

"INCREASING THE CAPACITY OF LAW ENFORCEMENT AUTHORITIES TO TACKLE RACIST CRIME, HATE CRIME AND HOMOPHOBIC CRIME THROUGH EXPERIENTIAL LEARNING (EXPERIENCE CRIME)"
Agreement Number - JUST/2013/FRAC/AG/6185

Workshop concept note– Police Officers

Objective: The purpose of this concept note is to formulate, based on the findings of the training needs assessment from all countries, a first draft of the workshop modules and approach.

Target group:

HU - proposes to create two groups:

- police officers (heads of police and deputies of heads of criminal investigation departments) from Budapest who have already received basic training on hate crimes combined with (high level) police officers from other problematic counties with no or less training. The idea being that they can share thoughts and experiences.
- lower level police officers from problematic counties and without experience.

GR - training on hate crime has never been undertaken and no target group are specified; probably police officers.

IT – middle ranking officers

In **HU** and **IT**, recruitment of participants is a crucial point because there is a risk that unsuitable officers in terms of their functions, may be ordered to participate or that they may not be in the position to directly apply or transfer what they have learnt.

Following the outcome of the TNA, target groups may differ between countries; they should be lower level, middle ranking or high ranking officers, depending on the possibilities in each of the participating countries. In any case, they should not yet be specialised in or tasked with hate crimes. It is possible to address lower level officers with one training and middle/high ranking officers with the other. The only difference between these trainings being an additional module for middle/high ranking officers on the topic of transferring knowledge to and creating awareness among their team.



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1. MAIN TRAINING NEEDS AND PROPOSED OBJECTIVE OF THE WORKSHOP

The training needs identified in all three countries are:

HU – The major topics to be covered are: correct qualification of incidents / identification of protected groups / bias indicators (especially country-specific indicators). Also important the design of an investigation plan and an "investigation map" and methods. Case registration practices, victim support and national cases (real or hypothetical cases or both).

GR – According to one interviewee, due to lack of knowledge of some concepts and issues underlying the subject, it is necessary to provide insight into identified discriminated groups and grounds of discrimination (race, religion, sex, sexual orientation or gender identity), familiarise with specific terms such as bias crime, racist motive, racist crime, hate crime, bias indicators etc. Secondly, training should also teach participants how to approach the victims of hate crimes and contain an overview of national, European and international legal instruments in the field of human rights protection. The training should also provide a list of NGOs that work with victims of hate crimes and that could provide police officers with specific cases, best practices in approaching and communicating with the victims as well as observed patterns of how such crimes are carried out. Lastly, the training session should attempt to clarify the distinctions between an ordinary crime and one that is motivated by bias. After the training, police officers should be able to identify when a crime has racist motives, in order to better protect the victims and help raise public awareness on the severity of such crimes.

IT - The priority needs highlighted include:

- awareness of hate crimes (it's necessary to challenge claims that there are no such problems in Italy etc.);
- knowledge of basic related concepts (concept of hate crime and how it can be an underlying factor or even a possible cause of a crime and its potential consequences);
- knowledge of the peculiarities of hate crimes and their impact on society as a whole.

Other abilities that will be useful to develop through training are: knowledge of how bias works and description of national, rather than international, cases. Broad themes that could be covered in a training module for senior Police officers include: racism and hate crimes based on racial/ethnic/national origin; the situation of Roma and Sinti populations and the way they are affected by hate crimes; LGBT persons and hate crimes, islamophobia and hates crimes based on religion, which is not currently monitored and so it does not emerge as a public problem. It appears that disability and age related hate crimes are currently not monitored too.



