



Introduction to Hate Crime





LEARNING OBJECTIVES

Make defensible decisions around hate crime and hate incidents

Apply the perception test under challenge

Understand the impact of decisions on victims, communities and trust.

Hopefully by the end of this input - you should be able to justify your decisions under challenge - from victims and supervisors.

This is not about learning definitions its about being able to defend your decisions when someone is unhappy with it

Apply the perception test under pressure

Understand the wider community impact of getting wrong.

"Who here has ever been uncomfortable explaining a hate decision to a victim."



SCENARIO

Police are called to a report of an argument outside a takeaway at approximately 22.30hrs. On arrival, officers speak to Alex who states that during a verbal argument with another customer about queue-jumping, the other person said

“People like you are the problem around here.”

Alex states he felt targeted and offended by the comment as he believes the comment was made because of “who they are” - But does not specify how

No threats were made
No physical contact occurred

The other person has left before officers arrive

Two witnesses confirm an argument took place but disagree on exact words used.

Alex does not disclose any injuries and states “I’m not traumatised, but it shouldn’t be allowed.”

"What are you recording"

Hate crime

Non-Crime Hate incident

Neither

No it depends

No what is the policy

No hindsight

You must choose

"What Offence are you relying on if any."

"What characteristic are you basing this on."

"Who has perceived hostility here."

"what would you say to Alex right now."

Potential

Drip feeds

1st Feed - Alex mentions they are from a minority background but says the suspect does not mention anything explicitly about race

2nd Feed - Witness later tells officers as the suspect walked away he muttered "they're all the same" as they walked away

3rd Feed - The owner of the takeaway reports similar arguments have happened before involving different customers

Debrief

"What made you decide what you decided."

"Who were you protecting - the victim or the organisation."

"What would scrutiny look like if this was escalated."

"What does good policing look like here, not in theory."

ANSWER

Based on the information given, this would constitute a non-crime hate incident. If the victim felt threatened and/or the words were considered abusive or insulting, it could become a hate crime.

The reference to the victim's country of origin makes it a race-related hate incident, regardless of where the victim is actually from.



Non-Crime Hate incident



The Correct Answer (Most Defensible)

Non-Crime Hate Incident (NCHI)

Why NCHI is the Correct Answer

Let's apply the law and guidance step by step, exactly as scrutiny would.

Is there a criminal offence?

Verbal argument

No threats

No violence

No clearly abusive, insulting, or threatening words proved Conflicting witness accounts

 No clear criminal offence disclosed That rules out hate crime at this stage.

Is there perceived hostility?

Yes.

The victim felt targeted

The victim believes it was because of "who they are"

The perception test is met

The characteristic does not need to be proven or specified  This satisfies the perception element required for hate recording.

Does it meet the threshold for NCHI?

Yes, because:

Hostility is perceived by the victim

It relates to an actual or perceived protected characteristic Recording may be necessary to:

Identify escalation

Protect community confidence

Inform future risk

➔ This fits the purpose of NCHI recording ✓ Final legal position:

No offence + perceived hostility = Non-Crime Hate Incident This is the most proportionate, lawful, and defensible outcome.

✗ Why “Hate Crime” Is Not the Correct Answer This is where people often overreach.

To record a hate crime, you need:

A criminal offence first

Then hostility attached to it

In this scenario:

The wording is ambiguous

No offence threshold is clearly met

Evidence is weak and disputed

➔ Recording a hate crime here would be legally vulnerable.

Under scrutiny, you would be challenged with:

“What offence are you relying on?”

If you can’t answer that clearly, the decision won’t stand.

✗ Why “Neither” Is Also Weak

This is the risk-heavy decision, even though some officers will lean this way.

Problems with “neither”:

Ignores the perception test

Dismisses the victim’s experience

Removes intelligence and escalation safeguards Leaves policing exposed if behaviour escalates This is where HMIC criticism usually sits:

“Opportunities to identify and manage escalation were missed.”

“If there’s no crime but perceived hostility linked to a protected characteristic, the default position is a Non-Crime Hate Incident – unless it would be disproportionate not to record.”

Or even simpler:

“No offence + perception = NCHI.”

What Makes This Decision Defensible

If challenged later, your rationale would be:

No offence disclosed at the time

Victim perception of hostility present

Recording proportionate to prevent escalation Decision made based on information available at the time That is exactly what scrutiny bodies look for.

✚ Final Facilitator Tip

When delegates ask:

“But what if it turns out to be nothing?”

Your response should be:

“Then you’ve recorded proportionately, lawfully, and protectively — which is what policing is supposed to do.”

