

MANUAL FOR POLICE EDUCATION ON EQUALITY & NON-DISCRIMINATION



A Resource for Trainers

*Manual for Police Education on Equality
& Non-Discrimination*

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Tinatin Khatchvani has been working for years for the law-enforcement institutions of Georgia. While serving as a prosecutor in the Chief Prosecutor's Office of Georgia (POG) and as Head of the Unit in the Ministry of Internal Affairs of Georgia (MIA), she was actively involved in drafting the first ever guidelines on hate crime prosecution and investigation. Tinatin is certified trainer of OSCE ODIHR and COE (including HELP platform) and has been engaged in various capacity building activities on hate crimes over the years. She personally customized and implemented training courses on European non-discrimination standards and hate crimes for the POG and the MIA which became part of standard curricula for pre-service and in-service trainings in mentioned institutions.

Joanna Perry is an independent consultant specialising in improving understandings and responses to hate crime, hate speech and discrimination in policing and criminal justice. She currently consults for a range of international organisations and agencies, as well as civil society organisations internationally and in the United Kingdom. She is an honorary research fellow at the Institute for Crime and Policy Research (ICPR), Birkbeck College, University of London and the senior research and policy advisor to the Facing Facts Network. She has degrees in law, psychology and online and distance learning and has previously worked for the OSCE-ODIHR and the Crown Prosecution Service (United Kingdom).

Marharyta Zhesko is an independent consultant and trainer on hate crime and human rights. In 2012-2020, Marharyta worked at the OSCE/ODIHR. She focused on hate crime reporting, led a capacity building programme for law enforcement and criminal justice agencies on hate crime, and delivered trainings to police and prosecutors throughout the OSCE region. Marharyta also contributed to a number of ODIHR publications on hate crime victims support. Since 2020, Marharyta works independently and collaborates with intergovernmental organisations (Council of Europe, European Commission, OSCE) and civil society organisations on hate crime training, research and analysis. Apart from hate crime, her professional focus includes security of minority communities, non-discrimination, freedom of religion and belief, and freedom of peaceful assembly. Marharyta holds degrees LL.B. in International Law and LL.M. in European Law.

Introduction and Overview

Law enforcement plays a key role in combating racism and racial discrimination, and in promoting human rights, democracy and the rule of law. For this reason, legitimate use of force and coercion in democratic societies can inspire feelings of personal and community security only if it is effective, transparent and proportionate. Any discriminatory use of these powers can destroy the confidence and trust of communities, and fundamentally undermine their sense of personal safety. Racism, or the belief that a person's "race"¹, their colour, language, their nationality or ethnic origin justifies contempt or an idea of superiority, is destructive of the police as an institution, and must be challenged and eliminated by police leaders and peers alike.² There is an immense responsibility on governments and legislators to ensure that effective laws and policies are in place which guarantee fairness in policing, guard against racism and discrimination, and place human rights obligations at the centre of policing practice. As expressed in a recent statement by the European Commission Against Racism and Intolerance, "For too long, instances of racist police abuse have tarnished the profession and jeopardised the work of all those police officers who comply with police ethics and the law and combat racist hate crime"³

The Council of Europe has long worked to support policy makers, practitioners and civil society to create laws, policies and practices that protect the principles of equal treatment and non-discrimination, and that aim to eliminate racism and discrimination in all its forms. The ECRI's General Policy Recommendation No. 11 on Combating Racism and Racial Discrimination in Policing sets the blueprint for police responsibilities in the areas of racial profiling, racially-motivated misconduct, racist hate crime and engagement with minority communities. The clear principles it contains are fundamentally relevant when considering policing practices that ensure equal treatment and non-discrimination with regard to minority communities, including lesbian, gay, bisexual and transgender communities, Roma, people with disabilities, Muslim communities, and others.

Along with their responsibilities, the Council of Europe recognises the unique challenges facing law enforcement, including combating increasingly challenging forms of crime and terrorism, as well as meeting high public expectations of professionalism and fairness. Quality training is key to cultivating informed, skilled and accountable police services that are equipped to support and protect societies in all their diversity and complexity, and to challenge and prevent racism, racial discrimination and all other forms of discrimination and intolerance. The exercises and activities in this manual are grounded in key Council of Europe norms and standards and aim to give them practical life in ways that inspire trainers and their participants. This manual is for police officers at all levels, including police leadership, first responders, investigators, pre-service personnel, specialists and relevant civilian staff. Police training colleges are essential partners in the planning and implementation of effective training programmes, as are colleagues with responsibilities in monitoring and responding to complaints and disciplinary matters. The manual is also of interest to key police partners, including municipal authorities, non-governmental organisations, and specialist community services.

¹ Since all human beings belong to the same species, ECRI rejects theories based on the existence of different "races". However, ECRI uses this term in order to ensure that those people who are generally and erroneously perceived as belonging to "another race" are not excluded from the necessary protection. See ECRI General Policy Recommendation No. 7 on National Legislation to Combat Racism and Racial Discrimination.

² ECRI General Policy Recommendation No. 7 (revised) on National Legislation to Combat Racism and Racial Discrimination, available at www.coe.int/en/web/european-commission-against-racism-and-intolerance/recommendation-no.7.

³ <https://rm.coe.int/statement-of-ecri-on-racist-police-abuse-including-racial-profiling-an/16809eee6a>.

This manual references and complements other key Council of Europe training and capacity-building resources,⁴ and aims to give trainers the tools to support participants to gain relevant and essential knowledge about key concepts, to give them the opportunity to build their skills through application, and to reflect on their own experiences, attitudes and behaviour. Peer-to-peer learning and engagement are integral to all modules. Where relevant, modules include activities to be co-delivered with civil society organisations.

⁴ See Bookmarks: A Manual for Combating Hate Speech Online through Human Rights Education, <https://rm.coe.int/168065dac7>; 'Policing hate crime against LGBTI persons training for a professional response', <https://edoc.coe.int/en/lgbt/7405-policing-hate-crime-against-lgbt-persons-training-for-a-professional-police-response.html>; Intercultural Cities - Manual on Community Policing, <https://edoc.coe.int/en/living-together-diversity-and-freedom-in-europe/7930-intercultural-cities-manual-on-community-policing.html> Toolkit for Police Officers: Council of Europe standards on racially motivated crimes and non-discrimination, with focus on Roma and Travellers, www.coe.int/en/web/roma-and-travellers/-/toolkit-for-police-officers-council-of-europe-standards-on-racially-motivated-crimes-and-non-discrimination.

Overview

This manual consists of six modules. Written by experts in the field, each module contains practical training activities, with detailed instructions and handouts. The manual is modular and designed to allow maximum flexibility when preparing agendas. Some modules are thematically connected and, where relevant, it is recommended which activities from separate modules could be included together in training agendas.

Needs assessment and evaluation is where all training should start. This section aims to support national leads with responsibility for planning and implementing training programmes in the area of equality and non-discrimination in policing to identify priority training needs and to design training agendas accordingly. It is different from the other modules in that, while it is likely to improve the planning and reviewing skills of those who are responsible for preparing and delivering the training, it does not include specific training activities.

Module 1, Equality and Non-discrimination and a Human Rights Approach to Policing: gives an overview of the key equality and non-discrimination concepts and principles. Key concepts, including 'racism', 'direct and indirect discrimination' and 'hate crime', are explored, underpinned by a consideration of what a human rights approach to policing means in practical terms.

Module 2, Discriminatory Police Misconduct: focuses on identifying and addressing discriminatory police misconduct from the frontline to the leadership. Exercises explore how to challenge misconduct by one's peers, as well as how senior management can lead by example and use data to identify problems and priorities for action in this area.

Module 3, Racial and other Discriminatory Profiling Prevention and Response: aims to equip learners with the ability to recognise and challenge racial and discriminatory profiling policies and practices, to identify alternative policing choices, and to understand the importance of enabling targets of unlawful or discriminatory profiling to complain and seek redress.

Module 4, Police Investigation of Hate Crime: covers hate crime and its constituent concepts according to international and national norms and standards, and aims to support learners in exploring key investigative principles and practices, including identifying and using bias indicators, effective statement-taking and interview preparation.

Module 5, Respectful and Non-discriminatory Treatment of Victims: aims to help ensure the respectful and non-discriminatory treatment of victims, witnesses and family members, and that victims have access to their rights and to support. This module also aims to build an understanding of how discriminatory or disrespectful treatment can cause secondary victimisation, and how to identify, challenge and address this behaviour.

Module 6, Community Engagement / Community Relationships and Community Policing at Local Level: explores how to develop open, proactive, constructive and positive relationships with communities that are concerned with, and affected by, equality, diversity and non-discrimination issues in policing.

How to use this Manual

This manual has been designed to allow maximum flexibility for trainers. Activities and modules should be selected according to the mix of participants, the needs of the host organisation and other specific contextual requirements, such as time constraints. It is recommended that the training team first completes the needs assessment and evaluation section in order to assess which modules and activities and to build an appropriate agenda.

The manual is designed to be delivered by a two-person training team, ideally with one person who is a serving or ex-police officer. This is especially important for modules that primarily focus on police misconduct issues, such as Module 2, which concerns police discriminatory misconduct, and Module 3, which concerns racial and other discriminatory profiling. If it is a national training course, one trainer should be from the country in which the training is taking place.

⋮ NEEDS ASSESSMENT AND EVALUATION

It is well established that comprehensive needs assessment and evaluation underpin the most effective training programmes.¹ Getting this right increases the immediate, medium and longer term impact of equality and non-discrimination training and its contribution to broader cultural change in the police. The purpose of this module is to support national leads to review and identify training needs and priorities, to identify evaluative approaches, and to select modules and to develop agendas accordingly.

The broader context should also be taken into account. Police services across the region of the Council of Europe will be at different stages in their implementation of equality and non-discrimination principles, standards and practice. Police personnel will also have differing levels of knowledge, experience and skills in these areas. High profile cases may have revealed poor or discriminatory police conduct, uncovering urgent needs for training, and even disciplinary action. Some states may have introduced national anti-racism action plans that require strategic training priorities to be implemented within specified timescales. Comprehensive needs assessments can ensure that the strategic as well as operational contexts are considered when designing training programmes on equality and non-discrimination.

This module provides a framework for needs assessment and evaluation. It is different from the other modules in that, while it is likely to improve the planning and review skills of those who are responsible for preparing and delivering the training, it does not include specific training activities. Target groups for this module are police policy leads on community policing / hate crime / equality and non-discrimination, and their police college or academy colleagues and counterparts.

Specifically, the needs assessment framework presented in this module aims to support users to:

- identify key target groups
- identify and assess training needs and priorities
- support effective activity and agenda planning
- identify the most appropriate training team, including national police trainers, Council of Europe experts and local CSOs
- provide a framework to involve communities in identifying training needs and community resources to support the delivery of the training courses
- map existing policy, guidelines, training courses, case studies, data on community experiences and perceptions.

¹ See for example, European Commission, 'Hate Crime Training for Law Enforcement and Criminal Justice Authorities: 10 Key Guiding Principles', (2017), available at https://fra.europa.eu/sites/default/files/fra_uploads/ec-2017-key-guiding-principles-recording-hate-crime_en.pdf

The Needs Assessment Process

This section suggests a step-by-step process to follow when conducting your needs assessment. Due to timing and resource constraints, it may not be possible to follow all the steps or to use all of the resources. Whatever constraints you face, try to follow each step and to complete the Needs Assessment Table as far as you can.

It is recommended that you convene a small working group with representatives from appropriate police units and departments such as the training college, and management representatives from your target police units. This will help ensure that you get a wide range of input when assessing training needs and priorities. It will also help ensure that you can draw on the time and expertise of colleagues when implementing and cascading training activities. You may also want to draw on the support of the Council of Europe at this stage.

Step 1: Review the Needs Assessment Table Template

A template can help you systematically assess needs against each module, and to prioritise which modules and activities would best serve your target group. Review the Needs Assessment Table (Annex B) and complete the sections as far as possible. For example, you should be able to complete column two on the strategic context by adding information on the national legal and policy context. You can also start to complete column four which asks for an assessment of the priority of each module, and column five where you consider how you can involve civil society organisations in the design and delivery of each module. We look more closely at assessing the training needs of your target learners in step two below; however, you can still start to complete this column in the table (column three) based on data that is currently available to you.

Step 2: Design and Disseminate Training Questionnaires to Assess the Current Knowledge of your Target Group(s)

Surveying your target group(s) by using questionnaires can give you useful insights into what your target learners have observed during the course of their work about their own and their colleagues' understanding of equality and discrimination issues.

When preparing your survey, consider the following actions:

- identify your target group, for example, investigators, uniformed police, police cadets, management, leadership, and so on
- keep the surveys short, easy to access and easy to submit
- ensure that the survey includes questions that are relevant to each module of the manual, or the modules that you have already decided should be included in the training
- ensure that the surveys include questions that test "knowledge", for example, on the hate-crime concept, the conceptual and legal definitions of discrimination, or national police complaints systems
- ensure that surveys contain questions that explore what your target learners would like to learn more about and that get an insight into what they think they know about the content covered in specific modules
- consider keeping the questionnaires anonymous; this should increase the chance that your target learners will feel more comfortable sharing their honest assessment of police training needs
- ask senior management to endorse the survey and to stress that they aim to support the effective assessment of organisational training priorities
- co-ordinate with police managers and relevant police training bodies to get their input for any other questions that should be included in the questionnaires

- co-ordinate with relevant police colleagues to ensure that the questionnaire is as widely disseminated as possible to your target groups.

A sample pre-training questionnaire to assess content knowledge and training priorities can be found in Annex C.

Step 3: Complete the Needs Assessment Table

When you have received and analysed survey responses, you can complete the needs assessment table. On completing the template, national counterparts, perhaps in partnership with Council of Europe colleagues, should have a clear idea of national priorities and therefore which modules are the most appropriate to deliver. The needs assessment table can be found in Annex B.

Evaluation

Evaluation is an essential part in the planning and implementation of any training, and many approaches can be taken. This section includes two examples, short-term and medium- / longer-term evaluations.

The purpose of short-term evaluation is to establish whether the activities / module met the learning objectives. Short-term evaluations can be conducted using simple questionnaires that test knowledge just before and just after the training. Examples of such templates can be found in Annex C and D.

The purpose of medium- to longer-term evaluations are more strategic and focus on assessing whether the learning activities / module met the needs identified in the needs assessment. Medium- and longer-term evaluations take more planning; it is a good idea to commission an independent evaluator to design and carry out an evaluation with relevant stakeholders, following the structure of the needs assessment table.

Annexes

Annex A: Sample pre-training questionnaires to assess content knowledge and training priorities

Trainer's Notes

This sample training questionnaire can be adapted and used to suit national needs. It includes guidance notes to consider when adapting questions.

Suggested title: 'Pre-training questionnaire police training on equality and non-discrimination'

'Please answer the questions based on your knowledge, understanding and experience. The answers will be used to better understand your training needs and experience in dealing with equality and human rights in policing.'

Thank you in advance for your answers!

1. Email
2. Full name
3. Authority you represent (in full)
4. Position and main responsibilities
5. Region
6. Work experience

Check all that apply.

- Less than 1 year
- 1-5 years
- more than 5 years

7. What responsibilities do you have in dealing with the following:

Guidance note: depending on the focus of your training assessment, include or remove the topics listed below.

- Equality and human rights in policing
- Police misconduct
- Discriminatory profiling
- Hate-crime investigation
- Victim support
- Community engagement and community policing

Please describe your responsibilities in a few sentences:

Sample knowledge-based questions for each module

Trainer's Notes

This section includes sample questions to test knowledge of the subject matter covered in each module. Use these as a guide to create your own appropriate questions for the national context.

Module 1: Equality and Human Rights in Policing

1. International Human Rights Obligations include:
(tick all that apply)
 - The duty on the police to intervene when there is a risk to life or injury
 - The duty to take positive action to allow citizens to practise their human rights, for example, the right to freedom of assembly
 - The duty to investigate the possibility of a discriminatory motive in any criminal offence:
 - a. Police misconduct
 - b. Discriminatory profiling
 - c. Hate-crime investigation
 - d. Victim issues
 - e. Community engagement and community policing

Trainer's Notes

All answers are correct.

2. Match the definition with the concept

Concept	Insert letter	Definition
Prejudice / bias	A	The belief that a ground such as “race”, ethnic or national origin, language or nationality justifies contempt for a person or a group of people, or the notion of superiority of a person or a group of people.
Racism	B	Instances when an apparently neutral provision, practice, or policy applies to everyone in the same way, but puts some groups of people in a disadvantaged position compared to others based on their “race”, ethnic origin, religion, nationality, (dis)ability, sexual orientation or gender identity, and so on.
Discrimination	C	Preconceived opinions that are not based on reason, facts or actual experience, towards a person or a group based on their personal characteristics, such as “race”, ethnic origin, religion, nationality, (dis)ability, sexual orientation, gender identity, or other personal status.
Indirect discrimination	D	Any unjustifiable differential treatment based on a ground such as “race”, ethnic origin, religion, nationality, (dis)ability, sexual orientation or gender identity, and so on, which has no objective and reasonable justification.
Multiple discrimination	E	Discrimination on the basis of several grounds.

Trainer's Notes

The correct answers for column two are in this order – C, A, D, B, E.

Module 2: Police Discriminatory Misconduct

3. What are examples of discriminatory misconduct? (tick all that apply)
- Racial profiling
 - Perjury
 - Excessive force
 - Fabrication of evidence

Trainer's Notes

Only Racial profiling is an example of discriminatory police misconduct. The others are examples of misconduct without the discriminatory element.

4. Are you aware of the organisation's misconduct process and procedures?
- Yes
 - No
5. In your opinion, what is the greatest challenge for policing in this area?

Module 3: Discriminatory profiling

6. Read the situation below. Is it an example of where the police can lawfully stop and search a citizen on the grounds of 'reasonable suspicion'?

A person is driving erratically, swerving between lanes, and failing to stop for traffic signals.

Trainer's Notes

The correct answer is yes.

7. Read the situation below. Is it an example of where the police can lawfully stop and search a citizen on the grounds of 'reasonable suspicion'?

A police officer hears on the police radio that a man of African descent has fled from the scene of a robbery in the neighbourhood. The police officer spots a man of African descent man on the pavement about 100 metres from the patrol car.

Trainer's Notes

The correct answer is no.

8. In your opinion, what is the greatest challenge for policing in this area?

Module 4: Police Investigation of Hate Crime

9. Hate crime is...
- A physical attack based on strong emotional feeling towards a family member
 - A criminal offence in which the victim is selected on the basis of his/her belonging to a particular group
 - An act of hooliganism accompanied by verbal insults
 - All of the above

Trainer's Notes

The correct answer is option 2.

10. Which of the following may indicate a the crime could be a hate crime? (select all correct options)
- a. The victim or witness believes that the crime was committed based on prejudice towards a fundamental aspect of their identity.
 - b. Drawings, signs, symbols or graffiti left at the crime scene
 - c. There is a long history of personal animosity between the victim and the attacker.
 - d. The victim belongs to a group that is significantly dominated by another group in the area where the crime is committed.
 - e. The crime occurred on a day that is of special significance (for example, a religious or national holiday).

Trainer's Notes

The correct answers are a., b., d. and e.

This section could include questions about national hate-crime legislation and police guidelines.

11. In your opinion, what is the greatest challenge for policing in this area?

Module 5: Respectful and Non-discriminatory Treatment of Victims

12. Is this true or false? 'The psychological and emotional impact of hate crimes on victims is more serious than for other crimes.'

Trainer's Notes

The correct answer is 'true'.

13. What is 'secondary victimisation'?

Secondary victimisation is:

- a. discriminatory or disrespectful treatment that compounds or exacerbates the impact of the original crime.
- b. when there is more than one crime victim.

Trainer's Notes

The correct answer is a.

14. In your opinion, what is the greatest challenge for policing in this area?

Module 6: Community Engagement, Community Relationships and Community Policing at Local Level

15. Which stakeholders can be involved in community engagement? Tick all that are relevant.
- a. Local school
 - b. Municipal authorities
 - c. Residents association
 - d. Local NGO working with recently arrive migrants
 - e. Homelessness NGO
 - f. All of the above

Trainer's Notes

The correct answer is f.

In your opinion, what is the greatest challenge for policing in this area?

Annex B: Needs Assessment Table

Module title	Strategic context: Relevant national laws, policy, guidelines	Assess: current knowledge and learning needs of target learners	Assess: priority of this module	Plan involvement of civil society organisations
	<p>Guidance note: List all the laws, policies and guidelines that are relevant to this module.</p> <p>Make a note of which are central to the police role and a note about whether training needs have been identified as a result of misconduct / a poorly-handled case / community feedback.</p>	<p>Guidance note: Consider the learning objectives for each module; based on these, draft a questionnaire that includes questions to help identify gaps in knowledge and stakeholders' perceptions of what they need to learn more about. If you are already quite clear about your target groups and which modules you are likely to focus on, you can design your questionnaire accordingly.</p>	<p>Guidance note: When assessing the priority of each module, consider issues such as high-profile cases, the outcome of the column two assessment, consider recently launched strategies, such as anti-racism action plans, which include training obligations, and recommendations / observations from IGO and national CSOs, and so on.</p> <p>Consider giving a rating on a scale of 1-5. 5 = high priority, 1 = low priority.</p>	<p>Guidance note: Identify how to involve appropriate community organisations and specialist support services in the delivery of each module that has been chosen.</p>
Module 1: The essentials of equality, non-discrimination and human rights in the policing context.				
Module 2: Police discriminatory misconduct				

Module title	Strategic context: Relevant national laws, policy, guidelines	Assess: current knowledge and learning needs of target learners	Assess: priority of this module	Plan involvement of civil society organisations
Module 3: Discriminatory profiling prevention and response.				
Module 4: Police investigation of hate crime.				
Module 5: Respectful and non-discriminatory treatment of victims.				
Module 6: Community engagement / community relationships and community policing at local level.				

Annex C: Pre-training Evaluation

1. Gender

- Woman Man Prefer not to say Other

2. How would you rate your understanding of [insert module title / agenda topics]
(1 = low or limited understanding; 5 = strong understanding)

- 1 2 3 4 5

Please add any further comments:

3. How would you rate your level of knowledge of [the topics covered in this agenda]?
(1 = low or limited understanding; 5 = strong understanding)

- 1 2 3 4 5

Please add any further comments:

Annex D: Post-training Evaluation

1. Gender

- Woman Man Prefer not to say Other

2. Following the training, how would you rate your understanding of [insert relevant language]

(1 = low or limited understanding; 5 = strong understanding)

- 1 2 3 4 5

Please add any further comments:

3. Following the training, how would you rate your level of knowledge of [insert appropriate language]?

(1 = low or limited understanding; 5 = strong understanding)

- 1 2 3 4 5

Please add any further comments:

Please rate the statements below using the following classification:

4. The training met your overall expectations.

Strongly Agree Agree Neutral Disagree Strongly Disagree

5. The training duration was appropriate.

Strongly Agree Agree Neutral Disagree Strongly Disagree

6. The content of the training, in terms of substance, was appropriate.

Strongly Agree Agree Neutral Disagree Strongly Disagree

7. The content of the training was relevant to your work.

Strongly Agree Agree Neutral Disagree Strongly Disagree

8. The format of the training (group work, exercises, presentations, etc.) was appropriate.

Strongly Agree Agree Neutral Disagree Strongly Disagree

9. The opportunities for interaction with fellow participants were adequate.

Strongly Agree Agree Neutral Disagree Strongly Disagree

10. The opportunities for interaction with the trainer(s) were adequate.

Strongly Agree Agree Neutral Disagree Strongly Disagree

11. The trainers were knowledgeable about the topics covered in the training.

Strongly Agree Agree Neutral Disagree Strongly Disagree

12. The trainers presented in an engaging and interesting manner.

Strongly Agree Agree Neutral Disagree Strongly Disagree

13. How do you intend to use the knowledge from this training?
14. Is there anything else that you might need to be able to implement the knowledge from this training (e.g. more knowledge, better support / more commitment from leadership, change of police culture, more specific training courses, etc.)?
15. Please provide below any other comments on the training, including tips for improvement.

Tool Box

This section contains guidance on how to conduct ice breakers, and role plays. Icebreakers can be conducted at the discretion of the trainer. Module 6 includes a role play activity.

Icebreakers

Icebreakers are usually conducted at the beginning of a training session or specific training activities. Their purpose is usually to increase connection across the participants and to engender a general sense of relaxation in the group. They can also serve the dual purpose of creating small groups when they are needed for specific exercises.

Overall, icebreakers should be inclusive and stay away from sensitive topics. This is particularly important for trainings on non-discrimination and human rights. This section includes several examples, however, trainers might have their own they would like to use.

‘My first job’

Ask everyone in the group to write down their name, their first job, and what they learned from that job. Then go round the group and have everybody read theirs out.

This is a chance for the group to learn something new about each other without getting too uncomfortably personal. It’s also a great warm-up as it doesn’t require too much thinking or preparation.

‘One word’

Divide the group into smaller groups or pairs, depending on how many participants you have. Ask each group to come up with one word that describes a certain topic. For example, choose a word that is associated with the activity that you are about to facilitate. For activities on hate crime, ask the group to agree one word that best describes the impact of ‘hate crime’ on victims. For activities on police discriminatory misconduct, again, ask the group to agree one word that sums up the impact of this issue on the police as an institution, and so on. Set a timer for (two minutes should suffice) and then ask each group to share their word. You can write each word on a flip chart.

The purpose of this icebreaker isn’t necessarily to come up with actionable ideas, but rather, to get people thinking about the topic ahead of the main workshop activities

‘Ticking clock’

Prepare in advance a list with twelve questions to use in the icebreaker (see example below).

Example of questions:

1. What’s your name?
2. What is your work?
3. What was the title of the last book you’ve read?
4. What is your favourite TV series?
5. What is your favourite food?
6. What is your favourite animal?

7. What is your favourite hobby?
8. Where is your dream trip?
9. What would you do if you won the lottery?
10. Share one wish you would like to see come true.

Ask participants to sit in groups of four, with the chairs in a cross position (facing each other). Explain to participants that you will ask a set of questions to the groups and that they should answer as quickly as possible. For each question participants should answer immediately and spontaneously, one at a time. Additionally, explain that they will have only 15 seconds to answer each question and if someone can't answer the question, they should say "pass".

Facilitating role plays

While role plays can be viewed with trepidation by some participants, they can be a really useful learning tool and enhance learning and participation. They are also an example of 'learning by doing'.

There are some key points to bear in mind when preparing a role play. First, as the trainer, make sure that you are very familiar with each role and the story and situation that they are going to give life to during the learning activity. Imagine how you will answer questions from the participants, and how you might deal with tricky situations, for example, where participants do not agree with how a peer has played a role, or where one participant behaves inappropriately.

During the session:

- ensure that participants are fully briefed on the purpose of the role play. Allow time for them to read the instructions for their role and the background of the scenario.
- ensure that questions are encouraged and answered, check that everyone's questions have been answered to their satisfaction.
- take steps to create a supportive and safe environment. Emphasise the point that this is a learning experience and not an acting class. Encourage everyone to give supportive and constructive feedback when the time comes.
- aim to create a relaxed and even fun environment. This is a chance for participants to connect with each other in different ways and to be a little creative.
- explain that taking part in a role play can support learners to take another person's perspective, which can be particularly useful for the topics covered in this manual.
- make sure that plenty of time is allowed for learners to practise the role play. This process should not be rushed. Participants will need to feel clear about their role and confident in their 'performance'.
- when facilitating feedback, make sure that you encourage feedback on the content, not the performance. Make sure the key learning points are highlighted. Redirect or challenge inappropriate feedback.

After the session:

Make sure that you leave enough time for an adequate debriefing. How did participants experience the role play, what did they learn? Do they have any outstanding questions about the topic?

This can also be a good moment to reassure or praise individuals, especially any participants who expressed scepticism or anxiety about taking part.

Finally, consider whether you need to follow up individually with any participants. For example, to debrief about a difficult moment that arose during the role play. Encourage the participant to reflect on the incident and support them to identify what they have learned and whether and how they might apply this to their professional role.

Remember that taking these steps and presenting role plays as a well-structured and thoughtful process can increase the chance the learners will take the activity seriously, and learn more as a result.

Module 1

EQEQUALITY AND NON-DISCRIMINATION AND A HUMAN RIGHTS APPROACH TO POLICING

AUTHOR: MARHARYTA ZHESKO

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Introduction and Background

As a key actor responsible for public security, the police are tasked with maintaining law and order in society by preventing and combating crime. In recent decades, the police have increasingly been seen as a service provider rather than a force.¹ This approach implies that the police develop and implement their activities according to the needs of the public and the state, based on the rule of law and informed by a human rights perspective. It spotlights the central role of human rights in police work and notions stemming from it, such as transparency, accountability, legality, proportionality, non-discrimination and the promotion of equality.

On the ground, however, police officers can perceive human rights as obstacles rather than a basis and a tool for their work. In some cases, police officers are not sufficiently trained to understand and comply with their human rights duties. Yet, in relation to minority groups, human rights have an even greater significance for police work. Members of minority groups are at risk of discriminatory harassment and violence and face barriers in accessing protection and justice due to their vulnerability, marginalisation and exclusion. It is often the case that police officers do not recognise and do not address this vulnerability and its implications for the security of minority members. Further, driven by their own prejudices and biases, police behaviour can at times reinforce inequality and contribute to secondary victimisation.

In this context, this module aims to challenge, influence and inform participants' attitudes regarding human rights, and to demonstrate how human rights can improve their work and impact. It also provides knowledge about police duties in relation to combating discrimination and promoting equality, and their practical implications. Thematically, the module is built around three sections. Activities 1.1 and 1.2 introduce the concept of human rights-based policing and demonstrate why it is important and how it helps to make policing more efficient. Activities 1.3 and 1.4 focus on the key concepts and police duties in relation to combating discrimination. Activities 1.5 and 1.6 address the role of the police in promoting equality, including institutional measures and the role of individual officers.

The main international standards that underpin this module derive from the European Convention on Human Rights and the case law of the European Court of Human Rights. Additionally, the module builds on the ECRI's General Policy Recommendation No. 11 on Combating Racism and Racial Discrimination in Policing,² in particular on its perception-based definition of racism and its implications for police duties. Lastly, the module outlines key international and European human rights documents specifically addressing the issue of promoting equality and combating discrimination.

¹ Recommendation Rec(2001)10 of the Committee of Ministers to member states on the European Code of Police Ethics, adopted on 19 September 2001, available at <https://rm.coe.int/16805e297e>. ECRI General Policy Recommendation No. 11 on Combating Racism and Racial Discrimination in Policing, adopted 27 June 2007, www.coe.int/en/web/european-commission-against-racism-and-intolerance/recommendation-no.11. Conference: The Police Role in a Democratic Society: European Code of Police Ethics, nearly 20 years, www.coe.int/en/web/human-rights-rule-of-law/police-conference2020.

² ECRI General Policy Recommendation No. 11 on Combating Racism and Racial Discrimination in Policing, adopted 27 June 2007, www.coe.int/en/web/european-commission-against-racism-and-intolerance/recommendation-no.11.

Learning Outcomes

Participants will:

- ➔ Understand the added value of a human rights-based approach to policing, and how it can improve their work
- ➔ Learn about the frameworks and concepts relevant to the promotion of equality and non-discrimination, and corresponding police duties in this regard
- ➔ Recognise that police actions or inaction can contribute to the violation of human rights and the principle of equality
- ➔ Understand the importance of the role of the police in promoting equality and eliminating discrimination.

Overview of Activities and Timings

- Activity 1.1:** Human rights and policing – Understanding the connection (45 minutes)
- Activity 1.2:** Human rights-based policing – What’s in it for me? (30 minutes)
- Activity 1.3:** Understanding equality and non-discrimination in policing (90 minutes)
- Activity 1.4:** Police duties in relation to non-discrimination – Practical exercise (60 minutes)
- Activity 1.5:** Promoting equality and non-discrimination in police work (45 minutes)
- Activity 1.6:** The role of the police in promoting good relations (15 minutes)

Preparation

In addition to drawing on the Needs Assessment, in preparing this module the training team should do research on the following:

- National legislation and policy documents that guide police work, and how they define police functions, accountability and oversight mechanisms (Activity 1.1)
- National statistics and examples of incident and crime reporting (including by members of minority communities), level of trust towards the police, practices of racial profiling, etc. (Activity 1.2)
- National legislation and policy documents that define key concepts introduced in this module, such as discrimination, racism, hate crime, hate speech, etc. (Activity 1.3)
- The national census containing, if available, data on the population by national or ethnic origin and statistics on diversity within the police, such as members of under-represented minority groups (the latter can be checked with the police contact)
- National measures / mechanisms (institutional or operational) that facilitate equality and non-discrimination within the police (Activity 1.5).

Each activity is accompanied by specific points on the necessary preparatory steps, as needed. Also, trainer’s notes and recommendations are provided throughout the module’s activities.

Activity Descriptions

Activity 1.1: Human Rights and Policing – Understanding the Connection

Learning points: Human rights should be at the core of police work.

Time: 45 minutes

Materials needed: flip chart
flip chart paper
markers
Handout 1.1

Instructions

1. Start by asking participants in the plenary, What is your job as police officers?

As the discussion continues, note down the main points on the flip chart. Among other things, the discussion should highlight that the police should be seen as a service provider rather than a force. This includes the traditional objectives of policing, such as the maintenance of public order and the fight against crime, that are based on the rule of law and informed by a human rights perspective. More specifically, the main goals of the police in a democratic society are:³

- to maintain public tranquillity and law and order in society
- to prevent and combat crime
- to detect crime
- to provide assistance and service functions to the public, and
- to protect and respect the individual's fundamental rights and freedoms.

2. In plenary, continue by asking participants the following questions:

- How do you understand human rights? Can you give one or two examples of human rights?
- Please give examples of when you exercised your human rights as individuals or as a group?

Building on the answers from the group, highlight the following points. Human rights are those fundamental rights which enable individuals to shape their lives in accordance with the notions of human dignity, justice, freedom and equality. These notions are reflected in specific human rights, such as the right to life, prohibition of torture, right to marry and to have a family, right to practise your religion, freedom of expression, or freedom of assembly, and so on. Every human being has these rights from birth.

At the end of this discussion, distribute Handout 1.1 – Simplified version of selected articles from the European Convention on Human Rights and its protocols. Allow five minutes for the participants to read it through and familiarise themselves with or refresh their knowledge about human rights. If the group was not active in giving examples to the above questions, as they read through Handout 1.1, ask them to give examples when they exercised human rights as an individual.

³ European Code of Police Ethic, Appendix to Recommendation Rec(2001)10, adopted by the Committee of Ministers of the Council of Europe on 19 September 2001, available at <https://rm.coe.int/16805e297e>.

3. Then, divide the group into three or four smaller groups, depending on the size of the whole group, and ask each group to discuss the following questions. Each group will have 10 minutes for discussion, and will later be asked to share their answers with the whole group. As groups present, note down main points on the flip chart.
 - As police officers, how do you think human rights relate to your work? Please give examples from your practice.
 - As police officers, how do you understand your role to protect and respect the individual's human rights? Give examples from your practice.

Trainer's Notes

- **As police officers, how do you think human rights relate to your work?**

First, the police function to prevent and combat crime is directly connected to human rights. For example, protecting the life of an individual is embedded in the right to life of this individual. As representatives of the state, the police have a duty to protect the rights and freedom of individuals. To this end, the police bring human rights to life. Without the police working to respect and protect human rights, the rights would be meaningless. Additionally, human rights help police officers to decide what is permissible or forbidden. To exercise their functions, the police are given a wide degree of discretion in the performance of their duties: the police have particular powers to deprive people temporarily of their freedom or limit the full enjoyment of their rights, to use force, and, in extreme circumstances, to use lethal force. The human rights framework guides police officers in making the right decisions in the proportionate exercise of their duties. Last but not least, human rights also ensure core human values for police officers who are also rights holders. As any other person, police officers have human rights; thus, by protecting the human rights of others, they uphold the value of human rights and contribute to ensuring their own human rights are guarded. An example could be the right of all police officers to be treated without discrimination regardless of their rank, age, gender, ethnic background or (dis)ability.

- **As police officers, how do you understand your role to protect the individual's human rights and to respect the individual's human rights?**

Respecting human rights implies an obligation for police officers to refrain from interfering with or curtailing the enjoyment of human rights. This aspect can be seen, for example, in police actions that should not unlawfully limit a peaceful assembly, and thus the right to a peaceful assembly of individuals. In this context, the police cannot unlawfully restrict or disperse a peaceful LGBTI pride demonstration, even if the police disagree with its messages. The right to peaceful assembly is important for the expression of minority identities and views. It is crucial for creating a tolerant and pluralistic society in which different groups can exist peacefully together.

Protecting human rights implies an obligation for police officers to protect individuals and groups against human rights abuses, and take steps to ensure individuals can exercise their rights effectively. This aspect can be seen in the operational duties of the police, such as an obligation to intervene in a situation where there is a known risk to life or a risk of violence; an obligation to undertake an effective and prompt criminal investigation; or an obligation to protect democratic activities and processes (such as freedom of expression, freedom of assembly, etc.) when they are threatened by counter forces. For example, the police protect and secure the safety of participants of a peaceful anti-racism demonstration where there are planned counter-demonstrations.

The UN framework also envisages an obligation to facilitate the enjoyment of human rights that implies for police officers to take positive action in this regard. This aspect can be seen in the strategies for assembly policing, in particular, communication and negotiation during the protest to ensure that protesters can fully enjoy their right to assembly. For example, the police communicate with organisers of an environmentalist march before the march to identify and mitigate potential risks, and during the march to respond effectively to any disturbances that may occur.

4. Move on to detail the above points on human rights obligations in police work by using a case example. Present the case below to the group. If time allows, ask participants the questions below and then explain the police duties in relation to human rights. If time does not allow, move on to explain the police duties immediately after presenting the case.

Case:⁴ In 1996, the Bulgarian military police, during an arrest attempt, shot dead two Bulgarian nationals, conscripts who had recently absconded from a military construction force⁵ and were known to be unarmed. The military police officers were not prosecuted as the investigation concluded that they had followed national military police regulations.

Questions:

- What human rights are at stake in this case?
- What are police officers' obligations in relation to human rights in this case?

Trainer's Notes

This is a case considered by the European Court of Human Rights (Court) and thus the state's obligations arise under the European Convention on Human Rights (Convention).

The human right in question is the right to life (Article 2 of the Convention) and state's obligation in this regard (to respect and to protect the right to life of individuals).

In respect of the substantive aspect of the obligation to respect and protect life, the Court found that the victims were killed in circumstances in which the use of firearms to effect their arrest was incompatible with the right to life and that the police used grossly excessive force. Thus, the Court found that Bulgaria had failed its obligations under the Convention in this case.

Additionally, the obligation to protect the right to life under Article 2 of the Convention also requires an effective, independent and impartial official investigation into crimes which interfere with the right to life. In this case, the investigation had numerous flaws and was not effective. Thus, the Court found that Bulgaria also failed regarding the procedural aspect of state obligations in this case.

In addition to failing to protect individual's rights, violations of the Convention can damage countries' national and international reputation and lead to fines by the European Court of Human Rights.

⁴ A case study based on the ECHR's case *Nachova v. Bulgaria* (2005). For the purpose of this exercise, the case is simplified and some facts are omitted. The case is further considered in Activity 1.3. Available at <https://hudoc.echr.coe.int/tur#%22itemid%22:%22001-69630%22>].

⁵ Construction Force is a division of the army (at the time of the case in Bulgaria) dealing with the construction of apartment blocks and other civilian projects, in which conscripts discharged their duties as construction workers on non-military sites.

Additional resources for Activity 1.1⁶

- European Code of Police Ethic, Appendix to Recommendation Rec(2001)10, adopted by the Committee of Ministers of the Council of Europe on 19 September 2001, available at: <https://rm.coe.int/16805e297e>.
- OSCE (2008), Guidebook on Democratic Policing, available at <https://polis.osce.org/guidebook-democratic-policing-senior-police-adviser-osce-secretary-general>.
- Council of Europe (2013), The European Convention on Human Rights and Policing – A handbook for police officers and other law enforcement officials, available at: <https://book.coe.int/en/human-rights-and-democracy/6839-the-european-convention-on-human-rights-and-policing.html>.
- UN OHCHR (1997), International Human Rights Standards for Law Enforcement: A Pocket Book on Human Rights for the Police, available at: www.un.org/ruleoflaw/blog/document/international-human-rights-standards-for-law-enforcement-a-pocket-book-on-human-rights-for-the-police.
- Council of Europe (2019), Toolkit for Police Officers, Council of Europe standards on racially motivated crimes and non-discrimination, with focus on Roma and Travellers, available at: www.coe.int/en/web/roma-and-travellers/-/toolkit-for-police-officers-council-of-europe-standards-on-racially-motivated-crimes-and-non-discrimination.
- UNODC, 'Policing in democracies and the need for accountability, integrity, oversight', available at: www.unodc.org/e4j/en/crime-prevention-criminal-justice/module-5/key-issues/1--policing-in-democracies-and-the-need-for-accountability--integrity--oversight.html.

⁶ For trainer's background reading on the topic of human rights centred policing.

Activity 1.2: Human Rights-based Policing – What’s in it for me?

Learning points: A human rights approach to policing increases the legitimacy of the police and the effectiveness of their work. Equality and non-discrimination are at the heart of human rights-based policing.

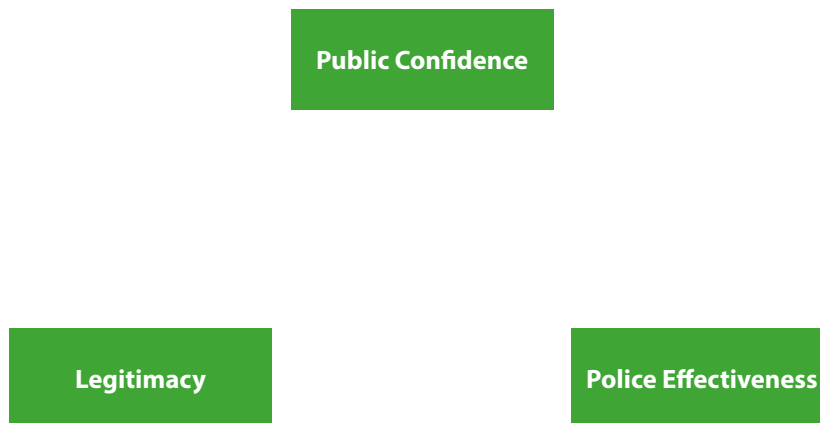
Time: 30 minutes

Materials needed: flip chart
flip chart paper
markers

Preparation: Prior to the session, the trainer draws Scheme 1 on the flip chart. Alternatively, it can be presented as a PowerPoint presentation. Relying on data and reports gathered by civil society organisations, prepare examples and statistics, for example, on underreporting, level of trust towards the police, racial profiling practices, relevant to the national context and to demonstrate main points of this exercise.

Instructions

1. Present the triangle diagram below which shows how respecting and protecting the human rights of all groups can improve police effectiveness.



Scheme 1

2. Explain the scheme using the following information:
 - Good policing is both fair and effective.
 - Good policing is policing by consent as it requires the co-operation of the people. It is the public (individuals, communities) that has information on which the police can act.
 - Public trust and confidence in the police are prerequisites for the exchange of information between the police and the public. Without trust, the public will not be willing to report crimes or to provide the police with the information needed to prevent and investigate crime successfully.

To demonstrate your point, provide this example:

According to the survey conducted by the EU Agency for Fundamental Rights (FRA),⁷ the reporting rate of cases of bias-motivated violence and bias-motivated harassment to the police is considerably low. For all the surveyed groups,⁸ only 28% of instances of bias-motivated violence and 10% of instances of bias-motivated harassment were reported to the police, as an average for all EU countries. The reporting rate for specific groups goes even lower. For instance, only 11% of instances of bias-motivated violence and 6% of instances of bias-motivated harassment against Roma and Travellers community members were reported to the police.

To initiate reflections from participants, ask the group a question: *What does this low number of reporting to the police mean to your work?*

Trainer's Notes

In this and the following instances that refer to statistics, please note that statistics from FRA only cover the EU member states, and as such might not be directly applicable to the national contexts outside the EU. While general trends and issues, such as underreporting, low level of trust toward the police, or racial profiling practices, might be similar, the numbers and particular manifestations will be different. It is, therefore, necessary to find examples and statistics, if available, representative of a specific national context. Such examples could be found in reports of national civil society or community-based organisations.

3. Continue by explaining that public trust and support for the police depend on the behaviour of members of the police towards the public, in particular their respect for human dignity and human rights. The police are more likely to secure public confidence when they demonstrate integrity and transparency in their operations, act within the framework of the law, and perform their duties in line with human rights standards.

To demonstrate your point, provide this example:

According to a 2018 FRA survey,⁹ 24% of respondents of African descent in the EU were stopped by the police in the five years before the survey. Among those stopped in the 12 months before the survey, 44% consider the last stop to have been motivated by their ethnic or immigrant background.

To initiate reflections from participants, ask the group a question: *What does this example and practice mean to your work? How does the practice of ethnic profiling impact the perception of the police by the minority community? Here, the trainer should make the point that all actions or inaction by the police as an institution or individual officers contribute to an overall perception in the society of the police. Thus, if the police engage in ethnic profiling, this impacts on how the whole group that is targeted by this discriminatory practice perceive them. It also affects wider societal perceptions if they are engaged in practices that violate human rights.*

⁷ FRA 2017, 'Second European Union Minorities and Discrimination Survey – Main results', available at <https://fra.europa.eu/en/publication/2017/second-european-union-minorities-and-discrimination-survey-main-results>. A good source on under-reporting in the EU: FRA (2021), 'Encouraging hate crime reporting – The role of law enforcement and other authorities', available at <https://fra.europa.eu/en/publication/2021/hate-crime-reporting>.

⁸ This includes different ethnic minority and immigrant backgrounds across all 28 EU member states. The EU-MIDIS II sample includes groups with individuals belonging to ethnic or national minorities, Roma and Russians, as well as those born outside the EU (first-generation respondents) and individuals with at least one parent born outside the EU (second-generation respondents).

⁹ FRA (2018), 'Being Black in the EU', available at <https://fra.europa.eu/en/publication/2018/being-black-eu>.

4. Continue to explain that police legitimacy is increased if they can demonstrate in their daily work that they are:
 - a. responsive to public needs and expectations
 - b. use their authority in the people's interest
 - c. carry out their responsibilities in a way that reflects democratic values
 - d. accept being held accountable for their actions and decisions.

To demonstrate your point, provide this example:

According to the FRA survey,¹⁰ a majority (63%) of victims of racist physical attacks by a police officer did not report the incident to anybody, either because they felt it would not change anything or because they do not trust the police.

To initiate reflections from participants, ask the group a question: How do these perceptions of the police impact on police legitimacy? What should be done to increase police legitimacy?

5. Conclude by summarising: winning legitimacy leads to more public confidence, which leads to more effective policing. Similarly, vice versa, effective policing strengthens public trust and confidence, and this helps to enhance legitimacy.
6. To demonstrate the scheme on a real case example, share with the group the following example – a real case that took place in the UK.¹¹

Example: A right-wing extremist placed a nail bomb in a busy LGBTI bar. The explosion killed three people and wounded 70 others. At an open-air meeting, organised by LGBTI groups, in a nearby square a few days after the event, the local chief of police attended and spoke to the LGBTI community. He stated that he would put in place a mobile police unit on the street where the bombing had happened and that it would be kept in the area until the investigation had been concluded. Many LGBTI people attended the mobile unit and gave statements to the police officers.

Ask participants: *How do they see whether the police actions affected the community's response?* Ask if participants have had similar examples in their practice.

Trainer's Notes

The learning point of this case is the police actions after the attack: the police turned to the LGBTI community, took steps to ensure their safety and communicated this to them. This in turn led community members coming forward to share with the police information that was relevant to the crime investigation. In a hypothetical chain of steps, the following occurs: victims of hate crime are more likely to report a crime to the police and co-operate with the investigation providing necessary information, along with witnesses, when they trust the police. They trust the police if the police act professionally and responsibly in the exercise of their duties (e.g. conducting effective investigations, ensuring victim's safety and support). In turn, victim and witness information and co-operation increase the effectiveness of the police to fight crime and ensure community security.

¹⁰ FRA (2018), 'Being Black in the EU', available at <https://fra.europa.eu/en/publication/2018/being-black-eu>.

¹¹ The case is taken from the Council of Europe Manual, Policing Hate Crimes against LGBTI persons. The crime took place in 1999, a series of nail bomb attacks within two weeks in London by a self-confessed racist and homophobe. www.bbc.com/news/uk-england-london-47216594.

Activity 1.3: Understanding Equality and Non-discrimination in Policing

Learning points: Understand main concepts in relation to non-discrimination and the basics of main human rights obligations in relation to non-discrimination in the police work. Understand the importance of a perception based definition of racism.

