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**Police and Crime**

**Commissioner for Dyfed-Powys**

**Scrutiny Panel**

**Dip Sampling Exercise**

**Hate Crime Incidents**

**Panel Members’ Findings & Feedback**

**September 2021**

# 1.0 Background

Members were set to attend a virtual meeting via Skype on the 29th September 2021 to review 16 Hate Crime Incidents. Unfortunately, due to low attendance and the Panel not being quorate the decision was taken to cancel the virtual meeting and for members to independently review the cases remotely and to feedback to the OPCC via email instead.

The definition of Hate Crime was set out in the Hate Crime Scrutiny Guidance and stated:

“Hate Crime is defined as ‘any criminal offence which is perceived, by the victim or any other person, to be motivated by hostility or prejudice towards someone based on a personal characteristic.’

This common definition was agreed in 2007 by the police, Crown Prosecution Service, Prison Service (now the National Offender Management Service) and other agencies that make up the criminal justice system.”

There are five centrally monitored strands (motivating factors) of Hate Crime:

• race or ethnicity;

• religion or beliefs;

• sexual orientation;

• disability; and

• transgender identity

An offence may be motivated by prejudice or hostility towards another personal characteristic which is not centrally monitored; these would still be recorded, although the strand would be noted as ‘not recorded’. This category of hate lets us ascertain whether there are emerging trends and patterns which are not necessarily prevalent nationally.

The Dyfed-Powys Police Strategic Equality Plan 2020-2024 includes an objective relating to Hate Crime:

**Objective 1:** To raise awareness of what Hate Crime and Hate Incidents are and how to report them in an attempt to increase the confidence of members of the community to report Hate Crime and Incidents to us.

Dyfed-Powys Police Hate Crime Strategy sets out 9 objectives:

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| **Objective 1** | To ensure that we fully understand our communities in terms of Hate Crimes and Incidents experienced |
| **Objective 2** | To ensure that we are safeguarding accordingly, supported by partners and protecting vulnerable victims of Hate Crimes and Incidents |
| **Objective 3** | To manage expectations and increase victim Satisfaction by continuing to develop the support and information available to victims of Hate Crime and Incidents with our partners |
| **Objective 4** | To remove barriers to reporting Hate Crimes and incidents by increasing the accessibility of mechanisms for reporting Hate Crime, including the introduction of third-party reporting centres |
| **Objective 5** | To ensure that we have adequate measures and processes in place for identifying community tensions, and that we subsequently have adequate and qualified resources in place to assist NPTs to address |
| **Objective 6** | To ensure that all hate related crimes and incidents are being flagged as such, and the relevant actions undertaken by conducting regular audits |
| **Objective 7** | To better understand Hate Crime perpetrators and motivations with a view to developing a local prevention initiative that challenging attitudes and beliefs |
| **Objective 8** | To increase the confidence of victims to report incidents to the police by positively promoting positive outcomes, including those identified as cyber related |
| **Objective 9** | To review processes relating to the disposal of Hate Crimes to ensure that positive outcomes are achieved where possible and reduce the number of crimes where the victim does not support further action |

# 2.0 Findings

Case 1

* Members noted that the risk in this case had been identified and noted correctly as a domestic disturbance.
* There was confusion amongst members as to whether a risk assessment was carried out or not, as it was not clearly evidenced within the documentation. It was noted that the DASH (Domestic Abuse, Stalking and Harassment risk assessment) document had “no data held” for most fields. This led to confusion and a lack of understanding.
* Members were satisfied that the vulnerability of the victim had been assessed and that the force had taken into account their personal wishes to not press any charges.
* Members could not find evidence that both the suspect and witness were made aware that the incident was being dealt with as a domestic disturbance rather than a Hate Crime incident.
* Overall members were satisfied and felt like the appropriate outcome had been applied for the case.
* Members noted that there was no evidence of further investigation into the criminal damage that occurred.

Case 2

* Members were satisfied that the risk had been correctly identified and was being dealt with correctly.
* Members noted positively that a risk assessment was carried out and was evidenced clearly.
* Panel members identified that a Hate Crime Support Officer (HCSO) had been appointed and had contacted the victim within 48 hours of the incident being recorded.
* It was noted in the case that the victim was extremely happy with the actions of the force. The victim was kept updated regarding the case, even after refusing further contact from support officers.
* Members were satisfied with the outcome applied to the case.
* Members stated that this case was handled well.

