

#REPORTHATE

COMBATING ONLINE
HATRED



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EXECUTIVE SUMMARY

The rise of social media has had a dramatic effect on the way in which people interact over the internet; it is now easier than ever to instantly communicate and share opinions. However, the emergence of social media has presented a new avenue for crime - in particular, hate crime. A significant proportion of hate crime now takes place online, specifically via social media.

A hate crime committed online is still a hate crime.

The Mayor's Office for Policing and Crime's (MOPAC) Hate Crime Reduction Strategy states that internet users are bound by the existing legislation against inciting hatred on the basis of race, religion, transgender or sexual orientation, or disability. The strategy makes clear that the perpetrators can still be pursued for offences committed online.¹

The police's response to online hate crime is inconsistent. This has the effect of reducing the general public's confidence in the police's ability to tackle it and has resulted in online hate crime being routinely and regularly under-reported.

Being a victim of hate crime is a traumatic experience but when the hate crime is perpetrated online, there are additional consequences.

By using social media to target the victim, the perpetrator is able to abuse the victim in front of a wider, albeit virtual, audience, which can increase the level of humiliation felt by the victim. As a consequence, those hate crimes which once were considered 'low-level', for example shouting abuse at a person on the street, now have a much further reaching impact. Furthermore, social media has created a forum where criminals are provided with a veil of anonymity, making it harder to bring them to justice. This creates an impression that one can act online with impunity and has fostered a breeding ground for hate crime.

The inconsistent police response to online hate crime is caused primarily by police officers not being sufficiently equipped to tackle it. The current methods used by the police to tackle online hate crime need updating and improving.

The creation of a new unit, whose primary responsibility is to act as the first responder to a report of an online hate crime, is the key to tackling the growing number of offences. This new team of fully-trained IT specialists would carry out initial investigations into instances of online hate crime, develop the crime report into an intelligence package, and send it to the relevant borough-level police officer.

The creation of this unit would ease the increasing burden that is currently being placed on borough police officers to investigate instances of online hate and, as a result, would improve the overall service victims receive while providing the police with an efficient way of determining which of the reports they receive require further investigation.

The Metropolitan Police Service (MPS) has already taken a lead role in recognising the scale of this emerging crime. However more can and must be done.

1. <https://www.london.gov.uk/sites/default/files/MOPAC%20Hate%20Crime%20Reduction%20Strategy%20.pdf>

RECOMMENDATIONS

RECOMMENDATION #1 - The Mayor's Office for Policing and Crime should lobby the Government to introduce a standalone offence related to online hate crime. This is needed to facilitate a standardised response across the criminal justice system to this emerging crime. The lack of a coherent, standalone, legislation addressing online hate crime inevitably makes the process of investigating which legislation a report has broken harder for the authorities.

RECOMMENDATION #2 - The Home Office should place a responsibility on police forces to record online hate crime as a separate category of crime. This will help inform the police to align the appropriate resources necessary to tackle it.

RECOMMENDATION #3 - A national unit, hosted within the Metropolitan Police Service, should be established to coordinate police forces' response to online hate crime.

RECOMMENDATION #4 - The Metropolitan Police Service should liaise with the Crown Prosecution Service and the Ministry of Justice to clarify the threshold needed to determine whether an online hate crime has been committed.

RECOMMENDATION #5 - The Mayor's Office for Policing and Crime should work with social media providers to ensure they are effectively dealing with those who use their networks to commit hate crime.

RECOMMENDATION #6 - Social media providers should develop the capacity to respond promptly to their user's complaints regarding hate speech and immediately terminate the account of the perpetrator on their platform.

RECOMMENDATION #7 - An accredited standard should be developed for Victim Support in dealing with victims of online abuse.

RECOMMENDATION #8 - The Mayor of London should lobby the Government to introduce media literacy education into our schools' curricula.

THE POLICE HAVE A RESPONSIBILITY TO TACKLE HATE CRIME

This report recognises the definition of hate crime stated in MOPAC's hate crime reduction strategy, set by the Home Office, in agreement with the criminal justice system partners in 2007:

"A hate crime is defined as any criminal offence which is perceived, by the victim or any other person, to be motivated by a hostility or prejudice based on a personal characteristic; specifically actual or perceived race, religion/faith, sexual orientation, disability and transgender identity."²

The duty of the police to tackle all forms of hate crime is enshrined in Section 149 of the Equality Act 2010.³

The legislation is reflected in the government's online reporting tool, True Vision, which states that the police have duties to promote good relationships between different communities⁴.

When left unchecked, hate crime has the power to damage entire communities.

This was echoed by the Crown Prosecution Service's (CPS) Chief Crown Prosecutor, Baljit Ubhey, who stated that the failure to tackle hate crime can lead to the isolation, victimisation and polarisation of communities.⁵

Indeed, the risk of not challenging hate crime is referred to in the College of Policing's Hate Crime Operational Guidance stating that many offenders post internet hate as part of the escalation of their criminal behaviour.⁶

The MPS are already world leaders in tackling hate crime, having created a working group to analyse how best to tackle online hate crime, and recording more hate crime than the whole of the United States of America (USA).⁷

THE IMPACT OF ONLINE HATE CRIME

The consensus among the authorities and non-government organisations (NGOs) is that online hate crime is having an increasingly damaging effect on community cohesion and creates fear⁸, and is of real concern⁹.

Chief Superintendent Dave Stringer, responsible for the operational implementation of the MPS's hate crime reduction policy, said that a hate crime committed online is not only damaging to the victim of the abuse, rather, it is damaging to other members of the victim's community who have viewed the abuse:

2. <https://www.london.gov.uk/sites/default/files/MOPAC%20Hate%20Crime%20Reduction%20Strategy%20.pdf>

3. <http://www.legislation.gov.uk/ukpga/2010/15/section/149>

4. http://www.report-it.org.uk/reporting_internet_hate_crime

5. <https://www.london.gov.uk/sites/default/files/MOPAC%20Hate%20Crime%20Reduction%20Strategy%20.pdf>

6. http://www.report-it.org.uk/files/hate_crime_operational_guidance.pdf - "However, many offenders who do have the intention and resources to carry out violent attacks, post internet hate as part of the escalation of their behaviour."

7. <https://www.london.gov.uk/sites/default/files/14-02-13%20%20MOPAC%20Challenge%20-%20%20Hate%20Crime%20TRANSCRIPT.pdf>

8. http://www.report-it.org.uk/reporting_internet_hate_crime "We understand that hate material can damage community cohesion and create fear, so the police want to work alongside communities and the Internet industry to reduce the harm caused by hate on the Internet."

9. https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/390904/Government_Action_on_Antisemitism_final_24_Dec.pdf

“This creates a wide pool of secondary victims. Therefore, the impact could be far more serious.”¹⁰

Community Security Trust (CST) Communication Director, Dave Rich has previously argued that prior to the existence of social media, if somebody had adorned the wall of a synagogue with an anti-Semitic symbol with graffiti, it would have been noted by the synagogue staff and dealt with promptly, whereas today the perpetrator can photograph the graffiti, and publish the image online¹¹.

The potential audience able to view the offence grows exponentially in an instant, dramatically increasing the scale of what was originally a low-level incident¹². As a result, not only is the synagogue’s staff impacted by the offence, but the entire Jewish community is too both locally and potentially globally¹³.

