

# Internal hate crime and incidents

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Hate crimes and non-crime hate incidents can happen in police organisations as staff carry out their duties. The police service has additional responsibilities to protect staff under employment law and the [Equality Act 2010](#).

Police officers and staff may be targeted in different ways, and strategies should be put in place to ensure that victims are all treated appropriately according to their diverse needs. This includes where they are victimised by members of the public.

## Policy and practice

Forces must have internal policies and procedures to address internal hate crimes and non-crime hate incidents. These must be transparent and responsive to unacceptable behaviour.

[HMIC \(2003\) Thematic Inspection Report: Diversity Matters](#) was clear that the standard of service afforded to victims of hate crimes and non-crime hate incidents among the general public is not always applied to victims of similar crimes and incidents within forces. There is a duty of care even when the victim is a colleague.

## Leadership and partnership building

Clear leadership from chief constables and their senior teams will ensure a consistent standard of internal investigation.

This should include arrangements for monitoring, evaluation and performance measurement.

## Partnerships

Partnership working is as important for internal hate crimes and incidents, as when dealing with incidents in the community, although the stakeholders may be different. Internal stakeholders will be statutory staff associations and local staff support networks.

Successful partnerships will help to increase communication and incident reporting. They can also provide secure third-party reporting facilities. Effective partnerships also have the ability to identify less serious non-crime hate incidents, giving an early warning of potential problems and allowing forces to intervene to prevent escalation to more serious issues.

Forces should also include external stakeholders, for example, external third-party reporting centres, independent professional advocates or existing independent advisory groups.

See also [Partnership working](#).

## Encouraging reporting

Forces must be able to assess the number of internal incidents that are reported, and also the extent of hostility faced by colleagues, whether from within or outside the organisation.

Staff perception surveys that use anonymised personal information and ask relevant questions about experiences of hostility, bullying and harassment can identify not only the extent of abuse in a force, but also how much goes unreported.

With this information a force can consider, with its stakeholders, the best ways to encourage reporting. Approaches might include confidential telephone lines or reporting through internal or external third parties.

## Recording internal hate crime and non-crime incidents

When responding to internal hate crime or non-crime hate incidents, recording is a challenge.

Internally, forces may apply different criteria for recording complaints against policing colleagues, particularly when they should be notified to the Independent Office for Police Conduct. Some incidents may be reported and recorded under processes such as human resources grievance procedures.

Forces should standardised reporting and recording of internal hate crimes and non-crime hate incidents, to facilitate local analysis of the nature and extent of incidents locally. Where a crime has been committed, it should be recorded appropriately.

Performance data should be transparent and discussed with relevant stakeholders, protecting the confidentiality of staff. This is particularly important in smaller organisations with lower representation from visible minority or affected groups.

## Legal duty to protect staff from harassment

**Section 40 of the Equality Act 2010** states that an employer may be liable if an employee suffers harassment from their employer during recruitment or employment.

**Section 26(1) of the Equality Act 2010** defines harassment as any unwanted conduct that violates an employee's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment.

The unwanted conduct must relate to a relevant protected characteristic. Sections 26(2) and 26(3) of the Act respectively deal with unwanted conduct of a sexual nature, and less favourable treatment because of a person's reaction to harassment.

The **Protection from Harassment Act 1997** and the **Public Order Act 1986** provide further legal protections from other forms of harassment.

## Support for colleagues

Forces should consider what support is appropriate for colleagues who may be a victim of hate crime, or a non-crime hate incident, or exposed to the risk of hostility due to a deployment or other management decision. Responses could include:

- the support of staff associations and local staff support networks
- internal advocacy and counselling services
- mentoring support from experienced individuals
- access to external professionals
- training for managers to help them make effective decisions

## Types of internal hate crime

There are a number of ways in which a police officer or member of police staff may be the victim of a hate crime or non-crime hate incident.

These include:

- a crime or incident committed by a colleague or member of the public
- conflicts caused by expressions of personal belief
- the refusal by a member of the public to accept an allocated officer

## Management considerations

Managers must make decisions after:

- understanding the employer's legislative duties and policy commitments
- consultation with the individuals affected
- taking advice from legal and other experts

Decisions must be fully documented and record the:

- decision-making process
- views of those affected
- consultation and advice received
- competing legal requirements
- assessed level of risk
- options considered
- rationale for decisions

## Committed by colleagues

Reporting a crime or complaint against a colleague is difficult, even more so where it is motivated by hostility. While the victim's view should be considered, it is not for the victim to decide if any action should be taken, or what that action should be.

The broader considerations of [victim support](#) and [investigation](#) should be applied. In addition to traditional victims' services, forces may also want to consider external professional support to help

victims manage the impact of the incident.

**Risk assessment** is key to victim support, and should include prevention of further hostility from the person complained of, or other colleagues. Options such as location moves or changes to the team structure should be considered as there may be a potential for secondary victimisation.

## Committed by members of the public

A member of the public may target police officers or staff, for example, while they are on patrol or attending an incident.

