



## Prosecution of Hate Crime

## Race, Confidence and Justice Unit

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## 1. Background

This toolkit is one of a series of diagnostic tools designed to enable Local Criminal Justice Boards (LCJBs) to meet their commitments under Indicator 4 of PSA 24:<sup>1</sup>

***‘To better identify and explain race disproportionality at key points within the CJS and to have strategies in place to address racial disparities which cannot be explained or objectively justified’***

This Hate Crime Auditing Tool has been developed to assist criminal justice agencies and LCJBs to examine the handling of hate crimes by criminal justice agencies in their area.

Whilst PSA 24 concentrates on race, the Attorney General, as lead Minister for the cross-governmental programme to improve the way the CJS investigates and prosecutes hate crime, has challenged agencies to provide the same high standards for all victims of hate crime regardless of the hostility demonstrated by the offender.

The importance of effectively combating hate crime is well established, particularly within the 1999 report of the *Stephen Lawrence Inquiry*<sup>2</sup>. One of the actions taken in response to the Inquiry was the creation of a number of offences which were racially or religiously aggravated (R&RA) variants of existing offences. These have been measured by police forces and the Home Office and reported in the Section 95 ‘Race and the Criminal Justice System’ statistics.<sup>3</sup>

The R&RA offences are limited in that they only apply to these two strands of hate crime (Race and Religion) and they are further limited to offences of criminal damage, harassment, minor assaults and public order offences – a racist murder, for example, would not appear in the R&RA data.

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<sup>1</sup> PSA Delivery Agreement 24: Deliver a more effective, transparent and responsive Criminal Justice System for victims and the public: Oct 2007; HMSO

<sup>2</sup> URL: <http://www.archive.official-documents.co.uk/document/cm42/4262/4262.htm>

<sup>3</sup> URL: <http://www.justice.gov.uk/publications/raceandcjs.htm>

Attached at **Annex A** is the latest iteration of a definition which has the support of the Association of Chief Police Officers (ACPO) and the Crown Prosecution Service (CPS). The commonly defined areas of hostility are:

- Disability
- Race
- Religion
- Sexual Orientation
- Transgender

These areas are monitored by all agencies as a minimum and whilst the definition recognises that some bodies may wish to record other areas of hostility, such as age, all will report data to the government based on these five strands.

It is the intention that the forthcoming, updated version of the ACPO Hate Crime Manual will stress that agencies and partnerships can apply the policy to broader areas as they see fit.

## **2. Purpose and Outcomes:**

In essence, this toolkit is an audit of current procedures which will help agencies and partnerships to examine policy, procedures and services in the way they respond to hate crime in respect of:

- a. Call handling;
- b. Correct classification;
- c. Initial response;
- d. Investigation standards;
- e. Criminal justice processes; and
- f. Victim care.

Following completion of this audit and the resulting action plan, agencies can expect:

1. To improve the way the agencies monitor and record hate crime;
2. To identify the drivers of victim and witness satisfaction and confidence;
3. To identify ways to increase the reporting of hate crime;
4. To increase the number of successful prosecutions of hate crimes;
5. To increase the number of cases that attract an enhanced sentence in court; and
6. To increase levels of community satisfaction in the prosecution of hate crimes.

This toolkit will provide a qualitative evaluation of the service provided, identifying best practice and areas of concern, and has been designed to work across all five strands of monitored hate crime<sup>4</sup>.

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<sup>4</sup> Disability, Race, Religion, Sexual Orientation and Transgender



### **3. Resource Requirements – Who and How Much?**

The audit should take place in conjunction with local policy leads within LCJB agencies including the police and the CPS. During the pilot phase many such policy leads commented on the benefits they found of working together across agencies, which led to an opportunity to improve working practices and relationships as well as fostering a better understanding of the work of their respective agencies.

The audit provides an ideal opportunity to include independent scrutiny bodies. We would actively encourage LCJBs to consider including CPS Scrutiny Panels and Independent Advisory Groups in the process, subject to a suitable data confidentiality agreement being in place.

Scrutiny Panels and Advisory Groups can play a vital role in promoting public confidence, especially of minority communities, in the CJS through improving transparency and accountability. They can also assist the LCJB's efforts to maintain the momentum of its drive to improve the performance of CJS agencies in responding to hate crime.

This audit has been piloted in 4 LCJB Areas. Below is a typical expectation of the timescales and staff resource needed to complete the audit:

<b>Task</b>	<b>Staff</b>	<b>Estimated Time</b>
Police preparation and collation of files	Police co-ordinator	1 day
Audit of Police Response	3 Police staff	3x2 days
	CPS policy lead	2 days
	Independent Advisory Groups	As required
Audit of non-crime hate Incidents	Crime standards lead	1 day
	Police policy lead	1 day
Audit of CPS response	CPS policy lead	1 day
	Police policy lead	1 day
Audit of HM Courts Service (HMCS) response (where required)	Police policy lead	½ day
	CPS policy lead	½ day
	HMCS representative	½ day



Victim Surveys	As locally decided	3 days
Collation of data into final report	As locally decided	4 days

Timescales to undertake information gathering will vary depending on the accessibility of the data systems and physical files.

You should also bear in mind that conducting telephone interviews with victims – an integral part of the audit – is likely to be the most time-intensive part of the process and should be planned for accordingly. However, in practice, only 30-40 will result in the completion of victim surveys for many reasons including:

- The offence had no victim;
- The victim was a business;
- There were language barriers;
- The victim was hostile to the police.

## 4. The Audit Process

The audit process will follow six broad stages:

1. Gathering information;
2. Analysing the information;
3. Investigating the issues of concern;
4. Identifying actions;
5. Developing, implementing and publishing a local action plan; and
6. Monitoring the action plan.

A checklist of all the required activities is included at **Annex B**.

### Stage 1: Gathering information

The first stage of the process involves gathering the first 100 recordable hate crime files reported to the local police force after an agreed start date. The start date should be recent enough to be relevant but allowing sufficient time for cases to pass through the CJS process and should be agreed dependent on local conditions, but a date of 9 months prior to the commencement of the audit proved reasonable.

Local practices can lead to hate crimes being erroneously recorded as non-crime hate incidents, contrary to local and national crime recording policy. One of the key findings of the *Stephen Lawrence Inquiry* was the importance of responding to hate incidents which were sub-criminal<sup>5</sup> because they can have a similar impact on the victim and that most offenders who commit serious crime will have acted out their bigotry in an escalating manner. Most police services will have a system for recording and responding to non-crime hate incidents, often by recording them onto the crime recording system but without a recordable code.

We would advocate that LCJB areas also examine 25 non-crime hate incidents (selected at random), alongside the 100 hate crime files, so that the audit team can consider (a) whether the incident was correctly designated a non-crime incident rather than a recordable crime; and (b)

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<sup>5</sup> 'Sub-criminal' is a term which refers to activity or behaviour that does not necessarily constitute a criminal offence (and recordable crime), such as anti-social behaviour.

the services provided by criminal justice agencies was acceptable and comparable to that for recordable crime.

### Checklist

The following documents will need to be present in each of the 100 crime files:

- Incident record log
- Crime record
- Criminal Justice file. The police force's paper file for presenting the required documents ready for prosecution.
- Victim contact and other communications. Any recorded contact with the victim or other parties (e.g. case update).
- CPS/Court file

For the 25 non-crime files, the following documents should be present:

- Incident record log
- Crime record (if appropriate)
- Victim contact and other communications. Any recorded contact with the victim or other parties (e.g. case update).

## Stage 2: Analysing the information

Having gathered the necessary information, the next stage in the process is to audit the police hate crime files. This audit is carried out using the audit document, a blank template of which is attached at **Annex C**. One of these templates is to be completed for each case.

To help you through this, a version of the template with annotated audit guidance is provided at **Annex D**. An example of a completed audit document is attached at **Annex E** for reference.

Once the audit is complete for the 100 crime files, the 25 non-crime hate incidents should be looked at, again using the audit document at **Annex C**. For each of these, auditors should consider and record the reason why they have not been recorded as hate crimes.

Next, the CJS file numbers should be passed to the CPS. The CPS stage of the audit should then be undertaken – for each case where the offence was detected and a charging decision made – following the *CJS Process* section (Page 5) of the audit document at **Annex C**.

Once the CPS audit is completed, the relevant file references should be passed to HMCS – i.e. those where court records should be reviewed for evidence of sentence enhancement (and where CPS files do not record the information). The HMCS stage of the audit should then be undertaken for each relevant case. This stage of the audit consists of two questions, Q15 and Q16 which appear on Page 11 of **Annex C**.

The final part of the audit is the victim survey; however this can take place at any time after the police audit. This should be undertaken using the *Victim Survey* section (Pages 6-8) of the audit document attached at **Annex C**. Our experience suggests that around 30-40% of victims would be available to complete the questionnaire and that most of those spoken to were willing to participate, whether their experience was positive or otherwise. Whilst it is not possible to contact victims in all cases – and judgement should be exercised on an individual basis as to whether it is appropriate, for example if the victim would require an interpreter – they could provide a valuable insight into the way in which the Criminal Justice System is perceived by those who have experienced its services first-hand.

Having undertaken each stage of the audit, as appropriate, and completed the audit document, the data from each audit document should then be collated in the spreadsheet provided at **Annex F**. This spreadsheet has been designed to make it as easy as possible to input data, for example, through the inclusion of drop-down boxes to standardise the responses recorded and enable easier analysis. The spreadsheet also provides column totals for the data inputted, presented as both numerical values and percentages of total responses.

Should any help or advice be required to enable you to complete the documents provided, please do not hesitate to contact the OCJR Race, Confidence & Justice Unit:

Supt. Paul Giannasi  
Tel: 020 3334 5621  
[Paul.Giannasi@cjs.gsi.gov.uk](mailto:Paul.Giannasi@cjs.gsi.gov.uk)

Craig Barnes  
Tel: 020 3334 5615  
[Craig.Barnes@cjs.gsi.gov.uk](mailto:Craig.Barnes@cjs.gsi.gov.uk)

### **Stage 3: Investigating the issues of concern**

The audit team should analyse the results of the audit, having collated the data in the spreadsheet at **Annex F**.

The design of the spreadsheet should enable trends in the handling of sample cases to be simply identified. Once all data have been inputted, column totals should make areas of concern evident to the investigators. For example, a higher percentage of 'No' responses where 'Yes' responses are expected would indicate areas that need further investigation.

### **Stage 4: Identifying actions to address concerns**

From the analysis undertaken at Stage 3, the audit team should review the findings of their investigations into the reasons for any concerning trends and reach a view as to whether or not each can be objectively justified. In reaching their conclusions on this important issue, investigators should base their judgements solely on the facts found and the balance of probabilities, as opposed to any preconceptions or subjective interpretation of the evidence.

Investigators should then prepare a detailed report for LCJB members covering the findings from the audit and the key recommendations for addressing concerns:

1. The findings arising from stages 2 and 3 of the audit process should be summarised;

2. The findings and reasoning in relation to identified issues that need to be addressed should also be set out; and
3. Include details of possible actions to reduce any unjustified disproportionality and improve victim satisfaction, including a summary and assessment of relevant suggestions put forward by staff during the consultation exercise, measures suggested by the senior agency representatives, and any 'good practice' approaches that may be relevant.

A specimen Audit Report is attached **at Annex G**.

### **Stage 5: Developing, implementing and publishing a local action plan**

Having examined the issues evident from the audit of case files and compiled a report setting out the analysis undertaken and the remedial actions recommended, the final report of the audit should be presented to the LCJB for consideration.

