

HATE CRIME

A guide for those affected

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Swastika daubed on gravestone, reported in 2014

Alison Saunders CB

Director of Public Prosecutions, Crown Prosecution Service

We want communities and individuals to have the confidence to come forward and report these offences, no matter how minor they may appear. This guide is an important way of ensuring that victims can make informed decisions about the most appropriate course of action, taking account of their particular personal circumstances. Hate crime divides communities and the CPS has an absolute commitment to bring perpetrators to justice and support victims and witnesses through the criminal justice system.

Rt Hon Sajid Javid MP

Communities Secretary

Hate crime against any community is entirely unacceptable. Everyone in this country has a right to live without fear of abuse or attack and we must, as a nation, firmly condemn hate crimes and all other forms of bigotry. It is vital that victims have the confidence to report crimes to the Police. This Government is committed to making sure that those who perpetuate hate are subject to the full force of the law - but we cannot do this alone. This guide is an example of how we can work together to stamp out hate crime and support victims in bringing their cases forward so that justice can be served.



Antisemitic graffiti daubed on a wall in Dunham, 2016

David S Delew

Chief Executive, Community Security Trust

Despite our best efforts to combat all forms of hate crime and hate incidents, levels of antisemitism and anti-Muslim hatred in the UK are unfortunately on the rise. CST works hard to protect, support and inform victims of antisemitism. This collaborative guide will be an important tool for all those affected by hate crime in understanding their rights, and how to navigate the often complicated criminal justice system.

Iman Atta OBE

Director, Tell MAMA

We have seen a rise over the last five years in the reporting of anti-Muslim hatred. Tell MAMA has been at the vanguard of supporting victims of anti-Muslim hatred, whilst collecting evidence and mapping, monitoring and measuring incidents across the United Kingdom. Through partnership work in the production of materials such as this guide, we hope that we can collectively make it easier for people to report, take charge and feel confident when they report hate incidents. We stand together with other communities in working to counter hatred, intolerance and bigotry.



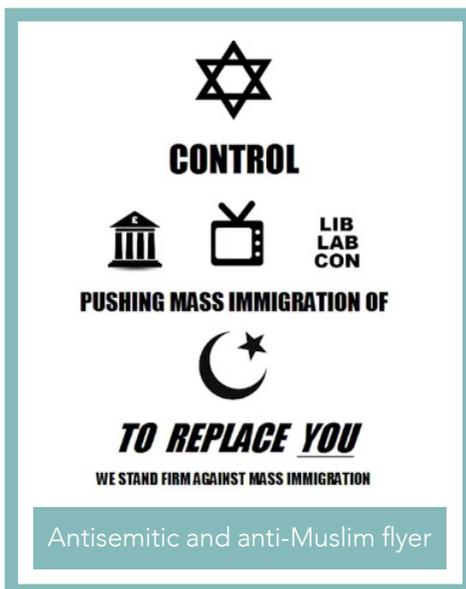
INTRODUCTION: About this guide

This guide is produced by Community Security Trust (CST), a charity that protects British Jews from antisemitism and Tell MAMA, a national campaign that tackles anti-Muslim hatred. Both organisations are often the first point of contact for victims and witnesses of antisemitic or anti-Muslim hate crime. CST and Tell MAMA both offer free, confidential support to people affected by hate crimes and hate incidents.

The guide's focus is antisemitism and anti-Muslim hatred. Its advice can, and should, be used by anybody who has suffered any kind of hate crime, which can occur due to race, religion, sexuality, age, disability, gender or any other characteristic.

It can be difficult knowing how to react after witnessing or being a victim of hate crime, and how to navigate through the criminal justice system. This guide aims to assist you through every stage of the

process: from the scene of a hate crime, to reporting and being a part of the Police investigation, to what to expect at court and knowing your rights, through to support services.



If you have been a victim of hate crime, CST or Tell MAMA will be able to report the crime on your behalf to the Police. They also help the Police with investigating antisemitic or

anti-Muslim incidents and have dedicated teams that provide victim support. CST and Tell MAMA both have a national information sharing agreement with the Police, which means that they and the Police can share anonymised information (without revealing your identity) about antisemitic or anti-Muslim hate crimes.

Hate crime is defined as *“any criminal offence which is perceived by the victim or any other person, to be motivated by hostility or prejudice based on a person’s race or perceived race; religion or perceived religion; sexual orientation or perceived sexual orientation; disability or perceived disability and any crime motivated by hostility or prejudice against a person who is transgender or perceived to be transgender.”* (The National Police Chiefs’ Council and the Crown Prosecution Service¹)

Antisemitism is defined as *“a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of antisemitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities.”* (The International Holocaust Remembrance Alliance, IHRA, working definition of antisemitism²)

Anti-Muslim hatred is defined using the same principles as the IHRA working definition of antisemitism, as *“a certain perception of Muslims, which may be expressed as hatred or outward hostility towards Muslims. Hatred may take the form of anti-Muslim rhetoric and physical manifestations that are targeted towards Muslims (or non-Muslim individuals considered to be sympathetic to Muslims) and/or their property; or towards Muslim community institutions or religious and other related social institutions.”* (Tell MAMA definition³)

1. http://www.cps.gov.uk/news/fact_sheets/hate-crime/

2. https://www.holocaustremembrance.com/sites/default/files/press_release_document_antisemitism.pdf

3. <https://www.tellmamauk.org/a-working-definition-of-anti-muslim-prejudice/>

TYPES OF HATE CRIME

Hate crime comes in many forms, it is illegal and always wrong.

