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| <u>Policy Title</u> | Hate Crime |
| <u>CCMT Sponsor</u> | ACC Local Policing |
| <u>Department/Area</u> | Local Policing |
| <u>Section/Sector</u> | Local Support and Performance |

1.0 Rationale

We recognise that Hate Crime is experienced by the individual and the community at large. Any form of Hate Crime will not be tolerated. This policy is in line with the forces strategic aims as a method for investigating every incident of Hate Crime across disability, faith, race and sexual orientation. We are seeking to reassure victims and communities, that the investigation of every hate crime will be undertaken to the highest standard using the latest policing methodology.

2.0 Intention

We have a professional duty to take positive action in relation to Hate Crime.

This policy applies to all members of the extended Police family, Police Officers, Police Staff, and Special Constables, Police Community Support Officers (PCSO's), volunteer staff and those individuals that deal directly with members of the Public.

To ensure organisational compliance the policy has been written to comply with ACPO guidelines on a Force level whilst recognising diversity and incorporating best practise at local levels ("Hate Crime: delivering a quality service". ACPO 2005)

ACPO Hate Crime Manual

3.0 General Principles

In order to ensure clarity within the document and corporate accuracy, the following definitions have been adopted under **ACPO guidelines** when considering Hate Crime:

"any incident, which constitutes a criminal offence, perceived by the victim or any other person, as being motivated by prejudice or hate".

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Within this context prejudice is understood to mean “an irrational attitude of hostility directed against an individual, a group, a race, or their supposed characteristics”.

A Hate Incident differs to a Hate Crime as it may or may not constitute a criminal offence:

“any incident, which may or may not constitute a criminal offence, which is perceived by the victim or any other person, as being motivated by prejudice or hate”.

Prejudice or Hate is determined by specific indicators such as disability, faith, race and sexual Orientation.

Hate crime manifests itself by exposing victims to acts of harassment and victimisation including intimidation and abuse. The ACPO definitions of a Hate Crime/Incident support the concept, that it is the victim, who determines the impact of the incident on the individual or community, not the recording officer. The definition is far-reaching and supports any member of TVP if they perceive a Hate Crime to have taken place.

The above premise is essential for understanding the process of victimisation that occurs during a Hate Crime/Incident. We accept that victimisation, as a result of Hate Crime is deeply damaging to the individual, their family and the community. Therefore we have a responsibility to proactively deal with all incidents of Hate Crime.

In line with ACPO guidelines we will ensure the recording of offences where the hostility of a person is motivated on the grounds of;

- disability
- faith
- race
- sexual Orientation

We will ensure that this policy is regularly reviewed and any suggestions or modifications in the guidance will be reflected in the policy.

3.1 Strategic aims

Provide a consistent, accurate and effective corporate approach to the reporting, recording and investigation of Hate Crime / Incidents, in line with the Force Policing plan and the Racial Equality scheme (and subsequent Equality scheme).

Demonstrate a consistent approach to the treatment of victims of Hate Crime, by ensuring victims and communities are informed of the progress and outcome of investigations. In order to make sure that appropriate consultation and support mechanisms are in place for the victim.

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Establish a process, understood by all staff, which delivers a professional and ethical investigation of Hate Crime or Incidents underpinned by an appropriate response level.

Promote and offer guidance on reporting of Hate Crimes / Incidents, by whichever means they are received, in order to improve levels of service delivery.

Identify a robust intelligence-led policing style which identifies Hate Crime 'hotspots' and Hate Crime offenders, in order to reduce the incidence of Hate Crime: Thereby increasing the number of Hate Crime offenders being identified for multi-agency action.

Increase the confidence of victims and witness's, in the Force's ability to investigate Hate Crimes / Incidents efficiently.

Address and diminish the incidence of repeat victimisation, in line with force policy.

Identify and ensure that all community based intelligence is submitted in line with the National Intelligence Model. Ensure that regular interpretation of Hate Crime incidents occur using Crime Pattern Analysis.

Fully identify all Hate Crime elements in a charge in conjunction with the assistance of the Crown Prosecution Service (CPS).

