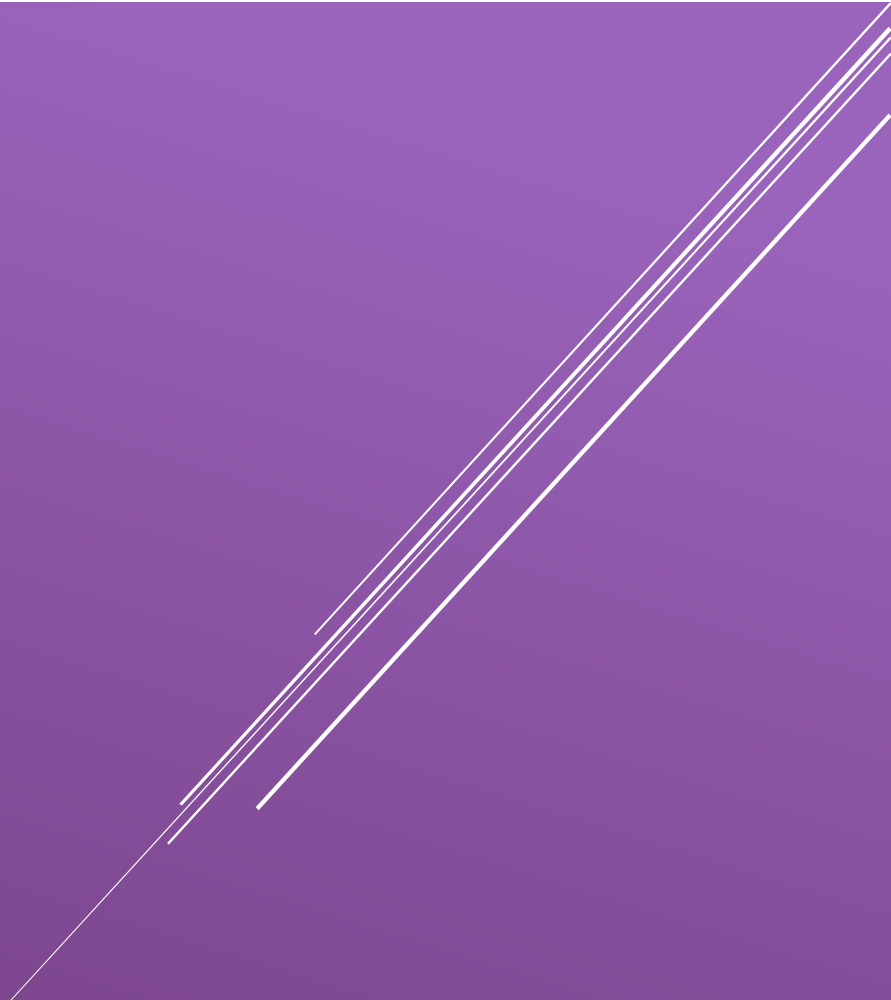




HATE CRIME AWARENESS AND THE CRIMINAL JUSTICE SYSTEM

A Mock Hate Crime Trial Highlighting the Challenges
Faced When Prosecuting a Hate Crime

Hertfordshire, England.

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All information in this resource pack is correct as of July 2024.

CONTENTS

CONTENTS	2
1. INTRODUCTION	4
1.1 WHY WAS THIS PACK DEVELOPED?	5
2. ABOUT THIS PACK	6
2.1 AUTHORS & CONTRIBUTORS	6
2.2 WHO IS THIS PACK FOR?	6
2.3 HOW TO USE THIS PACK	6
2.4 LEARNING OUTCOMES:	7
2.5 EQUIPMENT:	7
2.6 TESTIMONIALS:	7
2.7 FREQUENTLY ASKED QUESTIONS:.....	8
3. SAMPLE AGENDA	9
3.1 SAMPLE FULL-DAY TIMETABLE:	9
3.2 SHORTENED SAMPLE SESSION TIMETABLE:.....	9
Workshop 1 – Reporting/ Arrest & Interview	10
Workshop 2 - Charging Decision	11
Workshop 3 – Guilty / Not Guilty	12
4. CONTENT	13
4.1 About this Section:	13
4.2 What you Need to do Prior to the Session:	13
4.3 SLIDE DECK 1 INFORMATION: INTRODUCTION TO HATE CRIME	14
4.4 SLIDE DECK 2 INFORMATION: DEFENDANT ARREST & INTERVIEW*	17
4.5 SLIDE DECK 3 INFORMATION: CPS CHARGING DECISION	19
5. RESOURCES	22
5.1 Work Sheet 1: Michelle Cunningham Statement	23
5.2 Work Sheet 2: Prepared Statement	25
5.3 Work Sheet 3: Proof of Evidence.....	26