SOCIAL MEDIA AS A PLATFORM TO SPREAD HATRED

Social media provides a new and growing platform for individuals to elevate their profile by sharing their views with millions of people¹⁴. Speaking on the accessibility social media provides to would-be perpetrators of hate crime, Detective Constable Roger Pegram from the Greater Manchester Police said:

“You don’t need to actually front someone up face-to-face in the street to threaten them...This can all be done from the comfort of your own home, a coffee shop with Wi-Fi, and these people can commit crime anywhere to anybody.”¹⁵

For example, a self-described Nazi activist recently planned an anti-Semitic march in London titled, “Liberate Stamford Hill”¹⁶. The individual, previously described as a “moronic hoaxer”¹⁷, became infamous and acquired over 110,000 followers on Twitter¹⁸. The proposed event generated a significant amount of publicity and placed North London’s Jewish community on alert.

Additionally, the rise to prominence of the far-right wing political party, Britain First, demonstrates the extent to which social media provides a platform for small and extreme political parties to significantly expand their outreach; Britain First has acquired over 700,000 “likes” on Facebook, exceeding the combined total of “likes” for the Conservative Party and the Labour Party¹⁹. This is especially notable considering that Britain First has no elected representatives in any part of the country.

10. Conversation with Chief Superintendent of the Metropolitan Police Service, Dave Stringer, 14th May 2015

11. Conversation with Communications Director of the Community Security Trust, Dave Rich, 16th March 2015

12. Ibid

13. Ibid

14. For example, the recent rise to infamy of the local “activist”, Joshua Bonehill, illustrates this. Mr Bonehill is a self-described Nazi who has been active on various social media outlets.

15. <http://www.bbc.co.uk/news/uk-27949674>

16. <http://joshuabonehill.net/2015/01/30/liberate-stamford-hill/>

17. <http://www.bbc.co.uk/news/uk-england-leicestershire-27161419>

18. Throughout the course of promoting this march, aimed at “liberating” Stamford Hill of its Jewish population, Mr Bonehill acquired a following of over 110 thousand followers on Twitter

19. http://www.telegraph.co.uk/news/politics/ukip/11567866/facebook-and-twitter-likes-shares.html?fb_ref=Default

THE EXTENT OF ONLINE HATE CRIME

We carried out a survey of 308 people to demonstrate the extent to which hate crimes occurs online²⁰. Out of those 308 people who responded to our survey, 68% had encountered hate crime online²¹.

The MPS recognises that an increasing amount of hate crime is now likely to be committed online^{22,23}. Furthermore, the MPS External Relations Lead, Mark Rowland, stated that with ever growing access to technology and social media, the MPS expects online hate crime to be an offending pattern on a “very steep upward curve” in due course²⁴.

Additionally, the MOPAC Hate Crime Reduction Strategy states that the majority of stakeholders consulted for its development pointed to the extent of hate crime that now occurs online²⁵.

These testimonies are reflected in the MPS’s data: the number of reported crime allegations to the MPS involving social media websites such as Facebook and Twitter significantly increased over the last two years.

The MPS has received 1,207 allegations of offences in which the term ‘Facebook’ was mentioned (an increase of 21%)²⁶; and the number of reports logged by the MPS containing the word ‘Twitter’ has increased by 19% (up to 138 last year)²⁷.

The MPS and MOPAC’s recognition of online hate crime as an emerging crime is reflected in the testimonies of anti-hate crime practitioners: Fiyaz Mughal, Director of the anti-Muslim hate crime monitoring organisation, Tell MAMA said:

“The reality is that it is a vast problem... online abuse accounted for approximately 80% of all reports of anti-Muslim hate crime to Tell MAMA”²⁸.

‘Kick it Out’ The equality and inclusion organisation campaigning against discrimination in football, recently published research analysing the scale of online hate crime committed against footballers. Kick it Out’s findings demonstrate the significant scale of discriminatory material that is posted regularly on social media.

For example, during the August 2014 - March 2015 football season, approximately 134,400 racist, homophobic, sexist, and other discriminatory posts were sent to footballers in England²⁹.

Analysing the abuse directed at a relatively small sample of society, such as professional footballers, illustrates the extent to which online hatred is growing in prominence. It is also apparent that the amount of online hate crime reported to the authorities is just the tip of an ever-growing iceberg.

The emerging trends in online hate crime fit with the overall picture of hate crime generally.

The Crime Survey for England and Wales (CSEW) estimated that in 2013/14, there was an

20. GLA Conservative Survey on online hate crime, distributed by Tell MAMA, CST and Stop Hate UK

21. Ibid

22. Conversation with Chief Sup, Dave Stringer, 14th May 2015

23. Conversation with DI Lee Barnard 28th April 2015 - As reflected by MPS Detective Inspector, Lee Barnard, who highlighted that the MPS have recognised that online hate crime is a crime-type that is “only going to increase”

24. Conversation with MPS External Relations Lead Mark Rowland 13th March 2015

25. <https://www.london.gov.uk/sites/default/files/MOPAC%20Hate%20Crime%20Reduction%20Strategy%20.pdf>

26. <http://www.telegraph.co.uk/news/uknews/crime/11593669/Facebook-and-Twitter-crime-surges-as-police-are-deluged-with-cases-of-harassment-and-sexual-grooming.html>

27. Ibid

28. Conversation with the Director of Tell MAMA, Fiyaz Mughal, 11th February 2015

29. <http://www.theguardian.com/football/2015/apr/16/social-media-hate-players-football-authorities-police-internet>

increase in the number of hate crimes committed across England and Wales amounting to 44,480 recorded hate crimes representing an increase of 5% compared with 2012/13³⁰.

According to the MPS' statistics on hate crime, in the 12 months leading to February 2015, there was an increase of 26.7% in recorded racist and religious hate crimes³¹. Homophobic hate crime increased by 34.2%, Islamophobic hate crime increased by 24.8% and anti-Semitic hate crime saw an increase of 155.1%³².

ONLINE HATE CRIME IS UNDER-REPORTED

According to our survey, just 16% of those who had encountered hate crime online decided to report it to the police³³.

The survey's findings are reflected in the testimonies of frontline police officers nationally.

Mike Barton, Chief Constable of the Durham Constabulary, referred to the scale of under-reporting seen with online hate crime by stating that the smallest proportion of online hate crime is being brought to his force's attention³⁴.

This was echoed by Tell MAMA Director, Fiyaz Mughal, stating that "enormous numbers" of people do not report online hate crime³⁵.

Police Superintendent Paul Giannasi, of the Ministry of Justice's Hate Crime Unit, emphasized that online hate crime is "massively under-reported" and that his team is only able to deal with reports when they are sent to them³⁶.

Police Supt Giannasi stated that the vast majority of online hatred does not come to their attention and concluded:

"We couldn't even begin to place a percentage on the number of incidents that could be reported"³⁷.

The levels of under reporting seen for online hate crime fit with the trend of under reporting seen for hate crime in general. The CSEW suggests that hate crime is significantly underreported, estimating that nationally, there are approximately 278,000 hate crimes committed on average each year, with approximately only 44,000 of those being reported to the police³⁸.

Indeed, MOPAC's hate crime reduction strategy states that while there has been an increase in all recorded hate crime, it is still "significantly under-reported"³⁹.

30. https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/266358/hate-crime-2013.pdf

31. <http://www.met.police.uk/crimefigures/>

32. Ibid

33. GLA Conservative Survey on online hate crime, distributed by Tell MAMA, CST and Stop Hate UK

34. Conversation with Chief Constable of the Durham Constabulary, Mike Barton, 14th April 2015

35. Conversation with Tell MAMA Director, Fiyaz Mughal 11th February 2015 - "For example, on any particular day we will get 6 to 7 reports. However, when we look at our twitter feed, we will find hundreds of people targeted as a result of their faith... we cannot record these incidents as they are not self-referrals."