Case 3

* Members stated that clarification was required in relation to the definition of a Hate Crime for this case. The Panel felt that it was unclear if this incident was a Hate Crime incident or not.
* A risk assessment was carried out, and evidence was clearly documented.

A 13-point plan had been created and this was updated by the Officer in the case and the Hate Crime Support Officer.

* It was noted that a HCSO had been deployed, however, contact was made to the victim via email which was not within the guidance.
* It was noted that a HCSO had attempted to make contact before the 48 hour guidance, however, the victim was not available. Members identified that following a second attempt a HCSO had been successful in contacting the victim and support was offered and received.
* Members stated that this case was dealt with thoroughly and that the records were detailed and well documented.
* Overall members were happy with the case and given outcome, noting that the Hate Crime guidance had been correctly followed.

Case 4

* Members were satisfied that a risk assessment had been carried out and that the risk had been identified correctly. It was also positively noted that the Hate Crime assessment had been reviewed.
* Members felt it was unclear as to whether the outcome of the Hate Crime assessment was reported as low or medium.
* It was noted that a Multi-Agency, Anti-Social, and Vulnerability Information System (MAVIS) risk assessment was completed. However, some members queried whether completing a MAVIS was relevant if the case was identified as low risk. MAVIS is stated to be only used on medium and high-risk cases.
* Clear progress against actions was evidenced against the 13-point plan.
* It was noted that the victim’s date of birth was incorrect on the records.
* The victim had declined the victim support leaflet & HCSO involvement, but members were satisfied that these had been offered and support was available to the victim if they wanted.
* Although initial HCSO contact was declined, records noted that a HCSO was present at the scene which members praised.
* Overall, members were satisfied and felt that the outcome was appropriate.

Case 5

* This case was recorded as harass/protection from harassment offence and not as a Hate Crime. Members were satisfied that risks were identified correctly and were dealt with appropriately.
* Members identified that a victim contract was created and updates had been undertaken in line with the agreement, providing the victim with satisfactory support.
* Members were satisfied that a Hate Crime risk assessment had been completed and that vulnerability issues were assessed.
* It was noticed that a Supervisor had requested the 13-point plan and HCSO attendance on two occasions. However, the second entry was confirmed by the officer in the case to have been made in error, but this was not endorsed by the Supervisor.
* Members felt the case was seen to follow the Hate Crime process initially. However, as the case developed there was no evidence of the Hate Crime process continuing to be followed.
* Overall member feedback stated that they believed that the outcome was appropriate.

Case 6

* Panel members were happy that the risks had been identified.
* Members noted that there was no evidence of a hate crime 13-point plan being created.
* Members noted that the log contained contradictory information in relation to the victim’s age.
* There was evidence that a Hate Crime risk assessment had been completed and that vulnerability issues were assessed and addressed.
* Members were satisfied and could identify that a victim contract had been created along with a victim information pack being given.
* The victim was kept up to date with updates via email in line with their agreed form of contact.
* Members felt the referral to a HCSO was slow, with a HCSO being appointed after the 48 hour mark. It was also felt that whether a HCSO made contact with the victim was unclear.
* Members raised a concern with regards to the language used by the Sergeant in an endorsement. Language used by the Sergeant could be seen to be questioning the victim’s disability.
* Members felt that despite this case being recorded as a Hate Crime the process has not been properly followed and thoroughly documented as the Hate Crime checklist appeared to be incomplete.

Case 7

* Members were unable to agree as to whether they were satisfied that risks had been identified and were dealt with appropriately.
* Members felt that the victim’s vulnerability had not been assessed thoroughly as there was no evidence of this within the log.
* It was found that no victim contract had been created.
* Members discovered that there was no Supervisor endorsement within the log, other than the review undertaken by the Crime Audit Team. However, it was noted that there was evidence of good Supervisor questioning in the case, with the involvement of minors being considered.
* Members highlighted confusion that the same individual in the case was listed as the victim but also as the witness.
* Members felt that the outcome of the case was unclear and it was not evident that the outcome had been clearly communicated to the victim.