The action plan should prioritise and break down the proposed work into manageable tasks with interim targets and milestones which will enable the sub-group and Board members to track progress and make necessary changes to the approach if interim targets and milestones are not being achieved.

The action plan should be realistic and consideration should be given to identifying the resources in terms of staff time, costs associated with communication, managed extraction of staff, consultation and publication of plans and evaluation. Consideration should be given to ensuring that the action plan can be effectively implemented and embedded within Board and agency structures. The plan (including the key deliverables) should be a prominent part of the LCJB PSA 24 Delivery Plan.

The action plan should include the following:

- **The priority aim, objective and any associated target.** Objectives and targets should be clear and mean something to those who are being asked to work towards achieving them

- **The interventions/actions through which the objectives will be achieved.** The detailed report and the findings from the discussions will provide the basis for a range of interventions which can be included in the action plan
- **Outcomes.** What you hope to achieve. The outcome should be related to the overall aim e.g. reduction in the numbers of ‘not stated’
- **A lead agency/officer.** The identification of a lead officer will provide a level of accountability, direction and leadership to the initiative and ensure that progress can be checked against the plan
- **Timelines.** Clear and realistic timelines should be identified within the action plan for key interventions and actions which will support the monitoring process

Board Members should discuss the audit report at the earliest possible opportunity and the outcomes of their deliberations should be used to inform the development of an action plan. LCJB consideration should typically include whether the report should be shared and with whom, for example, Independent Advisory Groups and which recommendations should be accepted or, where rejected, the reasons for this.

We suggest a sub-group be established to develop, implement and monitor the action plan and, wherever possible, the sub-group should include representatives from CJS or community consultative forums such as LCJB Independent Advisory Groups and relevant staff networks.

We request that a copy of the final audit report and the resulting action plan be sent to the OCJR Race, Confidence and Justice Unit (contact details at bottom of Page 10). OCJR require a copy to maintain an overview of the progress on hate crime investigation. Reports will not be disseminated without the consent of the LCJB and any information extracted would be at a national level, not identifying any individual LCJB.

## **Stage 6: Monitoring the action plan**

Having agreed, implemented and published the action plan it is important that a clear process is developed to review and monitor performance at regular intervals at a strategic level so that remedial action can be taken to achieve the desired aim and associated target if the chosen intervention is not working. Effective and regular monitoring of the action plan will enable the Board to manage performance and make the action plan a living and dynamic document and a mechanism for continual improvement.

Clear plans should be developed to ensure that the Board agrees the frequency and robustness of monitoring, and that individuals tasked with monitoring action plans are given the necessary authority and resources to enable them to undertake their role effectively. Consideration should be given to putting in place contingencies to escalate priority actions which are not undertaken.

As part of the Action Plan monitoring process, it may be necessary to repeat the audit in order to monitor improvements in performance; to make sure that practice is maintained and does not decline; and to monitor overall progress. The regularity of the repeated audit is for the LCJB to decide, taking into account the resources available locally to undertake the work. However, we would recommend that the audit is carried out at least every two years and that any new actions arising from repeated audit exercises are incorporated into the overall action plan.

### CJS Definition of Monitored Hate Crime

TITLE	DEFINITION	INCLUDED SUBJECTS
<b>Hate Motivation</b>	‘Hate crimes and incidents are taken to mean any crime or incident where the perpetrator’s hostility or prejudice against an identifiable group of people is a factor in determining who is victimised’.	<p>This is a broad and inclusive definition.</p> <p>A victim does not have to be a member of the group. In fact, anyone could be a victim of a hate crime.</p>
<b>Hate Incident</b>	<p>“Any non-crime incident which is perceived by the victim or any other person, to be motivated by a hostility or prejudice based on a person’s <b>race</b> or perceived race”, or  “Any non-crime incident which is perceived, by the victim or any other person, to be motivated by a hostility or prejudice based on a person’s <b>religion</b> or perceived religion” or  “Any non-crime incident which is perceived, by the victim or any other person, to be motivated by a hostility or prejudice based on a person’s <b>sexual orientation</b> or perceived sexual orientation” or  “Any non-crime incident which is perceived, by the victim or any other person, to be motivated by a hostility or prejudice based on a person’s <b>disability</b> or perceived disability” or  “Any non-crime incident which is perceived by the victim or any other person, to be motivated by a hostility or prejudice against a person who is <b>transgender</b> or perceived to be transgender”</p>	<p>Any racial group or ethnic background including countries within the United Kingdom and ‘Gypsy &amp; Traveller groups’.</p> <p>Any religious group including those who have no faith.</p> <p>Any persons sexual orientation</p> <p>Any disability including physical disability, learning disability and mental health</p> <p>Including people who are Transsexual, transgender, transvestite and those who hold a Gender Recognition Certificate under the Gender Recognition Act 2004.</p>

<p><b>Hate Crimes<sup>6</sup></b></p>	<p>A Hate Crime is any criminal offence which is perceived, by the victim or any other person, to be motivated by a hostility or prejudice based on a person's <b>race</b> or perceived race”  <i>or</i>  “Any criminal offence which is perceived, by the victim or any other person, to be motivated by a hostility or prejudice based on a person's <b>religion</b> or perceived religion”  <i>or</i>  “Any criminal offence which is perceived, by the victim or any other person, to be motivated by a hostility or prejudice based on a person's <b>sexual orientation</b> or perceived sexual orientation”  <i>or</i>  “Any criminal offence which is perceived, by the victim or any other person, to be motivated by a hostility or prejudice based on a person's <b>disability</b> or perceived disability”  <i>or</i>  “Any criminal offence which is perceived, by the victim or any other person, to be motivated by a hostility or prejudice against a person who is <b>transgender</b> or perceived to be transgender”</p>	<p>As Hate Incident above</p>
<p><b>Hate Crime Prosecution</b></p>	<p>“A hate crime prosecution is any hate crime which has been charged in the aggravated form or where the prosecutor has assessed that there is sufficient evidence of the hostility element to be put before the court when the offender is sentenced’</p>	<p>As Hate Incident above</p>

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<sup>6</sup> Crimes refer to all those recorded by the police in accordance with the Home Office Crime Recording Standards

**Audit Checklist**

<b>Task</b>	<b>Owner</b>	<b>Target Date</b>	<b>Completed</b>
LCJB to agree audit			
LCJB to agree coordinator			
CJS Agencies to nominate lead			
LCJB to consider involvement of Scrutiny Panel members and IAGs			
Data sharing protocols agreed and signed			
Staff selected to complete audit			
Commencement date agreed			
Collate police records			
Examine non-crime hate incidents			
Carry out police crime audit			
Forward CJS file numbers to CPS			
CPS collate files			
Carry out CPS audit			
Forward relevant file details to HMCS			
Examine HMCS records			
Carry out victims surveys			
Transfer data onto Spreadsheet			
Complete report and submit to LCJB			
LCJB to agree on any dissemination of audit report			
LCJB to consider recommendations and Action Plan as agreed			
Copy of completed report document to be forwarded to OCJR Race, Confidence & Justice Unit.			

**Audit Document – Blank Template**

<b>Name of LCJB:</b>		<b>Date of Review:</b>	
<b>1.1. Name of Reviewer:</b>	<b>1.2. Crime Number:</b>		
<b>1.3. Hate Motivation:</b> Disability / Race / Religion / S.O. / Trans	<b>1.4. Date of Crime/Incident:</b>		
<b>1.5. Charged as R or R Motivated offence?</b> YES / NO	<b>1.6. Crime Type:</b>		

**2. Initial Response**

<b>2.1. Call made by:</b> Victim / Family / Friend / 3 <sup>rd</sup> Party Centre Other (please state):	<b>2.2. Call category:</b> Immediate      Priority      Planned Was this appropriate? YES / NO If NO, give details:
<b>2.3. Time taken to dispatch patrol:</b>	<b>2.4. Within target time? (details if not)</b>
<b>2.5. Time taken to arrival of 1<sup>st</sup> patrol</b>	<b>2.6. Within target time? (details if not)</b>
<b>2.7. Is there evidence of Control Room supervision input?</b>  YES / NO If YES, give details:	<b>2.8. Was territorial supervision informed?</b>  YES / NO Give details including whether attending:
<b>2.9. Are there language barriers?</b>  YES / NO If so, how are they overcome?	<b>2.10. Who Identified the Hate Element?</b>  Caller                      Call Taker Dispatcher                Control Sup'n Response Patrol        Response Sup'n Other (please specify):

<p><b>2.11. Who else responded?</b></p> <p><b>N'hood PCSO                  N'hood PC                  N'Hood Sup'n                  CID</b></p> <p><b>SOCO                  Crime Reduction                  Specialist Hate Crime Officer</b></p> <p><b>Other (please specify):</b></p>
<p><b>2.12. Assessment of Quality of incident record:</b></p> <p><b>EXCELLENT / GOOD / ACCEPTABLE / POOR</b></p> <p><b>Please record observations:</b></p>
<p><b>2.13. Quality and appropriateness of incident response:</b></p> <p><b>EXCELLENT / GOOD / ACCEPTABLE / POOR</b></p> <p><b>Please record observations:</b></p>
<p><b>2.14. Was the victim offered a personal statement when the crime was reported?</b></p> <p><b>YES / NO</b></p> <p><b>Comments:</b></p>
<p><b>2.15. Any other comments:</b></p>

## 3. Investigation

<p><b>3.1. Date of allocation:</b></p> <p>Time after report:</p> <p>&lt;1 day / 2 days / 3-5 days / &gt;6 days</p>	<p><b>3.2. Allocated to?</b></p> <p>Not allocated          Response PC</p> <p>Response Sup'n      CID</p> <p>Hate Crime Officer    Other (specify)</p>
<p><b>3.3. Was the suspect offender a youth?          YES / NO</b></p>	
<p><b>3.4. Was the offender known to the victim or witness?</b></p> <p>YES / NO</p> <p>If YES, how?</p>	<p><b>3.5. Was the Offence detected?</b></p> <p>No</p> <p>Yes – Charged</p> <p>Yes - Cautioned</p> <p>Other (please specify):</p>
<p><b>3.6. How long after the report was enquiry filed?</b></p>	<p><b>3.7. Was the Victim informed of the outcome?</b></p> <p>YES / NO</p> <p>How long after the report?</p> <p>How were they informed?</p> <p>In person / Telephone</p> <p>Letter / 3<sup>rd</sup> Party Centre</p>
<p><b>3.8. Was the victim referred to:</b></p> <p>Victim Support Service</p> <p>Specialist Hate Crime Officer</p> <p>Specialist support services (specify):</p> <p>Another Statutory agency (specify):</p> <p>Other (specify):</p> <p>No evidence of any support offered. (If so, was this appropriate? e.g. business victim, declined by victim)</p>	<p><b>3.9 Was the victim offered:</b></p> <p>Target hardening advice</p> <p>Civil remedy</p> <p>Mediation</p> <p>Other (please specify):</p>