36. Conversation with Police Superintendent, Paul Giannasi, 16th February 2015

37. Ibid

38. https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/266358/hate-crime-2013.pdf

39. <https://www.london.gov.uk/sites/default/files/MOPAC%20Hate%20Crime%20Reduction%20Strategy%20.pdf>

WHY IS ONLINE HATE CRIME UNDER-REPORTED?

It is important to analyse why online hate crime is chronically under-reported in order to identify what action is required from the authorities to tackle it more effectively.

Identifying the perpetrator

Catching the perpetrators of online hate crime presents the authorities with a significant challenge. This is because social media sites allow people to create anonymous accounts to interact with each other, making it harder for the police to identify the perpetrator of the offence before launching an investigation.

The ability of perpetrators to remain anonymous on social media is a significant reason for the authorities struggling to identify them⁴⁰.

The process of investigating an online hate crime is complicated for a police officer as they would have to track down the IP address of the perpetrator requiring the consent of the service provider⁴¹.

A consistent complaint made by borough police officers is that they are unsure whether or how far they should investigate a report of an online hate crime because the perpetrator may reside in a foreign country⁴² which can make obtaining evidence a “tortuous process”⁴³, potentially taking years to acquire appropriate court orders⁴⁴.

As a result of these difficulties, a perpetrator would have to be either very unlucky or reckless to have their identity revealed and be prosecuted⁴⁵.

The difficulty in catching those who perpetrate hate crime by setting up websites to promote it is exacerbated by the exponential growth of networks operating without central servers. The availability of encryption tools which allows website hosts to hide their identity is just one additional barrier that the police face when investigating hate crime⁴⁶.

As a consequence, it is far easier to remain hidden and far more difficult to censor an offender.

Chief Supt Stringer believes that the time has come for online behaviour and safety to be included into schools’ curriculum. It is important to teach children how to become critical consumers of online content⁴⁷. Doing so would serve as a useful prevention tool to counteract the harmful material existing today.

40. Annual Public Conversation - TELL MAMA: Countering Intolerance, Hate and Bigotry Online – 18th February 2015 - For example, Tell MAMA cited anonymity as an obstacle to policing this area. In addition, the issue of offenders shifting accounts once they have been reprimanded was identified as another obstacle for the authorities.

41. Conversation with Chief Sup, Dave Stringer, 14th May 2015

42. Conversation with DI Lee Barnard, 28th April 2015

43. Conversation with Chief Constable, Mike Barton 14th April 2015

44. Ibid

45. Conversation with Police Superintendent, Paul Giannasi, 16th February 2015 – “Given the vast amount of hate speech that exists online, perpetrators would have to be very unlucky to have their material noticed and possibly reckless to have their identity revealed in order to be convicted.”

46. Annual Public Conversation - TELL MAMA: Countering Intolerance, Hate and Bigotry Online – 18th February 2015

47. Annual Public Conversation - TELL MAMA: Countering Intolerance, Hate and Bigotry Online – 18th February 2015, As noted by the Research Director of the Centre for the Analysis of Social Media at the think tank DEMOS, Jamie Bartlett, who stated that it is important to teach children how to become critical consumers of online content

The Mayor of London should lobby the Government to introduce media literacy education into our schools' curricula.

Gap in the existing legislation

The legislation available to tackle online hate crime is muddled. There is no specific offence relating to online hate crime⁴⁸.

The principle piece of legislation used to prosecute online hate crime is Section 127 of the Communications Act 2003. However, numerous other acts can be and are used to prosecute this crime⁴⁹.

Furthermore, Section 127 of the Communications Act 2003 was not drafted to address online hate crime. The act was drafted to cover communications sent from one individual to another. It was not drafted to cover the many instances when an individual posts offensive content to a wider audience⁵⁰.

Given that social media platforms allow an individual to target others in front of a wide audience, the current legislation has been rendered obsolete. It is therefore harder for the authorities to determine which legislation has been violated when investigating an online hate crime.

This creates a lack of clarity in the legal system resulting in confusion for the authorities. In addition, more work is created for the police officer when determining which piece of legislation has been violated relating to a report of online hate crime.

The Mayor's Office for Policing and Crime should lobby the Government to introduce a standalone offence related to online hate crime. This is needed to facilitate a standardised response across the criminal justice system to this emerging crime. The lack of a coherent, standalone, legislation addressing online hate crime inevitably makes the process of investigating which legislation a report has broken harder for the authorities.

Crown Prosecution Service's threshold for prosecuting online hate crime

The Crown Prosecution Service's (CPS) guidance on prosecuting online hate crime sets a very high evidential threshold for an offensive online post to be classified as a hate crime⁵¹. The post must be considered as "grossly offensive" before being considered liable for prosecution.

Additionally, the guidance states that in many cases, even if the high evidential threshold is met, a prosecution may not be required in the public interest⁵².

48. The College of Policing's hate crime operational guidance states, "There is no specific offence of internet hate crime." http://www.report-it.org.uk/files/hate_crime_operational_guidance.pdf

49. Sect 18, Public Order Act 1968, Crime and Disorder Act 1998, Protection from Harassment Act 1997, Coroners and Justice Act 2009, Criminal Law Act 1977, Sect 16 Offences against the Person Act 1861

50. <http://www.bigbrotherwatch.org.uk/wp-content/uploads/2015/02/Careless-Whisper.pdf>

51. http://www.cps.gov.uk/legal/a_to_c/communications_sent_via_social_media/index.html

52. Ibid

The CPS' guidance sets this threshold on the basis that millions of communications are sent via social media every day and thus there is the potential for a "very large" number of cases to be prosecuted before the courts.

Therefore, there is the possibility for a "chilling effect on free speech" and prosecutors are advised to exercise "considerable caution" before charging the suspect⁵³.

Additionally, the CPS guidance states that a prosecution is unlikely to be necessary and proportionate where the communication was not intended for a wide audience⁵⁴.

However, considering that social media is a public space, unless the offender has taken the appropriate steps to make their post private, it is unreasonable to suggest that their offence was unintended for a wider audience.

In order for this to be the case, the offender would have to be unaware of how the medium they are using operates.

While it is important to note that free speech must be preserved, the result of the high threshold set by this guidance is that many officers will struggle to determine when to charge an offender. Police officers face a huge difficulty when interpreting whether certain statements made in the public sphere constitute a hate crime⁵⁵.

For example, MPS Detective Inspector Lee Barnard recently received a report of hate speech and examined the transcript to analyse whether the offence had occurred. It was noted that the suspects were clever in the way that they used their language and it was therefore difficult to ascertain whether they had violated any legislation⁵⁶.

The MPS, in agreement with the criminal justice system, should begin to set a clear parameter regarding the threshold of what constitutes hate speech.

The Metropolitan Police Service should liaise with the Crown Prosecution Service and the Ministry of Justice to clarify the threshold needed to determine whether an online hate crime has been committed.

RESOURCES FOR TACKLING ONLINE HATE CRIME

The policing of online hate crime is currently not specifically budgeted or resourced by the MPS. Furthermore, online hate crime is not addressed by the MPS's newly established cybercrime FALCON unit.

Hate crime is generally investigated by Community Safety Units based within each of London's 32 boroughs. According to the MPS, the officers who work in these units are provided with additional and enhanced training and are therefore considered "specialists" in investigating hate crime⁵⁷. The

53. Ibid

54. Ibid

55. Conversation with DI Lee Barnard 15th May 2015

56. Ibid

57. http://questions.london.gov.uk/QuestionSearch/searchclient/questions/question_280905

MPS cybercrime unit also provides assistance and guidance in the investigation of online offences⁵⁸.

