

# Responding to hate crimes

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Those responding to a hate crime should:

- undertake an effective investigation to identify and bring offenders to justice
- signpost victims, and where appropriate communities to appropriate support
- reduce repeat victimisation

**APP Investigation** sets out a core model for an investigation. There are, however, a number of factors, which should be highlighted when an allegation of hate crime is made.

## Priority response

Hate crimes should be treated as priority incidents and consideration given to the most effective response that balances the needs of the incident, police resources available and the nature of any risk.

There are occasions where an immediate response by a police officer may not be appropriate or possible. It may not be proportionate to the report received, there may be high incident workload where the response to urgent calls for service have to be prioritised, or the victim may not want a visible response, or be immediately available.

Where such delays occur, a supervisor should consider the reasons given and set out a clear plan for how and when the incident will be responded to. This should be communicated to the victim.

Positive action should be taken, not just a record made.

Forces should implement policies that require the notification and/or attendance of supervisors or investigators. It is a matter for forces to develop their deployment policies, but investigations and broader problem-solving activity can be improved where there is **supervisory oversight**.

## Specialist support

Assistance from internal and external partners may be required to provide a service that meets the victim's needs. See also [partnership working](#).

Police officers and staff in force may have additional skills, knowledge or experience that can be used to assist the initial response or subsequent investigation. For example, the Metropolitan Police Service (MPS) Cultural and Communities Resource Unit (CCRU) uses the skills and diverse backgrounds of its police officers and staff to support investigations.

## Call takers and first responders

When responding to victims of hate crime, call takers and first responders should consider how their language and conduct may affect victims and witnesses.

In particular they should:

- ask the victim or witness how they wish to be addressed ? do not assume gender identity
- gather information sensitively and provide reassurance, recording an accurate first account
- assess the initial risk and response required

Any hate crime that has the potential to become a critical incident should also be notified to a senior officer.

See also [Investigation APP](#).

## Risk assessment

At all stages of an investigation, police officers and staff must be aware of potential risks to the safety, vulnerability and wellbeing of victims and witnesses.

An important risk is the potential for further victimisation. Victims may be targeted either because they are perceived to be less likely to have the confidence to defend themselves physically or because they lack the confidence or ability to stand up to the offender.

Risk factors may include:

- the victim's isolation, for example, they have limited support or live alone
- they have particular personal characteristics which may increase their vulnerability
- that there are particular issues that leave them susceptible to intimidation

A risk assessment should identify and enable the management of risks through appropriate actions. Victims' assessment of their own safety should be considered as this is often a good indication of likely risk. Where a victim has communication difficulties or is particularly vulnerable they should be supported to be able to explain the harm that has been caused and the risks they face.

In many cases a risk may be caused by the victim's concern that they will not be able to support a prosecution due to impairments, conditions or other factors which have not been acknowledged or addressed. This can lead to a victim's non-attendance and the case collapsing. This is a potentially high risk in hate crime cases, particularly those involving victims with disabilities, learning or development conditions.

See also [Victim and witness care and support](#).

Risk assessment and management is a dynamic process subject to constant change. The level of risk should be reviewed regularly, along with any interventions put in place, to ensure that they remain appropriate to the situation, provide reassurance and reduce the likelihood of further victimisation.

To ensure openness and accountability, a record of this risk assessment should be kept and regularly reviewed for quality assurance purposes and identifying trends.

The following questions may help to elicit some of the information needed for effective risk assessment and management.

- Why do you think you have been targeted on this occasion? (Without sounding like the victim is being blamed.)
- Have you or your family been targeted before?
- Do you know of similar crimes in the area?
- Do you fear that the offender will repeat the behaviour?
- Do you know the offender?
- What impact has the behaviour had on you and your family?

The College of Policing (2021) [evidence-based guidelines for recognising and responding to vulnerability-related risks](#) will help forces to assess and manage risk.

An infographic, [Vulnerability: an aid to understanding](#) may also help forces to identify vulnerability and risk. (This link is available to [authorised users who are logged on to College Learn.](#))

## First responders and subsequent investigation

When a hate crime is reported, the following priority actions should be considered.

- Remove the victim to a safe location if appropriate – in some cases it may be more appropriate to address the risk through suspect interventions, for example, arrest or bail conditions.
- Use [body-worn video](#) to gather an initial account which may support enhanced sentencing.
- Make a record of the victim's emotional response to the incident, for example, is the victim suffering from shock? See also [victim care](#).
- Identify any victim needs, for example the following, and arrange for these to be put in place where practical.
  - Do they want to speak in private?
  - Are there any confidentiality issues (for example, not disclosing the victim's sexuality)?
  - Do they need an interpreter?
- What reasonable lines of inquiry should be pursued and what evidence might need to be immediately secured.
- Do relevant checks to see whether the victim is a repeat victim.
- If necessary, seek advice from a specialist hate crime investigator where available.
- Notify neighbourhood policing teams and provide a copy of the crime report to support victim and community reassurance.
- For more serious incidents, consider deploying a family liaison officer.
- Review risk assessment, as the victim may be more forthcoming once they have confidence in the attending officer.