Physical attacks, threats, verbal abuse

If you are threatened, attacked or harassed because you are Muslim or Jewish, or in a way that makes negative reference to the fact that you are Muslim or Jewish, you may be the victim of a hate crime and should report it to the Police and to Tell MAMA or CST. This applies even if you are not Muslim or Jewish, but the person attacking, harassing or threatening you believes that you are.

If you see anybody else threatened or attacked because they are Muslim or Jewish, you should also report this to the Police and to Tell MAMA or CST as you may be a witness to a hate crime.

It is important to remember and note down as much detail about what you saw or heard and the date, time and location of the incident. Such information may be vital in ensuring a future prosecution, and also means that you are able to refer to your record of the incident when reporting it to the Police.

Hate crime on social media

The internet is another platform where hate crime can flourish.

If you experience or are a witness to an antisemitic hate crime on social media platforms, then you can report it to CST by sending a direct message on Twitter @CST_UK, or by directly sending CST a private message on Facebook.

If you come across or suffer anti-Muslim hatred online, you can report the material to Tell MAMA by tagging them on Twitter @TellMamaUK,

by tagging Tell MAMA UK on Facebook or by sending a private message through Facebook or WhatsApp.

CST and Tell MAMA work closely with social media companies to help them recognise and understand antisemitism and anti-Muslim hatred. Both organisations have 'trusted flagger' status with leading social media platforms for reporting hate content online. This does not mean that offending content, or the user who posted it, will automatically be removed, but it does mean that it should be assessed more quickly if it is reported by CST or by Tell MAMA, and the material may be removed if it breaks the platforms' rules. Sometimes a user will have a history of antisemitism or anti-Muslim hatred on social media, and CST and Tell MAMA can ensure that the social media platforms know this.

Damage to property, graffiti or letters

If you see anti-Muslim or antisemitic graffiti or stickers, receive offensive literature or your property is targeted because you are Muslim or you are Jewish (or because you are perceived to be Muslim or Jewish), this should be reported to the Police and to Tell MAMA or CST. It is crucial that you do not remove anything but instead report the incident and wait for the Police to arrive. It is important that this evidence is preserved for the Police. If it is safe, you should take photos of the offending items or graffiti, but touch the items as little as possible.

Sometimes, mosques, synagogues or other 'visible' symbols of a faith community can be a focal point for those seeking to attack or intimidate members of that community, possibly after a major national or international incident. The same advice therefore applies to faith premises where evidence should be preserved for the Police and, where relevant and safe, photographs should be taken of the offending items or graffiti.

REPORTING HATE CRIME

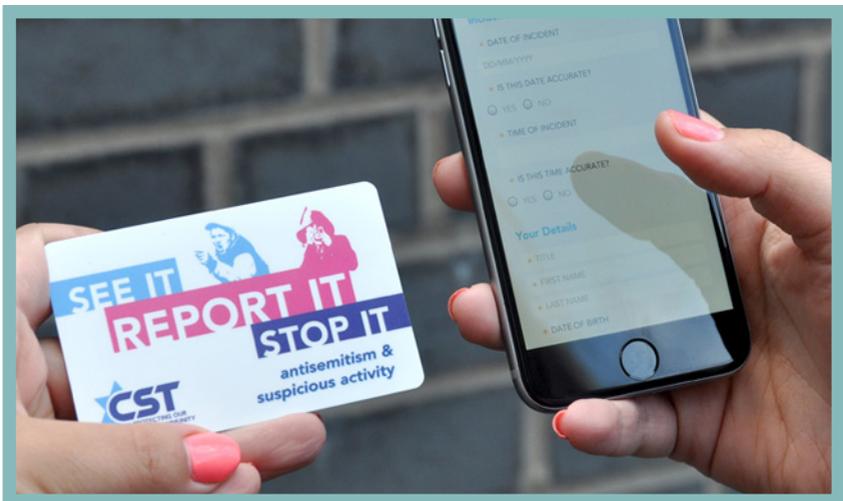
Reporting hate crime, including antisemitism or anti-Muslim hatred, makes a difference. You can help prevent a hate crime happening to someone else in your community and other communities, and you can help the Police better understand hate crime and improve their responses to it, including the arrest and conviction of racist offenders.

Hate crime or hate incident?

It can be difficult to understand the difference between a *hate crime* and a *hate incident*. If you believe you may have witnessed or been a victim of antisemitism or of anti-Muslim hatred, always report it to the Police and then to CST or Tell MAMA, who can help clarify its category. In an emergency always call the Police on 999.

Third party reporting status

If you do not feel comfortable contacting the Police directly, CST or Tell MAMA can do so on your behalf. They can keep your identity anonymous, or pass on your details – whichever you prefer.