Time: 90 minutes

Materials needed: flip chart
flip chart paper
markers
projector
computer
PowerPoint presentation on the human rights obligation in relation to non-discrimination and ECRI General Policy Recommendation No. 11
Handout 1.3.1
Handout 1.3.2

Preparation: Prepare a PowerPoint presentation on the human rights obligations in relation to non-discrimination and the excerpt from the ECRI General Policy Recommendation No. 11 (which can be found in handout 1.3.2); print Handout 1.3.1 and Handout 1.3.2; write down the key definitions on the flip chart. Check national legislation defining hate crime, hate speech, discrimination, and other concepts addressed in this activity as available.

Instructions

1. Divide the group into three or four smaller groups, depending on the size of the whole group, and ask each group to discuss the following questions. Each group will have 10 minutes for discussion, and will later be asked to share their answers with the whole group. As groups present, note down main points on the flip chart.
 - *How do you understand 'equality'? How do you understand 'non-discrimination'? How do human rights, equality and non-discrimination connect? How can the police promote equality?*

Trainer's Notes

How do you understand 'equality'? How do you understand 'non-discrimination'? How do human rights, equality and non-discrimination connect? How can the police promote equality?

The main idea of equality presupposes that all people have the same human rights and all people have the right to equal protection of their rights, and thus to equal treatment by the police. This idea implies that all human rights must be guaranteed on a non-discriminatory basis. Non-discrimination means that police officers may not discriminate against any person by treating them differently because of a person's "race"¹², ethnic origin, religion, gender identity, sexual orientation, disability or other status. For example, the right to freedom of a peaceful assembly must be guaranteed to all groups, representing both majority and minority communities, and the police must provide equally effective protection of peaceful assemblies of all groups.

¹² Since all human beings belong to the same species, ECRI rejects theories based on the existence of different "races". However, in this Recommendation, ECRI uses this term in order to ensure that those people who are generally and erroneously perceived as belonging to "another race" are not excluded from the protection provided for by the legislation.

Non-discrimination is an integral part of the principle of equality. At the same time, ensuring equality may at times mean treating people differently in similar situations in order to ensure that they are able to exercise their rights. This implies that the police should act with particular consideration for the situation of individuals particularly at risk of violation of their rights. For example, the police should ensure people with disabilities, older people or pregnant women are not exposed to strained situations during the gathering of an assembly, and thus provide them with extra protection in order for these groups to be able to exercise their rights effectively. At the institutional level, the promotion of equality might also require positive actions which include temporary and proportionate measures or strategies to counter the effects of past discrimination against groups that have historically been impacted by discrimination. This includes, for example, quotas for hiring women, or quotas for the promotion of women candidates within the police.

2. Next, move on to discuss main concepts. Prior to the session, write down the main concepts set out below on the flip chart. In plenary, ask participants to explain the concepts in their own words, and ask them to give examples for each of the concepts: prejudice, bias, racism, direct discrimination, indirect discrimination, multiple discrimination, intersectional discrimination, hate crime, and hate speech. If participants cannot explain or provide examples, use the definitions below and examples to share with the group. You can either project these definitions or share them verbally.

Prejudice / bias: preconceived opinions that are not based on reason, facts or actual experience, towards a person or a group based on their personal characteristics, such as “race”, ethnic origin, religion, nationality, (dis)ability, sexual orientation, gender identity, or other personal status. Prejudices can impact people’s treatment of other people, can lead to discrimination and, in the most extreme cases, to hate crimes (see a definition below). Example: a police officer holds a prejudice that people with psychosocial disabilities (or individuals with a mental health diagnosis) are unable to take part in a court process because they cannot give credible evidence and because they are too vulnerable. One day, while on duty, a woman with psychosocial disabilities reports that she has been a victim of a sexual assault while in a mental health ward. The police officer explains that without a witness statement from a “credible” person, her case will not progress.

Racism:¹³ the belief that a ground such as “race”, ethnic or national origin, language or nationality justifies contempt for a person or a group of persons, or the notion of superiority of a person or a group of persons. An example would be a police officer’s belief that they can demand the identification papers of a student of African descent solely on the grounds of the colour of his skin.

Discrimination:¹⁴ any unjustifiable differential treatment based on a ground such as “race”, ethnic origin, religion, nationality, (dis)ability, sexual orientation or gender identity, which has no objective and reasonable justification. For example, a police officer stops two men on the street, one Roma and one non-Roma, asking to produce their IDs. When the non-Roma man said he does not have an ID with him, the police officer tells him to always carry it with him and lets him go. The Roma man is also unable to produce an ID. In response, the police officer arrests him, puts into the police car with force and tells his partner, “You have to be strong with these people. Force is the only language they understand”.

¹³ Consulted ECRI General Policy Recommendation No. 7 on National Legislation to Combat Racism and Racial Discrimination, adopted on 13 December 2002 and revised on 7 December 2017, available at www.coe.int/en/web/european-commission-against-racism-and-intolerance/recommendation-no.7.

¹⁴ Ibid.

Indirect Discrimination:¹⁵ instances when an apparently neutral provision, practice, or policy applies to everyone in the same way, but put some groups of people at a disadvantaged position compared to others based on their “race”, ethnic origin, religion, nationality, (dis)ability, sexual orientation or gender identity. An example could be the requirement for a particular dress code in the workplace that prohibits the wearing of a head dress. This amounts to indirect discrimination against certain religious groups, such as Sikhs or Muslims, as they are more likely to wear a turban if they are a Sikh man, or a hijab if they are a Muslim woman.

Multiple Discrimination: discrimination on the basis of several grounds. For example, when a woman with a disability reports domestic violence, a police officer does not take her words seriously, diminishes the crime implying it is a “family affair” and does not want to record the crime as he “does not believe her”. This is an example of multiple discrimination, due to this woman’s gender and disability.

Intersectional Discrimination: discrimination on several grounds that interact with each other a way that they produce specific types of discrimination. For example, a young Roma woman is discriminated against in the labour market because of her ethnic origin (stereotypes associated with it), age and gender (a young woman who is bound to have children soon).

Racial (or Ethnic or Discriminatory) Profiling:¹⁶ when, with no objective and reasonable justification, the police use grounds such as “race”, colour, language, religion, nationality or national or ethnic origin when making operational decisions regarding control, surveillance or investigation activities. For example, the local police, in partnership with the local authority, have prioritised the disruption of drug dealing. In the two weeks following this decision, police officers use the colour of the skin as the main deciding factor for who they stop and search for drugs.

Hate Crime:¹⁷ hate crimes are criminal acts motivated by bias or prejudice towards particular groups of people, based on their “race”, ethnic origin, religion, nationality, (dis)ability, sexual orientation or gender identity, etc. An example is if an offender physically assaults a transgender woman because he is motivated by the biased belief that her gender identity is different from “traditional norms”.

Hate Speech:¹⁸ expressions which spread, incite, promote or justify hatred, discrimination or violence towards a person or group of people based on “race”, ethnic origin, religion, nationality, (dis)ability, sexual orientation or gender identity. Examples include homophobic statements made by political and religious leaders in media which aim to incite hatred towards members of LGBTI community.

To recap the discussion on the main concepts, distribute Handout 1.3.1 and ask participants to complete a definition quiz. Give them seven minutes for this task, then ask the group if they have all completed it, read out the correct answers and ask if anyone needs further clarifications.

Correct Answers: Prejudice / bias - C, Racism - H, Discrimination - B, Indirect discrimination - F, Multiple discrimination - E, Intersectional discrimination - A, Racial profiling - I, Hate crime - G, Hate speech – D.

¹⁵ Ibid

¹⁶ Consulted FRA (2018), Preventing Unlawful Profiling Today and in the Future: A Guide, available at https://fra.europa.eu/sites/default/files/fra_uploads/fra-2018-preventing-unlawful-profiling-guide_en.pdf.

¹⁷ Consulted OSCE/ODIHR hate crime definition, <https://hatecrime.osce.org>.

¹⁸ Consulted ECRI General Policy Recommendation No. 15 on Combating Hate Speech, adopted on 8 December 2015, available at www.coe.int/en/web/european-commission-against-racism-and-intolerance/recommendation-no.15; see also Recommendation CM/Rec (2022) 16 of the Committee of Ministers to member States on combatting hate speech, adopted on 20 May 2022, available at <https://rm.coe.int/prems-083822-gbr-2018-recommendation-on-combatting-hate-speech-memorand/1680a70b37>.

Trainer's Notes

During the discussion, participants might get confused between concepts, as they are closely related. Clarify the difference as needed. In particular, hate crimes and hate speech concepts often get mixed up. Both are closely related, but are different. 'Hate crimes' are criminal acts committed with a bias motive, while 'hate speech' lacks the element of a criminal base offence. Hate speech can be criminalised, depending on the national legislation, but it is the content that is criminalised. Without the criminalised content, speech itself is not a criminal act. The prohibited content differs in national jurisdictions: in some, speech that incites hatred or is insulting about certain groups is criminalised. At the same time, direct and immediate incitement to violence with a bias motive is considered to be hate crime because there is a criminal base offence. Additionally, hate speech before, during, or after a crime, may constitute evidence of motive and should be taken into consideration by any criminal investigation. As preparation for this activity, check the national legislation addressing these concepts.

3. Next, start a discussion about **human rights obligations in relation to non-discrimination** in police work. For that, refer to the European Convention on Human Rights– ECHR (the Convention) and the case law of the European Court of Human Rights–ECtHR (the Court). Present the following points using a PowerPoint presentation.

Two relevant Articles of the Convention for police work are **Article 2** (right to life) and **Article 3** (right to be free from inhuman and degrading treatment). These articles impose positive and procedural obligations on a state, and thus on the police:

- Under Article 2,¹⁹ **positive obligations** imply that a state must a) refrain from the intentional and unlawful taking of life and b) take appropriate steps to safeguard the lives of those within its jurisdiction. For police work, it means the obligation to not use unjustified lethal force (e.g. during arrests), and to take preventive operational measures to protect one or more individuals identifiable in advance as a potential target.
- Under Article 3, **positive obligations** imply that a state must a) refrain from the intentional and unlawful inhuman and degrading treatment and b) provide effective protection of one or more individuals from the criminal acts of a third party within its jurisdiction. For the police, this means the obligation to not engage in torture or inhuman / degrading treatment (e.g. towards suspects in custody), and to prevent inhuman and degrading treatment of one or more individuals identifiable in advance as the potential target.
- Additionally, both Articles impose **procedural obligations**. This is an obligation to conduct an effective, independent and impartial official investigation in respect of crimes which interfere with the right to life (Article 2) and in respect of any inhuman and degrading treatment of individuals (Article 3), committed by either the state agents or by private individuals.

Concerning non-discrimination and relevance to the police work, there is also **Article 14** of the Convention, which establishes the prohibition of discrimination. In other words, it guarantees equal treatment in the enjoyment of the rights set forth in the Convention, including those under Article 2 and Article 3, discussed above.

In relation to Article 2 and Article 3, Article 14 imposes a **procedural obligation** to conduct an effective and adequate **investigation that looks into whether there were discriminatory motives and whether feelings of hatred or prejudice based on an individual's personal characteristic played a role in the events**. In other words, in instances where there is a suspicion that discriminatory attitudes motivated a violent act,

¹⁹ ECtHR (2021), Guide on Article 2 of the European Convention on Human Rights.

the authorities have a duty to conduct a vigorous and impartial investigation to secure evidence of this potential motivation. This legal obligation is also referred to as a **'duty to unmask bias motive'**. In procedural terms, this duty implies that the authorities must do "whatever is reasonable in the circumstances to collect and secure the evidence, explore all practical means of discovering the truth and deliver fully reasoned, impartial and objective decisions, without omitting suspicious facts that may be indicative of violence induced by, for instance, racial or religious intolerance, violence motivated by gender-based discrimination or sexual orientation"²⁰ The duty requires the authorities to look at all the facts of the case pointing to a possible role of discriminatory overtones in the events. This obligation is essential, "having regard to the need to reassert continuously society's condemnation of [discriminatory] acts and to maintain the confidence of minority groups in the ability of the authorities to protect them from the discriminatory motivated violence"²¹

The investigation of crimes with a bias motive (hate crimes) is covered in depth in Module Four.

In addition to obligations under Article 2 and Article 3, the ECtHR has pointed out that **Article 8** (interference with the right to respect for private and family life) in conjunction with **Article 14** also imposes on the police obligations to protect from and investigate hateful behaviour.²² In instances where the wrongful treatment of a person or a group of individuals does not amount to the threshold of inhuman and degrading treatment (Article 3), but still affects the victim's psychological well-being and dignity, Article 8 can come into play as this falls within the sphere of the victim's private life. This, for example, can be violent verbal attacks, which occurred in the context of evidence of patterns of violence and intolerance against a particular minority group. In such instances, the state, and thus, the police have the "duty to prevent the infliction of hatred-motivated violence (whether physical attacks or verbal abuse) by private individuals and to investigate the existence of any possible discriminatory motive behind such violence"²³

Trainer's Notes

For background reading. The *Association ACCEPT and others v. Romania* (2021) case considered a state's alleged failure to protect the applicants from homophobic verbal abuse and threats during a film screening that was part of events marking LGBTI History Month, and a failure to conduct a subsequent effective investigation into the applicants' complaint. The Court found that Article 3 is not applicable, but found that Article 8 is applicable because the treatment complained of affected the individual applicants' psychological well-being and dignity, thus falling within the sphere of their private life. Additionally, the violent verbal attacks on the applicants, which, moreover, had occurred within the context of evidence of patterns of violence and intolerance against a sexual minority, had attained the level of seriousness required for Article 8 to come into play. On the obligation to protect, the Court found that the authorities failed to correctly assess the risk incurred by the individual applicants at the hands of the intruders and to respond adequately in order to protect the individual applicants' dignity against homophobic attacks by a third party. On the obligation to investigate, the Court concluded that "the authorities did not take reasonable steps to investigate whether the verbal abuse had been motivated by homophobia. The necessity of conducting a meaningful inquiry into the possibility that discriminatory motives had lain behind the abuse was absolute, given the hostility against the LGBTI community in Romania and in the light of the evidence that homophobic slurs had been uttered by the intruders during the incident". The above led to a breach of Article 14, taken in conjunction with Article 8.

²⁰ ECtHR's case, *Sabalic v. Croatia* (2021), para. 94.

²¹ ECtHR's case, *Sabalic v. Croatia* (2021), para. 95.

²² ECtHR's case, *Association ACCEPT and others v. Romania* (2021).

²³ ECtHR's case, *Association ACCEPT and others v. Romania* (2021), para. 96.

4. Continue to demonstrate the above points using the ECtHR's case. Mention that the group briefly touched upon this case in Activity 1.1, and that they now will go into more detail. Project the case on PowerPoint, ask participants the questions below to guide the analysis, and then provide answers and project the Court's conclusions on the PowerPoint.

Case:²⁴ In 1996, the Bulgarian military police, during an arrest attempt, shot dead two Bulgarian nationals of Roma origin, conscripts who had recently absconded from a military construction force and who were known to be unarmed. As one of the military police officers was pointing a gun at one of the victims, he said "You damn G**** (racist slur)!". The military police officers were not prosecuted as the investigation concluded that they had followed national military police regulations.

Questions to ask and guide the analysis:

Which are the ECHR Articles at stake? And what are the police obligations at stake?

The case is under **Article 2** (right to life) and the police obligation to a) refrain from the intentional and unlawful taking of life, and b) conduct an effective, independent and impartial official investigation in respect of crimes which interfere with the right to life (Article 2).

In relation to the **death of the victims**, the Court found that the state failed to comply with its obligations under Article 2 based on the fact that the victims "were killed in circumstances in which the use of firearms to effect their arrest was incompatible with Article 2. Furthermore, grossly excessive force was used". There had therefore been a violation of Article 2.

In relation to the **investigation**, the Court found that "there was no strict scrutiny of all the material circumstances" during an official investigation, "a number of indispensable and obvious investigative steps were not taken", authorities ignored highly relevant facts about the killing of the victim and there was the use of grossly excessive force. On this basis, the Court found a violation of obligation to investigate the deprivation of life effectively.

Another Article at stake is **Article 14** and the state obligation to conduct an effective and adequate investigation into the possible discriminatory motives behind the incident.

The Court noted that where there is evidence that "racist verbal abuse being uttered by law enforcement agents in connection with an operation involving the use of force against persons from an ethnic or other minority [...], it must be verified and – if confirmed – a thorough examination of all the facts should be undertaken in order to **uncover any possible racist motives**". In this case, the investigating authorities did not attempt to verify the anti-Roma statements of the military police officer and to ascertain whether he had previously been involved in similar incidents or whether he had ever been accused in the past of displaying anti-Roma sentiment.

In the Court's eyes, it is enough to find that the authorities failed in their duty under Article 14, taken in conjunction with Article 2, to take all possible steps to investigate whether or not discrimination may have played a role in the events. This amounted to a violation of Article 14 taken in conjunction with Article 2.

²⁴ A case based on the ECtHR's case *Nachova v. Bulgaria* (2005). Available at [https://hudoc.echr.coe.int/tur#\(itemid%22:%22001-69630%22\)](https://hudoc.echr.coe.int/tur#(itemid%22:%22001-69630%22)).

5. Next, refer to **ECRI General Policy Recommendation No. 11 on Combating Racism and Racial Discrimination in Policing** that establishes detailed standards to be followed by the police in their efforts to fulfil their core functions. Display the following excerpt from ECRI General Policy Recommendation No. 11 on the PowerPoint, ask participants the questions below and guide the discussion on the points which follow.

ECRI General Policy Recommendation No. 11 excerpt

III. As concerns the role of the police in combating racist offences and monitoring racist incidents

11. To ensure that the police thoroughly investigate racist offences, including by fully taking the racist motivation of ordinary offences into account

12. To establish and operate a system for recording and monitoring racist incidents, and the extent to which these incidents are brought before the prosecutors and are eventually qualified as racist offences

13. To encourage victims and witnesses of racist incidents to report such incidents

14. To these ends, to adopt a broad definition of racist incident.

For the purposes of this Recommendation, a racist incident shall be: "any incident which is perceived to be racist by the victim or any other person".

Questions and points for discussion

Paragraph 11 reiterates the state duty to investigate a possible discriminatory motive behind the offence. For the police: how can you make sure it is done on the operational level; how can you ensure that the discriminatory motive is not overlooked?

ECRI General Policy Recommendation No. 11 suggests that, to ensure that the police investigate all racist offences thoroughly, and in particular that they do not overlook the racist motivation of ordinary offences in their investigations, they should use the broad definition of racist incident provided in this paragraph 14 of ECRI General Policy Recommendation No. 11 – see on the PowerPoint. This definition is based on the perception of the victim or any other person. In other words, as soon as an incident is reported, which a victim or a witness, or another person, including a police officer, believes was an attack based on their personal characteristic(s), the police should ensure that they seek evidence to support that line of investigation thoroughly.

Paragraph 12 highlights the importance of recording the incidents with discriminatory motives. How can recording, and perception-based recording in particular, help the police in their work?

First of all, it is important to mention that while ECRI General Policy Recommendation No. 11 refers to racist incidents only, the principle of perception-based recording is applicable to all types of hate incidents and crimes, for example, those motivated by bias, prejudice or hostility towards sexual orientation, gender identity, or migration status.

The use of the broad definition of an incident with discriminatory motives, the perception-based definition, is key as it captures a fuller picture of the manifestations of intolerance and xenophobia in society and demonstrates the communities' perceived feeling of security. Such data can be indicative of prevalence and trends in a given area or towards a particular group. Additionally, it helps the police to improve their investigations of racist offences in that it provides them with useful background

information that can guide their investigation and alert them to the context within which subsequent offences might take place.

Furthermore, the use of the perception-based definition helps to ensure that the police investigate all offences with discriminatory motive thoroughly and do not overlook the racist motivation of ordinary offences. This approach helps the police to implement their legal duty under ECtHR case law to “unmask bias motivation”. If a case is flagged as an incident with potential discriminatory motive – in other words, a potential hate crime – early on in the investigation, it is more likely that evidence of bias motivation will be identified and secured.²⁵

In addition, perception-based recording also enables uniform monitoring of these incidents by ensuring that all police units and all agencies with a role in receiving reports of such incidents use the same concepts.

Finally, the use of such a broad definition has the advantage of sending the message to victims and communities that they belong, that their voices will be heard and that they will be taken seriously. This can help to improve the communities’ confidence and trust in the police.

Trainer’s Notes:

During the discussion on the perception-based recording, some participants might challenge this approach by implying that the police cannot call an incident a hate incident / crime without evidence, official charge or a conviction. In response to this, it is important to mention that the perception-based recording approach is applied for the purpose of handling a case sensitively to ensure that the right investigation policies and procedures are applied from the beginning. It would not automatically mean that an incident is recognised as a hate crime. As with all crime, that is a matter for relevant authorities and, ultimately, the court. Additionally, it is necessary to make it clear to victims that recording an incident as a hate incident does not mean that it will definitely be charged / prosecuted / sentenced as a hate crime.

To give examples of countries who use the perception-based recording, Ireland has adopted the following recording definitions:²⁶

Hate crime is any criminal offence which is perceived by the victim or any other person to, in whole or in part, be motivated by hostility or prejudice, based on actual or perceived age, disability, “race”, colour, nationality, ethnicity, religion, sexual orientation or gender.

Hate incident is any non-crime incident which is perceived by any person to, in whole or in part, be motivated by hostility or prejudice, based on actual or perceived age, disability, “race”, colour, nationality, ethnicity, religion, sexual orientation or gender.

The UK produces hate crime statistics using the perception-based definition. Compared with other countries that do not use this approach, their hate crime figures are higher; note, however, the difference in figures between recorded and prosecuted crimes in the UK.²⁷

²⁵ FRA (2018), Hate crime recording and data collection practice across the EU, available at https://fra.europa.eu/sites/default/files/fra_uploads/fra-2018-hate-crime-recording_en.pdf.

²⁶ www.garda.ie/en/crime/hate-crime.

²⁷ <https://hatecrime.osce.org/united-kingdom?year=2019>, <https://hatecrime.osce.org/poland>, <https://hatecrime.osce.org/croatia>.

Country	Year	Hate crimes recorded by police	Prosecuted	Sentenced
UK	2020	125 848	16 824	9 510
Poland	2020	826	374	266
Croatia	2020	87	138	18

The UK experience found that, in comparison to victimisation surveys, even using this broad perception-based definition, there is still under-reporting. In other words, taking a perception-based approach to recording does not necessarily mean that hate crime figures will be exaggerated.

- To conclude the module, distribute Handout 1.3.2 with the references and excerpts of major international and European human rights documents of relevance to policing. The group will not work with this Handout during the training course, but these are important reference resources for police work.

Activity 1.4: Police Duties in Relation to Non-discrimination – Practical exercise

Learning points: Increase participants' understanding of what principles of equality and non-discrimination mean in practice for policing and practice, building on the knowledge obtained in Activity 1.3.

Time: 60 minutes

Materials needed: case studies
flip chart
flip chart paper
markers

Preparation: Print case studies to distribute among the participants.

Instructions

1. Explain to participants that they will now discuss practical examples of the principle of non-discrimination in police work, based on case studies. Divide the group into three or four smaller groups, depending on the size of the whole group, and assign one case to each group. Give each group 10-15 minutes to read and discuss their case. After that, each group will be asked to present their case and discuss their answer in plenary. For each case, participants need to answer the following questions:
 - What went wrong and what obligations regarding to the principle of non-discrimination were at stake?
 - How have the police failed in their obligations in terms of their actions or inaction?
 - Do / Can situations like these happen in your country? Do you know of any specific cases that you can share with the group?

Trainer's Notes

All examples below are cases considered by the European Court of Human Rights (ECtHR). The facts of the cases are simplified and presented in part with the aim of highlighting certain aspects of the police obligations. The main purpose of this exercise is not to go into details of cases, but rather to demonstrate what non-discrimination means in policing practice. Some examples do not contain facts sufficient to decide whether there was a failure to meet obligations or not; they are included so as to encourage participants to ask questions and discuss the possibilities. Each case has notes for the trainer, with more information about the facts of the case and the decision of the ECtHR. It is primarily information for the trainer; depending on the discussion and the curiosity of the group, it can also be shared with the participants.

Case 1: Several gendarmes wearing special intervention clothing, including balaclavas, broke down the front door of a Roma family in Vâlcele village, Romania, during a raid in the early hours of 15 December 2011. They dragged the family members out of bed and beat them. The two male family members were further abused in the yard, then taken to the local police station for questioning. They were released on the same day with a fine for illegally cutting timber. The family went to the local hospital after the raid for treatment of abdominal and chest pain, and bruising. Medical reports for three of the family members concluded that their injuries could have been caused by them being hit with hard objects.

Trainer's Notes

Obligations under Articles 3 and 14 are at stake in this case. This case demonstrates an example of excessive use of force by the police and discriminatory profiling. It is the ECtHR's case, *Lingurar v. Romania*.²⁸ In this case, the ECtHR found that the use of force was disproportionate (thus violation of Article 3 of the ECHR) for the following reasons: a) Authorities had argued that the use of force had been necessary because of the family members' aggressive behaviour; however, no proceedings had ever been taken against the family members for any violent crime. b) Employing four gendarmes, part of a group of highly trained officers specialised in rapid intervention, against the unarmed family members was clearly disproportionate. c) There was no evidence to confirm the authorities' hypothesis that the injuries had been self-inflicted. As for the ethnic profiling, the ECtHR observed the authorities' stereotypes towards the Roma community (use of the phrase "behaviour specific to Roma" in the police documents, perception of a Roma community in general as criminals) and found that the family had been targeted because they were Roma. That showed that the authorities had automatically connected ethnicity to criminal behaviour. The ECtHR found that it had amounted to ethnic profiling and that it had been discriminatory, in violation of Article 14 taken in conjunction with Article 3.

Case 2: On 15 December 2009, 17 police officers in civilian clothing entered the office of the LGBTI non-governmental organisation, the Inclusive Foundation, Georgia, where preparations were being made for an art exhibition. The officers announced that they were there to conduct a search, without showing a search warrant or any other judicial order. On realising that they were on the premises of an LGBTI organisation, the police officers became aggressive. One of the officers forcibly seized one person's mobile phone; the officers insulted the women present, calling them "sick", "perverts" and homophobic slurs, and threatened to reveal their sexual orientation to the public. Female officers later proceeded to strip-search nearly all the women present; no records of the strip-searches were drawn up.

Trainer's Notes

Obligations under Articles 3 and 14 are at stake in this case. This is an example of the discriminatory harassment and treatment by the police. It is the ECtHR's case *Aghdgomelashvili and Japaridze v. Georgia*.²⁹ In this case, the ECtHR concluded that the police officers' behaviour, motivated by homophobic and/or transphobic hatred, had been grossly inappropriate. The officers had not only wilfully humiliated and debased the targeted individuals through homophobic insults, but had also made threats. Of particular concern were the strip-searches, for which no reasons had ever been given, leading the ECtHR to conclude that their sole purpose had been to embarrass and punish the targeted individuals for their association with the LGBTI community. The police officers' conduct must have made them feel fear, and caused anguish and insecurity, which was not compatible with the police officers' obligation to respect the human dignity of the women organising the exhibition. There had therefore been a violation of Article 3 taken in conjunction with Article 14.

²⁸ <https://hudoc.echr.coe.int/eng#%7B%22itemid%22:%5B%22001-192466%22%5D%7D>}, summary of the case in a press release of 16 April 2019.

²⁹ <https://hudoc.echr.coe.int/fre#%7B%22itemid%22:%5B%22001-204815%22%5D%7D>}, summary of the case in a press release of 8 October 2020.

Case 3: In May 2003, Mr Abdu (a Sudanese national) and his friend were involved in a fight with two Bulgarian youths who were later described by the police as skinheads. One of the youths pushed Mr Abdu to the ground and kicked him while calling him racist names. The second attacker then pulled out a knife, whereupon Mr Abdu and his friend fled. Mr Abdu and his friend subsequently met some police officers, who arrested their attackers. Despite Mr Abdu's request, the public prosecutor dismissed the investigation into the possible racist motive behind the attack. The prosecution decided that the offence had not reached the threshold for a criminal prosecution and, in particular, that the racist motivation for the violence had not been established.

Trainer's Notes

Obligations under Articles 3 and 14 are at stake in this case. This is an example of the police failing in their obligation to carry out an **effective investigation into the possible bias behind a** criminal act. It is the ECtHR's case *Abdu v. Bulgaria*.³⁰ In this case, the prosecuting authorities concentrated their investigations on establishing who started the fight, merely noting the lack of evidence that the violence had been motivated by racist considerations. The ECtHR considered that, in light of the specific substantiated allegations about racist undertones made by the applicant (in particular, racist slurs used during the attack, and the two alleged perpetrators being skinheads well known to the police), the competent authorities had plausible evidence at their disposal suggesting possible racist motivation for the violence, and failed in their obligation to take all reasonable measures to investigate this. The prosecuting authorities neither asked the witness about the remarks he may have heard during the incident, nor questioned the accused about a possible racist motive for their actions. The ECtHR found violation of Article 3 under its procedural aspect, taken in conjunction with Article 14.

Case 4: Identoba, a non-governmental organisation, organised a demonstration to take place on 17 May 2012 in Tbilisi to mark the International Day against Homophobia. On 8 May 2012, they notified the authorities of their intention to hold a peaceful march and requested that the authorities provide sufficient protection against possible violence, having regard to hostility towards sexual minorities in some quarters of Georgian society. The march was attended by approximately 30 people. During the event, demonstrators were threatened by counter-demonstrators – members of two religious groups – who outnumbered them. The counter-demonstrators shouted homophobic insults at the marchers – calling them among other things “perverts” and “sinners” – blocked their passage, and encircled them. Eventually the counter-demonstrators attacked several of the marchers physically, leaving at least three of them with injuries – haematoma, a closed head trauma, and contusions – which had to be treated. During the event, the police remained relatively passive in the face of the violence. In particular, several police officers at the scene, when asked for help by the marchers, replied that they were not part of the police patrol and it was not their duty to intervene.

Trainer's Notes

Obligations under Articles 3 and 14 are at stake in this case. This is an example of the police failing **to protect fundamental freedoms** (in this case freedom of peaceful assembly) from bias-motivated violence. This is the case of *Identoba and Others v. Georgia*.³¹ The ECtHR observed that the European Convention on Human Rights protects public forms of expression, including the holding of a peaceful assembly, and the expression of opinions in relation to campaigning for and raising awareness of the fundamental rights of various sexual minorities. To give meaning to this freedom, the authorities should not only respect it, in

³⁰ <https://hudoc.echr.coe.int/eng#%7B%22appno%22:%5B%2226827%2F08%22%2C%22itemid%22:%5B%22001-141908%22%5D%7D>, summary of the case in a press release of 11 March 2014.

³¹ <https://hudoc.echr.coe.int/fre#%7B%22fulltext%22:%5B%22Identoba%20and%20Others%20v.%20Georgia%22%2C%22itemid%22:%5B%22001-154400%22%5D%7D>

other words they should not interfere, but also actively protect through positive measures. Moreover, in this case, the ECtHR emphasised that the authorities have a **heightened burden of protection** of the individuals when there is prior knowledge of public hostility towards the LGBTI community. Given the history of public hostility towards the LGBTI community in Georgia, the ECtHR considered that the authorities knew or ought to have known of the risks associated with any public event concerning that vulnerable community.

Case 5:³² In July 1997, while in police custody, Mr Cobzaru was punched and beaten with a wooden stick by three police officers in the Mangalia City Police Department, Romania. Four plain-clothes officers observed the assault, but did not intervene. Mr Cobzaru was then forced to sign a document stating that he had been beaten up by other individuals. On leaving, the applicant showed his cousin the bumps on his head and the other marks caused by the blows to his back. Later that evening, Mr Cobzaru was admitted to the emergency ward of Mangalia Hospital with injuries diagnosed as craniocerebral trauma. A few days later, Mr Cobzaru lodged a complaint against the police officers who beat him. The military prosecutor refused to open a criminal investigation against the police officers on the grounds that the facts had not been established. The prosecutor noted that both Mr Cobzaru and his father were known as “antisocial elements prone to violence and theft”, in constant conflict with “fellow members of their ethnic group”. The prosecutor considered that the statement given by Mr Cobzaru’s cousin could not be taken into consideration since she was also a “g****” (racist slur). All further appeals were unsuccessful.

Trainer's Notes

This example is about **inflicting injuries in police custody** and the lack of subsequent effective investigation and punishment of those responsible. This is also an example of the **investigation being prejudiced against a minority group**. The case also illustrates the failure of the investigative authorities to take into consideration the bias motive of the police in their actions. Lastly, the case also addresses the duty of police officers to **prevent discrimination by their peers while carrying out their functions**. It is the ECtHR case *Cobzaru v. Romania*.³³ In this case, the ECtHR observed that the fact-finding process of the prosecutors was entirely based on the accounts given by the police officers accused of ill-treatment, or their colleagues. Not only did the prosecutors accept, without reservation, the submissions of those police officers, but they also appeared to have disregarded crucial statements from eyewitnesses, including Mr Cobzaru’s cousin. Thus, the ECtHR concluded that the authorities failed to conduct a proper investigation into Mr Cobzaru’s allegations of ill-treatment, in violation of Article 3. Additionally, the ECtHR noted that prosecutors made unrelated remarks in relation to Mr Cobzaru’s Roma origin throughout the investigation and that no justification was provided for those remarks. In the ECtHR’s eyes, the tendentious remarks made by the prosecutors in relation to the Mr Cobzaru’s Roma origin disclosed a general discriminatory attitude held by the authorities, which reinforced Mr Cobzaru’s belief that any remedy in his case was purely illusory. The ECtHR concluded that the failure of the authorities to investigate possible racial motives in the applicant’s ill-treatment, combined with their attitude during the investigation, constituted discrimination in violation of Article 14 taken in conjunction with Articles 3 and 13.

³² Note to the trainer: this is a more complex case than previous cases; use it with an advanced group or for a whole-group analysis exercise.

³³ <https://hudoc.echr.coe.int/eng#%7B%22languageisocode%22:%5B%22ENG%22%5D,%22appno%22:%5B%2248254/99%22%5D,%22documentcollectionid%22:%5B%22CHAMBER%22%5D,%22itemid%22:%5B%22001-81904%22%5D%7D>.

Activity 1.5: Promoting Equality and Non-discrimination in Police Work

Learning points: Increase participants' understanding in how to foster equality and non-discrimination in policing work.

Time: 45 minutes

Materials needed: flip chart
flip chart paper
markers

Preparation: The trainer should conduct some prior research of available national data on the population by national or ethnic origin and statistics on diversity within the police, such as members of under-represented minority groups. (The latter can be checked with the police contact) Additionally, the trainer should conduct some research on national measures / mechanisms (institutional or operational) that stimulate equality and non-discrimination in the policing work of the country in question.

Instructions

1. Start by asking the group: *How do you understand diversity?*

Diversity in society implies the existence of people with different individual characteristics in a society. These characteristics could encompass everything that makes people unique, such as our cognitive skills and personality traits, along with the things that shape our identity, such as "race", ethnic origin, religion, age, gender, religion, sexual orientation, disability or gender identity. Diversity also implies the importance of understanding and appreciating cultural differences between these different groups.

Next, ask the group, *How diverse is the community you serve?*

Then, present information from the national census on the ethnic composition of a society in the given country. Follow the example of England and Wales,³⁴ presented below. And ask participants, *Is the police force reflective of this ethnic composition in their country?*

- at the time of the 2011 Census, 86.0% of people in England and Wales were White and 14.0% were from other ethnic groups
- at the end of March 2020, 92.7% of police officers were White and 7.3% were from Asian, Black, Mixed and Other ethnic backgrounds and 4.3% of senior officers were from the Asian, Black, Mixed and Other ethnic groups combined, compared with 2.8% in 2007.

2. Then, tell the group they will now discuss how equality and non-discrimination in police work can be fostered through institutional and operational measures / mechanisms. Divide the group into three or four small groups and assign each group one of the questions below. Give each group 10 minutes to discuss the questions, followed by a presentation and discussion of each question in plenary.

³⁴ www.ethnicity-facts-figures.service.gov.uk/workforce-and-business/workforce-diversity/police-workforce/latest.

Questions for small groups

- a. How is the diversity of your community / country reflected in the police? Why is it important? What mechanisms / measures are in place that promote and facilitate diversity within the police? Give examples.
- b. How are the needs of a diverse population of your country reflected in your work and the quality of service? Give examples.
- c. What accountability mechanisms for the police actions are in place in your country? Why is it important to have such mechanisms in place? Give examples.

Facilitation for the trainer

- a. *How is the diversity of your community / country reflected in the police? Why is it important? What mechanisms / measures are in place that promote and facilitate diversity within the police?*

Diversity in the police is important. Where the police are representative of the diversity of their society, they will be better equipped with new competences and skills, including language skills, to meet the needs of all members of the society. They are also more likely to have a better connection with the communities they serve, and thus, will increase police effectiveness. Ensuring that the composition of the police reflects the diversity of the society is also important for promoting a society whose members feel that they enjoy equal opportunities irrespective of their ethnic, national, religious, linguistic or other background. It is also important in order to equip the police with new competences and skills, including language skills, and to increase police effectiveness by enhancing communication with and trust by minority groups.

Examples of measures can include the following: special policies on recruitment and retention of members of minority groups; dedicated tutoring quota programmes to support members of minority groups to advance in the police career path; installing a monitoring mechanism on equality targets; conducting activities aimed at promoting interaction and respect among colleagues of different backgrounds.

- b. *How are the needs of the diverse population in your country reflected in your work and in the quality of your service?*

Examples of measures can include the following: a police service's mission which highlights the obligation to promote equality and prevent racial discrimination in their functions; internal codes of conduct against racism and racial discrimination; policy and training programmes on diversity and policing a diverse society, including specific training for police officers who are in contact with members of minority groups; training aimed at teaching majority police officers a language spoken by a minority group; training on cultural and religious pluralism.

What accountability mechanisms for the police actions are in place in your country?

Why is it important to have such mechanisms in place?

Experience shows that victims of police abuses do not generally have confidence in the complaint mechanisms internal to the police. They are often reluctant to bring cases before institutions which co-operate closely and on a daily basis with the police, such as the prosecution authorities. It is therefore necessary to create a system whereby a victim can bring a complaint in full confidence to an independent body whose main task is to control the activities of the police.

Therefore, alongside the structures competent for receiving complaints against police misconduct (such as the internal disciplinary mechanisms, including police inspectorates, the Department of the Ministry of Interior, etc. and the prosecutor), there should be an independent body entrusted with the investigation of alleged cases of all forms of discrimination and discriminatory misconduct by the police. Such a body might be a national institution for the protection and promotion of human rights, a specialised police Ombudsman, or a civilian oversight commission on police activities.

3. Next, move on to discuss the individual officer's role in fostering the principle of non-discrimination in the police force, vis-à-vis their peers belonging to minority groups. Share the following quotes with the group in plenary (you can project them on PowerPoint) and ask the following questions: *What would you do if you heard your peers use discriminatory language? How would you challenge it?* Then ask, *If you answer honestly, how difficult is it to challenge discriminatory language by your peers in your environment? Why is it important to challenge discriminatory language and attitudes?*

Testimony quotes

"Every other day, I hear comments from my colleagues that women cannot work well in the police, that they are not tough enough for this job. I got used to this kind of comments and I even laugh at sexist jokes along with my male colleagues, what else can I do?"

A woman police officer

"I am gay but I will never reveal it to my colleagues, as making jokes about gays, referring to them as "perverts", "poofs" and other homophobic slurs, is a part of communication among the police. Imagine what happens if I tell my colleagues I am gay?"

A male police officer

Activity 1.6: The Role of the Police in Promoting Good Relations

Learning points: Increase participants' understanding about their role in promoting good relations between the communities, thus contributing to the security of the communities.

Time: 15 minutes

Materials needed: projector
PowerPoint presentation with the case

Instructions

1. In plenary, using PowerPoint slides and a projector, present the case below in which the police played a positive role in protecting minority group members from racism and prejudices of the majority population. After that, ask participants the following questions:
 - *Are you aware of similar cases of police intervention in your country? If yes, how did it impact police-community relations?*
 - *Why is it important to improve police-community relations?*

Case:³⁵ In October 2005, in the municipality of Aspropyrgos, Greece, non-Roma parents protested against the enrolment of Roma children in the primary school. They blocked the entrance to the school and shouted, "There is not a single Roma child who will go to school. You will not have access here, that's all." On another occasion, they hung a sign saying, "The school will remain closed because of the G**** problem " (racist slur). From the first day of the incidents, the police were posted outside the school to secure the entry and exit of Romani students. Thanks to the timely intervention by the police, a confrontation in front of the school was avoided. With their presence, the police prevented illegal acts against pupils of Roma origin. In the presence of police, Roma children had access to classes without difficulty.

³⁵ Based on the case *Sampanis and Others v. Greece*, <https://hudoc.echr.coe.int/eng#%7B%22tabview%22:%5B%22document%22%2C%22itemid%22:%5B%22001-86798%22%5D%7D>. (Council of Europe (2015), *Mirrors – Manual on combatting antigypsyism through human rights education*, available at www.coe.int/en/web/youth-roma/mirrors, p. 34).

Annexes & Handouts

Handout 1.1

Simplified version of selected articles from the European Convention on Human Rights and its protocols³⁶

Summary of the preamble

The member governments of the Council of Europe work towards peace and greater unity based on human rights and fundamental freedoms. With this Convention they decide to take the first steps to enforce many of the rights contained in the Universal Declaration of Human Rights.

Article 1 – Obligation to respect human rights

States must ensure that everyone has the rights stated in this Convention.

Article 2 – Right to life

You have the right to life.

Article 3 – Prohibition of torture

No-one ever has the right to hurt you or torture you. Even in detention your human dignity has to be respected.

Article 4 – Prohibition of slavery and forced labour

It is prohibited to treat you as a slave or to impose forced labour on you.

Article 5 – Right to liberty and security

You have the right to liberty.

If you are arrested you have the right to know why.

If you are arrested you have the right to stand trial soon, or to be released until the trial takes place.

Article 6 – Right to a fair trial

You have the right to a fair trial before an unbiased and independent judge. If you are accused of having committed a crime, you are innocent until proved guilty. You have the right to be assisted by a lawyer who has to be paid by the state if you are poor.

³⁶ Selected articles for the purpose of this training. Simplified version of selected articles from the European Convention on Human Rights and its protocols, prepared by the Council of Europe's Directorate of Communication, prepared for educational purposes only, is available at www.echr.coe.int/Documents/Simplified_Conv_ENG.pdf.

Article 7 – No punishment without law

You cannot be held guilty of a crime if there was no law against it when you did it.

Article 8 – Right to respect for private and family life

You have the right to respect for your private and family life, your home and correspondence.

Article 9 – Freedom of thought, conscience and religion

You have the right to freedom of thought, conscience and religion. You have the right to practise your religion at home and in public and to change your religion if you want.

Article 10 – Freedom of expression

You have the right to responsibly say and write what you think and to give and receive information from others.

This includes freedom of the press.

Article 11 – Freedom of assembly and association

You have the right to take part in peaceful meetings and to set up or join associations – including trade unions.

Article 12 – Right to marry

You have the right to marry and to have a family.

Article 13 – Right to an effective remedy

If your rights are violated, you can complain about this officially to the courts or other public bodies.

Article 14 – Prohibition of discrimination

You have these rights regardless of your skin colour, sex, language, political or religious beliefs, or origins.

Article 1 of Protocol No. 12 – General prohibition of discrimination

You cannot be discriminated against by public authorities for reasons of, for example, your skin colour, sex, language, political or religious beliefs, or origins.

Quiz on key definitions

Concept	Insert letter		Definition
Prejudice / bias		A	Discrimination on several grounds that interact with each other in a way that they produce specific types of discrimination.
Racism		B	Any unjustifiable differential treatment based on a ground such as "race", ethnic origin, religion, nationality, (dis)ability, sexual orientation or gender identity, etc., which has no objective and reasonable justification.
Discrimination		C	Preconceived opinions that are not based on reason, facts or actual experience, towards a person or a group based on their personal characteristics, such as "race", ethnic origin, religion, nationality, (dis)ability, sexual orientation, gender identity, or other personal status.
Indirect discrimination		D	Public expressions which spread, incite, promote or justify hatred, discrimination or violence towards a person or group of people based on their "race", ethnic origin, religion, nationality, (dis)ability, sexual orientation or gender identity, etc.
Multiple discrimination		E	Discrimination on the basis of several grounds.
Intersectional discrimination		F	Instances when an apparently neutral provision, practice, or policy applies to everyone in the same way, but puts some groups of people in a disadvantaged position compared to others based on their "race", ethnic origin, religion, nationality, (dis)ability, sexual orientation or gender identity, etc.
Racial profiling		G	Criminal acts motivated by bias or prejudice towards particular groups of people, based on their "race", ethnic origin, religion, nationality, (dis)ability, sexual orientation or gender identity, etc.
Hate crime		H	The belief that a ground such as "race", ethnic or national origin, language or nationality justifies contempt for a person or a group of people, or the notion of superiority of a person or a group of people.
Hate speech		I	Practices when, with no objective and reasonable justification, the police use grounds such as "race", colour, language, religion, nationality or national or ethnic origin in control, surveillance or investigation activities.

Principles of equality and non-discrimination and the international and European human rights framework

The **concept of equality** is based on the recognition of “the inherent dignity and of the equal and inalienable rights of all members of the human family” as enshrined in the **Universal Declaration of Human Rights** (UDHR).³⁷ Article 2 of the UDHR specifies that “everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status”.

International Covenant on Civil and Political Rights (ICCPR),³⁸ Article 2, echoes the same principle of equality: “Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status”.

Article 26 of the ICCPR requires equality before the law, equal protection of the law and protection from discrimination: “All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status”.

Convention on the Elimination of all Forms of Racial Discrimination (CERD)³⁹ addresses racial discrimination and discrimination based on national or ethnic origin.

Article 2 (1)(a): Each State Party undertakes to engage in no act or practice of racial discrimination against persons, groups of persons or institutions and to ensure that all public authorities and public institutions, national and local, shall act in conformity with this obligation.

Article 2 (1)(d): Each State Party shall prohibit and bring to an end, by all appropriate means, including legislation as required by circumstances, racial discrimination by any persons, group or organization.

Article 4 (a): [States Parties] shall declare an offence punishable by law all dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination, as well as all acts of violence or incitement to such acts against any race or group of persons of another colour or ethnic origin, and also the provision of any assistance to racist activities, including the financing thereof.

³⁷ www.un.org/en/about-us/universal-declaration-of-human-rights.

³⁸ www.ohchr.org/en/professionalinterest/pages/ccpr.aspx.

³⁹ www.ohchr.org/en/professionalinterest/pages/cerd.aspx.

The international human rights framework contains international instruments to combat other **specific forms of discrimination**, including the following:

- Discrimination against women – Convention on the Elimination of All Forms of Discrimination against Women⁴⁰
- Religious discrimination – Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief⁴¹
- Discrimination against people with disabilities – Convention on the Rights of Persons with Disabilities,⁴² Articles 5 and 6
- Discrimination based on sexual orientation and gender identity – Protection against violence and discrimination based on sexual orientation and gender identity (adopted 30 June 2016), Resolution A/HRC/RES/32/2.⁴³

At the **Council of Europe** level, the **European Convention on Human Rights** (ECHR)⁴⁴ establishes prohibition of discrimination in Article 14, which guarantees equal treatment in the enjoyment of the rights set forth in the Convention: “The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status”.

Protocol 12 to the ECHR⁴⁵ expands the scope of the prohibition of discrimination to equal treatment in the enjoyment of any right, including rights under national law: “1. The enjoyment of any right set forth by law shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status. 2. No one shall be discriminated against by any public authority on any ground such as those mentioned in paragraph 1”.

As at the international level, the Council of Europe’s human rights framework has instruments that address **specific forms of discrimination**:

- Discrimination based on sexual orientation and gender identity – Recommendation CM/Rec(2010)5 of the Committee of Ministers to member states on measures to combat discrimination on grounds of sexual orientation or gender identity.⁴⁶
- Discrimination against women – Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention).⁴⁷

⁴⁰ www.ohchr.org/en/professionalinterest/pages/cedaw.aspx.

⁴¹ www.ohchr.org/en/professionalinterest/pages/religionorbelief.aspx.

⁴² <https://ohchr.org/EN/HRBodies/CRPD/Pages/ConventionRightsPersonsWithDisabilities.aspx#5>.

⁴³ <https://ohchr.org/EN/Issues/Discrimination/Pages/LGBTUNResolutions.aspx>.

⁴⁴ www.echr.coe.int/Pages/home.aspx?p=basictexts&c.