These incidents should be treated in the same way as any other allegation of a hate crime or non-crime hate incident. The victim should receive the same standard of care as any other victim of a crime.

## Deployment decisions

Some police deployments will create a greater risk to some officers or staff because of their protected characteristics or perceived protected characteristics.

When making deployment decisions there are competing legal and ethical duties to consider. The right choice may involve making a difficult decision not to deploy an officer to certain activities to protect that officer from potential abuse. However, excluding someone from a deployment or posting based on a protected characteristic may be against the individual's wishes and may also breach the Equality Act 2010, specifically the duty not to discriminate on the basis of protected characteristics.

Clear decision-making supported by management considerations and the **[national decision model](#)** will help managers to balance this conflict. The degree of consideration will vary depending on the immediacy of the decision required.

Deploying the closest officer to a priority call for service will require an immediate decision, but senior officers should still expect to evidence their rationale for making such deployment decisions.

## Expressions of personal belief

Conflict can arise because of differing views on issues such as religious belief or sexual orientation.

Individuals have the right to express their views – they also have the right to be protected from harassment or hostility. If the manner in which a view is expressed meets the threshold for harassment (for example, it creates a hostile or degrading environment for others), management intervention will be required.

**ACPO (2007) Guiding Principles for the Police Service in relation to the articulation and expression of religious beliefs and their manifestations in the workplace** may help managers to reduce tensions.

Open and collaborative relationships between local staff support networks can also help to prevent these debates from escalating into something more serious.

## **Refusal by a member of the public to accept an allocated officer**

There will be occasions where a victim of crime refuses to interact with a police officer or member of police staff because of prejudice against a personal characteristic of the officer or staff. This presents a potential source of abuse for the individual concerned and a difficult situation for managers, who will need to balance the duty to serve the public, with legal duties to protect colleagues from abuse.

### **Where intervention is required**

#### **Example one**

*A white man enters a police station to report the theft of a mobile phone. A black member of police staff is allocated to record the theft and obtain a statement. The man refuses to speak to the staff member, demanding that someone else is made available.*

#### **Example two**

*A child has been assaulted by a known sex offender. The offender is at large and considered to pose a high risk of re-offending. The child attends a video-interview facility with his mother, who is acting as an appropriate adult for her child. An investigator is allocated to carry out the interview. When the investigator (whom the mother perceives to be gay) introduces themselves, the mother refuses to allow the interview to take*

*place.*

It is important to understand why the services of the allocated officer or staff member have been refused. It may be nothing to do with personal characteristics.

If the refusal is based on discriminatory views, both situations described above must be managed effectively and sensitively. To simply comply with the demands of the complainant would be ethically wrong and the force could be challenged under the Equality Act 2010.

A sensitive management intervention is required, taking into account the views of the discriminated colleague.

In Example one, the police have a duty to investigate the crime, but also to protect staff. Taking into account management considerations and having determined that the man's motives were racist, a supervisor should inform him that he has no right to demand a white colleague, further explaining why such a request is unacceptable with a clear statement explaining why the police could not accede to his demands.

If the man accepts the supervisor's view and agrees to the original officer progressing the incident, the officer's view on what should happen next is paramount. If they feel that they would suffer further distress by spending time in the company of the man they know to be a racist, they can choose not to do so. They may, however, want to continue the task, but with another colleague present to support them.

In Example two, there is a duty to protect the child and investigate a serious crime, as well as to protect staff. To obtain the child's best evidence a video interview is required. Taking into account management considerations the supervisor should speak to the mother privately to find out why she objects to the allocated investigator and, where appropriate, explain why her discriminatory views are unacceptable.

If no agreement can be reached with the mother, it may be necessary to accede to the discriminatory demand if there is a significant risk of harm to the public or to the colleague, or if to continue would seriously undermine the investigation into a serious crime.

Although this decision may be discriminatory to the investigator, it may also be considered necessary and ethically defensible if all other solutions have been exhausted.

All decisions must consider the views of the discriminated colleague. The response to any breach of rights, for example [human rights](#), must be defensible, proportionate and necessary.

The Equality Act 2010 does not provide a justifiable exemption to the direct discrimination legislation, except in very specifically defined circumstances. See the [Equality Act 2010, section 13 explanatory notes](#).

If such a decision has to be made, it is essential to support the affected colleague and consider the adverse impact on other colleagues and the community.

In both of the examples, where a colleague perceives that a person's actions are motivated by hostility, the incident should be recorded as a non-crime hate incident – unless the circumstances include a recordable crime.

## Investigation of internal hate crimes

Forces should ensure that internal allegations of hate crime or non-crime hate incidents are investigated by appropriately trained staff. Some forces may wish to consider an agreement to share resources with a neighbouring force or specialist hate crime investigators from a larger force.

The overriding consideration is that investigations into allegations of internal hate crime should be treated with the same level of professional expertise as that given to external hate crime, with the extra considerations of the ethical and legal duty to protect colleagues from abuse.

See also [Commission for Racial Equality \(2005\) The Police Service in England and Wales: Final report of a formal investigation](#).

## Tags

Hate crime