5.4 Worksheet 4: The Role of the Defence Solicitor	27
5.5 Worksheet 5: CPS Charging Decision Tests	28
6.FURTHER INFORMATION.....	29
Further Information:	29
Hate Crime Information:	29
Third Party Reporting:.....	30
Hate Crime Reviews:	30
Successfully Prosecuted Hate Crime Cases:	30
For support:	31
Further Relevant Links:	31
7. FINAL COMMENTS	32
Concluding remarks:	32
With thanks to:	32

1. INTRODUCTION

To mark National Hate Crime Awareness Week 2023, Hertfordshire County Community Safety Unit (CCSU)¹ worked in partnership with the University of Hertfordshire and the Crown Prosecution Service (CPS) to raise awareness of the different strands of hate crime, how it can be reported and how the county can support victims.

During the day, there was the opportunity to explore a hate crime case and see it progress from when it was first reported, through to trial. The trial was filmed in the University courtroom prior to the event and was shown on the day, breaking this down to incorporate various workshops. Delegates got to play the role of the judge and decide the verdict. The aim was to see an investigation from start to finish and highlight the challenges that are faced in the criminal justice system when prosecuting. Although the case is a transgender case (at the time the lowest reported strand) the aim was to raise awareness of all strands of hate crime, and the training to be used for all strands.

Following the success of the day it was decided that we should produce a training package to mirror the day and make it available for other police forces and partner agencies to use.

Paul Giannasi the National Hate Crime Advisor to Policing said;

"I was fortunate to attend an event in Hertfordshire during Hate Crime Awareness Week 2023 where this activity was launched. I was extremely impressed with the work that had gone into its preparation and the thoughtfulness of the presenters. The resources prepared for the event were extremely well presented and they thoughtfully demonstrated both the significant psychological harm that can be suffered by victims of hate crime, as well as the complexities of bringing perpetrators to justice.

I spoke with several people who attended the event who had diverse backgrounds and interests in the subject, from criminal justice professionals through to victim support groups. What stood out to me was how the event had helped them to see different perspectives and challenged their pre-conceived views. It was a great way of having the audience involved in the event and I'm sure all participants left more able to respond positively to hate crime in the future.

I believe other areas can improve services and promote effective relationships now that these resources are made available to them."

¹ The Hertfordshire County Safety Unit (CCSU) is the joint unit for Hertfordshire County council and the Hertfordshire police.

1.1 WHY WAS THIS PACK DEVELOPED?

This resource pack was developed in collaboration with the efforts produced by the Hertfordshire CCSU for the National Hate Crime Awareness Week 2023. The pack has been designed to improve students' understanding, knowledge, awareness of the roles of the CPS, the police forces, and third-party reporting services, whilst further developing skills in recognising, responding, preventing and investigating hate crimes. Particularly, raising awareness of the most underreported strands of hate crime.

This training pack has thus been designed with the intention to be delivered to forces and other organisations across England and Wales to further develop knowledge and understanding of all the processes mentioned above and throughout.

The Hertfordshire CCSU, the CPS, and True Vision have all collaborated to approve this resource pack in order to bring the highest quality of training.

"Hate crimes are particularly insidious as they not only harm individual victims, but they also strike at the very heart of a community's sense of safety, belonging, and identity."

"Because hate crimes are deeply personal and painful experiences for those who endure them, it is vital that all victims of such crimes are treated with the dignity, empathy, and sensitivity they deserve."

"The complexities of these offences are such that a robust and collaborative approach is necessary in working together across agencies to ensure a more effective response to such crimes - from improved investigations and prosecutions, to building stronger community confidence and support for victims."

"This resource pack helps to bring to life, the importance of understanding what a hate crime is and the practicalities and key considerations in bringing offenders to justice."

Lionel Idan

Chief Crown Prosecutor

CPS National Hate Crime Lead

2. ABOUT THIS PACK

2.1 AUTHORS & CONTRIBUTORS

This Hate Crime Training package has been brought to you by Hertfordshire CCSU, with special thanks to the CPS, Hertfordshire University, Paul Giannasi and Cait Harrop from True Vision, Hertfordshire Police, as well as Kate Moore and Helen Whitehead for their ongoing hard work and contributions to this resource pack.

