

SUSSEX CRIME RESEARCH CENTRE
and
THE INTERNATIONAL NETWORK FOR HATE STUDIES

Preventing Hate Crime

Emerging practices and recommendations
for the improved management of
criminal justice interventions

EXECUTIVE SUMMARY

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Background

This report provides a comprehensive review of interventions that are currently being used to combat hate crime in England and Wales. The report complements another piece of work which was commissioned by the Equality and Human Rights Commission on the causes and motivations of hate crime and we recommend that both of these reports be read together (Walters, Brown and Wiedlitzka 2016).

The report falls into three parts. Parts 1 and 2 examine the evidence-base for criminalisation, policing, and criminal justice and education-based interventions aimed at tackling hate. We pinpoint a number of emerging practices, using case studies, to highlight the ways in which hate-based incidents can be effectively challenged. We note also the limitations in research and offer recommendations for improved evidence gathering to support the use of such practices. The third part of this report focuses on barriers to the effective management of criminal justice interventions for hate crime. In this final part of the report we set out a list of recommendations to enhance the effective management of hate crime offenders and the prevention of hate crime more generally.

Research design

The evidence set out in this report is based on a review of the criminological literature on responses and prevention measures for hate crime. Online searches of academic research studies and civil society organisation reports were conducted on a number of library-based research databases and via free access internet search engines. Parts of this report also utilise data directly taken from the lead author's own empirical research on the use of restorative justice for hate crime.

As part of the research process, two roundtable events were also held in February and May of 2016 in London, involving a total of 27 experts, policymakers and practitioners working in the field of hate crime. The recommendations provided at the end of this report on the effective management of interventions for hate crime are directly informed from these roundtable events.

1. Preventing hate crime

Preventing hate crime is key to the Government's Action Plan on hate crime. An effective plan must be supported by a clear and concise framework of legislation and operational law enforcement practices.

1.1 Legislation

Laws help criminal justice agencies develop an appropriate response to hate incidents. However, the current body of laws does not protect the five protected characteristics on an equal footing.

Recommendation: We recommend (tentatively) that legislators should start from the position that all strands of hate crime be treated equally under hate crime statutes (given that each strand has already been evidenced as being a significant social problem that is deserving of specific legal protection) and only where there is a compelling and legitimate reason for treating characteristics differently should this be the case in law.

1.2 Reporting and recording

In order for hate crime laws to work effectively, incidents must come to the attention of law enforcement agencies. There remain significant problems still in relation to **under-reporting** and **under-recording** of hate crimes, meaning that many hate crimes (especially disability-based) are left unchallenged (see recommendations below in section 3).

2. Interventions for hate crime

Once a hate crime is reported to the police, a decision must be made as to whether the incident warrants prosecution in court or whether an out of court or alternative justice mechanism should be used in response.

2.1 Restorative Justice

There has been a proliferation of restorative practices throughout the criminal justice systems across Britain in recent years; these have been used both as an alternative to criminal prosecution for "low-level" offences and/or as an additional intervention to conventional processes. However, few practices are used for hate crime. Research indicates that restorative justice can be particularly effective at resolving the consequences of hate crime and preventing reoffending.

Recommendation: We recommend that restorative practices be utilised more for hate crime by justice agencies. They must be facilitated by experienced practitioners who

undertake adequate preparation of the parties, set ground rules for direct communication, and include supporters who will help to articulate the harmful effects of prejudice-motivated conduct.

2.2 Rehabilitation (therapy-based) programmes

There are now numerous custody and community-based rehabilitative interventions that are used post-sentence for hate crime perpetrators. We highlight the following interventions as having been used for hate-motivated perpetrators and which have some empirical evidence to support their claims:

- Diversity Awareness and Prejudice Pack
- Priestley One-to-One Programme
- Promoting Human Dignity
- The Challenge to Change Programme
- Smile Hate Crime Awareness Programme

We note that, while these programmes can *help* to challenge prejudiced attitudes, beliefs and behaviours, their longer-term success will be limited where programmes do not work in tandem with initiatives that aim to tackle the structural and situational factors that give rise to hate-motivated offending. More research is required on these schemes in order to establish which parts of which programmes are most effective.

2.3 Where are interventions being used?

Our searches found that a *minority* of Probation Services and Community Rehabilitation Companies (CRCs) use specific interventions for hate crime perpetrators; with the majority of organisations using general programmes or tailored one-to-one interventions based on the needs of each perpetrator.

2.4 Educational programmes

There are now numerous educational programmes running within schools, local communities and sporting contexts that aim to tackle prejudice. However, few of these have been evaluated empirically. We recommend that education programmes be used in schools and sports to tackle hate crime. We note, additionally, that programme providers should attempt to reach beyond young people and sports fans to include participants' family members and close peers.

However, before large scale investment is made in any suite of education programmes in schools, sufficient evaluations must be conducted in order to establish the impacts that these initiatives have on student's emotions, attitudes and behavioural intentions.