Identify and track - via effective monitoring - all Hate Crime incidents as they progress through the Criminal Justice System. Ensuring that timely and appropriate liaison is maintained with the CPS.

Identify and increase the number of cases resulting in racially/religiously aggravated charges by making sure that there is closer liaison between the Community and Diversity Officer (CaDO), Officer in Case (OIC) and the CPS.

Critically analyse the number of Hate Incidents that are subject to further investigation, in order to identify potential Hotspots and reduce Community Tension. By doing so, reassure the community that positive action is being taken and stimulate the additional reporting of further incidents and crimes.

We recognise the inherent value in developing a policy which reflects the concern of the entire community. Therefore, we will ensure that this policy complements and is compliant with, the CPS guidance on "Prosecuting Cases of Racist and Religious Crime"; the CPS Policy for "Prosecuting Cases with a Homophobic element". Where possible we will work with the CPS to highlight to the courts system, every incident of Hate.

[CPS Policies.](#)

3.2 Definitions

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The following definitions focus on decision based processes and actions employed by the Police and Crime Disorder and Reduction Partnerships (CDRP) to identify aspects of Hate Crime.

[Crime and Disorder act 1998](#)

Critical Incident

“The Unique circumstances of the incident, or the effectiveness of their response to it, could have a significant impact on the confidence of:-

- the victim
- their family and/or
- the community

In Thames Valley Police or the Police service”

Critical Incident Policy

Disability Incident or sometimes referred to as a disability related incident

Any incident which is perceived to be based upon prejudice towards or hatred of the victim because of their disability or so perceived by the victim or any other person

Faith related Incident

Any incident which is perceived to be based upon prejudice towards their faith or belief or hatred of the victim or so perceived by the victim or any other person

Homophobic Incident

Any incident that is perceived to be homophobic by the victim or any other person

Racist Incident

Any incident which is perceived to be racist by the victim or any other person (Stephen Lawrence Inquiry Report, recommendation 12)

Sectarian Incident

Within this context, Sectarian refers to the difference between Christian denominations (with particular reference to Northern Ireland).

Any incident that is perceived to be sectarian by the victim or any other person

Transphobic Incident

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Any incident that is perceived to be transphobic by the victim or any other person

Hate crime Repeat victimisation

The agreed ACPO definition is:

Where a person or immediate family member suffers more than one hate incident is a 12 month period following the date the first crime was reported.

Secondary Victimisation

The agreed ACPO definition:

If, as victims of hate crimes or incidents, individuals experience indifference or rejection from the police this in effect victimises them a second time. Secondary victimisation takes place whether or not the Police are indifferent or reject victims if that is how the victim feels about the interaction. Whether or not it is reasonable for them to feel that way is immaterial. The onus falls entirely on the Police and Partnership agencies to manage the interaction to ensure that the victim has no residual feelings of secondary victimisation.

4.0 Challenges & Representations

Please submit any challenges or representations to:

The Chief Superintendent
Local Policing
Headquarters
Thames Valley Police Force
Kidlington
Oxfordshire OX5 2NX

5.0 Guidance, Procedures & Tactics

Legislation

In line with the ACPO manual we have incorporated the following information into this document.

Admission of Witness Statements in court proceedings

Section 23 of the Criminal Justice Act 1988 provides that, in certain circumstances, it is possible for a statement made by a witness to be

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admitted as evidence, rather than the witness being required to give oral testimony. This is possible if, for example, the witness has made a written statement to a police officer (or similar investigative officer) and is prevented from testifying either in person (being dead or unfit to do so due to physical or mental condition) or through fear).

There are several types of special measures that can be applied to individual cases. This can and will include Video-links for witnesses in Magistrates courts from October 2005. This action alongside others should encourage further witnesses to come forward.

Racially or Religiously aggravated offences

The crime and disorder act 1998 introduced racially aggravated offences. The Anti-Terrorism, Crime and Security act 2001 expanded the range of these offences to cover religiously aggravated offences.

An offence is racially aggravated if:

At the time of committing the offence, immediately before or after doing so, the offender demonstrates towards the victim hostility based on the victim's membership (or presumed membership) of a racial group;

Or

The offence is motivated (wholly or partly) by hostility towards members of a racial group based on their membership of that group

A "racial group" means a group of persons defined by reference to race, colour, nationality (including citizenship) or ethnic or national origins.