⁴⁵ The Protocol 12 to the Convention for the Protection of Human Rights is not yet ratified by all member states of the Council of Europe. The status of ratification is available here: www.coe.int/en/web/conventions/full-list/-/conventions/treaty/177/signatures?module=treaty-detail&treatynum=177.

⁴⁶ www.coe.int/en/web/sogi/rec-2010-5.

⁴⁷ www.coe.int/en/web/istanbul-convention/text-of-the-convention.

- Discrimination based on national and ethnic origin – Framework Convention for the Protection of National Minorities,⁴⁸ Articles 4 and 6.

The **European Commission against Racism and Intolerance** (ECRI), the Council of Europe’s human rights monitoring body, specialises in questions relating to the fight against racism, discrimination (on grounds of “race”, ethnic / national origin, colour, citizenship, religion, language, sexual orientation, gender identity and sex characteristics), xenophobia, Antisemitism and intolerance in Europe. The ECRI issues country reports and recommendations to member states. The following ECRI general policy recommendations are of particular relevance to the topics of this manual:⁴⁹

- ECRI revised General Policy Recommendation No. 5 on Preventing and combating anti-Muslim racism and discrimination, adopted on 16 March 2000 and revised on 8 December 2021
- ECRI General Policy Recommendation No. 7 on National Legislation to Combat Racism and Racial Discrimination, adopted on 13 December 2002 and revised on 7 December 2017
- ECRI revised General Policy Recommendation No. 9 - on Preventing and combating Antisemitism adopted on 25 June 2004 and revised on 1 July 2021
- ECRI General Policy Recommendation No. 11 on Combating Racism and Racial Discrimination in Policing, adopted on 29 June 2007
- ECRI General Policy Recommendation No. 13 on Combating Antigypsyism and Discrimination against Roma, adopted on 24 June 2011 and amended on 1 December 2020
- ECRI General Policy Recommendation No. 16 on Safeguarding irregularly present Migrants from Discrimination, adopted on 16 March 2016.

In relation to policing, **ECRI General Policy Recommendation No. 11 on Combating Racism and Racial Discrimination in Policing** and Council of Europe’s **European Code of Police Ethics**⁵⁰ establish detailed standards to be followed by the police in their efforts to fulfil their core functions.

ECRI General Policy Recommendation No. 11 on Combating Racism and Racial Discrimination in Policing, excerpts:

“II. As concerns all forms of racial discrimination and racially-motivated misconduct by the police

5. To ensure that legislation prohibiting direct and indirect racial discrimination cover the activities of the police

⁴⁸ www.coe.int/en/web/conventions/full-list/-/conventions/rms/090000168007cdac?module=treaty-detail&treatynum=157.

⁴⁹ www.coe.int/en/web/european-commission-against-racism-and-intolerance/ecri-standards.

⁵⁰ <https://rm.coe.int/16805e297e>.

6. To train the police in human rights, including the right to be free of racism and racial discrimination, and in the legal provisions in force against racism and racial discrimination
7. To take measures to make the police aware of the fact that acts of racial discrimination and racially-motivated misconduct by the police will not be tolerated
8. To provide for support and advice mechanisms for victims of racial discrimination or racially-motivated misconduct by the police
9. To ensure effective investigations into alleged cases of racial discrimination or racially-motivated misconduct by the police and ensure as necessary that the perpetrators of these acts are adequately punished
10. To provide for a body, independent of the police and prosecution authorities, entrusted with the investigation of alleged cases of racial discrimination and racially-motivated misconduct by the police.

III. As concerns the role of the police in combating racist offences and monitoring racist incidents

11. To ensure that the police thoroughly investigate racist offences, including by fully taking the racist motivation of ordinary offences into account
12. To establish and operate a system for recording and monitoring racist incidents, and the extent to which these incidents are brought before the prosecutors and are eventually qualified as racist offences
13. To encourage victims and witnesses of racist incidents to report such incidents
14. To these ends, to adopt a broad definition of racist incident.

For the purposes of this Recommendation, a racist incident shall be:

“any incident which is perceived to be racist by the victim or any other person”.

European Code of Police Ethic, Appendix to Recommendation Rec(2001)10

“ [...]”

40. The police shall carry out their tasks in a fair manner, guided, in particular, by the principles of impartiality and non-discrimination.

[...]

43. The police, in carrying out their activities, shall always bear in mind everyone’s fundamental rights, such as freedom of thought, conscience, religion, expression, peaceful assembly, movement and the peaceful enjoyment of possessions.

44. Police personnel shall act with integrity and respect towards the public and with particular

consideration for the situation of individuals belonging to especially vulnerable groups.

[...]

49. Police investigations shall be objective and fair. They shall be sensitive and adaptable to the special needs of persons, such as children, juveniles, women, minorities including ethnic minorities and vulnerable persons.

[...]

52. Police shall provide the necessary support, assistance and information to victims of crime, without discrimination.

[...]

54. Deprivation of liberty of persons shall be as limited as possible and conducted with regard to the dignity, vulnerability and personal needs of each detainee. A custody record shall be kept systematically for each detainee.

[...]

59. The police shall be accountable to the state, the citizens and their representatives. They shall be subject to efficient external control.

60. State control of the police shall be divided between the legislative, the executive and the judicial powers.

61. Public authorities shall ensure effective and impartial procedures for complaints against the police.

62. Accountability mechanisms, based on communication and mutual understanding between the public and the police, shall be promoted.”

Module 2

⋮ POLICE DISCRIMINATORY MISCONDUCT

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Introduction and Background

Police misconduct may take many forms. It can include fabricating evidence, giving false testimony, threatening suspects, abusing authority, dishonesty, incivility and the disproportionate use of force. Some of these acts and behaviours may be dealt with by internal administrative processes, whilst others, because of their nature and degree, may require prosecution before the courts. What ties them all together as misconduct is that they fail to meet the standards of professional behaviour which the public have a right to expect of the police and which police officers have a right to expect of themselves and of each other. Discriminatory misconduct is particularly abhorrent as it is marked by the additional motivation of mistreating certain groups and individuals solely on the basis of some characteristic, whether, for example, that characteristic is race, religion or sexual orientation. As misconduct, these behaviours must be addressed promptly and effectively. Depending on the nature and degree of the transgression involved, it may be enough to advise, caution and supervise. However, in more serious cases it may require immediate suspension or even arrest, pending criminal prosecution. Whatever the appropriate mechanism for investigating misconduct (and ideally it should involve a body independent of the police), it needs to meet certain established international standards, not least of which is to be impartial and capable of identifying perpetrators and bringing them to justice. It is important to send out a clear, unambiguous message to the public, and to police officers themselves, that the police will not tolerate discriminatory misconduct in any of its forms.

To behave properly, police officers must know what proper behaviour is. They must fully understand the kind of behaviours which are required and expected of them. This is done through training, supervision and the operation of effective methods of accountability as well as being guided by clear explanations as to what is not allowed and what might amount to misconduct. These are set out in their police service's own regulations and any published Standard for Professional Behaviour and/or Code of Ethics. These regulations and standards should reflect and resonate with the principles set out in both the European Convention on Human Rights and the Council of Europe's Code of Police Ethics¹. These should also be informed by the European Commission Against Racism and Intolerance's (ECRI) General Policy Recommendation No. 11 on Combating Racism and Racial Discrimination in Policing.²

Such rules and instructions must emphasise that any form of discrimination by a police officer is misconduct. Moreover, officers themselves must appreciate that this damages both police effectiveness and the public perception of police trustworthiness. It makes the job of every single police officer more difficult, while also undermining the perception of each officer's personal integrity in the eyes of the community. The single action of a single police officer can have a disproportionately negative impact on achieving the policing mission. One act of discriminatory misconduct may resonate throughout an entire community and undermine any confidence and support currently bestowed on the entire policing organisation. This underlines why such behaviours must be immediately challenged, reported and promptly investigated. These are responsibilities which lie with every police officer as such interventions are critical to building and maintaining public confidence in the integrity and professionalism of the police, without which trust is undermined. Where police are not seen to be at the forefront of combatting discrimination, whether conducted by others or carried out by their own members, then they will be seen as part of the problem of bias, prejudice and intolerance within society. The difficulties in standing up and challenging this kind of misconduct, as well as the difficulties of not personally falling into the same misconduct through active or passive behaviours, are not to be underestimated. The organisational culture of policing across many jurisdictions has too often been found to be institutionally discriminatory with much evidence particularly of endemic sexism and racism. This cultural environment makes it harder for individual officers to reject prevalent attitudes, beliefs and norms from influencing their professional practice in negative ways. There is also the desire

¹ Council of Europe Committee of Ministers Recommendation Rec(2001)10 adopted on 19 September 2001, <https://polis.osce.org/european-code-police-ethics>

² ECRI General Policy Recommendation No. 11 on Combating Racism and Racial Discrimination in Policing, adopted 27 June 2007, www.coe.int/en/web/european-commission-against-racism-and-intolerance/recommendation-no.11.

to be accepted into the group, which often translates into not challenging behaviours which are known to be wrong. However, camaraderie cannot be allowed to become distorted where officers feel that they owe a greater loyalty to even delinquent colleagues than they do to the public whom they serve. Loyalty should not surpass integrity.

This module explores ways in which police officers may encounter or be involved in misconduct through discriminatory practices. It looks at how even seemingly mild and insidious practices can have an extremely negative impact on the lives of the people whom they serve and on police officers' own professional practice.

Learning Outcomes

Participants will:

- ➔ Appreciate the far-reaching effects of police misconduct in terms of how this impacts on their ability to perform their job effectively and, at a personal level, on its effects on personal integrity in the eyes of their community
- ➔ Recognise that the misplaced loyalty of failing to challenge and confront discriminatory behaviour by colleagues is not only unlawful but a breach of trust with the community, which again undermines police work
- ➔ Understand the impact that unfair and disrespectful police behaviours have on the lives of others as individuals and as communities
- ➔ Appreciate their role in challenging discrimination and protecting the vulnerable and, in so doing, help create a culture of anti-discrimination and to take pride in the special position and powers conferred upon them
- ➔ Become familiar with the European Code of Police Ethics and the European Convention on Human Rights.
- ➔ Learn the value of engaging and partnering with civil society organisations to understand and address the impact of discriminatory policing better.
- ➔ Know how they can address discriminatory misconduct and appreciate that there are several avenues open to them for taking action.

Overview of Activities and Timings

Activity 2.1: What do we Understand by 'Discriminatory Misconduct'?	(30 minutes)
Activity 2.2: Misconduct, Discretion and Discrimination – A Practical Consideration	(90 minutes)
Activity 2.3: Misconduct and Discrimination in the Treatment of Suspects	(90 minutes)
Activity 2.4: Barriers to Reporting Discriminatory Misconduct within the Policing Organisation	(90 minutes)
Activity 2.5: Engagement with Victims of Police Discrimination and Misconduct	(120 minutes)
Activity 2.6: Discussion with Organisational Leaders on the Analyses of Discriminatory Misconduct and Public Experience of Policing	(120 minutes)

Preparation

In addition to drawing on the Needs Assessment, in preparing this module the training team should do research on the following:

- prepare copies of relevant organisational policies and guidance in the area of police misconduct
- research and identify relevant statistics, reports, CSO information about the topic
- check accuracy and appropriateness of translations

Each activity is accompanied by specific points on the necessary preparatory steps, as needed. Also, trainer's notes and recommendations are provided throughout the module's activities.

Activity Descriptions

Activity 2.1: What do we Understand by 'Discriminatory Misconduct'?

Learning points: This activity aims to get participants thinking about discriminatory misconduct. It is a short session to focus minds on the subject but also gently to introduce participants to each other and to the core subject matter of this Module.

Time: 30 minutes

Materials needed: flip chart and markers
paper, pens, Blu Tack
overhead projector (optional)

Instructions

1. Begin by stressing the need for openness, honesty, and confidentiality if participants are themselves to get the most out of their time and their efforts working through the activity.
2. Before the session, write on a piece of flip chart paper, 'Police Discriminatory Misconduct' (or you can project this heading on a PowerPoint slide).
3. Ask participants to take five minutes to think about what might constitute, in their view, discriminatory misconduct by police officers.
4. Next, place participants into small groups, generally four or five groups in total is ideal. You can use something as simple as counting off to achieve this quickly. In this method, for four groups, the first participant counts "1", the second "2", the third "3" and the fourth "4", then the process is repeated. (You count up to 5 if you want 5 groups.) You then put all number 1's into one group and all number 2's into another group and so on. When they are seated apart in their groups, ask participants to pull their ideas together to come up with a single working definition of police discriminatory misconduct. They should think about examples to help them in the definition they create. Give each group a marker and a piece of flip chart paper to write down their group's working definition of police discriminatory misconduct. They may include one example on the page, for illustrative purposes.
5. When they have finished, each group should bring their page with their definition and example to the front of the room where the trainer affixes each page to the wall using Blu Tack. The trainer then facilitates a discussion to enable all participants to work together to agree on a single definition, drawing on the definitions provided by each group, and informed by the examples given.
6. There are numerous examples of police misconduct: these can include taking bribes, false arrest, use of excessive force, fabrication of evidence, perjury and sexual misconduct. However, the trainer should bring the focus of the discussion on to 'discriminatory' misconduct and draw on examples which demonstrate discrimination, such as racial profiling, selective enforcement, unfair treatment on the basis of a person's particular characteristics, such as ethnicity, sexuality, religion, and so on.

7. Conclude by asking participants how widespread they believe such misconduct is within their police service, even at what might be described as lower levels (e.g. name calling, rudeness and showing disrespect) but which is, nevertheless, still unacceptable behaviour.
8. Are participants aware of such behaviours (a) being investigated within the police service or at higher levels, such as through the courts and (b) having resulted in officers being punished?
9. The final comments should be on how difficult it often is for such behaviours to be challenged and punished within policing. The reasons for this are several, but include the existence of a police culture which operates against the reporting of fellow officers for misconduct. This is an area that is covered later in this module.

Activity 2.2: Misconduct, Discretion and Discrimination – A Practical Consideration

Learning points: This activity entails participants placing themselves into a hypothetical policing scenario and asking themselves to reflect on their likely actions and the reasons for those actions. While the scenario itself is hypothetical, it is grounded in real-life experiences and therefore is one which should resonate with many of the participants who may have found themselves in similar situations during their police career. Working through this scenario allows officers the opportunity to reflect on and to realise how they can be partial in their professional conduct and practice through the seemingly normal exercise of discretion. It is an opportunity to look at the effect of unconscious bias as well as conscious bias. Additionally, officers will come to understand how easily discretion can be influenced by prejudice, if unchecked, resulting in their engaging in discriminatory misconduct.

Time: 90 minutes

Materials needed: Police Code of Ethics and/or Professional Standards & European Code of Police Ethics³ (for reference)
flip chart and markers
Handout 2.2.1 Scenario Information – Stopping a Car (This can be given as a physical print handout to individuals or you can prepare the information in advance to project onto a screen.)
Handout 2.2.2 Scenario Actions Option Sheet (This can also be given as a physical print handout to individuals or you can prepare the information in advance to project onto a screen.)
Handout 2.2.3 The Use of Discretion: The Speeding Car
paper, pens
overhead projector (optional)

Before the session, make sure that you are familiar with the scenarios and associated handouts and notes for this activity. Read these so that you are better able to address any questions which may arise and so that you are able to expand on explanations, where necessary.

Prepare three flip chart pages:

- Title the first page, “Options Chosen”. This will be used to note the courses of actions preferred by officers in the subsequent scenario.
- Title the second page, “Justifications for Action Taken”. This page will be used to capture the rationale for the choices made.
- Title the third page, “Implications for Professional Policing”. This page will be used to capture key points of debate around the implications that the actions chosen have for professional policing. This will enable the trainer to refer to the behaviours expected of professional policing as set out in any national Code of Police Ethics and/or Professional Standards and to emphasise the need for fair, non-discriminatory policing at appropriate points.

³ Council of Europe Committee of Ministers Recommendation Rec(2001)10 adopted on 19 September 2001, <https://polis.osce.org/european-code-police-ethics>

Instructions

1. Begin by presenting participants with Handout: 2.2.1 Scenario Information – Stopping a Car (below). It is recommended that you distribute paper copies of the scenario amongst participants while at the same time projecting the scenario onto a screen.
2. Next, present the list of options set out in Handout 2.2.2 to participants. You may do this by printing out the six possible courses of action and providing each participant with a copy, and/or you may choose to display the options using an overhead projector or other means. Ask participants to read the options presented and to decide which one best matches the actions which they would take. If none of the actions is acceptable to them, then they can write down a course of action which they would have chosen for themselves in the prevailing circumstances. You should emphasise that you are not looking for a “right” answer but rather an “honest” answer, what they feel is likely to be the response they would take in this situation. Allow them five to seven minutes to reflect on all the options.
3. On flip chart page 1, note down the responses from the participants, matching them against the options. Ask participants if they can see any patterns emerging regarding the more preferred options, for example, do they tend to show the participant giving the officer who was stopped some kind of special treatment (Options 2, 3 & 5), or do they show a tendency to follow police procedures (Options 1 & 4)?
4. On flip chart page 2, write down the reasons that participants offer for their chosen actions. The trainer should note the reasons given and consider whether there appears to be evidence that participants are displaying any special loyalty to the officer concerned which is shaping their response. If this is the case, then draw this to their attention and ask them the following questions: 1) Is this professionally acceptable? 2) Do they feel there are ways in which this behaviour can it be justified? If the trainer, on the other hand, notes from the responses that most participants are indicating that they would follow procedural rules, the trainer should challenge them as to whether this is really the case: is this something that they would really choose to do in practice, or is it something they feel they should say they would do in the current context? As with all training, you, as the trainer, need to emphasise the confidentiality of the training environment and that to get the most from exercises, participants must be sincere and frank in their contributions. However, they need to be comfortable to do so and this is part of the training challenge.
5. Now introduce a new dynamic into the scenario. Ask the participants what their reactions would likely be if the person whom they stopped was not a police colleague but was simply someone whom they know as a close neighbour, or as a friend or as a relative? How would they behave in stopping this individual? Would they behave in a similar way to how they behaved when they stopped the off-duty officer? While there are clearly different dynamics at play here, it is still likely that some kind of preferential treatment or special acknowledgment will be made to these “preferred” individuals. Where participants indicate that preferred individuals are treated differently, you should acknowledge that this behaviour is something that, as humans, we are predisposed to exhibit. It is understandable that we are inclined to behave in this way. However, you should take the opportunity to emphasise that, as police officers, we will often have to subordinate our instinctive feelings and reactions to act in a professional and non-discriminatory manner.
6. Next, ask whether the approach would be different if the person they stopped was a known criminal, with a long criminal record for minor offences. Finally, ask how they would behave if the person was a member of the Roma community, or from some minority and marginalised group in their jurisdiction whose relationships with the police are known to be problematic. From this discussion, it should become apparent that participants will demonstrate different attitudes and behaviours when stopping a suspected drunken driver depending on the characteristics of the person whom they have stopped.

7. Go to flip chart page 3, headed "Implications for Professional Policing". Ask the participants to take 10 minutes to write down what they think the implications are for professional policing if they police in this "differential" way.
8. Remind participants that they are required to police the law without favour. Where they exercise discretion to favour some individuals over others on the basis of these kinds of characteristics, then they are discriminating unfairly. Tell them, as they should know, that news can spread very quickly in communities. Make them aware that it is very likely that people will quickly know when the police act in this manner. Such behaviour will reinforce beliefs within the community that the police are operating one law for some people and a different law for others.
9. Bring the discussion to a close by making reference to your national code of ethics for the police and any national professional standards for the police which are current. Draw the participants' attention to where discriminatory behaviour breaches existing principles and rules. Such behaviour represents an abuse of police powers. It is misconduct and operates to undermine confidence in policing. Emphasise that if police officers wish to be treated with respect, then they must show that they are deserving of respect. This demands that they behave in an ethical manner.
10. You can conclude this section by telling participants that you recognise that some officers may be struggling with confronting their own bias, given their own personal histories and the environment in which they operate. It is possible that some of bias and the behaviour it gives rise to can emanate unconsciously. However, ultimately bias has the potential to corrupt the police mission to treat everyone equally, as it is easy for preferential treatment to slide into discriminatory misconduct. At the same time, you should be firm with participants and confront them with the fact that some police officers are not struggling with controlling bias and prejudice in their professional work, but that they are actively giving vent to their bigotry and intolerance. Such officers may be racist, homophobic, sexist and so on, and actively allow their warped views to shape how they treat, or rather, mistreat, individuals and groups of people. There is no room for such officers in a professional, human rights-compliant police service. Their behaviour should be challenged without exception and there should be consequences for their actions. The public need to see that the police themselves are at the forefront of tackling discriminatory misconduct by police officers. This is not something that should be seen as the responsibility of others. It is primarily a responsibility of the police and, in particular, the leadership within the policing organisation. The police cannot carry out the role which society demands from them where they tolerate discriminatory misconduct.
11. If you have time, you can briefly remind participants of the use of police discretion. Distribute Handout 2.2.3 The Use of Discretion – The Speeding Car among the participants. Alternatively, you can project it so that everyone can read it. Allow participants about five minutes to read the scenario and then ask them the following question: 1) How would they treat the female driver? Note responses on a flip chart page. Then ask, 2) How would they treat the male driver? Again, note responses on a separate flip chart page. Compare the responses and note any differences.
12. In each case, it is likely that the officer observing and stopping the vehicle will have a degree of discretion to warn, caution, issue fines, or forward details for prosecution as they think is required in the circumstances. While discretion is available, it must be used fairly, sensitively and with a legitimate purpose. Remind participants that using discretion to advantage colleagues, friends and relatives, or to disadvantage those whom you do not like, is an inappropriate use of this police power and could amount to discriminatory misconduct. Discretion can very easily become discrimination. The ease with which this can happen is further explored in Module Three on Profiling.
13. In conclusion, it will be very useful to reinforce the point that the policing mission requires police officers to act with a degree of discretion. Discretion is something which police officers exercise every day, although it has long been recognised that it is a power which must be used sensitively and applied fairly.

Activity 2.3: Misconduct and Discrimination in the Treatment of Suspects

The European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment⁴ has been ratified by all 47 member states of the Council of Europe (COE). On the basis of the Convention, a Committee for the Prevention of Torture (CPT) has been established to investigate the treatment of persons deprived of their liberty and held in places of detention in member countries of the COE. This includes looking at those held in police custody, where the Committee can conduct private discussions with those detained and ask them for their experiences. In its work, which has entailed making over 470 country visits, the CPT has found that the most common circumstances in which people are physically abused by the police are (1) at the time of their arrest, (2) on being transported to police custody, and (3) whilst in police custody and being subjected to questioning for evidence or a confession. This has implications for police officers who need to stand up against this kind of misconduct at the moment at which it happens, and before it can be allowed to progress, at the expense of the suspect. Furthermore, abuse is very often associated with discrimination.

Learning points: This activity involves participants placing themselves into a hypothetical policing scenario where a colleague is engaged in misconduct in the form of abusive behaviour to a suspect. It is a means of exploring how participants feel about these types of incidents, which remain common in many jurisdictions, and whether or not they have the motivation to challenge them. It also provides a platform to discuss how difficult it can be to do the right thing. However, no matter how difficult it may be in the prevailing circumstances, officers must find a way to ensure that the misconduct is addressed at some stage and in some manner. It can be extremely difficult for police officers to report the misconduct of colleagues, even though in almost all jurisdictions there exist requirements that they do so. In addition, failing to report the misconduct of others is very often itself a breach of professional standards and leaves the officer who fails to report also liable to sanctioning for their own misconduct.

Time: 90 minutes

Materials needed: For reference: The latest report by the Committee for the Prevention of Torture for the country in which the training is taking place, and the national Police Code of Conduct or Professional Standards.
Short Video produced by the Association for the Prevention of Torture on Critical Moments in Police Custody. This is available at: www.apr.ch/en/resources/publications/prevention-torture-and-ill-treatment-police-custody and is offered in the following languages: English, French, Portuguese, Spanish and Russian.
flip chart, markers and Blu Tack
paper, pens

Preparation: Prepare two flip chart pages. Entitle the first page: "Responses" and on the second page, write out two subheadings: (1) "When?" (2) "How?"
For each participant, a copy of Handout 2.3.1, Scenario Information Sheet on Arrest and Transport of a Suspect
For each participant, a copy of Handout 2.3.2 on the European Code of Police Ethics

⁴ Council of Europe, European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, 26 November 1987, ETS 126, available at: <https://www.refworld.org/docid/3ae6b36314.html>

Instructions

1. Distribute copies of Handout 2.3.1, the scenario information, sheet amongst participants. At the same time, you can project the scenario onto a screen. Allow participants five to 10 minutes to read through the scenario and fully understand it.
2. After participants have read the scenario, show the first page, "Responses", and record whether or not participants feel that they would, in such a scenario, challenge their colleague's behaviour or whether they would let it pass. Ask participants whether they feel that the behaviour of a colleague is their personal responsibility or not. Has it got anything to do with them? Do they believe that they are not guilty of misconduct themselves, if they do not intervene and challenge their colleague?
3. Facilitate a discussion on the scenario and ask the participants whether or not, in their opinion, they think that this kind of behaviour is trivial or serious. Ask participants why they have come up with their assessment? After the discussion has come to a close, turn over to the second flip chart page. Here, draw out from participants who said that they would challenge the behaviour, and the precise point at which they would intervene. Would this be at (1) the first kick, (2) the punch inside the car, or (3) at the slap in the corridor of the police station? These are all physical acts. Would anyone challenge their colleague for verbal remarks he made in the course of the arrest and conveying of the suspect to the station?
4. Next, draw participants' attention to the subheading "How?". How would participants themselves go about intervening? Would this be by direct confrontation or would some prefer to have an informal word with their colleague, perhaps at a different time and place, in a more social environment? It will be useful not only to uncover how participants prefer to intervene but to discuss the words that they would use. Would any participants opt to take official action and report the behaviour to their superiors?
By having participants discuss and share their views and language, you can facilitate officers in reflecting and preparing themselves as to how they might best confront and intervene, should such situations arise in the future.
5. Now introduce the short video, which considers critical moments in police custody, produced by APT on the prevention of torture and ill-treatment. Explain that these are discussed in the video by Lowell Patricia Goddard (former New Zealand High Court Judge and member of the United Nations Subcommittee on Prevention of Torture), and General Charbel Mattar (then adviser on human rights and torture to the Lebanese government). Show the video.

Trainer's Notes

The video can still be shown even where you do not have the facilities to translate the spoken content into your national language. This is because there is sufficient graphic material presented in the video to resonate with the known practices of the police. Participants should recognise what is taking place from their own professional experiences. In such a case, you should still introduce the speakers to the group, pointing out that Lowell Patricia Goddard is a former New Zealand High Court Judge and member of the United Nations Subcommittee on Prevention of Torture, and that General Charbel Mattar was then adviser on human rights and torture to the Lebanese government. In this case, you must tell participants what the key messages of the video are. The messages are the following:

- 1) People experience an increased vulnerability to abuse by police officers immediately upon their detention or arrest.
- 2) There is great benefit to the police themselves by being open and transparent regarding detention; one way to achieve this is by permitting access by approved observers who can help to ensure proper treatment.

6. At the end of the video, ask participants what they thought the key messages were. Facilitate the discussion to touch on the following key points:
 - The video underlines what has been discussed earlier, namely that the critical times in the treatment of suspects, when they are most vulnerable to abuse, are at the points of arrest, transport and early questioning.
 - Participants need to be aware that they and their subordinates will be involved in policing at these points and need to be mentally prepared to challenge any misconduct at the moment at which it arises. They should accept that a professional stance requires immediate intervention in the interests not only of the individual or individuals affected and the wider community whom they serve, but in the interests of the police, who are not well served by having such behaviour carried out in their name.
 - Police have a duty to challenge, stop and report misconduct.
 - Monitoring people in police custody is one way to help ensure proper treatment of detainees, but the actions of the police themselves is also key and recognises the responsibility they have to ensure professional standards of treatment are applied to everyone.
7. You should now distribute Handout 2.2.2 on the European Code of Police Ethics to Participants. Split the class into groups of four and give each group 10 minutes to consider this extract, which importantly emphasises the commonality of police work and in particular, the ethical standards and imperatives that police must be compliant with in democratic societies.
8. Tell participants to elect a rapporteur to feed back their responses to the following questions:
 - To what degree do they feel that these ethics resonate with the standards of policing which they see practised in their own jurisdiction?
 - What are the difficulties and challenges which they feel that they, colleagues and their organisation, face in meeting these standards?
 - Who do participants think are the key vulnerable groups and individuals within their jurisdiction or region?
 - Almost inevitably there will be some instances of discriminatory policing. Are there particular ways in which this discrimination is most likely to be practised?
 - Are there particular groups or individuals who are most likely to be the target of such discrimination?

9. When participants give feedback on their responses, capture these on to the flip chart and affix the flip chart sheets to the wall or other suitable surface where it can be viewed for the entire session
10. In concluding this session, ask participants whether they have any comments or observations to make or questions to raise. Acknowledge or address these as appropriate.

Activity 2.4: Barriers to Reporting Discriminatory Misconduct within the Policing Organisation

Learning points: This activity encourages participants to reflect on the difficulties of reporting discriminatory misconduct as individuals and within the particular organisational structure and culture of policing. There is an opportunity to reflect on the barriers to reporting but there is also an opportunity to use the group to explore ways in which these barriers could be surmounted.

Time: 90 minutes

Materials needed: flip chart and markers
overhead projector
Handout 2.4.1: Options for Reporting Misconduct
(This can be given as a physical print handout to individuals or you can prepare the information in advance to be projected onto a screen.)
Handout 2.4.2: Understanding Police Culture
any copy of a “whistle-blowing” policy which may exist in your jurisdiction.

Instructions

1. Split participants into groups. Ideally each group should number no more than four or five participants so that each person has an opportunity to contribute to their group discussion within the time frame. Give participants 15 minutes to discuss amongst themselves, by addressing a number of questions, what they think the biggest barriers are to reporting the misconduct of colleagues within their police service. The questions can be written beforehand on individual flip chart pages, or you can project them onto a screen using the overhead projector. The questions to address are as follows:
 - As an individual, what would prevent you from reporting discriminatory misconduct?
 - What would make it easier for you to report?
 - If changes need to be made to facilitate reporting, what would those changes look like?

If the activity can be facilitated within the physical space available, try to arrange it so that each group has some distance / privacy from the other groups. Provide each group with a piece of flip chart paper. Tell each group that they should nominate a spokesperson to report back to the whole group on their findings and that they may use the flip chart paper to write down their opinions and share them with the wider group / class.

2. After participants have had enough time to discuss in small groups, ask each group to present their answers. In the context of this discussion, as a conclusion, raise the issue of the ability of police officers to report discriminatory misconduct outside of the normal police management oversight arrangements and disciplinary processes.
3. Ask participants if they are aware of any other steps which they could take to report misconduct, if they do not wish to report directly to their superiors or to any specialist internal disciplinary regime. Write down their responses on to the flip chart.
4. Next, distribute copies of Handout 2.4.1, Options for Reporting Misconduct. Give participants five minutes to read this handout.
5. Ask participants whether or not they would ever consider pursuing any of these avenues if they were in a position requiring them to report police misconduct. Note on the

flip chart two columns: 1) Why you would use these avenues 2) Why would you NOT use these avenues. Try to include as many participants as possible in the feedback, encouraging a response from some individuals who may be more reluctant to contribute, where this is necessary.

6. From the responses, you will be able to note the predominant views of participants. Use this to conclude this part of the discussion by taking the next steps.

If there is a majority indicating that they would use the alternative methods suggested, point out they are, nevertheless, important to have, as enough police officers simply do not report colleagues internally to the degree that they should; a culture that allows for fear and favour is undoubtedly part of the reason for this.

If there is a majority indicating that they would not use these avenues, remind participants that there is a need to change a culture and environment which makes it difficult for officers to report, and that making these changes is also their responsibility, especially where they are in positions of leadership. Regardless of their position within the policing organisation, they still have a role to play in their own practice and the example which they set for others.

7. Acknowledge that, generally, police officers are often wary about confiding in third parties. Part of this is due to police officers having few relationships with such other actors, and therefore they are lacking in both confidence and trust. There is a need for police officers themselves to be open in their dealings and relationships, and to start engaging with individuals and groups who are interested in promoting police accountability.
8. Conclude the discussion by distributing copies of Handout 2.4.2, Understanding Police Culture. Give participants 10 to 15 minutes to read this. This is a resource which can promote longer and more in-depth discussion on the impact of police culture on community relations, confidence and trust. These questions can be asked directly of participants, split into groups, and with answers reported back and recorded on to flip chart paper for further discussion. If you are short of time, you may end the session simply by asking participants whether or not they have ever felt themselves bound to behave in a way in which they were reluctant to do, but nonetheless did so because of pressure they felt from being part of the police team. They do not need to give examples (which may prove difficult for them), but ask them to reflect on the impact of this on professional policing standards and their duty to the law and the public.

Activity 2.5: Engagement with Victims of Police Discriminatory Misconduct

Learning points: This activity gives participants an opportunity to engage in constructive dialogue with individuals who have suffered discrimination at the hands of the police. The discrimination may have been in the form of their being subjected to offensive language or by being subjected inappropriately to use of police powers (stop and search). In all cases, the individuals concerned believe that they were subjected to these unwarranted behaviours on the basis of one or more of their protected characteristics such as race, religion, sexual orientation, disability, and so on. This activity allows police officers to witness first-hand the effects of discriminatory behaviour on the lives of those who have been directly affected. It enables police officers to reflect on and consider the impact of discriminatory misconduct on a more emotional level. It can be used to open up 'conversation' and channels of communication with discriminated groups and individuals which go beyond the immediate training environment, which can subsequently be used to develop community partnerships to improve both police practice and the policing experience.

Time: 120 minutes

Materials needed: Paper, pens

Preparation: This is a particularly challenging activity and needs to be handled with sensitivity. You can be assisted in its facilitation by forming a partnership with a relevant Civil Society Organisation (CSO) who can provide their own expert to co-present this session with you. This has the added benefit of enabling you to start to form positive working relationships with CSOs and to create avenues for communication which can better inform police practice and help develop and maintain contact with groups who are generally alienated from the police.⁵ The first step in planning this activity is to identify an appropriate CSO who can work with you in the delivery of this part of the training and who can identify and bring on board individuals who will be willing to take part. You will need to meet with the CSO beforehand in order to plan the activity and to decide on the allocation of tasks and responsibilities. Ensuring clarity is important, so this meeting should be an opportunity for you to establish and agree on what is to be achieved, how it will be achieved, and any ground rules which must be followed. The CSO should also make sure that participants are aware of what is expected from them and the parameters within which they will contribute. It must be made clear in advance to those who are recounting their experiences that this is not a forum for the investigation of their complaints or for addressing past wrongs. Rather, it is an opportunity for them, as victims of police misconduct, as individuals who have been subjected to biased or discriminatory behaviours (including offensive language), to discuss their experiences and feelings with serving police officers. You will also need to explain to participating police officers that, similarly, this is not a forum in which they should feel the need to be defensive and try to explain, diminish or even justify the past actions of their colleagues. It is an opportunity for officers to listen and to understand

⁵ This form of active, positive community engagement can help to reduce crime, the fear of crime and build confidence in policing, particularly amongst those whose previous experiences of policing have tended to be negative. The advantages of, and mechanisms for engagement are developed further in this module on Policing with the Community.

the effects of these behaviours on individuals but also on the policing mission itself. Again, this is an occasion to emphasise how this form of misconduct is particularly destructive to the ability of the police to meet their objectives.

Ideally there should be five or six individuals willing and able to speak about their past experiences. These individuals should be reflective of groups within the wider community and reflect some of the characteristics listed in Article 14 of the Convention which prohibits discrimination "... based on an identifiable, objective or personal characteristic, or 'status', by which persons or groups of persons are distinguishable from one another", including sex, race, colour, language, religion, political or other opinion, national or social origin, property, birth and other statuses including disability, gender identity and sexual orientation. It is possible that some individuals will have been discriminated against across a number of these characteristics, and their stories should prove particularly instructive, underlining the complexity and range of the discrimination suffered.

Instructions

1. Outline the purpose of the disclosures and discussion which will follow. This is also the time to ensure that everyone present is familiar with the ground rules and the format of the session, as you and the CSO have previously discussed and agreed.
2. The conversations are confidential in that no-one will be quoted afterwards, although it is permissible to speak in general or relate comments which cannot be connected to particular individuals. Each individual will be allowed to speak uninterrupted for five to 10 minutes. Some flexibility needs to be shown but there is still a need to manage time so that interest remains high and all speakers feel they are given a fair opportunity to relate their experiences.
3. When the last speaker has finished, ask participants how they felt on hearing the testimonies. Remind them that they can speak with confidence. Remind them that they do not need to be defensive of the behaviours of others or of policing generally. Do any participants openly recognise and state the wrongness of the behaviours? Ask how this can be prevented in the future. Is there anything they can do in their own practice in the future which might help?
4. Invite the speakers to return to the debate. Is there anything they would like to say having heard the responses from police participants?
5. Thank everyone for contributing to a challenging session. Thank them for their openness. Remind them of the the need for confidentiality.
6. You may wish to give the floor to your CSO co-presenter for concluding remarks.

Trainer's Notes

It is especially important to prepare well for this session in order for it to be successful. Firstly, be clear what it is that you want to achieve and how you will achieve it through this medium. Who is coming? Why are they coming? What will they contribute?

It is important to be prepared for emotional upsets which may occur when individuals speak of, or even relive past upsetting experiences. If you do not feel competent to cope with these, or able to address the situation, then it is best to be prepared by having a co-presenter who is skilled in this area and who can manage such situations where they arise. It is best to be prepared and let people know in advance, that if they need to take some time out of the room, this is completely acceptable.

Activity 2.6: Discussion with Organisational Leaders on the Analyses of Discriminatory Misconduct and Public Experience of Policing

Learning points: The following topic relates to raising the awareness of the importance of both analysing existing data and creating new information flows for analyses in tackling police discriminatory misconduct. It is intended that this section will be the basis for a discussion with those senior police managers and departmental officials who are tasked with setting the strategic direction of the police, especially where there is a particular interest on improving community trust and confidence in policing. This session will involve a preliminary assessment of existing information sources and asking a series of key questions about what information we have, why it is collected, how it is collected, how it is used and what the outcomes are, if any, of its use. In the course of this, participants will be facilitated in a discussion as to whether information needs are being met by current systems or whether changes must be carried out, including assessing the need to obtain additional information through new and varied channels. The discussion should be informed by considering the importance of analysing information and can begin by looking at an analysis of complaints and public attitudes as two of the main in-roads to understanding and addressing this problem better.

Time: 120 minutes

Materials needed: flip chart, markers, Blu Tack
Handout 2.6.1: The Impact of Police Culture on Complaint Reporting and Complaint Investigation

Trainer's Notes

It is essential in tackling discriminatory misconduct by police officers to have as full an understanding as possible of its nature, degree and operation. This requires accessing and developing sources of information which will best inform endeavours to challenge such behaviours and to improve service delivery to the public.

Make sure you are informed to lead this discussion by first reading the sections on 'Public Attitude Surveys' and 'Complaint Surveys' below. Familiarise yourself with the existence of these surveys within your own jurisdiction and their latest findings, where they exist.

Instructions

1. Leave the first two pages of the flip chart blank for the opening two questions, which are set out below. Put a heading on each of the third and fourth pages: "Complaint Survey" and "Public Attitude Survey". These are two information sources which will be addressed in the course of the discussion.
2. Give out copies of Handout 2.6.1 The Impact of Police Culture on Complaint Reporting and Complaint Investigation. Tell participants that they will appreciate the impact that culture can have on reporting and misconduct. The Handout covers many of these problems but also emphasises the role that leadership has in addressing culture and promoting positive change.
3. Refer to the importance of openness and honesty if this session is to be of value to them and to the organisation.

4. Give participants 10 minutes to read the Handout. Prepare a blank flip chart page and ask participants how they think culture in their organisation works to support misconduct while at the same time works to undermine the likelihood of reporting misconduct. Record their answers on the flip chart page. Detach this and affix the page to the wall where it can be viewed for the entire session.
5. Start a new flip chart page. Ask participants what they think that they can do personally, within their professional role, to improve on this situation and begin to bring about cultural change. Record answers on the page and again detach and display this page.
6. Comment on the answers as appropriate. The answers will give an indication of the degree to which participants recognise the part that culture can play in discriminatory misconduct. The answers will also indicate the degree to which participants feel they can do something, or need to do something, to bring about change to the prevailing culture.
7. Announce to participants that the next part of the discussion considers the collection and analyses of data in tackling misconduct. Begin by asking participants what data they currently have, or of which they are currently aware, that can be used for this purpose. Record answers on to a flip chart page and again detach and display the page with the recorded answers.
8. Ask and record answers on a second page, as to whether they believe there are gaps in their present knowledge as managers, and how these might be addressed. Again, record answers on to the flip chart page, detach and display when complete.
9. Next, open up a discussion about the use within the organisation of 1) Complaint Surveys (or analyses of information on complaints) and 2) Public Attitude Surveys.
10. Ask the following questions: Do these data sources exist? Are they used? How are they used? Is there a need or a way to improve their use?
11. Conclude by asking how they could be used or better used in tackling discriminatory misconduct.

Complaint survey

A survey of complaints is one source of information which should be most readily available to the police as it is based upon their own internal statistics on the incidence, nature and geography of discriminatory misconduct. Of course, this presupposes that there exists a robust system by which this information may be reported, captured and interrogated. Often, members of the public who have suffered discriminatory misconduct may be very reluctant to report it to the very organisation whose member has already shown bias towards them. Those who have been targeted may lack confidence in the police's willingness to investigate their complaints. They may also fear retaliation and further victimisation or simply don't want to publicise the issue or draw any attention to themselves or their family.

Analyses of statistics should provide the organisation with such basic information as the number of cases of reported misconduct, the nature of the misconduct, the circumstances of the incident, the characteristics of the victims of misconduct, the location and timing of the event, the unit concerned, and details of the police officers alleged to have shown bias and/or engaged in discriminatory misconduct.

In this way, the organisation can build up a picture of where it needs to intervene, not just at the individual level but strategically, in confronting discriminatory misconduct and working towards its eradication. The information can help to uncover patterns and trends and whether discrimination is greater against certain groups, in certain geographies, by certain police units, at certain occasions (e.g. executing vehicle stops or executing search warrants) by certain classes of officers, and so on.

This is something which can be done, not only at the national level, but within a police region or functional department or unit by senior officers and management interested in tackling discrimination and ensuring that their team works to the highest professional standards in serving the public. Such an analysis can be an effective management tool in helping to provide critical information which can be used to address misconduct. Patterns may be discernible, pointing to areas for intervention. These may be addressed by improving supervision and performance management practices or by providing additional or specific training around particular issues.

Of course, the quality of any such analyses depends on the strength and quality of the data captured. As mentioned above, if people are not reporting discriminatory misconduct, then this is something which also needs to be tackled. Part of this involves earning greater community confidence which is covered in more detail in Module Six, which looks at Community Policing. However, you can also look to other data sources, such as attitude surveys.

Public attitude survey

It is important that, as a critical service provider, the police know what the public think of them, what the public's experience of policing is, and what the public think of the quality of the service that the police are delivering to them. The police need to understand how confident the public are that the police are treating everyone equally and with proper respect. The support given in the European Code of Police Ethics to "promote and encourage research on the police", both by the police themselves and external institutions, is indicative of a recognition of the value of such a pursuit to improving policing.

The police need to have access to information which measures the level of trust that the public have in them and which helps them to determine the public's perception of the degree to which they are meeting their professional standards. The police should be interested in finding answers to questions such as whether they are doing the job which the public expect of them and which the public feel they deserve, whether certain classes or groups of individuals, people with different background characteristics, report differently – and, if so, how the police can explain these differential experiences and how they go about addressing them?

One way to uncover public attitudes to policing is to conduct a survey. This could include questions such as the following:

- Do you believe the police treat you with respect?
- Do the police act impartially?
- Do you have confidence in the police?
- Do police investigate complaints of discrimination impartially?
- Do you feel that you have suffered from police bias? If so, why do you think this?

There are many templates and examples of Crime Surveys and Police Satisfaction Surveys⁶ which can be accessed to enable the police, or someone engaged by them, to draw up a bespoke survey instrument to help uncover these public attitudes and experiences. Ideally such surveys should be conducted by professional and impartial researchers whom the public can have confidence in, in order to deliver an impartial, accurate and robust assessment.

⁶ This is an American example of a Community Survey on Public Safety and Law Enforcement, available at <https://cops.usdoj.gov/RIC/publications/cops-w0743-pub.pdf>. Information on National Regional and Global resources for victim surveys (which include attitudes to police and experiences of the police) can be found at: www.unodc.org/documents/data-and-analysis/statistics/ICCS/Korea_Module_8_victimization_surveys.pdf. These can be adapted to local needs.

Annexes and Handouts

Handout 2.2.1: Scenario Information – Stopping a Car

It is a clear summer's evening. It is late, around midnight, and you are parked in your patrol car on a main road. There is almost no traffic. In the distance, you notice a motor vehicle driving towards you, slowly and without its headlights illuminated. You put on your police lights, step out of your vehicle and, using your torch or traffic wand, you wave the oncoming vehicle to stop. The vehicle pulls into the side of the road and stops.

You approach the vehicle to explain to the driver that he is driving without his headlights switched on and that this is dangerous in the circumstances. As you reach the driver's door, he puts down his window. There is a very strong smell of alcohol on him. You question him, and ask him if he has been drinking. He says that he was with some friends in a bar but that he has only had one or two drinks. From listening to his voice and noting his movements, you believe that he has consumed much more alcohol than this and that he is too inebriated to drive his car safely. You ask him for his driving licence or for some other form of identification if this is not available. He then produces a police warrant card and tells you that he is a fellow police officer and that he lives only one kilometre away. He had been out celebrating a police colleague's retirement at a party in a local hotel and he was now driving home. He tells you that you will know how important it is to be there for colleagues, and that you will understand that he could not miss the party.

What do you do next?

Handout 2.2.2: Scenario Information – Option Sheet

1. Ask him to step out of the car and subject him to the prescribed sobriety tests with a view to arresting him for driving under the influence of alcohol, should he fail the tests.
2. Advise him that he's being very foolish driving like this and that you are going to take his keys now and leave them at the station. He can collect them tomorrow and he will either have to walk home the last kilometre or he can ring for a taxi.
3. Get him out of the car. Safely park the car and then drive him home as it will only take you five minutes.
4. Ring your supervisor at the station and ask him/her for their advice as to what you should do next.
5. Let him drive home, since it is so close and the road is quiet, but caution him to put on his lights, drive carefully and not to do it again.
6. Take some other action. (Please explain what this would be.)

Handout 2.2.3: Scenario Information – The Speeding Car

You are a police officer and are patrolling in your motor vehicle late in the evening. It is a clear dry night and there is not much traffic on the road. As you drive, a car passes you driving at least 30 kilometres per hour above the speed limit for that area. You put on your lights and siren, and pull the vehicle over to a stop at the side of the road. You leave your vehicle and approach the driver, asking them to put down their window. You discover that the driver:

(1) is a woman, approximately 28 years old who admits that she is rushing to a nightclub to meet some friends there. She wants to get to the club before her friends leave and move on to another venue.

(2) is a man, approximately 40 years old, who admits that he is rushing to the hospital with his sick child as an ambulance is not immediately available and he is too frightened to wait in case it is dangerous for his child.

How do you treat (1) the female driver; (2) the male driver?

Is there a difference in what you would say and/or what you would do?

Trainer's Notes

It is possible that some officers may claim that they have no power to use their discretion, as they consider themselves under a legal obligation to enforce the law under all circumstances, without any room left for them to exercise their personal judgment. On the surface, this may appear to be correct, but the day-to-day practicalities of policing mean that individual police officers have a significant degree of discretion as to whether to stop, search and even arrest members of the public.

The use of this discretion is affected by many factors, including personal values and the prevailing police culture. It is important to note that discretion is unlikely to exist for every aspect of policing and may be limited or precluded by statute. While, for example, an officer may decide to caution (or even ignore) someone riding a bicycle without a light at night instead of issuing a ticket or summons, the same officer is unlikely to have any discretion on whether or not to arrest someone whom they find has just committed a murder. Nevertheless, whenever discretion is applied, it cannot be motivated by bad faith but must be in the interests of fairness, and justice. Therefore, discretion should never be used to advantage one group of individuals unfairly over another group or, conversely, to disadvantage or discriminate against people on the basis of their characteristics. One way for officers to challenge and combat racism in policing is to create 'frameworks for dialogue and co-operation between police and members of minority groups'⁷ in order to understand the people whom they are working for better.

Ultimately the interpretation of the law and its required enforcement is a matter for the courts, so while the police have some discretion, it is accepted that this is not without boundaries. The police are accountable for their use of discretion and may be called upon to justify why they acted, or why they failed to act, in any particular circumstances. Ideally, the use of discretion will be informed by the principles and ethics of professional policing and used better to meet the objectives of the police and the requirements of justice.