Case 8

* Members were not satisfied that the risk had been assessed and recorded correctly. The case was recorded as harass, public fear, alarm or distress, thus leading to the issue not being dealt with correctly or appropriately. There was confusion about how this incident should have been classified.
* A member expressed that the Hate Crime incident within this case should have been recorded and dealt with separately from the other incidents within the case.
* Panel members noted that there were two “checklists” added into the logs but neither had been completed.
* Members stated that the case outcome was what they expected.

Case 9

* Member noted an error within the documents. The victim was recorded as Mr but was female.
* Members were satisfied that the risks were identified and were dealt with appropriately.
* The incident was linked to an existing record therefore members did not have access to the background information. They found reviewing this case as a stand-alone record was difficult to determine if the full Hate Crime Process was followed.
* A risk assessment had been carried out but members could not identify a 13-point plan. This could be due to the missing background information as the 13-point plan may have been carried out as part of the linked incident.
* Panel members were satisfied that vulnerability issues had been assessed and were being addressed. The victim was offered support.
* The victim refused further contact and withdrew their complaint, but members were satisfied that a Hate Crime Support Officer had been appointed and had contacted the victim within 48 hours of the incident being recorded.
* The outcome was deemed as appropriate by members and even though the victim withdrew their complaint, members believed the outcome was clearly communicated.

Case 10

* Members were uncertain with how this case had been classified. This case was recorded as an assault on the “STORM” record and a Hate Incident on the “Enquiry Log”.
* A risk assessment had been carried out, however members queried again whether there was a requirement for a MAVIS to be undertaken as the risk was noted as low.
* Panel members were satisfied that a 13-point plan had been referred to and was frequently updated.
* Members identified that a HCSO had been requested but did not contact the victim within 48 hours. They also noted that the guidance states that a HSCO should not make contact by email, however, this was evident in this case.
* No endorsement of the log by a HCSO was found, therefore there was no evidence that one had contacted the victim.
* Members highlighted that a homophobic comment was made during the assault and although it was not believed to be the cause of the assault, members felt that the full Hate Crime process should have been followed, including the deployment of a HSCO.
* Due to uncertainty on how this case should have been recorded, members were unable to come to an agreement on whether this case had received the appropriate outcome.

*Case 11*

* Members were content that the case had been identified correctly as a Hate Crime.
* Panel members were satisfied and could identify clearly that a Hate Crime risk assessment had been carried out. Members highlighted that although the risk was low a MAVIS again was completed.
* Members stated that there was exemplar completion of the enquiry log, by both the officer in the case and the Supervisor.
* Members were satisfied that the Hate Crime process had been clearly followed, with clear updates and a summary of outstanding actions recorded.
* Members identified and were satisfied that initial HCSO contact was attempted within 48 hours.
* Feedback stated that the victim was kept informed and supported well.
* Members highlighted their concern that there did not appear to be a record of concern that the offender was potentially dangerous and a repeat offender with a long offence list over many years.
* Overall members were satisfied and accepted that the outcome was suitable to the case.

*Case 12*

* There was uncertainty amongst members as the case was recorded as an assault on the STORM record and a Hate Incident on the Enquiry Log.
* Members identified that a risk assessment had taken place, but it was unclear as to whether the risk was deemed as low or medium.
* Members were satisfied that vulnerability issues were being addressed and dealt with appropriately with thorough detailed entries within the log.
* A victim contract was created and members could identify that a HCSO had been deployed within 48 hours. Members were also satisfied that other support was offered such as a LGBTQ+ liaison officer.
* Members found that the Supervisor had to prompt the HCSO and LGBTQ+ liaison officer. Members stated that these contacts might not have been made had the Supervisor not prompted action.
* Overall members were satisfied with the outcome and stated that the case was dealt with well.

*Case 13*

* Members were satisfied that the risks were identified and dealt with appropriately. Special measures were also in place due to the age of the victim.
* A Hate Crime risk assessment was carried out. Members identified that the risk was low. A MAVIS was completed despite the case being low risk, it was however acknowledged that this decision may be due to the age of the victim.
* Panel members were satisfied that the vulnerability issues were being addressed accordingly.
* A victim contract was created and an HCSO had contacted the victim within 48 hours.
* Positively the Supervisor endorsements were recorded clearly within the log.
* The case was thoroughly dealt with in view of potential vulnerabilities and ages of those concerned.
* Victim updates were in line with the agreed contract and victim was kept well informed.
* Members were satisfied that the outcome was communicated to the victim and that it was appropriate for this case.