How to report to CST

London (Head Office): **020 8457 9999**

Manchester (Northern Regional Office): **0161 792 6666**

CST National Emergency Number (24-hr): **0800 032 3263**

Online: **www.cst.org.uk/report-incident**

Email: **incidents@cst.org.uk**

Twitter: **@CST_UK**

Facebook: **Community Security Trust**

How to report to Tell MAMA

Helpline: **0800 456 1226**

SMS: **0115 707 0007**

Online: **www.tellmamauk.org/submit-a-report-to-us/**

Email: **info@tellmamauk.org**

WhatsApp: **07341 846 086**

Twitter: **@TellMamaUK**

Facebook: **TellMAMAUK**

How to report to the Police

In an Emergency: **Always dial 999**

In a Non-Emergency: **Dial 101**

Online: True Vision (**www.report-it.org.uk**) or by downloading

Self Evident (Police reporting app)

On Public Transport: **0800 40 50 40** or text **61016**

Anonymously: CRIMESTOPPERS **0800 555 111**

STATEMENT AND INVESTIGATION

Once you report hate crime to the Police, an investigation will begin.

Making your statement

The Police will take your statement at a Police station, or at your home if you feel more comfortable. Your statement may later be used in court if the case goes to trial and therefore, should include as much accurate information as possible.

Your statement should include the events of the incident in the order they happened. The statement should also include the names and a description of anyone involved in the incident, as well as the registration number and description of any vehicles.

Giving evidence

The Police may ask you for help throughout the investigation once you have given your statement. This can include looking at photographs or CCTV footage, touring the area around the scene of the incident with a Police officer, or identifying possible offenders.



Community Impact Statement

You have the option of contributing towards a Community Impact Statement (CIS⁴). A CIS explains how hate crime affects the wider community, and enables the Police, the CPS and the courts to consider offences in the context in which they are committed. They can be used throughout the criminal justice system, to help inform charging decisions; the public interest test in assessing whether to prosecute; sentencing; out of court disposals and Restorative Justice.

The Police are responsible for taking a CIS in the form of what is called a Section 9 Witness Statement. A CIS is optional and you can still make a CIS even if you also make a Victim Personal Statement. If this is something you would like to be a part of, Tell MAMA or CST can help.

Staying in-the-know

Investigations can take a long time, but the Police will give you the contact details of the officer dealing with your case and a crime reference number. Keep this number safe and use it when you want to contact the Police about the investigation. You should give this number to Tell MAMA or CST, as both work closely with the Police across the UK and can keep you up-to-date at important points throughout the investigation.

Your privacy

Depending on the nature of what happened to you, the Police may want to give some information to the media to help with the investigation. The Police should ask your permission beforehand, but if you do not feel comfortable with this, Tell MAMA or CST can contact the Police in order to help protect your identity.

4. http://www.cps.gov.uk/legal/a_to_c/community_impact_statement_adult/#community

Your safety

If you feel unsafe during the investigation, perhaps because you are worried about harassment by the suspect or for any other reason, you can ask the Police to put safety measures in place. If you feel more comfortable contacting Tell MAMA or CST then both can deal with the Police on your behalf.

Prosecution - the role of the Crown Prosecution Service

The Crown Prosecution Service (CPS) is the prosecuting authority for England and Wales.

The Police will investigate the incident, and when they conclude their investigation they will decide whether there is enough evidence to prosecute the offender. If they decide that there is not enough evidence, then they will not seek involvement from the CPS. If the Police consider there is sufficient evidence to prosecute in a hate crime case, they must refer the case to the CPS to authorise charges (the Police cannot refer a case to the CPS simply to confirm their decision that there is insufficient evidence).

How does the CPS decide whether to prosecute your case?

The decision to prosecute is not based on whether the CPS believes the suspect is guilty or not, but rather on the test set out in *The Code for Crown Prosecutors*.⁵ This test has two stages.

The first stage is that the CPS decides whether there is enough evidence to demonstrate both the basic offence and the aggravating factor that makes it a hate crime. The CPS will consider if this provides a realistic prospect that a court of law would convict the suspect, or suspects, of the hate crime.

5. https://www.cps.gov.uk/publications/code_for_crown_prosecutors/

If the CPS does decide that your case has a realistic chance of conviction, then the CPS will now consider the second stage: whether there is a public interest in taking your case to court. The presence of any antisemitic or anti-Muslim element within an offence will make it more likely that a prosecution will follow. However, if the evidence is not sufficient for a realistic chance of conviction, the public interest stage will not be considered. The CPS will take into account how the offence has impacted you and its effect on the wider community.

What happens if the CPS decides not to prosecute your case?

This is a possible outcome for all incidents investigated by the Police and passed on to the CPS. It is important to know that this does not mean that the CPS does not believe you; just that there is not enough evidence to secure a conviction. You can challenge this outcome by applying to the Victims' Right to Review⁶ within three months of being notified of the decision not to prosecute your case. CST or Tell MAMA can help you with the application for the Right to Review. In some circumstances the CPS may also offer you the opportunity of a meeting to discuss the reasons why the case could not be prosecuted.

Example of a case CST assisted with, which led to a prosecution for religious hatred, 2016. Copyright: Ham and High

'Shylock' jibe after bitter flats protest

Developer claims anti-Semitic abuse was hurled following planning win

Anna Behrman
www.themorningstar.com

A fracas broke out in the aftermath of a key planning decision after alleged anti-Semitic abuse was aimed at developers.

Two property developers were subjected to the abuse after a controversial Highgate flats development was approved.

Confrontation in the chamber

on with the meeting.

Cries of "You're anti-Semitic! You're a fascist!" could clearly be heard in the lobby of Barroway civic centre.