2.2 WHO IS THIS PACK FOR?

This resource package is predominantly for use in police forces, in work with partner agencies, and third-party reporting sites, although not exclusively limited to these avenues. This resource pack can be amended to suit your/your students' needs, and opportunities are made available throughout this pack where sections can be tailored throughout; however, this resource pack does work best if taken in chronological order and each aspect utilised.

2.3 HOW TO USE THIS PACK

This resource pack has been developed with the intention of solidifying strengths, and addressing any weaknesses that you or your students may have in the field of hate crime. The resources in this pack were initially developed for an awareness day for police and external organisations. The training day helped to raise awareness of hate crime and highlighted the barriers faced when prosecuting.

This pack is split into three sections; Introduction to Hate Crime, Defendant Arrest & Interview: The Role of the Defence Solicitor, and Crown Prosecution Service: Charging Decision. These sections will **work best when taken in chronological order**, and worked through from start to finish, however, **this is not the only way to take these resources**. If you decide not to take these resources in their complete order, **you may choose to use whichever parts of this pack that you feel would benefit you/your students best**. This may look different for every group that uses this resource pack. This pack is fully printable or can be used online, both methods of access are compatible with this programme.

In Section 3, Proposed Structure, there are a few **examples of proposed timetables** as well as workshop structures, with activities and resources suggested throughout. These suggestions can either be used fully, partially, or not at all; thus, this may look different for each group. However, as noted before, this resource pack works best if used in full chronological order.

This resource pack is structured so that you can choose the resources and slide decks that you wish to engage with. These are, Slide Deck 1: Introduction to Hate Crime (no workshop associated), Slide Deck 2: Defendant Arrest & Interview (Workshop 1: Reporting/ Arrest & Interview), and Slide Deck 3: CPS Charging Decision (Workshops 2: Charging Decision, and 3: Guilty / Not Guilty), with Slide Deck 4: as the Full Slide Deck encompassing all the slides and resources throughout. These resources are again listed in Section 4: Content.

Each slide deck includes information available to the facilitator to use should they wish, suggestions and alternative suggestions for how to engage the class, links to the source of

information, as well as opportunities to use additional resources that are available in Section 5: Resources, of this pack.

2.4 LEARNING OUTCOMES:

These are the learning outcomes that should be achieved upon completion of this resource pack:

- To recognise how your role can work with other roles for an effective judicial outcome
- To understand the investigation and court process of a hate crime
- To understand the role of the CPS
- To look at the challenges faced in the criminal justice system
- To understand how victim support can be beneficial to both victims and other parties
- To understand how organisations can collaborate
- To raise awareness of underreported/ all strands of hate crime

2.5 EQUIPMENT:

To make best use of this resource pack, you may need the following items:

Vital:

- Facilitator
- Venue
- Access to a computer and a projector
- Either a full day, or the length of time required for each resource pack
- Access to the internet (either before or during presentation of slides)

Optional:

- Refreshments
- Access to a printer
- Materials to take notes with; pens/paper/laptop, etc.
- Materials for feedback from workshops
- Access to an interactive presentation software: for example, Mentimeter, Slido, Poll Everywhere, etc.

2.6 TESTIMONIALS:

"[This information was] very informative and thought-provoking. It helped me to understand the process of reporting a hate crime from reporting to trial and what barriers to coming forward to report there are."

"Interactive nature, timings were good, great to have the films to watch to make it realistic."

"As a Disability Employment Adviser, it gave me lots of useful information regarding how hate crime is dealt with in the community. I am in a better position to be able to advise my customers and spot the signs if they occur."

"[The] mock case was really positive and made us think about our casework and taking the emotion out of cases."

2.7 FREQUENTLY ASKED QUESTIONS:

Information that may be beneficial before engaging with this resource pack:

Do I have to use every resource in the order it is presented?

- No, this resource pack is intended to be utilised in any way that the facilitator/students see benefit from, however, the pack works best when taken in full.

What if I/my students already know some areas well?

- Then it may be of benefit to revisit these areas as a refresher, or if this is not required, **you may skip these areas altogether** and just utilise the resources that have the most benefit to you/your students; however, as stressed beforehand, this resource pack **works best taken in full**. Therefore, it may be beneficial to work through even those sections that are well understood as a form of refresher.

What if we don't have access to certain facilities/equipment?