*Case 14*

* This victim was provided with a victim pack and the update frequency was agreed with the victim.
* The HCSO’s first contact was made following a Sergeant’s prompt, this meant that it fell outside of the 48 hour requirement.
* Members identified that no Hate Crime risk assessment had been carried out.
* Positively the records stated that the victim was happy with the police response.
* Members stated that the Hate Crime checklist did not appear to have been followed.
* Overall members felt that this case has not been handled in line with the Hate Crime guidance.

*Case 15*

* Members stated that the documents for this case were unclear. It was noted that there were missing vehicle details on the front page.
* The case was recorded as a Hate Crime and members were satisfied that the risk had been identified.
* The case was identified as following the Hate Crime checklist.
* A HCSO had contacted the victim within the 48 hours.
* Overall, members stated that the case appeared to have been handled well, and that the victim had been kept updated.
* The outcome was expected and deemed appropriate for the case.

*Case 16*

* Members were satisfied that the risk had been identified and the correct procedure had been followed.
* The victim had declined updates and the victim pack; however, it was positive to note that these had been offered.
* Members noted that there were many sections of the Hate Crime checklist that were left unanswered.
* The outcome was expected by the members and they agreed that it was appropriate.

# 3.0 Summary

* Members noted that MAVIS reports were carried out in cases where the risk was low. Members queried whether a MAVIS report was needed in these cases as it is a significant time commitment for officers.
* It was noted that in a few of the cases that the outcome of the risk assessment was unclear.
* Members highlighted that the hate crime checklist and the 13-point checklist were not always followed and completed in all cases.
* It was found that HCSO contact was not always made within the 48 hour requirement.
* Members were satisfied that the vulnerability of victims was being addressed appropriately.
* Where support was offered and accepted, victims were satisfied with the actions and response from the police.
* Overall, victims were kept updated and kept well informed regarding the outcome of their case.
* There appeared to be variation of documents used throughout the cases viewed, for example, differing methods of recording a risk assessment. Members questioned the need for consistency.
* Not all cases had a victim contract and/or updates recorded.
* It was felt that due to the virtual meeting not taking place and members sending their feedback remotely, it was difficult for members to provide feedback without an input from the force and without the support of the OPCC and Panel discussions.

# 4.0 Observations

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| **Observations** | **Force Response** |
| Members queried whether a MAVIS report should be created for cases that are deemed as low risk. | A MAVIS report would be appropriate to manage ongoing or escalated risk and so would not be ordinarily considered for a standard (low) risk hate crime/incident. The exception to this rule would be when three hate incidents/crimes are reported within a 12 month period – in such a case, the policy determines that a MAVIS should be created.  Looking at the feedback, I wonder if this pertains to any of the following:  Case 10 feedback mentions this issue; however no MAVIS was created for that record.  Case 11. In this instance, an older MAVIS record relating to the ASB related behaviour of the offender was reopened, but not created afresh.  Case 13. Feedback above states MAVIS created – crime log states ‘no MAVIS required.’ |
| It was found that a HCSO was not always appointed and contact with the victim was not always made within 48 hours in line with guidance. | This feedback is noted; whereas the aim is deploy for contact within 48 hours, this is not always possible. HCSO deployment is looked at within the audit regime and so performance in this regard is measured.  Furthermore, the issue should be highlighted at daily management meetings, and is highlighted as part of the hate risk assessment process. |
| It was found that not all records were being regularly endorsed by a Supervisor. | I have reviewed each case and all 16 were regularly endorsed by a Supervisor for the life of the investigation. |
| It was found in a small number of cases that a victim contract was not created. | Feedback noted and will be shared appropriately. This should be happening. |
| There appeared to be variation of documents used throughout the cases viewed. For example, differing methods of recording a risk assessment and not all cases were using the 13-point checklist. Members questioned whether there is a need for consistency on the correct process to follow. | Feedback noted. This has been a challenge in recent months as I have sought to update several outdated documents.  Since the review undertaken by the Panel I have created a podcast which explains to officers and staff exactly what is required of them, and have created a single web page which houses all key documents. This issue should hopefully be resolved as a result. |
| I am very grateful to the Quality Assurance Panel for undertaking such a comprehensive review of the above hate crimes. The feedback and findings are very helpful and will be discussed at the next hate crime group in January. | |