

Ministry of Defence Police



Hate Crime Guide

Reviewed 19 April 2009



Introduction

The MDP has a Hate Crime Policy, Strategy and Procedures which contribute to achieving an overall aim of ensuring that hate crime offenders are held accountable for their actions and those victims within the Defence community (and working on the Defence estate) can continue their lives without fear and receive the best possible service and support.

Our Policy Statement is:

The Ministry of Defence Police (MDP) is committed to providing every member of the Defence community with the highest possible standard of service irrespective of age, disability, ethnic origin, gender, religion or sexual orientation. The way we deal with reports of hate crime and other hate incidents will be central to this.

Our intention is to follow ACPO and ACPOS guidance on hate crime; and support any initiatives by other Agencies, including the MoD itself and action as directed by the Agency Diversity Board. We will also follow our own principles, strategies and procedures in relation to raising awareness, recording and monitoring of hate crimes. Our investigations will be carried out to the highest possible professional standards and will be supervised in a way that guarantees it reaches those standards.

Our aim is to ensure offenders are held accountable for their actions. We will also ensure victims and other vulnerable persons within the Defence community and on the Defence Estate are provided with the best possible service and support.

Hate Crime

The Association of Chief Police Officers (ACPO) define hate crime as:

“Any incident, which constitutes a criminal offence, which is perceived by the victim or any other person as being motivated by prejudice or hate”

ACPO (Scotland) defines hate crime as:

"Any crime where the perpetrator's prejudice against any identifiable group of people is a factor in determining who is victimised" (ACPOS Diversity Strategy)

Hatred is a strong term that goes beyond simply causing offence or hostility. Hate crime may be motivated by an offender's hatred of someone because of their age; disability; ethnic origin, race, colour, nationality or national origins; gender or gender identity; religion; sexual orientation.

Hate crime can take many forms including:

- physical attacks – such as physical assault, damage to property, offensive graffiti, neighbour disputes and arson;

- threat of attack – including offensive letters, abusive or obscene telephone calls, groups gathering and loitering with a view to intimidate, and unfounded, malicious complaints;
- verbal abuse or insults - offensive leaflets and posters, abusive gestures;
- extreme forms of bullying in the workplace that constitutes a criminal offence.

Hate incidents

Some incidents which are perceived by the victim or someone else as being motivated by prejudice or hate do not involve criminal offences. Although such incidents may not necessarily be investigated by the police, hate incidents will still be recorded.

Principles and objectives

Hate crime is considered a crime that may impact significantly against Defence capability, in that lack of appropriate action might affect morale. It is also considered that similar lack of appropriate action would damage the reputation of the Ministry of Defence thereby impacting significantly on defence capability.

The strategic principles of our approach to hate crime are to provide:

Innovative and creative methods to raise awareness of hate crime in order to prevent occurrence, seek its eradication and encourage reporting

Effective recording of reported hate crime

Effective investigation into hate incidents and crimes occurring against members of the Defence community and on the Defence estate

Effective support for victims of hate crime

Effective monitoring (in accordance with ACPO requirements) of hate crimes occurring within the Defence community and on the Defence Estate.

The MDP is committed to providing all victims of crime a professional and sensitive service, however, those that are victims of hate crime will often require, and deserve, an enhanced response. Hate crimes may have a particularly devastating effect than because of the marked impact on the victim and their community. We aim to reduce these crimes using a variety of tools including intelligence and a proactive approach that targets perpetrators and supports victims, especially those who are repeatedly victimised.

When a hate crime has been committed our primary aim will be to investigate, identify and prosecute perpetrators to the satisfaction of the victim and community. However, where a criminal prosecution of a perpetrator is not feasible, our secondary aim is to identify and pursue alternative courses of action where appropriate with partner agencies. These aims are not mutually exclusive and we will always consider pursuing both simultaneously where appropriate.

Building confidence

We recognise that many victims of hate crime have little knowledge of the authorities that seek to serve them. They may have had, within their own collective experience, hostile and prejudiced encounters with the police that leads them to view the service at best as unsympathetic and at worst actively racist or homophobic, or prejudiced against other groups of people.

We understand that incidents can have an impact beyond the immediate victim and their family, feeding into a collective experience and fuelling perceptions of isolation and harassment within society generally. Our officers will bear this in mind and, although we hope that those with whom we come into contact will work with us to develop trust, we accept that we have prime responsibility to overcome barriers and to build trust and confidence to enable us to investigate effectively.

Homophobic incidents

Fears and barriers to reporting homophobic incidents to the MDP include:

- that the incident/crime will not be taken seriously by the police;
- that there may be a homophobic reaction from the officer;
- that others may find out about their sexuality as a result of reporting;
- that information about their sexuality may be recorded/stored;
- that they will have to disclose/talk about their sexuality to an officer.

In the case of lesbian, gay, bisexual and transgendered victims of homophobic incidents, we recognise the importance of the investigating officer demonstrating high levels of sensitivity, since they may, perhaps more than with other hate incidents, need to ask questions to elicit information which could lead to recording the incident as a hate incident or crime.

