostility, must be clearly and fully included in the 'structured outline of the case' on the NICHE case papers so that PPS can properly consider whether the case can be opened in court as an offence aggravated by hostility.' under the Criminal Justice (No 2) (Northern Ireland) Order 2004.

PPS require the following to be set out in the hate crime case files:-

- Who perceives the hate crime
- What category of hate crime it is
- Why there is the perception it is a hate crime
- Evidence to back up the demonstration of the aggravation by hostility or the motivation of the offender
- Details of evidence to back up the demonstration of the aggravation by hostility or the motivation of the offender in the witness statement
- Details of evidence to back up the demonstration of the aggravation by hostility or the motivation of the offender being put to the suspect at interview
- Record of the response to the evidence to back up the demonstration of the aggravation by hostility or the motivation of the offender provided by the suspect at interview
- o If the case is flagged as a hate crime, but there is no evidence available regarding the aggravation element, include this fact in the structured outline of the case.

The fuller picture you can give PPS, the more effectively the case can be prosecuted.

All cautions of offenders will be delivered restoratively when appropriate. Where the decision has been taken to caution the perpetrator the caution/informed warning will be delivered restoratively.

For current guidelines for Discretionary Disposals and hate and signal crimes please click here.

APPENDIX 'C' VULNERABILITY RISK ASSESSMENT MATRIX



Name of Injured Party: DOB Reference Number: Address: NICHE Number This scorecard should be used as a **guide**, and in combination with your own judgement to help ascertain what support and protection is required in any given situation. All action taken as a result of your assessment should be discussed with the complainant to ensure it Vulnerability Index - Tick as appropriate Sectarianism Racism Homophobic Religious/Faith **Transphobic** Disability Learning **Physical** Sensory Long Term Refused Mental Illness Illness **Domestic Older Person** Young **Living Alone** Interface Interpreter Person-Child Circumstances Victim and Suspect known to each other Victim awareness History of intimidation/harassment Victim/Community Knowledge Repeat Victim Timescale of another incident immediate Suspect/Group Identified Victim perception Venue of incident identified Possibility of further incident Others in Victims' Group likely to be targeted Suspect intent/motivation Additional vulnerabilities identified Victim currently/previously witness in criminal

Rating Score = Probability of Risk x Impact + Community Impact =

investigation

Probability of Risk		Impact of			
•		Consequences			
Very Unlikely	1	Minor	1	Victim appears unconcerned	
Unlikely	2	Appreciable	2	Victim in fear	
Possible	3	Major	3	Normal life affected	
Likely	4	Severe	4	Severe disruption /potential psychological injury	
Very Likely	5	Catastrophic	5	Threat to life	
Community Impact					
Minor	1	Local media interest			
Appreciable	2	Community tension / property damage		Rating	Score
Major	3	Retaliatory attacks minority groups		LOW (0-10)	
Severe	4	Vigilantism Loss of public confidence		MEDIUM (11-19)	
Catastrophic	5	Major public disorder		HIGH (20-30)	

LOW - (0-10)

AO to follow protocols as per investigation standards and provide crime prevention advice, reassurance; support and signposting.

Victim to be updated as per investigation requirements (10 days).

AO to record details in DEA RM log.

Duty Sergeant to authorise closure with audit of rationale included in OEL entry on NICHE entitled "HSC RA Closure".

MEDIUM (11-19)

AO to follow protocols as per investigation standards and provide crime prevention advice, reassurance; support and signposting.

Victim to be updated as per investigation requirements (10 days).

AO to record details in DEA RM log.

Action Plan relating to proactive measures to be implemented and audited on OEL, to reduce risk.

Duty Inspector to authorise closure with audit of rationale included in OEL entry entitled "HSC RA Closure".

HIGH (20-30)

AO to follow protocols as per investigation standards and provide crime prevention advice, reassurance; support and signposting.

Victim to be updated as per investigation requirements (10 days).

AO to record details in DEA RM log.

Duty Officer to be informed as soon as practicable by LPT Insp/AO.

Action Plan relating to proactive measures to be agreed and implemented to reduce risk to be implemented and audited on OEL.

Report will be subject to DMM until risk is reduced. Ownership remains with IO and supervising officers unless otherwise directed by DMM. Investigation plan to be completed on OEL by IO and work-flowed to lead HSCO. OEL Entry title "HSCO Update" to be used by lead HSCO to record action taken. Senior Risk Officer to authorise closure with audit of rationale included in OEL entry entitled "HSC RA Closure".