⁷ ECRI General Policy Recommendation No. 11 (2007) on Combating Racism and Racial Discrimination in Policing, §18 and §20, available at <https://rm.coe.int/ecri-general-policy-recommendation-no-11-on-combating-racism-and-racia/16808b5adf>.

Handout 2.3.1: Scenario Information Sheet – Arrest and Transport of a Suspect

You and a colleague have stopped a group of three youths from a local Roma neighbourhood. You have done so as your colleague, who is more experienced than you, tells you, “these kinds of youths are always involved in some kind of crime. They are prolific thieves. It’s just the way they are and they aren’t going to change that because you know that they are prolific thieves”. You search the youths and find that one of them has an expensive phone. He says that he got it from his uncle as a present. Your colleague does not believe him and arrests him for theft. He tells the other youths to “clear off”. As your colleague is putting the suspect in the back of the police car, your colleague kicks him and says, “you thieving gypsies never learn”. As you are driving to the police station you hear your colleague in the back warn the suspect that he had better confess to stealing the phone. It will be best for him and for his family, or they could get into bigger trouble. You glance through your rear-view mirror and see that your colleague has punched the suspect in the ribs as he issues the threat. At the station, as you and your colleague bring the suspect down the corridor to hand him over to the officer in charge of detention, your colleague stops and says to the suspect, “you had better not complain if you know what is good for you”. As he says this, he gives the suspect a slap to the back of his head. After you hand over the suspect at the station and present your evidence, you and your colleague go to the back of the station for a coffee break. When you are there, your colleague tells you that he doesn’t think the suspect will complain about the arrest because he is afraid of the police, but if he does, then you will both say nothing happened regarding your colleague’s use of physical force. Your colleague tells you, “if there is some physical evidence, like a bruise or a red mark, then this will not be a problem as those gypsies are always fighting and engaged in rough work, so those kinds of marks are to be expected”. He congratulates you both on having done a good day’s work for the community by arresting this guy and putting him where he belongs.

Handout 2.3.2: A Brief Overview of Key Points from the European Code of Police Ethics

The European Code of Police Ethics was adopted by the Committee of Ministers on 19 September 2001. It sets out a framework for the values and standards that are required of police in a modern, democratic society. It acknowledges that, even with the diversity of police services and institutions present within the membership of the Council of Europe, there is a set of ethics that should be common across all services. The Code sets out detailed standards to be followed by the police in their efforts to fulfil their core functions.

Paragraph 40 of the Code states that "... the police shall carry out their tasks in a fair manner, guided, in particular, by the principles of impartiality and non-discrimination". This is fundamental to the thrust of this Manual, which is to underline the need for ethical policing which is not only non-discriminatory in itself but which actively challenges and addresses instances of discrimination in a prompt and positive manner.

Paragraph 44 states that, "Police personnel shall act with integrity and respect towards the public and with particular consideration for the situation of individuals belonging to especially vulnerable groups". This underlines the particular sensitivity which police officers should show in dealing with certain individuals and classes. It stands in clear opposition to the discriminatory behaviour, including disrespectful language used by some police officers in dealing with such people.

Paragraph 46 affirms that, "Police personnel shall oppose all forms of corruption within the police. They shall inform superiors and other appropriate bodies of corruption within the police". This corruption naturally extends to all forms of misconduct, such as discriminatory and abusive behaviour against people on the basis of certain characteristics.

Paragraph 49 declares that, "Police investigations shall be objective and fair. They shall be sensitive and adaptable to the special needs of persons, such as children, juveniles, women, minorities including ethnic minorities and vulnerable persons". The objectivity and fairness of police investigations should extend into all aspects of police work where they engage with the public. This objectivity in particular is a key requirement of the open mind with which police officers should approach any situation which they are required to investigate.

Paragraph 52 asserts that, "Police shall provide the necessary support, assistance and information to victims of crime, without discrimination". Too often some police officers can behave in a dismissive and insensitive manner when dealing with victims of crime who don't fit into the police officer's own understanding or acceptance of a deserving victim. This can lead to many victims refusing to report crimes because of anticipated police behaviour.

Trainer's Notes

Handout 2.3.2 pulls together key aspects of the European Code of Police Ethics for discussion amongst participants in the context of the shared principles and standards required of officers. While it is particularly pertinent to the treatment of suspects, it obviously extends into all areas of police practice, including the treatment of victims and witnesses. All of this is highly relevant to the successful investigation of crime (see Module 4 for further information), while showing respect to everyone in every context is a key requirement for every police officer.

Handout 2.4.1: Options for Reporting Misconduct

Most of the time, it will be possible and preferable for a police officer to report any misconduct by fellow officers by using existing internal disciplinary processes. On other occasions, it may prove very difficult for an individual to report using this internal system, especially where they have a genuine fear of being victimised or because they believe that their report will not be addressed properly, if at all. On these occasions, where an officer further believes that speaking out is in the public interest because, for example, they are reporting a criminal offence, or miscarriage of justice or a cover-up of misconduct, then they may feel the need to look for other avenues to report what they have witnessed or what they have learned from their own experience. This form of communication is often referred to as 'whistle-blowing'. In many jurisdictions, those who blow the whistle, where they act in good faith, are protected by law from suffering any negative consequences for their reporting.

Where a whistle-blowing policy does not exist, a police officer may still be able to report in confidence (and even anonymously) to any one of a number of organisations or bodies who are interested in ensuring that the very kind of matters on which a police officer wishes to report are investigated. An officer may, for example, be able to contact an oversight body or a Civil Society Organisation that has a particular interest in police accountability. A concerned police officer may also be able to report to an Ombudsman's office or to a group involved with promoting citizens' rights, or an advocacy group dealing with policing issues. National Human Rights organisations and advocates will also be well placed to advise a police officer on how best to take forward any concerns in a way which offers them the best protection but at the same time helps ensure that the issues which they have raised are addressed.

Handout 2.4.2: Understanding Police Culture

Generally speaking, an organisational culture can be described as the way that people within a particular organisation work, how they do things and the accepted practices and norms which inform those operations. After a while of working, it just becomes accepted as the way in which things get done. When one looks at the police, even across different jurisdictions, they are often seen as sharing a specific organisational culture. Some of this is very positive. The police are well known amongst professionals for their high degree of camaraderie and cohesion. This is promoted by the closeness of working together, of belonging to a team and by the very real mutual dependency that officers share. The police receive many thousands of calls for help on a daily basis but, generally speaking, no call for help is answered more quickly than one where the call is made by a fellow officer. This reflects the support which officers give to colleagues and which they depend on for themselves. They have trust in their fellow officers and can be confident this support will always be given.

However, this allegiance can become distorted and corrupt where officers replace their obedience to the law and commitment to serve the public with greater loyalty to dishonest and unethical colleagues. This aspect of policing culture, which can seriously increase the likelihood of discriminatory misconduct continuing unchecked, is sometimes referred to as the 'Blue Code of Silence'.

This Blue Code of Silence refers to an unwritten agreement or understanding amongst police officers that they should support fellow officers even where this means not speaking out against colleagues who may be guilty of misconduct or other offences or infringements of the law. This is firmly ingrained into many police cultures. There are, for example, many well documented cases of investigations into police misconduct in public order situations where police officers contend that they have seen no instances of misconduct even while members of the public, news reporters, human rights activists and other independent observers have witnessed and recorded police officers exhibiting unnecessary and excessive force at the very same events. This unwillingness to speak out has been noted time and time again, even in jurisdictions where officers are required by their internal rules and/or by law, to report such misconduct. By failing to report what they see in these circumstances, witnessing police officers are themselves guilty of misconduct.

Clearly there is a need to address this negative aspect of policing culture. There is second challenge here, which is equally important to consider. It has to be recognised that police culture in many countries has been found to be, and is perceived to be, institutionally racist, sexist and discriminatory in several other ways. This can only be tackled where it is openly acknowledged and countered through specific programmes and actions at all levels within the organisation. This cannot be done simply by making new rules and regulations or by establishing new codes of conduct. It requires more than simply making statements by word of mouth or by lines on paper. There is little point in trying to re-define a culture by setting out an organisation's new vision and values, where its leadership do not personify these in their own daily practices and where little or no effort is made to enforce these values in others. Change must be driven and change must be measured.

Finally, it is worth noting that police forces will have within their ranks a number of officers from minority groups and a minority of officers who are women. However, these few members cannot by themselves have a significant influence on the dominant culture within the police organisation. They may even have to subordinate, suppress or keep secret certain of their characteristics in a desire to be accepted and to fit into the mainstream policing culture as it is currently promoted. Efforts to be more inclusive and to embrace greater diversity are some of the means by which culture can change, but only where such diversity is openly and genuinely accepted and celebrated. Again, this sets out a key role and challenge for leadership within the police organisation to drive through change and to be seen willing to change themselves.

Handout 2.6.1: The Impact of Police Culture on Complaint Reporting and Complaint Investigation

Senior police managers and responsible departmental officials need to reflect on and to recognise and accept the positive and negative aspects of a police culture. In particular, any discussion on police behaviour should note that within the operating environment of policing, the prevailing culture highly values acting as part of a team, one in which colleagues both depend on and trust each other for mutual support. Officers need to realise the understandable loyalties that this gives rise to, but at the same time come to appreciate that their loyalties have to sit within a proper hierarchy which places obedience to the law and respect for human dignity at the top. Elements of these discussions can be drawn out to analyse what changes (if any) participants feel are needed to the existing police culture to improve policing, and how such changes could best be carried out.

As indicated above, too often a 'blue wall of silence' exists in policing which operates to inhibit officers from speaking out against any witnessed or known misconduct by their colleagues. This is an inherent part of many police subcultures and is a distortion of the trust and assistance which officers can rightly expect to receive from colleagues when carrying out a difficult and dangerous job where mutual support is essential. While this code of silence may take the form of passive acceptance or acquiescence of misconduct, it can also include actions or omissions which work to obstruct investigations and make it more difficult to identify and sanction culpable officers successfully.

Tackling this requires more than making statements on required behaviours in codes of conducts or guides to professional standards. It requires a strong leadership who not only set standards of conduct but exemplify them through their own day-to-day professional practice. It requires a fair and responsive system of performance management which actively supervises and rewards good practice while challenging poor practice and misconduct.

It requires an organisation which shows zero tolerance for discrimination and for any form of ill-treatment. It requires a robust yet sensitive means of listening to complaints and allegations of disrespect and discriminatory behaviours and a means with which to investigate these in a way which is capable of identifying perpetrators and resolving cases in a manner which maintains public trust and confidence.

Module 3

DISCRIMINATORY PROFILING PREVENTION AND RESPONSE

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Introduction and Background

“Racial profiling constitutes a specific form of racial discrimination and must be expressly prohibited by law. It generates a feeling of humiliation and injustice among those groups that are subjected to it, results in their stigmatisation, negative stereotyping and alienation, and hinders good community relations. Furthermore, as concluded by the European Court of Human Rights, the perception by police officers of persons belonging to a particular community as “criminals” and the ensuing practice of racial profiling can result in “institutionalised racism”.¹

European Commission against Racism and Intolerance statement, 2020

ECRI’s General Policy Recommendation No. 11 on Combating Racism and Racial Discrimination in Policing, defines ‘racial profiling’ as “the use by the police, with no objective and reasonable justification, of grounds such as race, colour, language, religion, nationality or national or ethnic origin in control, surveillance or investigation activities”.² The UN Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, explains ‘racial profiling’ as “a reliance by law enforcement, security and border control personnel on race, colour, descent or national or ethnic origin as a basis for subjecting persons to detailed searches, identity checks and investigations or for determining whether an individual was engaged in criminal activity”.³ While profiling is a legitimate police practice to prevent, investigate and prosecute criminal offences, discriminatory profiling contributes to minority groups’ stigmatisation, diminishes trust in the police, escalates tensions between police and communities, and is unlawful.

Other street policing strategies are not only lawful, but more effective. These include “hot-spot policing”, where enforcement efforts are focused on very small geographical areas in which crime is concentrated, problem-orientated approaches to policing that rely on problem-solving methods, and focused deterrence approaches that use a variety of strategies to increase the deterrence of crime with regard to genuine, high-rate offenders.⁴

This module explores the main principles and strategies that can help prevent and reduce the risk of discriminatory profiling by the police in the context of the most common policing actions, including ID checks, traffic stops, and searches. One of the main aims is to increase police officers’ awareness of the “human impact” of their use of such powers. For the police, ID and traffic stops are a routine part of their job, and for this reason, they might not appreciate the impact of their actions on citizens. For the person who is stopped, the experience can be embarrassing, humiliating and, if repeated, it can have a profoundly negative impact on their trust and confidence in the police. There is a duty on the police to be vigilant to the fact that they are informed by their own biases and prejudices, and have a duty to “stop, think and explain” before they use their powers. It is essential that police challenge and eliminate racism and other forms of discrimination in their daily practice.

¹ Recent ‘Statement of the European Commission against Racism and Intolerance (ECRI on Racist Police Abuse, including Racial Profiling and Systemic Racism’, which was adopted by ECRI at its 82nd Plenary meeting (30 June – 2 July 2020), available at <https://rm.coe.int/statement-of-ecri-on-racist-police-abuse-including-racial-profiling-an/16809eee6a>.

² ECRI General Policy Recommendation No. 11 (2007) on Combating Racism and Racial Discrimination in Policing, p. 13, available at <https://rm.coe.int/ecri-general-policy-recommendation-no-11-on-combating-racism-and-racia/16808b5adf>.

³ Ruteere, M. (2015), ‘Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance’, A/HRC/29/46, para 2, United Nations General Assembly, available at www.ohchr.org/sites/default/files/Documents/Issues/Racism/A-HRC-29-46.pdf

⁴ See, for example, Braga, A. A. et al. (2012), ‘The effects of hot spots policing on crime: an updated systematic review and meta-analysis’, *Justice Quarterly*, 31(4), available at: www.tandfonline.com/doi/abs/10.1080/07418825.2012.673632.

Learning Outcomes

Participants will:

- Understand the impact that being profiled by the police has on individuals as well as more widely on those disproportionately targeted, namely racialised people, and other groups stigmatised by society, with a particular focus on police stops
- Understand key concepts of profiling in the context of law enforcement
- Identify main national policies, rules and complaints' processes related to law enforcement profiling
- Understand the value of adhering to human rights principles in profiling practices
- Identify acceptable and unacceptable practices in law enforcement profiling and ID checks and police stops
- Become familiar with good practices to prevent discriminatory profiling
- Apply strategies to promote equality in profiling practice.

Overview of Activities and Timings

Activity 3.1: Our shared values	(30 minutes)
Activity 3.2: The impact of police profiling on communities	(60 minutes)
Activity 3.3: Stops: From stereotyping to discrimination	(30-45 minutes)
Activity 3.4: Stops: Professional practice	(60 minutes)
Activity 3.5: Right(s) communication	(90 minutes)
Activity 3.6: Leadership	(60 minutes)

Preparation

In addition to drawing on the Needs Assessment, in preparing this module the trainer / training team should research and gather materials on the following:

- Police guidance and guidelines that are relevant to profiling practices, especially ID checks, traffic stops and searches, and the definition of 'reasonable suspicion'
- Any relevant laws, for example national anti-discrimination and/or human rights law
- Any available data on ID checks, traffic stops and searches
- Significant reports and research conducted by specialist non-governmental organisations and equality bodies on the prevalence and impact of police practice in this area, including key recommendations for improvement.

The training team should also identify and be ready to contact key community and grassroots organisations working to raise awareness of discriminatory police practice. Activity 3.2 involves the inclusion of community representatives in increasing participants' awareness of the human impact of policing in this area.

Each activity is accompanied by specific points on the necessary preparatory steps, as needed. Also, trainer's notes and recommendations are provided throughout the module activities.

Activity Descriptions

Activity 3.1: Our Shared Values

Learning points: This activity encourages discussion and action about fundamental values when policing diverse communities, by promoting lawful profiling practices which respect citizens' dignity and rights.

Time: 30 minutes

Materials needed: flip chart, flip chart paper, white board, markers, video projector
Handout 3.1a and Handout 3.1b
4 sets of 16 Value Sort Cards
paper (A4), pens, Blu Tack adhesive / tape

Preparation: Reproduce four copies of the 16 Value Sort Cards. Cut the cards and form 4 sets (Handout 3.1a). Also make four copies of the page 'Police values when policing multicultural communities' (Handout 3.1b).

You can also review the 'further reading materials' and incorporate anything that you think would be useful in the training materials and to support the discussion.

Before the training session starts, organise the training room in a working group format with four tables with chairs around them. Display at the centre of each table a set of post-its, pens, paper and Blu Tack for the group exercise.

Instructions

1. Divide participants into four groups.
2. Explain to participants that each group is now a newly-formed police patrol team. Distribute to each "team" a set of 16 Value Sort Cards (Handout 3.1a) and Handout 3.1b.
3. Explain to the teams that they should sort the cards by importance (most important, important, least important), according to how each "team" would rank the importance of each value when exercising profiling and stop-and-search powers. Explain that there is not necessarily one right answer and that during the discussion, it is likely that they will think that several values are equally important. Explain that the purpose of the exercise is to generate discussion and connection. Inform them that they will have 15 minutes to complete the task.
4. Start the timer and go to each team to clarify any doubts and to make sure everyone is participating in the discussion. Alert participants when the time is over.
5. Ask each team to share which values they considered the "most important" and "least important", and to explain why. After all groups have shared their answers, ask participants if they would like to add any more comments.
6. Project the statement below, about ethnic profiling, and give participants time to read it. Ask the group to share any reflections about police values and practices that are relevant here.

“(…) Most of us want to be free to go about our business. Whether that’s going to the supermarket, or the subway, rushing to work or stopping in the square for a chat. We want to treat each other and be treated with respect, whatever our religion, ethnicity or sexuality. To make this happen, we need to know that police officers are there to protect our freedom, rather than take it away. We should be able to approach them when we choose or need to, knowing they will treat us with humanity.”

Butler, I. (2021), ‘How to talk about ethnic profiling: a guide for campaigners’, Liberties⁵

⁵ Butler, I. (2021), ‘How to talk about ethnic profiling: a guide for campaigners’, Civil Liberties Union for Europe, available at https://dq4n3btxmr8c9.cloudfront.net/files/uLHnjY/ethnic_profiling.pdf.

Activity 3.2: The Impact of Police Profiling on Communities

Learning points: This activity aims to ensure that participants understand the impact that being stopped by the police has on individuals, as well as more widely on those disproportionately targeted by police stops, namely racialised people, and other groups stigmatised by society.

Time: 90 minutes

Materials needed: Annex 3.2

Preparation: This activity involves several preparatory steps and four alternative delivery methods. Carefully review this section so that you have time to plan and decide the best method for delivering this important activity.

Step 1: preparing the community statements

This session depends on first-hand testimony of people's experiences of being stopped by the police. The aim is to best support police learners in understanding the impact of their actions on members of the public, and members from minority communities in particular.

Four main methods to gather people's experiences are outlined below:

1. Invite representatives to directly share their experiences with the participants during the training.
2. Gather written, audio or video-recorded testimony.
3. Use the examples in Annex 3.2. These are set out in more detail below. It is strongly recommended that the training team tries to obtain at least one or two testimonies from the national context. This approach will strengthen the credibility and relevance of the training in the eyes of your participants.
4. A hybrid approach – depending on what you have been able to gather at the national level, you can use national material as well as material from Annex 3.2.

First, to get a sense of the type of testimony that is needed for this activity, briefly review the material in Annex 3.2. You will see that it includes short, powerful statements that give a sense of the frequency of police stops, the experience itself, the impact on the person being stopped, and the longer-term consequences. If you have time, watch the following videos (the first video is less than 5 minutes long; the second is about one hour.)

Open Society Foundations (2013), 'The Human cost of Stop and Search', www.youtube.com/watch?v=7Tx7sK54y2Y&t=1s

Hollandse Heldon (2019), 'Suspect', <https://vimeo.com/287690617/94f9af66cc>.

Method one: Invite representatives to directly share their experiences with the participants during the training

The success of this method depends on the existence of appropriate community organisations who know and can support individuals who are able and interested in sharing their experience with the police. It also depends on skilful facilitation by the training team. If this approach is chosen, it is recommended that the training team meets with the individuals who will take part in the training, and explains the activity in detail, including how the testimony can be delivered to the participants. It could be useful to share Annex 3.2 as an example of the types of experiences that can be shared. If an individual or individuals are able to attend, clarify their preferences in terms of how they would like to share their experience and reassure them that, as the facilitator, you will check in with them regularly to see that they are comfortable. Talk through the key elements of the story that they would like to share. It is recommended that a detailed description of the incident is avoided. This is because training participants might focus on the process and technical points of police procedure rather than the learning point, which is to understand the impact and consequences of police stops and ID checks.

If time allows and the information is available, the training team might want to consider inviting the community organisation to share any information they have that is relevant to the topic, for example data that they have gathered on police profiling activity and its impact on the community.

Involving community organisations can be a constructive approach to building relationships between the police more generally (see Module Six).

Method two: Gather written, audio or video-recorded testimony

The success of this approach also depends on the existence of appropriate community organisations who know and can support individuals who are able and interested in sharing their experience with the police. In this case, their statements can be gathered in person in writing, or through short audio or video recordings. Bear in mind your responsibility to protect the right to anonymity and confidentiality at all times, and to seek the appropriate consent and permissions.

Method three: Using existing examples (see Annex 3.2)

Annex 3.2 lists several examples of community experiences. Please note that it is also possible to use a mixture of these methods (method four). For example, you might only be able to obtain one or two community experiences from the country in which the training is taking place. In this case, you can also use statements from Annex 3.2.

Step 2: preparing for the training session

Now you need to prepare the community input and materials for the session. If you are only using method one, check with your community partner if they would like you to copy and share any materials during the session. If so, do this before the activity begins.

If you are using methods two, three and/or four, you need to prepare materials so that they can be used by the participants. If you have audio or visual material, make sure that you have the technology to play the

material. If you have written materials, it is recommended that you print out each statement on a single piece of paper. This will allow each participant to read out a statement during the training.

Instructions

1. Organise the chairs in a circle with no tables.
2. Open the session by explaining that the purpose of the activity is to increase participants' understanding of the impact of repeated and possibly discriminatory ID checks, police stops and searches on the individual members of the public concerned.
3. Depending on the method you are using (see above), start the session by sharing community experiences. If you are using method one, introduce the guest presenter and facilitate their input; if you are using method two, share the audio / visual material. If you are using written materials (method two / three / four), hand out at least one statement to each participant and ask them to read the statement out loud to the group.
4. After the community input has been shared, facilitate a discussion. For method one, this might entail facilitating a question and answer session with the guest presenter. Take care to steer the conversation away from the specifics of an incident or towards points and insights about experiences and impact. Ensure that the community represented is treated with respect at all times.
5. During the feedback session, use the following questions to explore the key learning points. It can also be useful to use the headings in Annex 3.2 (experience, impact, consequences) to guide the discussion:
 - a. What do you think is the main emotion and impact of these individuals' experiences of being stopped by the police? (Answers can include feelings of humiliation, embarrassment, confusion.) Can you highlight one or two statements that reflect these emotions and impact?
 - b. What do you think are the main consequences of being repeatedly stopped by the police? (Answers can include loss of confidence in the police, the feeling that you are being treated differently than other members of the community.)
 - c. How do people want to be treated by the police? (Answers can include being treated with respect, being treated as a member of society.)
 - d. Have you or a family member or friend been stopped by the police? What was the experience like? Can you share anything more with your fellow learners?
 - e. Do you think that you have engaged in or have witnessed the discriminatory use of police powers to check IDs, to stop individuals and/or to conduct searches? Do you want to share more? (Reassure participants that they are in a safe space. Also bear in mind that, if an example of police misconduct is shared, this information might need to be acted on).
 - f. Do you have any other reflections about what has been shared? What have you learned from these experiences?
6. During the facilitation, make sure you challenge statements that make generalisations or express prejudice towards any communities, and be especially mindful if you have a guest presenter. Secondary victimisation (i.e. allowing a guest to feel discriminated against a second time in the process of sharing their story) cannot be tolerated. Lively discussion and debate is fine, but disrespect must be challenged.
7. Draw the activity to a close by highlighting the key points that have come up. Remind the group that racial and other discriminatory profiling are unlawful, create feelings of humiliation and alienation, and hinder good community relations. There are better, more effective and lawful ways to carry out the essential police function of keeping communities safe, and we will explore these in later activities.

8. You might also want to highlight the following points: the police, like the general population, have biases. The difference between the police and others is that police officers have been given specific powers, bestowed upon them by the society, to lawfully interfere with people's rights. This is a great responsibility and means that every police officer needs to think twice and be sure that they have objective evidence to stop, search, profile and interfere with citizens' rights.
9. Close the session by thanking everyone for their participation. Particularly thank any guest presenters.

Activity 3.3: Stops – from Stereotyping to Discrimination

Learning points: This activity explores the importance of self-awareness and how personal attitudes and confirmation bias negatively impact a professional approach to police stops in diverse communities.

Time: 30-45 minutes

Materials needed: Handout 3.3
flip chart
flip chart paper
white board
markers
video projector and computer
paper
pens

Preparation: Prepare in advance a slide with the ‘Cycle of the self-fulfilling prophecy’⁶ and the necessary number of Handout 3.3.
Research any available data on ID checks, traffic stops and searches
Research significant reports and research conducted by specialist non-governmental organisations and equality bodies on the prevalence and impact of police practice in this area, including key recommendations for improvement.
Gather key data from this research that can be shared with participants during the activity.
Before the training session starts, organise the training room in a working group format with four tables with chairs around them.

Instructions

1. Distribute Handout 3.3 and present the slide of the ‘Cycle of the self-fulfilling prophecy’. Give participants a few minutes to read the handout. Highlight key points and ask if there are any questions that participants would like to ask.
2. Form four groups and ask participants to further discuss the logic of the ‘Cycle of the self-fulfilling prophecy’.
3. Inform the groups that they will have 15 minutes for the discussion and to write down an example that illustrates this logic (based on participants’ personal knowledge and experience).
4. Go around the groups to clarify any doubts. Make sure everyone participates in the discussion.
5. At the end of the 15 minutes, ask each group to share their results.
6. After all the groups have shared their reflections and provided an example, ask the participants if they would like to add any more comments or ask any questions.

⁶ European Union Agency for Fundamental Rights (FRA) (2018), Preventing unlawful profiling today and in the future: a guide, p. 49, available at https://fra.europa.eu/sites/default/files/fra_uploads/fra-2018-preventing-unlawful-profiling-guide_en.pdf.

7. Facilitate a closing discussion by underlining the following points:
 - Where broad profiles are applied to a minority group, it contributes to the risk that it is perceived as a “suspect community” that is associated with criminality. That may, in turn, result in increasing prejudice against its members. In such cases, a disproportionate amount of police resources can be targeted towards policing minority communities, which will lead to higher numbers of arrests or checks. In this case, a self-fulfilling relationship between intensive policing and higher arrest rates may be established.
 - The risk of a ‘self-fulfilling prophecy’ is when police officers base their profiling not on reasonable grounds but on these prejudices, interpreting information in a way that confirms their own biases. This is called the ‘confirmation bias’. It happens when police officers’ prejudices mean that they expect an individual to act unlawfully based on the person’s actual or perceived race, ethnic origin, gender, sexual orientation, religion, or other. Because of this bias, police officers with such prejudices are more likely to stop individuals matching this description.
 - At the same time, since it is more likely that evidence of criminality will be found among individuals who are stopped than those who are not stopped, this bias-based profiling reinforces police officers’ stereotypes. This deceiving ‘proof’ that the decision to stop these individuals was correct is the ‘self-fulfilling prophecy’. Such bias-based profiling is discriminatory, unlawful and ineffective, and it perpetuates stereotypes, which in turn perpetuates the criminalisation of those individuals.
8. Now share the data that you have gathered about the frequency of police stops, and police vehicle and personal searches at the national level, if available and appropriate.
9. Remind participants about the impact of these actions on the individuals who are stopped by the police, as explored in Activity 3.2.

Activity 3.4: Stops – Professional Practice

Learning points: This activity aims to explore police powers and obligations regarding police ID checks and other stops, as well as vehicle and personal searches.

Time: 60 minutes

Materials needed: Handout 3.4
Annex 3.4 (trainers' notes)
flip chart
flip chart paper
white board
markers
video projector and computer
pens
fluorescent markers of different colours
post-its
Blu Tack
adhesive / tape

Preparation: Carefully research existing national law, police guidance and guidelines on ID checks, traffic stops and searches, and definitions of 'reasonable suspicion'. Include a review of national discrimination laws that apply to police actions in this area. Review and make notes on the table in Handout 3.4 that will be the basis of the activity and ensure that in the training team, you are able to complete the table based on the information that you have.
Reproduce in advance copies of Handout 3.4.
Before the training session starts, organise the training room in a working group format with four tables with chairs around them.

Instructions

1. Form groups of 4-5 people
2. Distribute a copy of Handout 3.4 to each table and a flip chart sheet. Now go through the instructions carefully and check if everyone understands. Remind participants that they can ask questions as they come up.
3. Inform the groups they have 30 minutes to complete the task.
4. Go around each group to clarify any doubts and make sure that everyone is taking part in the discussion.
5. Now bring participants back into the large group.
 - Ask each group to present their table and encourage others to take part in the discussion.
 - While facilitating the discussion, refer to the trainers notes in Annex 3.4
6. Close the discussion by highlighting key points.

Activity 3.5: Right(s) Communication

Learning points: This activity is designed for frontline police who routinely encounter scenarios where they need to establish and act on reasonable suspicion. The activity involves developing a role play about a stop-and-search scenario, which models good and poor practice. The following activity, 3.6 is designed for senior police who have responsibility for setting policy and guidance in this area.

Time: Up to 90 minutes

Materials needed: flip chart
flip chart paper
white board, markers
video projector and computer
Handout 3.4

Preparation: Before the training session starts, organise the training room with the chairs in a circle and no tables.

Instructions

1. Form groups of no more than 5 people.
2. Explain to the groups that they will be working with each other to act out a stop-and-search scenario which covers the main points that they have learned so far. Remind participants what these are (you can refer to the previous activity's Handout 3.4 as a useful guide).
3. Explain that you would like them to think of a situation they have been involved in, or that they know about, and to reflect on: What went well? What didn't go well? What could have been done differently? Ask them to use this experience, the learning from the activities and the materials that they have, to develop a short role play of a stop-and-search scenario involving a police officer, or police officers, and a member of the community. Explain that the scenario only needs to be a few minutes, but that it should cover as many of the key learning points as possible.

Ask the participants to incorporate a focus on:

- a. showing the correct or incorrect application of the 'reasonable suspicion standard'
 - i. Remind them of the definition covered in the previous activity: paragraph 3 of ECRI General Policy Recommendation 11: "To introduce a reasonable suspicion standard, whereby powers relating to control, surveillance or investigation activities can only be exercised on the basis of a suspicion that is founded on objective criteria". The European Code of Police Ethics provides in its paragraph 47 that "[p]olice investigations shall, as a minimum, be based upon reasonable suspicion of an actual or possible offence or crime". As explained in the Explanatory Memorandum to the Code, this means that there needs to be a suspicion of an offence or crime that is justified by some objective criteria before the police can initiate an investigation.⁷
- b. showing an example of a colleague challenging a racist statement, or action by a colleague during a police stop.

⁷ ECRI General Policy Recommendation No. 11 (2007) on Combating Racism and Racial Discrimination in Policing, available at <https://rm.coe.int/ecri-general-policy-recommendation-no-11-on-combating-racism-and-racia/16808b5adf>.

4. Check if anyone has any questions, and then give participants 30 minutes.
5. While the small groups are working, check to see if they have questions or if they are stuck with anything.
6. After 30 minutes, check to see if the groups need more time.
7. When the groups have finished, invite them to present their role play. After each role play, open up the floor to the rest of the group to invite compliments, questions and issues for discussion.
8. Close the activity by highlighting the key learning points from each activity.
9. Facilitate a closing discussion by underlying that the police represent power and authority, and have, at the same time, the mission to protect citizens' fundamental rights. Ask participants to comment on the importance of the police to communicate with respect and with dignity to all community members.

Activity 3.6: Leadership

Learning points: This activity involves identifying the key strategic issues when creating a framework to ensure fair and lawful police profiling practice, with a focus on police stops. It is aimed at senior police leaders with responsibility in this area.

Time: 60 minutes

Materials needed: flip chart
flip chart paper
pens

Preparation: Draw on research conducted in preparation for this training, including information about existing national law, policy, guidelines and data in this area.
Review the trainers notes in Annex 3.6, and update and revise as needed to support the activity in the national context.

Instructions

1. Arrange the room with chairs in a circle and no tables
2. Open the session by explaining that the purpose of the activity is to identify the 'building blocks' of a lawful, effective and fair profiling policy, with a focus on police stops.
3. Facilitate the discussion using the trainers notes in Annex 3.6 and by taking notes on a flip chart. Consider asking if one of the participants would like to assist by taking notes.
4. As you progress through the 'building blocks,' explained in Annex 3.6, ask if anything is missing, or if participants are concerned that any of the identified actions are not possible in the national context. If this issue is raised, open a problem-solving discussion on this topic. For example, if there is no legal or regulatory guideline on racial or discriminatory profiling, how can this be addressed? Is it possible for the police to issue a guideline in the absence of law? Encourage participants to "think outside the box" and to identify what they can do within the institution of the police to move forward in this area.

Annexes and Handouts

Handout 3.1a: Value Sort Cards

<p style="text-align: center;">Professionalism</p> <p>You act in a responsible and fair manner according to the code of conduct in all your personal and work activities.</p>	<p style="text-align: center;">Respect</p> <p>You faithfully, and without bias, honour the obligations to the community and by treating others as you would like to be treated.</p>
<p style="text-align: center;">Integrity</p> <p>You are committed to the highest standards of honesty and ethical conduct, and maintain citizens' trust.</p>	<p style="text-align: center;">Collaboration</p> <p>You encourage and work with stakeholders and minority communities to monitor and combat the use of racial and ethnic profiling.</p>
<p style="text-align: center;">Accountability</p> <p>You are answerable for your decisions, actions and omissions.</p>	<p style="text-align: center;">Honesty</p> <p>You are truthful and trustworthy.</p>
<p style="text-align: center;">Leadership</p> <p>You lead by good example.</p>	<p style="text-align: center;">Objectivity</p> <p>You make choices on evidence and your best professional judgments.</p>

<p>Openness</p> <p>You are open and transparent in your actions and decisions.</p>	<p>Selflessness</p> <p>You act in the public interest.</p>
<p>Lawfulness</p> <p>You use your powers and authority lawfully and proportionately, respecting the rights of all individuals.</p>	<p>Equality</p> <p>You act with impartiality, and you are anti-racist and anti-discriminatory in your work.</p>
<p>Challenging Improper Behaviour</p> <p>You challenge or take action against the conduct of colleagues which has fallen below the standards of professional behaviour.</p>	<p>Use of Force</p> <p>You only use force as part of your role and responsibilities, and only to the extent that it is necessary, proportionate and reasonable in all circumstances.</p>
<p>Responsibility</p> <p>You are diligent in the exercise of your duties and responsibilities.</p>	<p>Confidentiality</p> <p>You treat information with respect, and access or disclose it only in the proper course of your duties.</p>

Least Important

Place 4 cards

Important

Place 8 cards

Most Important

Place 4 cards

Annex 3.2

The following statements are from people of African, North African and South Asian descent in the Netherlands, France and the United Kingdom. They include a school teacher, two police officers, several students, a youth worker, a musician and a university lecturer. All have been stopped multiple times; some have been stopped more than 30 times.⁸

Frequency

'I can't count how many times I've been stopped. I talk with people who say they've never been stopped in their lives, and I say to myself, but how can that be?'

'The pain is the repetition. It happens so many times.'

'I can't keep count.'

'At a certain point, I always had my ID ready. I would say, "Here you are"'

'There has to be a legal and objective reason. But at some point, it became a habit.'

'It's frightening to be viewed with suspicion at all times.'

Experiences

'I was asking a police officer for directions, and suddenly he said, "Excuse me, sir. We need to search you"'

'They touch you everywhere ... from top to bottom. It feels very uncomfortable.'

'I didn't like that they were assuming everything. They assumed that I stole a phone ... and people were passing by and that was very embarrassing.'

'I'm being stopped by the police. Everybody walking past, driving past, thinks I'm a criminal. As far as I'm concerned, I got stopped because I'm a black guy driving a car.'

'They don't understand the fact that you can be a young man who dresses in a street manner and actually not be a criminal.'

⁸ These statements have been adapted from the following resources: Human Rights Watch (2012), 'The Root of Humiliation', Abusive identity checks in France, available at www.hrw.org/report/2012/01/26/root-humiliation/abusive-identity-checks-france; Open Society Foundations (2013), 'The Human cost of Stop and Search', www.youtube.com/watch?v=7Tx7sK54y2Y&t=1s; Hollandse Heldon (2019), 'Suspect', <https://vimeo.com/287690617/94f9af66cc>.

The impact

'I felt like I needed a shower after. I felt really inadequate. I felt dirty, I did. It felt really bad.' 'You are looked at a certain way. You are treated a certain way.'

'It has a horrible effect on you.'

'It's belittling.'⁹

'I felt intimidated, helpless, belittled.'

'[You are treated as if] you don't belong ... that you are different.'

'It makes me feel impotent. Not just then, also in the days, weeks, months afterwards. You never forget that.'

'Humiliation. First class humiliation. I learned at a young age: never end up at the police station.'

'That builds up and you experience that. You see and feel and hear it. In the end, it forms a kind of tumour.'

Consequences

'[As a member of the public] I am a customer. You should treat a customer with respect until the opposite is proven.'


'You try and defend it by telling yourself it is ignorance by the other side. That it results from that, and you shouldn't blame [them] ... [But] if you have been a witness or even been a victim, you're less likely to approach the police to tell your story, because you don't trust them.'

'I don't see the police as my enemy. Not at all. But there are some officers who behave as enemies ... But the whole idea is that police are there to protect people ... It's important to return to that. Everyone should feel safe when a police car passes. They shouldn't automatically think, oh shit, I'll get a fine or be arrested for nothing.'

'I want people to realise that, irrespective of our appearance, we're all taking part in society.'

'It really penetrates to the core ... how should I put it? Idealism made me choose this great profession [the police]. And I expect my colleagues to give a good example and when something like this happens, I can't understand it ... I can't react rationally because it's a feeling that emerges from deep inside and I think, where is this taking us?'

⁹ 'How many times have you been stopped by police?' www.youtube.com/watch?v=7Tx7sK54y2Y&t=1s.



Self-fulfilling
prophecy perpetuating
discrimination

FRA, Handbook – Preventing unlawful profiling today and in the future: a guide.¹⁰

¹⁰ European Union Agency for Fundamental Rights (FRA) (2018), Preventing unlawful profiling today and in the future: a guide, available at https://fra.europa.eu/sites/default/files/fra_uploads/fra-2018-preventing-unlawful-profiling-guide_en.pdf.

Handout 3.4: Police Powers and Obligations in Stops, ID Checks and Personal and Vehicle Searches

	Police legal obligation (according to national law)	Police ethical/ good practice obligation (if not already covered by national law)
ID checks		
Questions regarding what a person is doing in the area and where they are going		
Vehicle stops		
Searches of a person or vehicles		
Arrest		

Match the statements to the 'Police legal obligation' and 'Police ethical/ good practice obligation' columns. Discuss with colleagues whether police powers and obligations are required by national law, international standards and/or another standard or ethic.

Try to think creatively and keep the following points in mind:

- Are you familiar with all police guidance in the area of stops, ID checks and persona/vehicle searches? If not, where would you find this information?
- Are you aware of national human rights laws? Do they apply to policing activities?
- Similarly, are you aware of national law on racial discrimination and other forms of discrimination, for example, gender or disability?

HANDOUT

Make a note of them on the table. Add duties and powers that you think are missing, and discuss them with your fellow participants.

- a. Duty not to discriminate
- b. Duty to challenge any racist language and/or discriminatory acts in the course of a stop, check / search
- c. Duty to treat individuals with respect
- d. Obligation to only act on reasonable suspicion
- e. Duty to explain the basis of the search (for example, for weapons / drugs / stolen goods)
- f. Duty to take information from the individual – name, age, address, ethnicity
- g. Obligation to issue a record of the police action
- h. Obligation to enter a record of the incident on the police database
- i. Search must be conducted by officer of the same sex
- j. Search can allow religious attire to be removed (e.g. headscarf / turban)
- k. Obligation to conduct a physical search out of public view
- l. Obligation to provide the individual with written information about their rights during a search and/or police check.

Annex 3.4: Trainer's Notes

All of the duties/obligations should be covered by national police guidelines, national human rights standards or national anti-discrimination laws. If they are not, they are all ethical and good practice obligations. When facilitating this point, ask participants if they are aware of police guidelines/ national laws and where they think the gaps are.

Encourage participants to take notes on their handouts and to keep them for future reference.

- a. Duty not to discriminate
 - applies to all actions under international standards and most countries' national anti-discrimination frameworks.
- b. Duty to challenge any racist language and/or discriminatory acts in the course of a stop, check / search
 - applies to all actions at least as ethical practice
- c. Duty to treat individuals with respect
 - applies to all actions at least as ethical practice
- d. Obligation to only act on reasonable suspicion
 - applies to all actions except arrest where there should be a higher standard. While discussing 'reasonable suspicion', draw on the following points
 - ask participants if the 'race', ethnicity or any other characteristic is part of the definition. The answer, of course, is no. Facilitate a discussion about the fundamental importance of this point. If an officer draws a conclusion that criminal activity is about to or has been committed based on the characteristics of the 'suspect', and if the police officer acts on his or her conclusion, the police action is discriminatory. When facilitating this discussion, try to bring in as many participants as possible and to create opportunities for peer-to-peer connection.
 - Paragraph 3 of ECRI General Policy Recommendation No. 11 states: "To introduce a reasonable suspicion standard, whereby powers relating to control, surveillance or investigation activities can only be exercised on the basis of a suspicion that is founded on objective criteria".
 - The European Code of Police Ethics provides in its paragraph 47 that "[p]olice investigations shall, as a minimum, be based upon reasonable suspicion of an actual or possible offence or crime". As explained in its Explanatory Memorandum to the Code, this means that there needs to be a suspicion of an offence or crime that is justified by some objective criteria before the police can initiate an investigation. ECRI believes that the introduction of a reasonable suspicion standard in the exercise of police investigation powers and in the exercise of police powers relating to control and surveillance activities is a particularly important tool in combating racial profiling. It therefore recommends that such a standard be introduced in the legal or regulatory frameworks which, in the different member states, govern the exercise of these police powers.¹¹
- e. Duty to explain the basis of the search (for example, for weapons / drugs / stolen goods)
 - applies to 'Searches of a person or vehicles'

¹¹ ECRI General Policy Recommendation No. 11 (2007) on Combating Racism and Racial Discrimination in Policing, available at <https://rm.coe.int/ecri-general-policy-recommendation-no-11-on-combating-racism-and-racia/16808b5adf>.

- f. Duty to take information from the individual and to explain that this is kept confidentially– name, age, address, ethnicity
 - this applies to all except arrest. There is likely to be some discussion on this point. Many jurisdictions do not gather this information for historical reasons. However, there is a growing consensus that collecting and anonymising this information is essential for law enforcement institutions to identify evidence of disproportionality in their stops, ID checks and searches.
- g. Obligation to issue a record of the police action
 - applies to all except arrest
- h. Obligation to enter a record of the incident on the police database
 - applies to all
- i. Search must be conducted by officer of the same sex
 - this relates to points on respect and dignity.
- j. Search can allow religious attire to be removed (e.g. headscarf / turban)
 - this relates to points on respect and dignity.
- k. Obligation to conduct a physical search out of public view
 - this relates to points on respect and dignity.
- l. Obligation to provide the individual with written information about their rights during a search and/or police check.
 - The point that some jurisdictions also have the facility to provide an electronic record of the stop/ check can also be discussed.

Annex 3.6: Trainer's Notes

This annex mainly draws on ECRI General Policy Recommendation 11.¹² It is recommended that trainers read the sections on 'Racial Profiling' in preparation for this activity. Check on the ECRI website to see if there is a version in the national language that can be shared with participants.

The annex also draws on:

FRA (2018), Preventing unlawful profiling today and in the future: a guide.¹³

Open Society Justice Initiative (2021), Challenging ethnic-profiling in Europe: a guide for campaigners & organisers¹⁴

Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance.¹⁵

The '**building blocks**' for a fair and lawful strategy in this area include:

1. Law

- clearly define racial profiling in law
- "For the purposes of this Recommendation, racial profiling shall mean: The use by the police, with no objective and reasonable justification, of grounds such as race, colour, language, religion, nationality or national or ethnic origin in control, surveillance or investigation activities"¹⁶

2. Prepare and issue guidelines that include:

- the definition of racial profiling, reasonable suspicion
- the prohibition of racial profiling and the requirement for reasonable suspicion
- the consequences for engaging in unlawful practice
- the process for issuing a record to an individual when stopped
- the expectation that all members of the public are to be treated with respect
- information about the collection of data and how it can be used for monitoring and management purposes.

3. Training

To train the police on:

- the issue of racial profiling
- the use of the reasonable suspicion standard
- conducting lawful and respectful stops, ID checks, vehicle and personal searches
- how to provide a record of a stop with an individual
- challenging poor or discriminatory practice by colleagues.

¹² Ibid

¹³ European Union Agency for Fundamental Rights (FRA) (2018), Preventing unlawful profiling today and in the future: a guide, available at https://fra.europa.eu/sites/default/files/fra_uploads/fra-2018-preventing-unlawful-profiling-guide_en.pdf

¹⁴ Open Society Justice Initiative (2021), Challenging Ethnic Profiling in Europe: A Guide for Campaigners and Organizers, available at www.justiceinitiative.org/publications/challenging-ethnic-profiling-in-europe-a-guide-for-campaigners-and-organizers.

¹⁵ Ruteere, M. (2015), 'Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance', A/HRC/29/46, para 2, United Nations General Assembly, available at www.ohchr.org/sites/default/files/Documents/Issues/Racism/A-HRC-29-46.pdf

¹⁶ ECRI General Policy Recommendation No. 11 (2007) on Combating Racism and Racial Discrimination in Policing, available at <https://rm.coe.int/ecri-general-policy-recommendation-no-11-on-combating-racism-and-racia/16808b5adf>

4. Records for individuals

- Create a system for sharing a record of a police stop with the individual concerned. This can include a form (see FRA example below), a receipt, and/or some method of providing digital receipts / access to stop information. Recognise that different approaches may work better in different countries.

5. Data (see also Open Society recommendations below)

- Carry out research on racial profiling and monitor police activities in the areas of control, surveillance or investigation activities in order to identify racial profiling practices.
- Set up processes that allow the collection of data, categorised according to grounds such as national or ethnic origin, language, religion and nationality in respect of relevant police activities.
- Ensure data protection.
- Police leaders should take responsibility for the accuracy of data obtained during police stops, transparency and accessibility of the information to the general public, for example, through online portals.
- Police leaders should facilitate and welcome external scrutiny and critique of the use of police stop powers (see also Module 6).
- Hold local and regional police teams accountable for police stops data and take action where there is evidence of disproportionality and/or discrimination.
- See here for online access to information on personal stop and search <https://data.police.uk/data>.

6. Behaviour

- Speak out publicly against discrimination and avoid making statements linking race or ethnicity to criminal behaviour, irregular migration or terrorism. (See Recommendations of the United Nations Human Rights Council below.)

Other useful information

“(...) First, police academies could train officers to use their powers only when they have real evidence. The police should only stop someone when they can show facts that give them a reasonable suspicion that a crime has been committed. One way to help our officers do this, is to make sure that they fill out a stop form that records the details of the stop. Police can then keep a check on whether they are still stopping too many innocent people or focusing too much on people from ethnic minorities. Police who have started using stop forms say that they have helped them do a better job. By following the evidence, they stop more genuine suspects and fewer innocent people.”

Civil Liberties Union for Europe – ‘How to talk about ethnic profiling: a guide for campaigners’¹⁷

¹⁷ Butler, I. (2021), ‘How to talk about ethnic profiling: a guide for campaigners’, Civil Liberties Union for Europe, available at https://dq4n3btxmr8c9.cloudfront.net/files/uLHnjY/ethnic_profiling.pdf.

Good practices of Stop & Search forms

Focus on what makes a good stop and search form

Stop and search forms need to be well designed to be useful. Firstly, completing the forms creates additional workload for officers. If not clearly designed and reasonably short, the risk is that officers may not complete the entire form, or will fill it out in a cursory way. Secondly, good forms allow data to be easily extracted and collated to support the monitoring and evaluation of stop and search actions.