DEFINING HATE CRIME



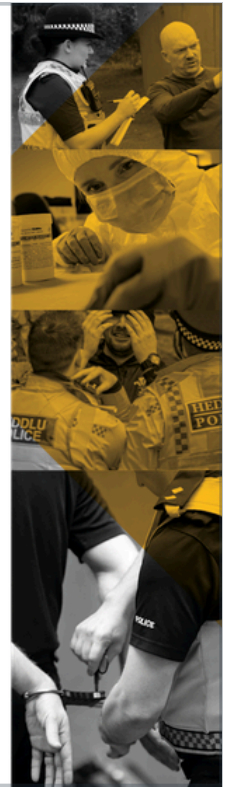
The law recognises **five** types of hate crime based on these **protected characteristics**:



If the offender has either:

- **demonstrated hostility**
- **OR** been **motivated** by **hostility**
- **OR** the offence is perceived by the victim or **any other person**, as being motivated by a hostility or prejudice based on someone's actual or perceived characteristic

They can be prosecuted for a Hate Crime.



What Is the Perception Test?

The perception test asks:

Is the offence or incident perceived by the victim or any other person to be motivated by hostility or prejudice towards a protected characteristic?

If the answer is yes, the perception test is met.

Key Parts of the Perception Test (Plain English)

Who can perceive hostility?

The victim

Any other person (witness, officer, third party)

It does not have to be the suspect.

What is being perceived?

Hostility

Prejudice

Bias

It does not need to be:

Proven

Explicit

Admitted by the suspect

What must the hostility relate to?

A protected characteristic

Either actual or perceived

The suspect does not need to be correct about the characteristic.

What does the perception test not require?

It does not require:

Evidence of intent

Proof beyond reasonable doubt

Explicit hate language

A crime to have occurred (for NCHI)

⚖️ How the Perception Test Applies in Practice

Hate Crime

There must be a criminal offence

PLUS perception of hostility

Non-Crime Hate Incident

No offence disclosed

BUT perception of hostility exists

Recording is proportionate and necessary

🧠 The One-Sentence Explanation (Teach This)

This is the line you want officers to remember:

“If the victim or anyone else perceives hostility linked to a protected characteristic, the perception test is met — regardless of intent or evidence.”

● What the Perception Test Is Not

This is where mistakes happen.

The perception test is not:

“Do I believe the victim?”

“Would a court convict?”

“Was the suspect definitely motivated by hate?”

“Do I personally think it was hate?”

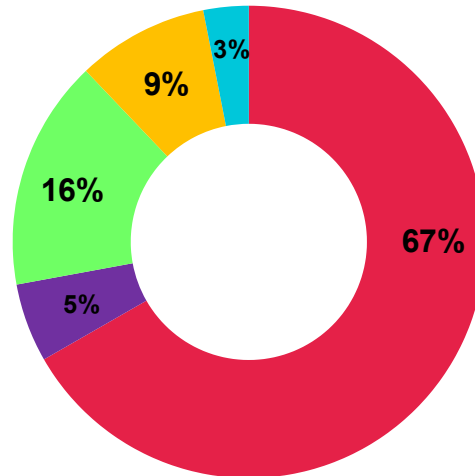
It’s about perception, not proof.



HATE CRIME DATA

Does this data fit what you might expect?

● Race ● Religion ● Sexual Orientation ● Disability ● Transgender



Hate Crime Data

"Which strand do you think is reported the most."

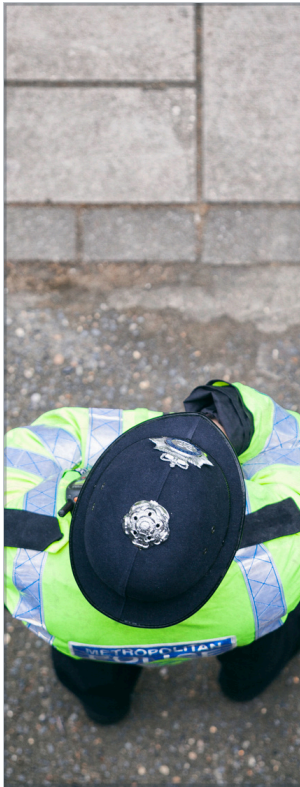
"Which do you think is under reported."

"Which generates the most investigative demand."

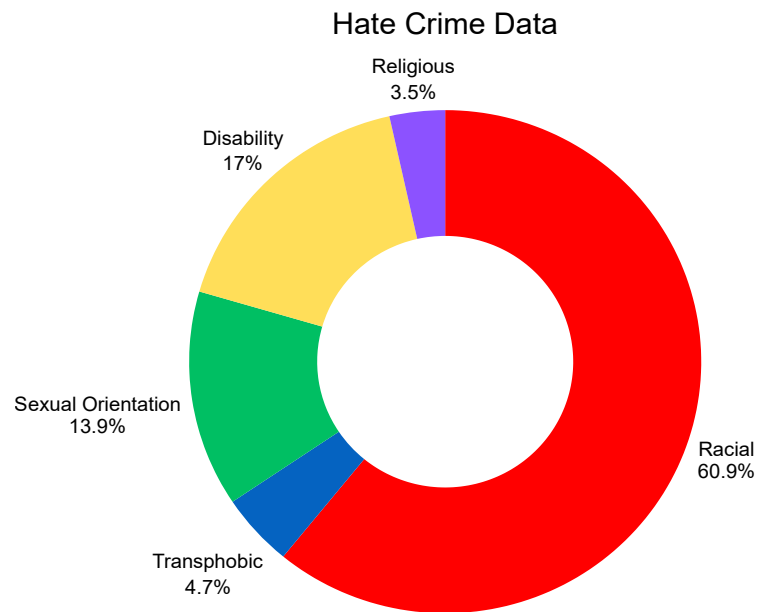
After Data reveal

"Why is our assumption different from reality."