While these measures appear to be comprehensive, the numerous testimonies to the contrary, coupled with the establishment of a working group looking at how the MPS tackles online hate crime, suggest that the current procedures in place are insufficient.

For example, Chief Supt Stringer stated that the MPS currently does not have any “special steps” in place regarding how they respond to reports of online hate crime⁵⁹.

In addition, MPS External Relations Lead Mr Rowland stated that it is his understanding that in practice, online hate crime is still “largely picked up by generalists”⁶⁰.

Many borough police forces across London have different practices around how they police hate crime on a daily basis; a standardised, consistent approach does not exist.

Mr Rowland added that aligning the resources to deal with online hate crime presents a challenge to the police⁶¹.

Furthermore, Chief Supt Stringer noted that domestic violence cases now make up the bulk of the crimes received by the CSU and CSU officers are now faced with the choice between investigating domestic abuse cases or instances of hate crime⁶².

This difficult choice often leads the officer having to prioritise the domestic abuse case as it involves the potential risk of physical harm against the victim.

Chief Supt Stringer believes that the MPS are currently in a position where they are trying to make a judgement call regarding whether to prioritise the risk relating to one person being at threat of physical violence or the risk to community relations being damaged as a result of an online hate crime⁶³.

DI Barnard stated that the general discussion over the last year has been predominantly around domestic abuse due to the risk to victims who frequently live with perpetrator, with associated safeguarding concerns. DI Barnard added that the rise in domestic abuse reporting has “impacted massively” on the CSU⁶⁴.

An additional pressure placed on the CSU is the complexity involved in investigating an online hate crime.

Police officers do not have a point of reference to contextualise the offensive material reported to them; determining whether the report warrants an investigation becomes a time-consuming process.

For example, if a victim chooses to report an online hate crime through True Vision, the automated system forwards the complaint to the police force relevant to where the complainant lives.

Once the report has been received, there is no central interaction with True Vision and no

58. Ibid

59. Conversation with Chief Sup, Dave Stringer, 14th May 2015

60. Conversation with MPS External Relations Lead, Mark Rowland, 1st April 2015

61. Conversation with MPS External Relations Lead, Mark Rowland, 1st April 2015

62. Conversation with Chief Sup, Dave Stringer, 14th May 2015

63. Ibid

64. Conversation with DI Lee Barnard, 28th April 2015

guidance is issued regarding which legislation the offence relates to or whether the report warrants further investigation.

There are two factors that need to be considered at this point: firstly, the officer receiving the report may already be working on cases they class as a higher priority; secondly, the officer receiving the report may not have the necessary IT skills to investigate the report online appropriately. Therefore, an inconsistent response to online hate crime is inevitable⁶⁵.

Police time spent dealing with online hate crime

As a significant and increasing proportion of hate crime occurs online. Police officers' time is being increasingly taken up investigating these offences⁶⁶.

The College of Policing's Hate Crime Operational Guidance acknowledges that the increase in harmful online material has placed "additional demands on law enforcement agencies to respond"⁶⁷.

Chief Constable Alex Marshall, Chief Executive of the College of Policing reports that complaints originating from social media make up at least half of calls passed on to front-line officers and that the increase in the number of crimes arising from social media represents a real problem for policing in general⁶⁸.

Chief Constable Marshall added that the police and the general public are still trying to understand when online insults become a crime⁶⁹.

Furthermore, DI Barnard stated that the inherent complexity of investigating an online hate crime yields uncertainty for police officers as they are unsure whether their investigation will yield a successful outcome⁷⁰.

The complaint that police officers' time is being increasingly taken up investigating social media complaints is reflected nationally.

Chief Constable Barton, of the Durham Constabulary, stated that there was a 40% rise in charges relating to improper use of electronic messages in England from 2010-13⁷¹.

Chief Constable Barton added that officers around the country are being "inundated" with complaints relating to harassment and abuse originating online and that the challenge is distinguishing when those insults become a crime⁷².

65. As stated by Police Supt Paul Giannasi 16th February 2015 "the response to online hate crime will not always be consistent because some police officers will not be IT literate and there is often high demands placed on them through having to deal with many other crimes."

66. Conversation with DI Lee Barnard, 28th April 2015, DI Barnard stated that online hate crime offences are beginning to take up a disproportionate and increasing amount of police officers time as is the debate over the extent to which the MPS should 'police the internet' - "It becomes a question of should we only deal with what is reported or should we proactively start trying to police the internet?"

67. http://www.report-it.org.uk/files/hate_crime_operational_guidance.pdf

68. <http://www.bbc.co.uk/news/uk-27949674>

69. Ibid - "As people have moved their shopping online and their communications online, they've also moved their insults, their abuse and their threats online, so I see that it won't be long before pretty much every investigation that the police conduct will have an online element to it...It's a real problem for people working on the front line of policing, and they deal with this every day...So in a typical day where perhaps they deal with a dozen calls, they might expect that at least half of them, whether around antisocial behaviour or abuse or threats of assault may well relate to social media, Facebook, Twitter or other forms."

70. Conversation with DI Lee Barnard, 28th April 2015 "We are doing all of this work and sometimes it isn't clear what the end result of all of it is"

71. <http://www.mirror.co.uk/news/uk-news/top-cop-web-trolls-swamping-5255324>

72. Ibid - "Only eight per cent of online harassment, threats, abuse and bullying reported incidents were recorded as a crime - and that is the real issue we, as a police force, are facing. The challenge for us is distinguishing when these online disputes/insults become a crime. More and more time is spent by my officers dealing with online rows and abuse where we have no real chance of any prosecution. Regularly I am told be beat officers that they are visiting the homes of people whose child has been called names by another child on Twitter or Facebook. Is this what the

It is clear that the police are struggling to adapt to this emerging crime, but not for a lack of effort.

The increasing number of cases reported to them, coupled with a lack of clear legislation to dictate when these incidents become a crime, has created confusion and led to a disjointed response.

The recording of online hate crime is not standardised

Freedom of Information Requests (FOIs) were submitted to the seven largest police forces in the United Kingdom (UK) in order to identify the scale of online hate crime.

Numerous police forces responded stating that answering the FOI would exceed the cost threshold necessary for them to comply with the request.

In the case of the MPS, the FOI was refined to request the number of reports they had received of online hate crime occurring in the last five months of 2014⁷³.

The MPS's response advised that it would exceed the cost threshold to comply with the request because they do not currently have any mechanism of isolating allegations of crime that have arisen online⁷⁴.

Additionally, the West Yorkshire Police force responded stating that there is no flag/field to identify an online hate crime⁷⁵.

The responses to the FOIs revealed that online crimes are generally recorded under traditional headings such as harassment or threats to kill, and not as a cybercrime⁷⁶.

Therefore, in order for the police to answer an FOI, each individual crime record would have been required to have been assessed individually to ascertain if the crime originated on social media.

The result of this was illustrated by the Chief Executive of the College of Policing, Chief Constable Alex Marshall, who said that the police are missing out on information regarding the scale of online hate crime⁷⁷.

The Home Office should place a responsibility on police forces to record online hate crime as a separate category of crime. This will help inform the police to align the appropriate resources necessary to tackle it.

public would like my officers to spend their time doing?"