Highgate resident Martinio Martins admitted to the *Ham&High* that he had called one of the developers a "Shylock", but said he did not believe his words were anti-Semitic.

Shylock, a Jewish moneylender

cial characters.

He demands a "pound of flesh" from a Christian character if his loan is not repaid.

A video was taken of the incident, although it has not been made public.

Property developers Joe Gerrard and Michael Gerrard, both Jewish, declined to comment after the incident.

The confrontation, which lasted

up a one-floored Highgate furniture store.

Developers Anthony Apartments Ltd can now demolish 10 chalets on Highgate on Archway Road and build 25 luxury flats and a medium-sized supermarket.

More than 30 people who use the outbuildings at the back of the shop in The Yard as business space fear they will be forced to leave on.

OPEN EVENTS 2016

Lower School
Thursday 25 February
9.30am to 11am

Thursday 25 May
9.30am to 11am

Upper School
Thursday 5 May
9.30am to 11am

Independent, Informal,
co-educational day school
4-15 yrs

The King Alfred School
North End Road
Chiswick
Middlesex

020 8457 5227
www.kingsalfredschool.com.uk

6. http://www.cps.gov.uk/victims_witnesses/victims_right_to_review/

YOUR RIGHTS:

Preparing and going to court

Before court

You will be sent information about the date of the trial by your Witness Care Officer. This information will include which court to go to, your role in the courtroom (either as a victim or witness), and what support facilities are available. Tell MAMA or CST can go through this information with you if any details do not make sense.

Who's who in the criminal justice system?

Magistrate

- A volunteer who has been trained to decide on cases in the Magistrates' Court.
- Magistrates do not wear wigs like judges and lawyers do.
- Cases in the Magistrates' Court may also be heard by a District Judge. They are professional lawyers employed as judges. As with magistrates, District Judges do not wear wigs or gowns.

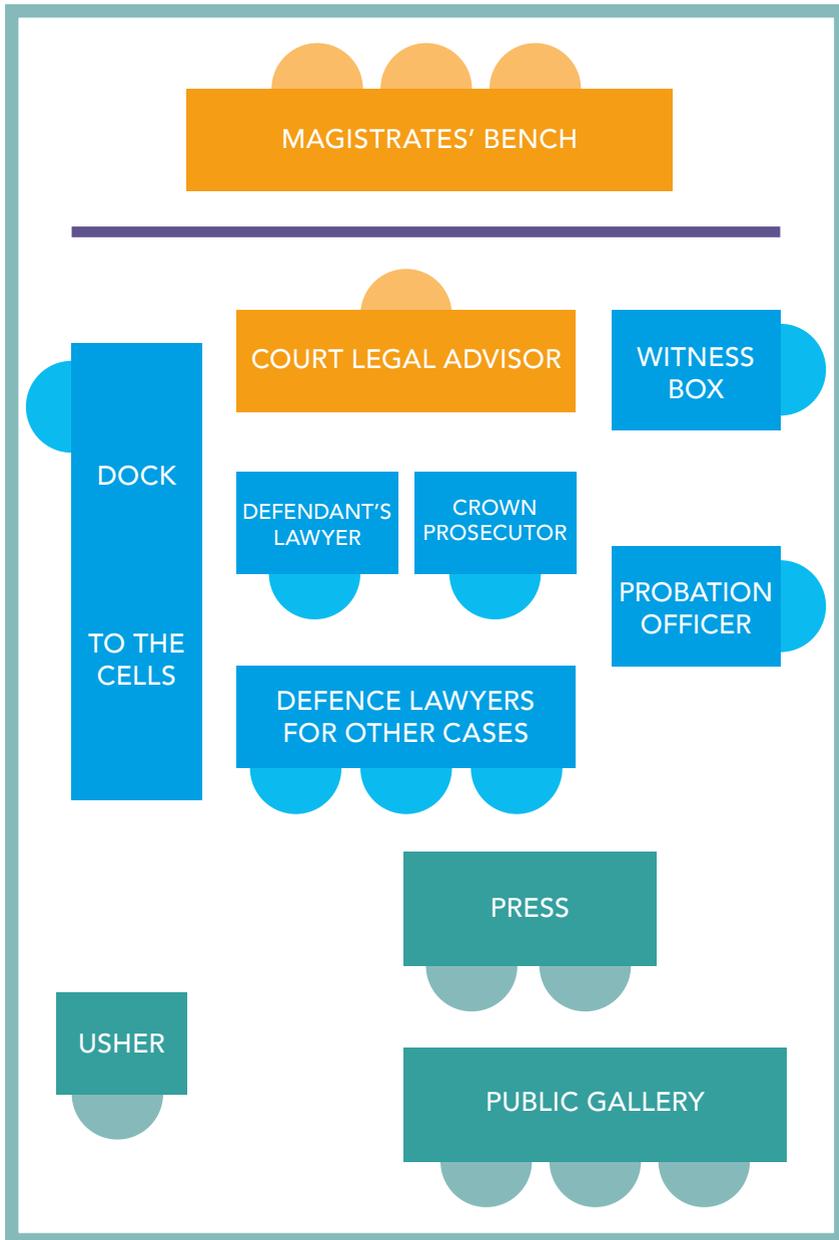
Judge

- Is responsible for overseeing the case and ruling on the points of law.
- If the defendant is found 'guilty', the judge will decide on the sentence and will take into account several factors (see chapter 5 for information on the verdict).