**3.10. How thorough was the investigation?**

**EXCELLENT / GOOD / ACCEPTABLE / POOR**

**List any obvious enquiries which were not carried out:**

**3.11. Was the Enquiry examined by:**

**OIC's Line manager**

**Other Supervision**

**Investigation standards**

**Specialist Hate Crime Officer**

**Other (please specify):**

**If offence is undetected, go directly to Section 5 (Page 6)**

**4. CJS Process**

<p><b>4.1 Was the CPS consulted about charging decision?</b></p> <p style="text-align: center;"><b>YES / NO</b></p> <p>If YES, how?</p>	<p><b>4.2 Was the CPS informed that the crime was recorded as a perception-based hate crime?</b></p> <p style="text-align: center;"><b>YES / NO</b></p>
<p><b>4.3 Was the victim offered a Victim Personal Statement?</b></p> <p><b>YES / Yes, but declined (Go to 4.4.)</b></p> <p><b>NO / Not Appropriate (Go to 4.6)</b></p>	<p><b>4.4. If YES, when was it offered and how?</b></p>
<p><b>4.5 Was the VPS included in the crime file?</b> <span style="float: right;"><b>YES / NO</b></span></p>	
<p><b>4.6 Were Special Measures considered?</b> <span style="float: right;"><b>YES / NO / Not Appropriate</b></span></p> <p>Give details:</p>	
<p><b>4.7 Was there evidence to support the hate element?</b> <span style="float: right;"><b>YES / NO</b></span></p> <p>What was the evidence?</p>	
<p><b>4.8 Was a request made for an enhanced sentence if convicted?</b></p> <p style="text-align: center;"><b>YES / NO / Not Applicable</b></p> <p>If NO or N/A, what reason?</p>	<p><b>4.9 Was the victim kept updated with case progress?</b></p> <p style="text-align: center;"><b>YES / NO</b></p> <p>If YES, how?</p>
<p><b>4.10 Was the file supervised by:</b></p> <p style="text-align: center;"><b>Line Manager    CJS Staff    Hate Crime Specialist</b></p>	
<p><b>4.11 What was the quality of the offence file?</b></p> <p style="text-align: center;"><b>EXCELLENT / GOOD / ACCEPTABLE / POOR</b></p> <p>Please give reasons:</p>	

**5. Victim Survey**

<p><b>5.1 Is a Victim Survey appropriate in this case?</b></p> <p style="text-align: center;"><b>YES / NO</b></p> <p>If NO, why not?</p>
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<p><b>5.2 Name of victim:</b></p> <p><b>Contact No (If to be contacted later):</b></p>	<p><b>5.3 Method of contact:</b></p> <p><b>Telephone                      Other</b></p> <p><b>Not Available (End of document)</b></p> <p><b>Refused to co-operate (End of doc)</b></p>
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<p><b>5.4 Was this the first time you had reported a hate crime?</b></p> <p style="text-align: center;"><b>YES / NO</b></p> <p>If NO, how many others?</p>	<p><b>5.5 Had you suffered offences that you had not reported to the police?</b></p> <p style="text-align: center;"><b>YES / NO</b></p> <p>How many?</p> <p>Over what period?</p> <p>Why did you not report them?</p>
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<p><b>5.6 Did the officer ask you if you had suffered other crimes?</b></p> <p style="text-align: center;"><b>YES / NO / Can't recall</b></p>
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<p><b>5.7 Did you contact the Police yourself?</b></p> <p><b>YES (Go to 5.7)</b></p> <p><b>NO – Who reported for you?                      (Go to 5.10)</b></p>
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<p><b>5.8 How would you rate the service on your initial call?</b></p> <p style="text-align: center;"><b>EXCELLENT / GOOD / ACCEPTABLE / POOR / VERY POOR</b></p> <p>Why?</p>
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<p><b>5.9 On the initial call, did the police gain sufficient detail from you to know what had happened?</b></p> <p style="text-align: center;"><b>YES / NO</b></p> <p>If NO, why not?</p>
--

<p><b>5.10 Did the person offer you support and advice?</b></p> <p style="text-align: center;"><b>YES / NO</b></p> <p><b>Comments:</b></p>
--

**Response**

<p><b>5.11 Did you know the offender? YES / NO</b></p>	
<p><b>5.12 How long did it take the police to arrive?</b></p>	<p><b>5.13 Was this an acceptable time?</b></p> <p style="text-align: center;"><b>YES / NO</b></p>
<p><b>5.14 What was your overall view of the 1<sup>st</sup> officer to arrive?</b></p> <p style="text-align: center;"><b>EXCELLENT / GOOD / ACCEPTABLE / POOR / VERY POOR</b></p> <p><b>Why?</b></p>	<p><b>5.15 Did the officer show sympathy to you?</b></p> <p style="text-align: center;"><b>YES / NO</b></p>
<p><b>5.16 Did the officer spend sufficient time with you?</b></p> <p style="text-align: center;"><b>YES / NO</b></p>	<p><b>5.17 Did the officer explain what would happen in the enquiries?</b></p> <p style="text-align: center;"><b>YES / NO</b></p>
<p><b>5.18 Did the officer offer to you (circle all that apply):</b></p> <p><b>Crime reduction advice                      Victim Support Service</b></p> <p><b>Specialist support (victim care)            Specialist hate crime officer</b></p> <p><b>Personal contact details                      Victim Personal Statement</b></p> <p><b>Comments:</b></p>	
<p><b>5.19 Were you re-contacted to update you about progress? YES / NO</b></p> <p><b>If NO, comments:</b></p> <p><b>If YES, how? (circle all that apply):</b></p> <p><b>Letter    Telephone    Visit    Email    SMS(text)    Other (please specify)</b></p> <p><b>Was the information you got sufficient? YES / NO</b></p>	

**IF CASE PROCEEDED TO COURT GO TO 5.20. IF NOT, GO TO 5.25**

**5.20 Did you have contact from the Witness Care Service? YES / NO**

**If YES, how good was the service?**

**EXCELLENT / GOOD / ACCEPTABLE / POOR / VERY POOR**

**Comments:**

**5.21 Did you have contact with the CPS? YES / NO**

**If YES, in what circumstances?**

**How did you rate the service of the CPS?**

**EXCELLENT / GOOD / ACCEPTABLE / POOR / VERY POOR**

**Comments:**

**5.22 Did you give evidence in court? YES / NO**

**If NO, why not?**

**5.23 What was your view about the court process?**

**Please record any comments:**

**5.24 Were you offered support throughout the court process? YES / NO**

**If YES, who by?**

**How would you rate their service?**

**EXCELLENT / GOOD / ACCEPTABLE / POOR / VERY POOR**

**Comments:**

**5.25 Is there anything about the service you received from any agency that you would want to see improved?**

**YES / NO**

**Comments:**

**Thanks for helping us improve the service we offer**

**Survey completed by:**

**Date:**

<b>FOR CASES WITH CPS CONSIDERATION OR ACTION</b>	
<b>Reviewer:</b>	<b>Date:</b>
<b>URN:</b>	

<b>Monitoring Criteria</b>	<b>Yes</b>	<b>No</b>	<b>N/A</b>	<b>Other comments</b>
1. At key stage review, was there sufficient evidence in accordance with the Code Evidential Test?				
2. If the case needed strengthening, was appropriate advice given to the police?				
3. Was the review decision in accordance with the Code Public Interest Test?				
4. Was CPS policy in relation to this category of case applied (including charging standard)?				
5. Did the charging lawyer record her/his consideration of victim and witness needs on the MG3?				
6. If pleas were accepted to lesser offences, was this justified?				
7. If the case was dropped/ discontinued, was the decision in accordance with the Code?				
8. If an acquittal was foreseeable, did the CPS take appropriate action to strengthen the case or drop it sooner?				
9. If the charge was substantially altered or dropped, was an appropriate letter sent to the victims?				
10. If the case was substantially altered or dropped, was the victim offered a meeting with the prosecutor?				
11. If a meeting was requested by the victim, did it take place?				

## ANNEX C

12. Was the communication to victims of charges being substantially altered or dropped in accordance with timescales set out in the Victims Code of Practice?				
13. If there was avoidable delay, was appropriate action taken to avoid or reduce the delay?				
14. Was the case accurately flagged on CMS?				
<b>The following questions should be considered in conjunction with HMCS.</b>				
15. In homophobic and disability hate crime cases, was the appropriate sentence uplift considered and brought to the attention of the court?				
16. In all cases, whether charged as Racially or Religiously Aggravated variants, or where Section 145 or 146 were applied for, was there evidence of the sentence reflecting an 'uplift' either:				
Openly in court judgement?				
Deduced from sentence?				
Issues identified:				
Recommendations:				

## Audit Document – Annotated Guidance

<b>Name of LCJB:</b>		<b>Date of Review:</b>	
<b>1.1. Name of Reviewer:</b> The name of the person(s) carrying out the audit.	<b>1.2. Crime Number:</b> The number assigned to the case by the police.		
<b>1.3. Hate Motivation:</b> The person carrying out the audit should circle one of the five options or specify perceived motivation in writing if it is a combination of two or more factors i.e. race and religion.	<b>1.4. Date of Crime/Incident:</b> This is the date that the incident was first reported.		
<b>1.5. Charged as R or R Motivated offence?</b> R&R here refers to Racially or Religiously motivated offences. Please circle as appropriate based on the information provided on the case file.	<b>1.6. Crime Type:</b> Specify the type of offence that occurred, as recorded by the police.		

## 2. Initial Response

<b>2.1. Call made by:</b> The person carrying out the audit should circle one of the four options or, if other, specify who called the police to report the incident.	<b>2.2. Call category:</b> <b>Immediate      Priority      Planned</b> This is the grading of priorities, and wording may differ slightly between forces (for example 'prompt' rather than 'priority'). <b>Was this appropriate? YES / NO</b> <b>If NO, give details:</b>  If the categorisation is deemed 'not appropriate', please specify clear reasons why.		
<b>2.3. Time taken to dispatch patrol:</b> The amount of time taken, in minutes, for a response patrol to be dispatched.	<b>2.4. Within target time? (details if not)</b> This should be answered 'yes' if the patrol was dispatched within the target time for its assigned call category. Target times may vary between forces. If a patrol is not dispatched within the given target time, please give details.		
<b>2.5. Time taken to arrival of 1<sup>st</sup> patrol</b> The amount of time taken, in minutes, for the first patrol to arrive at their intended destination from the time the initial call reporting the incident was made. As recorded by the police.	<b>2.6. Within target time? (details if not)</b> This should be answered 'yes' if the patrol arrived within the target time for its assigned call category. Target times may vary between forces. If a patrol is not dispatched within the given target time, please give details.		