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Although the outcome of the training needs assessments (TNA) showed a few differences in the needs emphasised by respondents in different countries, the results present a common tendency towards the following subjects:

- Raising awareness of and understanding hate crime
 - national, EU and international legal instruments (protected groups)
 - related terms
 - vulnerable groups (country specific and provided by country partners)
 - how does bias work
 - impact of hate crime on society as a whole
- Recognising a hate crime: bias indicators (country specific and provided by country partners)
- How to handle a hate crime
 - registration
 - investigation plan/map/method
- Dealing with victims
 - how to approach victims
 - referral to/working with victim support organisations
- Case studies (mostly national; preferably real)

After following the training, participants should be:

- aware of the need to effectively combat hate crime as part of the police responsibility to protect all citizens
- able to recognise a crime with a bias motivation and know how to correctly handle and investigate this type of crime
- aware of relevant legislation regarding hate crimes and how to apply it
- sensitised to the needs of victims of hate crime and the impact a hate crime may have on the victim

In general it is likely that some participants may believe that hate crime is not a very significant problem or they themselves may even be biased towards certain groups in society. There are three strategies for addressing this:

- by way of experiential learning in the sense that participants will gain some understanding as to what it is like to be a victim of a hate crime, what impact such crimes can have on victims and which effect police themselves can have



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on victims because of how they communicate about the crime or how they handle it

- by way of appealing to police officers' professional attitude: their duty is to protect all citizens. They are neutral. Whereas it will be difficult to change a police officer's possibly negative attitude toward LGBT-persons within the course of a training, a less ambitious (but equally effective) strategy can be to focus on improving one's professional capacities.
- by addressing the practical benefits: actively combating hate crimes and thereby defending the rights of minorities will help counter the distrust which these minorities often have regarding the police. This will help the police gain access to these minorities that can be very useful in general police work.

2. PROPOSED STRUCTURE AND MODULES OF THE WORKSHOP

See the attached Draft Model Training Programme – We decided to include the draft of a detailed training programme in a separate file in order to distinguish the TNA findings from our proposal.

3. PROPOSED WAYS TO USE THE EXPERIENTIAL METHOD

The three TNA's indicated that a participatory methodology is always important, even though “classic methods of sensitization might not work with police officers (HU)”. In Greece interviewees stressed the importance of role playing, work/discussions in small groups, interaction with victims or victim support organisations, and use of case studies.

In IT training methods, according to the interviewees, should differ depending on the number and the professional / responsibility levels of participants attending a given training.

Hungary suggests the use of “positive thinkers” among participants in the course. They can be identified at the beginning of the training using a simple role-play (see p.3 of their report).

The involvement of a victim is generally considered positively in the TNA's on condition that such a person is very well prepared for the specific role, so that his/her contribution is not perceived as attacking police practices but a way of stimulating



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empathy between Police officers and victims of hate crimes (IT). He/she has to be a victim of a "pure hate crime" (HU).

The main way of employing the experiential learning method, as proposed in this concept note, is to work on concrete, preferably real national, cases (module 3), in order to have participants put into practise what they learnt in the previous modules. Participants should also be activated throughout the workshop. Rather than present them with information on different subjects they are encouraged to think for themselves: what do they think is a hate crime? which are vulnerable groups in their country? and what do they think can be the impact of a hate crime on victims? how should the investigation of a hate crime differ from any other crime?

As far as we know, there are no exercises that will have participants truly experience what it is like to be a victim of a hate crime. It is possible to do exercises which aim to make participants feel what it is like to be included or excluded from a group (in-out group exercise) or that aim to make them experience the feeling of being in a disadvantageous position compared to others (aim for the bin exercise). These could be added to module 2, with the intention to sensitize participants to the position of groups vulnerable to hate crime.

Furthermore, participants can be enabled to share a victim's experience by:

- listening to real victims of hate crime (or NGO's representing groups vulnerable to hate crime) sharing their experiences (module 3)
- using role-playing in module 4, whereby one or more participants are invited to be a 'victim' of a specified hate crime who is interviewed by the police. An actor, or the main trainer, can be the police officer dealing with the victim. Alternatively, depending on the group, the actor/trainer can be the victim and a participant the police officer. This can serve both to demonstrate the victim experience with the police and to discuss how police officers can effectively and empathically deal with a victim. Possible challenges/mistakes that can be demonstrated and discussed are:
 - o what is the effect on a victim if a police officer blames the victim?
 - o what is the effect on a victim if a police officer trivializes the crime or the bias motivation of the suspect?
 - o what is the effect on a victim if a police officer shows no empathy?
 - o what is the effect on a victim if a police officer tells them there's probably no use in reporting the crime?
 - o what to do if a victim is very emotional?
 - o how can you effectively and empathically deal with a victim who is very timid and providing little information?