Jury

- The 12 members of the public on the jury will decide whether the defendant is guilty once they have listened to all the evidence.

Layout of a typical Magistrates' Court



Which court will you be in?

The Magistrates' Court

- All criminal cases start in the Magistrates' Court and some will finish there.
- There is no jury in a Magistrates' Court.

The Crown Court

- More serious criminal cases will be passed from the Magistrates' Court to the Crown Court.
- There is both a judge and a jury in the Crown Court.

On the day of the trial

Before you leave for court, make sure you have all the information you have been sent about the case.

You will be invited to the waiting room before your trial starts. CST and Tell MAMA both offer a victim care service and can attend court with you to provide support and advice on court processes. You are also welcome to bring friends or relatives with you for support.

Your rights

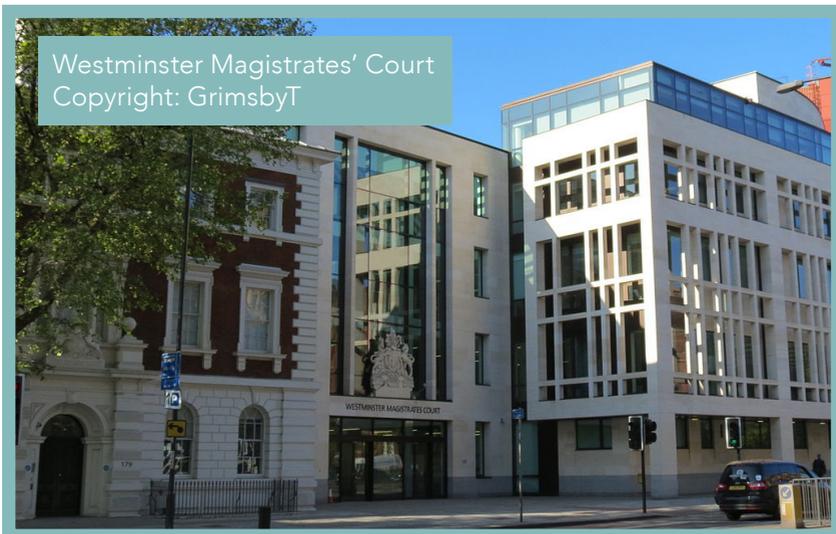
The Victims' Code (*The Code of Practice for Victims of Crime*⁷) sets out the services that you should receive from the criminal justice system:

- To be kept informed about the progress of your case by the Police;
- To hear when a suspect is arrested, charged, bailed, sentenced or released (see chapter 8 for a definition of these terms);
- To apply for 'special measures' in court if you are a vulnerable or intimidated victim or witness. You may be eligible for special measures if you are under 18, have a physical disability, have mental

7. <https://www.gov.uk/government/publications/the-code-of-practice-for-victims-of-crime>

health issues or learning disabilities, or are afraid to give evidence. Victims of hate crime can feel intimidated by the defendant or the nature of the offending. CST or Tell MAMA can help you decide whether you are suitable for special measures and if you are, can help you with this application. These services, aimed to support you whilst you give evidence and make you feel safer, include:

- Screens (so the defendant cannot see you in court);
- Live link (so you can give evidence during the trial from outside the court);
- Judges and barristers removing their wigs or gowns;
- An intermediary (someone who can help you give evidence in court);
- An interpreter (to help you communicate in court).



- In addition to special measures, it may be possible to apply for reporting restrictions⁸ to withhold publication of your identity. The criterion is the same as for special measures, namely that the witness is 'vulnerable or intimidated' and the quality of their evidence or cooperation would be improved by the granting of the reporting restrictions;
- To make a Victim Personal Statement⁹ (this explains how the crime has impacted you specifically and can be read in court);
- To be referred to victim support services (see chapter 6);
- To receive payment for any money you may have lost whilst at court;
- To receive information about Restorative Justice (see chapter 7);
- To seek a review of a decision not to take your case to trial.

After court

You will be entitled to receive back any money you spend travelling to court during a trial, as well as money lost due to being at court, which could include meals, loss of earnings or child care. CST and Tell MAMA can help you with this application.



Anti-Muslim graffiti daubed on a mosque

8. http://www.cps.gov.uk/legal/p_to_r/reporting_restrictions/#an04

9. <https://www.gov.uk/government/publications/victim-personal-statement>

VERDICT

Waiting for a verdict in court can be tense and the law can often be unclear. This chapter will clarify the most common hate crime related legislation and offer a guideline for what type of action you can expect at the end of the trial.

Common legislation for tackling racial and religious hate crime

Public Order Act 1986, Section 4

- It is illegal for a person to use threatening, abusive or insulting words with intent to cause another person to believe that immediate unlawful violence will be used against them or another.
- A person also cannot engage in behaviour, written material or other displays which are intended to cause racial hatred.
- The main point of Section 4 is the intent of the offender.
- If convicted, the defendant can receive a prison sentence for a term not longer than six months, or a fine. If the offence is found to be racially or religiously aggravated, the maximum sentence is increased to two years imprisonment.