"What does this say about trust."



Gwent Police Data - FYTD

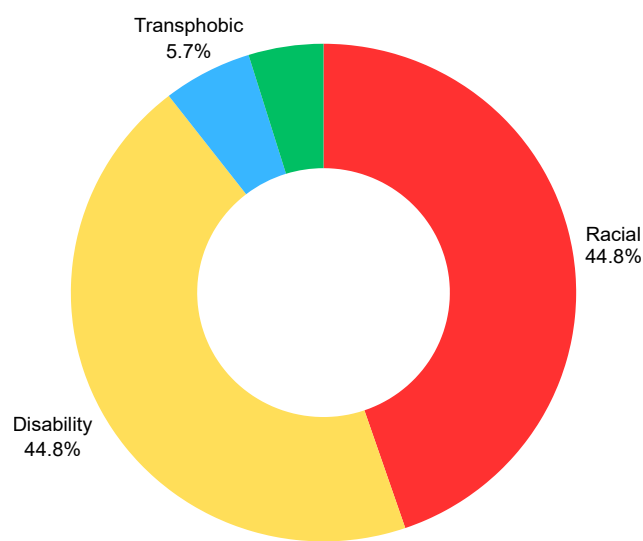


Why is our assumption different from reality

What if any does this say about trust, reporting and policing



Non Crime Hate Incidents Data



DEFINING NON-CRIME HATE INCIDENT

The law recognises **five** types of Non-Crime Hate Incident based on these **protected characteristics**:



If the offender has either:

- **demonstrated hostility**
- **OR** been **motivated by hostility**
- **OR** the incident is perceived by the victim or **any other person**, as being motivated by a hostility or prejudice based on someone's actual or perceived characteristic
- **BUT** there is **no criminal offence involved**

A record is made only if it meets the recording threshold and is essential for preventing it escalating into a crime



Perception is not unchecked.

Recording must still be:

Lawful

Necessary

Proportionate

That's why:

Not every unpleasant interaction is recorded

Officers must still justify the decision

🔧 Facilitator Line (Use This in Training)

If students push back, say:

"The perception test lowers the threshold for recording, not for criminalising."

Pause. Let it land.

🧠 Why This Matters

Understanding the perception test:

Protects victims

Prevents escalation

Builds community confidence

Protects officers under scrutiny

Final Summary (If You Want It Ultra-Clear)

Perception decides recording.

Evidence decides prosecution.

That's the cleanest way to teach it.

Does anyone find NCHI harder to justify than hate crime

Why NCHI matters

Are preventative

Identify patterns and escalation

Protects victims and communities

Inform future risk

anyone worry about proportionality and perception.

"The risk is not over-recording, the risk is missing escalation."

"Who is accountable if this escalates."



TASK 1 – HATE CRIME OR HATE INCIDENT?

There has been an ongoing neighbour dispute over parking. As one party has returned home and approached their front door, they have seen their neighbour open their front door and say “go back to your own country”.



Group work

decide which it is and your rationale for this.

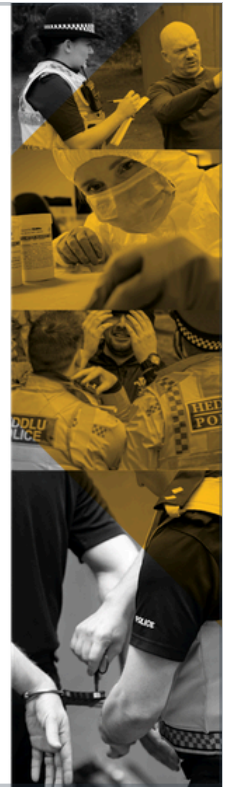
ANSWER

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The reference to the victim's country of origin makes it a race-related hate incident, regardless of where the victim is actually from.



Hate Incident





TASK 2. HATE CRIME OR HATE INCIDENT?

A student takes the bus into town every morning. He is regularly spat at when he boards the bus by youths who regularly make fun of people with disabilities. Tom thinks this is normal and is therefore not upset by the behaviour. Tom is partially deaf and has a speech impediment.



"Does the victims reaction matter."

Reinforce

Motivation

Vulnerability

Hidden Harm

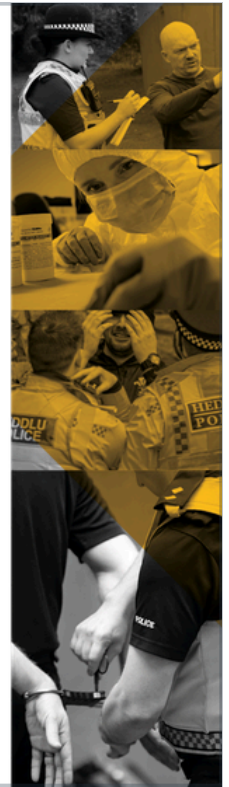
ANSWER

This is a hate crime because the motive/motivation of the youths turns their spitting into a hate crime.