Further historical; vulnerability; support; information	

<u>Conclusion</u> including rationale for decisions made * please include risk and protective factors and your justification for any changes to your overall assessment score*

Officer/Staff Completing- Name/ Rank/Grade/Number: Date:

APPENDIX 'D' ACTION PLAN ELEMENTS FOR CONSIDERATION

Police Officers may wish to consider mitigations to reduce the risk relating to the following areas:-

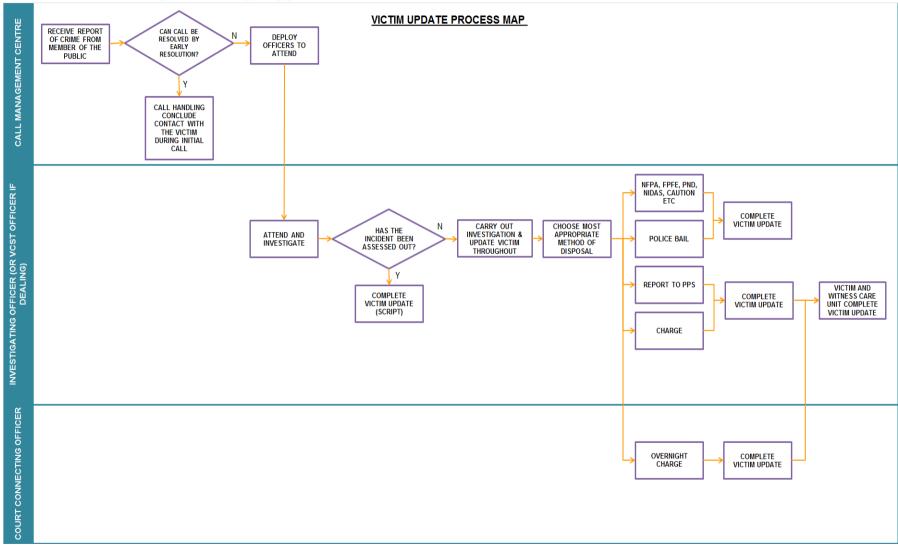
- 1. **Community** local, national, international level
- 2. Communications Media/ PR/Social Media
- Intelligence Requests/Form A submissions
 Taskings to other Officers/Units/external agencies
- 5. Way-markers identify hot-spot areas for targeted patrolling
- 6. Reassurance Support/Sign-posting/Advice to the victim