Public Order Act 1986, Section 4A and 5

- As with Section 4, it is illegal for a person to engage in threatening or abusive words or behaviour or to display threatening writings or signs.
- Section 4A states that it is an offence to use threatening, abusive or insulting words or behaviour, or disorderly behaviour that causes harassment, alarm or distress to another with the specific intention of causing such harassment, alarm or distress.
- Section 5 of the Act specifically states that it is unlawful to use

threatening or abusive words or behaviour if it is likely to cause harassment, alarm or distress. This means that even if a person does not intend to commit a hate crime, they are still subject to prosecution.

- If convicted of the Section 4A offence, the defendant can receive a prison sentence for a term not longer than six months, or a fine. If the offence is found to be racially or religiously aggravated, the maximum sentence is increased to two years imprisonment.
- If convicted of the Section 5 offence, the defendant can expect a fine.

Crime and Disorder Act 1998

- Created specific offences of racially aggravated crime including racially aggravated wounding, assault, damage, harassment and threatening/abusive behaviour. These were found to be the types of offences most commonly experienced by victims of racial violence or harassment. These aggravated offences have substantially increased maximum sentences compared to the 'basic' offences.
- Amended in 2001 by creating new specific religiously aggravated offences and applying the same sentencing duty for both religiously and racially aggravated offences. It was further amended in 2012 to include racially or religiously aggravated stalking.
- An offence is racially or religiously aggravated if, at the time of committing the offence or immediately before or after doing so, the offender demonstrated hostility towards the victim based on the victim's presumed membership of a racial or religious group; or if the offence was wholly or partly motivated by hostility towards members of a racial or religious group based on their presumed membership of that group.

The poles aren't the problem they're looking for bit of work, the Muslims are looking for women and girls to rape and non Muslims to murder

Anti-Muslim tweet reported to Tell MAMA

Criminal Justice Act 2003

- Section 145 of this Act gives courts the power to enhance the sentence of any offence that is racially or religiously aggravated.

Public Order Act 1986 Part III

- It is illegal for a person to use threatening, abusive or insulting words or behaviour, or to display any such written material, which is intended to stir up racial hatred or is likely to do so.

Racial and Religious Hatred Act 2006, Part 3A, Section 29

- The law against stirring up religious hatred is more limited than that against stirring up racial hatred: the words or actions of the offender must be threatening in nature and it is necessary to demonstrate intent by the offender to stir up religious hatred.
- Jews are regarded by UK courts as an ethnic group and therefore, the laws against inciting racial or religious hatred both apply to Jews. Muslims are not regarded by UK courts as an ethnic group and therefore it is only the law regarding inciting religious hatred that applies to Muslims.
- This kind of hate crime often includes both racial and religious hatred and it is important to highlight any racially abusive statements to the Police when reporting the offence. You can experience a racial or religious hate crime even if you are not an

observant or visibly religious Jew or Muslim.

- If convicted, the defendant can receive a prison sentence or a fine.

Football (Offences Act) 1991, Section 3

- It is illegal to chant anything that is deemed to be 'racialist'. This can be directed at one person or a group. Racist means the chanting is abusive or insulting to a person based on colour, race (including the Jewish community), nationality (including citizenship) or national origins.
- If convicted, the defendant can expect a fine.

Malicious Communications Act 1998 (amended 2001), Section 1

- It is illegal to send another person a message which is grossly offensive, indecent, a threat or false information which is known or believed to be false by the sender. This includes offensive messages on social media, the internet and via text or email.
- If convicted the defendant can expect imprisonment for no longer than 12 months, a fine, or both.

Communications Act 2003, Part 2, Chapter 1, Section 127

- It is illegal for a person to send grossly offensive, indecent, obscene or menacing messages, or persistent messages for the purpose of causing annoyance, inconvenience or needless anxiety to another, via the internet, email, text and social media.
- If found guilty, an offender can expect imprisonment for no longer than six months, a fine, or both.

Protection from Harassment Act 1997, Section 1, 2 and 4

- It is illegal to harass or stalk another person, whether knowingly or not, or act in a way that puts another person in fear of violence.
- This law includes online and offline behaviour.

- Specifically, this law requires the incident to occur on at least two occasions.
- If found guilty in the Magistrates' Court, the defendant can be subject to imprisonment for no longer than six months, a fine, or both. In the Crown Court, if found guilty of the non-aggravated form of putting people in fear of violence, the defendant's prison term can be ten years if the offence occurred on or after 3 April 2017 or five years if before this date. If found guilty of the aggravated form, the maximum prison sentence is 14 years if on or before 3 April 2017, seven years if before.

Non-custodial sentence

There are many different types of sentences a court can impose. A custodial sentence, being sent to prison, may not be thought to be the most appropriate. Sometimes a 'community order' will be imposed, which might include doing unpaid work in the community. It might also be that a court cannot sentence immediately. Do not worry if this happens. The court may just need more information about the defendant before they decide on the best course of action. The court will then order the defendant to meet with a probation officer, who will assess the defendant. Once the judge or magistrate receives this assessment, they will decide on what type of sentence to impose. The court will take into account factors such as the defendant's personal circumstances or whether they have been previously convicted of a similar offence.

Prison sentences may be suspended by the court. This means that the offender does not go to prison immediately and is required to fulfil certain requirements set out by the court, such as doing unpaid community service or observing a curfew. If they do this and do not commit another offence within a certain period of time then they will not go to prison. However, if they do not follow the court's

requirements or if they commit another offence within the time laid down by the court, then the offender will usually go to prison for the length of the original sentence, in addition to the sentence they receive for the new offence.

