



Paper Marked

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Leicestershire Police

Procedure for Dealing with Hate Incidents and Hate Crimes

This procedure supports the following policy:
Hate Crime Policy

Procedure Owner:

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Please advise whether the whole procedure or only certain sections can be published externally on the force website:

Not to be externally published
(Note: Only those procedures that are 'Not Protectively Marked' can be published externally on the force website)

This Procedure has been produced in conjunction with the Leicestershire Police Legislative Compliance Pack

Review log

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1. Introduction

Hate crimes range from verbal abuse in the street at one end of the offending scale right through to Murder. *Hate* in itself is not a crime but it is an aggravating factor that must be identified and proportionately weighed as a factor when investigating any crime.

This document outlines the policy and procedures relating to Leicestershire Police's response to hate incidents and hate crime.

It provides a single reference point for front-line staff, managers, and specialists, and is intended to be a comprehensive point of reference.

In addition, expert help, advice, and assistance is available from the Hate Crime Officer based within the Prevention Directorate

This document should also be read in conjunction with: the following documents.

College of Policing Authorised Professional Practice (APP) – Major Investigation and Public Protection - [Hate crime APP](#)

[College of Policing – National Policing Hate Crime Strategy](#)

[College of Policing – Hate Crime Operational Guidance](#)

[Critical Incidents - Managing And Preventing Critical Incidents Procedure- Pr008.1](#)

[Managing Adults At Risk Procedure - Pr071.1](#)

[Vulnerable & Intimidated Witnesses & Victims Procedure - Pr050.1](#)

[Bullying and harassment – guidance for both individuals and managers](#)

[Police Race Action Plan.pdf](#)

1.1 Principles

Leicestershire Police will take positive action against any behaviour that is motivated by prejudice or hostility towards any identifiable group in society.

If a power of arrest exists and your suspect is both identifiable and can be located, then an arrest should be considered at the earliest practicable opportunity if appropriate.

The Police aim when dealing with hate incidents and hate crimes is to protect vulnerable people, work in partnership with other agencies to reassure and then reduce the risk and vulnerability of those who are affected. Leicestershire Police will seek to bring offenders to justice taking into consideration the victims wishes in order to achieve the most appropriate solution.

1.2. Definitions Relative to Hate Incidents and Hate Crimes

For the police service to be truly effective and provide an appropriate level of service to the victims of hate incidents and hate crime, it is important to have a clear understanding of what constitutes a hate incident or a hate crime. It is also essential to

understand the specific types of hostility or prejudice associated with incidents such as alternative sub-culture, disability, race, religion, sexual orientation and transgender.

It is now widely accepted that many hate incidents and hate crimes go unreported to Police, in particular it is victims of disability, sexual orientation and transgender hate motivated incidents and crimes that are less likely to report them to the police, [see Appendix A](#).

Experience has also shown that asylum seekers and refugees can be extremely vulnerable, isolated and susceptible to hate incidents and hate crime. Extra care must be taken to explain our procedures, as some victims may be fleeing totalitarian regimes where the police either do not provide any response to victims of hate crimes or are believed to be perpetrators themselves.

We need to continue to make efforts to overcome a victim's reluctance to report incidents to the police and to this end we must understand that there are numerous reasons influencing that decision not to report an incident.

1.3 Distinction between a Hate Incident and a Hate Crime

The following definitions are shared by all criminal justice agencies and are inclusive and apply to both majority and minority groups.

Hate crimes and incidents are taken to mean any crime or incident where the perpetrator's prejudice against an identifiable group of people is a factor in determining who is victimised. This is a broad and inclusive definition. A victim does not have to be a member of the group. In fact, anyone who is perceived to be or associated with an identifiable group of people, could be a victim of a hate crime or non-crime hate incident.

A **Hate Incident** is defined as:

‘Any incident where a crime has not been committed, but where it is perceived by the person reporting or any other person that the incident was motivated by hostility or prejudice.

For recording purposes, the perception of the victim, or any other person is the defining factor in recognising the ‘hostility’ or ‘prejudice’ element of a Hate crime or non-crime. There is no legal definition of **hostility** therefore consideration should be given to ordinary Dictionary definitions, which include ill-will, ill-feeling, spite, contempt, prejudice, unfriendliness, antagonism, resentment and dislike.

A **Hate Crime** is defined as:

“Any criminal offence which is perceived, by the victim or any other person, to be motivated by hostility or prejudice based on a person's actual or perceived race,

religion, sexual orientation, disability or a person who is, or perceived to be, transgender.

While a crime may be recorded as a ‘hate crime’, it may only be prosecuted as such if evidence of hostility is submitted as part of the case file. This definition is based on the 1999 Stephen Lawrence Inquiry Report.

It is vitally important to note that all hate crimes are hate incidents, however, some hate incidents may not constitute a criminal offence and therefore will not be recorded as a hate crime. For example, making inappropriate reference to the colour of someone’s skin, or a person’s disability, in a non-confrontational social setting, may well be perceived as a ‘racist incident’ or ‘disablist incident’ but there may well be insufficient evidence to constitute a ‘racist crime’, considering the offender’s motivation. It is important to understand this distinction.

The police are responsible for data collection in relation to hate incidents and hate crimes and that where a trend is identified or a community concern reported, relating to non-monitored hate crime, that action is taken to address this.

It is important that data is recorded comprehensively and is sufficiently robust to establish trends, apply problem-solving methodology and inform an intelligence driven response.

1.4. Specific definitions relating to Hate Incidents and Hate Crimes

Incidents and crimes relating to disability, race, religion, sexual orientation, and transgender, are monitored nationally. The agreed definition of monitored hate crime for England and Wales are:

Disability: Any disability including physical disability, learning disability and mental health and developmental disorders. This also includes people targeted because they have Autism, Dyslexia or Arthritis for example (unseen disabilities)

Race: Any racial group or ethnic background including countries within the United Kingdom and Gypsy and Traveller groups. Jewish and Sikh communities and individuals, asylum seekers and migrants, would also be recorded within this category.

NOTE: Some communities have a historical culture of caste definition where some sections of communities are considered to be less worthy than others and which can lead to isolation of subgroups within broader communities, and this may lead to discrimination. It can, on occasion, also lead to hostility within communities and these incidents can be recorded and flagged as a race or religious hate crime or non-crime hate incident. However, this may not be appropriate in all cases and each incident should be considered on its facts and the perception of the victim.

Religion: Any religious groups including those who have no faith. This would also include sectarianism.