Whenever possible, stop and search forms should:

- Use multiple-choice fields which are quicker to fill in and easier to process statistically.
- Set out an exhaustive list of options for each item.
- Avoid ambiguous items.
- Be easily understandable, for both the officer and the person stopped.
- Include:
 - a. the legal grounds for the search. Simple explanations rather than a list of rules are preferable;
 - b. the date, time and place where the person or vehicle was searched;
 - c. the object of the search e.g. item(s) officers are looking for;
 - d. the outcome of the stop;
 - e. the name and police station of the officers) conducting the search;
 - f. the personal details of the individual(s) searched, such as name, address, and nationality, may be recorded. However, the individual can refuse to provide this information.

To be effective, forms should be completed at the time the stop is conducted.

A copy should be given to the person stopped or the person in charge of the vehicle searched. In the United Kingdom, individuals who have been stopped are entitled to request a copy of the record within three months of the stop. In this way, the form does not only support evidence of the stop for the police, by also for the individuals stopped.

FRA (2018), Preventing unlawful profiling today and in the future¹⁸

Open Society Justice Initiative (2021), Challenging ethnic-profiling in Europe: a guide for campaigners & organisers¹⁹

This publication contains a number of evidence-based recommendations for police managers and leaders that are contemplating reforms in the area of police stops.

Police should record and disclose the data collected on their use of identity checks, stops, and searches – including the ethnicity of the person stopped – while respecting data protection standards. Data collection is essential in order to monitor and track disproportionate impacts, and to assess the effectiveness of police stop and search.

Data provides important evidence for accountability and legal action seeking remedies for people who have been stopped without proper reason. Systems for data collection, analysis, and storage must comply with national and regional data protection standards. Data is essential to improve management practices, but is also key for public accountability and dialogue.

¹⁸ European Union Agency for Fundamental Rights (FRA) (2018), Preventing unlawful profiling today and in the future: a guide, p. 49, available at https://fra.europa.eu/sites/default/files/fra_uploads/fra-2018-preventing-unlawful-profiling-guide_en.pdf.

¹⁹ Open Society Justice Initiative (2021), Challenging Ethnic Profiling in Europe: A Guide for Campaigners and Organizers, available at www.justiceinitiative.org/publications/challenging-ethnic-profiling-in-europe-a-guide-for-campaigners-and-organizers

Data collection, especially the collection of ethnic data, must be transparent, including sharing anonymized statistical data with the public. This is essential to gain public support, improve police legitimacy, and enable external assessment of the use of these powers.

Police departments should discuss stop data with the community, and be open to change in response to concerns raised, in order to gain greater community support and reflect community priorities.²⁰

Train agency managers and supervisors to manage stops based on the findings of stop analysis. This might involve issuing new guidance on stop criteria, changing operational priorities, and holding teams or individuals accountable for stop activity.

Conduct stop analysis regularly. Typically, this should be monthly. However, where stops are infrequent (e.g. fewer than about 50 per month) indicators will tend to be unstable. Carrying out bi-monthly or quarterly analyses is one alternative; calculating moving averages is another.

Share analysis with police managers, supervisors, and frontline officers. This will create transparency and promote buy-in among those charged with carrying out reforms. It may also advance discussion about strategies for addressing problems.

Share stop analysis results with community representatives. This will promote trust and facilitate collaboration and increased dialogue between community members and police, including regarding crime and safety needs.

Develop and implement solutions to problematic stop patterns. These solutions should be based on input from police colleagues and community partners. Solutions might involve issuing new guidance on stop criteria, changing operational tactics, holding teams or individuals accountable for stop activity, and providing retraining to frontline officers where necessary.

Recommendations of the United Nations Human Rights Council²¹

67. The Special Rapporteur calls upon political leaders and heads of law enforcement agencies to speak out publicly against discrimination and to avoid making statements linking race or ethnicity to criminal behaviour, irregular migration or terrorism, in order to repair the harm caused to minority communities by the use of racial and ethnic profiling and to ensure that these groups and individuals are able to fully integrate into their societies.

8. The Special Rapporteur recommends to States to gather law enforcement data, including statistics disaggregated by ethnicity and race, which are essential in order to prove the existence and the extent of racial and ethnic profiling. Such statistics are an essential tool for enabling the detection of law enforcement practices that focus disproportionate and unwarranted attention on racial and ethnic minorities based on stereotypes about ethnicity and crime. In order to properly collect such data, close scrutiny of the three main stages of collection, storage and access is required, in order to prevent any possible misuse of the data. This is particularly important in law enforcement, where there are clear risks that ethnic data could be used to facilitate racial and ethnic profiling, rather than to reduce it. Data protection standards must balance the need of law enforcement to collect and retain data for the purposes of detecting, preventing and investigating crime, against the right to privacy and the presumption of innocence.

²⁰ Ibid p. 93

²¹ Ruteere, M. (2015), 'Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance', A/HRC/29/46, para 2, United Nations General Assembly, available at www.ohchr.org/sites/default/files/Documents/Issues/Racism/A-HRC-29-46.pdf

69. When statistics, disaggregated by race and ethnicity, are available on law enforcement actions, they provide an important insight into law enforcement practices and are the cornerstone that proves the use of racial and ethnic profiling. These statistics can be useful for the development of new policies and practices, particularly where census data are not available or appear to be inaccurate, or where there are no available law enforcement data and there are concerns about racial profiling. Similarly, sharing data with minority communities is a positive step taken by some States which should be further encouraged.

70. Furthermore, the Special Rapporteur encourages investigative oversight bodies to monitor the conduct and practices of law enforcement agencies and to investigate individual complaints. Oversight bodies should have the authority to address allegations of racial and ethnic profiling, and should inform practical recommendations for policy changes in order to eliminate the use of racial and ethnic profiling. Such bodies should also be able to collect data to monitor direct and indirect discrimination and to conduct self-initiated investigations, as these are fundamental in identifying discrimination such as profiling by law enforcement agencies.

Module 4

IDENTIFICATION AND INVESTIGATION OF HATE CRIME

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Introduction and Background

When investigating violent incidents and, in particular, deaths at the hands of State agents, State authorities have the additional duty to take all reasonable steps to unmask any racist motive and to establish whether or not ethnic hatred or prejudice may have played a role in the events. Failing to do so and treating racially induced violence and brutality on an equal footing with cases that have no racist overtones would be to turn a blind eye to the specific nature of acts that are particularly destructive of fundamental rights.¹

The police are fundamental in preventing and effectively responding to hate crimes. Compared to other types of crimes, hate crimes are special as they affect not only an individual victim, but also the wider group that shares the victim's identity. Neglecting to investigate properly such acts decreases public trust in law enforcement authorities, leads to impunity and encourages further discrimination. Conducting effective hate crime investigations that lead to a successful criminal justice outcome is an important part of the state's international obligations in relation to equality and non-discrimination principles.

ECRI General Policy Recommendation No. 11 on Combating Racism and Racial Discrimination in Policing states that, by avoiding racism and racial discrimination in policing, the police respond to two important aspects of their mission: to meet the challenges posed by the need to counter crime, in a way that both enhances human security and respects the rights of all, and secondly, to promote democracy and the rule of law.² It is crucial that the police, as first responders, are equipped with the necessary tools to identify and investigate hate crimes adequately. Therefore, this module is designed to deliver key information, skills and knowledge related to the hate crime concept and to the effective investigation of hate crimes. It is noteworthy that the information included in this module, despite having a primary focus on investigation, can be equally beneficial not only for investigators, but for those with other roles, such as call handlers, frontline / community police officers and witness and victim co-ordinators.

The module begins with an introduction to the hate crime definition and related concepts, including bias motive, protected characteristics and non-criminal hate incidents. Theoretical information is supported by plenary discussion on the national context and various case studies that encourage participants to apply their knowledge in practice. The module continues with an exploration of bias indicators, which are key tools for successful hate crime investigation. Participants are introduced to pictures depicting bias indicators, together with practical exercises. Finally, the module deals with hate crime investigation, in which exercises support participants working in groups to plan and conduct an effective investigation.

¹ ECHR, *Nachova and Others v. Bulgaria*, 43577/98 43579/98, § 160

² ECRI, General Policy Recommendation No. 11, § 23

Learning Outcomes

Participants will:

- Have a clear understanding of the definition of a hate crime with all its constituting elements
- Be familiar with the key concepts: targets of hate crimes, mistaken perception and crimes committed by association / affiliation
- Be able to differentiate between hate crimes and non-criminal hate incidents
- Develop knowledge on bias indicators as major tools in securing hate crime identification and investigation
- Understand their local / national policing context
- Recognise the impact hate crimes have on society
- Identify good practices in investigating hate crimes, including planning interviews with hate crime victims.

Overview of Activities

Activity 4.1: Hate crime definition and key concepts	(30 minutes)
Activity 4.2 : Understanding national legislative framework and practice	(20 minutes)
Activity 4.3: Hate crime related concepts – practical exercise	(50 minutes)
Activity 4.4: Exploring bias indicators	(40 minutes)
Activity 4.4a : Guess the indicator	(30 minutes)
Activity 4.4b: Collecting the evidence – bias indicators	(50 minutes)
Activity 4.5: Hate crime investigation	(30 minutes)
Activity 4.6: Hate crimes committed by and against police	(20 minutes)

Preparation

In addition to drawing on the Needs Assessment, prior to the delivery of this module, the trainer should conduct background reading on the hate crime definition and all related concepts. All relevant information can be found in the handouts and references. In addition, trainers are encouraged to familiarise themselves with local hate crime legislation and practice, as well as policy documents in relation to the investigation of hate crimes and dealing with hate incidents. For obtaining relevant material, it is always a good idea to ask for help from local partners (e.g. police academies, Ministry of Interior, NGOs etc.) rather than use open web sources that may contain out-of-date information.

It is always a good idea to use a PowerPoint slideshow during activities. Before launching the slideshows, trainers are encouraged to check the computer and projector, and, if possible, do a test screening in order to make sure everything works well. It is recommended to copy the presentation onto the desktop rather than launch it from a USB, or email, etc.

The format and content of the slideshows is up to the trainer; however, the number of slides should be reasonable and doable in the assigned time. The content should cover the major concepts of the topic and be written in a simple way. If showing a slideshow is not possible, the presentation can be made with printed versions of the material and by using the flip chart.

Each activity is accompanied with some guidance on preparatory steps and trainer's notes as needed.

Activity Descriptions

Activity 4.1: Hate Crime Definition and Key Concepts

Learning points: This activity includes a brief presentation of the hate crime concept and related issues, such as partial motivation, protected characteristics, targets of hate crime, mistaken perception, hate crime by association / affiliation, and differences between hate crimes and non-criminal hate incidents, explained in Handout 4.1. The information in this Handout, together with the general definitions, should be tailored to local training sessions. Adaptations should be based on existing knowledge of the target audience and the level of detail that is required, in accordance with both time considerations and the depth of the training to be provided. The trainer should review the material and choose those parts that are most relevant for facilitating an improved understanding by the police officers concerned.

Time: 30 minutes

Materials needed: computer with projector
flip chart paper
Handout 4.1
pens and paper

Instructions

1. Prepare a piece of flip chart paper in advance with the title "Hate Crime Definition".
2. Start the session by asking the participants to explain the definition of hate crime in their own words.
3. Listen to the participants and put on the flip chart the key answers provided by the group. This will help you to present and explain the two-part definition of hate crime included in Handout 4.1 later on.
4. Present the concepts of hate crime, mixed motives, protected characteristics, mistaken perception, hate crimes committed by association / affiliation and incidents, based on Handout 4.1. It is advisable that the given order is followed. The presentation should generally be made with the use of PowerPoint (see instructions on slides in Preparation section, above); however, where not possible, please use the flip chart.
5. Instruct the group to take the notes about what they understand from the presentation and encourage them to ask questions if anything is not clear.
6. In order to facilitate understanding of this area further, Handout 4.1 should be distributed to the participants after the completion of activity 4.1.

Activity 4.2: Understanding National Legislative Frameworks and Practices

Learning points: This activity aims to engage the group in active discussion on the topics delivered during the presentation (Activity 4.1). Plenary discussion will allow participants to share their views and experience on presentation topics with their colleagues and trainers. Despite having prior knowledge of the national legal framework, trainers will also become more familiar with the local hate crime context, as legal mechanisms will be discussed by practitioners.

Time: 20 minutes

Materials needed: flip chart and marker
pens and paper

Trainer's Notes

Familiarise yourself with the national legislation and practice in order to facilitate discussion. Before conducting the activity, seek information on national hate crime laws (e.g. relevant sections of the Criminal Code and Criminal Procedural Code, Code of Administrative Offences, Anti-discrimination Law, investigative or prosecutorial guidelines related to non-discrimination and hate crime issues, etc.). In addition, it would be beneficial to research relevant statistics, for example from victimisation surveys, police-recorded hate crime figures, prosecution and sentencing information and relevant reports by non-governmental and civil society organisations.

Conduct this activity in a large group or divide participants into smaller groups (4-5 people in a group).

Ask the participants the following questions:

- Does your country's criminal legislation recognise hate crime as a separate provision? What are the provisions that can be used when addressing hate crime?
- Does your country's legal framework include a list of protected characteristics? If yes, is it open or closed? What are the protected characteristics? Do you consider this list comprehensive, or does it need modifications?
- Does your law or practice allow you to investigate crime as hate-motivated in the case of mixed motives?
- What is the country's approach to mistaken perception or hate crimes committed by association?
- Do you have a system that records non-criminal hate incidents? What legal systems deal with such complaints?
- What are the roles of prosecutors and judges when it comes to effective response to hate crimes?

Allow participants some time to think about the above questions before opening up the discussion. If no-one is willing to start the discussion, offer your view based on your knowledge of the local context. If the training is conducted with a local trainer, give the floor to them to start the discussion.

Activity 4.3: Hate Crime Related Concepts – Practical Exercise

Learning points: This activity aims to engage the whole group and to evaluate how participants understood the concepts explained during the presentation.

Time: 50 minutes

Materials needed: sufficient number of printed case studies (Handout 4.3)
Annex 4.3 Trainers notes for activity 4.3
pens and paper

Instructions

1. Divide participants into four groups and give each group the relevant case study, according to the number assigned to them.
2. Introduce the activity to the group. Explain to them that their task is to read the case studies and to answer the questions provided. Encourage them to have an active discussion within the group.
3. Give groups 10 minutes for reading and discussing the cases, and another 10 minutes for the presentation. Explain to them that they have to choose one spokesperson. All other group members are free to expand on the response.
4. Participants should be able to identify important aspects of each scenario, namely, while solving the cases they have to find out whether the situations qualify as hate crimes or not, and what the protected characteristics are. Also keep in mind that participants will have to discuss how the situations would be dealt with by the justice systems of their country.
5. Remind them that the given cases are used later during activity 4.4b when discussing the bias indicators, so, in order to avoid overlaps, it is important to urge them to keep to the instructions of this activity. Use the notes in Annex 4.3 for guidance on the potential answers.

Activity 4.4: Exploring Bias Indicators

Learning points: This activity comprises a plenary presentation together with discussion. It aims to present bias indicators that are major elements for proving the bias motive during an investigation.

Time: 40 minutes

Materials needed: computer with projector
Handout 4.4
flip chart and marker
pens and paper

Preparation: This activity is completed using two formats: slideshow screening and flip chart work. The slideshow should contain brief information on bias indicators using the material on Handout 4.4, while the flip chart will be used for noting down the examples of indicators provided by the group. This mixed format ensures that participants are not only passive listeners of the information but proactively share their own opinions on discussed concepts.
Before starting the presentation, prepare four flip chart pages, each one divided into two columns with titles of two indicators (see below).

Flip chart page 1

Victim or witness perception	Verbal or written statements and/or gestures

Flip chart page 2

Support of, or affiliation with, organised hate groups	Location and timing of the act

Flip chart page 3

Patterns or frequency of previous crimes or incidents	Nature of violence

Flip chart page 4

Difference between the offender and victim	Lack of other motives

Instructions

1. Start the session by launching the slideshow. The first slide should be dedicated to the definition of 'bias indicators', while each of the other slides should describe a single indicator offered in Handout 4.4, in the same sequence.
2. While showing the relevant slide, ask the group if they can provide an example from their own practice or in general. Put answers under the relevant column on the flip chart paper.

For example, after showing the slide on the indicator "**Verbal or written statements and/or gestures**", ask participants whether they can recall any nicknames or other verbal statements that can be used as a bias indicator. Remind them to avoid using racial and other slurs, for example, using abbreviations that others can recognise. An example of this is 'the N-word'. Write responses on the flip chart, page 1 (see below).

Flip chart page 1

Victim or witness perception	Verbal or written statements and/or gestures
	F\$%£ 'Gypsy' N-word 'Muslim terrorist'

3. After completing each column and finishing the slideshow, summarise the session by saying that indicators are key elements of successful outcomes on hate crime cases; thus, practitioners should be able to identify and work on them effectively throughout the investigation.

Activity 4.4a: Guess the Indicator

Learning points: This activity comprises a facilitated discussion while participants are presented with different photos of indicators.

Time: 30 minutes

Materials needed: computer with projector to present the slideshow, or printed versions of pictures included in Handout 4.4a
Annex 4.4 Trainers notes on activity 4.4

Preparation: Prepare and use a slideshow depicting the pictures included in Handout 4.4a. If screening is not possible, print the images (preferably colour versions) and distribute among group members.

Instructions

1. Show participants the pictures one by one (try to dedicate maximum five minutes to each picture) and facilitate the discussion by asking the following questions:
 - What do you see in the picture? Can it be used as a bias indicator?
 - What is the meaning behind it? What is the targeted group?
 - In relation to pictures 1-4, do not mention in advance what type of building it is. After some discussion, ask the participants if it makes a difference that it is a public park wall (N1), private property (N2), a church (N3) and the LGBT+ organisation's office (N4)?
 - Can you recall examples of such indicators in your experience?
2. Throughout the discussion, add the story behind the picture and ask the participants if additional information changes their responses. Draw on Annex 4.4a to help you guide the discussion.

Activity 4.4b: Case Studies on Bias Indicators

Learning points: This activity aims to check if participants are able to effectively identify bias indicators in the hypothetical scenarios.

Time: 50 minutes

Materials needed: printed case studies
pens and papers

Instructions

1. Ask the groups created during **Activity 4.3** to read the same case studies and identify bias indicators. Give to the participants 10 minutes for reading / discussion, and 10 minutes each for presenting the answers. In addition, this time ask them to change the spokesperson for the group.
2. After the groups are back from their discussion and have presented their findings, ask each one whether the given indicators are enough to qualify the case as hate crime or whether they need additional evidence.
3. Bias indicators to be found are as follows:
 - **Case 1 – Verbal statements:** “Russian dog”; “You have stolen the Crimea from us. Now you are stealing my land again. Go back to your country, invader”
 - **Case 2 – Location:** Mosque, worship place for Muslims; Graffiti on the wall “Christ is the Lord”; Frequency of attacks – several times in a short period
 - **Case 3 – Verbal statements:** racist slurs, absence of other motives
 - **Case 4 – Verbal statements:** question about being “a real chick”, comment for Maria “Can’t you find a real companion and not this artificial slut?”; Time – 17 May – International Day Against Homophobia, Transphobia and Biphobia; Nature of violence – pulling off the wig.

Activity 4.5: Investigation of Hate Crimes – Case Study

Learning points: This activity aims to encourage participants to apply the theoretical knowledge gained during the previous sessions.

Time: 30 minutes

Materials needed: computer with projector
printed case studies
pens and paper
Handout 4.5
Annex 4.5: Trainers notes on activity 4.5

Instructions

1. Divide participants into two groups and introduce the case study in **Handout 4.5**. If there is a computer and projector available, show it to the group on the screen. Otherwise, hand out printed versions to them. Each group has to choose one spokesperson. All other group members are free to expand on the response.
2. Give each group 10 minutes for reading / preparation, and 10 minutes each for the presentation.
3. Ask the **Group 1** to decide on the following questions:
 - Ascertain if a crime has occurred. What would the legal qualification be? Is it a hate crime?
 - Determine first steps when arriving at the scene
 - Identify evidence of bias indicators
 - What are the investigative actions that should be conducted?
4. Ask the **Group 2** to plan and conduct an interview with the victim. Give the following additional information: *'Rashid is in the police station. He is extremely anxious.'* Ask them to do the following:
 - Determine if you need any preparations before you start an interview.
 - Draft an interview plan. What are the key aspects to take into account?
 - List the questions you would ask.
 - What are the services that you would offer him?
5. You can use two pieces of flip chart paper to list the following questions, or ask participants to write them down before starting the discussion.
6. While providing the answers, make sure that groups address the following points:

There are at least two episodes in the case that provide the basis for launching an investigation – damage to property, and physical assaults against Rashid. The legal qualification will depend on national legislation but participants have to discuss both elements of hate crime. As for the bias motive, there are a number of bias indicators present, namely:

- **Differences between offenders and targets:** radical Christian groups vs. Muslim groups
- **Frequency of attacks:** there have been a number of previous incidents
- **Nature of attack:** pig's head (considered to be forbidden by Islam)
- **Timing:** celebration of Muslim community – Eid Al-Fitr
- **Location:** Muslim school building
- **Graffiti on the wall:** “No place for Muslims in our country”
- **Written statements:** social media activities of radical group leader
- **Verbal statements:** previous verbal abuse, statements made during attack on Rashid
- **Support of hate group:** attackers’ association with a radical group (Rashid’s episode).

As participants will be professional police officers, they are free to decide the investigation strategy; however, certain aspects relevant to hate crimes should be discussed extensively. For effective facilitation of the discussion, trainers are encouraged to familiarise themselves with Annex 4.5 and touch on the key points outlined in it. For instance, if Group 1 has missed securing the crime scene, draw their attention to it and ask what actions they would take to protect the scene. In the case of Group 2, help them formulate the questions appropriate for the victim’s interview.

Activity 4.6: Hate Crimes Committed by and against Police

Learning points: This activity consists of a group discussion on hate crimes that are committed by and against police officers.

Time: 20 minutes

Materials needed: Annex 4.6 Trainers notes for activity 4.6

Instructions

1. Divide participants into two groups. Groups should be assigned the following topics:
 - Hate crimes committed by police (Group 1)
 - Hate crimes committed against police (Group 2)
2. Ask groups the following questions:
 - Do you think these crimes are frequent in your country's reality?
 - If yes, what types of hate crimes are the most common?
 - What are the challenges an investigation may face while working on these cases?
 - What are the possible outcomes and consequences of ineffective investigations of such crimes?
3. Allow each group 10 minutes to discuss the above questions and to provide their perspectives. You should highlight some points given in Trainer's Handout 2, as needed.

Handouts and Annexes

Handout 4.1 What is Hate Crime and How is it Different from Other Crimes?

Hate crimes can have a greater impact on their victims than other crimes because these attacks target core aspects of their identity.³ Hate crimes are also called ‘message crimes’ – that certain people are not accepted, and should be excluded from society. Hate crimes can escalate into horrendous acts such as genocide. Unfortunately, a number of examples in human history prove that if incidents are not dealt with effectively early on, they can escalate into catastrophic results. “Harmless” jokes, stereotypes or degrading remarks, if accepted in everyday life, can form the basis for much more serious expressions of discrimination. An environment full of bias instigates individual acts of prejudice which can escalate into discrimination. Discrimination may occur in every field – employment, education, politics and elsewhere. If the discriminatory attitudes are not addressed properly, they may end up with more acute forms of discrimination – hate crimes. Therefore, the police, within the scope of its competency, should be involved from the very beginning in the fight against discriminatory attitudes. Bias and prejudice can also be found within the police: having proper mechanisms to prevent and respond to the problem, such as training, and effective disciplinary mechanisms in place to tackle it, is particularly important.⁴

According to the internationally recognised definition set out by the OSCE, hate crimes are criminal acts committed with a bias motive. Therefore, they always comprise **two elements**:

- a criminal offence, and
- bias motive.⁵

Criminal offences can include threats, damage to property, assault, murder. The crime must be penalised by domestic criminal legislation. For the second element, the target of the offence must be selected due to a specific characteristic. The bias motive is further explored in the section below. Hate crimes may be reflected in the national law with different variations, for example, general sentencing provision, substantive crimes or in sentencing guidelines.⁶

However, the term ‘hate crime’ describes a type of crime, rather than a specific offence within a penal code; therefore, it describes a concept, rather than a legal definition.⁷ Even in cases where a state’s legislation does not specifically punish hate crimes, the European Court of Human Rights has found that they can and should be investigated and prosecuted effectively. In the *Angelova and Iliev v. Bulgaria* case, the European Court of Human Rights observed that, despite the fact that national legislation did not criminalise racially motivated murder, nor did it contain explicit penalty enhancing provisions for such crimes, domestic legislation provided other means for an adequate response to racially motivated violence, which, in this case, the authorities should have applied, yet failed to.⁸

³ OSCE ODIHR. (2018) Manual on Joint Hate Crime Training for Police and Prosecutors, p. 23

⁴ Please also see Module two, Police discriminatory misconduct

⁵ OSCE ODIHR. (2009) Hate Crime Laws – A Practical Guide, p. 16

⁶ For detailed information, please see OSCE ODIHR (2009), Hate Crime Laws – A Practical Guide

⁷ OSCE ODIHR. (2009) Hate Crime Laws – A Practical Guide, p. 16

⁸ ECHR, *Angelova and Iliev v. Bulgaria*, 55523/00, §104

Bias motive

Together with the “crime” element, the second key element of the definition of hate crime is the bias motive. In fact, the use of the word “hate” can mislead people into thinking that the defendant must hate the victim or the victim’s group for a criminal act to be considered a hate crime. However, the factor that turns an ordinary crime into a hate crime is the perpetrator’s selection of a victim based on a bias towards the group to which the victim belongs, or to which the victim is perceived to belong.⁹

Bias motives can be broadly defined as “preconceived negative opinions, stereotypical assumptions, intolerance or hatred directed to a particular group that shares a common characteristic”.¹⁰ A stereotype is a “simplified and standardized conception or image invested with special meaning and held in common by members of a group”.¹¹ A prejudice in simple terms is a “judgement, usually negative, we make about another person or other people without really knowing them”.¹² These attitudes can be shared by many individuals and can be a product of societal, educational or family norms.

As mentioned above, it is sufficient to show that the victim was chosen due to the membership of a protected group. Moreover, the perpetrator and victim can be members of the same group.¹³

For example, a perpetrator might select a person with a disability as a victim because they are acting on a common stereotype of people with disabilities: that they are less likely to resist or to report the incident. The perpetrator is not acting out of hatred for people with disabilities, but they are acting on a discriminatory stereotype that is nonetheless very damaging for people with disabilities’ in terms of safety and security.

Bias as a sole or additional motive of crime?

‘Motive’ relates to the idea of *why* the perpetrator chose a particular target for their offence. In hate crime cases, identifying and evidencing the bias motive is central to the investigation. Without this step, the full criminality of the act cannot be prosecuted, leaving public authorities potentially in breach of international standards.

It should be noted that bias can comprise one or more motives of the crime. In the case of **Balázs v. Bulgaria**, the ECHR stated that “not only acts based solely on a victim’s characteristic can be classified as hate crimes. For the Court, perpetrators may have mixed motives, being influenced by situational factors equally or stronger than by their biased attitude towards the group the victim belongs to”.¹⁴ Therefore, even if other motives are already established and there is enough evidence to bring the case before the court, it is important to take additional investigative steps to identify and prove bias motive.

⁹ OSCE ODIHR. (2014) Prosecuting Hate Crimes – A Practical Guide, p.20

¹⁰ OSCE ODIHR Hate Crime Reporting web page, available at <https://hatecrime.osce.org/what-hate-crime>

¹¹ Online dictionary, available at www.dictionary.com/browse/stereotype (Accessed: 02.10.2021)

¹² Council of Europe, Compass: Manual for Human Rights Education with Young People, available at www.coe.int/en/web/compass/Discrimination-and-Intolerance (Accessed: 02.10.2021)

¹³ Perry, J. and Franey, P. (2017) Policing Hate Crimes against LGBTI Persons: Training for a Professional Police Response, p. 34

¹⁴ ECHR, Balázs v. Hungary, 15529/12, §70

Given the difficulties of proving motive and the reality that many offenders have multiple motives, hate crime laws should allow for mixed motives. To require bias to be the sole motive would drastically limit the number of offences that could be charged as hate crime.¹⁵

Protected characteristics

A 'protected characteristic' is a specific category, or marker shared by a group such as age, disability, 'race' / ethnicity, religion, sex, sexual orientation, gender identity, and so on, that are targeted by hate crime offenders.

Protected characteristics must:

- create a common group identity, and
- reflect a deep and fundamental aspect of a person's identity.¹⁶

Group characteristics are often apparent or noticeable to others, such as language, gender or ethnicity, and are often immutable; they cannot be changed by a decision of the bearer.¹⁷

The characteristics which deserve special protection is dependent on individual states; however, there are some features that are considered as almost universally protected, such as "race", national origin / ethnicity, and religion. In national legislation, the list can be exhaustive (closed list) or open with "another" option that gives state authorities room for interpretation when needed, usually according to established anti-discrimination principles. Apart from limiting the grounds, there are countries that choose to have narrow meanings of the listed terms, while some choose to use the terms more broadly.

Targets of hate crime

The target of hate crime can be an individual, group of people, or property. For the police, it is especially important to identify promptly the target of hate crime in order to plan investigative actions properly and to receive initial information. Whether it is an attack on an individual, or property, it does have an impact on members of the group that share the same protected characteristic. In religious, racial or anti-LGBTI hate crimes, very often property becomes the target of the offender, sending a signal of fear to the general public.

For example, writing "death to all Christians" on the wall of a church is a message crime. Through this act, a message of fear is being sent to the whole Christian community.

On the other hand, it is the responsibility of the state authorities, and especially the police, to send a counter-signal to perpetrators that such acts are not to be tolerated. Effective measures by the state will have an impact on the public and reassure them that they are protected.

¹⁵ OSCE ODIHR. (2009) Hate Crime Laws – A Practical Guide, p. 55

¹⁶ OSCE ODIHR. (2014) Prosecuting Hate Crimes – A Practical Guide, p.21

¹⁷ OSCE ODIHR. (2014) Prosecuting Hate Crimes – A Practical Guide, p.21

Mistaken perception

There are situations when the person attacked is not actually a member of the targeted group, but is perceived to be by an offender. In these situations, hate crimes are committed as a result of mistaken perception. What matters here is the motivation of the offender and not whether the victim in fact shares the same protected characteristic(s) as the targeted group.

For example, the victim may be a heterosexual man who joined a 'Pride' march and was seriously physically assaulted by a group of offenders who had mistakenly perceived him to be gay.

'Mistakes of fact' (i.e. a mistaken belief about the victim's identity) about the victim's actual identity should not prevent an offence from being categorised and prosecuted as a hate crime. Most hate crime laws are drafted in terms of the offender's motives and not in terms of the victim's actual status.¹⁸

Hate crime by association or affiliation

As mentioned above, hate crimes may be committed due to the mistaken perception that a person is a member of a particular group. Similarly, some hate crimes involve the targeting of the victims not because of their personal characteristics, but their association with a person or people against whom the perpetrator has a bias.¹⁹ In contrast to cases where victims are targeted based on mistaken perception, in the second scenario, the offender is aware of the fact that the target is not a member of the group. Such cases are common with human rights defenders who are advocating the rights of minority groups. Associated connections could be through family, friendship, membership to some organisations, and so on.

In 2017, the European Court of Human Rights established the standard that the duty to investigate bias effectively in criminal case applies not only when the victim is actually a group member but also when the victim is associated or affiliated with such a group.²⁰ For example, a perpetrator motivated by Antisemitism physically assaults a politician who is openly supportive of Jewish communities and regularly speaks out against Antisemitism.

Differences between hate crimes and non-criminal hate incidents

It is important to mention that not all scenarios that involve expressions of bias are criminal acts. There can be situations when committed acts do not fall under the scope of criminal proceedings. These may be hate incidents which are "incidents, acts or manifestations of intolerance committed with a bias motive that may not reach the threshold of hate crimes, due to there being insufficient evidence to constitute proof in a court of law of a criminal offence or bias motivation, or because the act itself may not have been a criminal offence under national legislation".²¹ Therefore, what differentiates hate incidents from hate crimes is the first element of hate crime – the crime itself. The second element – bias – is common to both hate crimes and hate incidents. Similar to hate crimes, hate incidents are also motivated by the intolerance towards certain characteristics of the target, such as disability, gender, race, and so on. Additional information on concepts that are related to hate crimes but are not criminal in nature can be found in Module 1.

¹⁸ OSCE ODIHR. (2014) Prosecuting Hate Crimes – A Practical Guide, p.51

¹⁹ OSCE ODIHR. (2014) Prosecuting Hate Crimes – A Practical Guide, p.55

²⁰ ECHR, *Skorjanec v. Croatia*, 25536/14

²¹ Perry, J and Franey, P. (2017) Policing Hate Crimes against LGBTI Persons: Training for a Professional Police Response, p. 33

Hate incidents²² may have different forms, such as:

- verbal abuse, such as name-calling and offensive jokes
- harassment
- hoax calls, abusive phone or text messages, hate mail
- online abuse, for example, on Facebook or Twitter
- displaying or circulating discriminatory literature or posters
- throwing rubbish into a garden.²³

Together with hate crimes, recognising the importance of non-criminal incidents allows the state to have a broader picture of national and local patterns of discrimination, and to plan future policies adequately. In fact, ECRI General Policy Recommendation No. 11 encourages states to establish and operate a system for recording and monitoring racist incidents, and the extent to which these incidents are brought before the prosecutors and are eventually qualified as racist offences.²⁴

22 It is also important to note that some forms of non-crime hate incidents might also be instances of non-criminal hate speech. See ECRI General Policy Recommendation 15 on Hate Speech.

23 Citizen's advice web page, available at www.citizensadvice.org.uk/law-and-courts/discrimination/hate-crime/what-are-hate-incidents-and-hate-crime/ (Accessed: 02.10.2021)

24 ECRI General Policy Recommendation no.11, § 12

Handout 4.3: Case Studies

Case 1

Taras lives in the suburb of Kiev. He is Ukrainian. He has never had a good relationship with Vladimir who is an ethnic Russian. They have had years of dispute over the land plot between their gardens. One day, Vladimir's dog brought some torn shoes to the "disputed territory". It infuriated Taras who called Vladimir out to solve the dispute "once and for all". While the dialogue heated, Taras physically attacked Vladimir, calling him "Russian dog". Neighbours who finally stopped the fight heard Taras screaming, "You have stolen the Crimea from us. Now you are stealing my land again. Go back to your country, invader".

- Did Taras commit a hate crime? If yes, what is the protected characteristic here?
- How is this act addressed by the legislation of your country?

Case 2

On Friday evening, when Muslims gathered for their weekly prayer in front of a local mosque, they found out that the door had been damaged. It was broken, covered in red paint and the message, "Christ is the Lord" has also been daubed on the door. It was the third time that month that the building had been attacked. In previous cases, windows had been shattered.

- Is it a hate crime? If yes, what is the protected characteristic here?
- What / who is the target?
- How is this act addressed by national legislation?

Case 3

An Inuit* woman was walking her dog in the streets of Montreal when she sneezed, due to seasonal allergies. A man close by overheard the sneeze, and began yelling racist slurs about Asian people and COVID-19, followed by throwing punches in her face.

- Is it a hate crime? If yes, what is the protected characteristic?
- How is this act addressed by the legislation of your country?

* The Inuit are a group of culturally-similar indigenous peoples inhabiting the Arctic regions of Greenland, Canada, and Alaska. Their facial features are similar to those of East Asian people.

Case 4

Maria is a straight woman working as a lawyer for an NGO which provides free legal assistance to LGBTI people. She believes that everyone is equal and deserves to live life free from discrimination. On the morning of 17 May, she was sitting in a café with her friend, Tara, who is a transwoman. They were chatting when two men sitting at the next table started teasing her friend, asking if she had undergone surgery to become “a real chick”. As Maria and her friend decided to leave the place, the guys approached them and tried to pull off Tara’s wig. Maria tried to help her friend; however, one guy spat in Maria’s face and said, “Can’t you find a real companion and not this artificial slut?”.

- Is it a hate crime? If yes, what is the protected characteristic? Who is the victim here?
- How is this act addressed by national legislation?

Annex 4.3: Trainer's Notes on Activity 4.3

Case 1

This case is dedicated to partial motivation. Participants should guess that, while it does seem to be a long-term neighbours' dispute over the land, based on Taras' comments, the bias motive is also apparent; therefore, the act can be qualified as hate crime committed with partial motivation.

Did Taras commit hate crime?

Yes, both elements of hate crime – crime and bias motive – are present. Taras committed verbal and physical assaults and the motivation of his acts, together with the neighbours' dispute, was bias on the grounds of ethnicity towards Vladimir.

If yes, what is the protected characteristic here?

The protected characteristic is ethnicity. From the verbal statements of Taras ("Russian dog", "You have stolen the Crimea from us", "invader"), it is obvious that he has problems with his Russian background.

Case 2

This case is dedicated to targets of hate crime. Participants should guess that in this situation the target is property that is significant to the Muslim community. The participants need to understand that attacks on property can be hate crimes and have an impact on groups. Therefore, such acts should not be dealt with as ordinary petty crimes.

Is it a hate crime?

Yes, both elements of hate crime – crime and bias motive – are present. The property damage was committed due to religious hatred.

If yes, what is the protected characteristic here?

The protected characteristic is religion. The property attacked is a mosque and the graffiti on the wall also leads to a religious connotation of the act.

What / who is the target?

The target is the property, which is associated with the Muslim community.

Case 3

This case is dedicated to mistaken perception. While the indigenous Inuit woman was not Asian, she was mistakenly perceived to be so by the perpetrator.

Is it a hate crime?

Yes, both elements of hate crime – crime and bias motive – are present. The woman was verbally and physically assaulted due to bias on the grounds of 'race'.

If yes, what is the protected characteristic?

The protected characteristic is 'race' (or 'ethnicity'). She was considered to be of East Asian origin, which becomes clear from Covid-related comments made during the incident.

Case 4

This case is dedicated to hate crime by association. Participants should conclude that, in this scenario, both the transgender woman and her friend are the victims. The friend is a victim 'by association'.

Is it a hate crime?

It is matter for discussion whether pulling off the wig, spitting in someone's face and making remarks are criminal acts. They may or may not be crimes, depending on the local legislation. Therefore, participants are free to develop different discussion points here. However, the second element – bias motive – is present. These are also very harmful acts, even if not considered criminal.

If yes, what is the protected characteristic?

The protected characteristic is 'gender identity'. The offensive remarks referred to the transwoman's gender identity.

Who is the victim here?

This case study involves two potential victims of hate crime – the transgender woman and Maria who was associated with her.

Annex 4.4a: Trainer's Notes on Activity 4.4a

Stories behind the pictures are as follows:

Picture 1

After Donald Trump's win in the 2016 Presidential elections, a massive swastika was scrawled on a park wall in New York stating, "Make America White Again".

While responding to the questions, participants should pay attention to the fact that there is a racist statement on the wall together with a Nazi symbol – the swastika. The statement is the wordplay showing white supremacy and referring to Donald Trump's well-known presidential campaign slogan, "Make America Great Again". The targets in this situation are all non-white people living in America. While discussing the property, participants should mention that, for the purposes of identifying the bias motive, it does not make a difference whether the property is public or private. However, it can have an effect on the first component of hate crime, since the type of property might change the legal qualification.

Picture 2

A Chinese-Australian family's home was targeted by vandals two nights in a row, leaving their garage covered in racist graffiti about the coronavirus pandemic. One of their windows was also smashed with a large rock (Melbourne, Australia).

Paint on the wall showing "China Die" demonstrates anti-Asian sentiments. During the pandemic, there has been an increase in anti-Asian hate incidents since some have blamed China for the spread of coronavirus. Participants should discuss property-related issues as well. The fact that the property belongs to a Chinese-Australian family apparently creates additional evidence that vandals were acting with bias.

Picture 3

A photo posted on the Facebook page for Schoolfield Church of the Brethren (Virginia, USA) shows an anarchy symbol, a pentagram, and an upside down cross painted in red on the back of the church. The phrase, "Ave Satanas", Latin for "Hail Satan," was written underneath the images.

The picture demonstrates two types of indicators – the written statement "Ave Satanas" and satanic symbols – Pentagram, Inverted Cross and Anarchy. Participants should guess that the given picture shows potential indicators of religious hatred. Information that the property is a Christian church is an additional indicator of a possible hate crime.

Picture 4

Homophobic protesters vandalised the exterior of the Tbilisi Pride office, throwing black paint at a rainbow flag hanging from their balcony. Protesters had been gathering daily outside the offices of Tbilisi Pride, a local queer rights organisation, for more than two weeks.

The rainbow flag is a symbol of the LGBTI community. The flag on the picture is stained with black paint. This could be an indicator of an anti-LGBTI incident / crime. The fact that it is the office of a queer rights organisation is an additional indicator.

Picture 5

An official apology was sent from the national Volleyball Federation of the country concerned to their counterparts in South Korea after a racist gesture made by an employee of the Federation at the end of the match between the two countries.

The employee was photographed making a racist gesture following their side's victory. She explained that she did not want to offend anyone; she did it because she was happy and emotional at the team's win.

The person in the picture is stretching her eyelids, which in this context is a racist gesture used to mock people of Asian heritage. Participants should guess that it is an indicator of anti-Asian sentiments.

Picture 6

During the Galatasaray – Fenerbahce football match, the latter's supporters waved bananas and sang racist chants at Galatasaray's Ivorian star, Didier Drogba.

Waving or throwing bananas is a well-known racist behaviour during sports events. Such gestures are often used to offend black players, with the implication that they are being compared to monkeys. Waving a banana is likely to be an indicator of racial hatred.

Trainer's Notes

Please keep in mind this activity is aimed at discussing bias indicators and not the hate crime concept. However, participants may bring into the discussion the matter of the first element – the presence of a criminal offence. Depending on the national context, actions depicted in the pictures may be qualified as crimes, misdemeanours, administrative offences, other types of low level offences, or not be considered to be crimes at all.

For example, staining the flag shown in picture 4, due to its minor seriousness, may be beyond the scope of a legal response.

In this situation, the trainer should remind participants that the aim of this activity is to discuss indicator types. However, as an addition, they can note that it does not matter whether acts are prescribed in Criminal Code or other types of legal sources; what matters is the fact that the state should have an effective system to address expressions of bias.

Trainers are free to replace pictures with other visual material that they consider more appropriate for the local context; however, it should be relevant to this activity, and be valid for a discussion on bias indicators.

Handout 4.4: Bias Indicators

Despite their specific nature, hate crimes are still crimes, so their investigation will require using the same investigative techniques as all other crimes. Given the previously discussed two-component definition, the first – the crime component – will require using the routine investigative actions such as securing the crime scene, collecting forensic and technical evidence, conducting searches and seizures and many other techniques and actions that are undertaken in the course of a routine crime investigation. What makes hate crime investigations different is the requirement to prove the bias motive. In order to identify effectively the possible bias overtones in the crime, investigating authorities are encouraged to use so-called ‘bias indicators’ as a key tool for investigators.

Bias indicators are “objective facts, circumstances, or patterns attending a criminal act(s), which, standing alone or in conjunction with other facts or circumstances, suggest that the offender’s actions were motivated, in whole or in part, by any form of bias.”²⁵ Generally, the most common bias indicators are the following:

- Victim or witness perception
- Verbal or written statements and/or gestures
- Support of organised hate groups
- Location and timing of the act
- Patterns or frequency of previous crimes or incidents
- Nature of violence
- Difference(s) between the offender and victim
- Lack of other motives

There could be one or more indicators within the case which may lead the police and prosecution to the presumption that the perpetrator’s actions were motivated by bias. Bias indicators may be present right at the beginning of an investigation or they might emerge throughout the process as a result of different investigative actions, and as different evidence comes to light. Decisions regarding which indicators to use and how to substantiate the claims on hate-motivated crime in court should be made during the investigation process.

Victim or witness perception

This is one of the most important indicators in the initial phase of the investigation. Information provided by a victim or a witness can substantially affect the process of motive identification and increase the chances of successful outcome. Therefore, conducting proper interviews is of special importance for law enforcement agencies. In addition, this indicator is beneficial for recording hate incidents and hate crimes, as, according to ECRI General Policy Recommendation no. 11, a

²⁵ OSCE ODIHR. (2019) Using Bias Indicators – A Practical Tool for Police, p.4

racist incident is “any incident which is perceived to be racist by the victim or any other person”. This definition shows clearly the importance of perception.

Verbal or written statements and/or gestures

Statements, whether made verbally or in writing, are strong indicators of bias and important sources of evidence for law enforcement to gather. Such statements are quite common indicators in hate crime cases as offenders generally want to deliver messages of fear openly. Verbal statements made before, during or after the incident are strong indicators that a crime is hate-motivated. Written statements (e.g. stencils, graffiti) might be found near the crime scene, on social media pages (e.g. an offender’s statuses or comments on Facebook) or other related places. In addition, gestures that hold specific meaning (e.g. Nazi salute) can be additional support for an investigation. Commonly, evidence on gestures is collected through victim and witness statements and CCTV footage.

Support of, or affiliation with, organised hate groups

The background of a perpetrator is an important aspect to check during an investigation. Often hate crime offenders are associated or affiliated with organised hate groups. They may be supporting such groups with their statements or actions made openly in the offline and online space. Such associations, or actual belonging to the group can be a strong indicator to prove the bias.

Location and timing of the act

Sometimes perpetrators decide to commit crime at the time or at a location that is significant for the targeted group. There are occasions when this indicator is easily visible, for example, where the crime scene is a place of worship, or at a community group’s office, and timings coincide with celebration dates. However, if not so apparent, investigators should be attentive to such details.

Patterns or frequency of previous crimes or incidents

This is an indicator that requires having a broad perspective on the context of the incident under investigation. If there is a history of multiple attacks which involve the same victim, or incidents have the same ‘signature’, it can be a strong indicator. While working on this indicator investigators may need to co-ordinate with other relevant police or prosecution colleagues, as well as other local, state, and regional intelligence operations in order to identify any patterns, organised hate groups, and suspects potentially involved in the offence.²⁶

Nature of violence

Reiterating the idea that hate crimes are ‘message crimes’, offenders often commit acts in a specific manner. For instance, as an expression of superiority over and rejection of the targeted group, hate crimes can involve particularly degrading treatment aimed at diminishing the dignity of victims.²⁷

²⁶ IACP. (2016) Law Enforcement Policy Center, ‘Investigation of Hate Crimes’, p.2

²⁷ OSCE ODIHR. (2019) Using Bias Indicators – A Practical Tool for Police, p.20

Difference(s) between the offender and victim

If the offender and victim belong to different religious, ethnic or cultural groups, this may lead investigative authorities to check possible bias. However, this indicator is likely to be too weak on its own to substantiate bias motive and should be supported by other indicators.

Lack of other motives

This indicator also should be supported by other evidence; however, if there is no other motive and the victim belongs to the group of 'protected characteristic', the bias indicator should not be dismissed.

