Inspection Protocol for Hate Crime

INTRODUCTION

This protocol covers the activity of individuals and units in relation to the investigation of Hate Crime.

BACKGROUND

Attempts to control both overt and covert discrimination within society have been made in the last thirty years. The main pieces of legislation have been the Equal Opportunities Act 1975, the Race Relations Act 1976 and the Disabilities Act 1995.

Home Office and other research since the 1980's led to a conclusion that certain racial and religious minority groups were becoming targets of hate crime. The Public Order Act 1986 introduced new criminal offences geared at combating hate crime and ACPO produced a Good Practice Guide for Police Response to Racial Incidents. The idea of Hate Crime is an extension of these earlier pieces of legislation.

ACPO is currently drafting a replacement document to the Good Practice Guide, entitled the ACPO Action Guide to Identifying and Combating Hate Crime. This document provides the following definition:
'Hate Crime is crime where the perpetrator's prejudice against any identifiable group of people is a factor in determining who is victimised.'

This is a broad and inclusive definition. It is worth noting that a victim of hate crime does not have to be either a member of a minority or someone who is generally considered to be a 'vulnerable' person. In fact, anyone can be a victim of a hate crime (e.g. asylum seekers, the elderly, disabled, homosexuals and lesbians).

Many initiatives to combat Hate Crime could be taken in Partnerships instigated with local authorities and other agencies under the requirements of the Crime and Disorder Act 1998. However as victims are often in a minority community it is also possible that their concerns may not have been picked up in the local crime and disorder audit and therefore not feature as a local priority.

REFERENCE DOCUMENTS

ACPO Good Practice Guide for Police Responses to Racial Incidents
ACPO Action Guide to Identifying and Combating Hate Crime (Draft)
HMIC Thematic Inspection *'Winning the Race'* 1996/7
HMIC Thematic Inspection *'Winning the Race – revisted'* 1999
Reducing Repeat Racial Victimisation on an East London Estate – PRG Paper 67 1995
Policing Racially Motivated Incidents (PRG Paper 84, Nov. 1997)
HMIC Thematic Inspection *Beating Crime* 1998

MAIN SOURCES OF EVIDENCE

BEFORE INSPECTION

Force strategy/Annual Plan
Crime Strategy/Policies re racially motivated crime
Community and Race Relations Strategy
Fairness in Action Strategy
Local community awareness training material
Performance/demographic data re racial incidents/stop searches etc.

LEADERSHIP

How the behaviour and actions of the executive team and all other leaders inspire, promote and support excellence as the best way to achieve the force objectives.

Question	Evidence and Reality Checks (RC)
Who is accountable for performance in combating hate crime? • Do all the staff know?	Job description; Staff interviews (RC)
What involvement does the post holder have in determining strategy and objectives against hate crime?	Interviews of post holder and staff (RC)
How does the post holder develop and review policy, practice and working methods in relation to hate crime?	Policy review process; post holder and staff interviews (RC)
What involvement does the post holder have in actively communicating the strategy, aims and objectives for combating hate crime to all staff?	Interviews of post holder and staff (RC)
What involvement does the head of unit have in creating and applying the required standards of ethical behaviour? • How do senior managers demonstrate, by example and action, the ethics, values and standards required to deliver the strategy? • How is inappropriate behaviour challenged?	Interviews with head and staff (RC) Examples of challenges to behaviour
How accessible is the post holder? • How often does the post holder meet with chief officer(s) responsible for hate crime and staff?	Interviews with post holder, chief officers and staff (RC)
How does the post holder identify and reward good performance?	List of staff awards and commendations
How does the post holder promote and support working relationships within and without the force? • Contacts with other forces; • National agencies i.e. ACPO, Home Office, CRE, EOC, etc. • Membership of forums/bodies relating to hate crime, i.e. local and national initiatives.	Contact list at national and international levels; frequency of meetings; interviews with staff and representatives of external bodies (RC)

What involvement does the post holder have in supporting development of staff?
- e.g. responsibility for training/time/finance/participation in training

Interviews with post holder and staff (RC); staff appraisal system

POLICY AND STRATEGY

How hate crime is addressed through a clear strategy based on consultation and supported by policies and objectives that have clear targets.