Sexual Orientation: Any sexual orientation (bisexual, gay, lesbian, heterosexual).

Transgender: Any person who is transgender or perceived to be transgender - including people who are transsexual, transgender, cross dressers and those who hold a Gender Recognition Certificate under the Gender Recognition Act 2004.

The five strands of monitored hate crime are the minimum categories that police officers and staff must record and flag. There are, however, other groups and individuals who may be targeted due to their personal characteristics.

In addition to the above Leicestershire Police also record alternative sub-culture related hate incidents and hate crimes.

Alternative sub-culture: Alternative sub-culture means a discernible group that is characterised by a strong sense of collective identity and a set of group-specific values and tastes that typically centre on distinctive style/clothing, make-up, body art and music preferences. Those involved usually stand out in the sense that their distinctiveness is discernible both to fellow participants and to those outside the group.

Groups that typically place themselves under the umbrella of 'alternative' include Goths, Emos, Punks, Metallers and some variants of hippie and dance culture although this list is not exhaustive.

Where the victim has been targeted for any other identifiable reason these will be recorded using 'Other'.

Other: Where the victim has been targeted for any other identifiable reason, for example misogyny, street drinkers, sex workers, age, body size, political view or being a member of the armed forces, these would be recorded using the 'other' category.

2. Reporting and Recording of Hate Incidents and Hate Crime

2.1. Criteria

2.1.1 Perception Based Recording

Where the victim, **or any other person**, perceives that they have been targeted because of hate or hostility against a monitored or non-monitored personal characteristic, the incident should be recorded and flagged as a hate crime (where circumstances meet crime recording standards), or a non-crime hate incident.

The victim does not have to justify or provide evidence of their belief for the purposes of reporting, and police officers or staff should not directly challenge this perception. Perception-based recording will help to reduce under-recording, highlight the hate element and improve understanding about hate-motivated offending.

All allegations of hate crime will be subject to investigation to identify, and where available, gather evidence to demonstrate the hostility element and support a

prosecution. Where supporting evidence is not found, the crime will not be charged or prosecuted as a hate crime. Where a case cannot be prosecuted as a hate crime, the flag will remain on file.

A hate crime or non-crime hate incident should not be recorded as such if it is based on the perception of a person or group who has no knowledge of the victim, crime or area, and who may be responding to media or internet stories, or who is reporting for a political or similar motive.

“Any other person” could refer to any one of a number of people including:

- Police officers, staff or prosecutors;
- Witnesses;
- Family members;
- Member of civil society organisations who know the victim, the crime or hate crimes in the locality, such a third-party reporting charity;
- A carer or other professional who supports the victim;
- Someone who has knowledge of hate crime in the areas (for example the manager of an education centre used by people with learning disabilities who regularly receives reports of abuse from students);
- A person from within the group targeted by the hostility;

Remember that a police officer or member of police staff can form the opinion that an incident is motivated by prejudice or hostility even if no one else, including the victim, does. In such circumstances the incident **must** be recorded as a hate incident or hate crime.

It is important that all police officers and police staff dealing with hate incident or hate crime victims have an awareness of cultural nuances and vulnerabilities' Early considerations must be given to issues around communication barriers due to nationality, or a disability. Guidance on how to communicate with people who have a range of different disabilities can be accessed via the Diversity and Inclusion Unit internal website

Police officers and staff must ensure any issues arising from initial contact are accurately recorded for the investigating officer or supervising officer. Prompt and accurate recording on the occurrence and/or the CMD command and control system 'Storm' will allow officers and staff to immediately assess the needs of the victim or witness, and to make any necessary arrangements for an interpreter or for a specialist intermediary.

Staff should also be mindful of potential religious or cultural issues and be sensitive to matters involving homophobia or transphobia giving due regard to confidentiality.

PLEASE NOTE when not to record a Hate Incident:

- A non-crime hate incident must not be recorded if the complaint is trivial, malicious or irrational, and a hate or prejudice qualifier should not be added in these instances. For example, if there is no evidence to support the perception of the complainant – or any other person – that the incident is motivated by hostility or prejudice against a monitored or particular characteristic, a NCHI

must not be recorded (College of Policing).

- Some people may be motivated by malice and may try to distort the truth and misuse the reporting and recording process to target individuals or communities. Malicious calls may be more likely to target those engaged in political speeches or legitimate debate on potentially controversial subjects because they have a public platform. Callers may do this to further an ideological (or other) agenda or will seek to undermine the efforts of authorities to uphold the rights of others. Some reports are intended to promote bigotry that they purport to be complaining about.
- Individuals who are commenting in legitimate debate, for example, on political or social issues should not be stigmatised simply because someone is offended.

2.2. Recording of personal information

The college of policing have devised an Interactive Decision Tree which will aid decision making on whether personal data should be recorded.

[Interactive Decision Tree for Recording Non-Crime Hate Incidents](#)

The necessity and legal requirements when recording personal information when it comes to Non-Crime Hate Incidents is complex and has been a subject of legal challenge, particularly in the Miller v College of Policing case.

This is explained in detail in the Home Office Statutory guidance, [Non-Crime Hate Incidents: Code of Practice on the Recording and Retention of Personal Data](#)

There are two subsets of the NCHI record, those that include personal data of the subject and those that do not. Personal data may only be included in an NCHI record if the event presents a real risk of significant harm to individuals or groups with a particular characteristic(s) and/or a real risk that a future criminal offence may be committed against individuals or groups with a particular characteristic(s). The recording officer should utilise judgement to determine if this threshold has been met. This may include examples where the behaviour of the subject falls short of criminal conduct but may later be evidence of a course of criminal conduct, for example, may lead to harassment offences.

If an incident does not pass this threshold test, but all the other criteria required to record an NCHI are met an NCHI without personal data may be recorded instead. In these instances, the recording authority should ensure that any personal data that may have previously been recorded on policing systems in relation to the initial incident report is removed. For example, if personal information relating to the subject was recorded by the call taker when the initial report was made, this personal information relating to the subject should be deleted from the relevant policing system by the recording authority once it has been determined that the threshold test has not been

met. At present, there is no function to delete text from the STORM system. The decision making tree should be utilised and if no personal data is to be recorded and an incident created, removal of the callers details from the call card prior to closure of incident.

2.3 Reports by a third party

From 1st April 2015, crimes reported on behalf of a victim by a third party must be recorded as a crime in the following circumstances:

Reports made by person acting in a professional capacity, e.g. doctor, nurse, social worker, teacher and reporting on behalf of a victim of any age, or parent / carer acting as a guardian or responsible adult, reporting in the best interests of a child.