- If they are non-essential, you may leave out those certain pieces of equipment or substitute for something else appropriate.

What do we need to know prior to starting this pack?

- Students should have a basic understanding of hate crime prior to undertaking this research pack; they should know the basic process of the CPS and of third-party reporting. However, this is also covered in Slide Deck 1: Introduction to Hate Crime, in brief, for a refresher on the background to hate crime.

3. SAMPLE AGENDA

3.1 SAMPLE FULL-DAY TIMETABLE:

Full break down available below.

(Utilising full slide deck and all resources)

Before session starts: No resources necessary

- **9:00-10:00=** Introduce the day, begin to work through Slide Deck 4; Slides 1-14
- **Break:** Make Worksheets 1,2 and 4 available to students
- **10:00-11:00=** Work through Slides 16-23 and Workshop 1
- **Break:** Make worksheets 1,2, 3, 4, and 5 available to students
- **11:00-12:00=** Work through Slides 25-34, Video Part 1 and Workshop 2
- **12:00-1:00=** Lunch
- **1:00- 2:00=** Work through slides 36-39, Watch Part 2 of video
- **2:00- 3:00=** Work through Workshop 3, Q+A, then conclude day.

3.2 SHORTENED SAMPLE SESSION TIMETABLE:

(Interchangeable with each of the shorter slide decks)

- **Before session starts:** Hand out relevant resources (Check for which resources are necessary for each slide deck)
- **Minutes 0-30:** Work through first half of slide deck
- **Minutes 31-60:** Watch relevant material (if listed), work through second half of slide deck and the associated workshop

Note:

As mentioned before, this resource pack works best when taken in full, however, the workshops, slide decks and video resources are available to suit your and your students' needs and so the order and method of delivery can be tailored to meet your requirements.

Workshop 1 – Reporting/ Arrest & Interview

Resources to use:

- Reporting Videos <https://www.youtube.com/watch?v=1jGTemyHTkA>
<https://youtu.be/GGS5Xk-MPdk>
- Compatible with Slide Deck 2: **Defendant Arrest & Interview: The Role of the Defence Solicitor**

Worksheet/s: **Worksheets 1, 2, & 4: [Michelle Cunningham Statement](#), [Prepared Statement](#), [The Role of the Defence Solicitor](#)**

Suggestions for discussion:

Question 1: To discuss arrest and interview process / role of defence solicitor.

- What do you need to be aware of before interviewing?
- What are the roles of the defence solicitor?
- What might contribute to a decision to charge / not charge?

Question 2: To discuss reporting barriers.

- What are the barriers to reporting?
- Why might these be?
- What can we do to make reporting easier for victims as individuals/an organisation

Question 3: To discuss reporting.

- Why would the victim choose to report to a third-party reporting centre?
- What services do third-party reporting centres offer that are different?
- Who might a third-party reporting centre appeal to?

An online response platform is good to use but if this is not possible, use flip charts if available. Responses to be fed back to facilitator.

Suggestion: add a question about how the victim can be supported.

Suggestion: add a question about the interviewing process; i.e., how can unethical practices affect the criminal justice system?

Suggestion: Questions can be asked for each strand of hate crime or focus on one strand

- **Presentation with assisting handouts in relation to defendant arrest / interview**
- **Presentation with assisting handouts in relation to charging decision - S4A Public Order Act 1986.**

Workshop 2 - Charging Decision

Resources to use:

- Compatible with Slide Deck 3: **Crown Prosecution Service; Charging Decision**
- Worksheet/s: **Worksheets 1 and 2; [Michelle Cunningham Statement](#), and [Prepared Statement](#)**

Suggestion for discussion:

Question 1: Applying the Full Code Test of the Code for Crown Prosecutors:

- Should Mr Thomas be prosecuted for a criminal offence?
- If so, which offence(s) and why?
- Applying s.66 of the Sentencing Act 2020 is this a Hate Crime or not?

An online response platform is good to use but if this is not possible, flip charts if available. Responses to be fed back to facilitator.

Suggestion: These questions may be better placed on the tables, all can be placed on each table, or they may be separated into groups

Suggestion: Explore how the process may lead to differing outcomes depending on which hate crime strand this offence was.

Suggestion: Explore whether this is a hate crime or a hate incident.