Question	Evidence and Reality Checks (RC)
What purposes are defined for the current approach to hate crime/what products are expected to result from it? • How has it been decided that this approach is the best method of addressing hate crime? • Could another force/agency/private body offer better value?	Best Value Review. Force strategy/crime strategy. Interview with accountable officer
How have the needs and expectations of users/customers been identified? • SLAs • Consultation – internal and external • How are future needs and expectations identified? • How have user/customer expectations been shaped to a likely pattern of response?	Examination of SLAs; minutes of consultation meetings; user and staff/customer interviews (RC)

Is the strategy/plan for addressing hate crime clear and comprehensive?
• How does it account for:
  – User/customer needs;
  – Local information;
  – Performance data;
  – Force policy and strategy including the need for an IT support strategy which takes into account the compatibility of national data; and internal force networks;
  – National standards (Home Office Key Objectives);
  – The provisions of the Human Rights Act 1998 especially the right to freedom from discrimination.
• Does it outline the process that will ensure delivery of the strategy?
• How does this ensure an integrated response to hate crime at BCU/Area and headquarters levels?
	Examine strategy/plan; interview accountable officer/ staff re their input to formulation

Is there an annual plan based on strategy? • Does it contain objectives and realistic targets? • Are there clear links to the strategy?	Examination of strategy, annual plans, objectives and targets

How is policy/strategy/plan communicated to users/customers and staff?
• Do all staff know of the:
  – policy/strategy/plan;
  – role of the senior officer accountable;
  – remit of the ACPO Race Portfolio Group?
	User/customer and staff interviews (RC) re knowledge of policy etc. and any specific issues mentioned. Communication methods/media used

H M I C

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• How is it ensured that the senior management team and all staff know know the contents of (draft) national guidelines: ACPO Action Guide to Identifying and Combating Hate Crime and the hate crime provisions in the Public Order Act 1986 and other legislation?

How is the policy/strategy review and updated?
• Is account taken of:
  – performance information;
  – user/customer feedback;
  – benchmarking?
	Internal and external feedback; performance data; SMT, user/customer and staff interviews

PEOPLE

How the full knowledge and potential of people dealing with hate crime is managed and released.

Question	Evidence and Reality Checks (RC)
How are staff selected/recruited for the investigation of hate crime? • Are core competencies identified? • Is use made of objective selection/specific tests? • Is there a familiarisation process for recruits? • How are vacancies advertised? (internally/externally) • Is the process locally or centrally co-ordinated? • Are there appropriate minimum standards that must be satisfied? • Has staff vetting been considered?	Examination of job descriptions; recent advertisements; recruitment policy documents; vetting criteria. Interviews with SMT, recruiting staff and new recruits (RC)
How is it ensured that staff who investigate hate crime have appropriate knowledge and competencies? • Has a skills analysis been undertaken? • What training do staff receive to assist hate crime investigation? • Is there training to nationally agreed standards? • Are professional/vocational qualifications required? • What opportunity is there for staff to acquire professional/vocational qualifications? • What refresher training/follow up/developmental training is provided?	Examples of skills analysis, i.e. criminal analysis, family liaison, use of media
Are staff subject to tenure/career development? • If not prescribed in the force HR policy how was the length of tenure determined? • What is the average length of tenure by speciality? • What is the average service in hate crime investigation? • How vigorously is the tenure/career development policy applied? • What are the succession planning arrangements for hate crime investigation? • Are staff debriefed before leaving this role? • Are staff briefed before assuming any other post?	Examples of skills analysis; tenure policy; staff service profile; interviews with staff

How are staff able to influence and inform the policies and practices related to combating hate crime?
- What systems are in place to ensure information flow upwards, down and laterally?
  e.g. team briefings, quality circles, suggestion schemes, satisfaction surveys or regular open forums.