Cautions and conditional cautions

Sometimes the Police will impose a caution on the offender as an alternative to referring them to the CPS for prosecution in the case of minor crimes such as graffiti. The Police can only do this if there is sufficient evidence to prosecute the offender, and if the offender admits the offence and accepts the caution. Otherwise they will be arrested and charged. A caution is not a criminal record but it can be referred to if the offender is tried for another crime in the future. Cautions can be used for hate crimes, although the Police are supposed to consider the gravity of the offence in deciding whether to use a caution or to prosecute an offender. Some cautions, known as 'conditional cautions', impose requirements on the offender that may include fixing property they have damaged or undergoing treatment for substance abuse. The use of conditional cautions is restricted in hate crime due to the commitment to treat all such offences seriously. The CPS will need to consider the use of such a caution by the Police, taking in all the facts and circumstances of the offence.

Court-awarded financial compensation

If you would like to receive compensation, you will need to tell the Police about the loss or damage you have experienced as a result of the crime. This can include:

- Loss from damage to property;
- Being off work;
- Medical expenses;
- Pain and suffering.

CST or Tell MAMA can help with this. The Police will then pass this information on to the CPS. If the defendant is convicted of the hate crime against you and your request has been accepted by the court, the defendant may be ordered to pay you compensation.

Not guilty verdict

Most cases of hate crime that reach court result in guilty verdicts, and most of these come about from the offender or offenders pleading guilty. However, hate crimes can be difficult to prosecute and therefore receiving a not guilty outcome is a possibility. Sometimes the defendant will be found guilty of the basic offence, but not of the racial or religious element of it. It is this racial or religious element that makes it a hate crime.

In a criminal case, a guilty verdict can only be found by the court where it is certain that the defendant is guilty of the charge against them. This level of certainty can be hard to reach in a trial regarding hate crime, because for some charges the prosecutor must show concrete evidence that the defendant's crime was motivated by racial or religious hostility. Please do not feel discouraged; the CPS remains dedicated to increasing hate crime prosecutions.

Even if your case receives a not guilty outcome, this does not discredit what happened to you. CST, Tell MAMA and other organisations are here to listen and support you (see chapter 6).

PRE OR POST TRIAL SUPPORT: Support services

There is no right or wrong way to respond to being a victim or witness of hate crime. As well as Tell MAMA and CST, there are a range of organisations and services that offer free practical and emotional support. Tell MAMA and CST have strong relationships with many of the below organisations, and can put you in touch with the right contacts.

CST

CST has a dedicated team that offers advice and support throughout the whole hate crime process. From when you initially report an incident, to liaising with the Police on your behalf and helping you to navigate the criminal justice system, your safety and privacy is CST's priority. Even if your case does not go to court or you decide the conventional criminal justice route is not for you, CST is here to listen and can still offer support for as long as you want.

A victim of antisemitism commented on CST's support services:

"Very reassuring to have the presence of CST representatives attend the court, nice to feel supported at a difficult time by people who understood the gravity of the situation."

Tell MAMA

Tell MAMA runs a dedicated and confidential service through its caseworkers. Through practical and emotional support, as well as signposting and access to pro-bono legal advice services, they aim to provide a holistic service to those who have been targeted for hatred because they are Muslims.

A victim of anti-Muslim hatred made the following statement after using the services of Tell MAMA:

"I was left anxious and felt that no-one wanted to listen to what I had been through when I was targeted for Islamophobia and anti-Muslim hate. I felt trapped and when I contacted Tell MAMA, they got the Police to see me, supported me throughout and called me regularly to find out how I was. They took away a sense that I was not wanted in society and allowed me to move on from what happened".

Other support services

CATCH (Community Alliance to Combat Hate)

www.catch-hatecrime.org.uk

An alliance of organisations representing the different strands of hate crime to help victims in London.

ChildLine

www.childline.org.uk

A confidential and free online and phone counselling service for those aged under 19 anywhere in the UK.

Choice in Hackney

www.choiceinhackney.org

Charity that aims to empower all disabled people and provide advocacy, support and training.

Dimensions

www.dimensions-uk.org

Charity that supports people with learning disabilities, autism, challenging behaviour and complex needs.

Equality Advisory Support Service

www.equalityadvisoryservice.com

Helpline and legal advice for issues relating to human rights.

Inclusion London

www.inclusionlondon.org.uk

An alliance of over 70 Deaf and Disabled organisations in London.

Galop

www.galop.org.uk

Charity that records hate incidents and violence directed against the LGBT+ community.

Kick It Out

www.kickitout.org

Football's equality and inclusion organisation that tackles racism and discrimination in the sport.

MIND

www.mind.org.uk

Provides advice and support to empower anyone experiencing a mental health problem.

Stop Hate UK

www.stophateuk.org

Charity that works to challenge all forms of hate crime and discrimination and provides confidential reporting and support.

The Monitoring Group

www.tmg-uk.org.uk

Charity that records racist hate crimes and incidents.

The Traveller Movement

www.travellermovement.org.uk

Charity that works with the Gypsy, Roma and Traveller communities in the UK to tackle discrimination.

