

Hate crime - Guidance overview

This page is from APP, the official source of professional practice for policing.

First published 20 October 2020

This guidance is for police officers and staff at all levels of the police service, working alongside partners where appropriate, to deliver a consistent, proportionate and robust policing response to hate crime and non-crime hate incidents. The guidance sets out arrangements that forces should consider to support an effective response to allegations of hate crime and non-crime hate incidents. It also includes content for those responding to these events.

These crime and non-crime incidents may have a disproportionate psychological, and in some cases physical, impact on victims and the wider community as compared to equivalent 'non-hate' crimes (Hall, 2005; Home Office (2018) Hate Crime, England and Wales, 2017/18, page 28).

Hate crimes can be socially divisive, potentially heightening tensions between communities (Hall, 2005). They are likely to involve repeated victimisation (Home Office (2018) Hate Crime, England and Wales, 2017/18, page 24), and they can increase the risk of civil disorder (Hall, 2005).

Hate crimes may be, or may become, **critical incidents**, regardless of how trivial an incident may initially appear.

In all cases of hate or hostility, victims should be treated sensitively in a way that is appropriate to their needs, recognising the greater impact that hate crimes and incidents may have on victims.

Non-crime hate incidents

The **Non-Crime Hate Incidents: Code of Practice on the Recording and Retention of Personal Data** ('the Code') came into force in June 2023. The Code introduces additional safeguards to protect freedom of expression and raises the threshold at which personal data may be recorded on a non-crime hate incident (NCHI) record.

The authorised professional practice (APP) on **Recording non-crime incidents perceived by the reporting person to be motivated by hostility** is to help policing implement the Code when deciding whether to record or retain personal data for NCHIs.

Chief officers must ensure that, where it is necessary and proportionate to record NCHIs – and where personal data is recorded and retained – this is done by the least intrusive method and achieves a policing purpose.

Not all incidents reported to the police need to be recorded as an NCHI. Even where a report is perceived by the reporting person to be motivated by hostility or prejudice, it should only be recorded as an NCHI where it meets the following threshold set out in the [national standard for incident recording \(NSIR\)](#):

a single distinct event or occurrence which disturbs an individual's, group's or community's quality of life or causes them concern.

NSIR

The personal data of the subject may only be included where the incident meets the additional threshold set out in the Code. This is when the incident:

presents a real risk of significant harm to individuals or groups with a particular characteristic(s) and/or a real risk that a future criminal offence may be committed against individuals or groups with a particular characteristic(s)

Non-Crime Hate Incidents: Code of Practice on the Recording and Retention of Personal Data

When making decisions about reported incidents, police officers and staff must apply the Code's provisions using common sense and discretion based on the available information.

Recording and retaining NCHIs should be done in a way that does not stifle freedom of speech or create a chilling effect that may inhibit an individual's ability to engage in legitimate debate.

The Code also states that non-crime terminology should be used to refer to the parties involved in a non-crime incident (for example, 'complainant' for the person making the report and 'subject' for the party being complained about).

In some circumstances, recording personal data of people involved – other than the complainant – is not required to achieve the relevant policing purpose. Where this is the case, such data should not be recorded. Simply recording location data and an overview of the circumstances may meet intelligence, problem-solving and auditing needs.

For further information, see [Recording non-crime incidents perceived by the reporting person to be motivated by hostility](#).

Tags

Hate crime