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4. PROPOSED CASE STUDIES

Regarding this question, there are no practical cases mentioned in the TNA reports. What is repeatedly stressed is that real cases should be used in the training, especially those that occurred at the national level.

Cases can be used at different levels: they can be described to explain the concept of hate crime; they can be used as a starting point for discussing the possible impact on a victim and cases can be used for discussing or practicing police handling of hate crime cases. We will therefore need quite a few, although sometimes a few lines of information will suffice to use a case.

Case study from Supporting LGBT communities police toolkit

http://www.academia.edu/3639986/Vasquez_del_Aguila_E._and_P._Franey._Supporting_LGBT_Communities_Police_Toolkit._Dublin_School_of_Social_Justice_University_College_Dublin_2013

Michael is a solicitor working in a Galway law firm. He is out one night in a city centre gay club with his partner Alex. They leave the club at 2am. The club exit is down a laneway. At the end of the laneway a gang of youths have gathered. When Michael and Alex walk past the gang, the group set on the couple and beat them up. The gang call them "faggots" and "paedophiles" as they do so. When they finish beating the couple, the two men go back to the door of the club where security staff administer first aid. Alex wants to call the Gardaí but Michael says "no". He is afraid of the details of the case becoming public or a court appearance, which might identify him as being gay to colleagues, potential clients or his family. Michael says to Alex: "it's just what happens to queers sometimes, you just have to put up with it".

Discussion Points

- Should Michael and Alex report the assault to the Gardaí?
- What is the desired outcome for the couple if they do?
- What is the desired outcome for the Gardaí if such a report is received?
- If the couple do not report the assault what is the impact on a) the couple, b) the local LGBT community, c) An Garda Síochána?
- How could the Gardaí encourage people to report such incidents to them?

>> One of the learning points of this case is that LGBT persons may want to keep their sexual orientation to themselves and will not want to risk being 'outed'. A police officer needs to be aware and understanding of this and should be very discrete in dealing with a victim and/or witness. At the same time, a police officer should try to



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convince a victim or witness that is important for them to testify in order to have the offender prosecuted.

CASE STUDY #3 from the TAHCLE training

A Roma child age 12 was begging for money when a group of non-Roma teenagers, all four or five years older than the Roma child, began taunting him with degrading words about Roma people. All of the teenagers attend the same high school. The Roma child tried to run away but the older students beat him up, breaking one of his arms.

Many adults were walking by when the teenagers yelled degrading language and then assaulted the child. None of the adults tried to intervene. One adult, however, gave the police the names of two of the teenagers who she recognized.

Question: What actions could you take?

>> The main learning goal here is that police officers may tend to focus on the child's behaviour (begging) or the failure of his parents. However, they should become aware that such information is not relevant, because they should approach this case as a (possible) hate crime and deal accordingly.

CASE STUDY #1 from the TAHCLE training

A mosque was vandalized last night. Several windows were broken and the front door was kicked in. Inside the Mosque someone had spray painted on a wall "ALL MUSLIMS ARE TERRORISTS. GET OUT OF OUR COUNTRY NOW".

The bloody carcass of a pig was lying in the middle of the mosque. Muslims represent only a small portion of the population in this region. There were no witnesses to the property damage.

You arrive at 8 a.m. the next morning shortly after men arrive for morning prayer. You are in charge of the investigation.

Question 1: What actions should you take?

Question 2: How will you respond to the situation below?

Two hours later a reporter from the largest newspaper in your country arrives and asks you if you are investigating this as a hate crime.