The victim is not always aware that they have been a victim of hate crime. This is why it is important to report even if you are not sure, either to the police or through a third party.



Hate Crime





TASK 3. HATE CRIME OR HATE INCIDENT?

I was leaving a well-known LGBTQ+ venue when a male has pushed me and then punched me to the side of my head. He has then said, “your sort disgust me”.



What would you record on Niche

What would you say to the victim

ANSWER

This is a hate crime because the suspect makes an assumption about the perceived sexual orientation of the victim because they are seen leaving an LGBTQ+ venue, and when assaulting the victim, the suspect expresses verbal hostility based on the perceived sexuality of the victim. The actual sexual orientation of the victim is irrelevant.



Hate Crime





HYDRA EXERCISE

Scenario

Initial Call

A report is made of verbal abuse outside a licensed premises in Cwmbran. Victim reports being targeted for “Who they are.”

No injuries, Suspect left prior to police arrival.

Initial Decision

Hate Crime, Hate incident or Neither



Witness Accounts

ENTRY: At 2215hrs on Tuesday 6th January I attended The Crows Nest as a result of a incident which had been reported to the FCR. Upon my arrival I spoke to a member of the public who provided me with the following details.

James Styles 22/05/1988.

He stated that he was sat outside on a table facing the entrance of the pub, I was with a group of friends, when my attention was drawn to a male who walked past me, he appeared drunk from the way he was walking. I've not seen him before, he walked up to a female who was smoking outside. He walked up to her and I thought he knew her, he pointed at her and said something to her which clearly upset her from the way she immediately left the pub, as she walked past me I could see she looked agitated and clearly upset. Due to it being noisy at the pub as there was a number of people there who had been watching the West Ham and Forest match I could not make out what was said. I am unable to describe the male in any great depth other than he was white, about 5ft10, about 35 years old, he was medium build.

I had drunk three pints of Madri beer although I had a drink I would not say I was drunk.

ENTRY: 22.20 - Crows Nest Pub

Spoke to a female by the name of Rebecca Cole who was outside the pub in the smoking area as I was stood there I saw a male approach a female stood by the entrance smoking. He was pointing towards her seemed to say something and she walked off I wouldn't say he was being aggressive or looked if he was threatening her in any way, the way he was I thought they knew each other the way he was and was having banter. She then walked off, it was only a short incident and I didn't think of anything of it. I don't know the male, the female I recognise from the local area as she use to play football in my boyfriends team when she was younger and I am aware that she has gone through gender reassignment over the last couple of years.

Suspect

Potential Suspect - Identified as Michael Morgan (35 yrs old)

43 The Tower, Cwmbran

Previous Conviction -

D&D - Caution - 2009

Racially Agg Section 5 - 2005

Intelligence Checks - Facebook shows he likes and follows Reform UK and Casuals (Football hooligan group) although there is little activity

snapchat username - @keepitukMM

He has been spoken to and denies showing any hostility towards the victim, but confirms he was at the pub and saw the female

Victim Account - Ceri Davies

"I know you can't hear what they said on CCTV, but I heard it clearly. When the male approached me outside the pub and started pointing at me and said something under his breath. It was clearly aimed at me as I am transgender and it happens alot especially at The Crows Nest, thats why I left as it was all to familiar, it was not a random thing it was personal

What stands out

What do we know - and what are we assuming

Does the victim need to prove the suspect knew they were transgender

Is this enough to meet the perception test

added inject

"I didn't want to report it straight away because I didn't want to be told I was overreacting. Thats happened before."