73. MPS FOI Response, 23rd April 2015

74. Ibid

75. West Yorkshire Police FOI Response, 13th March 2015

76. <http://www.bbc.co.uk/news/uk-27949674>

77. Ibid

An inconsistent response damaging public confidence

Taking all of these factors into consideration, it is clear that the criminal justice system and the police are not sufficiently equipped to tackle online hate crime. This results in an inconsistent response and serves to damage the public's confidence in the authorities.

For example, according to our survey, of the 16% of victims of online hate crime that reported an incident to the police, only 56% of cases went on to be actioned⁷⁸. This implies that only 9% of online hate crime receives proper investigation⁷⁹.

Police Supt Paul Giannasi has stated that a lack of adequate resourcing, coupled with a lack of expertise, are significant contributing factors to the inconsistent response to online hate crime⁸⁰.

Indeed, this sentiment is noted in the College of Policing's Hate Crime Operational Guidance, which describes the police's response to online hate crime as "erratic"⁸¹.

One of the principal criticisms of the police's response to hate crime in general, as stated in the Crime Survey of England and Wales, is the failure to keep victims updated on the progress of their investigation⁸².

This complaint was reflected in the testimony of the Tell MAMA's Fiyaz Mughal, who stated that out of the all of the reports of online hate crime Tell MAMA refers to the authorities, "probably less than 1% is properly addressed and reaches the CPS"⁸³.

Regarding the reports which are investigated, Mr Mughal noted that Tell MAMA does not know where the report goes or who investigates it⁸⁴.

Mr Mughal added that when a report is not properly addressed, it leads to a reduction in confidence in the police:

"In one specific case, Tell MAMA supplied the police with the evidence regarding the identity of the perpetrator. This evidence included a photograph that the perpetrator had taken of him/her on a scooter. The photograph contained the perpetrator's number plate. The police failed to act on that information and Tell MAMA received no response on the investigation. That person is still active online."⁸⁵

The notion that the police's response to online hate crime is inconsistent was supported by the CST's, Dave Rich, who stated that police response is variable depending on which force is analysed⁸⁶. Mr Rich added that there are some forces across country that have not "got to grips with it"⁸⁷.

78. GLA Conservative Survey on online hate crime, distributed by Tell MAMA, CST and Stop Hate UK

79. Ibid

80. Conversation with Police Supt Paul Giannasi 23rd March 2015

81. http://www.report-it.org.uk/files/hate_crime_operational_guidance.pdf "Criminal behaviour where the offender transmits material over the internet has become widespread in the UK in recent years. The police response when victims have referred such material has been erratic...There have been many more occasions where victims have had poor responses from the police and have been left frustrated by their unwillingness to deal with the incident."

82. http://www.report-it.org.uk/files/hate_crime_operational_guidance.pdf - Page 75

83. Conversation with Director of Tell MAMA, Fiyaz Mughal, 11th February 2015

84. Ibid - "We don't know where it goes or who deals with it...we haven't got a clue regarding the name of the officer who is supposed to deal with this report."

85. Ibid

86. Conversation with Communications Director of the Community Security Trust, Dave Rich, 16th March 2015

87. Ibid

Mr Rich has seen examples of certain police forces showing a reluctance to investigate a report of online hate crime due to a “lack of understanding and familiarity with the online sphere”⁸⁸.

Mr Rich further noted that while there are examples of good policing regarding online hate crime, good practice is not consistent⁸⁹.

The inconsistency in police practice was reflected in a testimony in Parliament by John Mann MP, who gave evidence regarding the current state of response to online hate crime:

“For people being bullied, intimidated and criminally harassed by people on the internet, there is very little ability and very little knowledge to respond, largely because the internet companies do not take their responsibilities seriously. The police and the Crown Prosecution Service are behind the times when it comes to dealing with this problem.”⁹⁰

SUZANNE FERNANDES CASE STUDY

An example highlighting the damaging impact of an inadequate response to persistent internet harassment arrives with the case of Suzanne Fernandes.

Ms Fernandes was sent racially offensive material online, including photographs, pornography, and death threats. On three occasions her Twitter account was impersonated to send malicious tweets to her followers and work contacts. In addition, the perpetrators obtained pictures of Ms Fernandes’ relatives from her Facebook account, forcing her to close it down. Ms Fernandes noted that the measures taken to shock her became increasingly “deliberate and vicious”⁹¹.

Ms Fernandes decided to report the matter to her local police force in the London borough of Ealing. Ms Fernandes alerted the force and submitted a statement on December 17th 2014 that an individual had begun abusing her on Twitter.

Upon filing her statement, which included photographic evidence of the abuse she had received, Ms Fernandes was instructed her to stop using Twitter altogether. Furthermore, Ms Fernandes was asked to stop sending the police any further screenshots of the abuse she was receiving on the basis that it would alleviate her suffering any further stress.

Ms Fernandes added that the process has been “depressing and time consuming in constantly forwarding evidence of abusive screenshots to the police.”⁹²

Ms Fernandes was left highly distressed by the way the police dealt with her report of persistent online hate crime and felt that they had little idea of how to deal with it⁹³.

The police’s initial response to Ms Fernandes’ case sends a defeatist message on this topic. Rather

88. Ibid

89. Ibid

90. http://www.publications.parliament.uk/pa/cm201415/cmhansrd/cm141104/debtext/141104-0004.htm#141104-0004.htm_spnew56

91. Conversation with Suzanne Fernandes, June 2nd 2015

92. Ibid

93. Ibid - “I had been left highly distressed by the way I have been dealt with by reporting hate crime online in the early stages of filing a statement with the police which perpetuated the crime and my sense of despair that it could appear as wasting police time reporting online crime. Initially when I made a statement to the Police the DS investigating my case appeared extremely unprofessional and advised me to get off Twitter and to stop sending in any further screenshots, almost appeared I was bombarding him with too much information even though each screenshot was valuable evidence. There was contrary advice given from two different Police officers and my first impression was – they had no clue how to deal with online hate crime.”

than encourage the victim of a hate crime to report their incident to the police, Ms Fernandes was instructed to stop contacting the police and to stop using Twitter altogether.

Additionally, Ms Fernandes noted that on one occasion, an internet “troll” obtained a picture of her son through her Facebook account. The perpetrator used the picture to create an account and sent tweets to the MPS with malicious statements regarding the Labour Party and another victim who had given evidence at Court regarding the same Neo Nazi serial internet offender.

Ms Fernandes added that following her reports, personal alarms were presented to her family at her house, which caused confusion as she was forced to share the details of the situation she was experiencing to her family. Ms Fernandes did not want to impose any unnecessary stress upon her relatives.

Ms Fernandes stated that Victim Support was offered to her via the police but felt that the support offered to her from the officer illustrated that they did not know how to deal with this type of abuse. Ms Fernandes suggested that Victim Support need more training on how to deal with victims who have experienced a sustained campaign of online harassment.⁹⁴.

An accredited standard should be developed for Victim Support in dealing with victims of online abuse.

Ms Fernandes noted that the emergence of online hate crime has changed the dynamics regarding how a victim is protected when they give evidence in court.

For example, Ms Fernandes observed that an offender was posting updates regarding the proceedings on his website, taking photographs of victims and mocking a Victim Impact Statement after a court case. Ms Fernandes stated that this is a clear example of how the system is currently being abused.

Ms Fernandes noted that the Superintendent at Ealing Police constantly ensured that changes were made to adjust to what she described as an “evolving crime”. For example, the Superintendent assigned a new Detective Sergeant for her investigation but Ms Fernandes has not, as yet, met the Detective Sergeant in person. The Superintendent at Ealing Police also regularly phoned Ms Fernandes to see how she and her family were doing which helped.