Communications methods used; information generated by staff. Staff interviews (RC)

How are sickness levels monitored?
(Generally or by speciality/post)
- What action is taken following the monitoring of sickness levels?

Force sickness procedure

How is good performance recognised?
- Are all staff included in this process?

Staff interviews(RC) records of awards/other recognition

How is information on staff motivation and satisfaction gathered?
- Internal surveys
- Focus groups/Staff interviews/Structured appraisals
- Analysis of grievances.

Sample of satisfaction surveys; staff interviews (RC)

PARTNERSHIP AND RESOURCES

How external partnerships and internal resources devoted to combating hate crime are planned, managed and improved?

Question	Evidence and Reality Checks (RC)
How are staffing levels determined? • Has a demand profile been prepared? • Are staffing levels sufficient to ensure adequate investigation of hate crime? • How are work patterns designed to make the most effective and efficient use of officers' time, as well as meeting demands? • How often are work patterns reviewed?	Sample of work patterns by speciality; samples of demand/work load; review procedures; users/customers, supervisor and staff interviews (RC)
Is the investigation of hate crime resourced correctly in terms of staff numbers? • Is the number of supervisory posts appropriate to exercise adequate and informed oversight of investigations on a day to day basis? • Is adequate 24-hour supervisory cover available for investigation if required? • Do supervisors have the necessary experience of other investigative specialities to effectively supervise the specialist field of hate crime? • Is the level of civilianisation appropriate?	Supervisor and staff distribution; interviews with supervisors and staff (RC)
How is the budget for hate crime investigation determined? • How are future spending needs identified? • How is underspend/overspend utilised?	Interviews with chief officer responsible Business Manager; budget allocations and any financial rules

Is there an appropriate level of control and accountability for the hate crime investigation budget?
- To what extent is the budget devolved and to what extent e.g. staff/equipment/overtime/building costs?
- How much flexibility does the budget holder have?
- Who is responsible for the budget?
- What guidelines are there for budget management?
- What is the system of financial control and audit of funds for internal and external work in support of hate crime investigations (e.g. Forensic Science Service, surveillance work).

Examination of costed policing plans, budget and guidelines

To what extent has the cost of hate crime and its constituent parts been identified?
- Have support costs been identified? e.g. cost of staff rank/grade
- How has the plan (if in existence) been costed?
- How have the objectives been costed?
- How have costs been benchmarked? – regionally, nationally or with external organisations

Examples of unit costs and calculations; interviews of unit heads, Business Manager and staff; examination of benchmarking data

Has the process of combating Hate Crime been subject to a Best Value Review in accordance with Best Value criteria?
- When was FPR done and what result?
- What changes resulted?
- What impact on service?

Examination of BVR; methods used, action plans and results

What specialist technology or equipment is required to assist in combating hate crime?
- How are these needs identified?
- How is the maintenance arranged?
- Who is responsible for specialist technology/equipment?
- What level of physical security does accommodation (including vehicles) provide for day to day operational use as well as storage of sensitive material?

Examination of plan; interviews of officer responsible and staff; (RC) visit of sites/vehicles re security

What management information systems are available/dedicated to combating hate crime?
- Do the relevant people have access to the MI?
- How is information identified, stored and accessed?
- How is the data checked for validity and its ethical use ensured?
- Are appropriate security measures in place, e.g. IT security?
- What arrangements are in place to facilitate sharing of information with partners?
- How is information used, e.g. How does it inform tasking and planning/support the achievement of objectives? e.g. performance measurement?

Copy MI; interview of users, head of unit and staff/ partners (RC)

What external partnerships have been made to assist in addressing hate crime?
e.g. local government re Crime and Disorder Act, CRE, EOC, Race and Equality Councils.
- What is the level of involvement?

Examination of any formal partnership documents or memorandums of understanding; partnership data

- What is the partnership seeking to achieve?
- Who is the lead agency within the partnership?
- How is the effectiveness of the partnership measured/audited?
- What is the cost of involvement in the partnership?