- What does tell us about confidence in the police

- How does this influence your decisions

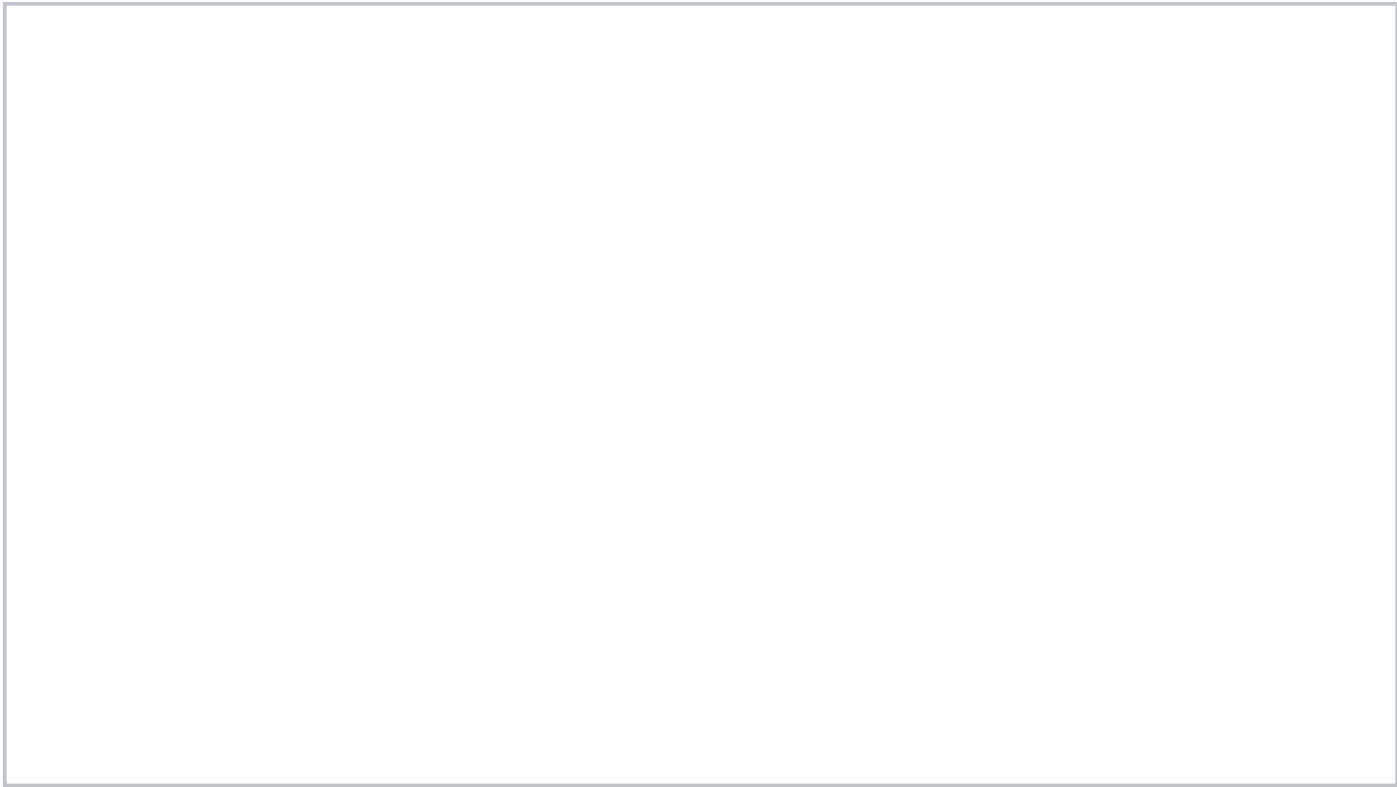
"The law doesn't ask us to decide whether the victim is right it asks whether their perception is reasonable and defensible.

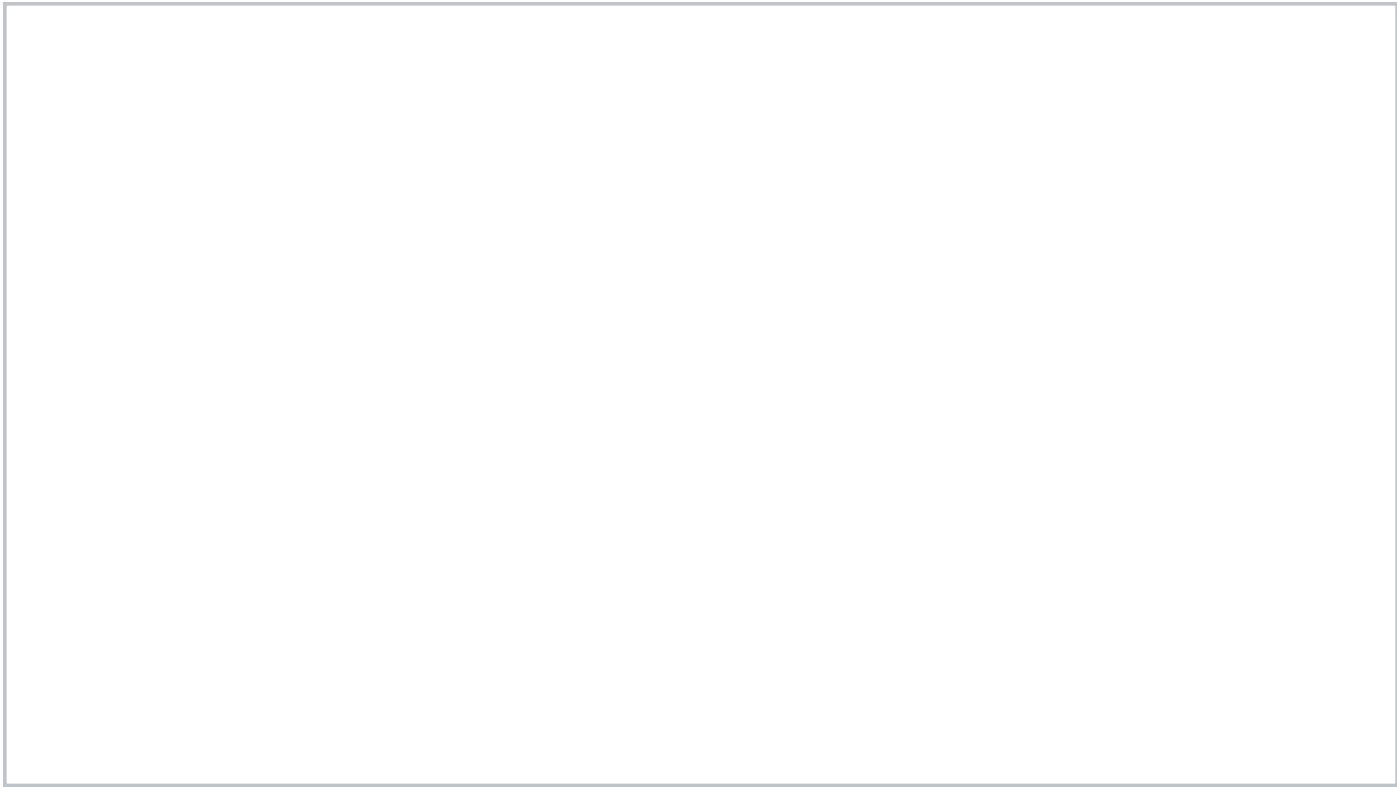
The victim can't say exactly what words were used but believes it was something like