>> Specific learning points: considering who police should talk to in a case like this, where there is no single victim but a whole community was targeted. What questions do you ask victims/witnesses? Important is to ask for a suspected motive as well as the (emotional) impact. Ask about previous incidents. It is important to write down what was said literally.

CASE STUDY – The murder of Stephen Lawrence

Stephen Lawrence (13 September 1974 – 22 April 1993) was stabbed to death on 22 April 1993. The incident which led to his murder lasted no longer than fifteen to twenty seconds, was undoubtedly racially motivated, and involved five or six white



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male youths. No-one has been convicted of the crime. Three of the prime suspects were taken to trial in a private prosecution in 1996, which resulted in acquittal due to lack of evidence. Two other suspects were released at committal for the same reason. These five men continue to be suspects, but cannot be retried under the present system of British law; general publicity and comment about their guilt would prejudice any further trial.

(For further information see *A Summary of The Stephen Lawrence Inquiry - Report of an Inquiry* by Sir William Macpherson of Cluny Presented to Parliament by the Home Secretary, February 1999)

5. PROPOSALS ON TRAINING MATERIAL

It seems more useful to provide participants with electronic device such as a pen drive containing all the training material rather than paper based documents. Also, a detailed bias indicator list should be included in the training materials, with national references (HU). The use of audiovisual materials are more helpful and effective than handouts of written materials which are not very likely to be read by trainees (IT – example of videos)

Available materials that can be used in the workshop:

1. Handouts from the TAHCLE curriculum:

- Hate Crime Definition and Related Concepts
- Hate Crime Legislation in the Country in which Training is Taking Place
- International Obligations to Investigate Hate Crimes
- Impact of Hate Crimes
- Barriers to Investigating Hate Crimes
- Bias Indicator Definition
- Bias Indicators
- Bias Indicators Case Studies
- Police Response to Hate Crimes
- Guide on How to Interview Victims, Witnesses and Suspects
- Stereotypes
- Case Studies
- Evaluation Form

The contents of the TAHCLE curriculum may be freely used and copied for educational and other non-commercial purposes, provided that any such reproduction is accompanied by an acknowledgement of the OSCE/ODIHR as the source.



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2. A useful lists of possible bias indicators was also published by the US National Center for Hate Crime Prevention

https://www.ncjrs.gov/ovc_archives/reports/responding/files/sessionA.pdf (page 16)

3. A document on LGBT-related bias crime indicators is available at the website of the European Gay Police Association

http://gay-police.eu/files/9214/1640/2884/Bias_Indicators_for_Transphobic_and_Homophobic_Crimes_Including_Learning_Exercise.pdf

> Examples of country-specific bias indicators (dates, symbols, words) can be discussed during the preparation meeting.

4. A document containing practical investigation tips for LGBT related hate crime is available at

http://gay-police.eu/files/8114/1622/2277/Practical_Investigation_Tips_Netherlands_Police.pdf

5. A recent film on hate crime in Europe by ENAR: Racist crime in Europe: increasing, under-reported, destroying lives (youtube.com).

>> The use of audiovisual material in the national language - if available - can be discussed/materials can be selected during the preparation meeting(s).

6. PROPOSALS ON LOCATION/TIMING OF THE TRAINING

HU – Thursday + Friday half a day – Date must be negotiated with the coordinator of hate crime officers and National Headquarter

GR - It is best to set a time-framework during which police officers are usually available (i.e. mid-September-October 2015 and mid-January-March 2016). As for the location, the session should at least take place in the major cities of Greece, which are easily accessible to all police officers.

IT - Training sessions can be 6-7 hours long (whole day) and last for two days. Training from Mondays to Fridays is most preferred.

The estimated length of the training is 1,5 - 2 days



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7. PROPOSALS ON FACILITATORS/TRAINERS

GR - Psychologists, criminologists, legal researchers, social workers and police officers with practical experience on such issues seem to be preferred as trainers/facilitators.

HU - It's important to have one trainer for the whole training, not a shift of trainers and no invited expert with a long presentation. If a prosecutor or someone else is invited, he/she should just conduct a short exercise or a practical investigation.