Recording must occur regardless of whether the victim is aware of the report being made, or regardless of whether they have given permission and irrespective of whether the victim confirms that a crime has been committed.

2.4 Repeat Victimisation Definition

The Definition of a person being a repeat victim of any crime is;

“Being a victim more than once in the last 12 months”

This does not mean the victim needs to be a repeat victim of the same crime or by the same offender.

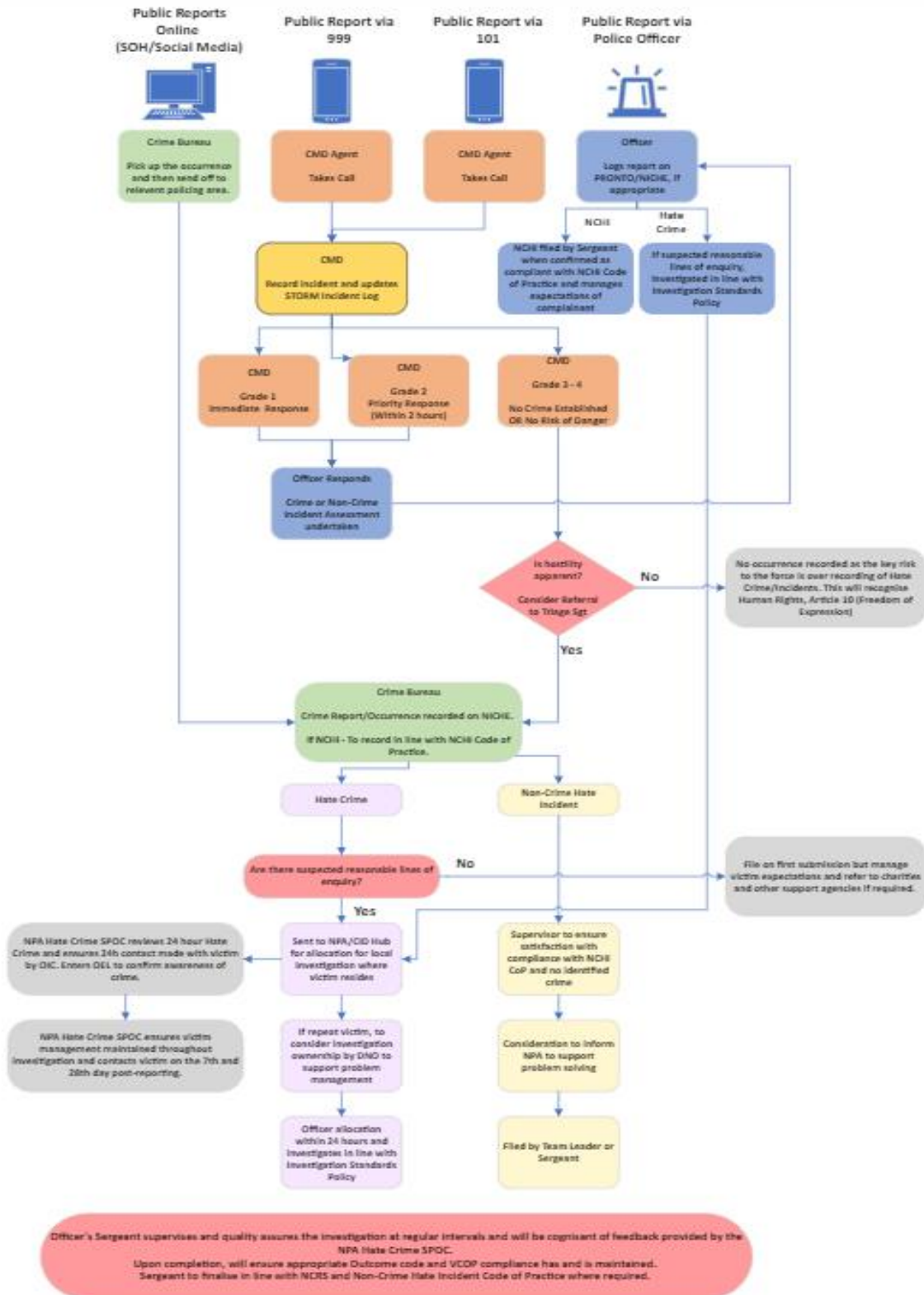
2.4.1 Hate Crime Repeat Victimisation;

Repeat victimisation in hate crime must attract the scrutiny of NPA management teams and discussion at the Weekly Threat Meeting. The identification of a repeat hate-crime victim should result in additional outputs, such as the consideration of problem-solving approach or the engagement of partner agencies, along with additional victim support and supervisor reviews.

It is essential, therefore, that our crime recording system (NICHE/PRONTO) is used to its full potential to identify a victim who may be subject to repeated incidents by the same offender, or repeated incidents by different offenders and that any report received is immediately subjected to checks regarding repeat victimisation (Genie 2).

Repeat incidents must be recorded as they may demonstrate a course of conduct (eg harassments) or an escalation in behaviour or increased community tension, and are likely to highlight an increase in the threat of further attacks.

2.5. Reporting mechanisms



3. Initial action by members of staff taking the report

When responding to victims of hate crime, call takers and first responders should consider how their language and conduct may affect victims and witnesses and wider community cohesion.

In particular they should:

- ask the victim or witness how they wish to be addressed – do not assume gender identity.
- gather information sensitively and provide reassurance, recording an accurate first account.
- assess the initial risk and response required.

Remember - Any hate crime that has the potential to become a critical incident should also be notified to a senior officer.

3.1 Contact Management Department

Contact Management Department staff will: -

Create a STORM incident for all hate incidents ensuring the Storm Tag Procedure is utilised to highlight any hate incident or hate crimes reported via 101 or 999 gathering information sensitively and providing reassurance whilst recording an accurate first account.

It is imperative that call takers tag the storm incident with the hate Tag. This is what provides the statistics and searching facilities.

Ensure every reported hate incident or hate crime incident is assessed using THRIVE (Threat, Harm, Risk, Investigation, Vulnerability and Engagement) and the National Decision Model (NDM) to determine the urgency and nature of the initial response ensuring consideration is given to upgrading the incident due to its categorisation as a hate related incident.

Once assessed, if the hate incident or hate crime requires an emergency or urgent response (in line with the Priority Attendance Policy) by an officer then the incident will be transferred via STORM to the relevant dispatch desk who will notify the NPO Sergeant to make them aware of the incident to ensure resources are allocated. NPO Sergeant will escalate where appropriate and attend if necessary.