APPENDIX 'E' KEY ROLE RESPONSIBILITIES TABLE

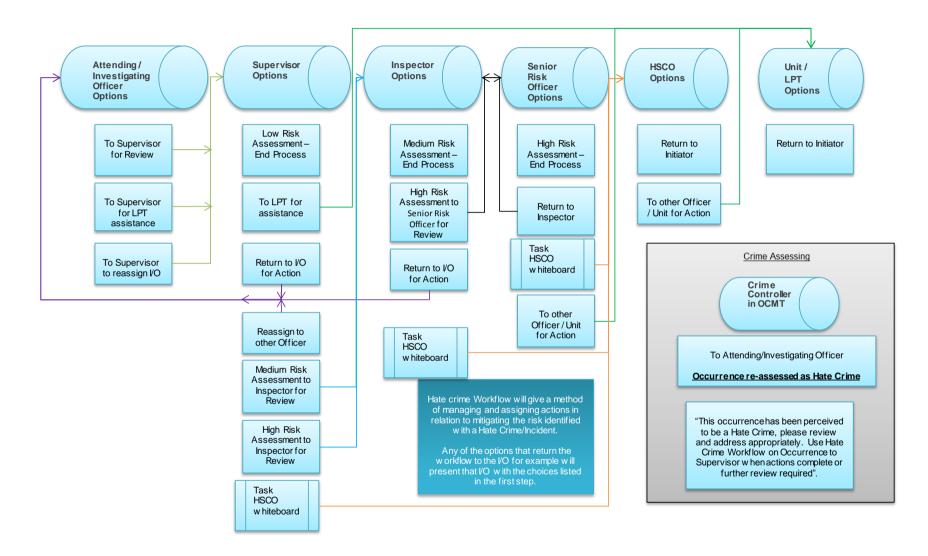
Contact Management Centres/Dispatchers (CMC)/Station Enquiry Assistants/	
Station Duty Officers	Y
Upon receipt of a hate incident/crime a new command and control serial will be commenced.	
Obtain necessary information to ensure the appropriate action is taken and to identify repeat	-
victims and vulnerability issues. If in doubt simply ask the victim sensitively/carefully about	
their needs/worries/concerns.	
When closing it is essential that the appropriate qualifiers are correctly entered to ensure that	
the incident is properly recorded.	
Racist – HARC;	
Homophobic – HAHO;	
Disability – HADB;	
Sectarian – HASE; Politica – HASI:	
Religion – HARL;Transphobic – HATR.	
Contact Management Centre Supervisors should regularly check that Command and Control	
serials are fully completed and comprehensively updated and that the appropriate closing	
codes and qualifiers are included.	
Co-ordination Tasking Centre	√
CTCs will be the interface between CMCs and attending officers and will co-ordinate and	
direct resources to key priorities as per threat, risk, harm and opportunity.	
Attending / Investigating Officer	\checkmark
Attending Officer will attend the scene of the Hate Crime/Incident.	
Commence investigation, add and complete the Vulnerable Risk Assessment Matrix (VRAM)	
Appendix C refers.	
Consider and implement mitigating actions to manage risk to victim – update OEL.	
(App D)	
Retain and progress investigation of the hate incident unless otherwise directed by	
supervisor.	
Record detail of victims' ethnicity; nationality; religion and disability type where applicable.	
If a withdrawal statement is recorded from the victim it should include:	
Alleged crime	
Reasons for withdrawal	
Clarity - is victim stating the offence did not occur or does not wish the investigation to continue.	
investigation to continueWas victim pressurised, directly or otherwise	
Was victim pressurised, directly of otherwise Who has victim discussed the case with	
An account of how the crime has impacted on the victim.	
Update victim in line with current guidelines ie 10 updates.	
Additional Guidance - Appendix F for Victim Update process map	
Ensure records updated and NICHE workflows managed - see Appendix G.	
Supervising Sergeant	✓
Review the initial investigation, VRAM and actions to support the victim.	
Record reviews and directions on NICHE OEL: Supervise the investigation of the hate	
incident to completion unless otherwise directed.	
Action Plan considerations to be included in OEL for those assessed as medium risk.	1
Review and, if appropriate, authorise closure of risk assessment process of hate	
	.*

incidents/crimes assessed as low risk.	
Supervising Inspector	
Record advice provided or direction made as an OEL entry on NICHE.	V
,	
Action Plan considerations to be included in OEL for those assessed as high risk.	
Review and, if appropriate, authorise Risk Assessment closure of hate incidents/crimes assessed as medium risk.	
Brief the Duty Officer and District/HQ Corporate Communications if incident is assessed as High Risk.	
District Hate Crime Champion	\checkmark
Ensure good working relationships are developed with Policing and Community Safety Partnerships (PCSPs), statutory, voluntary and community support agencies within their District, in order to establish good working practices and innovative initiatives in handling hate incidents and crimes.	
Ensure an appropriate District Engagement Strategy is developed based on the framework in the PSNI Operational Guidance Manual.	
Ensure that PCSPs updates are provided to District Policing Command (In Belfast this will be PCSPs).	
Appoint at least one District Lead Hate and Signal Crime Officer and ensure there is a pool of Hate and Signal Crime Officers relevant to the hate crime trends in the District.	
Monitor District performance to ensure compliance against the service procedure.	
Task Compliance & Audit function to dip sample hate and signal crime reports quarterly.	-
Daily Management Meetings	\checkmark
Review high risk hate incidents at DMM with a view to ensuring all actions in terms of mitigating this risk are being progressed accordingly. Record on Niche OEL.	
Appoint a Senior Risk Officer who will have responsibility for reviewing and authorising Risk Assessment closure of hate incidents/crimes assessed as high risk.	
Senior Risk Officer	\checkmark
Review and authorise Risk Assessment closure of hate incidents/crimes assessed as high risk Record on Niche OEL.	
Hate and Signal Crime Role Officer(s) (HSCOs)	\checkmark
HSCO will be appointed in incidents assessed as High Risk and will update OEL using the NICHE OEL title entry "HSCO update" They will complete tasks assigned to them by the SRO.	
Lead HSCOs will be a single point of contact (SPOC) for internal District and HQ reference, training purposes as well as being the link for the advocacy services.	
Criminal Justice Branch(SID2)	✓
Hate Crime Investigation Case Files submitted to PPS will be dip-sampled by OCMT annually and forwarded to the District Hate Crime Champion for appropriate action.	
Where OCMT personnel update NICHE regarding the hate statistic classification tab on NICHE, notification of the change to the Investigating Officer will be confirmed via a manual work-flow on NICHE.	
Compliance and Audit Function	\checkmark
Hate crimes/incidents will be dip-sampled in accordance with organisational requirement and forwarded to the District Hate Crime Champion for appropriate action. Key Controls are found in section 6.	
Area Intelligence Hubs	\checkmark
Research and link intelligence with the corresponding incidents and/or Intelligence Requests and brief the Requesting Officer accordingly. Additional Guidance: The submission process of intelligence requests is found at	
Appendix H.	

