

Public sex environments and hate crime

guidance for police forces



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Contains information about:

 **Hate Crime**

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This information sheet provides advice for police officers on the subject of responding to homophobic and biphobic hate crime committed within public sex environments (PSE's). It was written by Galop, the LGBT anti-violence charity. Find out more at www.galop.org.uk.

Gay and bisexual men who visit PSEs (outdoor spaces visited by people to meet for consensual sex) can face high levels of hate crime. That can include serious violent offences, few of which are reported. This resource provides information to assist police officers in understanding and responding to these offences.

Limitations of this resource

This information sheet deals exclusively with hate crimes committed in outdoor spaces visited by men seeking social, romantic or sexual contact with other men. It does not deal with outdoor opposite sex meeting places, public toilets, or the legal context surrounding sex in public places, which is explored elsewhere in internal police guidance documents on the policing of PSEs.

Historical context

During the time when sex between men was illegal, PSE's were some of the few places where gay and bisexual men could meet each other. The legacy of punitive police action in these locations during the 1980s can inform how visitors to such sites view contact with the police today.

Who visits them?

Visitors to male oriented PSEs may identify as gay or bisexual, though many do not or cannot for various reasons. These men may feel compelled into secrecy or feel alienated from more open parts of lesbian, gay, bisexual and trans (LGBT) culture. They may not be out to their family, friends or employer and fear the prospect of their identity

or behaviour becoming known. Being outed as a result of police activity can have life changing impacts on these individuals, including leading to suicide in some cases.

Vulnerability to hate crime

Men visiting outdoor PSEs can face offences motivated by homophobia (prejudice against those attracted to people of the same gender) and biphobia (prejudice against bisexual identity or behaviour). This can include verbal abuse, robbery and physical or sexual assaults motivated by hostility toward a person's perceived or actual identity. These offences are rarely reported because of embarrassment at the prospect of talking about why they visited the location and fears about the potential police response.

Responding to hate crime

College of Policing guidance defines hate crime 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 person's race or perceived race, faith, disability, sexual orientation or gender identity. The key factor in deciding whether an offence should be recorded and investigated as a hate crime is that the person who experienced the offence, or a witness or any other person (including a police officer) believes that it was motivated by prejudice or hostility toward one of the above groups. College of Policing hate crime operational guidance can be found at www.report-it.org.uk/files/hate_crime_operational_guidance.pdf

Under-reporting

Many people who experience hate crime in a PSE feel that reporting or giving evidence is too uncomfortable or against their interests. Very often offenders choose to commit crimes within these locations in the knowledge that there is a low likelihood of it being reported. Reasons for non-reporting can include worries about a prejudicial response, being outed, being shamed for visiting the location, fear about the impact of news coverage about a trial on their work or family situation, or fear of prosecution for visiting the location.

Allaying the fears of victims

Where someone has chosen to report a hate crime it can be helpful to reassure them that your priority is to find the perpetrator, rather than investigate the victim. This is especially important in enabling them to give a frank account of events. Working with officers that have expertise in understanding LGBT community issues can be key in gaining the trust of these individuals.

Legality of sex in public

People considering reporting hate crime related to a PSE are often apprehensive about whether their reason for visiting that location will be the subject of police investigation. Internal police guidance provides information about the legality of sex in public place. However, it is worth noting that sexual activity in a public place can be a criminal offence if it meets certain criteria, but not all sex in a public place is automatically a criminal offence. It should also be noted that visiting a PSE is not an offence in itself and the right to freedom of assembly and association are enshrined in the Human Rights Act 1998.

The CPS position

Guidance on the prosecution of homophobic and transphobic crime explicitly raises the issue of reluctance to come forward about a hate crime as a result of what the reporting person was doing at the time. It states, "The general position of the CPS is that it is more important to prosecute the perpetrator of a more serious crime than someone who may have committed a more minor crime where the former is connected to the latter. For example, it is more important to secure sufficient evidence to prosecute a defendant for a serious wounding than it is to prosecute a person for engaging in sexual activity in a public lavatory, if that second prosecution means that the first will not go ahead." The guidance document can be found at:

www.cps.gov.uk/legal/h_to_k/homophobic_and_transphobic_hate_crime/#a08

Analysing intelligence

A single report of hate crime against a PSE user can often be part of a series of unreported attacks. Men visiting a PSE may also report hate crimes and non-criminal incidents, while neglecting to mention the homophobic element to avoid disclosing their reason for visiting the location. As part of establishing the extent of a potential pattern of violence or abuse it can be useful to analyse reports from the public relating to that location, including those which have not been flagged as hate crime.

Utilising community organisations

LGBT and sexual health organisations can be a useful source of information about the community impacts of hate crimes and how policing tactics in PSEs are perceived by community members. They can also assist in spreading information through community networks. Where an organisation

has existing engagement work with users of a particular site, for instance by proving sexual health information, they may have knowledge and relationships that can be beneficial in planning operations and investigation.

Attending a PSE

The interaction of officers with people in PSE's can help or harm community confidence, which impacts reporting rates. It can be useful to consult a senior officer before any operation or patrol in a PSE. High-visibility patrols can give reassurance following attacks, however, they can also cause alarm to men visiting the location, who may think they are the targets of enforcement action. The presence of an LGBT specialist officer and/or LGBT partner organisation can be helpful.

General tips

- Avoid reinventing the wheel; get advice from an LGBT specialist
- Few crimes against PSE users are reported, so a handful may indicate a bigger problem
- The handling of PSEs can positively or negatively shape the confidence of wider LGBT communities
- Public witness appeals identifying the site as a PSE can increase visibility of the location which can increase hate crime attacks

This information sheet was produced by Galop, an LGBT anti-violence charity providing support, advice and advocacy to people facing hate crime, domestic abuse or sexual violence. It is a part of a series of 17 resources on hate crime for LGBT people and service providers, created on behalf of the National LGBT Hate Crime Partnership.

Find out about our work at www.galop.org.uk and www.lgbthatecrime.org.uk

Produced 2016. Authored by Nick Antjoule.

Always dial 999 if it is an emergency and you think you are in immediate danger.