Prior to closure remind the officer dealing that they should create and attach a Niche Occurrence.

If, following assessment, it is considered that an emergency or urgent response (Grade 1 or Grade 2) is not required, a STORM incident will be created and transferred to the Crime Bureau.

REMEMBER: Victims of all hate incidents and hate crimes are surveyed by Leicestershire Police for their levels of satisfaction and the standards of Investigation APP - <https://www.app.college.police.uk/app-content/investigations/?s>

3.2 Crime Bureau

Crime Bureau staff will: -

Create a NICHE/PRONTO Occurrence for all “live” hate incidents and hate crimes reported via 101, gathering information sensitively and providing reassurance whilst recording an accurate first account.

Ensure the appropriate prejudice hate qualifiers upon creation.

Ensure every reported hate incident or hate crime incident is assessed using THRIVE (Threat, Harm, Risk, Investigation, Vulnerability and Engagement) and the National Decision Model (NDM) to determine the urgency and nature of the initial response and check for repeat victimisation.

Once assessed, if the hate incident or hate crime requires an emergency or urgent response (in line with the Priority Attendance Policy) by NPO (Neighbourhood Patrol Officer) then the incident will be transferred to CMD for appropriate response.

Where calls are taken within CMD, the Crime Bureau will:

On receipt of the STORM incident, and/or live telephone calls from CMD, Crime Bureau staff will appropriately review to confirm its suitability for a Grade 3 response, if not the call and/or incident will be returned to CMD for further review by a Triage Sergeant. Once accepted in the Crime Bureau the report will be created selecting the crime/non-crime form on PRONTO.

On receipt of a report submitted via Single On-Line Home, Crime Bureau staff will appropriately review the submission to confirm its suitability for a Grade 3 response, if required an incident will be raised and transferred to CMD for Triage Sergeant review and consideration of a Grade 1 or 2 response. If suitable, the Crime Bureau will record the report and any disclosed criminal offences, ensuring checks are completed for repeat victimisation and/or repeat suspect details.

Ensure the following NICL Prejudice Qualifiers are added to the occurrence, where more than one hate motivation is identified add all the appropriate NICL qualifiers. **See Section 1.2 for definitions.**

Prejudice – Alternative sub-culture Prejudice – Disability Prejudice – Other Prejudice – Racial Prejudice – Religion/faith Prejudice – Sexual orientation Prejudice – Transgender

Complete the report in sufficient detail to enable other colleagues, investigators, and specialist officers to complete their responsibilities. The Crime Bureau will record the report with as much detail as is possible and can be obtained at the time, in order to enable swift progression by the OIC, and include the relevant NICTL prejudice qualifiers.

The recording officer **will contact the victim by telephone (or make proportionate attempts to do so)** within 24hr of being reported to ensure all appropriate information has been obtained and ensure they are offered the support of Victim First, assess the grading of the incident/crime and feedback if required to the Contact Management Centre if THRIVEA assessment has increased.

All hate reports will be assessed to establish if there are proportionate lines of enquiry that need to be progressed. **Please bear in mind that Hate crime should be assessed as increasing the envelope of what is a “proportionate” investigation.**

An initial investigative assessment within the Crime Bureau will be carried out. If proportionate lines of enquiry do exist, the report will be sent to the NPA Triage Unit tasking pot. If there is significant risk to the report, the NPA Deputy, Crime Manager and Performance Manager can be notified to be notified to review allocating as a priority. The report will then be allocated to a Neighbourhood Patrol Officer (NPO), Dedicated Neighbourhood Officer (DNO) or CID officer. This is assessed on a case-by-case basis. If the crime is within the Complex Investigation Team, or any other specialised department, then the normal allocation process will be followed.

Where initial assessment indicated that no viable and proportionate further lines of enquiry exist, and there has been meaningful contact with the complainant/victim, then the report can be filed at first submission. There is no need to send to the NPA for awareness as it will still feature in the hate crime SPOCs searches. Meaningful contact is two way contact between the Police and public that allows for needs and views of the individuals to be established and for the early commencement of an investigation where appropriate.

It is important to remember that all victims of hate crime are surveyed by Leicestershire Police for their levels of confidence and satisfaction in how we address their concerns.

3.3 Emergency/Urgent Response Attendance

If assessed as requiring an emergency/urgent response (in line with the Priority Attendance Policy), the attending officer/s (Neighbourhood Patrol Officer, Dedicated Neighbourhood Officer, Specialist Support Directorate Officer or nearest and best resource) of any alleged hate incident or hate crime will complete all relevant at scene enquiries such as:

1. Consideration of the requirement for a supervisor to attend the incident as per APP.

2. In the case of obviously targeted, a supervisor **must** attend the scene.
3. Obtain victim statement/s;
4. Obtain any witness statements;
5. Arrest any suspects on scene;
6. Conduct H2H enquiries; CCTV reviews
7. Victim care and safeguarding advice is provided **at the time and in person**; -
8. Complete a crime report selecting the crime/non-crime form on PRONTO.
9. Assess if there are any factors that may result in the victim or any person involved being identified as a person at risk, if so complete a Managing Adults at Risk OEL on the NICHE occurrence. An adult is 'at risk' if, because of their situation or circumstances, they are unable to protect themselves from harm (see the [Safeguarding Adults At Risk Policy Procedure](#)), Discussing with the victim referrals to support agencies and our partners including Victim First, Leicester City, Leicestershire County and Rutland councils and record on the NICHE OEL.
10. Taking positive action, against Hate crime suspect(s) in consultation with the victim to ensure their wishes are considered in each case, unless the nature and circumstances of the occurrence or antecedent history identify further Police action is necessary to prevent any serious or negative impact to the victim.
11. Considering crime prevention needs for the family and home, using the expertise of the Crime Prevention Officer.
12. Ensure the following NICL Prejudice Qualifiers are added to the occurrence, where more than one hate motivation is identified add all the appropriate NICL qualifiers. **See Section 3b for definitions.**

Prejudice – Alternative sub-culture Prejudice – Disability Prejudice – Other Prejudice – Racial Prejudice – Religion/faith Prejudice – Sexual orientation Prejudice – Transgender

3.4 Neighbourhood Investigations

Crimes that have a hate element will be investigated in line with the investigation standards procedure, continuing investigations where appropriate.