2.5 Gaps in knowledge

Few interventions for hate crime are evidence-based and thus researchers should work with offender management services to undertake robust and, where possible, long-term evaluations of programmes. Assessments should also explore which types of intervention are best suited to responding to the diverse types of hate crimes and hate-motivated offenders that come to the attention of justice agencies.

3. Barriers to implementation and recommendations for better management of hate crime

3.1 Identifying hate crimes

Victims of hate crime are still reluctant to report incidents to the police and those that do are less likely to be satisfied with police responses compared with victims of crime generally.

Recommendations:

- On-going police training on identifying hate crimes and dealing with the needs of victims is required;
- Further investment should be made in accessible and user-friendly online technology, including reporting *apps*, which may help to increase reporting levels among victims of hate crime; and
- Multi-agency partnerships should be developed/maintained in order to provide a more holistic approach to identifying hate crimes.

3.2 Flagging “hate crime” incidents

Crimes are not always correctly flagged as being “hate crimes” at various stages of the criminal justice system. For example, Crime Survey for England and Wales (CSEW) data suggests that less than 50% of reported hate crimes are being recorded as “hate crimes”. Better identification of offences is crucial to the targeted use of interventions.

Recommendations:

- Further **training** should be given to police officers and other criminal justice agencies on correctly flagging hate crimes on crime reporting systems.
- We agree with the Government’s Action Plan recommendation that police services assess the viability of flagging *all* targeted offences committed against certain minority groups as “hate crimes”. Supervising officers, who review the evidence in each report, would then make a final decision on whether the crime should be left with the flag or whether it should be removed.
- Hate incidents are currently recorded separately from hate crimes. Police services should investigate the possibility of **linking online** crime recording **databases** with those used for Anti-Social Behaviour and other incidents in order to ensure that the “process” of hate crime victimisation is more comprehensively monitored.
- Data on hate crimes are not being consistently collected by the courts where a defendant’s sentence is aggravated by sexual orientation, disability or transgender hostility. This means that it may not always be clear to justice agencies working with perpetrators post sentence as to whether a crime is aggravated by identity-based hostility (other than where it relates to race or

religion). All forms of identity-based aggravation identified at sentencing should be recorded on the **Police National Database**, enabling post sentence agencies to better identify and address all types of hate-motivated crimes.

3.3. Risk assessments

Hate crime perpetrators are often *automatically* categorised as “high risk” due to the perceived seriousness of such offences. Such a categorisation typically results in the parties (i.e., victims and perpetrators) being separated from each other during the criminal process and post-sentencing stage in order to protect the victim’s vulnerability.

Recommendation:

- We recommend that assessments for hate crime should not mean that perpetrators are systematically segregated from victims thereby allowing practitioners to consider empathy-based interventions (such as restorative practices) for hate crime. Further risk assessments can be carried out during the preparation stage of these alternative interventions.

3.4 Knowledge transfer and information sharing

Pockets of knowledge, expertise and examples of good practice often exist in silos, with organisations across Britain developing their own strategies in isolation from one another.

Recommendations:

- We recommend the creation of a “know-how” online database held at a centralised organisation (such as the Probation Institute) to serve as a national repository for the following materials: national and local policies and strategies, past and present intervention guides, training manuals, case study examples, and evaluation templates.
- Relevant regulators, inspectorates, ombudsmen and related agencies should work more closely together to avoid duplication of effort, streamline recommendations and legal tools and provide clarity on priority SMART targets criminal justice agencies should focus on for effective interventions.

3.5 A shared language

Many practitioners remain nervous about talking about hate crime and issues regarding identity because of a fear of using incorrect or inappropriate language.

Recommendation:

- We recommend that the National Probation Service (England and Wales) and CRCs (England and Wales) hold national conferences on hate crime in order to share best practices, to discuss the operational definitions of hate crime, and to engage in a national debate about whether a shared language can be developed when dealing with perpetrators of hate crime.

3.6 Cost

Government budget cuts to the justice system (and beyond) inevitably mean that there is less money to be directed into specialised programmes to tackle hate crime.

Recommendations:

- Agencies should continue (or seek) to engage with community/third sector organisations that work to tackle discrimination and prejudice-motivated violence.
- Formal partnerships with third sector organizations can result in *cost efficiencies* by fully utilising interventions, programmes and training programmes that are offered by these organisations. However, in order to sustain longevity in multi-agency partnerships, the Government must maintain its investment in third sector organisations.

3.7 Remaining “tough” on hate crime offenders

Criminal justice policy makers have focused, in the main, on being “tough on crime” by introducing more punitive penal sanctions (e.g., lengthier prison sentences). This has meant that alternative (restorative, rehabilitative, or community-based) measures for hate crime perpetrators remain under-utilised.

Recommendation:

- Both Macro and micro level changes are needed in criminal justice policy if we are to move towards greater use of empathy-based and/or rehabilitative interventions that aim to address the causes *and* consequences of hate crime. This recommendation is not to suggest that hate crime should not be dealt with as a serious form of offending under hate crime legislation. It is instead a call for agencies to make greater use of interventions in conjunction with the legal provisions, or to utilise alternative measures in cases where prosecution is not possible.

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