Victim Support

www.victimsupport.org.uk

Charity that works with all people affected by crime in England and Wales. This includes victims, witnesses, their family and friends.

RESTORATIVE JUSTICE

Restorative Justice gives you the chance to tell the offender how the hate crime they committed affected you physically, materially, emotionally and psychologically. This may involve a face-to-face meeting between you and the offender which will be managed by the Police or by another third party, or it can be done indirectly via the exchange of letters or other communication. Alternatively, a community organisation such as Tell MAMA or CST can act as a surrogate on your behalf. If you do choose to take part in a meeting with the offender, you will not be left alone with them and you can bring an 'agreed supporter' to join you at the meeting.

Restorative Justice led to a satisfactory outcome following a series of targeted antisemitic incidents against a Jewish sports club in 2010



The aim of Restorative Justice is to reduce the fear of future crime on the part of the victim and to help them feel that the harm caused to them has been recognised by the perpetrator. It is also a way of ensuring that the offender is aware of the consequences of their actions and can apologise directly to the victim, sometimes encouraging a sense of closure. Restorative Justice can also benefit the wider community as it increases awareness about the impact of hate crime.

Restorative Justice can be suggested by the Police or imposed by the court, but it can only take place if the victim and offender both agree to it. This process can take place at any stage of the criminal justice process or as an alternative to prosecution. Even if you experienced the crime years ago, or the offender has already been sentenced, you can still participate in Restorative Justice.

How to access Restorative Justice

- Restorative Justice may be suggested to you by your assigned Victim Care Officer or it may be imposed by the court, depending on the nature of the offence and the availability of Restorative Justice services. If you are not offered a Restorative Justice option, you can tell your Victim Care Officer that you are interested in exploring Restorative Justice as an option, or you can ask Tell MAMA or CST to raise it on your behalf.
- There are many different types of Restorative Justice so it is important you decide on the course that best suits you. Tell MAMA or CST can help you with this.
- There are many people you can talk to about Restorative Justice, as well as Tell MAMA or CST. You can contact Victim Support, your Victim Liaison Officer or Witness Care Officer for more information.

GLOSSARY OF JUSTICE SYSTEM TERMINOLOGY

Aggravated offence an increased sentence in cases relating to hate crime if the defendant is found guilty.

Barrister stands in court and puts forward their legal arguments, as instructed by the solicitor, on behalf of their client in a persuasive manner in front of the court. A barrister will wear a wig and gown in court.

Caution a formal alternative to prosecution. It is commonly used to resolve cases where full prosecution is not seen as the most appropriate outcome.

Claimant the person who brings a case to court. Usually the victim.

Community Impact Statement a document that includes a collection of statements from victims, which illustrate the concerns of a specific community.

Community Order a sentencing option where the defendant is ordered to do a certain number of hours of unpaid work for the benefit of the public.

Conditional caution an agreement between the defendant and the CPS. The defendant agrees to comply with the condition(s) and the CPS agrees not to charge the defendant. If the defendant does not fulfil the conditions, then the CPS can prosecute them.

Conviction when a court finds the defendant guilty of a crime.

Cross-examine questioning someone's statement in court. This is carried out by a solicitor or barrister.

Custodial sentence a sentencing option where the defendant must go to prison, or another therapeutic or educational institution.

Defendant the individual accused in court.

Discrimination unjust bias against a group of people or a community.

District Judge a full time judge who deals with the majority of cases in county courts.

Judge responsible for overseeing a case and ruling on points of the law.

Judgement the judge's explanation of their ruling.

Jury made up of twelve members of the public, who will decide whether the defendant is guilty once they have listened to all the evidence.

Magistrate a volunteer from the local community who is appointed by the Lord Chief Justice for England and Wales.

Out-Of-Court Disposal a way of dealing with the defendant that does not require a prosecution in court. This may include a simple caution or a conditional caution.

Police statement a written account of what happened during the incident including as much information as the victim can remember. This statement may be used as evidence in court.

Pro-bono services free legal advice and representation.

Probation officer a person appointed to look after and supervise a person who has committed a crime.

Prosecute the decision to carry out legal proceedings against the defendant. This decision is made by the CPS.

Prosecutor legal representative who conducts the case against a defendant in a criminal court.

Protected characteristic the characteristics protected by the Equality Act 2010.

Reporting restrictions where the identity of the victim, witness or defendant is not published by the court due to being under 18 and other criteria.

Solicitor has the most contact and works directly with the client (either the claimant or defendant) before court, advising them on the law and then instructing the barrister. Solicitors can sometimes represent their client in court if necessary and are increasingly doing so.

The Code for Crown Prosecutors a public document that sets out the general principles Crown Prosecutors should follow when they make decisions on a case.

The Victims' Code (The Code of Practice for Victims of Crime) sets out the services and support the victim should receive from the criminal justice system.

Verdict final decision at the end of a trial by a jury or the decision of a magistrate or judge.

Victim Care Officer provides emotional and practical support to victims of crime.

Victim Liaison Officer consults the victim of a violent crime to have their views taken into account in the sentencing and release of perpetrators.

Victim Personal Statement allows the victim to say in their own words how the hate crime has affected or continues to affect them.

Victims' Right to Review gives victims the right to request a review of a CPS decision not to prosecute a case.

Witness Care Officer acts as a victim's single point of contact for the CPS.

Young offender 17 years and under.



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