<p><b>2.7. Is there evidence of Control Room supervision input?</b></p> <p>If the answer if 'yes', please provide details of the nature of the Control Room supervision input (i.e. who was involved, the level of their input, what that supervision entailed).</p>	<p><b>2.8. Was territorial supervision informed?</b></p> <p>If the answer if 'yes', please provide details (i.e. who was involved, the level of their input, what that input entailed) as well as including whether or not territorial supervision were in attendance.</p>
<p><b>2.9. Are there language barriers?</b></p> <p>If there were language barriers, please specify what those barriers were (e.g. English not victim's first language) and the measures taken to overcome them (e.g. interpreter).</p>	<p><b>2.10. Who Identified the Hate Element?</b></p> <p>The person carrying out the audit should circle one of the six options or specify where 'other' is selected. Please circle as appropriate based on the information provided on the case file.</p>
<p><b>2.11. Who else responded?</b></p> <p>The person carrying out the audit should circle one or more of the seven options or specify where 'other' is selected. Please circle as appropriate based on the information provided on the case file.</p>	
<p><b>2.12. Assessment of Quality of incident record:</b></p> <p>The person carrying out the audit should circle one of the four options, having considered the information available to be recorded in boxes 2.1-2.11 above. To help ensure consistency of assessment by different members of the audit team, the following broad definitions might be applied:</p> <p><b>Excellent:</b> Outstanding response which includes action and victim care which significantly exceeds the minimum response expected in the circumstances.</p> <p><b>Good:</b> A generally acceptable response with some areas of service exceeding expectations.</p> <p><b>Acceptable:</b> A satisfactory response given prevailing circumstances.</p> <p><b>Poor:</b> Some deficiencies in the required standard of service or failure to comply with policy.</p> <p>Please specify the reasons for your assessment.</p>	
<p><b>2.13. Quality and appropriateness of incident response:</b></p> <p>The person carrying out the audit should circle one of the four options, having considered the information available to be recorded in boxes 2.1-2.11 above.</p> <p>To help ensure consistency of assessment by different members of the audit team, follow the broad definitions outlined above in box 2.12.</p> <p>Please specify the reasons for your assessment.</p>	
<p><b>2.14. Was the victim offered a personal statement when the crime was reported?</b></p> <p>Please indicate whether a Victim Personal Statement was offered and explained to the victim. Cross-reference to box 4.3 (if offence detected and charging decision required).</p>	
<p><b>2.15. Any other comments:</b></p> <p>The person carrying out the audit is encouraged to expand on their findings and to include any additional comments or details they feel to be relevant.</p>	

### 3. Investigation

<p><b>3.1. Date of allocation:</b></p> <p>The recorded date on which the case was allocated.</p> <p><b>Time after report:</b></p> <p>The person carrying out the audit should circle one of the four options. '&lt;' means 'less than' and this category includes anything up to 24 hours after report. '&gt;' means 'more than' and this category includes anything 6 days or over.</p>	<p><b>3.2. Allocated to?</b></p> <p>The person carrying out the audit should circle one of the five options or specify where 'other' is selected. Please circle as appropriate based on the information provided on the case file.</p>
<p><b>3.3. Was the suspect offender a youth? YES / NO</b></p> <p>The offender qualifies as a youth if they were 17 years old or under on the date that the incident took place.</p>	
<p><b>3.4. Was the offender known to the victim or witness?</b></p> <p>Based on the information provided on the case file the person carrying out the audit should indicate whether the offender was known to the victim and, if so, how.</p> <p>NB The victim survey asks this question, at 5.10, directly of the victim. Please cross-reference.</p>	<p><b>3.5. Was the Offence detected?</b></p> <p>The person carrying out the audit should indicate accordingly, or specify where 'other' is selected, based on the information provided on the case file.</p>
<p><b>3.6. How long after the report was enquiry filed?</b></p> <p>This should clarify, in days/months, how long it took for the enquiry to be filed after the incident was originally reported.</p>	<p><b>3.7. Was the Victim informed of the outcome?</b></p> <p>Please specify the time taken, in days/months, for the victim to be informed of the outcome of the enquiry and the method by which they were contacted.</p> <p>If answered 'no', please provide details as to why not.</p>
<p><b>3.8. Was the victim referred to:</b></p> <p>The person carrying out the audit should circle one of the six options, based on the information provided on the case file. Please specify where requested.</p>	<p><b>3.9 Was the victim offered:</b></p> <p>The person carrying out the audit should circle one of the three options or specify where 'other' is selected. Please circle as appropriate based on the information provided on the case file.</p> <p>By 'target hardening advice' we mean advice on measures to prevent repeat victimisation.</p> <p>'Civil remedy' refers to a range of non-legal options such as mediation or civil injunctions.</p>

**3.10. How thorough was the investigation?**

The person carrying out the audit should circle one of the four options, having considered the information available to be recorded in boxes 3.1-3.9 above.

To help ensure consistency of assessment by different members of the audit team, follow the broad definitions outlined above in box 2.12. Please specify the reasons for your assessment.

Please also provide details of what, if any, lines of enquiry which were not pursued which you would expect to have been, and any comments you feel are relevant as to why this might be.

**3.11. Was the Enquiry examined by:**

The person carrying out the audit should circle one of the four options or specify where 'other' is selected. Please circle as appropriate based on the information provided on the case file.

OIC = Officer in Charge (of the investigation)

**If offence is undetected, go directly to Section 5 (Page 6)**

## 4. CJS Process

<p><b>4.1 Was the CPS consulted about charging decision?</b></p> <p>Give details of the nature and extent of any consultation with the CPS.</p>	<p><b>4.2 Was the CPS informed that the crime was recorded as a perception-based hate crime?</b></p> <p>Please indicate if there is evidence of the CPS being informed that the crime is perception-based hate crime.</p>
<p><b>4.3 Was the victim offered a Victim Personal Statement?</b></p> <p><b>YES / Yes, but declined (Go to 4.4.)</b></p> <p>Please note that if the victim previously declined to fill in a VPS, they may have chosen to do so at this stage. Cross-reference with box 2.14.</p> <p><b>NO / Not Appropriate (Go to 4.6)</b></p> <p>Please explain reasons why a VPS was not offered.</p>	<p><b>4.4. If YES, when was it offered and how?</b></p> <p>Please specify at what stage the victim was offered a VPS, and the method by which the offer was made.</p>
<p><b>4.5 Was the VPS included in the crime file? YES / NO</b></p> <p>If the VPS was not included in the file please specify, where known, the reasons why this was.</p>	
<p><b>4.6 Were Special Measures considered? YES / NO / Not Appropriate</b></p> <p><b>Give details:</b></p> <p>The person carrying out the audit should circle one of the three options. Please specify any reasons why this was the case.</p> <p>"Special Measures" are those measures available to assist vulnerable and intimidated witnesses to give their best evidence in criminal proceedings. The special measures apply to prosecution and defence witnesses, but not the defendant. Special measures are also available to defence witnesses in the youth court.</p>	
<p><b>4.7 Was there evidence to support the hate element? YES / NO</b></p> <p><b>What was the evidence?</b></p> <p>Please specify the evidence on the file that supports the hate element of the crime.</p>	
<p><b>4.8 Was a request made for an enhanced sentence if convicted?</b></p> <p>The person carrying out the audit should circle one of the three options. Please specify any reasons why this was the case.</p> <p>The courts have the power to impose an enhanced sentence to reflect the hate element of the offence.</p>	<p><b>4.9 Was the victim kept updated with case progress?</b></p> <p>Please specify how the victim was kept updated, how often and the method(s) by which they were contacted.</p>

**4.10 Was the file supervised by:**

The person carrying out the audit should circle one of the three options. Please circle as appropriate based on the information provided on the case file.

**4.11 What was the quality of the offence file?**

The person carrying out the audit should circle one of the four options, having considered the information available to be recorded in boxes 4.1-4.10 above.

To help ensure consistency of assessment by different members of the audit team, follow the broad definitions outlined above in box 2.12. Please specify the reasons for your assessment.

5. Victim Survey

**5.1 Is a Victim Survey appropriate in this case?**

Please indicate whether conducting a victim survey is appropriate in this case. For example, are there language barriers which might preclude you from speaking with the victim? Has the victim been contacted already through a separate file included in the sample provided?

As the following questions are asked directly of the victim and are self-explanatory, there is little annotation required.

<p><b>5.2 Name of victim:</b></p> <p>Please ensure these details are for the victim, rather than the person calling to report the incident (who may be a third party)</p>	<p><b>5.3 Method of contact:</b></p> <p>Telephone                      Other</p> <p>Not Available (End of document)</p> <p>Refused to co-operate (End of doc)</p>
<p><b>5.4 Was this the first time you had reported a hate crime?</b></p> <p>YES / NO</p> <p>If NO, how many others?</p>	<p><b>5.5 Had you suffered offences that you had not reported to the police?</b></p> <p>YES / NO</p> <p>How many?</p> <p>Over what period?</p> <p>Why did you not report them?</p>
<p><b>5.6 Did the officer ask you if you had suffered other crimes?</b></p> <p>YES / NO / Can't recall</p>	
<p><b>5.7 Did you contact the Police yourself?</b></p> <p>YES (Go to 5.7)</p> <p>NO – Who reported for you?                      (Go to 5.10)</p>	
<p><b>5.8 How would you rate the service on your initial call?</b></p> <p>EXCELLENT / GOOD / ACCEPTABLE / POOR / VERY POOR</p> <p>Why?</p>	
<p><b>5.9 On the initial call, did the police gain sufficient detail from you to know what had happened?</b></p> <p>YES / NO</p> <p>If NO, why not?</p>	
<p><b>5.10 Did the person offer you support and advice?</b></p> <p>YES / NO</p>	



<b>Comments:</b>	
<b>5.2 Did you have contact with the CPS?</b>	<b>YES / NO</b>
If YES, in what circumstances?	
How did you rate the service of the CPS?	
EXCELLENT / GOOD / ACCEPTABLE / POOR / VERY POOR	
<b>Comments:</b>	
<b>5.3 Did you give evidence in court?</b>	<b>YES / NO</b>
If NO, why not?	
<b>5.4 What was your view about the court process?</b>	
Please record any comments:	
<b>5.5 Were you offered support throughout the court process?</b>	<b>YES / NO</b>
If YES, who by?	
How would you rate their service?	
EXCELLENT / GOOD / ACCEPTABLE / POOR / VERY POOR	
<b>Comments:</b>	
<b>5.6 Is there anything about the service you received from any agency that you would want to see improved?</b>	
YES / NO	
<b>Comments:</b>	
<b>Thanks for helping us improve the service we offer</b>	
<b>Survey completed by:</b>	<b>Date:</b>

<b>FOR CASES WITH CPS CONSIDERATION OR ACTION</b>	
<b>Reviewer:</b> The name of the person(s) carrying out the audit.	<b>Date:</b> The date the review was undertaken.
<b>URN:</b> The number assigned to the case file by the CPS.	

<b>Monitoring Criteria</b>	<b>Yes</b>	<b>No</b>	<b>N/A</b>	<b>Other comments</b>
1. At key stage review, was there sufficient evidence in accordance with the Code Evidential Test?				
2. If the case needed strengthening, was appropriate advice given to the police?				
3. Was the review decision in accordance with the Code Public Interest Test?				
4. Was CPS policy in relation to this category of case applied (including charging standard)?				
5. Did the charging lawyer record her/his consideration of victim and witness needs on the MG3?				
6. If pleas were accepted to lesser offences, was this justified?				
7. If the case was dropped/ discontinued, was the decision in accordance with the Code?				
8. If an acquittal was foreseeable, did the CPS take appropriate action to strengthen the case or drop it sooner?				
9. If the charge was substantially altered or dropped, was an appropriate letter sent to the victims?				
10. If the case was substantially altered or dropped, was the victim offered a meeting with the prosecutor?				
11. If a meeting was requested by the victim, did it take place?				