## Evidencing hostility

To prosecute a hate crime it is necessary to demonstrate hostility. The case file must provide evidence that the suspect:

- was motivated, wholly or partially, by hostility, or
- demonstrated such hostility immediately before, during or after the crime was committed

For example, neo-Nazi material or symbols displayed or worn by the offender may provide material which can be used during interview to explore the suspect's motivation.

The following evidence will also help to demonstrate hostility.

- The exact words or phrases the victim uses when giving their initial account, in particular their account of any words or phrases used by the perpetrator.
- A copy of any 999 conversation.
- Evidence of the offender's hostility, for example, from careful suspect interviewing and from evidence gathering during scene and other searches.
- Corroborative evidence where it is available, for example, social media posts.

CPS hate crime coordinators can provide access to the latest prosecutor operational guidance and assist with investigation and interview planning.

## **Working with victims of sexual orientation or transgender hate crime**

Where a person has been the victim of sexual orientation or transgender hate crime, they should not be questioned about their sexual orientation or transgender identity unless it is relevant to the investigation. This includes providing information about their medical treatment or Gender Recognition Certificate status.

As with any other victim, it will be necessary to undertake intelligence checks to determine whether a victim is a repeat victim, and for the purpose of disclosing any bad character to the CPS. Where possible these checks should be undertaken without asking the victim for details of their previous names. Where this information isn't already known, it should be requested sensitively, explaining why the information is required, and if appropriate allowing the victim to write their previous names on the reverse of their statement rather than having to say them.

Information about the victim's sexual orientation or gender identity must not be disclosed to their family or friends without the victim's express permission. They may not have told friends or family, and a disclosure, even inadvertently, could seriously undermine victim trust and community confidence in the police.

When contacting a victim's friends or family to notify them about an incident, simply state that the individual was a victim of a crime, rather than a hate crime. Details that may indirectly disclose the victim's sexuality, such as the incident took place in a venue popular with the LGBT+ community, should not be disclosed.

## Working with victims with a disability

The nature of the victim's disability may present additional challenges when gathering evidence or taking statements. The police and CPS prosecutors should never make assumptions about the competence, capacity or credibility of a victim based on their disability, or any support needs they may have. It is good practice to ask the person about support they need to give their best evidence. Also, consider the use of a witness intermediary to support interviewing.

## Special measures

The CPS has appointed hate crime lead prosecutors who have received specific training and guidance on the best ways of supporting victims to provide the strongest evidence. They can also discuss the range of special measures available to assist victims and witnesses in giving their evidence.

For further information see [Special measures explained](#).

## Suspect considerations

Where the evidence justifies it, taking positive action is preferable, but the decision to arrest is always a matter for officers, and should be based on the evidence available at the time. It should not be influenced by whether the victim wishes to proceed with a prosecution or not.

Where a victim is at particular risk, effective action should be taken to manage the risk.

## Information and intelligence

In addition to a crime report, any intelligence and/or historical information should be recorded in line with force policy. This should include details of any previous reports concerning the same suspect, victim or location and the results of any Police National Computer searches.

Some forces have adopted hate crime forms, which include a risk assessment and action taken to remove, reduce or manage risks.

See also [Perception based recording](#) and [Data recording](#).

## Complaints against police action

Some groups or individuals may try to challenge the police service, using complaints or litigation against the police response (actions or inactions) to hate crime or non-crime hate incident allegations. They may allege political bias or disproportionate infringement of human rights. It is important that all police actions are proportionate, taking into account human rights, reflect national and local policy, and that decision-making is appropriately recorded.

Investigating officers should seek the advice of senior colleagues where they suspect a complaint may be vexatious or politically motivated. Particular care is necessary to ensure that Article 10 rights to freedom of speech are not infringed beyond that permitted by law.

In [Miller v College of Policing and Humberside Police \[2020\] EWHC 225 \(Admin\)](#), the College's operational hate crime guidance was found to be lawful. The case addressed the recording of non-crime hate incidents. The guidance requires recording of allegations of hate crime and non-crime incidents based on the perception of the victim. The judgement drew attention to the sections in the guidance that require consideration of factors that might make recording unnecessary.

See also [Data recording](#), [Responding to hate crimes](#), and [Responding to non-crime hate incidents](#).

## Tags

Hate crime