On receipt of the NICHE Occurrence from the Crime Bureau into the NPA Triage queue the:

3.4.1 Investigation Supervisor will:

- Review each crime to identify any lines of enquiry in line with Investigation Standards Policy and to direct an appropriately scoped investigation considering reasonable lines of enquiry to be pursued.
- Consider the immediate implications on the local community, identifying any potential critical incident, or where these have already escalated to Critical Incident, ensuring a Community Impact Assessment is completed where appropriate, ensuring the NPA SMT are made aware.

- Allocate to the most appropriate officer, ensuring the correct Hate Crime OEL template is utilised to ensure compliance with the Investigative APP. Utilising the correct hate crime supervisor OEL.
- Ensure contact has been made within the last 24 hours, if not, contact the complainant and/or victim and provide them with the OIC details, ensuring that this contact is recorded on a VCOP OEL.
- Ensure that the Niche Occurrence is correctly recorded as a Hate Crime.
- Carry out crime reviews in line with the Investigative Policy and Procedure.
- Where a referral to the Crown Prosecution Service (CPS) is required, ensuring the pre-charge case file meets the standard and CM01 comments are in line with DG6 guidelines.
- Ensure that any CPS action plans are dealt with as efficiently as possible and within the deadline set by the CPS.
- Provide the final update to the victim, explaining the rationale, answering any questions they may have. If they are dissatisfied, then signpost them to the victims right to review. Detail the conversation using the correct VCOP OEL.

3.4.2 Allocated Officer in the case (OIC) will:

- Ensure that initial contact with the victim occurs prior to ceasing duty, introducing themselves as the OIC. This should be done in person or by telephone call.
- OIC will offer Victim First support and document the response on the victim/witness contact tab on Niche, as well as on an OEL.
- The OIC will assume responsibility for the investigation from this point onwards, ensuring that they support the victim until the investigation is complete.
- Ensure that all reasonable and proportionate lines of enquiry are completed in a timely manner. Investigations are to be completed in line with Leicestershire Police's Investigation Standards Procedure.
- Generally, statements are to be obtained from victims in person. Only in exceptional circumstances should remote statements be taken from hate crime victims (for example living a significant distance out of force area).
- Maintain regular updates with the victim, providing updates within a day of significant matters, however arrest and release of suspects should be completed at the time.
- Should matters of community impact become apparent throughout the investigation, the NPA Commander and Deputy NPA Commander to be made aware at the earliest opportunity. These roles do not carry an on call responsibility, so in their absence, a supervisor must be informed.
- Should the investigation require a CPS decision, complete the pre-charge case file to the standards set out in DG6. Should action plans be returned, they are to be completed within a timely manor and within the deadlines set by CPS.
- Complete post charge case files within 1 day of charge.
- Seek advice from the NPA Hate Crime SPOCs should further guidance be required.

- Aim to complete the investigation within 28 days. This is up to the point of finalisation or CPS referral. There are times where this is not feasible (e.g. forensic submissions or digital media procedures), however these need to be documented and the victim informed.

If the case meets both the evidential and public interest test then hate crimes **MUST** be referred to CPS for a charging decision ([see DPP Charging Guidance](#)). Lawyer to be made aware on CPS/police checklist that crime is considered hate crime.

The NPA SPOC will consider if the local NPA Inspectors “community impact statement” is required, this is relevant if behaviour is impacting on local community/wider community considerations. This needs to be included in the file at point of submission for first court hearing.

Once charged, the prosecution file to the CPS should be clearly marked as a Hate Crime. The victim should be updated within 1 day, and further check if they require support from Victim First. If the victim wishes for support then a referral to Victim First will be made using the VCOP report.

3.4.3 NPA Hate Crime SPOC

Each NPA has designated hate crime SPOCS. Usually they are the Crime Managers and Performance Sergeants, but can be any sergeant. In exceptional circumstances, a Police Constable can be utilised to assist in the call backs.

Daily Tasking for SPOCS is as follows;

Run 8 Day Search – This will include reports filed at first submission in the crime bureau or initial attending officers.

- Check correct qualifiers are in place and Victim First has been offered (Action if not)
- Add appropriate OEL from the proformas in the training booklet
- Complete 3rd, No NICL, SC Qualifier searches
- Put any hate crimes identified onto the spreadsheet to be tracked.

7 Day call back

- Run 28 day search and check dates older than 7 days and commence call backs
- Check satisfaction of victims and make sure Victim First has been offered
- Fill in spreadsheet to state completion of call back
- Send out email/letter/text with OIC details and support groups
- Add appropriate OEL stating actions taken

28 Day Call back

- Open spreadsheet and check 28-day call back triggers
- Check on Niche, if crime closed, update spreadsheet “Not Required”. Make sure OEL reflects that victim has been updated
- If still open, call victim making sure they are kept up to date and if they have any needs
- Check to make sure signposting has been received and rectify if not
- Has Victim First been offered? If not, complete referral.

3.4.4 Neighbourhood Policing Area (NPA) Commander/Criminal Justice Team

On being made aware of a hate crime report the NPA should consider the level of support being offered and consider any wider community matters which may impact on the NPA. The NPA Inspector/deputy may determine that the report is part of wider community matters/tension and as a result may decide to take ownership of the investigation, the crime will then be allocated to an NPA officer. The NPA Commander will also: -

- NPAs will monitor all hate crimes on a weekly basis to assess repeat victims, community tensions and victim vulnerability
- The NPA will have a nominated Police Sergeant as the NPA SPOC, their responsibilities are outlined in the ToR/role spec for the role.
- The NPA will pick up identified patterns of offending or repeat victimisation and these will be discussed at the Threat, Risk and Harm meetings where appropriate consideration can be given to refer to JAGs etc along with PIP2 ownership at local CID level, determined by the DI/Specialist level.
- Any repeat victims, defined for hate crime as 2 instances in a rolling 12 months, will be considered for management on Niche as a problem management plan by the NPA and managed by a DNO. Allocation will be based on the location of the victim’s home address. This is so the local DNO can easily make reassurance visits and identify community concerns. In some circumstances however, it will be more appropriate for a DNO who covers the location of the offence to own the report. An example of this is when a security guard at a shop is a repeat victim of hate crime at their place of work.
- Ensure quarterly hate crime data is available to be presented at partnership and community meetings.
- Ensure repeat victims or perpetrators of hate incidents or hate crimes on more than two occasions in a rolling 12-month period are considered for prioritised action working jointly with partner agencies
- NPAs will analyse non-crime hate incidents to implement preventive activity, monitor community tensions identified and implement problem profiles for management of activity to reduce repeat offending.