An offence is religiously aggravated if:

At the time of committing the offence, or immediately before or after doing so, the offender demonstrates towards the victim hostility based on the victim's membership (or presumed membership) of a religious group:

Or

The offence is motivated (wholly or partly) by hostility towards members of a religious group based on their membership of that group.

A "religious group" means a group of persons defined by reference to religious belief or lack of religious belief.

The [Crime and Disorder Act 1998](#) creates racially or religiously aggravated provisions of the following offences:

Assaults (Section 29)
Criminal damage (Section 30)

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Public order Offences (Section 31)
Harassment (Section 32)

Racial and Religious aggravation and sentencing

Section 153 of the powers of Criminal Courts (sentencing act) Act 2000, as amended, requires the courts to consider racial or religious hostility as an aggravating factor when deciding on the sentence for any offence which is not a specific racially or religiously aggravated offence under the 1998 Act.

This applies when a court is considering the seriousness of an offence other than one under sections 29-32 of the 1998 Act.

If the offence was racially or religiously aggravated, the court shall treat the fact as an aggravating factor (i.e. a factor that increases the seriousness of the offence) and shall state this in open court.

So racial or religious aggravation, although not an ingredient of the offence, can be taken into consideration by the court in sentencing for any offence.

Increases in sentences for aggravation related to disability or sexual orientation

Section 146 of the [Criminal Justice Act 2003](#) requires the courts to consider disability or sexual orientation hostility as an aggravating factor when deciding on the sentence for any offence. This section applies where the court is considering the seriousness of an offence committed in any of the circumstances outlined below.

Those circumstances are

A) That, at the time of committing the offence, or immediately before or after doing so, the offender demonstrated towards the victim of the offence hostility based on –

- 1) the Sexual orientation (or presumed sexual orientation) of the victim, or
- 2) a disability (or presumed disability) of the victim, or

B) That the offence is motivated (wholly or partly) –

- 1) by hostility towards persons who are of a particular sexual orientation of the victim, or
- 2) by hostility towards persons who have a disability or a particular disability.

The court must treat the fact that the offence was committed in any of those circumstances as an aggravating factor, and must state that finding in open court.

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It is immaterial for the purposes of paragraph (a) or (b) whether or not the offender's hostility is also based, to any extent, on any other factor not mentioned in that paragraph.

In this section "disability" means any physical or mental impairment.

5.2 Intelligence

The [National Intelligence Model \(NIM\)](#) provides the Police with a framework which delivers a structured approach to problem solving policing, but also ensures that value for money is secured in terms of the efficient and directed tasking of resources. The Policy is included in each of the three levels identified within the NIM; local, cross border and national.

5.2.2

Local issues reflect patterns of Criminal Damage, Harassment, Assaults and Public order issues. However this scoping of crime is not limited to the traditional concept of "low level". Local issues can involve Murder. Resolution of these incidents will be undertaken by the Level one tasking and co-ordination groups (TCG's).

The Community Impact Assessment (CIA) facilitates the development of intelligence lead policing. The CIA is a dynamic risk assessment tool designed to pre-empt or react to a potential or Critical incident.

The CIA is both a tactical and strategic intelligence product. The CIA facilitates the transfer of communication across levels one, two and three of the NiM. The ability to assimilate and gather intelligence is also of added benefit when the CaDO produces weekly and monthly tasking documents based on the analysis of crime patterns.

Detailed analysis of the CIA will produce meaningful outcomes. Therefore there will be close collaboration between analysts, the TCG and CaDO on each BCU/LPA

The HMIC provided the most inclusive definition for **Community intelligence**:

"local information, direct or indirect, that when assessed provides intelligence on the quality of life experienced by individuals and groups that informs both the strategic and operational perspectives in the policing of local communities".

Community intelligence can be gathered by members of the wider Policing family such as CaDO, PCSO's even community wardens can feed information into the NIM. The ACPO manual also highlights the role of **Community voices (forums)** where ordinary members of the community can donate information provided recording mechanism are used.