## ANNEX D

12. Was the communication to victims of charges being substantially altered or dropped in accordance with timescales set out in the Victims Code of Practice?				
13. If there was avoidable delay, was appropriate action taken to avoid or reduce the delay?				
14. Was the case accurately flagged on CMS?				
<b>The following questions should be considered in conjunction with HMCS.</b>				
15. In homophobic and disability hate crime cases, was the appropriate sentence uplift considered and brought to the attention of the court?				
16. In all cases, whether charged as Racially or Religiously Aggravated variants, or where Section 145 or 146 were applied for, was there evidence of the sentence reflecting an 'uplift' either:				
Openly in court judgement?				
Deduced from sentence?				
Issues identified:				
Recommendations:				

Audit Document – Completed Template

Name of LCJB:	(anonymised)	Date of Review:	XX/XX/2010
1.1. Name of Reviewer: A N Other		1.2. Crime Number: AB/12/34/567	
1.3. Hate Motivation: Disability / Race / Religion / S.O. / Trans		1.4. Date of Crime/Incident: 09/01/2009	
1.5. Charged as R or R Motivated offence? YES <input checked="" type="radio"/> NO		1.6. Crime Type: Criminal Damage	

**2. Initial Response**

2.1. Call made by: Victim / Family / Friend / 3 <sup>rd</sup> Party Centre  Other (please state):	2.2. Call category: Immediate <input checked="" type="radio"/> Priority <input type="radio"/> Planned  Was this appropriate? <input checked="" type="radio"/> YES <input type="radio"/> NO  If NO, give details:
2.3. Time taken to dispatch patrol:  9 minutes	2.4. Within target time? (details if not)  Yes
2.5. Time taken to arrival of 1 <sup>st</sup> patrol  140 minutes	2.6. Within target time? (details if not)  No, but victim called to notify that officer on way but delayed at other incident.
2.7. Is there evidence of Control Room supervision input?  <input checked="" type="radio"/> YES <input type="radio"/> NO  If YES, give details:  Duty Officer approved delayed response.	2.8. Was territorial supervision informed?  <input checked="" type="radio"/> YES <input type="radio"/> NO  Give details including whether attending:  Duty Inspector and Diversity Officer informed.
2.9. Are there language barriers?  YES <input type="radio"/> NO <input checked="" type="radio"/>  If so, how are they overcome?	2.10. Who Identified the Hate Element?  <input checked="" type="radio"/> Caller <input type="radio"/> Call Taker  <input type="radio"/> Dispatcher <input type="radio"/> Control Sup'n  <input type="radio"/> Response Patrol <input type="radio"/> Response Sup'n  Other (please specify):

<p><b>2.11. Who else responded?</b></p> <p>N'hood PCSO            N'hood PC            N'Hood Sup'n            CID</p> <p>SOCO                    Crime Reduction      Specialist Hate Crime Officer</p> <p>Other (please specify): No other response.</p>
<p><b>2.12. Assessment of Quality of incident record:</b></p> <p>EXCELLENT / <u>GOOD</u> / ACCEPTABLE / POOR</p> <p>Please record observations:</p> <p>Clear indication of hate crime element being identified; record of Diversity Officer being made aware; and victim kept up to date with delay and given reassurance by call handler.</p>
<p><b>2.13. Quality and appropriateness of incident response:</b></p> <p>EXCELLENT / GOOD / <u>ACCEPTABLE</u> / POOR</p> <p>Please record observations:</p> <p>Delayed arrival to scene (albeit explained to victim).</p>
<p><b>2.14. Was the victim offered a personal statement when the crime was reported?</b></p> <p><u>YES</u> / NO</p> <p>Comments:</p>
<p><b>2.15. Any other comments:</b></p>

3. Investigation

<p>3.1. Date of allocation:</p> <p>Time after report:</p> <p><u>&lt;1 day</u> / 2 days / 3-5 days / &gt;6 days</p>	<p>3.2. Allocated to?</p> <p>Not allocated          Response PC</p> <p>Response Sup'n          CID</p> <p>Hate Crime Officer      <u>Other (specify):</u> N'hood PCSO</p>
<p>3.3. Was the suspect offender a youth?      <u>YES</u> / NO</p>	
<p>3.4. Was the offender known to the victim or witness?</p> <p>YES / NO</p> <p>If YES, how?</p> <p>Graffiti directed at victim's son – the suspect(s) attend same school, so are known to son. Victim reported previously seeing one of the suspects.</p>	<p>3.5. Was the Offence detected?</p> <p>No</p> <p>Yes – Charged</p> <p><u>Yes - Cautioned</u></p> <p>Other (please specify):</p> <p>Caution was a Youth Reprimand</p>
<p>3.6. How long after the report was enquiry filed?</p> <p>1 month</p>	<p>3.7. Was the Victim informed of the outcome?</p> <p><u>YES</u> / NO</p> <p>How long after the report?    1 month</p> <p>How were they informed?</p> <p>In person / <u>Telephone</u></p> <p>Letter / 3<sup>rd</sup> Party Centre</p>
<p>3.8. Was the victim referred to:</p> <p>Victim Support Service</p> <p>Specialist Hate Crime Officer</p> <p>Specialist support services (specify):</p> <p>Another Statutory agency (specify):</p> <p>Other (specify):</p> <p><u>No evidence of any support offered.</u></p> <p>(If so, was this appropriate? e.g. business victim, declined by victim)</p>	<p>3.9 Was the victim offered:</p> <p>Target hardening advice</p> <p>Civil remedy</p> <p>Mediation</p> <p>Other (please specify):</p> <p>No record of other services being offered.</p>

**3.10. How thorough was the investigation?**

**EXCELLENT / GOOD / ACCEPTABLE / POOR**

**List any obvious enquiries which were not carried out:**

**3.11. Was the Enquiry examined by:**

**OIC's Line manager**

**Other Supervision**

**Investigation standards**

**Specialist Hate Crime Officer**

**Other (please specify):**

**No evidence of Enquiry supervision.**

**If offence is undetected, go directly to Section 5 (Page 6)**

4. CJS Process

<p>4.1 Was the CPS consulted about charging decision?</p> <p style="text-align: center;"><input checked="" type="radio"/> YES / NO</p> <p>If YES, how?    MG3 form.</p>	<p>4.2 Was the CPS informed that the crime was recorded as a perception-based hate crime?</p> <p style="text-align: center;"><input checked="" type="radio"/> YES / NO</p> <p>But file states that “disability not part of CPS criteria for hate crime.”</p>
<p>4.3 Was the victim offered a Victim Personal Statement?</p> <p><input checked="" type="radio"/> YES / Yes, but declined (Go to 4.4.)</p> <p>NO / Not Appropriate    (Go to 4.6)</p>	<p>4.4. If YES, when was it offered and how?</p> <p>Explained via leaflet and by officers – included on MG11 statement.</p>
<p>4.5 Was the VPS included in the crime file?                      <input checked="" type="radio"/> YES / NO    In MG11 statement</p>	
<p>4.6 Were Special Measures considered?                      YES / <input checked="" type="radio"/> NO / Not Appropriate</p> <p>Give details:</p>	
<p>4.7 Was there evidence to support the hate element?                      <input checked="" type="radio"/> YES / NO</p> <p>What was the evidence?</p> <p>Graffiti written on shed/fence – photos taken. Written statement from victim.</p>	
<p>4.8 Was a request made for an enhanced sentence if convicted?</p> <p style="text-align: center;">YES / NO / <input checked="" type="radio"/> Not Applicable</p> <p>If NO or N/A, what reason?</p> <p>Youth Reprimand disposal.</p>	<p>4.9 Was the victim kept updated with case progress?</p> <p style="text-align: center;">YES / <input checked="" type="radio"/> NO</p> <p>If YES, how?</p>
<p>4.10 Was the file supervised by:</p> <p style="text-align: center;"><input checked="" type="radio"/> Line Manager    CJS Staff    Hate Crime Specialist</p>	
<p>4.11 What was the quality of the offence file?</p> <p>EXCELLENT / GOOD / <input checked="" type="radio"/> ACCEPTABLE / POOR</p> <p>Please give reasons:</p> <p>File as expected, nothing remarkable. Record of how decision to reprimand reached not on file.</p>	

5. Victim Survey

<p>5.1 Name of victim:  (anonymised)</p> <p>Contact No (If to be contacted later): XXXXX XXXXXX</p>	<p>5.2 Method of contact:  <input checked="" type="radio"/> Telephone      <input type="radio"/> Other</p> <p><input type="radio"/> Not Available (End of document)</p> <p><input type="radio"/> Refused to co-operate (End of doc)</p>
<p>5.3 Was this the first time you had reported a hate crime?</p> <p><input checked="" type="radio"/> YES / <input type="radio"/> NO</p> <p>If NO, how many others?</p>	<p>5.4 Had you suffered offences that you had not reported to the police?</p> <p><input checked="" type="radio"/> YES / <input type="radio"/> NO</p> <p>How many? Many (not quantified)</p> <p>Over what period? Not recalled</p> <p>Why did you not report them?</p> <p>Perpetrators were kids and given benefit of the doubt that it was 'kids being kids'.</p>
<p>5.5 Did the officer ask you if you had suffered other crimes?</p> <p><input checked="" type="radio"/> YES / <input type="radio"/> NO / <input type="radio"/> Can't recall</p>	
<p>5.6 Did you contact the Police yourself?</p> <p><input checked="" type="radio"/> YES (Go to 5.7)</p> <p><input type="radio"/> NO – Who reported for you? (Go to 5.10)</p>	
<p>5.7 How would you rate the service on your initial call?</p> <p><input checked="" type="radio"/> EXCELLENT / <input type="radio"/> GOOD / <input type="radio"/> ACCEPTABLE / <input type="radio"/> POOR / <input type="radio"/> VERY POOR</p> <p>Why?</p>	
<p>5.8 On the initial call, did the police gain sufficient detail from you to know what had happened?</p> <p><input checked="" type="radio"/> YES / <input type="radio"/> NO</p> <p>If NO, why not?</p>	
<p>5.9 Did the person offer you support and advice?</p> <p><input checked="" type="radio"/> YES / <input type="radio"/> NO</p> <p>Comments:</p> <p>Was offered Victim Support service and enhanced Street Warden patrols in the area.</p>	



Comments:	N/A
5.20 Did you have contact with the CPS?	YES / NO
If YES, in what circumstances?	
How did you rate the service of the CPS?	EXCELLENT / GOOD / ACCEPTABLE / POOR / VERY POOR
Comments:	N/A
5.21 Did you give evidence in court?	YES / NO
If NO, why not?	N/A
5.22 What was your view about the court process?	
Please record any comments:	N/A
5.23 Were you offered support throughout the court process?	YES / NO
If YES, who by?	
How would you rate their service?	EXCELLENT / GOOD / ACCEPTABLE / POOR / VERY POOR
Comments:	N/A
5.24 Is there anything about the service you received from any agency that you would want to see improved?	<input checked="" type="radio"/> YES / NO
Comments:	Not wholly satisfied with outcome. Good that they have been told off (reprimand) but would have liked an apology from offenders. Overall, however, police were brilliant. Helped having officers from local neighbourhood team as victim knew officers and familiarity helped, especially with son (with special needs and who offence directed toward).
Thanks for helping us improve the service we offer	
Survey completed by: A N Other	Date: XX/XX/2010

FOR CASES WITH CPS CONSIDERATION OR ACTION	
Reviewer: A N Other	Date: XX/XX/2010
URN: Z1234567A	

Monitoring Criteria	Yes	No	N/A	Other comments
1. At key stage review, was there sufficient evidence in accordance with the Code Evidential Test?	✓			
2. If the case needed strengthening, was appropriate advice given to the police?	✓			
3. Was the review decision in accordance with the Code Public Interest Test?	✓			
4. Was CPS policy in relation to this category of case applied (including charging standard)?	✓			
5. Did the charging lawyer record her/his consideration of victim and witness needs on the MG3?	✓			
6. If pleas were accepted to lesser offences, was this justified?			✓	
7. If the case was dropped/ discontinued, was the decision in accordance with the Code?			✓	
8. If an acquittal was foreseeable, did the CPS take appropriate action to strengthen the case or drop it sooner?			✓	
9. If the charge was substantially altered or dropped, was an appropriate letter sent to the victims?			✓	
10. If the case was substantially altered or dropped, was the victim offered a meeting with the prosecutor?			✓	
11. If a meeting was requested by the victim, did it take place?			✓	