3.5 Hate Crime Officer

The Hate Crime Officer will be responsible for: -

- Ensuring an effective and co-ordinated service to the victims of hate incidents and hate crimes.
- Review daily Victim initial contact compliance and ensure contact has been made within 24hrs of reporting. Providing OIC details and reassurance and their contact information. Where this has not been done, the OIC's details will be passed to the victim.
- Review reports for repeat victimisation and ensure highlighted to NPA SPOC and OIC recording details as part of their daily audits.
- At the 7-day point in any active Niche occurrence the Hate crime officer will contact the Police Victims themselves and ensure everything is in order and the investigation is being progressed accordingly and again provide reassurance that the Police are taking Hate crime seriously
- Acting as a point of reference / advice for Chief Officers Team, Office of the Police and Crime Commissioner, Investigating staff / Supervisors.
- Proactively engage with partner agencies and NPAs in a bid to prevent hate crimes and NCHI from occurring.
- Consulting with the Problem Management Team to assist in short, medium and long term approaches to problem solve issues involving hate crime and NCHI.
- Monitoring any community tensions locally or nationally and disseminating that information accordingly.
- Carrying out an audit of reports of hate incidents and hate crimes, providing a 'Gate-keeping role' to encourage and monitor compliance with current policy and procedure.
- Contacting NPA Commanders/Deputies where incidents of note have been identified for awareness and briefing as appropriate.
- Being aware of patterns regarding offending and re-victimisation that maybe highlighted using an analytical approach and problem profile.
- Scanning for incidents with potential for 'critical' status and escalate accordingly.
- Facilitation of and participation in the Force Hate Crime Scrutiny Panel.
- Representing the Force at Partnership Meetings.

- Co-ordinating pro-active operations/activities to target the perpetrators of hate crime and increase reporting;

- Identifying and engaging with local key partner agencies, voluntary sector and independent Third-party reporting centres to initiate appropriate interventions that support victims of Hate crimes or non-crimes;
- Preparing anonymised hate case data and support the District Scrutiny Panel process; and
- Analysing and monitoring all district Hate crime and non-crimes to enhance community intelligence, highlight good practices or any early interventions to the Hate Crime Supervisor.

3.6 Hate Crime Sergeant

- Daily checks of all none-crime hate incidents for:
 - Rationale for recording or cleansing of personal information where the threshold for NCHI recording should not have been met.
- Compliance checks for repeat victims being captured and referred to the NPA SPOC in a timely manner to ensure an enhances service is being provided and re-allocation to a DNO as required.
- Have line management responsibility for the hate crime officers.

3.7 Specialist Support

Where there are particular cultural or community sensitivities which are likely to impact on the confidence of the victim, their family or wider community, or affect the investigation of offences, the OIC should consider what support may be available from within the force.

This may be through the use of officers or staff with the relevant knowledge, understanding or communication skills to support the victim and gather best evidence and can be identified through the Leicestershire Police staff networks

[Your Networks \(sharepoint.com\)](#)

4. Support for Victims

Victims of hate incidents and hate crimes are known to suffer more serious harm and take longer to recover than victims of a similar, non-targeted offences. An incident or crime might ordinarily have a minor impact of the victim, however, depending on the intimate and harmful nature, it can seriously impact on the victim's quality of life.

It is important to remember that a victim may initially decline support but their needs may change over time and therefore the role of victim support services should be reviewed.

4.1 Victim First

Victim First is a free, independent and confidential service for victims and witnesses of crime in Leicester, Leicestershire and Rutland.

Victim First is designed to ensure the needs of the victim and witness are supported at every stage of the justice process. They provide information and advice, crime prevention measures, access to specialist support, restorative justice options and someone to talk to, to help victims and witnesses recover from the impact of crime.

4.2. Victim personal statement

A Victim Personal Statement (VPS) is a written or video recorded statement that gives victims of crime an opportunity to tell criminal justice agencies and the courts about how a crime has affected their lives. They are particularly important in hate crime cases as research shows that the impact on a victim's quality of life can be more serious and longer last than victims of similar non-targeted offences.

A VPS **MUST** be on a separate MG11 statement form, and must not simply be added to the end of any other statement the witness might give. It should start with the caption: 'The Victim Personal Statement Scheme has been explained to me and the following is what I wish to say in regards to this matter.'

Guidance regarding Victim Personal Statements is show in detail in the 'Files' section of the File Quality Website.

4.3 Community Impact Statements

A CIS is a section 9 witness statement which describes the impact of offending upon a community, provides context and **gives the community a voice** in the criminal justice process. A CIS can be used throughout the criminal justice system to inform:

- charging decisions
- the public interest test
- sentencing decisions
- out of court disposals and restorative justice.
- There are two types of community impact statement; generic and specific.
- Generic statements contain information related to a range of offences and antisocial behaviour incidents that have been identified by the relevant community as a concern. The same generic statement can be attached to numerous cases.
- Specific statements relate to a specific offence or anti-social behaviour incident. The specific statement will illustrate the impact and harm on the community arising from the offence / incident, and can be applied to a case which involves the noted offence.

A CIS should be served on all parties as part of the prosecution case.

A CIS should be used to show **prevalence** and/or **impact**.

4.4 Special Measures at Court

The Youth Justice and Criminal Evidence Act 1999 introduced a range of ‘Special Measures’ designed to make it easier and more effective for vulnerable and intimidated witnesses to give evidence in court, thereby enhancing the quality of their evidence. All persons aged less than 18 years will automatically qualify as witnesses eligible for assistance under part section 16(1) of the YJ&CE Act 1999 as amended by the Coroners and Justice Act 2009.

Other witnesses where the court considers, the quality of their evidence is likely to be diminished by reason that the witness:

- Suffers from mental disorder within the meaning of the Mental Health Act 1983; or
- Otherwise has a significant impairment of intelligence and social functioning; or
- Has a physical disability or a physical disorder. (S.16.2).

Examples of vulnerabilities covered by these three sections may include autism, learning disabilities, cerebral palsy, cystic fibrosis, epilepsy, dyslexia, multiple sclerosis, sight/hearing impairment. The list is not exhaustive.

Not all adults with disabilities will necessarily be vulnerable as witnesses or victims, and would not wish to be treated as such. The test is: ‘is the quality of the witness’s evidence likely to be diminished by reason of the disability?’ If not, then a special measure is not required.