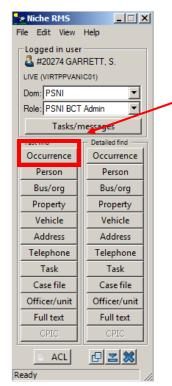
APPENDIX 'F' VICTIM UPDATE PROCESS MAP



APPENDIX 'G' NICHE WORKFLOW

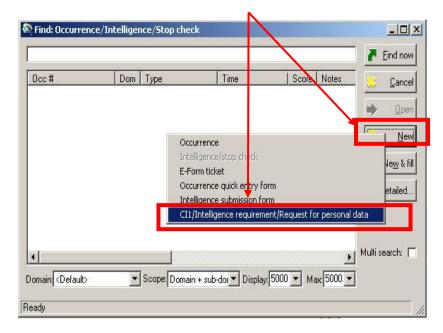


APPENDIX 'H' INTELLIGENCE REQUESTS - NICHE

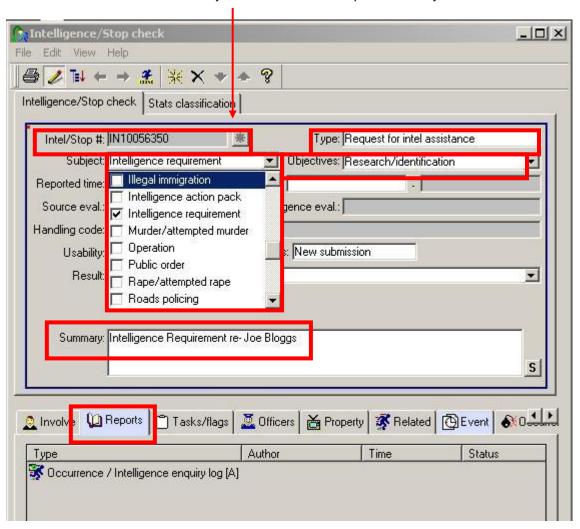


1. Click on the 'Fast Find: **Occurrence**' button on the Niche RMS Launch Bar.

2. When the 'Find: Occurrence/Intel/Stop Check' window opens, click on the 'New' button and then select 'CI1/ Intelligence requirement/ Request for personal data' from the drop down list provided.

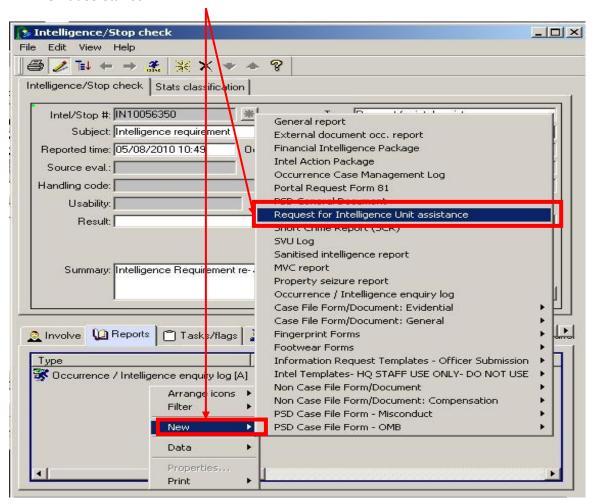


3. The Intelligence/Stop check window is then provided. Click on the green 'starburst' button to create a submission URN. Write down this number until your submission is complete in case you lose it in error.

