

Tom Hewins
Clerk to the Hertfordshire Police
and Crime Panel
Broxbourne Borough Council

Roy Wilsher
Chief Executive
Hertfordshire Police & Crime
Commissioner

3 August 2016

Dear Tom,

Hertfordshire Police and Crime Panel 21st July 2016

At the above meeting I promised to respond in writing to questions supplied to and answered by the Commissioner, including two supplementary questions on Hate Crime. Attached are the answers provided on the night regarding LED bicycle lights, Hate Crime and Special Constables. I also include answers below on the number of Hate Crimes recorded after the EU referendum and the progress of the Hate Crime Strategy.

Hate Crime recorded incidents following the referendum –

There was a general, countywide increase in both hate crime and hate incident reporting. It is not always possible to attribute particular reports to the referendum and many are obviously not directly related (e.g. part of an on-going neighbour dispute). Also, it is possible that national media coverage has sensitised some people so that they are more willing / encouraged to report crimes and incidents that previously they may not have done. In the period 23rd June to 12th July there were 11 hate crimes and 8 hate incidents that directly (or at least are highly likely to be) relate to the referendum. Ten of the 19 related to Polish victims / the Polish community (3 of which are linked racially aggravated criminal damages in Hoddesdon).

Hate Crime Strategy –

The strategy is being developed through the County Community Safety Unit and a multi-agency approach that will be subject to consultation. The plan is to issue the strategy by April 2017.

Detective Supt Pete Fulham is very happy to do a personal briefing to those that would like to avail themselves of further cyber-crime understanding. I believe the Constabulary will contact you direct to arrange this.

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I am still awaiting a response from the Constabulary on M25 investigations and this will be provided as soon as I have.

I hope this is satisfactory.

Regards



Roy Wilsher
Chief Executive

1. Road safety

- (a) Concerns have been raised about the levels of light emitted by the new LED headlights used by cyclists both in terms of their safety and the safety of other road users. Do you know whether there will be any countrywide campaigns to raise the issue with cyclists and to engage with the equipment suppliers?

Answer:

The Hertfordshire County Council Road Safety Unit is a good source of information for this. They have no knowledge of a national or local campaign. They advise to fit cycles with lights meeting British Standard BS6102/3, or EU equivalent which requires the performance is not less than the British Standard Light manufactures should produce lights that comply with the relevant standard within the countries their products are sold.

The Road Vehicles Lighting Regulations 1989 govern the use of lights on roads in Britain.

In simple terms, bicycles used on a public road between sunset and sunrise must display lights that conform to BS6102/3 (or equivalent EU standard) a white light to the front and a red light to the rear, not less than 4 candela bright (no mention of maximum output) and mounted centrally or on the offside not higher than 1.5 m above the road, together with a red rear reflector and if manufactured after October 1985 with amber pedal reflectors. Since 23rd October 2005 flashing lights (LED's) are permitted provided they flash between 60 & 240 times per minute.

In relation to a light dazzling other road users the police could consider Section 3, Road Traffic Act 1988 (Careless / Inconsiderate driving) but it is thought this would be counterproductive, with the media interest in cyclist deaths.

- If a person drives a mechanically propelled vehicle on a road or other public place without due care and attention, or without reasonable consideration for other persons using the road or place, he is guilty of an offence.

The DfT Highway Code, rule 60 states:-

At night your cycle **MUST** have white front and red rear lights lit. It **MUST** also be fitted with a red rear reflector (and amber pedal reflectors, if manufactured after 1/10/85). Flashing lights are permitted but it is recommended that cyclists who are riding in areas without street lighting use a steady front lamp.

The police suggest some of the high power LED cycle lights that may be subject of this complaint may be of the type specifically intended for off road use but realistically its unlikely officers will routinely stop cyclists.

It could be argued that if the lights are clearly visible then they are doing their job to warn other road users. Of more concern are the cycles that do not have lights when they should.

2. Hate crime

(a) Please can you provide the up to date reported figures in Hertfordshire.

(b) Please can you define the following:

- i. What is hate crime?
- ii. What counts as an offence?
- iii. What is a typical xenophobic crime?
- iv. Is schoolchild to schoolchild cyber 'unkindness' a hate crime?

Answer:

The constabulary have a very helpful page on their website devoted to this topic. It is on the main menu under advice, entitled 'Hate Crime'.

i. A hate crime is any criminal offence perceived by the victim, or any other person, to be motivated by hostility or prejudice based on a personal characteristic. Crimes that often have this are public order offences, criminal damage, offences against the person and harassment.

Hertfordshire Constabulary also record hate incidents. Hate incidents may not constitute a criminal offence and therefore will not be recorded as a hate Crime but they will be recorded on the crime system as a 'non-crime'.

Hertfordshire Constabulary are required to provide data on the following strands

- Disability
- Transgender Identity (Transphobic)
- Race
- Religion or faith
- Sexual Orientation (Homophobic)

ii. Any criminal offence that is motivated by hatred/hostility/prejudice towards a person's identity.

The alleged actions of the perpetrator must amount to a crime under normal recording rules. If this is the case, the perception of the victim, or any other person, will decide whether the crime is recorded as a hate crime.

If the facts do not identify any recordable crime but the victim perceived it to be due to hatred of their identity, this will be recorded as a non- crime incident, not a hate crime.

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If sufficient evidence can be provided for prosecution to prove hostility, a conviction can receive enhanced sentencing (under section 145 and 146 of the Criminal Justice Act 2003).

iii. There is a cross-over with a racially aggravated hate crime. Hate crime being more of prejudice and hate, xenophobia being fear of a group and that the other group is 'foreign'. A typical xenophobic crime would be a racially motivated criminal offence such as shouting in the street to foreign people 'go back to your own country'.

iv. It could be if the actions are a crime. Within schools such incidents are usually dealt with by the school. This could be a hate crime but will depend on the content and the perception of the victim. If the victim perceives it to be motivated by hatred/ hostility because of their identity, it is a hate crime/incident and will be recorded as malicious communications.

3. Special Constables

- (a) What sort of insurance is in place for Special Constables?
- (b) What compensation is available for employers' lost time?

Answer

(a) The Constabulary maintains insurance for legal costs for legal, disciplinary or civil proceedings and specials are indemnified if injured whilst on duty or travelling to duty such that sick pay is paid by the constabulary.

(b) there is no facility for employers to be compensated for the time their staff are working as Special Constables. There is an expectation that these hours will be carried out in the member of staff's own time, unless the company is an Employer Supported Policing organisation and support the staff performing some duties whilst being paid by the company. In this case, the organisation acknowledges and supports the benefits an officer undergoing the Special Constabulary training and working part-time as a police officer brings into the workplace, such as improved communication skills, decision making, managing priorities, dealing with difficult situations, conflict resolution and teamwork. The training is externally valued at £8,000 and evidence shows that people who volunteer are more motivated and higher performing within their workplace.

Special Constables are also entitled to claim for loss of earnings expenses whilst engaged in court proceedings originating from their duty as a Special Constable.