IT - Trainers must include police officers and qualified experts on the various themes covered because the former are seen as someone speaking from within the law enforcement organization, whom participants can identify with. It is very important that the training is very practical / operational (what to do and what not to do) and not too theoretical, besides offering diverse perspectives and views from various inputs.

The TNA's suggest that there should be one main trainer who is present throughout the training. Several possible expert trainers are mentioned (psychologists, criminologists, legal researchers, social workers and police officers with practical experience).

The outcome of two of the TNA's (Italy and Greece) showed that the presence of a (national) police representative as a co-trainer is valued. Participants can identify with this person more easily than with an 'outside expert' and this will likely help participants to have a positive attitude towards the content of the workshop. This is a strategy also used in the TAHCLE training. The expert trainer of the workshop should therefore be accompanied - preferably throughout the event - by a co-trainer with a police background. This may be someone specialised in dealing with hate crime, such as OSCAD in Italy, or a police trainer. It is essential that both trainer and co-trainer are experienced in teaching about discrimination and are aware of their own possible bias towards certain groups.

In addition to the two trainers, respondents in the TNA's suggested that qualified experts could contribute to the training, as they can provide different perspectives on the issue of hate crime. Following the focus on the position of victims within the proposed training, it would be valuable to invite one or two representatives of groups who are vulnerable to hate crime and/or victims of hate crime (country nationals) to contribute to a session on victims. Respondents of the TNA in Italy underlined that participation of particular victim support organizations or (other) NGO's should be discussed with the police organisation first, because it is important that the presence of such organizations at the training is constructive to its purposes. If participants feel the police are criticized or put in place by a guest trainer this will likely make



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them less receptive for the content and goals of the training. For this reason it is also essential that guest trainers/experts representing victims are well prepared by the main trainer as to their role and attitude expressed at the workshop.

A public prosecutor experienced in hate crime cases is another qualified expert who can contribute to the training, notably by leading a session on how to build a good case that can be successfully prosecuted (module 4, part 3).

In any case, following the outcome of the TNA's, the guest trainers should offer practical information and short exercises rather than extensive presentations.

8. OVERALL COMMENTS

Training related recommendations

Trainers and co-trainers -Preparing the workshop

1. It is essential that the main trainer meets with all organisations / individuals (legal expert, public prosecutor, NGO's, victims) involved well before the workshops are to take place, in order to adapt the training techniques and material to the specific national context and specific target groups. This session should also serve to share basic ground rules of the participative training method, so that those who may not be familiar with it are not taken unawares when they find themselves in a context where participants are proactive and expect more than a direct lecture.
2. A challenge and point of attention for trainers is to cut short discussions on what is good or bad (that will almost inevitably arise) and to always revert to human rights, police responsibility and professional skills in policing - Other things to be discussed: awareness of own bias, productive attitude towards the police.
3. When discussing vulnerable groups trainers have to be ready for objections (for example: but Catholics/soccer fans/etc are also vulnerable).

Target groups

1. Although this training is meant to be applicable for police officers of all ranks, it is recommended not to combine high/middle ranking officers with lower level officers, as the latter may feel hindered to speak freely when superiors are present, which would negatively impact the effect of the workshop.
2. Module 4 could also comprise a discussion on possible ways to improve police policy regarding hate crime as well as the internal situation. What are concrete



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measures for structural improvement of police work regarding hate crime? This is related to the change agent (champions) training that will take place in the Netherlands in 2016.

Legal context

1. It is recommended to have a legal expert present and discuss the part on legislation
2. When national hate crime legislation does not apply to all internationally acknowledged characteristics (for example if LGBT is not included as a protected characteristic), information should be added on articles that do offer protection to these groups. These may be national or European.
3. Although the needs assessment showed that police officers are hardly interested in European legislation and actors regarding hate crime, trainers should be aware of the European dimension and introduce this as contextual information whenever deemed relevant during the training event.



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