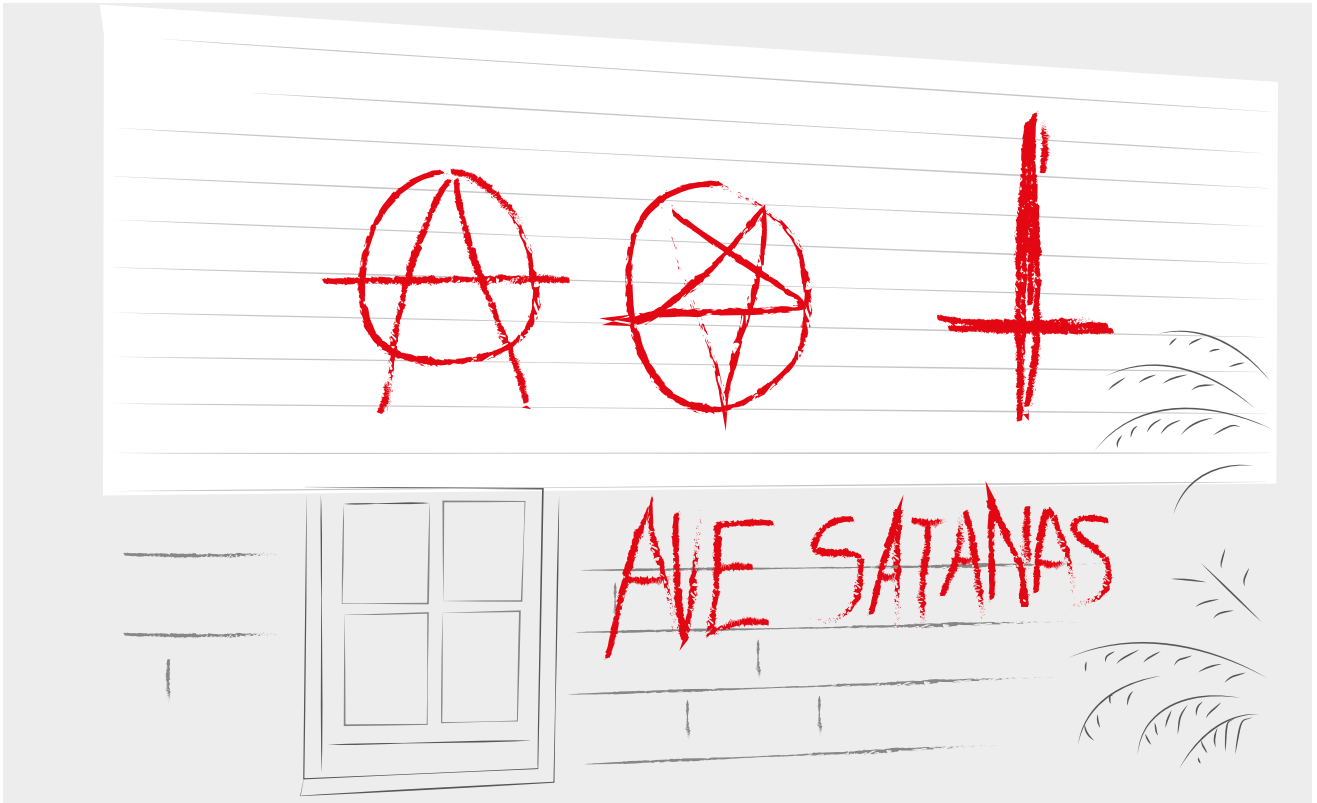
Picture 1



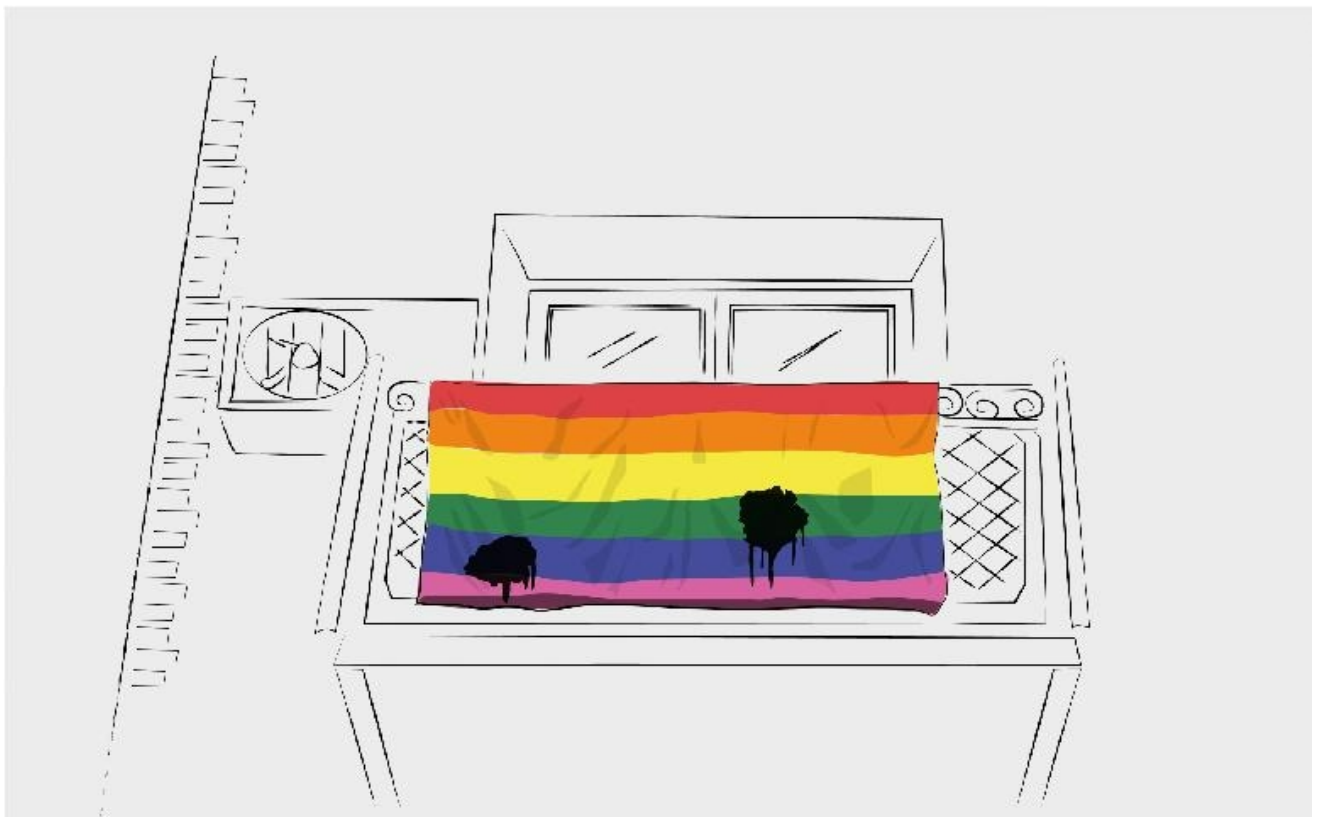
Picture 2



Picture 3



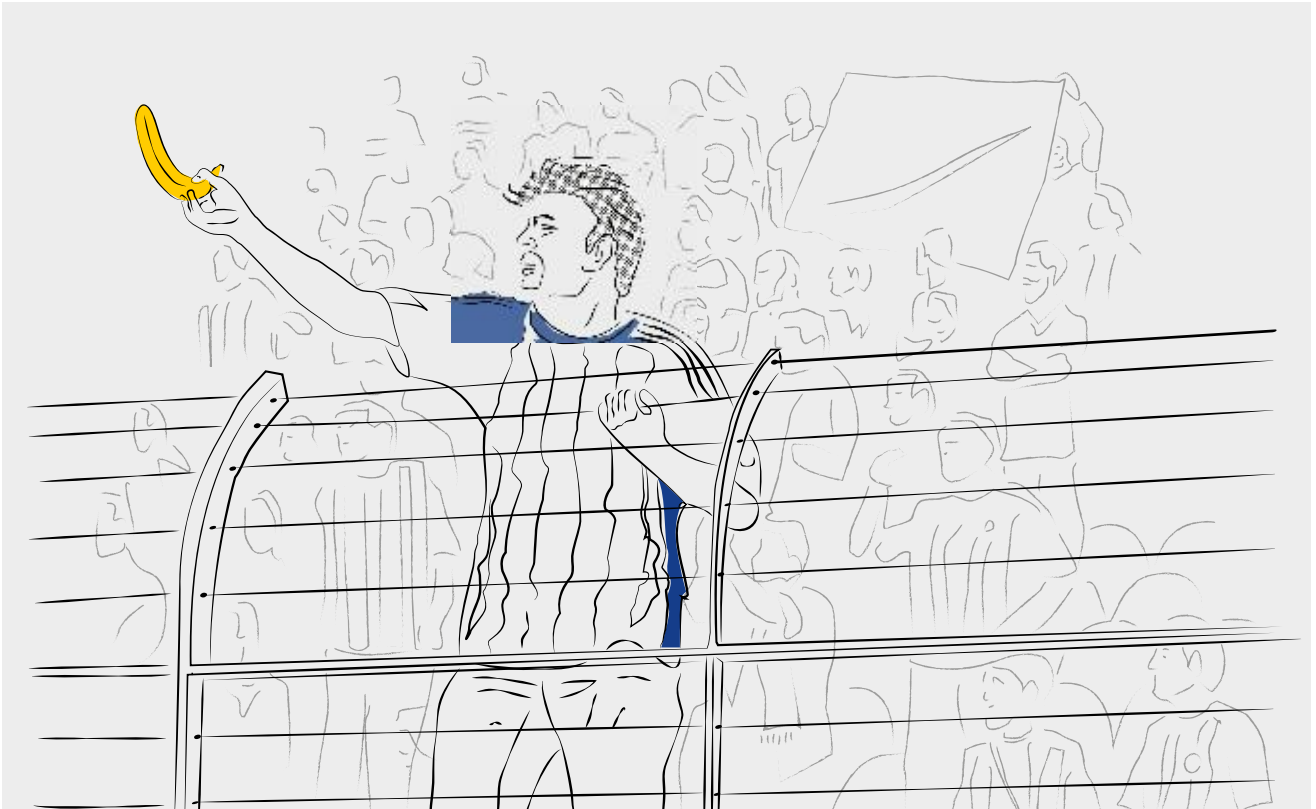
Picture 4



Picture 5



Picture 6



Handout 4.5: Hate Crime Investigation – Case Study

On 1 August 2014, an organisation called the 'Joint Muslim Union' was given the right to use a plot of land with a building, under a lease agreement. It was planned to open a Muslim boarding school there. Already before that, in June 2014, when the local Orthodox population had learnt about the plan, they started to mount protests against the opening of a Muslim school in the neighbourhood. For months, local radical Christian groups erected barricades at the entrance of the building, preventing the organisation's members from entering it and finalising the necessary works. In addition, some people associated with such groups were active on social media platforms, constantly publishing videos with anti-Muslim narratives. The police had been informed about several incidents of verbal and physical abuse from the local residents who were threatening Muslims to burn the school; however, no action has been taken to date.

On the day of Eid al-Fitr, which celebrates the end of Ramadan fasting, Rashid (who is the secretary of the Union) was about to open the school building to celebrate the holiday but suddenly he noticed a pig's head nailed to the entrance door. There was also graffiti on the wall stating, "No place for Muslims in our country". Rashid decided to go to the Union's office and gather its members to report the incident. On his way to the office, Rashid was attacked by four men (allegedly associated with above-mentioned groups) who beat him severely.

Annex 4.5: Trainer's Notes on Activity 4.5

Alleged hate crimes should be treated very seriously by law enforcement agencies and be given a high priority. Far-reaching negative consequences of these crimes and the long lasting impact on victims logically demand high standards of investigation. According to ECRI General Policy Recommendation No. 11, states should ensure effective investigations into alleged cases of racial discrimination or racially-motivated misconduct by the police as well as adequately punish the perpetrators.

It is noteworthy that what defines a successful investigation is not necessarily one that results in prosecution and conviction. Identifying and arresting a suspect is the best outcome; however, sometimes this is not possible. What makes a real difference is when investigative authorities take into consideration a possible bias motive and exhaust all means to uncover relevant evidence in the course of their investigation. In a number of cases, the European Court of Human Rights underlined that proving a racist motive can be extremely difficult; therefore, "the obligation on the respondent State to investigate possible racist overtones to an act of violence is an obligation regarding the means employed rather than an obligation to achieve a specific result".²⁸ In other words, "the State's obligation to investigate possible racist overtones to a violent act is an obligation to use best endeavours and not absolute [...]. The authorities must do what is reasonable in the circumstances to collect and secure the evidence, explore all practical means of discovering the truth and deliver fully reasoned, impartial and objective decisions, without omitting suspicious facts that may be indicative of a racially-induced violence".²⁹

Securing the crime scene

As for every criminal investigation, securing the crime scene is one of the first actions that should be taken. Hate crimes are message crimes; therefore, offenders often leave the 'signs', or evidence, that may be used as bias indicators afterwards. Considering different domestic regulations, when arriving at the crime scene it is advisable to:

1. Check, before starting any investigative actions, whether anyone at the crime scene needs urgent medical assistance, and call for it as the first priority.
2. Ensure the safety of victims and witnesses and act promptly to remove them if they are in danger.
3. Be victim-centred and treat them with compassion and dignity. For more information on the treatment of victims, please see Module 5.
4. Secure the scene physically as soon as possible to avoid any opportunity for evidence to be contaminated, lost or destroyed. Identify the victim and relevant witnesses in order to continue investigative measures with their involvement, such as taking statements and follow-up interviews.
5. Take photographs or video to record the initial appearance of the crime scene.
6. Invite all necessary professionals (e.g. forensic specialists, interpreters, CCTV experts).
7. Seize appropriate samples and/or physical evidence (hate literature, spray paint cans, and symbolic objects such as swastikas and crosses).
8. Gather CCTV footage (if possible).

²⁸ ECHR, *Skorjanec v. Croatia*, 25536/14, §54

²⁹ ECHR, *Nachova and Others v. Bulgaria*, 43577/98, 43579/98, §§ 156-159

This list is indicative and should be adjusted to the local regulations and circumstances of the case. Securing the crime scene and the effective gathering of evidence is especially important when indicators are visibly present, for example, hateful comments on the wall, specific locations such as graves, religious buildings, the nature of the violence (for example, where a Swastika is scratched on the corpse of the deceased), leaflets containing racist language, and so on.

Taking oral statements

Victim / witness statements are a key source of evidence in terms of proving bias motive in hate crime cases. While witness statements can bring in new details on the case and become the basis for whole new set of actions, investigators should be especially attentive in identifying and locating witnesses: as success will very often depend on the information and intelligence which they can provide. A well-planned interview is a big step towards securing a successful outcome. Investigators should be equipped with the right interviewing skills, and/or bring in the relevant expertise and a victim-centred approach, in order to reveal the real motives behind the criminal act.

Importance of verbal evidence has been emphasised by the ECHR as well. The Court notes that “where any evidence of racist verbal abuse comes to light in an investigation, it must be checked and, if confirmed, a thorough examination of all the facts should be undertaken in order to uncover any possible racist motives”.³⁰

While taking the statements, investigation authorities should not express a judgmental attitude, as it may have an irreversible effect on future proceedings. If the victim feels judged by the interviewer it may affect not only the outcome of a particular case, but may hinder future co-operation of the whole community with state authorities. More information on a victim’s individual needs assessment and sensitive communication can be found in Module 5.

As for the structure of the interview, it is important that the process is well-planned and executed. For this purpose, the interviewer should seek to follow a certain pattern. Generally, the stages of the interview are the following: **planning, preparation and introduction; account and questions; closure and evaluation**.³¹

Planning, preparation and introduction

To increase the chances of a successful outcome, every investigative action, including interviews, should be carefully planned and prepared. Planning and preparation allows investigators to set their goals and to determine their expectations from the interviewee. In addition, quality preparation significantly increases the chance of avoiding any problems later on.

While planning and preparing an interview on a hate crime case, the investigator should:

- Analyse the existing facts of the case and plan questions accordingly. Use the appropriate terms / pronouns (especially in relation to the LGBTI+ community) and check their correct use with the interviewee, if in doubt.
- Identify if the involvement of any additional people, such as interpreters, defence councils, victim and witness co-ordinators, accompanying adults (in case of juveniles and vulnerable adults) are needed, and invite them accordingly.
- Identify the needs of the interviewees (especially the victim) and prepare information on relevant services to refer them.
- Conduct the interview in a comfortable room that is free from disturbance. Only those who will be involved in the actual interview should be present.
- Prepare all the materials and technical means (such as video-recording device, computer) if the interview is recorded.

³⁰ ECHR, *Skorjanec v. Croatia*, 25536/14, §65

³¹ This section benefits from the following source: Boyle, M. and Vullierme, J.C. (2018) A brief introduction to investigative interviewing: A practitioner’s guide

After finishing the preparations, an investigator should properly introduce himself to the interviewee. This is the stage where parties have first impressions about each other. A good introduction and the sincerity of the interviewer can encourage the victim, witness or suspect to further co-operate with law enforcement. During the introduction, the investigator should do the following:

- Introduce him or herself and all the parties attending the interview.
- Explain the procedural flow of the process.
- Inform the participants if video recording is planned.
- List the rights and obligations of an interviewee.
- Check if there are any questions before the actual questioning is started.

Account and questions

At the initial stage of the interview, the person being interviewed should be given an opportunity to freely narrate the course of events. The interviewer should encourage their recount, with appropriate indications of interest, that is, with appropriate body language and active listening techniques. After the narrative is done, he or she can ask questions (open or closed ones, depending on the will of the interviewer). It is very important that if not touched on during free narration, investigators ask questions about bias indicators, for example:

- Tell me exactly what the suspect said before, during, and after the incident and how often.
- Do you know why you were targeted?
- Describe the suspect with as much detail as you can, including tattoos or clothing.³²
- How long have you lived in this area? Are you the only member (or one of a few) of [a protected group] who lives in the area?
- Have there been any prior incidents?
- Has there been any recent public activity that would make you a target?
- Have you been the victim of a hate crime in the past?³³

As hate crime victims are likely to be particularly traumatised and vulnerable, an interviewer should:

- Avoid secondary victimisation by blaming the victim. Questions should not be judgmental, for example, “Why were you wearing colourful clothing?”, and “What to expect when you look like this”, and so on.
- Be aware that the victim’s protected characteristics, or affiliation, are not necessarily relevant to the investigation, and therefore it is not compulsory to probe them on this point. In hate crime cases, it is the offender’s motivation that is the focus of the investigation, including the offender’s presumptions about the victim’s identity. Therefore, establishing the victim’s protected characteristics per se are not necessarily central to the success of the investigation.
- Be very careful about “outing” the identity of the victim or witness, especially when the case involves members of the LGBTI community members.
- Ask relevant questions to identify bias indicators, and be especially interested in whether the incident was accompanied with hateful comments before, during or after the incident.
- Use appropriate, simple language and avoid professional jargon.
- Allow the interviewee to choose the pace and language of the interview.
- Use appropriate pronouns and names when dealing with sexual minorities. If they prefer

³² Note: Bear in mind the importance of being careful about suggesting specific recollections to the witness / victim. For example, suggesting tattoos could lead to false recollections. Ask follow-up questions regarding specific descriptions and details and make a judgement about the potential accuracy of this information.

³³ National Center for Hate Crime Prevention, Education Development Center Inc. (2000), Responding to Hate Crime: A Multidisciplinary Curriculum for Law Enforcement and Victim Assistance Professionals, pp.165-166

- to be addressed differently than with their passport name, the interviewer should use the names and pronouns chosen by a victim. However, in the official records due to the requirements of the national legal order both (passport as well as preferred) names can be indicated.

Here are some examples of “bad” and “good” questions when interviewing the persons in possible LGBTI hate crime:

Investigator: Are you gay?

Victim refuses to answer.

Investigator: Have you been attacked due on the grounds of your LGBTI identity?

Victim refuses to answer.

In both situations, the formulation of the investigator’s questions is unacceptable as it requires disclosing sensitive information from the victim. Very often, even if the person really belongs to the sexual minority, he/she does not want to disclose it to strangers. Therefore, the proper formulation of the question makes a real difference and raises confidence in the investigative authorities. Moreover, there is also the chance that the defence will complain before the court that the victim / witness was coached.

Investigator: Why do you think you were targeted?

Victim: I think I was assumed to be gay.

In the second example, the victim is more eager to co-operate with investigative authorities as his/her actual identity is not disclosed. The answer is based solely on the individual perception and the question is not leading the victim to answer in a predetermined way.

Together with victim / witness statements, one of the key stages in a good investigation is the proper interviewing of suspects. It is important to remember that “police officers are bound to question suspects with the presumption of their innocence”.³⁴ Often police officers, when questioning suspects, are motivated to use interviewing tactics that are coercive and aim at proving their predetermined version of events. Suspects should be allowed to deliver their own narrative which can be used by police officers to test and challenge its veracity against available evidence and information, whilst suggesting the need to pursue further useful avenues of investigation. Together with substantiating the core crime, it is crucial to ask questions focused on bias indicators. Questions for identifying the bias motive can be the following:

- Why did you choose this target? What motivated you?
- How do you feel about this person or group?
- Has the victim’s group hurt you or your friends?
- Did you write these comments online? How do you explain them?
- Did you paint the property? What is the meaning behind these symbols?

This list is just indicative, and questions may vary according to the facts of the case. Suspects – especially if the defence council is already involved in proceedings – may not reply to such direct questions. However, their responses can reveal new and interesting facts. Therefore, interviewers should be very attentive and note down every detail that may be potentially related to bias motive.

³⁴ Boyle, M. and J.C. Vullierme. (2018) A brief introduction to investigative interviewing: A practitioner’s guide, p.16

Closure and evaluation

At this stage, an interviewer should ask the person if they have anything to add or any questions to ask. Moreover, the investigator evaluates the information received and plans further actions. If the information on bias indicators has been delivered, the investigator should attempt to gather additional evidence around it to substantiate bias motive.

Converting bias indicators into evidence

Despite having theoretical knowledge regarding bias indicators, there are situations when investigative authorities can face difficulties in converting them into evidence proving bias. Sometimes such difficulties are caused by law enforcement officers themselves, while in other situations, legal or administrative obstacles are the main fault.

For example, police receive information on property damage of a Jewish couple living in the local neighbourhood. The police officers who went to the address found a Swastika painted on the fence. They inspect the scene, question the couple and neighbours, but forget to take pictures of the painting. The next day they return to the scene to gather visual evidence, but it has already been washed away by the heavy rain that fell that morning.

In this situation, due to the investigators' negligence, a key bias indicator has been destroyed. Instead, they can use witness statements but it may not have the same evidential strength. While the given example shows negligence, there are many situations when investigators intentionally ignore bias indicators, assuming that they have already gathered enough evidence for a successful prosecution. Such actions can be inspired by different reasons (excessive workload, fear of additional instructions from prosecutors, internal bias, etc.). Skills and knowledge relating to police discriminatory misconduct are covered in Module 2.

Unlike the previously-mentioned examples, there may be situations when law enforcement officers are hindered by weak legislation. For instance, in some legislations, CCTV footage is allowed to be used as evidence only if the committed crime falls within a certain category (e.g. serious crimes). Such limitations can be problematic when seeking to obtain evidence of bias motive on crimes that do not meet the requirements of law. In addition, when it comes to electronic evidence, many legislations have very specific rules for their admissibility, as they require authenticity checks. Therefore, when investigators are instructed to use statements made on social media as bias indicators, they may face legal problems in including them in case files.

Special attention should be drawn to converting victim / witness statements into evidence. Despite the fact that interviews are one of the most common types of investigative actions that provide strong and reliable evidence, they can be subjective, and therefore easily challenged by the defence. Therefore, apart from victim / witness perception, the investigation should always attempt to find additional evidence to strengthen the alleged hate crime case.

Annex 4.6: Trainer's Notes for Activity 4.6

Hate crimes committed by the police

Allegations of hate-motivated police misconduct are common. There are dozens of cases lost in the ECHR by different states that failed to properly investigate illegal actions of police officers. Failure to do so results in violation of article 14 of the Convention, in conjunction with other articles (mainly, Article 2 (right to life) or 3 (prohibition of torture)).

Hate crimes committed by police are extremely damaging to the image of the whole institution, because they are the key actors responsible for maintaining legal order and tackling such offences. Therefore, adequate, comprehensive, thorough, prompt, expedient and independent investigation into police misconduct is essential to regain public trust. These issues are explored in more depth in Module 2.

It is absolutely essential that investigations into allegations of misconduct are conducted by an impartial and independent body as victims generally do not trust complaint systems provided by police or even prosecution bodies. ECRI General Policy Recommendation No. 11 requires states "to provide for a body, independent of the police and prosecution authorities, entrusted with the investigation of alleged cases of racial discrimination and racially-motivated misconduct by the police". Together with an independent body, it is recommended that police have internal quality checks and disciplinary mechanisms (police inspectorate, Department of the Ministry of Interior, etc.).

Hate crimes against the police

Police officers are not exempt from becoming the victims of hate crime. The formula for the commission of crime is the same. They are being targeted due to their actual or perceived belonging to a certain group holding specific protected characteristics, such as ethnicity, gender, race, disability, having an LGBTI identity and so on. In addition, while fulfilling their duties, police officers may become targets of hate crime by association as well. For example, if they are protecting a demonstration by a religious minority and radical counterdemonstrators decide to attack the demonstration, police officers can easily become the targets of these violent groups.

Police officers may become victims of bullying, discrimination and even hate crimes by their own colleagues. For instance, the masculine subculture of the police can force gay police officers to hide their sexual orientation and conform to "the rules". Therefore, it is also important to tackle the stereotypical environment within the police that may be discriminatory towards certain members of the institution.

In ideal circumstances, there should be clear guidance within the police that hate crimes against officers will not be tolerated. For instance, in 2021, Sussex Police introduced a special policy with a seven-point plan to ensure a consistent approach to investigating and recording assaults and hate crimes on police officers.³⁵ According to the policy paper, hate crimes against police are unacceptable and should be taken seriously. Such acts should never be considered as "part of the job".

³⁵ Sussex Police, 'Investigation of Assaults and Hate Crimes on Police Officers, Police Staff and Volunteers whilst on Duty Policy' (903/2021)

Module 5

RESPECTFUL & NON-DISCRIMINATORY TREATMENT OF VICTIMS

AUTHOR: MARHARYTA ZHESKO

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Introduction and Background

Respectful and non-discriminatory treatment of victims is core to the role of the police. It is also key to ensuring that victims' individual needs are identified and met effectively and sensitively, and in such a way as to prevent or reduce the potential for secondary victimisation and trauma, which can often occur when the victim engages in the investigation and criminal justice process. Treating victims respectfully and responding to their needs also helps to build trust between victims and the police. Victims and witnesses who trust the police are more likely to co-operate with the investigation and to share information, and thus increase the chance of effective criminal justice outcomes. On a larger scale, trust in and the efficacy of the criminal justice system can encourage more victims, from all backgrounds, to report crimes, thereby enhancing the security of individuals, communities and society as a whole.

Respectful and non-discriminatory treatment means that the police and criminal justice professionals do not cause discriminatory outcomes by their actions, make the effort to be aware of and to counter their own bias, and pay attention to the individual vulnerabilities of victims, witnesses and their family members. As every individual is different and has different vulnerabilities and experiences crimes or incidents differently, the police should take an individual approach to each victim. In other words, they should take a victim-centred approach. To this end, police officers must be able to assess victims' needs and risks, and have the skills to interact appropriately with them. Additionally, sensitive and professional treatment also requires a thorough understanding of discrimination, and its complex impact on victims and police obligations to eliminate discrimination and to promote equality.

From the equality and human rights perspective, there are two sets of issues to consider in the sensitive and professional treatment of victims:

1. The particular impact and needs arising from being a victim of a hate crime, or crimes committed with a discriminatory motive;
2. The more general challenges facing communities from minority backgrounds when they encounter or decide to approach the police as the victim of any crime. These two groups have many overlapping experiences. For example, both groups might be concerned about a discriminatory or poor response from the police. Additionally, both groups might have access needs that are not necessarily connected to the nature of the offence, for example, for interpretation services, including sign language, or other needs relating, in particular, to gender, sexual orientation, religion or disability. At the same time, the nature and impact of hate crime is unique and gives rise to specific risks, support needs and impacts.

This module aims to equip the police with an increased awareness of both the general equality and human rights considerations when responding to any crime involving a victim from a minority community, as well as with specific considerations when responding to victims of hate crimes. To achieve these aims, the module is thematically structured around three subtopics. Activity 5.1. and Activity 5.2 focus on the needs of victims, in particular, victims of discriminatory incidents and crimes, and victims from minority groups, as well as an intersectional and victim-centred approach in dealing with victims. Activity 5.3 focuses on how police actions, or inaction, can lead to secondary victimisation. Activity 5.4 and Activity 5.5 focus on how the police can identify and address the specific needs and risks facing victims in a sensitive and professional manner.

This module uses the term 'victim' to refer to an individual affected by a crime or incident as reflected in the terminology of the international and European human rights framework and national legal systems. However, the term 'victim' should be used with caution as many victims do not identify themselves as a 'victim', even though they are in a legal sense. For some, being referred to as a 'victim' implies disempowerment and means denying their resilience and capacity to overcome the consequences of victimisation. The term 'victim' might lead to further stigmatisation as it may be associated with weakness and helplessness. That is why some victims prefer using the term 'survivor', a term that acknowledges resilience and agency. Police officers should be conscious of such sensitivities when interacting with victims.

The main international standards that underpin this module derive from the EU Victims' Rights Directive,¹ which establishes minimum standards on the rights, protection and support of victims of crimes and requires national authorities to incorporate the victim's perspective in the work of the criminal justice system in particular. The Directive highlights the importance of taking the victim's personal characteristics into account when communicating with and assessing their needs. Additionally, OSCE commitments of the Organisation for Security and Cooperation in Europe (OSCE)² call on national authorities to provide hate-crime victims with effective access to justice, as well as to build the capacity of law enforcement authorities to increase a positive interaction between police and victims of hate crimes by training front-line officers, including providing referrals for victim assistance and protection. ECRI General Policy Recommendation No. 11 on Combating Racism and Racial Discrimination in Policing³ encourages national authorities to ensure sensitivity towards the victim when a racist incident is reported. Lastly, the Council of Europe's Committee of Ministers' recommendations on victim assistance⁴ provide for a range of standards in dealing with victims, including the need to prevent repeat victimisation, in particular for victims belonging to vulnerable groups.

As this module centres around victims, it should be customised and delivered in close co-operation with local NGO partners who have strong community connections. These organisations should have a deep understanding of the experiences of their communities in terms of crime, hate crime and police responses in their national or local contexts. Furthermore, these organisations will be best placed to advise on particular gaps and challenges in communication with the police that should be addressed through this training. Lastly, their contribution will imply a specific emphasis on making victims' and communities' perspectives and needs heard, and will also send a strong message to the participants on the importance and value added of co-operation with local civil society and community-based organisations.

¹ EU Directive establishing minimum standards on the rights, support and protection of victims of crime – Directive 2012/29/EU, adopted on 25 October 2012, <https://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX%3A32012L0029>.

² OSCE Ministerial Council, Decision 9/09, Combatting Hate Crimes, Athens, 2 December 2009, www.osce.org/cio/40695. OSCE Ministerial Council, Decision 13/06, Combatting Intolerance and Discrimination and Promoting Mutual Respect and Understanding, Brussels, 5 December 2006, www.osce.org/mc/23114.

³ ECRI General Policy Recommendation No. 11 on Combating Racism and Racial Discrimination in Policing, adopted 27 June 2007, www.coe.int/en/web/european-commission-against-racism-and-intolerance/recommendation-no.11.

⁴ Council of Europe, Committee of Ministers Recommendation Rec(2006)8, 'On Assistance to Crime Victims', 14 June 2006, <https://rm.coe.int/16805afa5c>.

Learning Outcomes

Participants will:

- Understand the needs of victims, in particular, victims of discriminatory crimes and incidents, and victims from minority groups
- Understand the importance of taking an intersectional approach when dealing with victims
- Learn how discriminatory or disrespectful treatment of victims by the police can cause secondary victimisation of victims
- Learn how to ensure that the specific needs of victims are properly assessed and met
- Obtain knowledge and skills on how to ensure the respectful and non-discriminatory treatment of victims, witnesses and family members

Overview of Activities and Timings

Activity 5.1: Needs of Victims of Discriminatory Harassment and Violence	(60 minutes)
Activity 5.2: Intersectional Approach	(60 minutes)
Activity 5.3: Secondary Victimization as Discrimination	(30 minutes)
Activity 5.4: Assessing and Meeting the Victims' Needs	(60 minutes)
Activity 5.5: Sensitive and Respectful Interaction with Victims	(90 minutes)

Preparation

In addition to drawing on the Needs Assessment, in preparing this module the training team should take the following steps.

The training team should co-operate closely with local CSO partners, in particular, for Activity 5.1, Activity 5.2, Activity 5.3 and Activity 5.4. The manual provides examples of victims' testimonies for these activities; however, local CSO partners' knowledge and experience could be valuable for verifying the relevance and applicability of these examples to the local or national context.

Additionally, for Activity 5.4 specifically, the training team should check, with national counterparts, relevant national policy and police operational instructions on victims' needs and risks assessment, victim support referral rules and on interviewing techniques (also cross-referencing with Module 4 on Hate Crime Investigation) and their application by police officers. The trainer should also research available national victim support services, offered by both state and CSO actors.

For Activity 5.5, the training team should clarify, with their national counterpart, the existence of relevant national legal or policy provisions that require the police to inform victims about their rights (such as the rights to information, communication and protection according to national law and policy), as well as about relevant leaflets or other ready-to-use materials about victims' rights.

Each activity is accompanied by specific points on the necessary preparatory steps, as needed. Trainer's notes and recommendations, applicable to specific activities, are provided throughout the module.

Activity Descriptions

Activity 5.1: Needs of Victims of Discriminatory Harassment and Violence

Learning points: Impact of discriminatory harassment and violence, and the needs of victims, including victims of discriminatory crimes and incidents, and victims from minority groups

Time: 60 minutes

Materials needed: flip chart
flip chart paper
markers
projector
printed testimonies of victims' needs, Annex 5.1
PowerPoint presentation with the challenges faced by the victims of discriminatory crimes and victims of minority groups

Preparation: Together with a local CSO, the trainer should prepare victims' testimonies highlighting victims' needs.

Instructions

1. The activity starts by discussing the impact of discriminatory harassment and violence, and how it differs from other crimes and incidents, including its impact on family and community members who share the same protected characteristic. To discuss this, in plenary, present the following case study (based on the testimony of a victim) and ask participants to identify what the impact is on the victim and how it differs from other types of crimes that have no bias motive. Ask participants to think of an immediate impact and possible long term impact.

I'd just got off the bus when I heard a faint sound directed at me from my left across the street. I had these noise-cancelling headphones on and took them off as these guys just shouted "Coronavirus! Coronavirus! Ha, ha!" in my face while filming me. I didn't get a chance to say anything – "Please stop", or "Why are you doing this?" – when one of them snatched the headphones from my neck. It didn't feel like a robbery at that point, it felt like bullying, a bit of messing around. After about 50 metres, they ran across the road and I ran after [one of them] shouting: "Why are you doing this?" When I reached the traffic island he turned round and punched me to the ground. There was blood everywhere. I shouted out to bystanders but no one seemed to care or pay attention initially. The attackers didn't bother leaving the scene, so I took pictures of them to pass to the police. It's made me very wary, it's a terrible feeling knowing that they're still out there. It isn't just a robbery, there's also knowing that I've been targeted because of my ethnicity, and that they were filming me to humiliate me, as if east Asians are all submissive and easy targets... It doesn't matter how much I've accomplished or how hard I've worked. None of that shields me or anyone else. I'm still just a target because I'm east Asian. – Male, 24, east Asian⁵

2. Build on the answers from the group and emphasise the following points. As the points are discussed, note them down on the flip chart:
 - Discriminatory harassment and violence hurt more than other types of crimes as they attack the very identity of a victim. As such, this sends a message of rejection of the victim's identity and that the victim is not an accepted part of the society or community.

⁵ www.theguardian.com/world/2020/feb/16/they-yelled-coronavirus-first-british-attack-victim-east-asian-man.

- A well-established body of research shows that the impact of bias motivated incidents and crimes can be greater and last longer than the impact of crimes without a discriminatory motive.⁶ Victims of such crimes and incidents are more likely to suffer higher levels of depression, anxiety, vulnerability and fear of future attacks, as well as experience an extreme sense of isolation.
 - Notably, victims of discriminatory harassment and violence experience a much greater difficulty with trusting people, which influences their ability to reach out for help or to report the crime. Furthermore, symptoms of alertness, tension, and worry of being targeted again are prevalent. This often leads victims to change their everyday behaviour, and can include the following: avoiding attending worship services or community events; not wearing religious attire or symbols, or particular types of clothes that might reveal their identity; not holding hands with their same-sex partner; not speaking their language, or abstaining from identifying publicly as belonging to a particular religion, ethnicity or community.⁷
 - Discriminatory harassment and violence might have a similarly harmful impact on the family of the victim and on others who share the same identity as the person who was the object of the discriminatory attack. Other members of the target group can not only experience fear of future attacks on them, but may be as psychologically and emotionally affected as if they were themselves the primary victims.
 - It is important to bear in mind that different people experience discriminatory incidents and crimes differently, depending on various factors: the type of incident; a person's previous experience with marginalisation, discrimination, and disadvantage; the existence of social support circles; and a person's economic and psychological resilience. Based on these various factors, victims have different needs. It is the police role to be able to correctly assess the situation and identify individual needs of each victim.
 - To get a better understanding of the extent of discriminatory incidents and crimes and their impact on people in their respective communities, the police should **work closely with civil society and community-based organisations**.⁸ By virtue of their close connection to the communities, these organisations often have a lot of information and knowledge about the prevalent trends and impacts on the community members and the community as a whole. This is information that might never reach the police as victims are often more likely to report their experiences to community organisations than to the police. While, historically, the level of co-operation between civil society and the police may vary by country, the police should always consider building trusting relationships with such organisations, and recognise them as important partners in addressing hate crimes and incidents, and any crimes involving minority communities.
3. Next, mention that, in addition to particular vulnerabilities of victims of discriminatory crimes highlighted above, police officers should also be mindful of vulnerabilities of any victim from a minority background. Members of minority groups face similar challenges in interacting with the police and in accessing protection, support and justice. Using a PowerPoint presentation, present the table below to the group and explain challenges similar to both groups and challenges unique to the victims of hate crimes.

⁶ For example, see 'Hate crime victimization survey report', OSCE Mission to Skopje, 2019, available at www.osce.org/mission-to-skopje/424193, and 'Survey on the nature and scale of unreported hate crimes against members of selected communities in Poland', OSCE/ODIHR, Commissioner for Human Rights of Poland 2019, available at www.osce.org/odihr/412445.

⁷ For more information on how hate crimes and incidents might impact members of particular minority groups, check OSCE/ODIHR factsheets on hate crime at www.osce.org/odihr/hate_crime_factsheets.

⁸ Module 6 considers community policing issues in detail.

	Specific or additional impact of 'extra factor' of 'hate'?	Specific or additional needs regarding risk and safety?	Specific needs regarding support and access?	Face barriers to reporting?	At risk of poor or discriminatory response by the police?
Victims of hate crime who are from a minority background	Yes. Targeted for who they are, evidence of enhanced psychological (fear, anxiety, anger, isolation) and psychosomatic impacts compared to the same offence without the 'hate element'.	Yes. On the grounds of the impact of hate crime and risks of repeat victimisation, intimidation and retaliation.	Yes. Specific support needs on the grounds of impact of hate crime and identity-based needs regarding support. Identity-based needs regarding access (e.g. gender, religion, language, disability)	Yes. Lack of trust in police due to poor previous experiences, lack of knowledge about where to go, shame and confusion after hate victimisation.	Yes. The incident itself might be minimised, the victim might not be believed; access needs might not be met; impact of secondary victimisation could be severe due to original impact.
Victims from minority background who are victims of non-hate crime.	No.	No.	Yes. Identity-based needs regarding access (e.g. gender, religion, language, disability).	Yes. Lack of trust in police due to poor previous experiences; lack of knowledge about how and where to report.	Yes. Incident itself might be minimised; victim might not be believed; access needs might not be met.

- Next, move on to discuss various needs that victims might have. This discussion will focus on the needs of victims of discriminatory crime (hate crimes) and victims of non-hate crimes, who belong to minority groups. This activity envisages close work with a local CSO partner. If a CSO partner is competent and willing, this activity should be delivered by them. There are a few options for this activity, depending on what resources and materials the local CSO partner has. The overall idea is for the participants to listen to the testimonies of victims, and then discuss what immediate and mid-term needs a victim might have and how the police can address these needs, within their duty. As to the testimony format, it can be either 1) a 'living library' (an actual victim joins the session and shares their story with the participants); this option should only be used if a local CSO partner is appropriately experienced to facilitate participation and discussion; 2) video testimony of a victim; often, CSOs have pre-recorded testimony that they use for awareness and educational purposes; 3) reading the extracts from written testimony – from a real case dealt with by the NGO partner. Where no local CSO is available to support this activity, the testimonies at Annex 5.1 can be used. These testimonies could also be used to guide a CSO partner in developing their input and/or be used in addition to the CSO input.

5. Ask participants to work in pairs, distribute one or two testimonies of hate crime victims for each pair, depending on the size of the group, and give participants five minutes to read and identify victims' needs, based on their example. Then, ask each participant team to read their testimonies and to name the needs they were able to identify and how the police can react to them. Open a discussion about the points raised in the teams' feedback with the main group. As the needs are identified, note them down on the flip chart.⁹ For each of the needs identified, again, discuss with the participants how the police can react to them. Next, distribute testimonies of victims of non-hate crimes of minority backgrounds. Ask volunteers to read them out loud to the whole group and ask the group to identify the needs. The needs are the same as some of the needs of hate-crime victims that the groups discussed before. Thus, they should be on the flip chart already.
6. Building on the answers from the group, summarise the discussion on the victims' needs, highlighting the following types of needs and the police actions for responding to them:¹⁰
 - **Personal safety and security:** During and immediately after experiencing an incident, most victims feel utterly unsafe, exposed and in danger. The need to feel safe and protected from further harm is profound. To this end, the police need to take all necessary measures for a victim's safety and security, as well as to reassure the victim that actions will be taken to support and protect them.
 - **Practical help:** Practical support to deal with the immediate consequences and impact of the crime will be needed by some victims. This can include legal advice, medical assistance, repairs and security arrangements for property, and family support. For support that goes beyond the police's duty, the police should refer the victim to the relevant institutions and organisations offering such support.
 - **Emotional and psychosocial needs:** The emotional and psychosocial needs of victims will differ from one person to another. One might require a professional therapist intervention, while another might only need to air their emotions and share their story. In general, however, there is a need to be listened to and heard, to be believed and to be taken seriously. To this end, a police officer should be mindful of their words, body language and behaviour with a victim to reassure them that they are being treated seriously. This also includes listening carefully to victims' perspectives about the crime, including its possible bias motivation, as well as acknowledging the impact of the crime. In case it is needed, the police should refer a victim to organisations providing psychological support.
 - **Confidentiality and trust:** The experience of a crime, and discriminatory crime in particular, can shatter a person's trust in a wider community and their sense of a just world. Establishing relationships of trust and confidentiality with victims is fundamental to the recovery process. To this end, the police should reassure a victim that they are being taken seriously and that the police will do everything in their power to deliver justice. This also implies that the police should be aware that a discriminatory or unprofessional response from their side might further exacerbate the victim's trauma.

⁹ Please note that the flip chart notes from this activity are later used in the Activity 5.4 as a background to a task.

¹⁰ Based on ODIHR/OSCE (2020), Understanding the Needs of Hate Crime Victims, available at www.osce.org/odihr/463011.

- **Information and advice:** In the aftermath of an offence, victims can be overwhelmed with the situation and not know what they should do or what to expect. They are concerned about their participation in the process and about practical and material aspects of medical, legal support, and so on. The police can help relieve some of this stress by providing a victim with information about, for example, their rights, steps that come next, their participation in the investigation and the proceeding, information about all the available support service.
 - **Accessing the justice and navigating criminal justice processes:** Accessing and navigating the criminal justice system might imply certain strains to a victim. It can be because of the victim's previous experiences with and thus fear of the police, or a history of unlawful treatment of the victim's community by the police (e.g. racial profiling) and thus lack of trust, or it can be due to the fact that a criminal justice system as such is overly complex and inaccessible. To this end, victims need help to fully comprehend the criminal justice procedures involved in processing their case. The role of the police is to ensure a victim is informed, in a timely manner, about the steps and progress of their case, including when their participation is required. The role of the police is also in facilitating access to the justice needed, depending on the individual characteristics of a victim. For example, this can include access needs related to disability, such as physical access to premises or access to a sign interpreter, or access to interpretation for linguistic needs.
 - **Respectful and dignified treatment:** Given that feelings of violation can be acute among victims of discriminatory crimes or victims from minority groups, it is critical that the police behave professionally, respectfully and in a way that protects victims from re-victimisation. Such treatment also implies that the police need to send a message that hate crimes are taken seriously. Furthermore, the active investigation, prosecution and conviction of hate-crime perpetrators sends an important message of justice for victims and condemnation of the offenders' motivations and actions.
7. Next, mention that the police should be mindful of victims' needs changing over time. Some needs exist immediately after the offence, while other needs arise during the investigation process and the criminal justice process. Other needs may also arise even after this process has been completed.

Additionally, specify that, when identifying and assessing victim's needs, it is important to take **a victim-centred approach**. While victims of discriminatory harassment and violence share some common needs, it has to be understood and acknowledged that each victim is a person with individual needs. Individual assessment of the needs should be at the centre of the response by the police when dealing with the victims of discriminatory harassment and violence.

Activity 5.2: Taking an Intersectional Approach

Learning points: Every individual has multiple identities, and the unique intersection of these identities also makes their experiences of discriminatory incidents and crimes unique. A professional response recognises such intersectionality and is thus individual for each victim.

Time: 60 minutes

Materials needed: flip chart
flip chart paper
markers
Handout 5.2a and Handout 5.2b
Annex 5.2b
case studies

Preparation: Together with a local CSO, the trainer should customise case studies and background information for the case study facilitation to the national context and practices.

Instructions

1. Start by specifying that **intersectionality** refers to the fact that we all have multiple identities that make us who we are. These identities also impact our experiences, making them different for each person. **An intersectional approach** recognises that, while groups may share some characteristics, a group member's individual experiences can be different owing to the complex interaction between their other identity categories. Discriminatory attitudes and actions can cut across different identity categories.
2. In plenary, ask participants to give examples of identity categories. For easier visualisation, draw the flower scheme, as in Handout 5.2, on a piece of flip chart paper, and fill it in as participants name identity categories (each petal is an identity category). List all the remaining categories from the list below if they have not been mentioned by participants.
 - race / ethnicity / national origin / language
 - migrant or refugee status
 - religion or belief
 - sexual orientation / gender identity / gender expression / sex characteristics
 - disability
 - health
 - age
 - political affiliation
 - urban / rural location
 - socioeconomic status / homelessness

3. Next, distribute the flower scheme to each participant (Handout 5.2) and ask them to complete it for themselves, filling it with their identities along the identity categories just discussed. If participants prefer, they can also include identities of their close family / friends. Point out that participants will not need to share their flowers with anyone, and it is only for them to reflect on their identities and identities of the people close to them. Once participants have completed their flowers, ask them how it felt to complete it with their identities. After that, summarise that this exercise demonstrates that a) everyone has multiple identities and that these identities are integral to them and that b) identities are intersecting. Note that in these respects, participants on this training course are no different from people who are targeted for their identities. Participants can also be targeted by discriminatory crimes or incidents. They might have needs arising from how their identities interact with the environment, for example people with disabilities have particular needs when interacting with the police and criminal justice system.
4. Highlight that there is no hierarchy to aspects of one's identity, as each is an integral part of the identity of a particular individual and thus impacts on an individual's experiences. Intersecting identities of a victim influence how the victim experiences an incident, how they are impacted by it, how and whether they report it, and their access to justice. The aim of understanding intersecting identities is to recognise that **different intersections produce different experiences of discriminatory treatment, incidents and crimes**. The police should take this into consideration and should have an intersectional rather than a single-axis approach. In order to address intersectionality better, the police should place the **victim at the centre of their actions**.
5. Next, to demonstrate the above points, divide participants into three groups to work on the case studies. Distribute the case studies (Handout 5.2b) and allocate each group one case. Ask them to discuss and answer questions 1,2 and 3. Give the groups 10 minutes to work on their cases.
6. Groups should then present their answers.
7. After each group has presented, share information on intersectional issues from the trainer's notes in Annex 5.2b.
8. Now ask the group question 4, and discuss it with the whole group.
9. At the end of the discussion, conclude by sharing the following information. Every other intersecting identity of a victim may impact their experience of a discriminatory incident, or any crime, as well as affect their access to justice. Police officers are not expected to have knowledge about all aspects of possible intersecting identities of a particular victim. It is an impossible task for anyone. However, to handle a victim respectfully and sensitively, the **police should place the victim at the centre of their actions**. Only by listening to a victim can the police learn and understand their needs. General knowledge about various communities and their vulnerabilities, obtained through ongoing outreach to, and co-operation with, community-based organisations, is, however, a necessity for an individual police officer for initially dealing with a victim and facilitating subsequent interaction. Module Six addresses skills and knowledge for effective community engagement.

Activity 5.3: Secondary Victimization as Discrimination

Learning points: Police actions and/or inaction can lead to secondary victimisation.

Time: 30 minutes

Materials needed: flip chart
flip chart paper
markers
Handout 5.3, printed testimonies of victims on their interaction with the police

Preparation: Together with a local CSO, the trainer should prepare the victims' testimonies, highlighting the experiences of secondary victimisation when interacting with the police relevant to the national / local context.

Instructions

1. Start by explaining the concept of secondary victimisation, why it is important for police officers to be aware of it, and how police action can lead to secondary victimisation. Use the information below.

What is secondary victimisation? Secondary victimisation is discriminatory or disrespectful treatment that compounds or exacerbates the impact of the original crime. For many victims, secondary victimisation can deepen the trauma of the original crime, lead to even greater humiliation and isolation, and result in greater emotional and psychological impact. The behaviour of the police and criminal justice professionals can therefore have a direct impact on victims.