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Credence should also be given to the further development of **Independent Advisory Groups** (IAG) across the force. IAG's provide an invaluable source of information and advice to senior officers when dealing with critical incidents.

Hate material gives an indication of community tension levels. It can include hate based graffiti or leaflets from extremist groups (indicating a pattern of focused activity). Equally interpretation of the **Media** and other **open sourced material** can provide similar information on community tension levels. This information will form part of the intelligence system.

Therefore the CaDO will ensure that any information received will undergo analysis. The analysis will be monitored in line with current Intelligence Policies and measured outcomes will be identified. Where possible the results of the outcome will be communicated to the public.

5.3 Hate Crime Standard operating Procedure

This policy must be read alongside the internal Hate Crime SOP. The SOP has been written to provide a guide to the investigation of Hate Crime across the force.

5.4 Working with Victims of Hate Crime)

“Where a person or immediate family member suffers more than one hate incident in a 12 month period following the date the first crime was reported.”

Repeat victimisation occurs in all crime and incident categories. Victims of Hate Crime are at significant risk. Community intelligence, collated through partnership links may suggest Hate Crime is present despite the fact that standard reporting procedures indicate otherwise.

Therefore at no point should any crime be dismissed as not having a Hate Crime element.

Repeat Victimisation Policy

In all cases the wishes of the victim are paramount, and consent must be obtained before any approach is made by police to any other victim support agency. Consideration must be given to sharing sanitised information wherever possible.

When investigating LGBT crimes particular care must be taken to ensure that no family members are contacted prior speaking with the victim. We will not discuss the sexual identity of the aggrieved with anyone, unless we have strict consent from the aggrieved. We do not wish to compromise the identity, associated with a person's sexual orientation. When investigating offences aimed at the LGBT community the Sexual orientation or conduct

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of the victim must not become the focus of the investigation. We must deal with the incident at hand.

All victims must be offered the assistance of the Victim Support Scheme. Their wishes in this respect should be recorded. Under no circumstances should an individual who has refused consent to disclose their information to VS have their details disclosed.

The victim may wish to provide a victim's personal statement (VPS). The statement ought to describe the sentiments and effects that the hate element of the crime has had on the victim and/or others. There may be reference made to the type of victimisation which is as a result of faith, or cultural background or sexual orientation. The additional information provided may reach beyond the evidential aspects already obtained in the main witness statement. Therefore the VPS must highlight the ongoing trauma caused by the incident. We will ensure that members of staff involved in the investigation process have received adequate training on the VPS.

Should House-to-house (agreed to by the aggrieved), enquiries form part of the investigation. The potentially sensitive nature of the crime must be borne in mind by investigating officers. Enquiries ought to be undertaken tactfully, with extensive use of diplomacy and professionalism. At no point must the disclosure of the aggrieved's Sexual orientation, be made during the investigation.

5.5 Internal Hate Crime

Employees of the Police Authority will be afforded the same level of service, given to victims of hate crime in the wider community. There should be no difference to the level of service provided to internal or external incidents.

This aspect of Hate crime will be monitored by the Professional Standards and Human resources departments. It is important to state that internal Hate Crime is extremely damaging to the individual, and the wider Police community. Therefore it is necessary to ensure that Support for victims of internal offences is adequately provided. We would encourage Line Managers to consider contacting staff associations and the welfare department.

Furthermore Leadership in this area must come directly from the Diversity champion. The diversity champion must be made aware of the cases and the results from such decisions.