Workshop 3 – Guilty / Not Guilty

Resources to use:

- Compatible with the **end** of Slide Deck 3: **Crown Prosecution Service; Charging Decision**
- Work Sheet 5: **CPS Charging Decision Tests**
- Mock Trial Video: <https://youtu.be/BACv2rYvHXE>

Suggestion for discussion:

Question 1: Verdict

- Do you think the defendant is Guilty or Not Guilty? Why?
- Would there have been anything that would have swayed your mind in the opposite direction? If so, what?

Suggestion: Those who think a Guilty verdict should move to the left-hand side of the room and those with a Not Guilty verdict should move to the right-hand side of the room. Allow them to discuss their reasons before feeding back to the group.

Suggestion: Once students have discussed their reasons and opinions on this case, have them argue the inverse; for example, if they were primarily arguing a Not Guilty verdict, now have them argue for a Guilty verdict and vice versa.

Final Notes:

It would be possible to reduce this to half day without including extra presentations and shortening the workshops.

The length of each workshop is also determined by students prior group knowledge, should they understand a resource to a high level already, then that resource or workshop may be omitted. However, this pack works best if taken in the correct order and fully.

4. CONTENT

4.1 About this Section:

This section includes the information for each slide deck, and what you will need as the facilitator. This includes which workshops and worksheets you will be required to utilise per slide deck, as well as what links and information you will require throughout the slide deck. If you are utilising Slide Deck 4, you can simply combine each of the slide decks content to create the full version.

[Section 5](#) has all the links to the videos, PowerPoints, and includes the handouts necessary. Follow [Section 3](#) for which workshop you can utilise with each slide deck and handout. Follow [Section 3: Proposed Timetable](#) for a suggested run-through of how your day may look. For further information, see [Section 6](#) and explore the links there to continue the learning experience.

4.2 What you Need to do Prior to the Session:

1. View the content
2. Check which workshops/ slide decks that you will need for the time period you have available
3. Print out any handouts that you need
4. Utilise the workshops you need
5. Familiarise yourself with the content

Following these steps will help you to make the most of this resource pack and all that is available to you.

4.3 SLIDE DECK 1 INFORMATION: INTRODUCTION TO HATE CRIME

Resources necessary: **Video Part 1.**

This slide deck is for use as a refresher to NCHI's and Hate Crimes, **if skipping** this section, **watch Video Part 1 prior** to undertaking any other slide deck.

Not associated with a **Workshop.**

SLIDE NAME	INFORMATION + ACTIONS
1. Title 2. Learning Objectives	Learning objectives are: 1. To consolidate understanding of what a Hate Crime is 2. To develop an understanding of some reasons behind differences in Hate Crime data 3. To understand the difference between a Hate Crime and a Non-Crime Hate Incident
3. Defining Hate Crime	Refresh the class on the definition of Hate Crime Suggestion: Before revealing all the strands, ask the class what the 5 protected characteristics of hate crime are (this should be a quick refresher activity).
https://www.cps.gov.uk/crime-info/hate-crime	
4. Hate Crime Data	Discuss current Hate Crime data. Suggestion: Before revealing the figures/data, ask whether anyone knows anything about the data; <u>Hint</u> ; think rough estimates, what strand the majority of hate crimes may be under, etc. Suggestion: get the group to discuss what the potential factors may have been in causing the figures to rise so dramatically between the years 2018/19-2022/23 Suggestion: Discuss thoughts on how Covid may have affected the reporting of hate crimes Suggestion: Ask the audience if they think it is a good thing that the reporting of Transgender hate crimes has risen (it could be a good thing as it means victims have the confidence to report it)

	Suggestion: ask the group whether the data fits what they would expect. Is it more? Less? Are there any other interesting insights and thoughts into this data?
	https://www.gov.uk/government/statistics/hate-crime-england-and-wales-2022-to-2023/hate-crime-england-and-wales-2022-to-2023
5. Defining Non-Crime Hate Incident (NCHI)	Refresh the class on the definition of an NCHI. Suggestion: Have the group talk through what the difference is between an NCHI and a Hate Crime Information to note: - a new ruling for recording hate incidents was introduced by the government in 2023 – further information can be found at Responding to non-crime hate incidents College of Policing
	https://www.gov.uk/government/publications/non-crime-hate-incidents-code-of-practice/non-crime-hate-incidents-code-of-practice-on-the-recording-and-retention-of-personal-data-accessible#:~:text=11.,12 https://college.police.uk/article/new-code-and-guidance-non-crime-hate-incidents
6-12. Examples of Hate Crime + Hate Incidents	This can either be a rapid-fire activity, or you can make it take a little longer depending on whether you have the time/desire to. Quick activity: Suggestion: Ask the class to read through the information above and decide whether they think it was a hate crime or a hate incident and either have it as a hands up activity, or a shout out the answer. Longer activity: Suggestion: Ask the class to read through the information above and decide whether they think it was a hate crime, or a hate incident, or neither, and have them discuss in groups and decide why they felt that was the case. Answer on next slide.
13. Reporting Video	(This video is approximately 15 minutes long) Suggestion: split the group into 3, each with one particular question to focus on, or alternatively, have all individuals focus on all 3 questions. Afterwards, get the group to feedback either to each other, or to the group as a whole. Can also utilise an online resource link (Such as mentimeter), or a physical resource such as a whiteboard, if you want to break barriers to communication first.