2. Next, distribute the victims' testimonies to volunteer participants (Handout 5.3). The testimonies are of the victims' interactions with the police or of their experiences in going through the criminal justice process. Before the training course, work with a local CSO to prepare testimonies that are relevant to the national / local context. The testimonies below can be used to inform this preparation.

Ask for volunteers to read the testimonies out loud to the whole group and ask the group to identify the police practices / behaviours that might have led to secondary victimisation.

3. As the group proceeds, write down the police behaviour that can lead to secondary victimisation on the flip chart.¹¹
 - A lack of a response, or an unhelpful and denigrating response
 - Attributing responsibility for the crime to victims (victim-blaming)
 - Minimising the seriousness of a reported crime and trivialising the individual experience and consequences
 - Displaying negative attitudes or reinforcing the prejudices of the perpetrator, and treating the victim accordingly
 - Expressing sympathy and understanding for the perpetrator
 - Denying the victim's perspective in the assessment and evaluation of the crime, not taking a bias motivation into consideration or dismissing it as irrelevant
 - Assuming that a victim's statement will not be credible based on a protected characteristic, for example, because they have a mental or psycho-social disability
 - A lack of appropriate knowledge, experience and skills to acknowledge the significance of the victim's identity for the crime they suffered
 - A lack of consideration for individual needs, especially the need for information and justice.
4. Conclude this exercise by mentioning that police officers should be aware how their actions (and inaction) and words can impact on a victim, undermining their trust and willingness to report a crime and co-operate in any investigation. Police should also be aware that some of the actions given in this activity amount to discrimination and could be disciplinary matters. On a larger scale, it impacts not only on an individual case but on trust within the whole community. By being mindful of their actions and words and by treating victims professionally and respectfully, the police can both improve their public image and increase community confidence. As a result, communication and the flow of information will be enhanced, leading to more effective policing and positive investigative outcomes.

¹¹ Please note that the flip chart notes from this activity are later used in the Activity 5.4 as background to a task for the group.

Activity 5.4: Assessing and Meeting Victims' Needs

Learning points: The police should carry out an individual assessment of needs and risks for each victim. The activity presents considerations and information to collect during such assessment.

Time: 60 minutes

Materials needed: flip chart
flip chart paper
markers
case study
Handout 5.4a
Handout 5.4b

Preparation: The trainer should check relevant national policy and police operational instructions on victims' needs and risk assessment and their application by police officers. Additionally, the trainer should be aware of national support services, offered by both state and CSO actors. To the extent that it is possible, work with the CSOs to include information about their services.

Instructions

1. Start by saying that a victim-centred approach implies an **individual assessment of the needs and risks of a victim**. Such an assessment is particularly important in cases of hate crimes and incidents as these cases bear the risks of continued or repeat victimisation, intimidation and retaliation. Similarly, victims belonging to minority communities present particular vulnerabilities that should also be taken into account by the police. For the police to fulfil their function of protecting life, the individual assessment of needs and risks should be viewed as an integral part of their interaction with victims. Firstly, individual assessment ensures the police understand the needs of a victim and the risks they (may) face, and helps the police determine the protective and support measures that they should put in place. Furthermore, by responding to the needs of a victim, the victim's capability and willingness to co-operate with the police on the case and to share information is fostered. This is an important element for a successful investigation.
2. To demonstrate the importance of assessing the risks and needs, invite participants to discuss a case study (Handout 5.4a). Ask participants to work in pairs. Give them 10 minutes to read and discuss the case, and to answer the questions included in the case study.
3. Bring the participants back into the large group and ask participants to share and discuss their answers.
4. After discussing the case study, highlight that the **police should place the victim at the centre of their actions**. An assessment of the risks and needs of the victim should be carried out at the earliest opportunity to ensure that any required protection and support measures are put in place without delay. Importantly, an assessment should be individual to every victim, taking into account the victim's **personal characteristics**, such as age, gender identity or expression, ethnicity, race, religion, sexual orientation, disability, and so on, and any particular **vulnerabilities** related to those characteristics.

5. Next, divide participants into three or four groups to work with a hypothetical situation:

Scenario: A victim belonging to a minority community comes to the police station to report a crime immediately after the incident.

Task: Taking into consideration the types of victims' needs, risks of secondary victimisation and importance of a victim-centred approach, prepare a list of considerations and questions to ask the victim in order to assess their protection, access and support needs and risks. The focus of this task is how to ask questions to determine these needs and at the same time do not undermine trust of a victim and be mindful of a victim's potential vulnerabilities.

When explaining the task, draw participants' attention to the flip chart notes from Activity 5.1 (victims' needs) and Activity 5.3 (secondary victimisation). Give groups 10 minutes to discuss their answers, then each group should present their answer to the whole group, followed by a whole group discussion. The purpose of this exercise is to bring the knowledge from the previous sections (victim's needs, intersectionality, assessing needs and risks) into the police-work context. A sample answer is in Handout 5.4b.

Trainer's Notes

EU Member States are bound by the EU Victims' Rights Directive,¹² which requires the police to carry out an individual needs' assessment (INA) process to identify the risk of secondary and repeat victimisation, intimidation and retaliation. It specifically acknowledges hate crime victims as a subcategory of "particularly vulnerable victims", and stresses their rights to protection and assistance in accordance with their individual needs. Thus, some EU member states might have national INA forms and related policies already in place. It is therefore important to do prior research and to be aware of their existence. Most likely, these forms and policies will only require risk assessment, without looking into the needs of the victims. As a consequence, the trainer should highlight specific aspects and considerations in relation to the needs of victims of hate crimes and incidents, and victims belonging to minority groups.

Useful resources for this section:

- OSCE/ODIHR (2021), 'Model Guidance on Individual Needs Assessments of Hate Crime Victims', available at www.osce.org/odihr/489782.
- Campaign Against Homophobia, Hate No More project, 'Toolkit for the Law Enforcement Bodies: Accommodating the Needs of the Victims of Homophobic and Transphobic Hate Crimes', available at https://kph.org.pl/publikacje_kph.
- EU Victim's Rights Directive, available at <https://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX%3A32012L0029>.

¹² EU Directive establishing minimum standards on the rights, support and protection of victims of crime – Directive 2012/29/EU, adopted on 25 October 2012, and available at <https://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX%3A32012L0029>.

Activity 5.5: Sensitive and Respectful Interaction with Victims

Learning points: The police should interact with victims in a sensitive and respectful manner.

Time: 90 minutes

Materials needed: flip chart
flip chart paper
markers
Handout 5.5a and Handout 5.5b

Preparation: Print role-play instructions for each role (Handout 5.5a) and Handout 5.5b. Prior to the training activity, check with the police counterpart about the existence of relevant national legal or policy provisions that require the police to inform victims about their rights, as well as about relevant leaflets or other ready-to-use materials about victims' rights available for police use. (Please see Trainer's Notes at the end of this activity for more background)

Instructions

1. Explain to the group that the focus of this activity is to practise interaction with victims through practical exercises and to bring the knowledge from the previous sections (hate crime and incident impact, victim's needs, secondary victimisation) into the police work context.
2. Tell the group that the next exercise is a role play of an interviewing process, and ask for four volunteers – two to play victims and two to play police officers. The rest of the group will observe and each "observer" will have to offer feedback after the exercise. Specify that while this is a role play with both sides, the main focus of the exercise is on the actions and words of "police officers" rather than on the performance of the "victims".
3. Hand out 5.5a to all participants.
4. Once the roles have been distributed, give the "police officers" and "victims" five minutes to prepare. Then ask them to sit in front of the group and to carry out the interview process. Allocate 10-15 minutes for this task. As the process goes on, note down key aspects that went well and did not go well, as well as anything that is missed.
5. After the process has finished, ask the "police officers" to reflect on their experience. What was difficult? What were the aspects of the process that they knew had to be put in place or had to be said, but did not know how to do it? Did they feel they lacked certain knowledge? Where might they obtain this knowledge?
6. Then ask "victims" to reflect on the exercise. How did it feel? From their perspective, what aspects of the process encouraged them to trust the "police officers" and share more information, and what aspects of the process pushed them away? In their opinion, what was missing in the treatment?
7. Then ask the group to provide their feedback, one by one, on how it felt? What went well and what did not go well? What other considerations should have been done by the "police officers"?
8. Distribute Handout 5.5b to the group and go through the interview process together, mentioning the points from Handout 5.5b.

9. Next, move on to another practical exercise, focusing on communication about the victim's rights and steps of the process. Ask the group to work in pairs. Their task is to explain to their colleague, as if they are a victim, in plain simple language what their rights are, and what they should expect from the process after the crime is reported (for example, possible issues which might come up, expected procedural actions, what the victim is required and/or has the right to do, timeline, etc.). Give participants 15 minutes for this task, and then open up a discussion with the whole group. Ask participants whether it was difficult to explain such information in simple, accessible language? Were they able to explain all the necessary information or did they need to do some research to remind themselves?

Trainer's Notes

While this exercise addresses communication and interaction with the victims, it gives only a glimpse of what and how police officers should do, or should not do to make sure a victim is treated in a sensitive and non-discriminatory manner. Police officers, depending on the degree of their exposure to victims and their specialisation, might need specialist training in interviewing victims, putting a victim at the centre of the process and understating the psychology of victims. This can be mentioned as a recommendation to the police leadership who requested the given training.

The EU member states are required under the EU Victim's Directive to have in place leaflets or information sheets setting out victims' rights under national law and to distribute this information to victims when a crime is reported. This is usually a document written in legal and inaccessible language. Prior to the training course, enquire about the availability of such leaflets. If they are available, bring them to the course. If there are no relevant ready-to-use national materials, enquire with the police contact person what the relevant legal or policy documents addressing victim's rights are, and which require the police to inform victims about their rights. Make sure you use these materials for this exercise. The purpose of this exercise is to a) make sure the police officers know victim's rights, know that they should inform a victim about their rights, and know where to get this information if it is not readily available in the form of leaflets, and b) make sure the police officers can explain victim's rights and the process in plain, simple language which is accessible to a victim.

Annexes and Handouts

*Annex 5.1: Testimonies of Hate Crime Victims*¹³

- a. I just want someone to listen to me and not judge, to empathise with me, to understand.
- b. You need someone who's just going to sit and listen to you. I think that's the most important thing because I think you need to talk about it to get it out of your system. You need to be offered empathy and care and reassurance.
- c. Emotional support wouldn't have done it for me. I needed practical support. You know, I needed the police to have powers to go in there, get her out and put her somewhere else.
- d. It should be taken more seriously. It's not like when someone is attacked and you can see the damage. Hate-crime victims suffer inside and that affects their mental health.
- e. Where I have asked for or looked for support, it has been a combination of emotional and practical, i.e. practical solutions that would then eliminate or make it difficult for the abuse or the victimisation to continue ... I have called the local authority and victim support organisation.
- f. Being able to recover from any type of 'hate crime' depends not only on being able to report it and speak about it, but also on being kept up-to-date with any events that follow. Such information will help the victim's recovery.
- g. There need to be counsellors who can offer support appropriate to the individual. Everyone takes things differently, copes differently, deals with things differently. Counsellors have more freedom to properly understand and help those victims who suffer.
- h. I have been racially abused before and I was really scared to report the crime in case the police wouldn't believe me.
- i. It made me not feel safe at home. It made me dread coming home. If I heard her car pulling up, I would immediately tense up. It was horrible ... I dreaded every day of my life, I just ... you know, I didn't get any sleep.
- j. Hate crime does need special attention because that actually hurts the person mentally, probably more so than physically ... definitely hate crime can be worse than a burglary, or a car being broken into. Hate crime is a personal attack, whether it's physical or verbal.
- k. I think hate crime does require additional support. If you have been attacked because of your identity, because of what you are, it undermines the very essence of who you are.

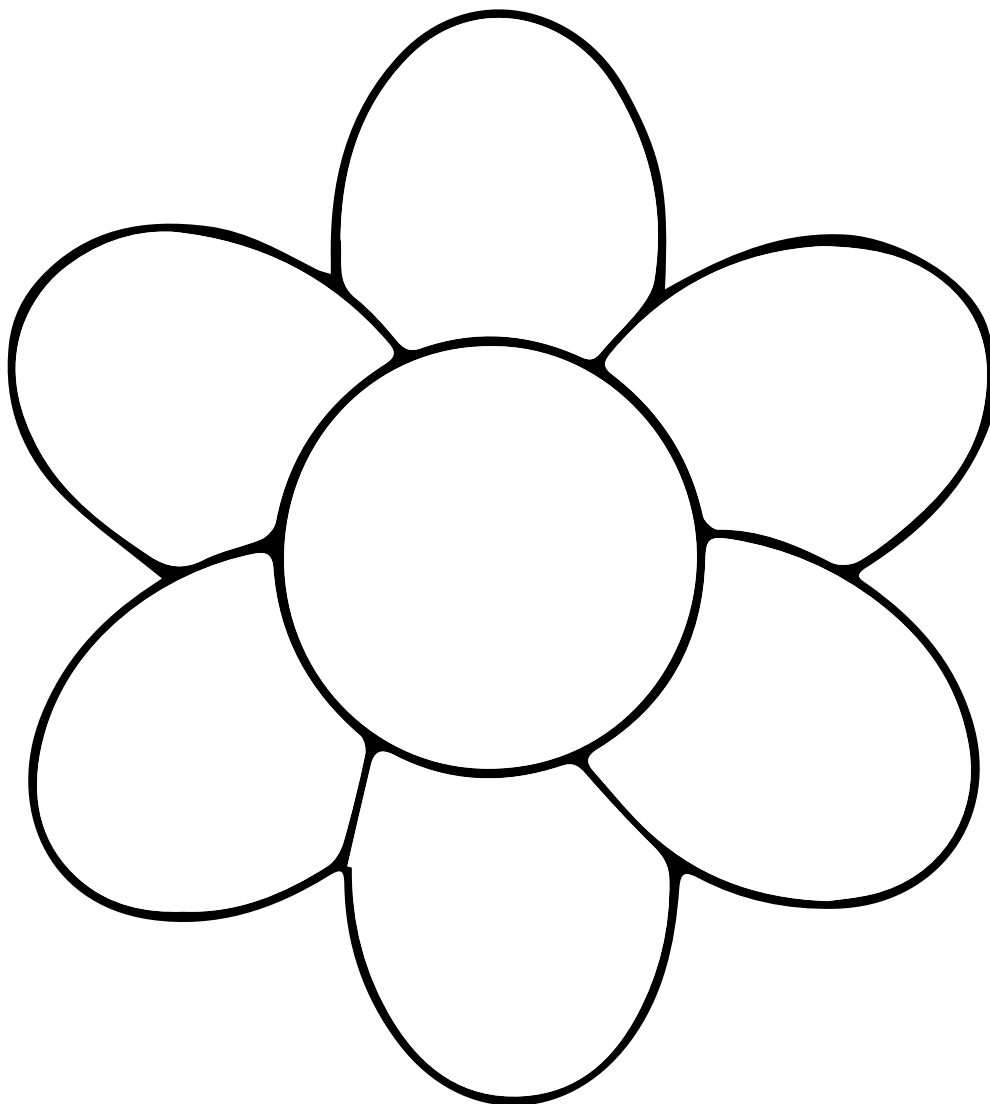
¹³ Testimonies are taken from the report 'Healing the harms: Identifying how best to support hate crime victims', University of Leicester, The Centre for Hate Studies, available at www2.le.ac.uk/departments/criminology/hate/documents/healing-the-harms-of-hate-report.

Testimonies of victims belonging to minority groups (victims of non-hate crimes)

- a. I have to rely on the criminal justice system, which I do not trust as these are the very people that keep stopping me for no grounds to check my documents.
- b. I understand that in order to make it stop I needed to report him to the police, but how could I do it? I went once, they told me that they do not speak Farsi and do not have any interpreter.
- c. My partner abused me several times, and when I collected myself to go to the police, the officer there told me he cannot interfere because this is a family matter and it is typical Roma behaviour.
- d. As a transgender man, I try to avoid any interaction with the police, or any official authority to that matter, because my ID documents do not reflect my gender identity and I can't imagine going through the humiliation of their reactions.

Handout 5.2a: The Identities Flower

Instructions: Please fill in this flower with your identities along the identity categories such as race / ethnicity / national origin / language, migrant or refugee status, religion or belief, sexual orientation / gender identity / gender expression / sex characteristics, disability, health, age, political affiliation, urban / rural location, socioeconomic status / homelessness, and so on, that form your identity and are important to how you feel, and how you interact with others. If you prefer, you do not need to map your own identity. You can include the identities of close family or someone you know. Please add any extra petals, as needed.



Handout 5.2b

The questions which are to be addressed in each case are as follows:

- What are the intersecting identities here?
- How does the experience differ as more identities of a victim come into play?
- How might a victim's intersecting identities affect their access needs, for example, to information, protection, support or communication? How does this knowledge affect your decisions as a police officer / representative of the police?
- Imagine you are about to take a statement from this person. What do you need to consider? What adjustments would you make to your regular process?

Case 1: A gay man was attacked as he was leaving a gay club in the middle of the night.

Consider his experience through the prism of age and ethnic background.

Case 2: A woman was sexually harassed when she walked along the public highway, where she worked as a sex worker.

Consider her experience through the prism of gender identity and migrant status.

Case 3: A woman with a physical disability was attacked by her carer when they were left alone together in the room.

Consider her experience through the prism of (dis)ability, gender and sexual orientation.

Annex 5.b: Trainer's Notes

The questions which are to be addressed in each case are as follows:

1. What are the intersecting identities here?
2. How does the experience differ as more identities of a victim come into play?
3. How might a victim's intersecting identities affect their access needs, for example, to information, protection, support or communication? How does this knowledge affect your decisions as a police officer / representative of the police?
4. Imagine you are about to take a statement from this person. What do you need to consider? What adjustments would you make to your regular process?

Case 1: A gay man was attacked as he was leaving a gay club in the middle of the night.

Consider his experience through the prism of age and ethnic background.

Trainer's Notes

1. Sexual orientation and gender. Taking a gender aspect for comparison, gay men and lesbian women are generally subjected to different degrees of harassment and types of violence. For example, the survey of LGBTI persons conducted by the EU Agency for Fundamental Rights (FRA)¹⁴ found that 39% of lesbian women felt discriminated against due to their sexual orientation, compared with 32% of gay men. There are notable differences in terms of the types of attacks between gay men and lesbian women: 44% of bisexual women respondents say that the most recent incident involved a sexual attack; by contrast, 18% of gay men say this. Lesbian women are more likely to be subjected to sexualised and gendered insults than gay men. The level of harassment, and thus the impact, also depends on the level of the person's openness about their sexual orientation.
2. Age. The FRA survey of LGBTI persons found that young people (in the 15 to 24 age group), on average, more often report experiencing harassment or physical or sexual attack for being LGBTI compared to older groups: 14% of young people (18 to 24 age group) experienced a physical or sexual attack in the five years before the survey, compared to 7% among respondents who are over 55. Additionally, young people who identify or are perceived to be LGBTI are more at risk of family rejection or bullying at school. This can lead to higher rates of school dropouts, alcohol and drug dependence, and homelessness.
3. Ethnic or religious minority group. The FRA survey on LGBTI persons found that 28% of those who belong to a religious minority indicated religion as an additional ground for discrimination, and 40% of those who self-identify as members of an ethnic minority indicated ethnic origin as an additional ground for discrimination. Furthermore, discriminatory behaviour may not just come from mainstream society; homophobia also exists within ethnic or religious minorities. This means that a gay man, for example, might experience discrimination from both mainstream society and from the members of his community.

¹⁴ European Union Fundamental Rights Agency (FRA) report, (2020), 'A long way to go for LGBTI equality', available at <https://fra.europa.eu/en/publication/2020/eu-lgbti-survey-results>.

Case 2: A woman was sexually harassed when she walked along the public highway, where she worked as a sex worker.

Consider her experience through the prism of gender identity and migrant status.

Trainer's Notes

1. Gender and socioeconomic status. Sexual violence disproportionately affects those who belong to historically marginalised groups, and especially women and girls. Intersectionality can also play a role in the access a victim has to justice: for example, in some contexts, sex workers report being dismissed, discredited or blamed when they report violence to the police; in other contexts, sex workers themselves are charged, arrested or detained when they turn to the police to report the violence they experience; in some contexts, sex workers are subject to police violence when they attempt to report violence.¹⁵ In some context, the police can be the offenders and regularly beat sex workers, force them to have sex and extort money from them.¹⁶
2. Gender identity. The FRA survey of LGBTI persons found that 55% of transgender people felt discriminated against because of their gender identity and 17% of transgender people were physically or sexually attacked in the five years before the survey because of their gender identity. Furthermore, the FRA survey found that the reluctance to report physical assault to the police was highest amongst transgender people, because of their fear of transphobic reactions. Intersectionality of a status as a sex worker and a transgender identity implies even higher vulnerability to violence, including by the police, compared to cisgender sex workers.^{17,18}
3. Migrant status. Individuals who are not citizens of the country where they have been victimised might fear that, even as victim of crime, their involvement with the police or government may result in their arrest and/or deportation. Migrants who come from countries with a low level of trust in the police might be reluctant to report the case and communicate openly with the police officers in their new country. For asylum seekers, access to justice is also hindered if they do not speak the national language. Intersectionality between the status of sex worker and migrant means that migrant sex workers might face threats of deportation and related police extortion, which means that they cannot access or seek justice without risking serious penalties or their stay in the country.¹⁹

Case 3: A woman with a physical disability was attacked by her carer when they were left alone together in the room.

Consider her experience through the prism of (dis)ability, gender and sexual orientation.

¹⁵ Crago, A-L. et al (2021), 'Sex Workers' Access to Police Assistance in Safety Emergencies and Means of Escape from Situations of Violence and Confinement under an "End Demand" Criminalization Model: A Five City Study in Canada', Social Sciences, MDPI, Open Access Journal, vol. 10(1), pp. 1-15, January, available at <https://ideas.repec.org/a/gam/jscscx/v10y2021i1p13-d476550.html>.

¹⁶ SWAN (2009), 'Arrest the Violence: Human rights abuses against sex workers in 11 countries in Central and Eastern Europe and Central Asia', Sex Workers' Rights Advocacy Network, available at <https://swannet.org/resources>.

¹⁷ Ibid.

¹⁸ Cisgender person describes a person whose gender identity is the same as their sex assigned at birth, as opposed to a transgender person whose gender identity differs from the sex that they were assigned at birth.

¹⁹ Sex Workers' Rights Advocacy Network (SWAN) (2021), 'Sex Work and Migration in CEECA', Briefing Paper, available at <https://swannet.org/resources>.

Trainer's Notes

1. **Disability.** As explained by the UN Convention on the Rights of Persons with Disabilities (CRPD), “Disability is an evolving concept and disability results from the interaction between persons with impairments and attitudinal and environmental barriers that hinders their full and effective participation in society on an equal basis with others”²⁰ There are different types of impairments – physical, psycho-social, intellectual and/or sensory, or some combination of these. These impairments interact with physical and attitudinal (e.g. beliefs that a person with a disability will not be a credible witness) barriers to produce disabling outcomes. For example, inaccessible police stations are disabling for individuals who rely on wheelchairs for their mobility. The belief that someone with a psycho-social impairment is unable to give credible evidence disables that person in a way that precludes access to their access to justice. The identities and needs of a person with disability differ and should not be assumed. A common characteristic of attacks and harassment of people with disability is that many of the attacks are committed repeatedly over years and involve people who are close to the victims,²¹ such as their parents, other family members or carers with whom they may live. In such cases, a victim may be particularly at risk where crime happens in a private or closed environment, creating extra barriers for them in both reporting the crime and accessing justice.
2. **Gender.** Ableist attitudes²² diminish the testimonies of women with disabilities who report violence, including sexual harassment.²³
3. **Sexual orientation.** The gender identity and sexual orientation of a person with a disability is often made invisible. Assumptions that people with disabilities do not have a sexuality, or are heterosexual and cisgender, are common.²⁴ This means that the sexual and gender identities of people with disabilities are often not respected. In their engagement with the police, this may create additional barriers for them as victims, both to communicate openly and for the police to cater to their needs.
4. At the end of the discussion, conclude by sharing the following information. Every other intersecting identity of a victim may impact their experience of a discriminatory incident, or any crime, as well as affect their access to justice. Police officers are not expected to have knowledge about all aspects of possible intersecting identities of a particular victim. It is an impossible task for anyone. However, to handle a victim respectfully and sensitively, the **police should place the victim at the centre of their actions.** Only by listening to a victim can the police learn and understand their needs. General knowledge about various communities and their vulnerabilities, obtained through ongoing outreach to, and co-operation with, community-based organisations, is, however, a necessity for an individual police officer for initially dealing with a victim and facilitating subsequent interaction. Module Six addresses skills and knowledge for effective community engagement.

²⁰ UN Convention on the Rights of Persons with Disabilities, preamble.

²¹ OSCE/ODIHR, factsheet on hate crime against people with disabilities, available at www.osce.org/odihr/hate-crime-against-people-with-disabilities.

²² Ableism is the discrimination of and social prejudice against people with disabilities based on the belief that typical abilities are superior. At its heart, ableism is rooted in the assumption that disabled people require “fixing” and defines people by their disability. It includes harmful stereotypes, misconceptions, and generalisations of people with disabilities. Access Living, www.accessliving.org/newsroom/blog/ableism-101.

²³ UN Women (2020), ‘Bridging the Gap: Sexual Exploitation, Abuse and Harassment’.

²⁴ IGLYO (2014), Intersectionality Toolkit.

Testimonies

Each time [when we report], they tried to trivialize it. Only following our repeated insistence that they should emphasize that we had been attacked because of our orientation, that it had been a hate crime, and not an ordinary attack, only then would they react and write it down. I mean, before, it was always handled as misdemeanours.

*Man from Croatia*²⁵

The policeman decided that perhaps I was going to be a good person to talk to and he told me something in the way of, "so this is why they broke your windows, because you flaunt this homosexuality of yours too much". Generally, I was kind of stunned, whereas the man continued with his stream of thoughts and told me that "there was too much of it" and that we flaunt, and this is because... He would repeat the same old story again and again... I asked him what he meant saying that we flaunted homosexuality because I didn't understand what he meant, what he wanted to say. To which he said more or less this: "Don't you think it's fashionable these days?" So I asked him, "But what?" And he said: "Homosexuality, you know, just as it was the case of being Jewish. Some time ago it was in, so everybody was Jewish. Now it's cool to be gay, homosexual, and now everybody is gay".

*Woman from Poland*²⁶

Well, I feel worse. It [the investigation] is going on for too long and I have to keep reliving it, so I often think, was it even worth it, reporting it, because you're only prolonging your own suffering. And I know, I doubt that, I don't think a verdict will be reached, that he [the offender] will probably be acquitted, which will probably make me sad. I don't know, I really don't know what it'll achieve. Maybe it would be best to not report these attacks, not enter any sort of trial and try in that way to keep your name out of the public and hope, that with time, people will forget about it, that it'll stop, that those attacks will cease. I don't know, I'm trying to figure out a smart course of action and I still can't, I still can't figure out what would be the best thing to do.

*Survey participant from Hungary*²⁷

²⁵ Campaign Against Homophobia, Hate No More project (2016), 'Understanding the needs of persons who experience homophobic or transphobic violence or harassment', available at https://eprints.lancs.ac.uk/id/eprint/83775/1/Understanding_the_Needs_of_Persons_Who_Experience_Homophobic_or_Transphobic_Violence_or_Harassment.pdf

²⁶ *ibid.*

²⁷ *ibid.*

If one looks at the cases how Viennese police officers deal with Africans, how they deal with Roma – so if I do not need to go there, I won't go there... there are the cases of torture and violence exercised by the police against asylum seekers, there is the case of a Roma, who was abused massively by the police, who was insulted as a 'g****' (racist slur). My own flatmate reported a burglary to the police and the first question was: "Well? Was it a n****?" (racist slur) Therefore, I believe that racism is very prevalent among the police force."

*Survey participant from Austria*²⁸

I'm not saying that they are approaching me like according to my origins. But maybe just they don't care much about this kind of cases, or they don't give them much importance, or they don't treat them as it should be, like in detail, in more, in more studied or more focused way. [...] Even like in the second interview with the police after my operation, the guy comes, the police officer is telling me: v islámu zakázáno alkohol [alcohol is forbidden in Islam]. Like the first thing is that in Islam it is forbidden to drink alcohol. In that time, I felt like high-pressured. I don't know if these guys are coming here to interview me to know truth or just to start judging me because I'm a Muslim who is drinking.

*Survey participant from Czech Republic*²⁹

First of all, when I went to the police, I was fed up and damn irritated, pissed off, one could say. But then to be met with such respect by the police, it was nice, because it was in [a small town in the north of Sweden] and the police there are not considered to be super-professional. But then, later on, I got a phone call from this person [a prosecutor] who wanted to take my case to court, then I experienced... almost like I thought, "oh my God, is this in Sweden?" Like, it was such a positive experience.

*Survey participant from Sweden*³⁰

²⁸ FRA (2016), 'Ensuring justice for hate crime Victims: professional perspectives', available at https://fra.europa.eu/sites/default/files/fra_uploads/fra-2016-justice-hate_crime-victims_en.pdf

²⁹ In Iustitia (2017), 'Lifecycle of a Hate Crime', National Report for Czech Republic, www.iccl.ie/wp-content/uploads/2018/04/Life-Cycle-of-a-Hate-Crime-Country-Report-for-Czech-Republic-English.pdf

³⁰ Umeå University (2017), 'Lifecycle of a Hate Crime', National Report for Sweden, <https://www.diva-portal.org/smash/get/diva2:1244821/FULLTEXT01.pdf>

Handout 5.4a

Case: Due to numerous homophobic death threats, a gay man, Normunds Kindzulis, had to relocate from Riga to Tukums, a quiet town in Latvia some 70 kilometres from Riga. However, in Tukums he also became a target of homophobic violence. He was physically assaulted at least four times and received threats from his neighbour. Normunds, along with another victim, reported these threats and abuse to the police, but there was no reaction. On 23 April 2021, as Normunds was returning home from work, he was doused in petrol and set on fire in a homophobic attack. Normunds suffered burns to 85% of his body and died a few days after.³¹

Questions for discussion

- Was it possible to avoid the death of the victim?
- What risks and needs of the victim should the police have identified when the victim first reported the incident to the police?
- What measures could the police have taken when the victim first reported the incident to the police?

³¹ www.euronews.com/2021/04/30/gay-latvian-man-dies-after-homophobic-attack-campaigners-say; www.pinknews.co.uk/2021/05/01/latvia-gay-paramedic-normunds-kindzulis-death-epoa.

General approach and questions to ask during the individual assessment of the victim's needs and risks

The **assessment of the victim's needs** and risks is embedded in a victim-centred approach that considers individual circumstances and vulnerabilities of each victim. Its purpose is for the police to assess the safety and protection needs of the victim following a crime, its possible impact on the victim and community, and their resulting needs. The outcomes of this assessment help the police to ensure that any required safety, protective, access and support measures are put in place without delay. To be able to respond to the full range of possible needs, police officers should be aware of what resources are available, including national victim support services – general and specialised – run by state agencies and CSOs. Police officers should be careful not to raise the victim's expectations to put in place measures that are not available.

General approach

The individual assessment of the victim's needs and risks should be carried out at the earliest opportunity to ensure that any required protection measures are put in place without delay.

Additionally, it should be a **continuous process** and should be reconsidered at each stage of the investigation and the criminal justice process as certain needs and risks might become evident only at each particular stage (such as reporting the crime / incident, taking a statement, carrying out interviews, further interviews, preparation for court hearing, court hearing, post-hearing stage) or might change over time in light of a recovery process.

In certain cases, victims may not be capable of providing the information (e.g. due to serious injuries suffered or due to their emotional condition after an attack). In such cases, a relative or other suitable person may be able to provide the information, or accompany a victim for moral support if they so desire.

A victim should be at a centre of the individual assessment and should be actively involved in the process. It implies that a police officer doing the assessment should explain to a victim the process, its purpose and outcomes, and continue to provide explanations as the assessment continues. The victim's understanding of and trust in the process impacts on their engagement. To build trust with a victim it is also important to ensure that a **victim feels safe**. This requires creating an appropriate environment, including ensuring a safe interview setting and sensitive communication.³²

There are many ways to carry out the assessment, and some countries have ready-made surveys or questionnaires and procedures.³³ The cornerstone of any assessment interview with a victim should be enabling a victim to communicate their needs. This means that a police officer guides a victim through the process, explaining its steps in detail, so that a victim understands its implications and practicalities and expresses their needs themselves. This approach allows a

³² Considerations for sensitive interaction with a victim are dealt with in Activity 5.5 and Handout 5.5.

³³ A resource for practices in various countries – OSCE/ODIHR (2021), Compendium: Practices on Structural Frameworks for Individual Needs Assessment (INA) of Hate Crime Victims and Referrals, 2021, available at www.osce.org/odihr/505981.

victim to be an active party in determining necessary measures and does not require revealing unnecessarily private information. The role of a police officer is to focus on the needs and only ask for information that is relevant for establishing the needs.

The process of the individual assessment can produce information that is relevant to the investigation. The questions asked during the interview should therefore be carefully crafted to avoid compromising potential evidence and/or undermining the credibility of a victim or their access to justice by asking for irrelevant personal information. The last aspect is also essential with respect to the non-discrimination principle. For example, asking for nationality or migration status might lead to a victim who does not have legal papers not only being denied access to justice but also risking their stay in a country, not to mention further traumatising the victim. The police should treat any information they receive during the interview in a non-discriminatory manner and clearly explain to victim what will be done with the information that they give and where confidentiality cannot be guaranteed.

Considerations

1. Determine the **communication needs** of a victim. This includes asking a victim if they need an interpreter, hearing devices or specialist disability support (e.g. for reading or speaking difficulty). Some of these needs might become evident during the interview.
2. **Explain to a victim** the steps of the assessment, why it is being conducted and what the steps are afterwards. Clarify that questions that are asked during the assessment help to ensure that the victim's needs are best understood and require the victim's participation. Ask a victim what additional information they need about the process, or whether they need anything at this point to feel comfortable.
3. Provide a victim with information about **confidentiality**, information-sharing and record-keeping policies. PLEASE NOTE that information shared by a victim should be treated with utmost confidentiality and only be shared with other parties where this is essential for operational reasons or is required by law. The content of the assessment should be kept separately from the case file during pre-trial investigation and trial.
4. Ask **general information** about a victim, unless the victim chooses to stay anonymous. This includes the person's name (clarifying which name they prefer to be called, and the name to be used when calling home or the office), gender, preferred pronouns (where relevant), date of birth and contact details (clarifying whether it is safe to contact them on the phone, email or at the address they provide). As you ask questions, provide an explanation for why this information is needed.

Examples of questions:

- What is your name? Is this the name you prefer to be called?
 - If you are not sure how to refer to the victim's gender and pronouns, ask them, *How would you like me to address you?*
 - What is your date of birth? I need this for identification purposes.
 - We might need to contact you regarding your case: what is the best way to do that, by phone, by email, or through a contact person (in case you are not available)?
1. Determine whether there is any **immediate risk to a victim** and whether **any immediate support is needed**. This includes asking about their current physical condition, and required medical help, and asking if they are still in danger or whether they fear any immediate harm.

Examples of questions:

- *Do you have any physical injuries as a result of the offence?*
 - Do you require any medical help?
 - Do you think you are in danger, or do you fear any immediate harm?
 - What do you need to feel safe right now?
2. Explain in detail the steps of the criminal justice process after reporting the incident and what it might require from a victim. As you explain, outline the practical aspects of a victim's engagement so that the victim fully understands the process and is able to articulate their needs related to it. Determine victim's access and support needs by asking them at each stage what they might need.

Examples of questions:

- Is there anything I need to know to make the process easy for you?
- We might call you back to give a statement at a later date. Are there any support or access needs that we should be aware of? Do you have concerns about that?
- As your case progresses, my other colleagues will take it over and might need to get in touch with you. When is the best time to contact you? Do you have any constraints for any future contacts or meetings with the police?

- *Do you have any access needs regarding how we should communicate with you, or if we need you to come and give a statement?*
 - *We have a number of support organisations that we would like to refer you to. Are there any support or access needs that we should be aware of?*
3. Ask information about the **details of the crime**, which include the following: the type of crime, circumstances of the crime, target of the crime, and damage suffered (including physical injury, psychological harm, or property damage). Being mindful of rules of evidence, clarify whether a victim thinks they were targeted because of their specific identity(-ies), such as their ethnicity, nationality, religion or belief, language, disability, gender, sexual orientation, gender identity, gender expression, age, and so on.

Examples of questions:

- Tell me, in your own words, what happened?
 - Why do you think you were targeted?
 - Is there anything that happened before, during or after the offence that, in your opinion, has relevance to the offence?
 - *How has the offence affected you? What physical or psychological harm did you suffer?*
4. Assess **the risk of continued and repeat victimisation**. Such assessments should be informed by many factors, including but not exclusively, offence history, method of assault, and knowledge of an offender.

Examples of questions:

- Do you know or do you have personal connections with the offender?
- Have you been victimised by the same offender or people / organisations connected with them before?
- Are you afraid of further attacks from the same offender or people / organisations connected with them?
- Are there any factors that the police should be aware of that increase the risk of repeated or continued harm to you?

5. Collect information about the **impact of the crime**, which includes asking the following: how the crime has impacted the victim's emotional and psychological health, including feeling of fear, depression, isolation and rejection; who else has been affected and how (in particular, family, and/or community members). This aspect of the assessment might be more relevant at later stages when individual and community impacts are clearer. Such an assessment is important as it may indicate the need for further protection measures for the victim and their community. Furthermore, in cases of hate crime, impact statements, submitted in writing or presented during the criminal proceedings, can help validate the victim's experience and acknowledge the discriminatory bias behind the crime, as well as inform sentencing.

Through the above assessment process, the police, together with a victim, should identify the required **protection, access and support measures**, which also includes asking a victim what support or protective measures they want or think they might need in the future. Based on the assessment, the police should put in place the necessary measures, according to national laws and guidance, as well as refer the victim to the support and assistance services as needed and as available.

Scenario: Two victims come to the police station to be interviewed about an attack against them. A few days ago, the victims were walking in a market, and, in a confrontation with two other market visitors, they were racially insulted, physically attacked and chased by them.

The task for “police officers”: Aiming to ensure sensitive treatment and reduce the risks of secondary victimisation, please interview the victims about the attack they suffered. Think of the language you are going to use, practical measures that you can take to ensure sensitive interaction, and the do’s and don’ts when interacting with a victim.

The task for “victims” (this part should only be shared with two “victims”):³⁴ You live in a capital city of one of the Council of Europe member states. You are two friends and you are of Roma origin. A few days ago, you were walking in a market and in a confrontation with two other market visitors you were racially insulted, physically attacked and chased by them.

Details:³⁵ *On the day of the incident, you were at a flea market when some passers-by pushed one of you. The other realised that it had been two young men and had told the other to ignore them because they were drunk (“wasted”). One of men had heard you and had turned saying “Fuck your G**** mother (racist slur), who is wasted? Who are you to tell me that? You should all be exterminated, I fuck your G**** mother (racist slur)”. One of you had panicked and had drawn a knife in order to scare them. However, that had created a further outburst of anger from the two men—one of whom had taken out a knife – and both started chasing both of you. As you were running away, you were looking for help. However, the attackers had managed to get hold of you and had started beating you, saying that Roma should be killed. At some point, the police arrived to arrest two attackers. The emergency medical services also attended the scene. As a result of the attack, one of you had a contusion that was visible below your left eye. The other had minor bodily injuries.*

Guidance: There is a history of police abuse and discrimination against Roma in your country. There is evidence that police officers regularly ignore attacks against Roma people and do not properly record and investigate them. There also is evidence that police officers regularly express anti-Roma sentiments. Therefore, the trust in the police among the Roma community is extremely low. In fact, only 5% of harassment and violent crimes against Roma are reported to the police in your country. In light of that, during the interview, please behave to reflect that status quo, while also being responsive to the treatment you receive during this particular interview: note if the police officers try to establish trust and treat you sensitively; release details of the incident accordingly.

Task for the rest of the group, “observers”: Observe the interview process and note down things that went well and did not go well, as well as things that should have been done or said but were not. You will be asked to provide feedback to your colleagues – “police officers”. The main focus is the work of the “police officers” in treating the victims professionally, avoiding secondary victimisation, and using sensitive communication.

³⁴ Please note that almost all police interviewers, in their regular work, will seek to separate witnesses to avoid memory contamination. Therefore, please clarify that this exercise involves interviewing two victims together for the training purposes only; in this exercise, “victims” play a supporting role only.

³⁵ The scenario is partially based on the ECtHR case *Skorjanec v. Croatia*, but it has been modified for the purpose of this exercise. It is available at [https://hudoc.echr.coe.int/eng#{%22fulltext%22:\[%22%C5%A0korjanec%20v%20Croatia%22\],%22documentcollectionid%22:\[%22GRANDCHAMBER%22,%22CHAMBER%22\],%22itemid%22:\[%22001-172327%22\]}](https://hudoc.echr.coe.int/eng#{%22fulltext%22:[%22%C5%A0korjanec%20v%20Croatia%22],%22documentcollectionid%22:[%22GRANDCHAMBER%22,%22CHAMBER%22],%22itemid%22:[%22001-172327%22]}).

Handout 5.5b: Considerations for Sensitive Interaction with a Victim

- It is crucial to create a **safe and trusting environment** for the interview. This can be achieved through sensitive communication and by making sure the premises of the interview are victim-friendly, allowing for a necessary degree of privacy, and are easily accessible. This step is crucial as it allows the police to build rapport with the victim, which can help in a) ensuring the police meet the needs of a victim, b) achieving success in an investigation. The victim should be informed that they can be accompanied by a person they trust when reporting an incident or giving an initial statement, in case they wish so.
- The police officer should not stay anonymous, should **introduce themselves** by their name and title, and briefly explain their role and duties.
- It is important to **reassure a victim of their safety** and of the police concern for them by being mindful of the words used, body language and tone of voice (e.g. “You are safe now”, “We are going to a safe place now so that you can tell me what happened”, etc.). The police officer should use body language and a tone of voice which show concern, such as active listening, which includes head nodding, repeating key points, natural eye contact and speaking in a calm, empathetic voice.
- The police officer should inform a victim about their **rights** (procedural rights, right to an interpreter, etc.), **provide information about the whole process** (possible issues which might come up, expected procedural actions, what the victim is required and/or has the right to do, timeline), what the steps are for the interview and any further steps. With the consent of the victim, conduct the **individual assessment** of their needs for protection and assistance.
- After deciding on the **special protective and assistance measures**, inform a victim how these will be implemented and ask for the victim’s opinion on whether they are comfortable with the suggested measures to be undertaken immediately and during criminal proceedings, and whether they might need anything else. If applicable and if a victim wishes, make sure they are **referred to the specialised victim support services** for legal, psychological, medical and other types of support, if they exist, or provide a list of contacts of civil society organisations and other service providers offering victim support services.
- The police officer should agree channels of communication with a victim (phone, email, home address, etc.).
- If possible, it should be ensured that the same officer who interviewed a victim stays in charge or serves as the victim’s point of contact for the entire investigation. A victim should not be required to share their story in front of more officers, or other people, than necessary.
- When interviewing a victim, the police officer should adhere to a victim-centred approach, **show respect for a victim** and treat them with dignity, while also aiming to maximise information to aid in the investigation.³⁶ Questioning techniques should involve the use of open-ended questions and ‘encouragers’, should respect silence, be mindful of the victim’s

³⁶ Please refer to Module 4 on Hate Crime Investigation on interviewing principles.

identity, use appropriate language, validate the victim's experiences, allow the victim to regain control, respect the victim's boundaries, and so on (e.g. "Would you like a glass of water", "If you need more time to collect your thoughts, take your time, I will be here", "I can understand why you feel so upset and I appreciate your efforts to explain that to me", etc.).

- The police officer should demonstrate that they take the reported crimes seriously. In the case of potential hate crimes, the **victim's perception** that an incident was committed due to hostility towards a protected characteristic and other **bias indicators** should be included in the report. The statement should be recorded according to the relevant jurisdiction's policy, ideally word-for-word. The victim's perception and status as a hate-crime victim should not be dismissed but should be valued and should be explored further in the interviewing process to understand the nature and circumstances of an offence (e.g. "In your statement you say that you think that this was a racially-motivated attack. Why do you think this?").
- The police officer should not be judgmental and should validate the victim's emotions without this prejudicing their impartiality in the investigation (e.g. "I can see that you are upset about what happened. Would you like to take a five-minute break?"). At the same time, it is for the police to find evidence that supports the victim's perception (e.g. "I really want to understand what happened so I will ask a few clarifying questions"). Therefore, the police officer **should not set unrealistic expectations**; in other words, they should respect the victim's perception, capture it and be clear that it will need to be further evidenced, including through further questioning of the victim.
- The police officer should refrain from any comments regarding the victim's personal characteristic or lifestyle, and any other inappropriate comments or behaviour.

Module 6

COMMUNITY ENGAGEMENT, COMMUNITY RELATIONSHIPS AND COMMUNITY POLICING AT THE LOCAL LEVEL

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Introduction and Background

While this module looks at community policing and community engagement as strategies for policing, they are also fundamental principles of human rights-based policing. The police are themselves members of the community and cannot carry out their responsibilities effectively without the acceptance and support of the communities whom they serve. The police cannot assume that their legal mandate alone is sufficient to command legitimacy and community respect. These must be earned, and showing respect for others, all others, and respect in its widest sense, is one means by which these can be attained. Another means is by the effectiveness of carrying out their police responsibilities, demonstrating an ability to prevent and detect crime, to tackle the fear of crime and by so doing to build confidence in policing.

The police operate in a context that requires a steadfast commitment to staying connected with local communities, and to understanding the ongoing needs and challenges they face in maintaining a cohesive, safe, integrated community. Therefore, police responses must be grounded in strategies that include active and collaborative participation in identifying and addressing challenges to community safety. Community involvement has evolved as part of the response to various crises of police legitimacy which have been witnessed across many jurisdictions. This loss of legitimacy and confidence in policing most often occurs where the police appear to have become detached from the communities they serve and are perceived to abuse the powers entrusted to them, particularly through the inappropriate and disproportionate use of force and by discriminatory behaviour, especially against the more vulnerable and marginalised. Along with direct reforms to address legitimacy problems, such as by enhancing minority recruitment to police services, there should be a special focus placed on community engagement and community policing. This module focuses on the community policing model as a strategy to support the implementation of co-operative, effective, and trusting relationships between police and communities. Particular emphasis is given to communities concerned and affected by diversity issues in policing, and how community policing, through citizens' engagement, can help in the devising of strategies to reduce and prevent victimisation, feelings of insecurity and fears from the most vulnerable groups of the community.

Community policing works through building and maintaining community partnerships involving the police, representatives of the community and nominees from organisations (statutory and voluntary) that have a role to play locally. Through collaborative, transparent working, which embraces principles such as diversity and respect, these partnerships can jointly reflect on why problems occur, and design strategies for their mitigation and prevention. More effective and sustainable responses to problems of community safety can be achieved in this way, in particular where all stakeholders are fully committed to sharing their resources, knowledge and expertise as appropriate. The heart of this approach is transformative, embracing an educational strand which can promote greater intercultural cohesion and cross-community understanding and acceptance. This includes identifying ways to tackle those forms of intolerance and discrimination, which can lead to incidents of racism and hate crimes, particularly as they manifest against vulnerable minorities, and marginalised groups and individuals within the wider community.

At the same time, these partnerships, through their principles and practices, emphasise common values and interests and help community members to recognise and accept the richness of their differences and the depth of their sameness. It is this vibrant mix which gives the community its vitality and creativity and is something which adds to the quality of life for everyone, including police officers who work in such neighbourhoods. This co-operation and inclusivity should further build trust in the police since it facilitates citizens' recognition that the main focus of police services is not only law and order but also the maintenance of public tranquillity and the protection and respect of the individual's fundamental rights.

This module explores several ways by which community engagement and building partnerships can be accomplished and how a community-based policing approach can better address the concerns and needs of diverse communities. It also examines ways to initiate a community policing approach, or to improve one which is already in place. Although implementing participative approaches can be time-consuming and requires genuine commitment and specific skills, the aim here is to present participants with some strategies and skills that can be sustainable and effective over time.

Learning Outcomes

After completing the module, participants will be able to do the following:

- Describe the characteristics of the community policing model
- Understand the value of a human rights-based community policing model
- Recognise the value in promoting and sustaining community engagement over time
- Identify different levels of community engagement
- Formulate a plan for the establishment of local community safety partnerships, and for agreeing shared goals
- Formulate a plan to identify the desirable profile of the community policing teams
- Identify policing methods to interact in a more accessible communication style with their respective community
- Describe good practices in building police-community partnerships.