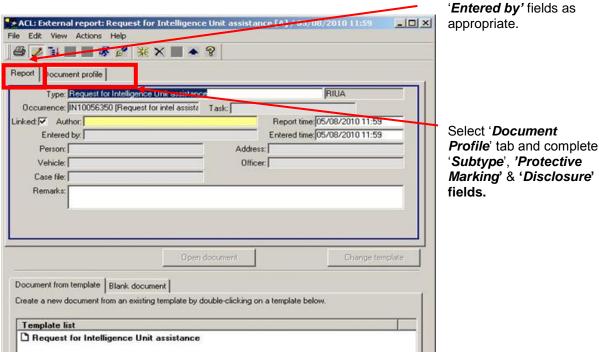


- 4. Use the drop down menus provided to choose the 'Type, Subject & Objective fields'.
- **5.** The 'Reported Time' auto populates with time and date of submission.
- 6. The request title can be added to the 'Summary' field.
- 7. You can now move to the 'Report' tab.

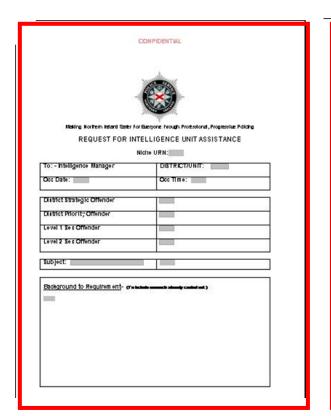
8. Move you cursor to the large grey area in the 'Reports' tab, right click and select '**New'**. A box will appear to the right displaying a list of templates etc. Select '**Request for Intelligence Unit assistance'**.

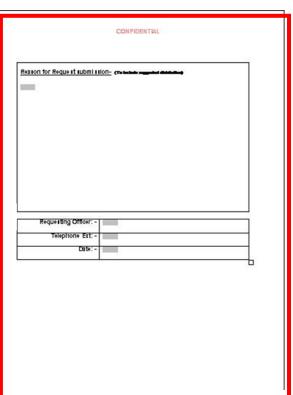


9. Once the External report screen appears, on the 'Report' tab, complete 'Author' and

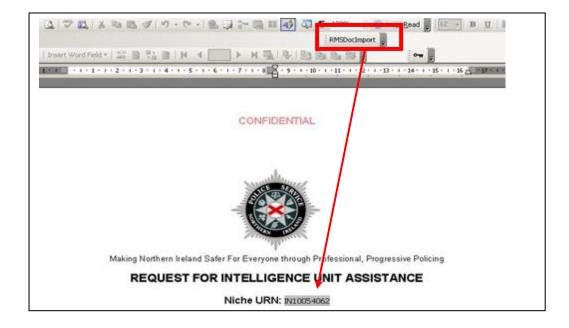


10. Open template, the template displayed below will appear.





Click on 'RMS data import' field located along the Toolbar at the top of your screen. This will add the Niche URN to the Template.

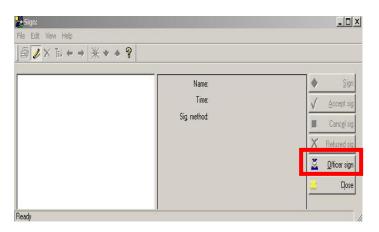


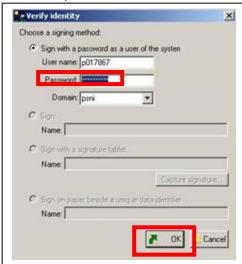
11. Complete all fields on template. An electronic signature must be applied by the 'Requesting Officer'. This can be done by clicking on the pen ICON located at the bottom of the template.

Click the 'Officer sign' and add your Niche password to the Password field.

Click '**OK**' followed by '**Close**'. An electronic signature will now be added to the bottom of the template.

Once all information regarding the request has been added, close and save template.





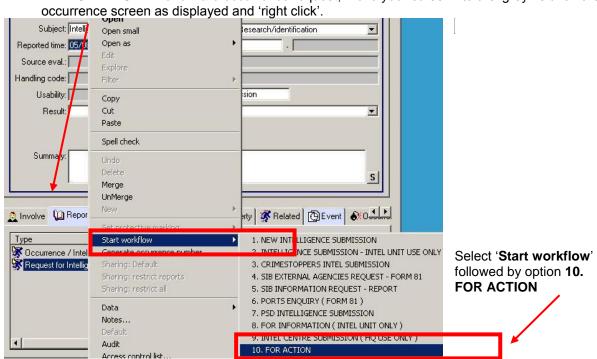
You MUST complete all relevant fields or the requests may be returned to you for completion.

12. On completion you can now workflow the request to the appropriate unit for action/research etc.

An 'Intelligence Enquiry Log' (IEL) entry can also be made at this time.

