

# Online hate

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Online hate material presents operational challenges, including:

- establishing the jurisdiction of the crime, for example, country and force area where the offender posted the material
- the anonymous nature of most offensive material
- the unwillingness of, or legal restraint on, online industry bodies to disclose user identity
- the volume of material online, and on digital devices and determining a proportionate response to this.

Online hatred can cause significant distress and can increase community tensions. This can act as a motivator to those with a propensity to commit hate crime by such means.

Many reports of online hate are from people who are offended by material posted in response to newsworthy events or where it targets a high-profile individual.

Responding to online hate crime is included in [HM Government's 2014 report, Challenge it, Report it, Stop it.](#)

See also [CPS guidelines on prosecuting cases involving communications sent via social media.](#)

## Responding to online hate crimes

The responsibilities of the police when responding to online hate are the same as those for any other type of hate crime or non-crime hate incident.

Specific offences may include offences under the Malicious Communications Act 1988 and Communications Act 2003 to prosecute examples of grossly offensive messaging. Prosecutions for

these offences in respect of social media require the authority of the CPS director of legal services.

If an allegation does not include a crime, the incident should be recorded as a non-crime hate incident. The victim can be encouraged to contact their internet service providers (ISP) to ask them to remove the offensive material. Most ISPs have terms of service or acceptable use policies, which prohibit users from posting hateful or illegal material online. If they report to [True Vision](#), it will be recorded centrally as a non-crime hate incident.

[True Vision](#) provides advice to the public about how to approach hosts where offensive material is found, but it is not illegal material. See also [Responding to non-crime hate incidents](#).

The following may be able to provide additional sources of advice for online hate:

- hate crime unit or coordinator
- digital media investigators
- digital forensic teams
- counter-terrorism unit

Most police forces also have a SPoC to liaise with ISPs and mobile device operators. This may help to establish the source of messages sent.

## International jurisdiction

Online hate crime offenders are not limited by national or international boundaries. Computers or mobile devices can be accessed remotely, regardless of the location of the person who is posting, sending, viewing or receiving information online. Wherever the computer or user is located, there will be an electronic audit trail with significant evidential value.

Many sites carrying hate messages are hosted outside the UK where their content may be protected by law, for example, protecting free speech under the First Amendment of the United States Constitution. This means that hosts may be unwilling to pass on user information without a US court order.

## Court jurisdiction – England and Wales

The Court of Appeal in [R v Shepherd and Whittle \[2010\] EWCA Crim 65](#) confirmed that the criminal law of England and Wales can apply to material published online even if the server is located in another country. The test the court applied was whether a 'substantial measure' of the activities took place within the jurisdiction.

## Threats to individuals outside the UK

Where reported material targets an individual or group outside the UK and does not appear to have originated from within the UK, the police should refer the report to the country with jurisdiction.

For further information on transferring cases to other jurisdictions, see [International APP](#) and the [International Crime Coordination Centre \(ICCC\)](#). [True Vision](#) also has additional resources for cross-jurisdictional online hate crime.

## Risk management

Where a force receives a complaint of online hate crime and it fits one of the criteria below, the primary concern will be the safety of targeted individuals, groups or events.

Forces should consider whether:

- this incident is part of wider offending when considered alongside existing intelligence
- the victim should be informed about the threat as part of an 'Osman' warning
- to offer support to the intended victim
- to discuss potential risks with event organisers or operational commanders responsible for policing events
- a community impact assessment is needed

See also [Risk assessment](#) and [Threats to Life](#) (this document is available to [authorised users who are logged on to College Learn](#)).

## Crime recording

The [Home Office 2020 Counting Rules: General Rules](#) state that the location of the suspect(s) at the time they committed the offence will determine the crime recording location. The nature of the internet means that this location is often unknown until an investigation has been undertaken.

If the location of the suspect (that is, where the offender was when the material was posted) is unclear, the crime should be recorded in the area where the victim resides.

If at the time of reporting, the location of the suspect(s) and victim cannot be determined, the crime recording location will be:

- personal crime – where the victim is normally resident
- corporate body – the location of the relevant place of business

## Generic online hate crime management

A central (NPCC and Home Office) internet hate crime team (IHCT) has been established to provide a national response to generic online hate crime.

This team manages [True Vision](#) and can be contacted through the [website](#). The team will assess reports made through the True Vision website and:

- assess whether it amounts to a recordable crime
- record the complaint centrally, preventing large numbers of unsolvable crimes being held by forces
- keep the victim informed about the progress of an investigation and any action taken
- make provisional enquiries with the ISP to identify the offender
- where enquiries identify the location of the offence, provide an intelligence package to the force responsible for investigation
- disseminate intelligence to relevant national and local resources as appropriate
- work with national and international stakeholders to promote problem-solving solutions, including industry self-regulation

The IHCT does not proactively search the internet for hate material, it only responds to complaints made by the public through the True Vision website.

Where a complaint is made directly to a force and includes any of the following, the force should retain responsibility for the police response.

The report:

- targets an individual person with abuse of any nature

- is sent directly to any individual, including where it is posted on an individual's own personal account, such as Facebook
- targets an identified group whose location is known (for example, Muslims who attend a specific mosque)
- targets a specific event such as an LGBT+ Pride march
- refers to any other report which requires an operational police response

## Traditional hate mail

The distribution of traditional hate mail does still occur, for example, offensive letters, leaflets, posters or other material delivered by hand or via the postal system.

The impact this can have on a victim should not be underestimated, and should be dealt with sensitively. Often this material is disposed of by the recipient and not reported, where it is reported, it should be treated as a forensic exhibit.

Speak to local crime scene investigators for handling and packaging advice. Package letters and envelopes separately if already separate.

## Tags

Hate crime