Ms Fernandes concluded that she cannot fault the dedication from police officers investigating online hate crime. However, the process of having to constantly update the police officers with images detailing the on-going harassment has proved exasperating. Ms Fernandes notes that these offences places more pressure on police officers having to investigate them which takes them away from investigating other serious crimes.

Ms Fernandes noted that the emotions she and her family experienced through suffering online hate crime and harassment were “just as serious as if the perpetrator was abusing you face to face”⁹⁵.

94. Conversation with Suzanne Fernandes, 23rd February 2015 – “When I have been a victim of online hate crime, how is a panic alarm going to help me? Victim Support are not trained how to deal with this type of crime. They do not understand what the victim is dealing with. Their methods of victim support are more suited to victims of traditional crimes such as burglary, violence and rape. More training is needed to deal with victims who are experiencing a sustained campaign of online harassment (over 3 months) so that they can be more sensitive and have more understanding of the nature of this type of crime.”

95. Ibid - “As the form of abuse online is not ‘direct abuse’ such as on the street someone name calling you or stalking you physically, the fear is no lesser and the same feelings of anxiety who is behind that account? Is it a gang, is it one individual, what information have they already captured from my social media information. It is so intrusive. In my case this particular troll had stolen pictures of my family from my Facebook to create troll accounts which further enhanced my sense of despair and frustration.” Ms Fernandes has had to seek external support to deal with depression

However, the Director of the Community Security Trust (CST), Mike Whine, believes that the overall response from the police to online hate crime in general is “showing signs of improvement”⁹⁶.

Mr Whine referred to a recent example where the CST referred a website to the police which they deemed to be anti-Semitic. Within 24 hours, they received a response that True Vision had referred the complaint to the relevant local police to investigate⁹⁷.

Mr Whine added that the way in which the police respond to online hate crime is partly down to whatever their priorities may be. For example, an individual policeman may have a number of what they deem to be more important cases to deal with and may not be able to respond fully to a report of online hate crime⁹⁸.

Mr Whine attributed this to the sheer volume of hate crimes committed online⁹⁹.

It is clear that the current procedures in place to tackle this emerging crime are insufficient. The consensus is that while there are examples of good practice, the picture as a whole is inconsistent. The police and the wider criminal justice system face an uphill struggle in dealing with a crime that is only going to increase and become more sophisticated as technology advances.

It is, however, unreasonable to suggest that the police should have the responsibility to proactively monitor the internet. Due to the sheer scale of online hate crime, police officers would become inundated. The police should instead, have measures in place allowing them to respond effectively to cases that get reported to them.

In addition, online service providers must do more to ensure that they fulfil their duty of care to their customers.

Online Service Providers are not protecting their customers

A principle reason for the authorities struggling to tackle online hate crime is the failure of the online service providers to cooperate.

It has been noted by senior police officers that the focus of the debate around how online hate crime is tackled has to start with the mantra that the internet service providers should do more¹⁰⁰.

It currently takes longer to obtain a successful outcome to an investigation because the police are dependent on the information given to them from the service providers. This is because the majority of offenders operate anonymously¹⁰¹¹⁰².

A police officer’s task is made harder because the two principle social media companies, Twitter and Facebook, are based in the USA. The USA’s first amendment places an emphasis on the need to

attributed to the severe nature of this trolling from a particular group associated with Right Wing Nationalism.

96. Conversation with Director of the Community Security Trust, Mike Whine, 16th February 2015

97. Ibid

98. Ibid

99. Ibid

100. Conversation with Chief Constable, Mike Barton, 27th April 2015 – “the focus of the debate has to start with the mantra that the internet companies must do more.”

101. Conversation with Chief Supt, Dave Stringer, 14th May 2015

102. Conversation with Police Supt Paul Giannasi, 23rd March 2015 - “if somebody successfully establish an anonymous account it is almost impossible to identify them without the help of Twitter and Facebook although some do ‘slip up’ and are identified through traditional detective enquiries.”

preserve free speech and therefore, their threshold for an abuse of free speech is higher than that of the UK.

Under these circumstances, it is difficult for the police officer to react to a report. This is because when they request to obtain the details of a user of Twitter and Facebook, the companies are less likely to comply because they are guided by the legislation of the USA and not the UK¹⁰³.

This was reflected in the testimony of DI Barnard acknowledging that the interaction with the internet companies such as Facebook and Twitter is problematic when trying to obtain the IP address of the offender.

In addition, Tell MAMA's Fiyaz Mughal, described the service providers - such as Twitter and Facebook - as being unhelpful in responding to their requests¹⁰⁴.

Tell MAMA supplied us with internal data during the period May 2014 - February 2015 illustrating what action Twitter took when they reported an incident of a hate crime. During that period, Tell MAMA referred 279 reports of anti-Muslim hate crime onto Twitter. No action was taken against the perpetrator on 48% of these occasions.

The Mayor's Office for Policing and Crime should work with social media providers to ensure they are effectively dealing with those who use their networks to commit hate crime.

Police Supt Paul Giannasi noted that many have observed that the public are not customers of Facebook and Twitter; rather, the advertisers are their customers. Therefore, the business model of these companies does not entail serving the public as customers so much as treating them as a commodity¹⁰⁵.

On occasions where an individual is prosecuted for a hate crime offence committed online, it has been noted that the internet companies are far too slow in shutting down their accounts.

John Mann MP referred to the reluctance of the internet service providers to swiftly remove the accounts of offenders even after they had been convicted¹⁰⁶.

Mr Mann MP cited the Anti-Defamation League's guidance on combating online hate crime which states that internet providers should take reports on cyber hate seriously, "mindful of the principles of free expression, human dignity, personal safety and respect for the rule of law."¹⁰⁷ He responded stating:

"The last three are being violated repeatedly, both in relation to Members and to people—far more people—outside this House. What the internet companies and law enforcement companies are

103. As noted in the Conversation with Suzanne Fernandes, 23rd February 2015 - For example, Ms Fernandes was informed by the police that when they have made enquiries to Twitter regarding obtaining the identity and location of a perpetrator, the company were unwilling to pass on the information. In addition, on the rare occasion that the police are able to obtain the identity of the perpetrator, this would only happen after months of negotiation.

104. Conversation with Director of Tell MAMA Fiyaz Mughal 11th February 2015 - "We told them that 80% of hate crimes we deal with are committed on social media. We recommended that they should put aside a CSR fund but they are just not willing to listen. They told us that unless the abuse stems from it a targeted or specified threat, anything goes"

105. Ibid - "Many have observed that we are not customers of Facebook and twitter, the advertisers are the customers. Their business model does not entail serving us as customers, rather, in the free to use model that has proved so successful, users are often viewed as commodities."

106. http://www.publications.parliament.uk/pa/cm201415/cmhansrd/cm141104/debtext/141104-0004.htm#141104-0004.htm_spnew56 - "Even when there have been convictions—actual convictions for doing this in the most extraordinary and horrific ways to members of the public—Twitter and Facebook, to name but two, have not taken down the associated Twitter and Facebook accounts when people were convicted of abuse on the basis of evidence that those two companies helped to provide. So the culprits continue to glory in that abuse and repeat it against other victims."

107. <http://www.adl.org/combating-hate/cyber-safety/best-practices/#.VJgyDpAc>

doing in this country is insufficient.”¹⁰⁸

The poor response from the companies was acknowledged by former Twitter Chief Executive, Dick Costolo, who stated that the company “sucks at dealing with abuse and trolls on the platform, and we’ve sucked at it for years”, in a leaked memo¹⁰⁹.