Hate crime training

Please refer to the following document:

Race and Diversity Learning and development strategy 2005-2008

6.0 Communication

6.1 Links to Police National Legal Database Other

From the HMIC Thematic Inspection Website (PDF Downloads)

[Open all hours](#): (A Thematic inspection report on the role of Police visibility and accessibility in Public reassurance)

[Diversity Matters](#): Thematic report

[Winning Consent](#): (HMIC review of murder investigation and community and race relations in the Met Police Service)

[Winning the race: Embracing Diversity](#)

[Keeping the Peace: Policing Disorder](#): Thematic inspection in policing disorder

[Winning the Race](#)

[Winning the Race revisited](#)

From the Association of Chief Police officers Website

[ACPO Family Liaison Strategy](#)

[ACPO Race & Diversity Strategy](#)

[ACPO guidelines on dealing with Forced Marriage](#)

[ACPO Asylum Seeking Policing Guide 1](#)

[ACPO Asylum Seeking Policing Guide 2](#)

[ACPO Asylum Seeking Policing Guide 3](#)

[ACPO Asylum Seeking Policing Guide 4](#)

[ACPO Hate Crime Manual](#)

[ACPO Keeping the Peace](#)

ACPO Operational guide for the management of Inter Ethnic Conflict

From the Home Office Website

Community Cohesion reports, in particular the CANTLE report

[Religion in England and Wales Hors 274](#)

[Distraction Burglary amongst older adults and Ethnic Minorities Hors 269](#)

[Widening access: Improving relationships with Hard to reach groups Hors 128](#)

[Ethnic Minorities victimisation and racial harassment HOSB 6/98](#)

[Religious Discrimination in England and Wales Hors 220](#)

[Tackling Religious Discrimination HOR 221](#)

Code of practise in reporting Racial incidents.

CPS Review on Casework Having a Minority Ethnic Dimension
<http://www.hmcpso.gov.uk/reports/tr4216con.pdf>

CPS Guidance on Prosecuting Cases of Racist and Religious Crime
www.cps.gov.uk

CPS Guidance on Prosecuting Cases with a Homophobic Element
www.cps.gov.uk

Crime Reduction Directors Toolkit – Racist Incidents and Harassment
www.crimereduction.gov.uk

Minimum Standards of Investigation - [PNLD 55270](#)

6.2 Communications Strategy

This policy will be made available to police officers and police staff via the intranet and will be made available to the public via the Thames Valley Police website.

7.0 Compliance and Certification

7.1 Human Rights Certification

(i) Legal Basis

ACPO Hate Crime Manual

(ii) Human Rights Articles Engaged

No, this policy does not engage any of the Human Rights articles.

(iii) Prohibition of Discrimination

This policy does not have the potential to discriminate.

7.2 Diversity Impact Assessment

This policy has been assessed for its relevance to diversity.

7.3 Diversity (Human Resources)

In the application of this policy, the Force will not discriminate against any persons regardless of their gender, sexual orientation, race or ethnic origin, religion, age or disability.

7.3 Data Protection

Personal data held in connection with this policy will be processed in accordance with the provisions of the Data Protection Act 1998.

It is recognised that much of the information processed in accordance with this policy will entail 'sensitive personal data' as defined by the Act and this information will be subject to additional security measures to ensure it is not inappropriately recorded, processed or disclosed.

All disclosures to Partner Agencies which involve sensitive personal data should be recorded, together with a justification as to the necessity to make the disclosure. Guidance should be provided to recipients of information with regards to security of the information, GPMS and retention of information.

7.4 Freedom of Information Act

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This policy contains details of working practices and investigative techniques which would be prejudicial to the Force if disclosed outside of the organisation. It is exempt from publication under the TVP Freedom of Information publication scheme by virtue of:

Section 30 – Investigations and Proceedings

Section 31 – Law

7.5 Protective Markings

This policy has been assessed as NOT PROTECTIVELY MARKED.

7.6 Health & Safety at Work

There are no Health & Safety implications.

8.0 Monitoring and Review

8.1 Links to Best Value/PPAF/Priorities/Performance Indicators

This policy contributes to the following Strategic Objective:

1. To provide an effective and timely response focused on the needs of the citizen

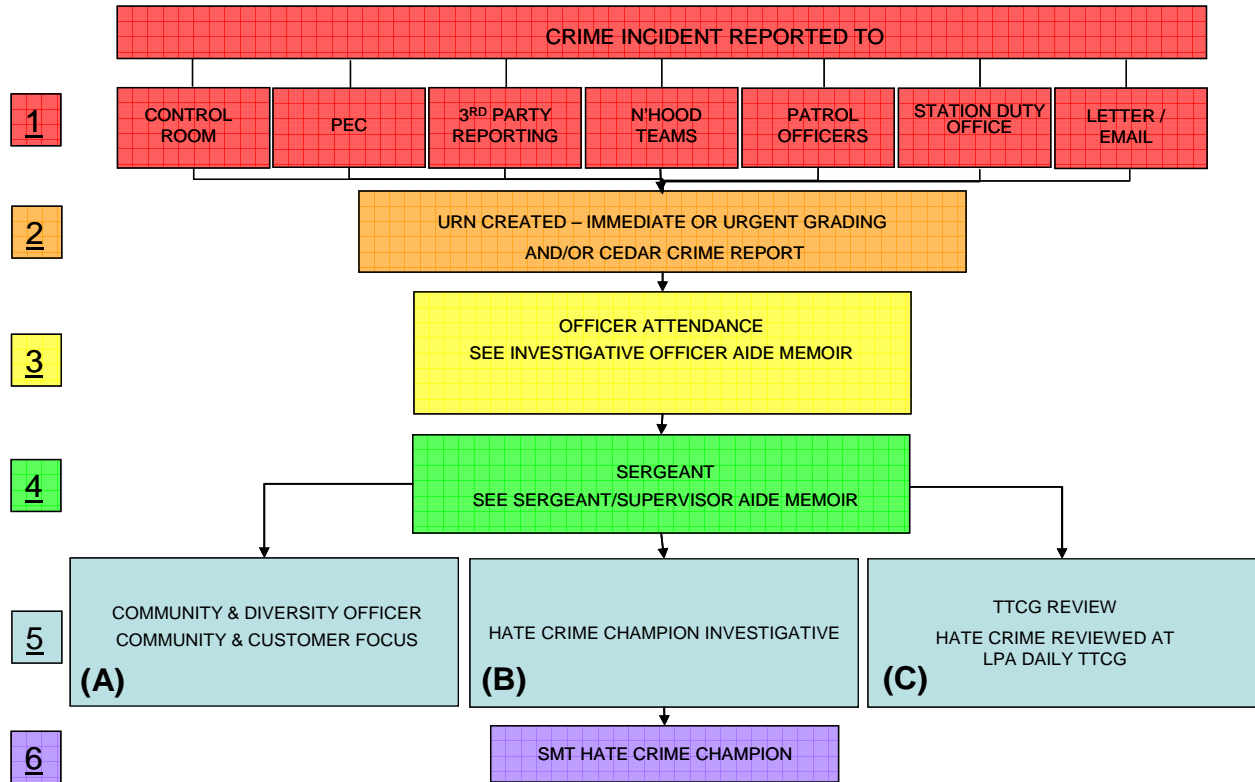
8.2 Review Process

A full review will be carried out annually by the policy author and will examine:

- Changes in legislation
- Court rulings – Domestic, European and Human Rights
- Examples of good practice from other Forces or other organisations
- Changes in Home Office Circulars
- Developments with ACPO Policy Unit
- Representations made by individuals and relevant organisations
- Relevant diversity data.

APPENDICES

HATE CRIME STANDARD OPERATING PROCEDURE



TVP HATE CRIME STANDARD OPERATING PROCEDURE

1. Crime Incident Reporting

- All Hate Crime will be reported through one of the methods listed in this section of the SOP. The Reporting of Hate Crime can be a very traumatic experience for a victim and it is essential that we provide a high initial quality of service. This will include ensuring that the offence is flagged as a Hate Crime at the earliest opportunity and the appropriate reassurance and support is provided.
- See legal framework section for definitions of Hate Crime.