**ANNEX E**

12. Was the communication to victims of charges being substantially altered or dropped in accordance with timescales set out in the Victims Code of Practice?			✓	
13. If there was avoidable delay, was appropriate action taken to avoid or reduce the delay?			✓	
14. Was the case accurately flagged on CMS?			✓	
<b>The following questions should be considered in conjunction with HMCS.</b>				
15. In homophobic and disability hate crime cases, was the appropriate sentence uplift considered and brought to the attention of the court?			✓	
<p>16. In all cases, whether charged as Racially or Religiously Aggravated variants, or where Section 145 or 146 were applied for, was there evidence of the sentence reflecting an 'uplift' either:</p> <p>Openly in court judgement?</p> <p>Deduced from sentence?</p>				
			✓	
Issues identified:				
Recommendations:				

Spreadsheet For Collating Audit Data

		A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	W	X	Y	Z	AA	AB	AC	
		INITIAL RESPONSE																													
1																															
2	Hate Motivation	Charged as R or R Motivated offence?	Crime Type	Call made by:	Call category	Was call category appropriate?	Time taken to dispatch patrol (in minutes)	Dispatch within target time?	Time taken to arrival of 1st patrol	Arrival with target time																					
3	Race	Yes	Criminal Damage	Victim	Priority	Yes	2	Yes	4	Yes																					
4	Sexual Orientation	No	Assault	Victim	Immediate	Yes	0.5	Yes	2	Yes																					
5	Race	Yes	Race Aggr Public Order	3rd Party	Priority	Yes	5	Yes	8	Yes																					
6	Religion	Yes	Intentional Distress/Alarm	Friend	Priority	Yes	8	Yes	8	Yes																					
7	Race	Not Known	Verbal Abuse	Victim	Planned	No	15	Yes	55	Yes																					
8	Race	Yes	Race Aggr Criminal Damage	Victim	Priority	Yes	4	Yes	30	No																					
9	Religion	No	Harassment	Victim	Priority	Yes	5	Yes	16	Yes																					
10	Sexual Orientation	No	Intentional Distress/Alarm	Friend	Planned	No	11	Yes	129	No																					
11	Disability	No	Public Order	Family	Immediate	Yes	2	Yes	3	Yes																					
12	Race	Yes	Race Aggr Assault	3rd Party	Immediate	Yes	0.5	Yes	8	No																					
13	Race	Yes	Race Aggr Alarm/Distress	Family	Priority	No	8	Yes	34	Yes																					
14	Race	Not Known	Race Aggr Harassment	Victim	Planned	No	34	No	46	Yes																					
15	Sexual Orientation	No	Intentional Distress/Alarm	Victim	Priority	Yes	6	Yes	45	Yes																					
16	Race	Yes	Race Aggr Intentional Alarm/Distress	Victim	Priority	Yes	10	Yes	10	Yes																					
17	Transgender	No	Verbal Abuse	Victim	Immediate	Yes	1	No	5	No																					
18	Disability	No	Public Order	Victim	Priority	No	4	Yes	4	Yes																					
19	Race	Not Known	ABH	3rd Party	Priority	Yes	6	No	64	Yes																					
20	Race	Yes	Race Aggr Criminal Damage	Friend	Planned	Yes	22	Yes	95	Yes																					
21	Sexual Orientation	No	Publication of hate-inciting materials	Victim	Priority	Yes	4	Yes	8	Yes																					
22	Race	Yes	Race Aggr Public Order	Family	Priority	Yes	21	No	21	Yes																					
128																															
129																															
130	Race	11 55	Yes	9 45	ABH	1 5	%																								
131	Religion	2 10	No	8 40	ASB	0 0	%																								
132	Disability	2 10	Not Known	3 15	Assault	1 5	%																								
133	Sexual Orientation	4 20		0 0	AOABH	0 0	%																								
134	Transgender	1 5		1 5	Criminal Damage	1 5	%																								
135					Harassment	1 5	%																								
136					Intentional Distress/Alarm	3 15	%																								
137					Malicious Comms	0 0	%																								
138					Non-crime incident	0 0	%																								
139					Public Order	2 10	%																								
140							%																								
TOTALS																															

This screenshot is included here for illustrative purposes. Boards will be provided with an Excel spreadsheet with which to collate the audit data. The spreadsheet should automatically calculate column totals and proportions to enable you to more easily identify issues.

**PROTECT – This example report was provided to one of the LCJBs which participated in the pilots and has been anonymised to avoid identification.**

**From:** *Paul Giannasi* [XXXXXXX] Local Criminal Justice Board  
Race, Confidence & Justice Unit  
OCJR  
Ground Floor, Fry Building  
2 Marsham Street  
[paul.giannasi@cjs.gsi.gov.uk](mailto:paul.giannasi@cjs.gsi.gov.uk) **Date:**

**Tel:** 020 7035 8592

### **RACE FOR JUSTICE HATE CRIME AUDIT**

#### **1. BACKGROUND**

- 1.1. The Attorney General is the lead minister for Race for Justice which is a cross governmental programme to improve the way we investigate and prosecute hate crime across the Criminal Justice System. It is delivered by a 'Delivery Board' which includes the policy leads for each CJS agency and relevant government departments. It is advised by an independent Advisory Group which is chaired by Professor John Grieve.
- 1.2. Some of the early tasks of the Race for Justice Programme has been to agree a common definition of hate crime. All CJS agencies now record hate crime motivated by hostility based on;
  - Disability
  - Race
  - Religion
  - Sexual Orientation
  - Transgender
- 1.3. Attached at **Annex A** is the latest iteration of a definition which has the support of ACPO and the Crown Prosecution and will shortly be considered by the National Criminal Justice Board.
- 1.4. Another key task of the programme is to improve the way we monitor and record hate crime. The importance of effectively combating hate crime is well established, particularly within the 1999 report of the Stephen Lawrence Inquiry. One of the actions taken in response to the Inquiry was the creation of a number of offences which were racially or religiously aggravated (R&RA) variant of existing offences. These have been measured by police forces and the Home Office and reported in the 'Section 95 Data' on race.
- 1.5. The R&RA offences are limited in that they only apply to these two strands of hate crime and they are further limited to offences of criminal damage, harassment, minor assaults and public order offences - a racist murder would not appear in the R&RA data.

- 1.6. Another limitation of existing data is that it does not easily account for outcomes. Of particular concern is the inability to assess the use of enhanced sentencing for those convicted of hate crimes.
- 1.7. In order to get a 'snapshot' of the service offered to hate crime victims, the Race for Justice Delivery Board decided that it was necessary to carry out an audit of six Local Criminal Justice Boards to ascertain the quality of investigation offered to victims of hate crime. Negotiations were had with a number of boards who were selected to give a broad spectrum of geographical and demographic locations.
- 1.8. [Name] LCJB agreed to take part in the audit and it was agreed that the reports for the participating areas would be protected and only circulated within the programme and the individual LCJB. Any information which forms part of the generic report will be in an anonymised form. – **This is the protected version of that document limited to the LCJB partners and Race for Justice programme members.**
- 1.9. The anonymous performance information from the audit will be made available to all LCJB areas together with a Hate Crime Diagnostic Tool which will allow all areas to self-assess their service and will allow existing LCJBs to assess any improvements in service.
- 1.10. The Audit took place in conjunction with local policy leads within the Police and the CPS. We took the first 100 crimes to be reported to [Name] Police after 1 October 2007. Out of the 100 files received a total of 95 are included in the data, the remainder were either incomplete, duplicates or not hate crimes.
- 1.11. A victim survey was carried out where deemed appropriate. A total of 20 victims were traceable and 3 of these refused to cooperate.
- 1.12. This report is made up of:
  - Section 2 – An Executive Summary
  - Section 3 – Detailed findings
  - Section 4 – Recommendations
  - Annex 'B' – Graphical presentation of key data.

## 2. EXECUTIVE SUMMARY

### *Overall Service*

- 2.1. 62% of the recorded crimes were public order offences with a further 22% being racially aggravated public order, the remainder were mainly made up of criminal damage, assault and common assault and harassment.
- 2.2. Around 82% of offences were racially motivated with 16% being sexual orientation motivation. There were small numbers of religious offences and no transgender or disability hate crimes in the cases examined.
- 2.3. Of the victims interviewed 47% had suffered other hate crimes in the past, with 41% recalling they had been asked this question by the officer.
- 2.4. The full details of the audit can be found in the attached spreadsheet. This can be printed but is not attached to this document as it prints out in a document which is around 10 feet long by 4 feet high. This document can provide much greater analysis and would allow for further disaggregation to provide, for example, a divisional breakdown.

### *Non-Crime Hate Incidents*

- 2.5. Add details of the findings of the audit of non-crime hate incidents including how many complied with Crime Recording Standards, the standard of response in terms of resolution and reduction activity.

### *Call Handling*

- 2.6. [Name of police force] has a policy, which is common to most forces, that hate crime should be classed as at least 'Priority' response which has a target attendance time of 60 minutes.
- 2.7. We found that 23% of incidents were recorded as 'Immediate' response. 47% of incidents were recorded as 'Priority'; 28% of incidents were recorded as 'Graded'; and 2% were recorded as 'By attendance'. In the 'Graded' cases we assessed whether the decision to postpone attendance was reasonable given the circumstances. We found 13 cases where we considered the classification to be inappropriate.
- 2.8. **We assessed the quality of incident recording and felt that:**
  - **5% we deemed to be Excellent**
  - **54% Good**
  - **24% Acceptable**
  - **3% Poor**
  - **11% were not assessed**
- 2.9. **The victims who completed the survey said that:**
  - **21% felt the service was Excellent**
  - **50% Good**
  - **15% Acceptable**
  - **14% Poor**

2.10. These figures appear consistent and should give confidence that the overall quality of call handling appears to be of a high standard.

**Initial Response**

2.11. We were able to determine the time of arrival for the first patrol in 87 cases. The mean average for time of dispatch is 4.37 hours and time of arrival was 6.37 hours, these averages are significantly outside the target time but these figures would be significantly biased by those cases where there may be reasonable lengthy delays (e.g. victims out of area). Of the 87 cases 69 resulted in attendance within the target time.