PROCESSES

How processes to combat hate crime are planned, managed and improved in support of force policy and strategy.

Question	Evidence and Reality Checks (RC)

What processes are in place to deliver the services required to address hate crime?
 	
Intelligence Approaches
 	
How are intelligence initiatives used to combat hate crime?
• **How is Strategic and Tactical Intelligence obtained and used?**
  i.e. pooling of intelligence resources with Local Authorities at local and force level with aim of arrest/disruption/prevention/detection of offenders and increased co-operation and confidence of victims.
• **How is Proactivity used;**
  i.e. alliances with community groups, covert policing tactics against known or suspected offenders, education initiatives at schools and colleges, initiatives targeting hate related to football supporters and graffiti.
– How are these progressed within Intelligence Led Policing?
• **How is Community Intelligence (quality of life) assessed?**
  i.e. what measures are there at local and force levels to assess tension levels within the community in relation to hate crime, including analysis of intelligence using tools such as i2 or ANACAPA?
  Examples of significant incidents/events to be monitored include: hate crime related disorder; religious/national festivals; elections; demonstrations; vigilante activity and deaths in police custody.
• **How is Open Source Intelligence used in the prevention and detection of hate crime?**
  i.e. information already within the public domain such as made available by individuals and organisations on the Internet or through agencies holding data for public use: Equifax (voters register and credit data); Dunn and Bradstreet (county court judgements and company data etc.).
– Does data collection also include more locally based sources?
  i.e. annual reports and other publications from racial equality councils, local authorities, monitoring groups or consultative groups?
	Examination of processes against Draft ACPO Action Guide to Identifying and Combating Hate Crime

How is confidentiality secured?

- What arrangements are there in support of Community Intelligence to encourage and reassure individuals and organisations that they will be dealt with in a sympathetic and confidential manner?
- What systems are in place to prevent unnecessary disclosure of the source of information during the dissemination process? e.g. editing to prevent identification of individuals.
- How is the source of information recorded (notwithstanding confidentiality) so as to aid its credibility/validity?
- How are confidential sources of information recorded? e.g. what criteria for use of a Confidential Source Register; access and retention of records.

How is information shared?

- What use is made of S.115 Crime and Disorder Act? e.g. lawful information exchange between responsible authorities and co-operating partners to reduce crime and disorder.
- Has a Designated Officer been appointed to supervise the exchange of personal information? e.g. at BCU level.
- Is the role of the DO properly defined and has he/she received appropriate training?
- What confidentiality agreements are in place between police, responsible authorities and operating partners?
- What are the agreed aims and objectives to information sharing? e.g. to tackle crime on housing estates, youth offending teams.
- How are requests for Conviction Data dealt with? e.g. in relation to court records, Police National Computer, National Identification Service and force indices.
- How is the exchange of de-personalised information undertaken? e.g. from police databases to local authorities.
- What records are maintained of information disclosed to other agencies? e.g. justification under C+D Act, requirement for storage for 7 years.

Intelligence Cycle

- How is intelligence gathering focused and planned?
- Is intelligence gathered from a wide range of sources?
- How is intelligence assessed for authenticity and reliability? e.g. is the 4X4 system used.
- How is intelligence analysed?
- How is intelligence disseminated?

Supporting Communities

What is the social goal in combating hate crime?
- How is this understood at all levels of the force?

How is the Partnership Approach dealt with?
- How is dialogue with responsible authorities and co-operating partners made open and honest? e.g. to what extent has stereotyping been eliminated.

How are alliances used internally and externally to combat hate crime?
- What is the nature of the alliances, how are their aims set and objectives planned and accounted for?

Examination of processes against Draft ACPO Action Guide to Identifying and Combating Hate Crime

What use is made of lay involvement?
- Is the lay involvement sufficiently independent of police? are they involved in appropriate areas of policing, e.g. CRR training, selection, promotion and policy making.