Hate Crime victims may be eligible as S.17 Intimidated Victims or Witnesses and are defined as: ‘Where the quality of evidence given by the witness is likely to be diminished, by reason of fear or distress on the part of the witness in connection with testifying in the proceedings’.

Where a victim or witness has been identified as requiring a special measures assessment the officer should be recorded on the MG11B and complete and MG2.

Please see the [Procedure for Dealing with Vulnerable and Intimidated Witnesses and Victims](#) for further guidance.

4.5 Hate incidents and hate crimes involving members of Leicestershire Police

It is vitally important to recognise and should not be forgotten that hate incidents and hate crimes can involve members of Leicestershire Police.

Whenever any member of staff becomes involved in a hate incident or hate crime the role of Leicestershire Police is extended from that of law enforcement to include the roles and responsibilities of Leicestershire Police as an employer.

4.6 Members of Leicestershire Police who are victims whilst on duty.

Whenever any member of staff becomes the victim of a hate incident or hate crime the following steps must be taken in addition to the minimum investigative standard employed for all hate incidents and hate crimes: -

- The Duty Supervisor, with responsibility for the member(s) of staff who is the victim must be informed at the earliest opportunity with consideration for cloaking the incident/occurrence if required.
- That Supervisor must then de-brief the staff involved as soon as practicable so that immediate action to prevent any further unnecessary victimisation can be considered and taken, and that any health, welfare and safety issues are addressed.
- Then, after liaising with colleagues, if necessary, the Duty Supervisor must ensure that the victim and any witnesses are offered the same level of support that would be made available to any other victim or witness, in addition the services of the Occupational Health Department, Trade Unions, Police Federation, Superintendents Association and Chief Police Officers Staff Association (CPOSA) and the Staff Support Networks should be considered. Contact details for the Staff Support Networks can be accessed via the [Equality Unit's website](#) .
- The duty of care for staff goes far beyond the initial response to any incident. Before ceasing duty, the Duty Supervisor must also ensure that a report of the incident has been recorded on HR Gateway.

5. Dealing with Offenders

It is vitally important that where possible, identified offenders are brought to justice for the most appropriate offence (see [appendix B.](#) for some suggested offences that could be considered).

5.1. Hate crime charges

If the case meets both the evidential and public interest test then hate crimes **MUST** be referred to CPS for a charging decision (see [DPP Charging Guidance](#)). Lawyer to be made aware on CPS/police checklist that crime is considered hate crime.

Always consider and prompt the CPS regarding Sections 145 and 146 of the Criminal Justice Act 2003 which provides increased sentencing powers at court to be referred to by the duty crown prosecutor.

If criminal redress is not appropriate, consider ASB legislation (see the [Anti-Social Behaviour](#) internal webpage for guidance)

5.2 Out of Court Resolutions (OOCR)

In November 2014, Leicestershire Police were chosen to take part in a Ministry of Justice Pilot Project looking at the use Out of Court Disposals (OOCs) for adult offenders which means that the only out of court disposals available are Community Resolutions and Conditional Cautions.

Hate crimes may involve complex underlying issues which mean that OOCs may be insufficient to manage effectively the longer-term criminality.

However, out of court disposals may be suitable for low-level offences involving hate crime, provided the express wishes of the victim are met by dealing with the matter in this way (see [Adult Out of Court Disposals](#) within the File Quality website).

5.3 Recording Complaints against members of Leicestershire Police

Leicestershire Police does not tolerate any form of harassment or victimisation by its officers and staff.

All complaints made by members of the public should be forward to the Professional Standards Department who make the necessary determinations under the Police Reform Act 2002.

5.4 Recording Internal Complaints

Leicestershire Police is committed to ensuring a healthy and safe working environment, everyone has a right to be treated with dignity and respect.

It is everyone's responsibility to report any instances of bullying or harassment they experience or witness.

An important principle in our employment procedures is that the individual has a choice in how they want a matter to be dealt with. [The Bullying and harassment – guidance for both individuals and managers](#) provides advice for managers and individuals in relation to what bullying and harassment is, how it can be dealt with, what support is available and what the responsibilities are for managers and individuals.

Appendix A: Under-reporting of hate crimes

Many hate crimes go unreported to the police and many others are reported but not recorded as hate crime.

The Crime Survey of England and Wales suggests, there are around 278,000 hate crimes each year in England and Wales, some 111,000 of which come to the attention of the police. Yet annual hate crime data shows that the police recorded only 43,927 such offences in 2012-13. The police, therefore, have two challenges: to improve recognition of those crimes that are reported and to close the gap of under-reporting. This is a key strand of the [National Policing Hate Crime Strategy](#).

Many people, particularly those in isolated communities, are reluctant to report to the police directly, but some are more willing to report to a community resource. The need to provide facilities for victims to report to a third party was one of the key findings of the Stephen Lawrence Inquiry in 1999. This recommendation was accepted at the time and has had consistent support from successive governments and criminal justice agencies. It remains as a significant part of the broad police response.

Every effort should be made to increase reporting and recording of hate crimes. Increased reporting will help to identify serial offenders, bring more offenders to justice and improve community confidence in the police.

Third-party and assisted reporting

Third-party reporting sites aim to increase hate crime reporting and the flow of intelligence from a community by providing members of the public with alternative methods of contacting the police and reporting a crime.

True Vision

The National Policing Hate Crime Group has taken ownership of True Vision which is a national initiative that provides information about hate incidents and hate crimes and how to report them and includes an online reporting form and information on the definitions of hate crime, the many ways to report a hate crime, and details of organisations that can help and support victims. Incidents reported via the True Vision site are forwarded to the portal maintained by the Metropolitan Police who in turn forward the reports to relevant police force. See www.report-it.org.

Appendix B: Legislation

This section presents a number of legislative options to be used in combating hate crime.

Cyber Crime / Use of Social Media

The CPS has produced Guidelines on prosecuting cases involving communications sent via social media which should be read at an early stage of any investigation where the use of the internet or social media is a factor.

Admission of Witness Evidence in Court Proceedings

Section 116 of the Criminal Justice Act 2003 details the considerations to be made where a witness is unavailable to give oral evidence at court. It provides that in criminal proceedings a written statement made may be admissible if the court is satisfied as to the identity and reliability of the witness, and the admissibility of the evidence.

Relevant conditions include:

- (a) The relevant person is unfit to be a witness because of a physical disability or mental condition or disability.
- (b) Through fear the relevant person does not give (or does not continue to give) oral evidence in the proceedings.