Our officers will offer time and empathy, to create an environment of trust where people are willing to identify themselves as victims of homophobia. Interviews will be conducted in private and we are working to give all our officers an adequate understanding of gay and lesbian issues to help make the process as comfortable as possible for the victim.

We fully recognise that victims and witnesses of homophobic crime may not wish their sexual orientation to be widely known and we will endeavour to protect this personal information wherever we are able to do so.

Primary and Secondary Victimisation

Victims of hate crime suffer primary victimisation at the hands of their attackers. If, as crime victims, they experience indifference or rejection from the police this amounts to an additional process of secondary victimisation. We recognise that the onus falls entirely on the MDP to manage the interaction to ensure that secondary victimisation does not take place.

Individual needs

Whilst we try to give our officers an understanding of different groups, we know that every victim is an individual with unique needs. We will avoid making group based assumptions about hate crime victims.

Community information

We will seek to keep the MOD communities informed of our commitment in relation to hate crime.

Reporting hate crime

Notification by Telephone

A hate crime can initially be reported to the MDP by telephone, preferably to the nearest MDP station. The officer taking the call will ensure that the caller is given a realistic time for MDP attendance and, depending on the circumstances, may give advice on preserving the scene. We will normally arrange for the caller to be met by an officer who will take a fuller report which will be used to assess what further action should be taken. Reports can be taken by telephone if the caller specifically declines to meet with the police.

Notification in person

An initial notification of a hate crime can also be made in person at a MDP office. Again, a full report will be taken which will enable us to assess what further action should be taken. The person making the initial report will be spoken to with sensitivity and in private. If the reporting person's command of English is poor the assistance of a professional interpreting service will be sought. Information and details of specialist agencies, which may contribute towards the personal safety of the victim or their family, will be provided as appropriate.

Third Party Allegations (incidents reported by persons other than the victim)

In order to encourage reporting of hate crime, the MDP is committed to supporting allegations received from representatives of the victim. The complainant will be encouraged to identify the victim or to persuade the victim to come forward for the purpose of investigation, support and to prevent further offences. If the complainant gives the victim's identity to the MDP 'in confidence', or the identity is discovered in some other way, the victim will be approached sensitively and with a view to maintaining confidentiality. The person providing the information will, where possible, be informed that an approach has been or will be made.

Recording procedures and sharing information

There is a national requirement for the recording of all categories of hate crime data and we comply with this requirement.

We recognise the need to protect the rights of the individual and their privacy. Where it is necessary to share details of an incident with other agencies we will inform the victim of this and we will seek their permission to do so. Any particular concerns or

circumstances of the victim will be given due consideration when sharing information with other agencies.

Support for the Victim

Many victims of hate crime are worried that by reporting this to the MDP more attention will be brought upon them which in turn will lead to repetitive incidents or even violent crimes or an escalation in violence. We will:

- offer a level of support which is appropriate to the victim's needs;
- take necessary measures to provide reassurance and practical help in both the short and long term;
- ensure the safety of the victim and any child/vulnerable person at all times and take whatever steps we can to minimise the opportunity for repeat victimisation;
- offer medical aid as appropriate;
- interview the victim sensitively, away from the suspect(s);
- consider the need for any specially trained interviewers;
- arrange interpreting services where necessary;
- give the victim a copy of the Victims Code leaflet;
- give the victim details of the officer who will carry out further investigation;
- give an assurance of discretion in cases where homophobic incidents are investigated;
- endeavour to deal with the victim through one investigating officer throughout the investigation;
- keep the victim informed of the progress of the investigation on a regular basis.

Gathering Evidence

We will:

- take comprehensive statements from the victim and any witnesses, including descriptions of any suspect(s);
- seek evidence which may support the alleged offence;
- seek evidence of previous victimisation by the suspect and any violence or threat of violence involved;
- take account of other relevant factors including the impact on the victim/family;
- where interpreters are used to help obtain statements, supervise the interpreter to ensure that the evidential issues are covered in sufficient depth and that unwarranted assumptions are not made;
- ensure that crime scenes are properly preserved and forensic evidence is gathered, as necessary.

Action against perpetrators

The vast majority of hate incidents are allegations of crime. Where appropriate and possible, MDP officers will operate a positive arrest policy, subject to pertinent legislation.

The MDP adheres to a positive prosecution policy for all hate crime and where there is sufficient evidence, prosecution will be pursued in accordance with Statutory Charging guidelines. Mitigating factors are unlikely to affect the decision to prosecute.

Where charges are not preferred, the investigating officer will inform the victim of any significant developments and discuss alternative options.

Referrals

We will consider referral of the victim to Victim Support in accordance with the Victims Code unless the victim asks us not to. We will also take a view on whether the victim is considered vulnerable or intimidated. If referral is not required when first raised, the possibility will be revisited at any later point should it appear appropriate.

We will also consider additional support that may be available to victims of hate crime, e.g. local mediation schemes, support networks etc.

Capturing Intelligence

Even in cases where the victim does not wish to support a prosecution the information may be valuable in building intelligence, supporting the community and proactively identifying potential suspects and will be captured by MDP systems.