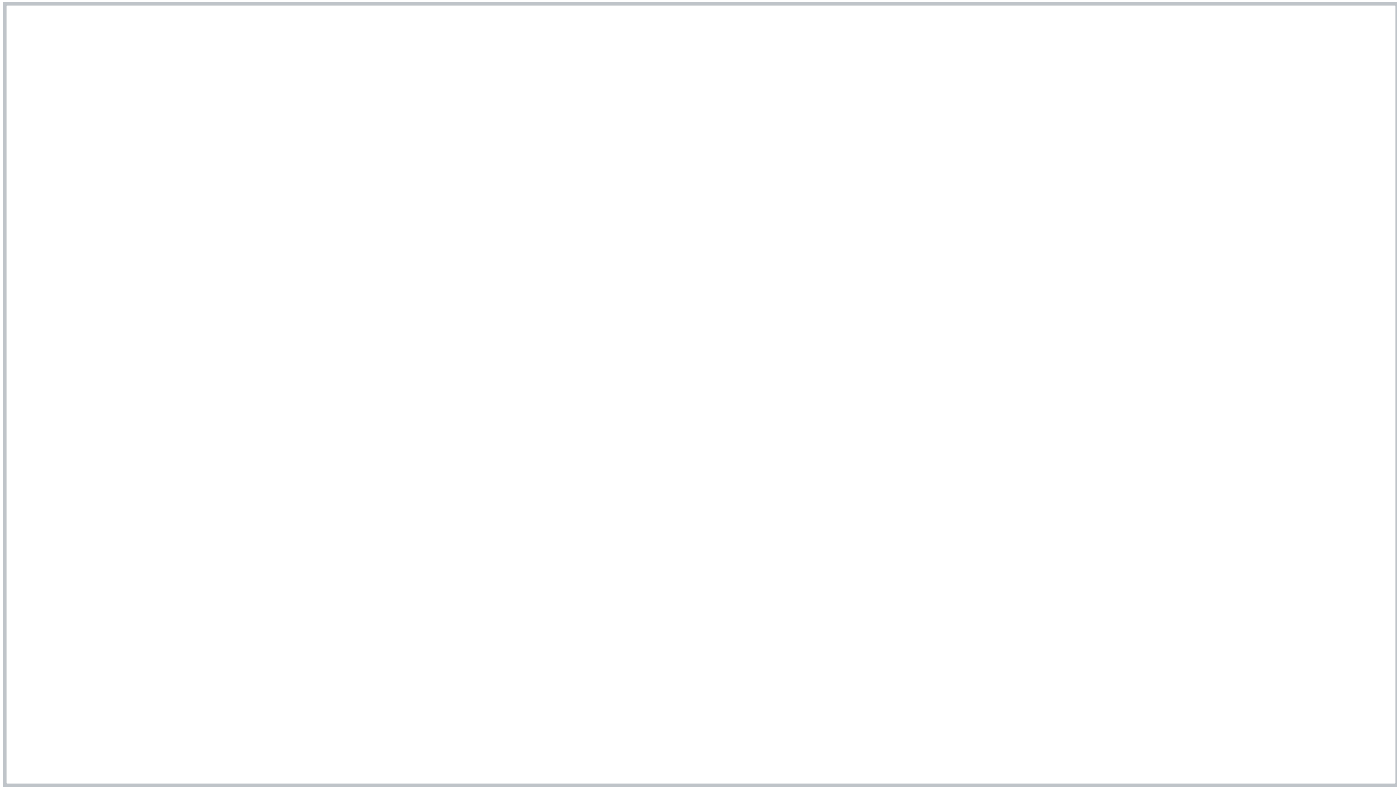
Comment made - "This place isn't for you, you don't belong here. You need to pick a side."