While the evidence suggests that the social media companies have been slow to react to online abuse, recent developments indicate that companies such as Twitter and Facebook are beginning to respond.

For example, Twitter have recently announced that they will introduce a new filter allowing users to block messages they deem to be bullying and threatening from their timelines¹¹⁰, although this feature will only be available to verified users at first¹¹¹.

In addition, Twitter announced that it is going to update their violent threats policy so that the prohibition is not limited to “direct, specific threats of violence against others” but now extends to “threats of violence against others or promot[ing] violence against others.”¹¹²

Twitter acknowledged that their previous policy was unduly narrow and limited their ability to act on certain kinds of threatening behaviour¹¹³.

Twitter also plans to introduce an additional enforcement option giving their support team the ability to lock abusive accounts for “specific periods of time”¹¹⁴.

Another example to illustrate how social media providers are adopting further measures to combat the spread of hate speech online is the recent publishing of Facebook’s guidelines stating that they “will not allow a presence from groups advocating terrorist activity, organised criminal activity or promoting hate”¹¹⁵.

Facebook added that it will remove content, disable accounts, and work with law enforcement agencies, “when we believe that there is a genuine risk of physical harm or direct threats to public safety”¹¹⁶.

Chief Constable Barton stated that internet service providers such as Twitter and Facebook should have the capacity to receive a complaint from one of their users and immediately terminate the account of the person who is abusive.

If social media providers began doing this, it would enable them to police the majority of the internet. Chief Constable Barton added that if it was left to the police to deal with these complaints entirely, they would not be able to cope with the scale of the workload.

Social media providers should develop the capacity to respond promptly to their user’s complaints regarding hate speech and immediately terminate the account of the perpetrator on their platform.

108. http://www.publications.parliament.uk/pa/cm201415/cmhansrd/cm141104/debtext/141104-0004.htm#141104-0004.htm_snew56

109. http://www.theguardian.com/technology/2015/feb/05/twitter-ceo-we-suck-dealing-with-trolls-abuse?CMP=share_btn_tw - Mr Costolo stated that he is ashamed of how poorly the company has dealt with the issue of online abuse. Mr Costolo added that Twitter is going to start to remove internet trolls to make sure that “when they issue their ridiculous attacks, nobody hears them. Everybody on the leadership team knows this is vital”.

110. <http://news.sky.com/story/1451435/twitter-introduces-abuse-blocking-filter>

111. Ibid

112. <https://blog.twitter.com/2015/policy-and-product-updates-aimed-at-combating-abuse>

113. Ibid

114. Ibid

115. <https://uk.news.yahoo.com/facebook-moves-curb-spread-terror-161817562.html#FdEpCDh>

116. Ibid

A NEW UNIT TO IMPROVE THE POLICE'S RESPONSE TO ONLINE HATE CRIME

Online hate crime is chronically underreported and what is being reported to the police is beginning to take up a disproportionate amount of their time¹¹⁷. The police must adapt accordingly.

Currently, the MPS CSU's key function to tackle hate crime is being undermined by the significant increase in domestic abuse cases. Furthermore, the lack of a consistent response to online hate crime is putting the unit under pressure.

Therefore, in order to deal with the rise of online hate crime and to reduce the burden on police forces, this report proposes the creation of a national policing unit, similar to the Child Exploitation and Online Protection Centre (CEOP) to be hosted within the MPS to act as a first responder to reports of online hate crime.

Why is this unit necessary?

The ability of local police forces to tackle online hate crime effectively is inconsistent. This is because they are not sufficiently resourced or trained to deal with the growing caseload effectively.

When a report of an online hate crime is reported, the victim's location is determined and the report is forwarded to the relevant police force closest to where they live.

Upon receiving the report, the chances of the local police officer having the knowledge to deal with it effectively are relatively remote¹¹⁸. This is because they would need to work out which legislation has been violated and then judge what the most appropriate response would be.

This results in a time consuming process for police officers¹¹⁹.

In addition, the police are currently struggling to keep victims updated regarding the progress of their investigation, which creates the impression that nothing is being done¹²⁰.

Role of the unit

This strategic unit would coordinate police forces response to online hate crime. The unit will not have any operational staff. The unit would provide guidance on deselecting non-actionable reports and provide operational teams with developed action packages giving police officers clear guidance on what action to take.

This will remove the necessity for the borough police officers to investigate the crime and will save them time and resources.

An additional function for the unit will be to act as a point of liaison with internet service providers.

117. <http://news.sky.com/story/1496511/big-increase-in-facebook-and-twitter-crimes>

118. Conversation with Police Supt Paul Giannasi 23rd March 2015

119. Conversation with Suzanne Fernandes June 2nd 2015 - Regarding the example of Ms Fernandes, the onus was placed on the victim to collate the evidence necessary to proceed with the investigation.

120. Conversation with Police Supt Paul Giannasi 23rd March 2015 - "Victim notification is a regular complaint made from disaffected victims."

Structure of the Unit

The unit should follow the National Police Chief's Council (formerly known as ACPO) pilot model, which was headed by Police Supt Paul Giannasi.

The unit created intelligence packages following the report of an offence and sent them to the relevant borough force to investigate. The guidance contained clear instructions for the police officer to follow¹²¹.

The unit was comprised of a police sergeant, a researcher, and an administrator. This team was equipped to operate at a national level.

According to Police Supt Giannasi, the police officer should be recruited at a sergeant level because they would have the authority to decide which reports warranted further action and which did not. The police sergeant would be expected to carry out their decision making responsibility in a supervisory role. This is important because a frequent source of confusion for borough police officers is determining which reports will be classed as public order offences rather than hate crimes.

As soon as the report has been deemed worth investigating, the researcher's role would be to carry out the initial research into those reports. Additionally, those reports not actioned would still be recorded.

Once the action has been decided, it would then be up to the administrator to collate it into an information package and distribute it to the relevant borough command. The administrator would also be responsible for keeping the victim informed of the progress of their investigation.

Police Supt Giannasi stated that this unit would provide a perfect role for a police officer on restricted duties¹²².

We propose a permanent adaptation of this unit including a police sergeant, one police constable, three criminal intelligence analysts, and one administrator.

Costing the Unit

The College of Policing's Hate Crime Operational Guidance states that in order to tackle the increase in online hate crime and to reduce the burden on force resources, National Policing has agreed with Home Office ministers to provide a central function for responding to generic hate crime on the internet¹²³.

However, no steps have yet been taken to provide a central function for responding to online hate crime¹²⁴.

In order to cost the proposal for a unit hosted within the Metropolitan Police Service (MPS), FOIs were sent to the MPS to find out the annual operating cost of the existing CSU.

121. Ibid - "We took 1,150 claims that needed investigating by forces. Where there was a positive line of enquiry, we collated them into packages telling the police what to do. This saved time. The victim got a far better response as they received notifications stating what had happened and what had been done."

122. In addition, this was also stated in the conversation with Chief Superintendent, Dave Stringer, 30th April 2015 - "This team could be comprised of retired police officers or other police staff, thereby reducing the cost."

123. http://www.report-it.org.uk/files/hate_crime_operational_guidance.pdf

124. Conversation with Police Supt Paul Giannasi 23 March 2015

The MPS was unable to supply us with this information because there is not a direct link between the CSU's staffing levels and costs and investigation of online hate crime. This is because the policing of online hate crime is not specifically budgeted.

In addition, in a response to a written question, the Mayor of London, Boris Johnson, stated that it is not possible to quantify the amount specifically spent on combating online hate crime¹²⁵.

However, estimating the staffing cost for the proposed unit is possible using the average annual salaries for MPS staff obtained through FOIs.