Overview of Activities and Timings

Activity 6.1: What is Community Engagement?	(60 minutes)
Activity 6.2: Building trust from the start	(90 minutes)
Activity 6.3: Selecting the right partners	(90 minutes)
Activity 6.4: Building the profile of the community policing team	(90 minutes)
Activity 6.5: The Police-Community Safety Partnership	(120 minutes)

Preparation

In addition to drawing on the Needs Assessment, in preparing this module the training team should consider the following points

Aim to identify the most active NGOs on the issue and any practice of police engagement with local communities.

The delivery of this module will benefit from involving community members as participants or as invited speakers, to share their main concerns and fears related to policing in their communities and to propose potential responses to address those issues.

The training room should allow flexibility to configure and reconfigure the positioning of chairs and tables in formats which work best for the current group exercise.

Activity Descriptions

Activity 6.1: What is Community Engagement?

Learning points: This activity explores what is community engagement in policing and the different levels of community engagement.

Time: 60 minutes

Materials needed: flip chart
flip chart paper
white board
markers
video projector and computer
exercise sheet
paper, pens

Preparation: Prepare in advance a slide which sets out a definition of “Community Engagement” (you can use the example below):

Community Engagement

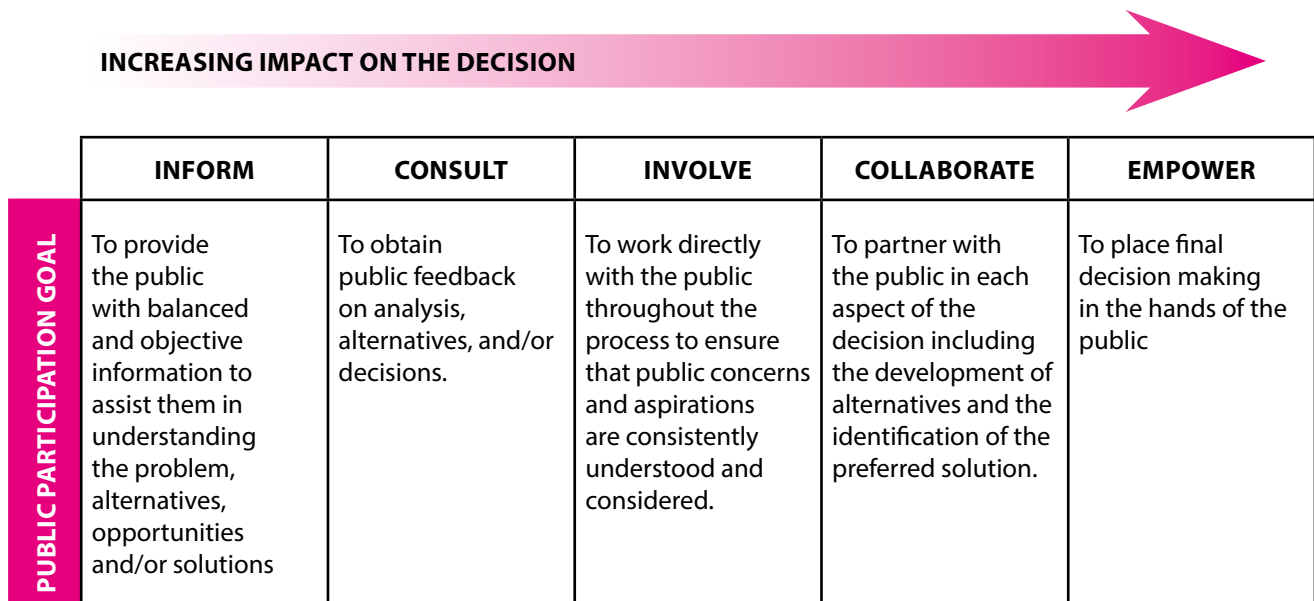
“The process of enabling the participation of citizens and communities in policing at their chosen level, ranging from providing information and reassurance, to empowering them to identify and implement solutions to local problems and influence strategic priorities and decisions.

The police, citizens, and communities must have the willingness, capacity and opportunity to participate. The police service and partner organisations must have a responsibility to engage and, unless there is a justifiable reason, the presumption is that they must respond to community input.”¹

¹ Myhill, A. (2006). Community Engagement in Policing: Lessons from the Literature, National Policing Improvement Agency, p. 1, available at https://whatworks.college.police.uk/Research/Documents/Community_engagement_lessons.pdf.

Prepare in advance a second slide setting out the information below:

The IAP2 Spectrum of Public Participation model²



Prepare in advance an exercise sheet to enable participants to assess the level of engagement they believe their policing organisation currently has with citizens. You can use the example opposite.

² IAP2 Spectrum for Public Participation, International Association for Public Participation, available at https://iap2.org.au/wp-content/uploads/2020/01/2018_IAP2_Spectrum.pdf.

Exercise Sheet

Task: Assess the level of citizens engagement in your organisation by identifying examples of police methods to promote citizen's engagement in safety issues.

	INFORM	CONSULT	INVOLVE	COLLABORATE	EMPOWER
ENGAGE COMMUNITY					
INCLUDE MINORITIES					

GROUP:

DATE:

/ /

Instructions

1. Project the Community Engagement slide onto the screen and ask participants to read the text.
2. Ask participants to comment on the text. After this, ask participants for their opinion on the importance of community engagement to improving police work when protecting citizens' rights.
3. Project the Public Participation slide onto a screen and explain the different levels of community engagement. Again, ask participants to comment. After the discussion, divide the participants into four groups. Keep the Public Participation slide projected onto the screen.
4. Give each group a copy of the exercise sheet, and ask them to fill in the empty boxes, taking into account their own organisation's practices in engaging with communities. Tell them that they will have 30 minutes to complete the task.
5. Explain what is meant by the second row, "a focus on minority communities". Explain that you would like the groups to share and plot any particular actions and activities that have been undertaken with, for example, minority ethnic communities, the LGBT community, religious groups and communities, as well as people with disabilities.
6. During the exercise, move around each group to clarify any doubts and make sure that everyone is taking part in their group's discussion.
7. At the end of the 30 minutes, ask the groups in turn to share their results. When they have finished this, ask participants if they would like to add any further comments.
8. Facilitate a closing discussion by underlying that community engagement plays a key role in contributing to non-discriminatory policies and practices. It promotes better communication between the police and communities, thereby raising police awareness of the needs and expectations of those many and diverse communities whom they serve.³ Highlight any particular considerations and answer questions that arose from the section on engaging with minority communities.

³ 'Preventing and Countering Racial Profiling of People of African Descent: Good Practices and Challenges' (2019), United Nations, available at www.un.org/sites/un2.un.org/files/preventracialprofiling-en.pdf.

Activity 6.2: Building Trust from the Start

Community policing is a model of policing based on the philosophy that citizens are co-producers of community safety. This model requires the establishment of police-community partnerships along with the assignment of dedicated police officers to patrol designated neighbourhoods. Although community policing can incorporate many different forms of engagement and co-operation between communities and the police, one of the most effective models includes the early involvement of local organisations and community representatives working together in local safety partnerships. These partnerships are central to the process of planning a community policing model for a specific neighbourhood, even before police officers start to patrol the specific neighbourhood. They are key to fostering police-community trust from the very start.

Learning points: This activity allows participants to discuss and reflect on ways to get people involved in establishing community policing in diverse communities.

Time: 90 minutes

Materials needed: flip chart
flip chart paper
white board
markers
video projector and computer
flip chart exercise sheet
paper, pens, Blu Tack
copies of Handout 6.2

Preparation

Prepare in advance a slide and copies of the case study (see Handout 6.2). Make sure the training room is organised in a working group format (e.g. chairs around tables). Set aside a space on the training room walls which can be used to stick the flip chart sheets with the results of the exercises. Place on each table paper, pens and Blu Tack to be used by participants in the exercise.

Prepare in advance three flip chart pages (example below, with one page per question) with the following questions (these are also contained in Handout 6.2):

1. What are the main strategies of community engagement that you can identify in this case study.
2. Which strategies would be particularly useful to apply in your own context for setting up community policing? Give reasons for your choice.
3. Which strategies do you consider would be particularly difficult to apply in your context? Give reasons for your choice.

Instructions

1. Form groups, preferably of four to six participants. Remind participants of the importance of trust, respect and confidentiality.
2. Distribute copies of the case study to the groups and give participants a few minutes to read through the text themselves.

3. After clarifying any uncertainties or issues about the case study, project the slide on to a screen with the three questions that the groups will discuss and answer. Hand out the flip chart exercise sheets, check that everyone has read the questions, and ask groups to discuss the case study and to write their answers on them. Inform the groups that they will have 30 minutes in total – 10 minutes for answer each question – to complete the task.
4. Go to each group to clarify any issues which they may have with the exercise and make sure that everyone is participating in the discussion. Keep participants informed of the time, alerting them after every 10 minutes of the need to move on to the next question in order to finish the exercise
5. At the end of the 30 minutes, ask each group, in turn, to share their results and to stick their completed flip chart sheets on to the wall.
6. After all groups have shared their answers, ask if anyone would like to add any more comments.
7. Facilitate a closing discussion by highlighting the advantages of engaging the community from the very start of the process of planning community policing. In the discussion, draw on the key points highlighted below.

Building trust is fundamentally about the delivery of public services

Building trust is more than setting up partnerships and meetings with partners. It is fundamentally about the delivery of policing services – the consistent delivery of efficient, effective and respectful services – that put the victim at the centre and are capable of preventing and detecting crime and maintaining order so that people can live not only free from crime, but from the fear of crime.

Partners' ownership of community policing builds trust in the police

The more partners feel involved with the project, the more responsible they become for it, and the less resistant they will be to its implementation. Getting the community to acknowledge joint “ownership” of the community policing project is critical to building trust and co-operation between the police and partners and to legitimising police interventions which are in line with the agreed approach. This co-operation increases both the knowledge of the “other” (both of the police and citizens). Engaging effectively and legitimately with minorities and hard-to-reach groups will depend on the capacity of the police to establish and maintain trusting relations with community leaders and members. This requires the police be seen to be respectful of all forms of community diversity (e.g. ethnicity, religion, and sexual orientation) and fair, impartial and proportionate in the application of their powers.⁴ It is also important to agree jointly what a successful partnership looks like and to have some measurable milestones and goals.

⁴ Council of Europe (2021), 'A brief introduction to policing public gatherings: A guide for practitioners', available at <https://rm.coe.int/a-brief-introduction-to-policing-public-assemblies/1680a1aaf3>.

Community engagement in safety partnerships increases trust in police

There are many different methods and models which the police can apply to introduce community policing into diverse neighbourhoods.⁵ The process can be both long and challenging. Moreover, no matter what means are chosen, how to engage and how to build trust will prove to be critical considerations. Trust is not something which can be gained quickly, although it can be lost quickly, as is reflected in the old Dutch proverb that trust arrives on foot but leaves on horseback. Trust is endangered every time someone feels discriminated against by a police action or by a police failure to act. Actively involving civil society in partnerships with the police, as co-producers of community safety, will ensure greater police awareness, understanding and sensitivity of the communities whom they police. This in turn will lead to more respectful and community-responsive policing, which is key to increasing citizens' trust in the police, and for community policing to work by successfully acknowledging and upholding the rights of everyone equally and inclusively.

8. Conclude this short discussion by referring to the key basic principles of implementing community policing as identified by OSCE:⁶

While the ways of implementing community policing may differ in practice in accordance with local conditions, the basic principles and characteristics [...] should always be adhered to:

- the **accessibility and transparency of the entire police agency to all segments of the community** (including minority and vulnerable groups), and responsiveness to their needs, concerns and demands;
- the **commitment to crime-prevention and proactive problem-solving** in order to address the underlying conditions of problems for long-term solutions; and
- the **active participation of all the different segments of the communities and other government agencies in the problem-solving process** on the basis of equality (equality insofar as the national laws and operational tactical and operational necessities reasonably allow).

⁵ Council of Europe (2019), 'Intercultural Cities – Manual on Community Policing', available at <https://edoc.coe.int/en/living-together-diversity-and-freedom-in-europe/7930-intercultural-cities-manual-on-community-policing.html>

⁶ OSCE (2009), 'Good Practices in Building Police-Public Partnerships', available at www.osce.or/files/f/documents/8/4/32547.pdf.

Activity 6.3: Selecting the Right Partners

Implementing a community policing initiative in a diverse neighbourhood requires the engagement of relevant stakeholders who are willing to work with the police as partners. It entails identifying within the area those who have a key role in preventing and addressing discrimination and other forms of violation of fundamental human rights. This may include a woman-led service which provides support to victims of violence against women, and which campaigns on gender equality, or anti-racism Civil Society Organisations, or it may involve CSOs working directly in the fields of social justice or legal advocacy across a range of rights. Engaging local organisations who work with minority and vulnerable groups is essential in helping the police to understand and to devise effective strategies to address diversity issues in policing and also within the wider community itself. None of this is particularly easy as some stakeholders may initially feel that their own credibility or legitimacy within their client and membership base would suffer if they were seen to be working with the police. A community audit will help the police to identify the “right” stakeholders but only genuine engagement and a sincere commitment to working together as equals will turn those same stakeholders into partners.

Learning points: This activity explores a participative strategy of stakeholder analysis. It’s used to identify which organisations to mobilise and partner with the police from the beginning of a community policing programme.

Time: 90 minutes

Materials needed: flip chart
flip chart paper
white board
projector and computer
stakeholders’ analysis matrix sheet
post-its, paper, pens, Blu Tack, ball of wool

Materials needed: Reference documents: OSCE’s booklet, ‘Good Practices in Building Police-Public Partnerships’;⁷ United Nations Rapporteur on Racism, Xenophobia and Related Intolerance;⁸ OHCHR Report on Racial and ethnic profiling in Law enforcement agencies.⁹

Preparation: Prepare in advance an image of the Stakeholder’s Matrix on flip chart sheets, ensuring that you have one per group.

⁷ OSCE (2008), www.osce.org/files/f/documents/8/4/32547.pdf.

⁸ United Nations (2019), ‘Report of the Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance on his visit to the United Kingdom of Great Britain and Northern Ireland: comments by the State’, available at <https://digitallibrary.un.org/record/3824592?ln=en>

⁹ United Nations (2015), ‘Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance’, available at www.ohchr.org/Documents/Issues/Racism/A-HRC-29-46.pdf.

Example of Stakeholders' Matrix

National Level

Local Level



Prepare a list of potential stakeholders in a community policing project.

Prepare a slide with the definition of "Stakeholders"¹⁰ (see example below).

Stakeholder of a project is any person or group who has either direct relations with the project or is in some way affected by the project, whether directly or indirectly, positively or negatively. All these people or groups have a stake in the project in that they have something to gain or to lose by the project's activities, results, and/or impacts".

Source: Ulrich Schiefer & Reinald Döbel (2001), MAPA – Project. A Practical Guide to Integrated Project Planning and Evaluation.

Make sure the training room is organised to suit the format for this working group activity (e.g. chairs around tables). Prepare a place on the wall of the training room for participants to later attach their flip chart sheets. Put a set of post-its, pens and Blu Tack in the centre of each table for the group exercise.

¹⁰ Schiefer, U. and Döbel, R. (2001), 'MAPA – Project. A Practical Guide to Integrated Project Planning and Evaluation', Appendix 11: Stakeholder Analysis, p. 94, available at https://www.researchgate.net/publication/242727794_MAPA_PROJECT_-_A_Practical_Guide_to_Integrated_Project_Planning_and_Evaluation.

Instructions

1. Present an overview of a neighbourhood that has the following criteria: a) it is located in an urban setting or town which has at least one community with a migrant background; and b) civil society organisations are actively working in the community. Explain that participants will use this neighbourhood as the context for this activity.
2. Project the Stakeholders Matrix onto a screen and ask participants to read it. Ask if there are any questions about this definition or anything missing.
3. Now show the slide (Annex 6.3b) of an example stakeholder matrix and explain the main categories of the matrix.
 - **National Stakeholder:** an individual or organisation from the public or community sector which has a national profile, for example, the Ministry of Interior, or a national NGO that campaigns on anti-racism.
 - **Local stakeholder:** an individual or organisation from the public or community sector who has a local profile, for example, the town or city mayor, or a community organisation that works with LGBTI people.
 - **Human rights stakeholder:** an individual or group that works on human rights issues such as migration, hate crime or education. These can be at the national level, for example Amnesty International. At the local level, examples can include outreach teams – specialised teams run by NGOs or Non-Profit, that work in a given neighbourhood to contact hard-to-reach groups / vulnerable people. For example, they might be specialised in contacting homeless people, drug users or sex workers, to help them to have access to the services they need. These teams are usually composed of social workers, psychologists, doctors, and volunteers who provide first-level assistance (for example on emergency health care, harm reduction or clothes and food assistance). These teams also usually have an educational role in raising awareness about existing services and encouraging vulnerable people to have access to those institutional services. A team will often go with the vulnerable people to the institutional services.
 - **Community service stakeholder:** services provided by non-profit or NGOs, such as a day care centre for older people, youth centres, sports associations, and migrant social support centres.
 - **Public services:** services that are the responsibility of the public sector, for example, schools, social services, municipal police, or the national police.
 - **Other:** stakeholders that do not fit into the categories already listed. This could include migrant associations and resident associations.
4. Ask groups to make a list of all the relevant stakeholders for community policing. Elicit an example first, and then give them two or three minutes. Examples can include the following: schools, NGOs, public and private organisations at local, regional and national levels, civil society entities and non-profit entities, local policy makers, migrant associations, and representatives of minority groups. Then go back to the slide (Annex 6.3b). Check with participants what they think could be included in the 'Other' section.

5. Now explain that groups will work together to develop their own matrices based on their experience and ideas. Inform participants that each group should use their post-its to write down which stakeholders (only one on each post-it) should, from their experience as police officers and working with communities, be invited to partner with the police to implement community policing in the designated neighbourhood. Explain that each post-it with the stakeholder description (the potential partner) should be stuck in the matrix according to their scope of intervention (local or national level) and by the type of organisation (public services, community services, on human rights or other). Ask participants to identify which stakeholders are likely to be co-operating already with the police (for example, by using a different post-it colour or by writing an arrow next to it). Signpost participants to the three flip chart pages with the matrices already drawn on them. Give them 30 minutes to complete this task.
6. Move between the groups as they discuss the exercise, to clarify any doubts. Encourage all participants in each group to take part in their group's discussion.
7. At the end of the 30 minutes, ask each group to stick their matrix sheet on to the wall. Invite all participants to go to the wall and observe the results of the other groups. Allow five minutes for this exercise before asking participants to return to their seats.
8. Ask each group to share their thoughts behind their selections and to comment on any difficulties or disagreements which may have arisen during the task. After each group finishes, invite comments or observations from those who were not part of that particular group. Repeat the process for each group.
9. After all groups have shared their reflections, ask participants if they would like to add any final comments or concluding remarks on the exercise.
10. During this process of identifying relevant stakeholders, refer also to the point that potential partners should not be considered only on the basis of their being inside sources of community information. The focus should be on information sharing rather than exploiting sources of information so that stakeholders are equally valued as partners actively involved in identifying and addressing community problems. By working in partnership, resources are enhanced, allowing more effective and sustainable responses over time.
11. Emphasise the importance of including key stakeholders from the community for any safety partnership to have credibility and to be effective. Underline that it is particularly important to include organisations who defend, support and promote human rights for the more vulnerable and marginalised and those who are working within the community in the fields of education and conflict resolution. If time allows, draw attention to the work of the United Nations Rapporteur on Racism, Xenophobia and Related Intolerance¹¹, and their view that law enforcement agencies should welcome and support voluntary contact and interaction with citizens. They should demonstrate their commitment to transparency and citizen's supervision and to encouraging collaboration with minority groups.

¹¹ United Nations (2015), 'Report of the Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance', available at <https://digitallibrary.un.org/record/799139?ln=en>.

Trainer's Notes

If necessary, you can explain to the participants that this exercise is also grounded in the OSCE Publication *Good Practices in Building Police-Public Partnerships*¹²

“Recommendation #59. Community policing pilot sites should be identified; and representatives of the communities and other administrative agencies, as well as police officers and managers responsible for implementing the pilot project should be selected and prepared for their special tasks. (...).

In an ideal scenario, the pilot sites would be determined in cooperation with the communities living in potential pilot sites that are willing to develop the new police-public partnerships. This would boost local ownership of the implementation process. In cases where the local populations do not show interest in the implementation process, community awareness campaigns should be initiated to inform them about the aim of community policing and how to get involved.”

“Recommendation #84. Because NGOs can play a critical role as part of information-sharing networks, they should be involved in the creation of co-operative structures, even if there have been tensions and controversies between the NGOs and the police in the past. The police should accept them as their ‘critical friends’.

The challenge of selecting the most appropriate NGOs can be met by using selection criteria such as the NGOs’ stability, accountability and authentic representation of their constituencies.”

¹² OSCE (2008), ‘Good Practices in Building Police-Public Partnerships’, available at www.osce.org/files/f/documents/8/4/32547.pdf, pp. 48-57.

Activity 6.4: Building the Profile of the Community Policing Team

Addressing community problems and conflicts in close cooperation with Civil Society Organisations (CSOs) allows community policing officers to develop a better understanding of a community's social and cultural background, its civic assets and needs, and barriers to active engagement and participation. This knowledge can feed into improving police performance, which can itself contribute to improving peoples' security and feelings of safety and even promote greater social cohesion. Community policing officers are in this context better equipped and integrated into the community. Because the success of the community policing project rests heavily on the knowledge, skills, attitudes and behaviours of officers tasked to carry out the work, it is especially important to ensure that the right officers are assigned. Therefore, special attention should be given to the selection and allocation of police officers to patrol specific neighbourhoods. One participatory strategy that can be used to assist in this is where the police consult CSOs and community members and seek their views as to the most important aspects of a community policing officers' profile, including those qualities and aspects which would enable the new police team to build positive relations with the community.

Learning points: In this scenario, the police would engage representatives of the community itself in the process of recruiting officers to be selected to the community policing team for their neighbourhood.

Time: 45 minutes

Materials needed: flip chart
flip chart paper
white board
projector and computer
flip chart page – Community policing officer profile
Handout 6.4a, Handout 6.4b, Handout 6.4c
paper, pens, post-its, Blu Tack

Preparation: Prepare in advance a slide and a flip chart page with the headline, "What professional characteristics should community policing officers have to build a positive relationship with the community?". Before starting the training session, place a set of post-its and pens on the table for each group.

Instructions

1. Begin the activity by explaining to participants that they will be conducting an exercise where the group is tasked with creating the profile of the future police officers' team to be selected for a community policing project.
2. Present the slide with the opening question: "What professional characteristics should community policing officers have to build a positive relationship with the community?" What are the key skills, behaviours, knowledge and experience?
3. Ask participants to write down each characteristic on a separate post-it.
4. Tell participants that they have 15 minutes to complete this task.
5. After the 15 minutes, ask each participant to read aloud their chosen characteristics and briefly to explain the reasons for their choice. When they have done this, they should stick their post-its to the flip chart page and return to their seat.
6. After all post-its have been displayed, ask participants to comment on the results.

7. After this first plenary discussion, ask participants to form four groups.
8. Distribute copies of the three handouts to each group. Ask participants to read the first handout, and explain the exercise. Then, ask the groups to read all the recommendations and to answer the questions on the handouts. Inform participants that they will have 20 minutes to complete the task.
9. At the end of the 20 minutes, ask a spokesperson from each group to tell the rest of the class what characteristics their group had highlighted, and the reasons for their choices. They should also share with the full group one of the scenarios which they have constructed for illustration. After all groups have shared their answers, ask if anyone would like to add any more comments. After all groups have given their feedback, ask the groups to stick their sheets on to the wall.
10. To round up the activity, highlight that this participatory process shows that police services can be opened to incorporate a range of community input. Where this input is included, they can improve the quality of the policing services delivered to the community. In addition, involving stakeholders in the planning process from the start, even before police officers are put into the field, increases partners' sense of responsibility and ownership of the community policing project when it is operationalised. Through this approach, the police can learn what the community considers is the desirable profile of its community policing officers. The police should be seen to respond to this community assessment in the selection process and in the training of members of the policing team. Allowing space for the community to have some input into the selection process of those future community policing officers who will be assigned to patrol their neighbourhood is an important step in fostering police-community trust.
11. The credibility of and respect for the community's role may be evidenced by reflecting their input in informing the criteria used for selection, and also the design of interview questions used in the appointment process. To conclude, you could ask participants whether they would consider it useful to include a community representative on the interview panel, either as a participant or as an observer.

Trainer's Notes

This activity can be used to train participants to apply the methodology in several contexts. Depending on the specific objectives you have set for the training, different participants can be involved in different ways in the activity, for example:

To identify the community policing officers' profile from the police perspective: those assigned this task are members of the police organisation.

To identify the community policing officers' profile from the community perspective: those assigned this task are members of the community with diverse and multi-layered backgrounds reflecting the rich cultures and histories of the community itself.

To identify the community policing officers' profile as a shared exercise: those assigned this task are both police officers and members and representatives of the community.

Activity 6.5: The Police-Community Safety Partnership

In community policing, police-community safety partnerships can be excellent vehicles to promote trust and understanding between all parties. However, ultimately, maintaining trust will depend on the sincerity and efficacy of partners in working together, in achieving agreed outcomes and whether the voices of local people are listened to and acted upon, when they speak out on policing issues and their safety concerns.

Partnerships can be very effective in identifying community concerns and setting up integrated strategies to tackle them. By increasing officers' knowledge about the community, officers are better prepared to carry out their preventive roles and to maintain order in ways which improve the quality of life for the community, enhancing feelings of safety and promoting understanding and good relations. Officers should also act as examples when it comes to treating people with respect and dignity. People will often judge the police more by their behaviour and how they engage with them than the actual criminal justice result of their intervention. However, it is also important that the police response is both fair and competent.

One of the main challenges of community policing is maintaining the policing teams dedicated to a specific neighbourhood. When assigned officers are diverted to other police tasks, community trust in policing can weaken, especially where the community feels that their concerns and issues are devalued and their views are not being respected.

Learning points: This activity explores the role of safety partnerships in supporting the police mission to prevent crime, conflict and anti-social behaviour within and against communities. Participants will simulate a partnership meeting in the form of an introductory workshop, with the aim to jointly reflect on the dynamics of community engagement and the core conditions that are needed to sustain this preventive policing model in the longer term. In preparing this activity, refer to the Tool Box for tips on facilitating role plays.

Time: 120 minutes

Materials needed: flip chart
flip chart paper
white board
video projector and computer
Handout 6.5a, Handout 6.5b and Handout 6.5c
paper, pens

Instructions

1. Distribute Handout 6.5a to the participants. Explain that this exercise involves a role play based on the scenario described in the handout.
2. Randomly allocate the roles to participants (based on the profile of the participants you might feel that it will help the flow of the exercise to allocate some roles yourself or to ask for volunteers. Use your judgement on this).
3. Distribute Handout 6.5b, the workshop agenda and project the agenda onto a screen for participants to read. Ensure that it remains on the screen throughout the exercise.
4. Distribute copies of Handout 6.5c which contains details of all the roles and their backgrounds to all the participants, including those who have not been allocated a role. This will enable them to know who all the players are and to follow the exercise better. Explain that they should pay attention as they will need to give feedback at the end of the activity!

5. Explain to the role-playing participants that they are taking the part of a particular partner who is attending the first workshop of a newly established police-community safety partnership.
6. Ask the person playing the “senior police officer” role to initiate the workshop. They will also be required to chair the meeting and will need to ensure that their partners keep to the agenda. You, as trainer, can assist them with this, as well as with the overall management of the exercise.
7. Once again, remind the other participants that they need to pay close attention to the agenda as they will be required to address agenda items during the feedback session.
8. Instruct them to take notes against each of these items, and from their knowledge and experience, what they believe are, “the main advantages of a community policing team working with social partners”; what might be “difficulties experienced by partners and by the community with policing”; what might be “the main concerns of the community and challenges currently faced” by them, and so on.
9. Participants who have not been allocated a role should also note the discussions which take place between role players during the meeting and how players argue from their own perspectives. They should pay particular attention to the dynamics of the conversations and think about how they themselves would handle the arising issues if they were confronted with them in real life.
10. The role players have approximately 10 minutes for each agenda topic; ensure that they are made aware of the time, and if necessary press them to move on to the next agenda item to ensure that all points are covered during the allotted 60 minutes.
11. When the time is up, compliment participants on their Oscar-winning performance! Then ask the group of role players to give feedback on how they felt the exercise went. In particular, ask those who did not play police officer roles the following questions: How satisfied were they with the conduct of the workshop? Did they feel, following the workshop, that they would want to go into a future partnership with the police?
12. Ask those who did not take part in the role play to give their assessment of the exercise. Firstly, did it reflect their experience of this sort of engagement with the community? Ask what was particularly useful about the workshop. What did they think was done well? What could have been done better? Are there any other things which they think could or should have been done differently?
13. Facilitate a closing discussion by relying on the points set out below. Close by underlying the importance of the safety partnerships being grounded on common values and principles shared by all partners. Ask all participants what they feel the difficulties are of holding such meetings. What are the challenges in having follow-up meetings?

Discussion points

The importance of time

Refer to the fact that in community policing, usually, the difficulty doesn't lie in starting up a safety partnership but rather in maintaining it over time. Partners and community members may initially be enthusiastic about taking part, and look forward to building relationships and addressing long-standing issues. However, both the role which police officers continue to play in the partnership, and how they carry out that role, are crucial to maintaining continued interest and commitment from others.

Time plays a key role since it takes time within the police to develop a participatory culture, and, within the community, to build trust in working with the police. Therefore, consistent and meaningful community engagement is fundamental to supporting community policing work and safety partnerships in the longer term. Stress that in the beginning of the partnership, and over time, the police team will need to be able to accept different viewpoints and different ways of working, which will require patience, forbearance and resilience to overcome it. While police may take a lead role in the community policing project, they do not own it! They need to recognise that they are "partners" and not the sole proprietors.

Shared goals and values

Point out that having common goals and values are crucial to sustaining partners' motivation. There needs to be a shared vision of what needs to be achieved and how to achieve it. Meetings can facilitate achieving this clarity and focus but only do so where they have a clear and agreed purpose. This means that meetings must have pre-agreed and clear agendas and must be well-managed in order to deal concretely with arising issues as this is more likely to motivate partners to remain on board. Meetings called for the sake of no more than the sake of having a meeting itself, and which lack any other substantive purpose, can discourage and undermine interest and commitment in the long term.

Inclusive approach

Stress that safety partnerships boost the participation of community representatives, fostering greater social solidarities and facilitating acceptance of cultural and social differences within the community. One of the main challenges in community policing is to have inclusive partnerships with participation or representation on behalf of all members of the community. In this matter, special attention should be paid to the role of potential and actual gatekeepers within communities and the importance of continuously investing in promoting and expanding diverse channels of communication. This may be done by exploiting several forms of social media, by partnering with outreach workers, and by liaising with schools, clubs and societies.

Consulting directly with local communities about their concerns through public meetings, are particularly useful when dealing with situations of community tension. However, despite their apparent openness, they may not always prove the most attractive forums by which people present their views and communicate their anxieties and misgivings. Nevertheless, they can be important for the police to disseminate information to address rumours and clarify situations and to inform the community or groups within the community about police responses to incidents, or simply to raise public awareness of issues of concern. For many people, police provision of websites, and social media may still prove more effective and immediate communicators of critical and timely information to the public. None of this devalues the role that partnerships have in facilitating communication between the police and between different groups within the community to promote cohesion and prevent conflicts. Therefore, the greater the representation of *all* the community from the start, the better the process and results. It has to be emphasised that participation of stakeholders in safety partnerships with the police must be founded on inclusive values and continuous dialogue, respecting all partners' points of view, even if sometimes consensus is difficult to obtain. When participation is obviously not fully inclusive and equal, especially where there

are large numbers of marginalised, disadvantaged and hard-to-reach community members, then the police should actively seek to promote greater outreach and inclusion through work with their existing partners, or consider bringing in new, or additional partners.

Co-responsibility

Remind participants that safety partnerships enhance partners' sense of ownership and responsibility for community policing in the neighbourhood. Talk about some practical ways in which this could be done, for example, by agreeing measurable and achievable targets for the partnerships that will be regularly reviewed. This participatory approach encourages the police service to undergo cultural change while demanding support from all levels of the police hierarchy. The benefits of change to the police themselves, in a vibrant multicultural pluralistic democracy, should not be minimised.

Regular communication

Community policing requires regular communication and constructive and positive relationships between police and citizens. This co-operation with society facilitates access to information that voices the community concerns and improves police performance and legitimacy by developing better informed and effective police strategies to tackle community concerns. Hence, establishing partnerships and long-term communication channels with all groups of the community should be a policing priority. The involvement of intercultural mediators is of great importance to the establishment of those communication channels with community members, but should, nevertheless, not replace attempts to reach out and build relationships more directly with as wide a cross section of the community as is practically possible. Moreover, establishing channels within the safety partnership will be fundamental to promoting dialogue and trust between the police and partners: police can rely on partners to help to address problematic situations identified by police, while partners can rely on the police to support them in their undertakings in the neighbourhood. This contributes to achieving reliable and trustful relationship over time.

Trainer's Notes

The roles set out in the role-playing exercise should be considered only for reference or example. The trainer may wish to amend the roles to suit the prevailing conditions within the specific jurisdiction better, or choose other roles more adequate to the context of the intervention and the goals of the training.

This activity can be performed with participants from a partnership already in place, or with only police officers acting as participants. In this latter case, it's very important that police officers have the opportunity to view themselves from the "other" perspective (the same goes for partners to place themselves in the role of the police). There must be a real effort to try to understand the other's points of view.

Annexes and Handouts

Handout 6.2: Case Study – Police-Community Partnership in Joint Training

Case Study

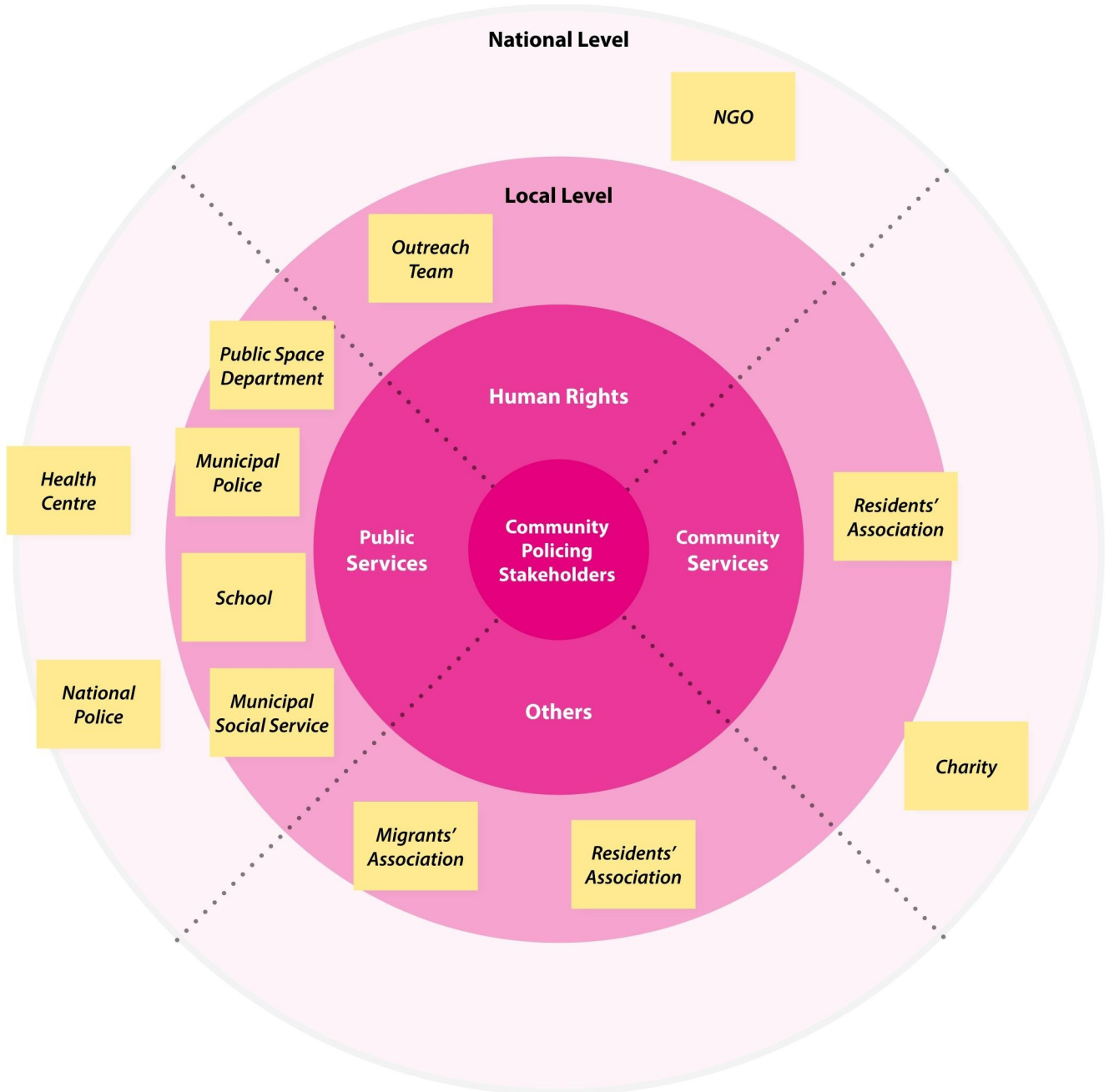
In 2009, a community policing project was set up in a diverse neighbourhood of a particular European city. The model used required the involvement of local organisations and representatives of the community. Therefore, as a first step, the police invited key stakeholders to an initial meeting and asked them to work with the police to plan together community policing for their neighbourhood. To take this forward, a community safety partnership was established. Over the following year, through a series of monthly meetings, the partnership identified the main security problems to be addressed and determined the profile of the future community policing team whom they thought would be best placed to carry out the policing responsibilities. In response, community policing officers were selected, and a training programme was devised to prepare the police team to initiate a foot patrol in the neighbourhood. The training programme also aimed at preparing partners to work with the police in jointly addressing community problems.

The community policing training course had additional, initially unforeseen benefits. Since it targeted all members of the partnership, police trainees were able to hear first-hand from social partners and community representatives speaking openly about their experiences and perspectives regarding the neighbourhood's problems and challenges to be overcome, including those related to diversity, equality and human rights issues. These exchanges, in this forum, particularly helped to improve police officers' awareness and knowledge of cultural diversity in the area concerned. Furthermore, as training was delivered on the premises of the social partners themselves, both they and community representatives were in their "safe harbour", and were, as such, facilitated in having an open and frank dialogue with the police. The fact that the training programme involved 30 hours of training, delivered over several days, further allowed participants to build closer, respectful relationships which permitted sharing views openly, even over conflicting issues. It created a greater awareness of the constraints felt by some police officers when policing diverse neighbourhoods.

As a result of this joint training, which set the basis for developing a more trustful relationship between police and partners, it was much easier for the new community policing team to be introduced into the neighbourhood. The police team could now put "faces" to key contacts within the neighbourhood and knew who they should contact and work with to address problems reported by the members of the community promptly, members who themselves were now viewed by police officers through different, more appreciative eyes.

Questions for Discussion

1. What are the main strategies of community engagement that you can identify in this case study.
2. Which strategies would be particularly useful to apply in your own context for setting up community policing? Give reasons for your choice.
3. Which strategies do you consider would be particularly difficult to apply in your context? Give reasons for your choices



Recommendations from the European Code of Police Ethics:¹³

[Police personnel should be able] “to demonstrate sound judgement, an open attitude, maturity, fairness, communication skills and, where appropriate, leadership and management skills. Moreover, they shall possess a good understanding of social, cultural and community issues”. This understanding of “social, culture and community issues” cannot be achieved without proper and respectful engagement with the public and all its constituent groups.

Police officers with pride in their profession and with any desire to do a professional day’s work, cannot engage in the kind of misconduct which disrespects people and fails to recognise their human dignity.

Exercise:

1. Highlight in the text the characteristics of a police officer which you consider are the most important in treating people with respect when stopped and searched.
2. Provide an example that illustrates the importance of those traits that were highlighted (e.g. outline how a police officer might address a person whom they intend to stop and search: what skills (e.g. ‘sound judgment’), behaviours (e.g. ‘respectful engagement’) and attitudes (e.g. ‘open-minded’) would be particularly useful?

Source: Council of Europe, ‘European Code of Police Ethics’ (2001)

¹³ Council of Europe, ‘The European Code of Police Ethics Recommendation’, Rec(2001)10 of the Committee of Ministers to member states, paragraph 12, available at <https://polis.osce.org/european-code-police-ethics>.

Recommendations from the Council of Europe “Intercultural Cities – Manual on Community Policing”¹⁴

The police service is, therefore, one of the institutions responsible for guaranteeing the principle of equality, and it has the duty to intervene in situations of conflict with absolute impartiality and respect for ethnic, sexual, religious and cultural features, taking into account also the particular conditions of the most vulnerable social groups (such as people with disabilities and homeless people).

To overcome any mistrust and to favour the full social participation of all citizens, the police must take an active role in the work of preventing racism and xenophobia, homophobia, gender or domestic violence, and other hateful, discriminatory or intolerant behaviour, through better knowledge and understanding of the characteristics and particularities of people who are often subject to discrimination. [...] the police must have knowledge and understanding of national and international legislation to combat the hateful practices mentioned above.

Exercise:

1. Highlight in the text the characteristics of a police officer which you consider most important in treating people equally and fairly: what skills, behaviours and attitudes would be particularly useful?

Source: Council of Europe ‘Intercultural Cities – Manual on Community Policing’ (2019)

¹⁴ Council of Europe (2019), ‘Intercultural Cities – Manual on Community Policing’, available at <https://edoc.coe.int/en/living-together-diversity-and-freedom-in-europe/7930-intercultural-cities-manual-on-community-policing.html>.

Handout 6.4c

Recommendations of OSCE document 'Good Practices in Building Police-Public Partnerships'¹⁵

32. (...) Beyond the traditional technical skills and basic requirements for democratic policing (cultural and religious awareness, human rights and police ethics), community policing demands an even broader range of skills, including the ability to communicate (also in the languages of the local communities), to listen to different opinions, to build trust and to mediate in conflicts. In addition, it requires ability to develop creative approaches to community concerns, including organising community groups, conducting problem-solving and gathering technology-based information as well as translating general mandates into appropriate action as well as conveying the concerns of the community to the police leadership and other stakeholders.

63. Within the police agency, officers who are motivated to take this new approach to policing and who have the basic skills for this challenging task should be selected. As confidence and trust in the police is likely to be particularly low at the pilot sites among minority populations who may previously have experienced biased and repressive treatment by the police, an important step in winning the trust of the minority communities would be to integrate them into the police throughout all ranks and in all functions. Their integration would serve not only as a confidence-building measure, but would also provide the police with a range of knowledge and skills required for working in a multicultural environment: especially the knowledge of minority languages and specific traditions and customs. Recruitment should also focus on women, whose percentage in the police is usually not proportionate to the composition of the population.

Exercise:

1. Highlight in the text the characteristics of a police officer which you consider are most important to building partnerships and engaging with community members – what skills, behaviours and attitudes would be particularly useful?

Source: OSCE 'Good Practices in Building Police-Public Partnerships' (2008)

Model agenda

Note: it is recommended that this model take place over 1.5 days. If this isn't possible then trainers can hold this training course over one long day or choose activities based on learners' needs.

¹⁵ OSCE (2008), 'Good Practices in Building Police-Public Partnerships', available at www.osce.org/files/f/documents/8/4/32547.pdf.

Handout 6.5a

Scenario

After reading reports of continued crime and disorder in a diverse and economically disadvantaged community and recognising the limitations of reactive policing to tackling their underlying problems, the police commander responsible for the area decides to implement a community-policing pilot project in an attempt to improve matters. To take this forward, she assigns a strategic team to engage community stakeholders to work with the police in the joint planning of the project.

After identifying relevant stakeholders to be included in the safety partnership, the strategic team invites them to a first partnership meeting in the format of a workshop, with a view to introducing the concept and practice of community policing and to initiate the first stages of the planning process. The workshop takes place in the police facilities. It's the first time that stakeholders and the police have met face-to-face. It's also the first time that those from the community have met together in police facilities. The senior police officer in charge of the team welcomes everyone and opens the workshop.

Agenda: Safety Partnership Meeting

1. Chief Police Officer's welcome
2. Round-table introductions
3. The main advantages of a community policing team and their work with local stakeholders
4. Past difficulties experienced by local stakeholders and the broader community with policing
5. The main concerns of the community and challenges currently faced
6. Ways to engage the community
7. The Community Police Team – what is required?
8. Next Steps

Example of roles for partnership meeting

Community policing officer: This is one of the officers who will be assigned to patrol the community. In the course of their day-to-day work they will regularly interact with individuals in reducing the fear of crime and problem-solving. They will also be actively involved in reducing conflict and trying to foster greater intercultural understanding and conversations. They will work with partners, both from the area, as well as with those with a responsibility for delivering services to the area.

Senior police officer: The Supervisor is responsible for the management of the community policing team. This involves assigning tasks, monitoring performance, listening to officers and adapting priorities and approaches in the light of feedback and experience as well as policing imperatives. They will act as the chair of the workshop and open the workshop by explaining the purpose: why the police have reached out to prospective partners and decided to initiate a community policing process.

Resident: This resident is President of a migrant support association. They have been living in the neighbourhood for a few decades and has considerable experience of working with members of the community, as well as statutory and voluntary groups. His/her organisation is often a key contact for both new migrants and those who have lived in the community for a number of years. He/she is familiar with recurring problems but does not have expert knowledge of all cultures or ethnicities who form the community. The organisation regularly organises community events and open meetings with the police. Past relationships with the police have not been good. The police have been seen as deliberately targeting migrants and treating them unfairly.

Outreach worker: This person is employed by a national human rights organisation in countering discrimination, which has many regional and local offices around the country. They also have a responsibility to promote education and understanding in an attempt to underline principles of equality and to recognise the value of interculturalism. They have not had much contact with the police but recognise that a new partnership could help promote better understanding and improve relationships.

Schoolteacher: This teacher is based in one of the largest secondary schools located within the community. They have been tasked by the education authorities to run in-school programmes which support young people who have recently arrived from another country to settle in at the local school. This involves working with young people to assist with language, cultural and social issues, which they may face. They are also tasked with fostering and building relationships between the newly arrived and other young people at the school and at other schools in the area. They are also interested in building positive relationships between all youth groups within the community by providing forums for social contact. They often invite police officers to school talks, but these have been limited in their subject matter, to road safety and drugs.

Social worker: This social worker has a specific role in addressing some of the needs of unaccompanied minor asylum seekers by providing accommodation and other support through a local centre. The social worker co-operates with the integration programme of the local school. They are conscious that many of their clients often come in negative contact with the police. They feel that the police discriminate against this group.

NGO worker: This worker deals mainly with asylum seekers who have been housed within the community. These new residents have predominantly arrived from Somalia, Syria and more recently from Afghanistan and Iraq. The NGO worker has contact with the police but often in negative settings where the police are seen as harassing their clients or where the police intervene on complaints from other residents and seem to do so in a way which is discriminatory.

Juvenile Justice Worker: This officer is tasked with working with young people to help divert them away from crime and anti-social behaviour. They work with resident's groups and hard-to-reach young people from all backgrounds to try to promote greater understanding and cohesion. They have links with local schools, and the migrant support association. They feel that in the past the police have made their job more difficult by being aggressive, and at times, discriminatory. In addition, the police have relied heavily on stop-and-search tactics which have only served to increase local hostility to the police.

Law enforcement plays a key role in combating racism and racial discrimination, and in promoting human rights, democracy and the rule of law. For this reason, legitimate use of force and coercion in democratic societies can inspire feelings of personal and community security only if it is effective, transparent and proportionate. Any discriminatory use of these powers can destroy the confidence and trust of communities, and fundamentally undermine their sense of personal safety. There is an immense responsibility on governments and legislators to ensure that effective laws and policies are in place which guarantee fairness in policing, guard against racism and discrimination, and place human rights obligations at the centre of policing practice.

The Council of Europe has long worked to support policy makers, practitioners and civil society to create laws, policies and practices that protect the principles of equal treatment and non-discrimination, and that aim to eliminate racism and discrimination in all its forms. Quality training is key to cultivating informed, skilled and accountable police services that are equipped to support and protect societies in all their diversity and complexity, and to challenge and prevent racism, racial discrimination and all other forms of discrimination and intolerance. The exercises and activities in this manual are grounded in key Council of Europe norms and standards and aim to give them practical life in ways that inspire trainers and their participants.

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The Council of Europe is the continent's leading human rights organisation. It includes 46 member states, 27 of which are members of the European Union. All Council of Europe member states have signed up to the European Convention on Human Rights, a treaty designed to protect human rights, democracy and the rule of law. The European Court of Human Rights oversees the implementation of the Convention in the member states.