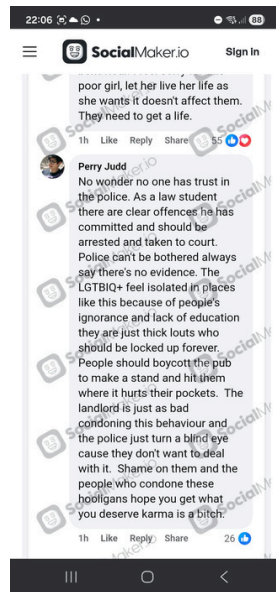
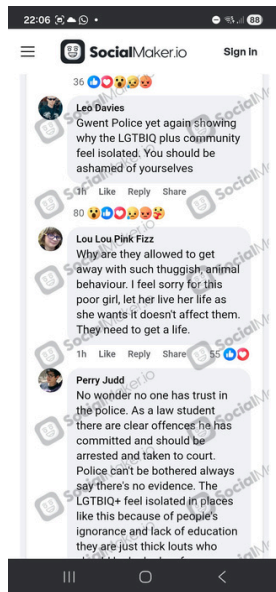
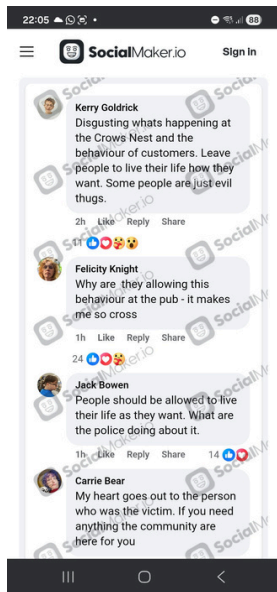
Does this change your decisions if so why

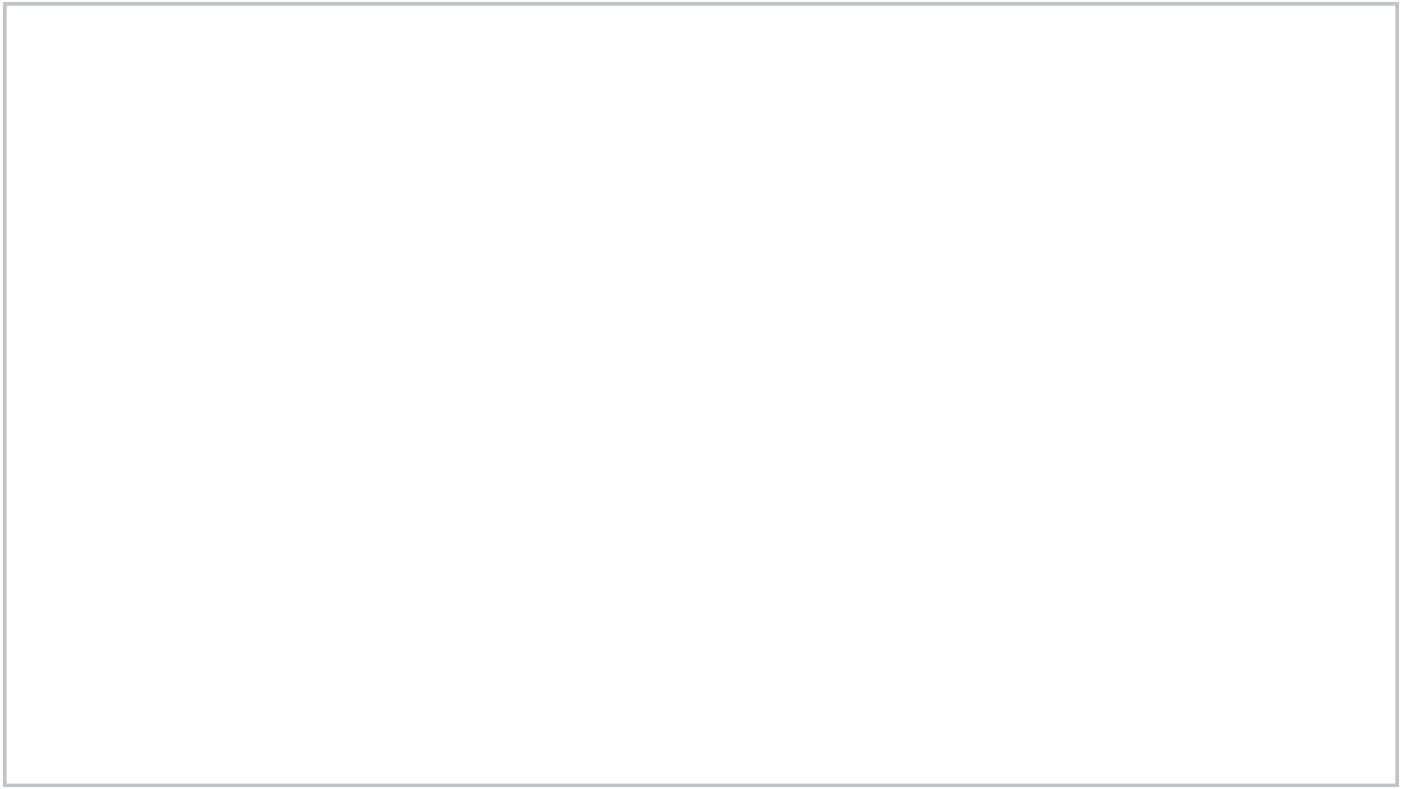
"The law doesn't require explicit hate language, it requires a defensible assessment of perceived hostility."