Therefore, the estimated annual staffing cost for the proposed unit amounts to £159,392. This has been calculated by adding the cost of the average salaries for the unit's staff using information obtained from the MPS, the official mid-range pay scales for criminal intelligence analysts¹²⁶ and the MPS's upper range basic pay scale for administrators¹²⁷.

The 43 police forces in England and Wales should each contribute to the funding required to establish this unit, acknowledging the long term savings this could yield while improving the overall performance in policing online hate crime. If all 43 police forces were to do this, each would only need to contribute £3706 annually.

The cost of operating this unit over a five year period would amount to £796,960 and having obtained the staffing complement of the CSU in conjunction with their average salaries following further FOIs to the MPS, we estimate the annual staffing cost of the Metropolitan Police Service's CSU to be approximately £34 million¹²⁸.

Given that the staffing cost of the unit principally used to investigate hate crime offences is approximately £34 million¹²⁹, it is not unreasonable to suggest that a small portion of their budget could be set aside to fund this proposal, improving its response to online hate crime.

It is important to note that the creation of this small unit could provide a long-term saving to police forces across the country whose time is becoming increasingly occupied investigating the increasing cases of online hate crime.

The unit would not perform an operational function, entailing that police officers actively trawl the internet looking for offences; the unit would only be there to respond to what is reported to them.

Police Supt Paul Giannasi's team has pledged to invest time to help set up this unit, adding that the unit could be used to share learning and disseminate best practice.

Having received the endorsement from high-ranking officials within the police, the will to implement this unit exists.

125. Written response to a question from the Mayor of London, Boris Johnson, 23rd February 2015 – "Unfortunately, it is not possible to quantify the amount specifically spent on combatting online hate crime, which, given the variable nature of crime investigations, would require detailed analysis of all hate crimes" - http://questions.london.gov.uk/QuestionSearch/searchclient/questions/question_280907

126. <https://nationalcareersservice.direct.gov.uk/advice/planning/jobprofiles/Pages/criminalintelligenceanalyst.aspx>

127. <http://content.met.police.uk/Article/Pay--benefits/1300003209843/1300003209843>

128. Figures obtained through an FOI to the Metropolitan Police Service, 27th March 2015

129. Ibid

Benefits of the Unit

A consistent theme throughout this report, as stated by police officials and NGOs, is that some police forces are better at responding to online hate crime than others.

Therefore, having some level of coordination between different forces could improve performance and help to avoid duplication.

Having a unit performing a coordinating function would help to overcome the issue of jurisdiction confusion with arrest packages being sent to the relevant police area in a similar way to the approach adopted by the CEOP for child abuse images.

Importantly, the creation of this unit to coordinate police forces response to online hate crime will save the borough police officers time currently lost spent investigating reports.

According to Police Supt Giannasi, a preliminary investigation conducted by a fully-trained member of staff in the unit would reduce the investigation time to “somewhere between 5-10 minutes”¹³⁰.

This means that police officers around the country will not have to spend an increasingly inordinate amount of time investigating a report.

The creation of this unit would increase the efficiency of the police’s response to online hate crime while simultaneously boosting their capacity to carry out the work which may have been neglected in the past. Additionally, it would create a better service to victims of hate crime online¹³¹.

The Communications Director of the CST, Dave Rich, stated that a specialist unit that could give local police forces the necessary guidance and support to tackle online hate crime would be beneficial.

Benefits to Victims

An important beneficial aspect of this unit would be the service that the victim receives. Police Supt Giannasi added that in his experience, the service that victims received is generally better¹³².

When the unit was originally trialled, Police Supt Giannasi noted that the victim was always updated on the progress of their investigation and whether it was likely to progress slowly¹³³.

By keeping the victim updated regarding the progress of their investigation, the impression was created that the police were doing all that they could¹³⁴.

130. Conversation with Police Supt Paul Giannasi 23rd March 2015

131. Ibid – “In a perfect world, I believe we would be better off dealing with some elements of internet hate crime in a centralised capacity. Having a central function would help to avoid duplication and overcome the issue of jurisdiction with arrest packages being sent to the relevant police area in a similar way to the approach of CEOP for child abuse images...A central response would likely create a more consistent and better service to victims of hate crime online. The difficulty is that this would need the support of all local Police and Crime Commissioners or for funding to be identified from a central source...A national unit could avoid duplication and could be set up quite easily should resources be available in the future.”

132. Conversation with Police Supt Paul Giannasi 23rd March 2015 – “people generally got a better service”

133. Ibid – “The victim was always informed when their complaint would be a slow burner”.

134. Ibid – ““We reported incidents to Facebook even when it was clear that the perpetrator probably lived in America. However, liaising with the company to report the offensive post demonstrated to the victim that action was being taken to further their report even though the perpetrator lived outside of our jurisdiction.”

Police Supt Giannasi added that his team would invest the time to train and help set up the unit wherever it ends up being. Furthermore, this unit could then be used to share learning and best practice.

Police Supt Giannasi stated that he would be happy to facilitate the negotiations regarding which police force would be willing to host this unit.

Reception from Police Officers to the Proposal

Chief Supt Dave Stringer stated that the proposal was worthy of consideration and believed that the unit's structure could be based on the already existing CEOP¹³⁵.

Chief Supt Stringer concurred with the idea that the unit could be comprised of police officers on restricted duty along with retired officers to reduce the cost of operating the unit¹³⁶.

Chief Constable Barton advocates for a central capacity to support frontline staff in tackling online hate crime¹³⁷. Chief Constable Barton added that if the police forces across the country had access to the expertise that advised them on the issues around online hate crime, such as how to capture the evidence and obtain the perpetrators IP address, then that would be beneficial¹³⁸.

Similar measures are being adopted in France following the announcement of the French Prime Minister, Manuel Valls, announcing that a similar unit will set up in order to combat the rising tide of hate crime online¹³⁹.

CONCLUSION

A significant amount of hate crime occurs online and incidences are rising, placing a burden on police forces across the country.

The MPS recently established a working group analysing how it should best tackle online hate crime and in doing so, have demonstrated that they are leading the way in recognising the need to tackle this emerging crime head on.

By agreeing to host the proposed unit, the MPS would play a significant role in improving the response to online hate crime from the police nationally.

With online hate crime on the rise, and draining police force resources, the proposed unit is necessary to alleviate the burden currently faced by police officers.

Legally, a clear threshold is also needed to determine when an online hate crime warrants a prosecution.

In addition, further preventative measures must be taken alongside police enforcement to tackle the surge of online hate crime. The introduction of media literacy courses into our schools' curricula

135. Conversation with Chief Superintendent of the Metropolitan Police Service, Dave Stringer, 14th May 2015

136. Ibid

137. Conversation with Chief Constable of the Durham Constabulary, Mike Barton, 14th April 2015

138. Ibid

139. <http://www.theguardian.com/world/2015/apr/17/france-launches-major-anti-racism-and-hate-speech-campaign> - The government will spend €100m (£72m) on a three-year plan, including the setting up of a new unit to monitor and fight "hatred online"

would encourage tomorrow's adults to be critical consumers of the internet along with equipping them with the necessary tools to remain safe online.

Furthermore, social media service providers must enact more comprehensive measures to protect their users from abusive content.

If nothing is done to address the significant gap in the authorities' armoury when tackling online hate crime, police forces will become increasingly overwhelmed in dealing with this crime. A consensus has emerged that maintaining the status quo will not be sufficient going forward. This report's findings will be submitted to the MPS's working group on online hate crime.



FEEDBACK

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