Third party and self reporting

- Basic command Units will have in place local standard operating procedures for the reporting of incidents and offences through third party reporting centres. Third party reporting centres are places other than a police station that victims / witness can report Hate Crime where they do not, for what ever reason want to report direct to the police. Self reporting is where the victim completes a self reporting pack which can be found in third party reporting centres.
- Third party reporting is managed by the BCU Community and Diversity Officer (CaDO) who will receive the reports. These will be recorded on CEDAR as either a crime or a crime related incident (CRI) dependant on whether the report is being made on behalf of and with the knowledge of the victim.
- Please note: Third party reporting is the only reporting procedure where a URN may not be created for attendance by an officer. The victim / witness may just want the police to be aware of the incident / offence and want no further action. The BCU CaDO will make contact with the victim / witness as appropriate and make an assessment on the next course of action. A CEDAR record must always be made.
- True Vision: This is the third party and self reporting mechanism adopted by Thames Valley Police. At present this includes Race / Faith / Homophobic crimes. A victim / witness can collect a Hate Crime reporting pack from a third party reporting centre. They can complete this in their own time and forward in a stamped addressed envelope to the Diversity Unit, Thames Valley Police HQ, Kidlington. On receipt of these reports the Diversity Unit will make contact with the relevant BCU CaDO and send the report directly to them for recording on CEDAR and appropriate action.

2. URN or crime report Created

- On receipt of the Hate Crime report a URN must be created to ensure officer attendance within set time parameters.
- Initial crime report must be created.

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- Hate Crime reports must be graded as immediate or urgent attendance only (see grading / attendance policy).
- All Hate Crime reports must be brought to the attention of the duty sergeant for appropriate allocation and action.
- It is essential that as much information as possible is recorded about the incident / offence at this earliest opportunity to ensure the attending officer (s) have the best possible information and as such are able to provide a high initial quality of service. See investigating officers aide memoir as guidance to the type of information to be recorded (investigating officer fast time actions)
- Our response to Hate Crime can have a real affect on community confidence in the police. Ensure Hate Crime reports are resourced at the earliest opportunity. Keep the victim / witness updated with any delays in attendance.
- Reports made directly to officers where no further resourcing required can be recorded directly onto CEDAR as crime report or crime related incident. Crime investigation SOP to be followed. Officer actions must still comply with Hate Crime SOP and investigation aide memoir.

3. Officer Attendance

- Officer attendance within Force attendance guidelines.
- Comply with and complete investigating officers aide memoir.
- Confirm correct crime classification and update CEDAR through officer reported crime.
- Comply with AIM (Investigation SOP)
- Comply with the victims charter.
- Obtain victim consent for details to be shared with partner agencies. Complete relevant BCU form.
- Identify if repeat victim (victim of Hate Crime within last 12 months) implement victim implementation policy.

4. Sergeant Actions

- Comply with Sergeant aide memoir
- Ensure most appropriate resource despatched within time parameters.
- Oversee investigative actions.
- Comply with AIM SOP (Supervisory reviews)
- Ensure compliant with victims charter.

5. (A) Community and Diversity Officer aide memoir

- Maintain an overview of all Hate Crime and provide link to Independent Advisory Groups and multi agency Hate Crime panels.
- Identify actual or potential community tensions resulting from the

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incident. Assist in the management of community risk identified. Consider the need for a CIA.

- Ensure any shortfall in quality of service is identified. Provide community and customer focus.
- Provide advice and guidance to investigating officers and supervisors on cultural issues affecting the investigation.

5. (B) Hate Crime Champion investigative Lead aide memoir

- Ensure compliance with the Hate Crime SOP and investigation aide memoir.
- Review initial investigative actions. Set further actions as necessary.
- Decide on the most appropriate investigating officer based on the type, complexity and seriousness of the case.
- Consider appropriate intervention where offence could result in a loss of community confidence in the police, raised community tensions or an increase in the fear of crime within a community.

5. (C) Daily Tactical Tasking and Coordination Group (TTCG) aide memoir

- Ensure resource deployment within time parameters.
- Ensure the incident is reviewed by the Hate Crime Investigative Champion.
- Ensure the most appropriate resource is dealing with the incident based on the seriousness of the offence or the actual or potential effect on the community.
- Consider the need for a Community Impact Assessment in line with CIA guidelines (actual or potential critical incidents). Consult with the CaDO as part of decision making process.
- Consider the need for tasking and / or inclusion on the operational briefing as appropriate.

6.0 Senior Management Team Hate Crime Champion

- Maintain a strategic overview of all Hate Crime on the Basic command Unit (BCU)
- Ensure compliance with the Hate Crime SOP
- Liaise with Independent Advisory Groups as appropriate.