<https://www.youtube.com/watch?v=tdUUD7jcMV8>

<https://www.youtube.com/watch?v=1jGTemyHTkA>

14. References

15. Sponsors

(No Information Necessary)

4.4 SLIDE DECK 2 INFORMATION: DEFENDANT ARREST & INTERVIEW*

* Utilise this slide deck ONLY if your students already understand the concepts of Full Code Test and Threshold Test. If this is not the case, utilise Slide Deck 2: **CPS CHARGING DECISION SLIDE DECK INFORMATION**, first.

Resources necessary: Worksheets 1, 2, + 4, [Michelle Cunningham Statement](#), [Prepared Statement](#), and [The Role of the Defence Solicitor](#).

In conjunction with **Workshop 1: [Reporting/ Arrest & Interview](#)**

SLIDE NAME	INFORMATION + ACTIONS
1. Title 2. Learning Objectives	Learning objectives are: 1. To understand the interviewing process 2. To understand how organisations can collaborate 3. To understand the investigation and court process of a hate crime
3. Defendant Arrest & Interview: The Role of the Defence Solicitor	Suggestion: Ask the group to discuss what interviews are, what they mean for the defendant, what they mean for the prosecutor etc. Look for common themes
https://www.cps.gov.uk/publication/cps-charging-decisions-examining-demographic-disparities-outcomes-our-decision-making#:~:text=The%20threshold%20test%20is%20used,a%20realistic%20prospect%20of%20conviction.	
4. Role of the Defence Solicitor	Go through the information regarding what the roles of a Defence Solicitor are.
https://www.lawsociety.org.uk/public/for-public-visitors/common-legal-issues/criminal-law https://www.abvsolicitors.co.uk/criminal-solicitor/what-is-the-role-of-a-criminal-defence-solicitor/	
5. Defendants' Interview	Suggestion: Before fully revealing the slide, ask the group whether they know what advice the solicitor could give the suspect- make this a quick activity.

6. Decision to Charge Made	Discuss the role of the defence solicitor, discuss how the defence solicitor will make their decision, and what their duties are.
https://www.cps.gov.uk/about-cps/how-we-make-our-decisions	
7. Mock Trial Defence	Ask students to look at the 2 worksheets they should have access to- Worksheets 1+2: Michelle Cunningham Statement, and Prepared Statement. Suggestion: Give the group the opportunity to now look at their copies of the Prepared Statement and with their new knowledge, talk through different aspects of the statement. Is there anything new that they now notice? Is there anything that they would have done differently? Do they think the right decisions were made?
8. If a Decision to Not Charge is Made	Talk through Victim Right to Review, what this means for the CPS, the victim, etc. Discuss the process.
https://www.cps.gov.uk/about-cps/how-we-make-our-decisions	
9. References	(No Information Necessary)
10. Sponsors	

4.5 SLIDE DECK 3 INFORMATION: CPS CHARGING DECISION

Resources necessary: Worksheets 1, 2, + 5, [Michelle Cunningham Statement](#), [Prepared Statement](#), and [CPS Charging Decision Tests](#).

In conjunction with **Workshops 2: [Charging Decision](#)** and **3: [Guilty / Not Guilty](#)**.