The Youth Justice and Criminal Evidence Act 1999 provides measures to help young, disabled, vulnerable, and intimidated witnesses give evidence in criminal proceedings. On application by the CPS the court will consider whether the quality of evidence is likely to be diminished by a number of factors, and whether 'special measures' are required to assist the victim or witness in giving their evidence, i.e., screens, video link, and removal of wigs/gowns.

S16 YJ and CE Act 1999 details considerations with regards to victims or witnesses whose evidence may be affected by age or incapacity. This includes mental disorder, significant impairment of intelligence and social functioning, physical disability or physical disorder.

S17 YJ and CE Act 1999 details considerations with regard to victims or witnesses whose evidence may be affected by fear or distress. This includes fear or distress affected by their social and cultural background and ethnic origins, domestic and employment circumstances, or any religious beliefs or political opinions.

Racially or Religiously Aggravated Offences

The Crime and Disorder Act 1998 (the 1998 Act) introduced racially aggravated offences, the Anti-Terrorism, Crime and Security Act 2001 expanded the range of these offences to cover religiously aggravated offences.

Section 28 Crime and Disorder Act 1998, as amended by the Anti-Terrorism, Crime and Security Act 2001, defines the terms ‘racially aggravated’ and ‘religiously aggravated’.

An offence is racially or religiously 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 or religious group or their membership of that group;

A racial group is any group of people defined by reference to their race, colour, nationality (including citizenship), ethnic or national origins.

A religious group is any group of people defined by reference to religious belief or lack of religious belief. This would include sectarian hostility.

The Crime and Disorder Act 1998 creates racially or religiously aggravated provisions of the following offences:

- Assault s20 /s47/Common Assault (s29 C & D Act)
- Criminal damage s1 (s30 C & D Act)
- Public order offence s4/s4a/s5 (s31 C & D Act)
- Protection from Harassment s2/s4 (s32 C & D Act).

The Public Order Act 1984 (S18) creates the offence of using words or behaviour, or displaying written material with intent to stir up racial hatred.

The key consideration of this offence is that: -

- the INTENTION is to stir up racial hatred,
- or
- having regard to all the circumstances, racial hatred is likely to be stirred up thereby.

The act also details other offences involving stirring up racial hatred by publishing or distributing material, public performance of a play, distributing, showing or playing a recording, broadcasting, and possession of racially inflammatory material (s19-23). The Racial and Religious Hatred Act 2006, which came into force October 2007, makes

amendments to The Public Order Act 1984 by creating new offences of stirring up hatred against persons on religious grounds. S29 of the Public Order Act now details offences akin to s18 (above) except that the behaviour involved must be 'THREATENING' as well as intending to stir up religious hatred. This important difference was intended to protect religious freedom of speech safeguards and deal only with those with the relevant mens rea and not those who were merely critical, abusive, or insulting.

Section 74 gives effect to Schedule 16, which amends Part 3A of the Public Order Act 1986 (hatred against persons on religious grounds) to create offences involving stirring up hatred on the grounds of sexual orientation.

Section 29AB of the 1986 Act defines 'hatred on the grounds of sexual orientation'. The definition covers hatred against a group of persons defined by reference to their sexual orientation, be they heterosexual, homosexual or bi-sexual.

Section 3 of the Football (offences) Act 1991 makes it an offence to engage or take part in chanting of an indecent or racist nature at a designated football match (an association football match or a match designated by the Secretary of State).

Race and religion: Aggravation and Sentencing

Section 145 of the Criminal Justice Act 2003 provides that, except in the case of offences under s29 to 32 of the Crime & Disorder Act 1998 (above), the court must treat the fact that the offence was racially or religiously aggravated as increasing the seriousness of the offence and must state in open court that it was so aggravated.

Importantly this means, where racial or religious hostility is an ingredient of the offence, but no statutory charge is relevant, this aggravating factor can be taken into consideration by the court when sentencing for the offence, e.g., Burglary.

Faith Incidents

The word 'faith' is commonly used in matters of religious reference and in its ordinary meaning is used interchangeably with the term 'religious belief'. Within s28 of the Crime and Disorder Act 1998 (above), the reference made is to 'religious belief or lack of religious belief' and not 'faith' but it would be logical and reasonable to take this reference as also meaning 'faith or lack of faith'.

Disability, Sexual Orientation or Transgender Identity: Aggravation and Sentencing

S146 of the Criminal Justice Act 2003 is based upon the same principle as S145 and provides that the seriousness of the offence, and thus the severity of the resulting sentence, should be increased if the offender demonstrates hostility based on the victim's disability, sexual orientation or transgender identity or if the offence was motivated by hostility by reason of a person's disability, sexual orientation or transgender identity.

The act states that an offence will be regarded as aggravated if:

- 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 either the sexual orientation (or presumed sexual orientation), or a disability (or presumed disability) of the victim or the victim being (or being presumed to be) transgender.
Or
- that the offence is motivated (wholly or partly) by hostility towards persons who are of a particular sexual orientation, or who have a disability or persons who are transgender.

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.

Note: 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.

The information contained in the preceding paragraphs details a wide range of circumstances whereby a victim may suffer hostility based on prejudice, it also details the legislation available to the Police and Criminal Justice professionals where specific groups have been targeted, i.e., race, religion, disability, and homophobia. However, the list is not exhaustive and we can see that there are many other identifiable groups not specifically protected in legislation but equally at risk of hostility, e.g., Goths or members of alternative sub cultures.

In circumstances where such a person is a victim of a hate incident or crime, officers and staff should take full account of the situation and ensure that information and evidence is gathered to the same standard as that required for an aggravated offence chargeable in law, i.e., racially aggravated assault. It is imperative that a detailed account of all motivating factors can be presented to the CPS prosecutor and in-turn, to the court, so that the appropriate level of sentencing can be considered.

S143 (1) of the Criminal Justice Act 2003 makes clear that the assessment of any individual offence must take account of not only the harm caused by the offence, but any intent or foreseeable consequences.

The Sentencing Guidelines Council's document 'Overarching Principles: Seriousness', gives definitive guidance to the courts with regards to such considerations when sentencing and states what circumstances indicate a higher degree of offender culpability.

Listed as some of the 'factors indicating higher culpability' are:

- Offence was racially or religiously aggravated
- Offence motivated by, or demonstrating, hostility to the victim based on his or her sexual orientation (or presumed sexual orientation)

- Offence motivated by, or demonstrating, hostility based on the victim's disability (or presumed disability)
- Offence motivated by hostility towards a minority group, or a member or members of it
- Deliberate targeting of vulnerable victim(s).