13. Link 'Requesting Officer, Supervising Officer' and 'Owning Unit' unit in the 'Officers' tab.

14. WORKFLOW. To forward occurrence request, move your curser into the 'grey field' on the

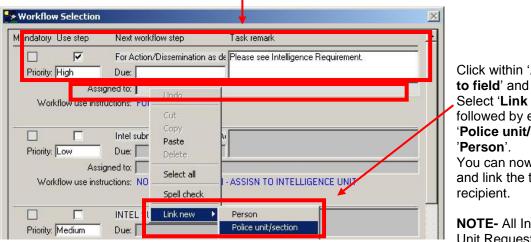


15. A task screen will appear, select 'Start' followed by 'Complete'. There is no requirement to do anything else. A workflow selection will then appear.

You now have the following options-

- (i) 'For Action' select this option if submission requires to pass to another unit for further development/assistance etc.
- (ii) 'No Further Action' no action will be taken, notify requesting unit.
- (iii) 'Intel Result' update 'IEL' with result detail and return to requesting unit.
- (iv) 'Stop'
- (v) 'Supervisor notification' this option can be selected in addition to options (i) (iv). This option should be selected if officer resulting/forwarding etc. requires to notify supervisor regarding any action taken.

To select appropriate workflow, click in the 'Use step' box. A 'tick' will appear in the box. Set 'Priority' and add a comment to the 'Task remark' field if necessary.



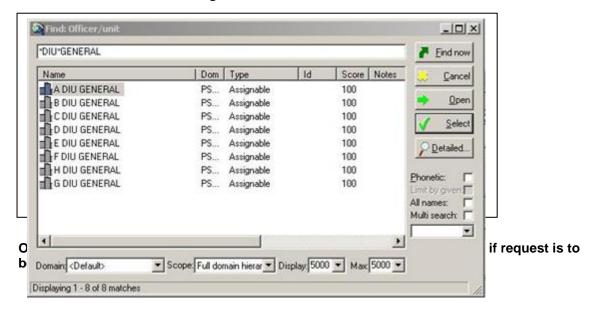
Click within 'Assigned to field' and right click. Select 'Link new' followed by either 'Police unit/section' or

You can now find, select and link the task 'unit'

NOTE- All Intelligence **Unit Request**

Submissions MUST be forwarded to the appropriate Intelligence Unit 'GENERAL' in box. Under no circumstances should an officer/staff member forward directly to a unit/agency without firstly passing to their own Intelligence Unit.

This can be done by searching for '* DIU * GENERAL' and double clicking on the required unit. This will add the unit to the 'assigned to' field on the workflow.



Once all workflow fields are complete select 'Ok'.

- **16.** All research carried out, or comments regarding the request should be added to the 'Intelligence Occurrence Log'. Repeat steps 14 &15 to Workflow back to originator or to forward to another unit etc.
- **17**. Upon completion of the request, it is the responsibility of Intelligence Unit Staff **only**, to ensure that all necessary details are linked or created, ensuring appropriate ACLs are in place and that '**Status**' and '**Result**' fields have been updated.

APPENDIX 'I' SUPPORTIVE GUIDANCE AND ADDITIONAL READING

Information in relation to hate crime may be accessed on PoliceNet by clicking on the below links:-

PSNI Website:-http://www.psni.police.uk/index/advice-and-legislation/advice_hate_crime.htm

True Vision:-http://report-it.org.uk/home

PoliceNet:http://policenet/mainhome/directory_departments/criminal_justice_hq_pg/s1_policing_with_the_community/hate_crime_pg.htm

Quality Assurance in Contact Management Guidance

Service Procedure 10/12 – Critical Incident Management and Community Impact Assessments

Investigation Guidelines - Core Investigative Doctrine

Service Procedure 5/13 - Child Protection Procedures

Service Procedure 15/12 – 'Threats to Life', highlighting the procedures to be followed where the 'incident' is such that there is a threat of this nature, or intelligence to suggest such a threat exists

Service Procedure 02/11 - Police Response to Honour Based Violence (HBV)

Service Procedure 03/11 - Police Response to Forced Marriages

Service Procedure 47/04 - Duties of Personnel Attending a Serious Crime

Service Procedure 14/12 - Grievance Procedure

Service Procedure 17/08 - Youth Diversion Scheme

Support Agencies

Asylum seekers; refugees and migrant workers

http://policenet/culturediversityguide-8.pdf

Interpretation and Translation Services