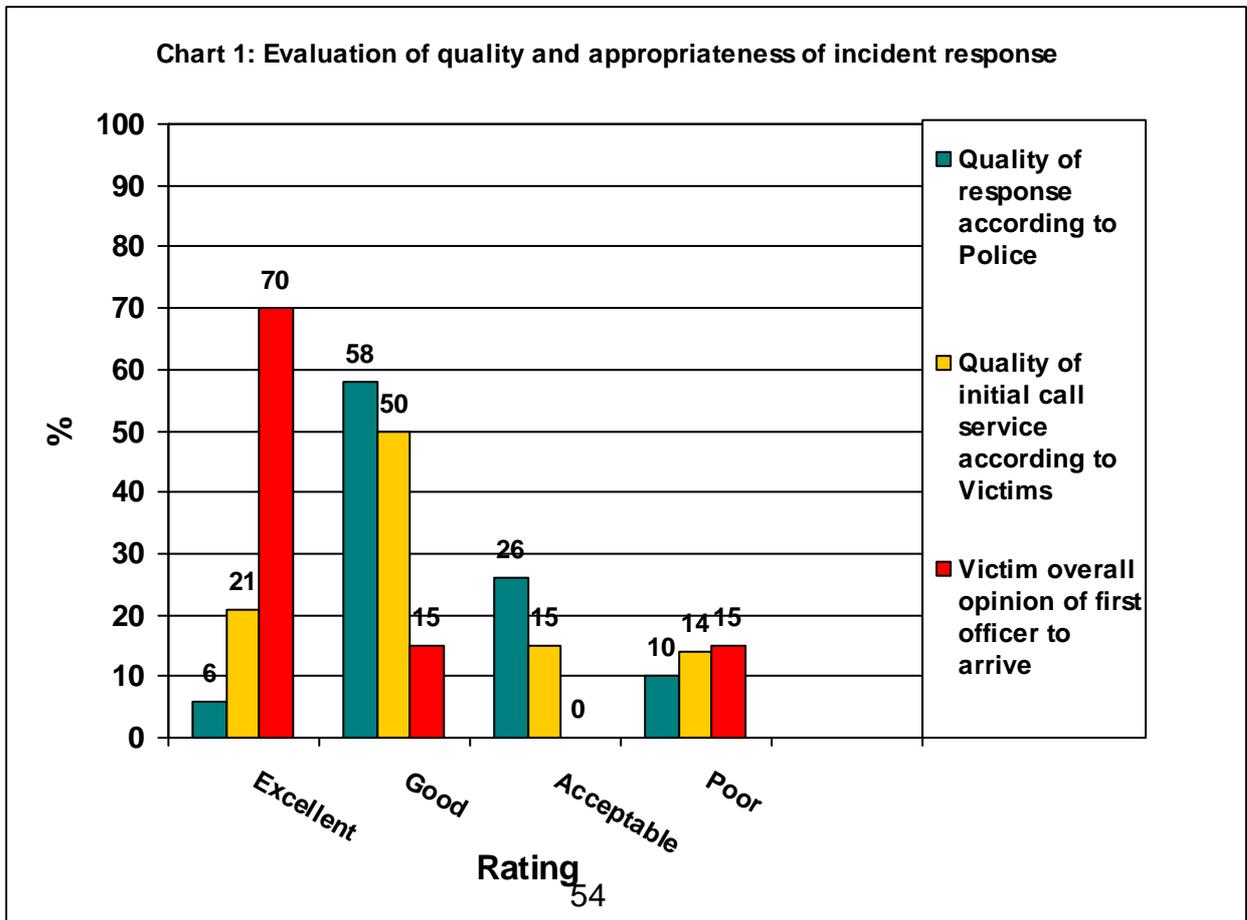
2.12. We could find evidence of control room supervision on being notified in around 24% of cases and territorial supervision in around 27%.

2.13. The caller identified the hate element of a crime in around 68% of cases. It was healthy to see that the hate element was identified by the attending patrol in around 25% of cases.

2.14. **We assessed the quality and appropriateness of the incident response:**

- **6% were deemed to be Excellent**
- **58% Good**
- **26% Acceptable**
- **10% Poor**

2.15. The below chart outlines the comparison between the auditors evaluation of the quality and appropriateness of incident response and the view of the victim.



**Investigation**

- 2.16. We found encouraging evidence that public order crimes were being ethically recorded. In some other areas we found that crimes which would have been recorded if the offender had been arrested were recorded as non-crime incidents if no offender was arrested. We were impressed to see such crimes being correctly recorded as undetected crimes. The nature of the audit means that we can not assess if this is universal but the evidence is positive. A periodic examination of a specimen number of non crime hate incident would be recommended to ensure this is maintained.
- 2.17. Around 34% of offences were detected of which 31% were charged, 3% cautioned.
- 2.18. The detection rates for hate crime appears to be healthy but when compared to how many of the offenders were known to the victim the number is less emphatic.
- 35% Knew or recognised the offender
  - 65% Did not know the offender
- 2.19. **We assessed how thorough was the investigation:**
- **8% were deemed to be Excellent**
  - **53% Good**
  - **23% Acceptable**
  - **16% Poor**
- 2.20. We found that victims were regularly contacted by the hate crime coordinator. This is good practice but there were a few occasions where the pro-forma type letter was inappropriate, notably that letters designed for use in race cases were sent to LGB hate crime victims. This matter was noted and resolved at the time of the audit.
- 2.21. Only 16% of investigation records had no record of any referral to Victims Support or any other victims service which compares well to other areas, the use of the central coordination function clearly helps raise these standards.
- 2.22. One investigation was particularly interesting, it related to a case of racial abuse of a shop-keeper by school children. On initial inspection the case appeared to have been poorly investigated and was concluded as undetected. When this was challenged as there appeared obvious lines of enquiries which were not followed, the response back from the PC outlined an excellent response where he had met with the victim and worked with the local school to provide imaginative and effective response which was wholly proportionate and resolved in a way that reflected well on the organisation and satisfied the victim who was reassured by the response.
- 2.23. The above case will be included in the national guidance to show where discretion and partnership working can be effective in dealing with hate crime without over-use of the CJS system. It does however raise an issue, that the officer did not record the excellent work into the crime recording system, possibly because he was either not challenged before the crime was filed or because he feared criticism as the offence remained undetected.

- 2.24. The issue of supervision of hate crime is a matter that will be referred to in the forthcoming ACPO Hate Crime Manual. There is clear evidence emerging in the national audit that investigation standards are significantly improved where there is a single person or unit that oversees the standard of investigation. Some larger forces can afford dedicated staff but in most smaller or rural BCUs this is not possible. We believe, however that standards can still be improved by a dedicated supervisor having a supervisory oversight to investigation standards. The co-ordinators in **[Name of police force]** provide an effective role in victim referral and contact but do not have the authority or experience to challenge the quality of investigation carried out by experienced police officer.
- 2.25. Given the small numbers of hate crimes and incidents in non-metropolitan BCUs, I believe that the oversight of a dedicated supervisor who is experienced in investigation standards would enhance the quality of investigations and could be carried out in addition to other duties.
- 2.26. One of the most regular criticisms encountered nationally has been the failure of CJS staff to keep them regularly updated on the progress of enquiries but the systems in **[Name of police force]** appear significantly better. 90% of victims said that they were kept updated on progress. This is doubtless in part due to the hate crime coordinators and the good communications with victims we encountered from the CPS review.

***Criminal Justice System***

- 2.27. Where charge decisions were made all indicated that the CPS was consulted prior to making that decision.
- 2.28. We found evidence of Victim Personal Statements being obtained in 47% of cases and 24% were recorded as 'declined' which is above average for many areas. Justice Laura Cox who heads the Judiciary's Equal Treatment Advisory Committee believes that the VPS is particularly helpful in hate crime cases so it is good to see this being a priority.
- 2.29. Special Measures are also considered relevant in many hate crime cases. Details of any offer or consideration was recorded in 19% of cases of which;
- 5% said Yes
  - 13% No
  - 1% were deemed not appropriate
- 2.30. One case was identified where the CPS gave a charging decision which was not followed by the Police. In this case the CPS instructed a charge of RA S5 on the MG3 but this was not followed by police who charged simple S5. This was later corrected by lawyer in court. This may be an isolated case and a communications error but custody managers should assure themselves that custody officers understand the importance of charging racially aggravated variant charges where instructed by the CPS

***Crown Prosecution Service***

- 2.31. The evaluation of CPS involvement of cases is recorded in the table below.

- 2.32. The standard of response recorded from the CPS was very high - we found consistently high standards and no evidence of any plea-bargaining of the racist or hate element which has been discovered elsewhere.
- 2.33. We found evidence of good leadership and clear instruction on MG3's from reviewing lawyers where there was a racist element the correct aggravated charges were applied and instruction that this was not to be changed.
- 2.34. Generally, racially aggravated variant charges were used appropriately, we discovered one case of a homophobic hate crime where the file did not record evidence of enhanced sentences being considered or sought. It is not clear whether this was an oversight or simply not recorded on the file, but this was balanced with other cases which had clear record of such consideration. One such example is where an offence of affray was selected but with clear instruction to seek enhanced sentence.
- 2.35. Nationally, we have uncovered some cases where lawyers are unaware of the ability to seek enhanced sentencing and it is an important consideration in hate crime cases.
- 2.36. We found one particular example of a case where a case was correctly recorded as a 'Sexual Orientation' hate crime based on the victim perception. In this case there was no tangible evidence to support that presumption but the reviewing lawyer wrote to the victim explaining that it would remain as a recorded hate crime but there was insufficient evidence to seek the enhanced sentence. The tone of the letter and information provided to the victim was excellent and will be used in an anonymous format to highlight best practice.
- 2.37. There was good evidence that defendants have received heightened sentences due to hate element (based on assessors experience) one example was a youth defendant who got a referral order of 9 months duration (12 months being the maximum) which suggests that the sentence reflects the seriousness with which the court views the offence in circumstances where, if the defendant were an adult, the starting point is a fine. Another example of a supervision order for 12 months together with reparation and unpaid work which suggests the court taking a serious view of the case
- 2.38. National work has highlighted the importance of courts making it clear to offenders and others that sentences are being enhanced to reflect the nature of hate crime, whether this is as a R&RA offence or under Section 145/6 Criminal Justice Act. Current recording systems make it difficult to record when the enhanced sentences are applied but it is important that Magistrates, the judiciary and Clerks are conscious of the power of their decisions on victim confidence and community cohesion.
- 2.39. Of the victims surveyed only one had had to give evidence in court. He was given support throughout the court process and felt that both Witness Care and Victim Support services were excellent.

**Results of CPS file examination**

<b>Monitoring Criteria</b>	<b>Yes</b>	<b>No</b>	<b>N/A</b>	<b>Comments</b>
1. At key stage review was there sufficient evidence in accordance with the Code Evidential Test?	18			One example of incident when CPSD charged both RAS4A and non RA as alternative but with clear instruction as to why with instruction not to 'plea bargain'  The case proceeded on RA charges and GP for each defendant.
2. If the case needed strengthening was appropriate advice given to the police?	4	1	13	
3. Was the review decision in accordance with the Code Public Interest Test?	18			
4. Was CPS policy in relation to this category of case applied (including charging standard?)	18			<u>Example of good practice:</u> Sample case where charged affray (no RA option) Lawyer follows up by ensuring matter is pursued under S145. Court declare and sentence appropriate.-
5. Did the charging lawyer record her/his consideration of victim and witness needs on the MG3?	7	3	8	In the instance that a 'No' answer was recorded there was no suggestion that the IP required or had requested SMs.  In instances where victim is an experienced police officer it is considered n/a for the charging lawyer to record his/her consideration of victim's needs on MG3.  Early identification of the need for special measures allows for timely applications and a better level of witness care
6. If pleas were accepted to lesser offences, was this justified?		1	17	
7. If the case was dropped/discontinued, was the decision in accordance with the Code?	1		17	

## ANNEX G

8. If an acquittal was foreseeable, did the CPS take appropriate action to strengthen the case or drop it sooner?			18	
9. If the charge was substantially altered or dropped, was an appropriate letter sent to the Victims?	1	1	16	<p>In the one instance where the victim was not informed by letter it was because the victim was present on the day of trial when the decision was made.</p> <p><u>Example of good practise:</u> Good letter to victim in circumstances where one is not required to be sent explaining why the case would not proceed as being homophobically motivated.</p>
10. If the case was substantially altered or dropped was the victim offered a meeting with the prosecutor?	1		17	
11. If a meeting was requested by the victim did it take place?		1	17	The victim was offered the opportunity to hold a meeting but did not take up the offer.
12. Was the communication to Victims of charges being substantially altered or dropped in accordance with timescales set out in the Victims Code of Practice?	2		16	
13. If there was avoidable delay, was appropriate action taken to avoid or reduce the delay?			18	
14. Was the case accurately flagged on CMS?	17	1		Staff need to be reminded that cases must be flagged as a racist incident where any person perceived the incident to be racist and not only where a racially aggravated charge is authorised.

