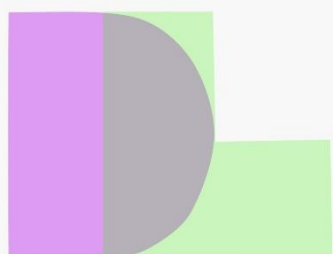


Briefing Paper

‘Non Crime Hate Incidents’



DL LAW LLP
ON YOUR SIDE

020 3892 4120

www.dllaw.law

Contact:

help@dllaw.law

As Justice Knowles said in the case of Harry Miller who won his appeal against Humberside Police after Harry made negative social media comments about transgender activism, *‘society should never check someone’s thinking as to do so would undervalue a cardinal democratic freedom in that we have never had a Cheka, Gestapo or Stasi in this country’*.

The problem with NCHI’s is that although not being criminal records in their own right, they will appear on Enhanced DBS checks which would stop you getting a job with vulnerable people.

So you are guilty without trial.

Responding to the criticisms made of such recording by Suella Braverman, Home Secretary at the time, the College of Policing was forced to revisit its guidance on recording in June 2023.

Braverman stated:

‘Catching dangerous criminals and bringing them to justice should be the police’s primary focus and I have been clear that in recording non-crime hate incidents, officers must always have freedom of expression at the forefront of their minds.

I am pleased that the College of Policing has published updated operational guidance to ensure the Code of Practice approved by parliament is applied consistently’.



Unfortunately, with the change of government the policy has reversed. Yvette Cooper had made it clear that she wants a return to the recording of such data for policy purposes.

This is the government's targeting of 'legal but harmful' speech.

The new government have rebooted the secretive Counter Disinformation Unit (now renamed the 'National Security Online Information Team') and plan to use such evidence for policy frameworks against alternative viewpoints.

Ministers recently held discussions with the Centre for Countering Digital Hate on expanding the Online Safety Act to create alarming new 'emergency' online censorship powers.

The most eye-catching of these proposals is that the Online Safety Act should be amended so Ofcom can apply for 'emergency powers' during a crisis that would allow it to demand social media companies remove content that poses a *threat to national security or the health or safety of the public*. It wouldn't be Ofcom that decides what type of content falls into this category. Rather, under the CCDH's proposal, it would be up to the Secretary of State for Science, Innovation and Technology, to direct Ofcom when applying its new supercharged censorship powers.

An FOI research piece by the [Free Speech Union](#) revealed that despite the former Home Secretary's instruction and revised guidance by the College of Policing, the recording of NCHI's has risen by 2% and now stands at a staggering 22,000 per year.

These are troubling statistics and blur the lines once again of the principle of Separation of Powers.