Is third party reporting of hate crime used?
- To what extent is there understanding as to how distrust with past police procedures and performance effects the willingness of victims to report hate crime?
- How effective are the mechanisms for third party reporting?
- What diversity of third party reporting options is there to cover all types of hate crime?

What is the a force/local strategy for approaching hate crime prevention?
- What analysis of the problems has been undertaken?
- What multi-agency approach is there to the issue of crime prevention?
- What wider hate crime reduction strategy is there to incorporate victims into prevention issues?
- How are the services of Crime Prevention Design Officers used? e.g. projects to 'design crime out'.
- What victim based initiatives are there? e.g. CCTV, Ringmaster, English Language Courses, and Target Hardening Schemes.
- What offender based initiatives are there? e.g. Anti-Social Behaviour Orders, Crimestoppers, Housing Authority Tenant Responsibility Agreements.
- What offence based initiatives are there? e.g. environmental planning: defensible space, removal of graffiti and lighting; anti-hate events; targeted patrols; use of professional witnesses and covert patrol.

What action is taken to reduce repeat victimisation?
- How does the force/BCU record repeat victimisation?
- What additional support is provided for repeat victims of hate crime?

Examination of processes against Draft ACPO Action Guide to Identifying and Combating Hate Crime

Effective Investigation

How fully are the definitions associated with hate crime understood? e.g. hate crime, racist crime and homophobic crime.

How are victims cared for?
- What is the understanding by police staff of the nature of being a hate crime victim?
- How is distrust of police overcome?
- What is the understanding of primary and secondary victimisation?
- How is the Victim Support Service (VSS) used?

How are the families of victims cared for?
- How are the information needs of victims' families met?
- What arrangements are there for Family Liaison Officers?

How are witnesses cared for?
- How is the VSS used?
- What action is taken to secure and encourage witnesses in cases of intimidation?

Examination of processes against Draft ACPO Action Guide to Identifying and Combating Hate Crime

How are hate crimes identified at the point of reporting?
- What are the procedures for dealing with such reports whether by telephone, in person or by third parties?
- How is the scene of a hate crime treated; i.e. evidence gathering?
- How are the initial investigations of hate crimes supervised?

How is responsibility for the investigation of hate crimes managed?
- Who undertakes risk assessments of the investigation?
- How is clear line management established for those who investigate hate crime?
- Who is responsible for stress management of staff dealing with hate crimes?

How are these processes reviewed taking into account the needs of the customer?	Examine review methods and staff interviews
How is good practice, both internally and externally identified, validated and disseminated? e.g. benchmarking internally, regionally, nationally or externally.	Minutes of forums involving partnership with Local/ Regional Government; samples of benchmarking data

What measures are in place to assess the contribution and performance of hate crime investigation?
• How were the measures determined?
• How often are they reviewed?
• How relevant are they to the:
  – Hate Crime strategy and its objectives;
  – Force strategy;
  – ACPO guidelines;
  – Home Office objectives?
	Examine measures selected. Local/national

How is information on public perception used to improve the quality of the service?	Examine outcome of staff/user/customer/ public satisfaction surveys

RESULTS

What is being achieved in relation to the satisfaction of external customers, staff, society at large and planned performance.

Question	Evidence

What are the customers' perceptions of the success of hate crime investigation? in terms of accessibility, responsiveness, overall communication and satisfaction?
• What does analysis of the following demonstrate:
  – press/media coverage;
  – complaint figures;
  – internal unit feedback;
  – Force feedback;
  – feedback from other agencies/partnerships?
• How do public perceptions compare with other comparable units?
	Data analysis/results of surveys/letters of complaint etc

What do indicators of staff satisfaction and motivation show? e.g. sickness levels/grievance levels	Data analysis

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What is the actual current performance? • How does this compare with performance in previous years? • How does this compare against force targets? • How does this compare with other similar forces/units nationally?	Examine results of measures identified in 'Processes' above. Local performance data/ national indicators/matrix