## ANNEX G

15. In Homophobic and Disability hate crime cases, was the appropriate sentence uplift considered and brought to the attention of the court?		1	17	
16. In all cases, whether charged as Racially or Religiously Aggravated variants, or where Section 145 or 146 were applied for, was there evidence of the sentence reflecting an 'uplift' either:  Openly in court judgement?  Deduced from sentence?				
Openly in court judgement?	1			
Deduced from sentence?	6	4	7	
Issues identified	<p>Good evidence that defendants have received heightened sentences due to hate element.– Example of youth defendant who got a referral order of 9 months duration (12 months being the maximum) which suggests that the sentence reflects the seriousness with which the court views the offence in circumstances where, if the defendant were an adult, the starting point is a fine. Another example of a supervision order for 12 months together with reparation and unpaid work which suggests the court taking a serious view of the case.</p>			

### 3. DETAILED FINDINGS

#### Police Information

Of the 95 Police Reports Recorded:

1) *Hate Motivation:*

98% recorded a Hate motivation, of which:

- 82% Race motivation
- 16% Sexual Orientation
- 1% Religion
- 1% Race/Religion

2) *Charged as a R or R motivated Offence?*

60% recorded a response, of which:

- 56% Yes
- 44% No

3) *Crime Type:*

94% recorded a response, of which:

- 40% Public Order
- 18% Criminal Damage
- 22% Racially aggravated public order
- 5% Common Assault
- 7% Assault
- 2% Harassment
- 1% Burglary

4) *Call made by:*

95% recorded a response, of which:

- 72% Victim
- 4% Family
- 2% 3<sup>rd</sup> Party Centre
- 17% Other

5) *Call Category:*

100% recorded a response, of which:

- 23% Immediate
- 47% Priority
- 28% Graded
- 2% By attendance or telephone

6) *Was this (categorisation) appropriate?*

72% recorded a response, of which:

- 75% Yes
- 25% No

7) *Time taken to dispatch patrol:*

i) 94% recorded a response, of which the mean average time taken to dispatch a patrol was 4.37 hours.

ii) Who was initially dispatched?

84% recorded a response, of which:

- 94% Response PC
- 5% PCSO
- 1% Neighbourhood Officer

8) *Time taken to arrival of first patrol:*

i) 90% recorded a response, of which the mean average time taken for the first patrol to arrive was 6.34 hours.

ii) Within target time?

96% recorded a response, of which:

- 76% Yes
- 24% No

9) *Is there evidence of control room supervision input?*

97% recorded a response, of which:

- 24% Yes
- 76% No

10) *Is territorial supervision informed?*

96% recorded a response, of which:

- 27% Yes
- 73% No

11) *Are there any language barriers?*

97% recorded a response, of which:

- 8% Yes
- 92% No

*12) Who identified the hate element?*

98% recorded a response, of which:

- 68% Caller
- 25% Response Patrol
- 2% Dispatcher
- 1% Control Supervision
- 3% Victim
- 1% Other

*13) Who else responded?*

9% recorded a response, of which:

- 55% Neighbourhood PCSO
- 11% SOCO
- 22% Specialist Hate Crime Officer
- 11% Crime Prevention Officer
- 22% Numerous Patrols

*14) Assessment of quality of incident record:*

94% recorded a response, of which:

- 6% Excellent
- 58% Good
- 26% Acceptable
- 10% Poor

*15) Quality and Appropriateness of Incident response:*

96% recorded a response, of which:

- 13% Excellent
- 47% Good
- 23% Acceptable
- 16% Poor

*16) Date of Allocation*

97% recorded a response, of which:

- 93% < One day
- 5% < Three days
- 1% > Six days

*17) Allocated to:*

97% recorded a response, of which:

- 90% allocated a response PC
- 10% allocated Neighbourhood police officer

18) *Was the offender known to the victim?*

96% recorded a response, of which:

- 35% Knew/recognised the offender
- 65% Did not know the offender

19) *Was the offence detected?*

99% recorded a response, of which:

- 66% No
- 31% Charged
- 3% Cautioned

20) *How long after the report was the enquiry filed?*

Given the nature of the data, a mean average has been calculated as follows:

Of the 64 recorded responses (67%), the average time taken to file an enquiry was 21 days (mean). Within this range, the minimum time was less than a day and the maximum six months.

21) *How long after the report was the victim informed of the outcome?*

65% recorded a response. Of this: 71% recorded that the victim had been informed within **x** number of days – the mean average being 16 days. 29% did not record a quantitative response to this question.

22) *How were they informed?*

66% recorded a response, of which:

- 44% By telephone
- 50% In person
- 6% By letter

23) *The victim was referred to:*

89% recorded a response, of which many were offered multiple services:

- 45% were referred to Victim Support Services
- 80% were referred to specialist hate crime officer
- 2% were referred to Specialist support services
- 7% were referred to an 'other'
- 16% showed no evidence of any support having been offered

24) *The victim was offered [other services]:*

81% recorded a response, of which:

- 87% were offered none
- 10% were offered 'other' (Local Authority/PCSO patrol/CCTV)

- 3% were offered target hardening
- 25) *How thorough was the investigation?*

93% recorded a response, of which:

- 8% Excellent
- 53% Good
- 23% Acceptable
- 16% Poor

- 26) *The enquiry was examined by:*

90% recorded a response with many reporting several examiners, of which:

- 85% were examined by OIC's line manager
- 9% were examined by Investigation standards
- 26% were examined by a specialist hate crime officer
- 22% were examined by an 'other'

### **CPS Files**

- 27) *Was the CPS consulted about charging decisions?*

29% recorded a response, of which:

- 96% Yes
- 4% No

- 28) *Was the victim offered a victim personal statement?*

22% recorded a response, of which:

- 47% Yes
- 24% Yes, but declined
- 29% No

- 29) *Was the VPS offered in the crime file?*

15% recorded a response, of which

- 79% Yes
- 21% No

- 30) *Were special measures considered?*

18% recorded a response, of which:

- 30% Yes
- 70% No

31) *Was there evidence to support the hate element?*

26% recorded a response, of which:

- 96% Yes
- 4% No

32) *Was the victim kept up to date with case progress?*

18% recorded a response, of which:

- 94% Yes
- 6% No

33) *The quality of the offence file was:*

22% recorded a response, of which:

- 10% Excellent
- 71% Good
- 19% Acceptable

### **Victim Survey**

Of the 95 reports submitted, we were able to speak to 19 hate crime victims who were willing to share their views.

1) *Was this the first time you had reported a hate crime?*

100% gave a response, of which:

- 47% Yes
- 53% No

2) *Had you previously suffered offences that you had not reported?*

84% gave a response, of which:

- 25% Yes
- 75% No

3) *Did the officer ask you if you had suffered other crimes?*

89% gave a response, of which:

- 59% Yes
- 41% No

4) *Did you contact the police yourself?*

84% gave a response, of which:

- 63% Yes

- 21% No

5) *How would you rate the service on your initial call?*

74% gave a response, of which:

- 21% Excellent
- 50% Good
- 14% Acceptable
- 14% Poor

6) *On the initial call, did the police gain sufficient detail from you to know what had happened?*

76% gave a response, of which:

- 87% Yes
- 13% No

7) *Did the person offer you support and advise?*

81% gave a response, of which:

- 75% Yes
- 25% No

8) *Did you know the offender?*

86% gave a response, of which:

- 29% Yes
- 71% No

9) *How long did it take the police to arrive?*

84% gave a response, of which the average was 3 hours and 40 minutes

10) *Was this an acceptable amount of time?*

79% gave a response, of which:

- 58% Yes
- 42% No

11) *What was your overall view of the first officer to arrive?*

68% gave a response, of which:

- 70% Excellent
- 15% Good
- 15% Very poor

12) *Did the officer show sympathy towards you?*

84% gave a response, of which:

- 87% Yes
- 13% No

13) *Did the officer spend a sufficient amount of time with you?*

84% gave a response, of which:

- 87% Yes
- 13% No

14) *Did the officer explain what would happen in the enquiries?*

84% gave a response, of which:

- 94% Yes
- 6% No

15) *Did the officer offer you any services?*

95% gave a response, of which several were offered multiple:

- 24% Victim Personal Statement
- 31% Victim Support Service
- 13% Crime Reduction Advice
- 31% Specialist Support
- 31% Hate Crime Officer
- 19% Personal Contact Details
- 6% None

16) *Were you re-contacted to update you about progress?*

100% gave a response, of which:

- 90% Yes
- 10% No

17) *How were you contacted?*

84% gave a response, of which several were contacted through multiple means:

- 17% Letter
- 45% Telephone
- 38% In Person

18) *Did you have contact from the Witness Care Service?*

74% gave a response, of which:

- 71% Yes

- 29% No

19) *If yes, how good was the service?*

53% gave a response, of which:

- 10% Excellent
- 70% Good
- 20% did not take up the service

20) *Did you have contact with the CPS?*

48% gave a response, of which:

- 56% Yes
- 44% No

21) *How would you rate the service of the CPS?*

21% gave a response, of which:

- 25% Excellent
- 50% Good
- 25% Very poor

22) *Did you give evidence in court?*

32% gave a response, of which:

- 17% Yes
- 83% No

23) Of the one victim who gave evidence in court, when asked whether he was given support throughout the court process, he answered yes by the victim support service and the witness care. He felt that both of their services were excellent.

## 4. RECOMMENDATIONS

1. That <b>[Name of police force]</b> undertakes to review its guidance and policy but considers holding this until it receives the refreshed ACPO Hate Crime Manual due in the summer of 2009.
2. That any review considers the policy in relation to Victim Personal Statements either at the time of 1 <sup>st</sup> response or as an automated retrospective request. It should be an aspiration to offer a VPS to victims in all appropriate cases, excepting cases where the victim is the crown or a business etc.
3. That <b>[Name of police force]</b> should review a sample of non-crime hate incidents to assess whether some crimes, particularly public order offences are being incorrectly recorded as non-crime incidents
4. That <b>[Name of police force]</b> should ensure that all custody staff are aware of the importance of following CPS instructions in charging racially aggravated variants of charges
5. That <b>[Name of police force]</b> considers it's response to disability hate crime in conjunction with CDRPs and local disability partnerships to consider whether more effective partnerships and local awareness raising would increase reporting of Disability Hate Crime.
6. That <b>[Name of police force]</b> reviews the policy for the supervision of hate crimes to allow for early investigation planning and to ensure a thorough investigation. This should consider a dedicated supervisory oversight function
7. That policy leads within <b>[Name of CPS Area]</b> raise awareness amongst staff of the importance of applying to the court for enhanced sentencing under Section 145/6 Criminal Justice Act 2003
8. That this advice takes heed of the speech of the Director of Public Prosecutions on 6 October 2008 and particularly his explanation of the stance on 'motivation' and 'hostility'. Speech available at: <a href="http://www.cps.gov.uk/news/nationalnews/dhc_dpp_speech.html">http://www.cps.gov.uk/news/nationalnews/dhc_dpp_speech.html</a>
9. That <b>[Name of LCJB]</b> undertakes to carry out another audit during 2010 to assess progress.
10. That <b>[Name of HMCS Area]</b> considers issuing guidance to magistrates and clerks on the use of section 145/146 of the Criminal Justice and stresses the importance of transparency of sentence enhancements