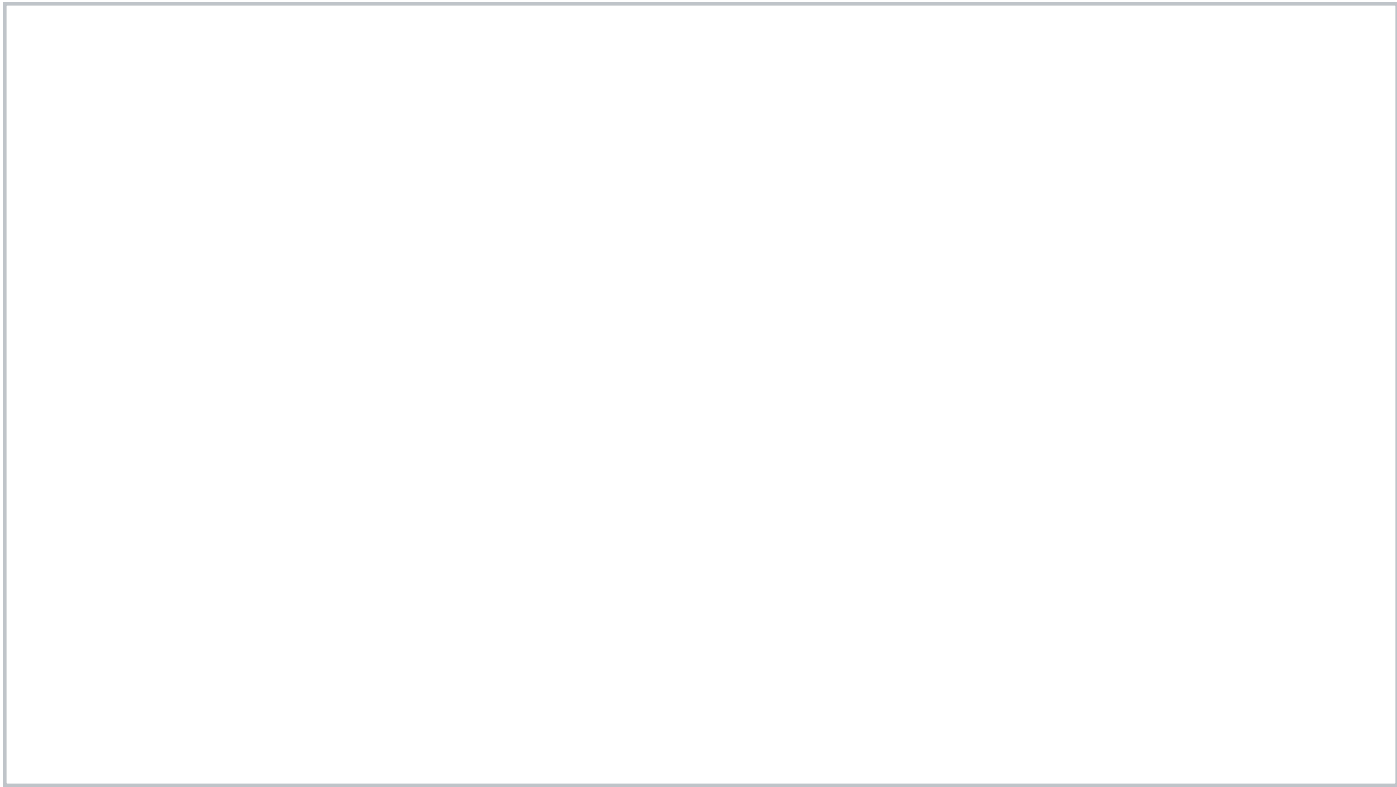








What do you say to the victim





Six Months later, a similar incident escalates into serious violence, the earlier incident is now being reviewed

How would your original decision be judged

What would the HMIC say

What would the family say

What would you say

Debrief

Judgement

"What changed your thinking most"

"What did you assume earlier on."

Pressure

"Who felt organisational pressure."

"Who felt victim pressure."

"Which one influenced you more."

Risk

"what is the greater risk: recording too much or too little"

"Who carries that risk."

Professional Identity

"What does 'good policing' actually look like here."

Land the message

"Hate crime decisions are rarely judged on what you knew at the time. They are judged on whether your decision was reasonable, ethical and defensible."

REPORTING VIDEO

Watch the Reporting Video and think about the questions to the right:



- What **barriers** do you think people face to reporting?
- What might the **impacts** of this hate crime be? (Think individual level versus community level)
- What might **justice** look like for this individual?

Before

"Why wouldn't I report this"

During the video

Listen for barriers not excuses

After the video

"Any barriers that surprised you."

"Have we created any barriers."

"What would good policing look like here."

Finish

"Confidence in reporting is not about outcomes - its about beliefs,"



REPORTING VIDEO

Watch the 3rd Party Reporting Video and think about the same questions:

- What **barriers** do you think people face to reporting?
- What might the **impacts** of this hate crime be? (Think individual level versus community level)
- What might **justice** look like for this individual?



WITH THANKS TO THESE ORGANISATIONS