SLIDE NAME	INFORMATION + ACTIONS
1. Mock Hate Crime Trial 2. Learning Objectives	Learning objectives are: 1. To understand the role of the CPS 2. To understand how the CPS decides whether to charge a suspect 3. To look at the challenges faced by the CPS
3. Principle Function	Explain basic function of the CPS, what the duty of the CPS is, the basic structure of the CPS. Define Victim/Suspect/Offender/ Defendant Suggestion: Ask the class whether they know the principle functions of the CPS? What do they do? Why do they do it? How do they do it? Suggestion: Ask the class to discuss in groups what the distinctions are between victims/witnesses/suspects/defendants/the public? - What does each group need from the CPS? How do their needs differ?
https://www.cps.gov.uk/publication/code-crown-prosecutors	
4. CPS: How the CPS Makes Charging Decisions	Suggestion: Ask the class whether anyone knows what either the Full Code Test or the Threshold Test are. Discuss an overview of how the CPS/ Police decide on whether to charge. Mention the 2 types of test, explain basic differences in how less/more serious cases are distributed.

<https://www.cps.gov.uk/publication/cps-charging-decisions-examining-demographic-disparities-outcomes-our-decision-making#:~:text=The%20threshold%20test%20is%20used,a%20realistic%20prospect%20of%20conviction.>

5. Deciding whether to Prosecute

Discuss an overview of the tests for Crown Prosecutors.

<https://www.cps.gov.uk/publication/code-crown-prosecutors>

6. Full Code Test

Evidential Stage:

Explain the Full Code Test in depth, and when it may be used. Give examples from **Worksheets 1+2** where appropriate.

<https://www.cps.gov.uk/publication/cps-charging-decisions-examining-demographic-disparities-outcomes-our-decision-making#:~:text=The%20threshold%20test%20is%20used,a%20realistic%20prospect%20of%20conviction.>

<https://www.cps.gov.uk/publication/code-crown-prosecutors>

7. Threshold Test

Explain the Threshold Test in depth, and when it may be used. Give examples from **Worksheets 1+2** where appropriate.

<https://www.cps.gov.uk/publication/cps-charging-decisions-examining-demographic-disparities-outcomes-our-decision-making#:~:text=The%20threshold%20test%20is%20used,a%20realistic%20prospect%20of%20conviction.>

8. Mock Trial Defence

9. Mock Trial Defence

Suggestion: Keeping answers hidden, ask students what a prosecutor may need to consider in this case in order to prosecute, in terms of the Public Interests. Allow a few minutes to think independently/within groups, and to then feedback to the class.

Discuss Public Interest Stage, what this entails, what the considerations are, relate this to the Full Code Test and the Threshold Test where appropriate.

<https://www.cps.gov.uk/publication/code-crown-prosecutors>

10. Video Part 1 11. Break 12. Video Part 2	Watch Part 1 of Video (This video section is approximately 15 minutes long) Suggestion: split the group into 3, each with one particular question to focus on, or alternatively, have all individuals focus on all 3 questions. Afterwards, get the group to feedback either to each other, or to group Utilise online resource link (Such as mentimeter) Quick comfort break of 5 minutes This is now the opportunity to watch the second half of the video.
13. Student Decision	Suggestion: Have students discuss whether the information learnt in this slide deck has changed their outlook of the trial and the verdict that they would give. Did anyone change their decision based on their original assumption? Why? Discuss reasons as to why this was the case, and if not, what were the reasons for this too? Alternatively, give students access to an online response platform for a visual (and anonymous) representation of the verdict being decided by the group. (Make sure to include link in the slide for access for the students).
14. The Result 15. The Result	The defendant was found to be guilty, HOWEVER, The decision was taken to the Court of Appeals, and the verdict was overturned. Therefore, students that said both Guilty and Not Guilty were technically correct. Suggestion: Have students discuss whether they were surprised, whether there was anything that could have changed their minds
16. References 17. Sponsors	(No information necessary)

Note: Content for **Full Slide deck** will combine the information from each slide deck to create 1 complete Full Slide Deck.

5. RESOURCES

Resources available:

Click the links below to go through to the resource

Slide decks: 1-3 are to be used as individual lessons, 4 is to be used as a whole day resource:

- | | |
|---|---------|
| - Slide Deck 1: Introduction to Hate Crime | 1 Hour |
| - Slide Deck 2: CPS Charging Decision | 1 Hour |
| - Slide Deck 3: Defendant Arrest & Interview | 1 Hour |
| - Slide Deck Full: Full Slide Deck | All Day |

Worksheets: 1-3 are supplementary to the case trial, 4-5 are information handouts that may be beneficial for students to keep post-training:

- **Worksheet 1:** [Michelle Cunningham Statement](#)
- **Worksheet 2:** [Prepared Statement](#)
- **Worksheet 3:** [Proof of Evidence](#)
- **Worksheet 4:** [The Role of the Defence Solicitor](#)
- **Worksheet 5:** [CPS Charging Decision Tests](#)

Videos are to be watched during the lessons if there is time, **Video 1** discusses third-party reporting, **Video 2** sets the context for the trial, **Video 3** is the mock hate crime trial itself and is essential to watch for comprehensive understanding:

- **Link to Video 1:** Reporting with True Vision: <https://www.youtube.com/watch?v=1jGTemyHTkA>
- This was filmed at a third-party reporting centre to highlight Recommendation 16 of the Stephen Lawrence enquiry, to be able to report a hate crime at a location other than a police Station. The reporting platform used is TrueVision.
- **Link to Video 2:** Michelle Cunningham Reporting Video: <https://youtu.be/GGS5Xk-MPdk>
- This was filmed to demonstrate how people can report a hate crime and to highlight the process
- **Link to Video 3:** Mock Hate Crime Trial: <https://youtu.be/BACv2rYvHXE>
- This was filmed to highlight the process of the criminal justice system once a hate crime has been taken to court (This video is split into 2 parts, each approximately 15 minutes long)

5.1 Work Sheet 1: Michelle Cunningham Statement

URN:

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Statement of: **Michelle Cunningham**

Age if under 18 (if over insert "over 18"):

Over 18

Occupation:

**Parking Enforcement
Officer**

This statement (consisting of2..... pages(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false, or do not believe to be true.

Signature: **M CUNNINGHAM**

Date: **1 JULY 2023**

I am the above named person and I work for Anyshire District Council as a Parking Enforcement Officer. I have held this position for over 4 years. This statement refers to an incident on 1 July 2023 where I was subjected to verbal transphobic abuse at work. I am a transgender woman and have identified as female for the past 3 years. My pronouns are she / her.

On Saturday 1 July 2023, I was working as a Parking Enforcement Officer on the High Street in Anytown. Anytown has a market on Saturdays and I will often patrol the High Street at about this time to ensure that the parking restrictions that are in force are complied with.

I was walking along the High Street, checking vehicles and chatting to people. I know lots of the stallholders very well because I regularly patrol the area on market days and will usually stop to say hello. The stallholders are aware that I am transgender as I am quite open about this and I get on with them pretty well. On the whole they understand that my function is important so that the market can be set up safely, and that if I do have to issue enforcement notices, this is just part of my role.

At approximately 10am I was chatting to a couple of the stallholders, John Smith and Mike Jones. We were standing next to John's cheese stall and we were talking about whether people would brave the rain to come to the market that day. While I was talking to them, a male who I know to be Barry Thomas appeared. He was setting up on the pitch next to John's.

I have seen Barry on a number of previous occasions at the market. He has a military memorabilia stall that sells things like old army jackets and boots. Although the other market stallholders are friendly and usually like to say hello and have a quick chat with me, Barry seems to dislike me. I used to try to say hello, but he always ignored me, so eventually I just gave up trying to be nice to him. I don't know for sure why Barry doesn't like me, but I have always wondered whether it might be something to do with my gender identity. I believe I may also have given Barry an enforcement notice before.

While Barry was setting up his pitch, I clearly heard him say “WHAT ARE YOU TALKING TO THAT THING FOR?” I could see that Barry was standing about 3 metres away, looking directly at me, John and Mike. I knew immediately that Barry was referring to me and that this comment was aimed at me because of the fact that I am transgender. I didn't say anything to him at this stage because I didn't want to escalate the situation. John and Mike didn't say anything but from the looks on their faces, I got the impression that they were quite embarrassed.

Barry then said “I CAN'T BELIEVE THAT YOU ARE TALKING TO THAT THING”. He said this in a louder voice than before. At this stage, I approached him and said that his comments were not OK and that it wasn't alright to refer to me in that way. Barry looked directly at me, took a step towards me and said in a loud voice “I'M NOT TALKING TO YOU FELLA.” I immediately felt upset and angry about this comment. I think that it would be obvious to anyone that knows that I identify as a transgender woman that by referring to me as a “FELLA” Barry was deliberately trying to upset me by getting my gender wrong.

I decided to walk away from the situation because I felt that it was about to become even more hostile, possibly even violent. I walked along the High Street in the direction of the council offices. As I walked away from the market, I called my manager Phil on my radio to explain what had happened. My manager asked if I was ok, and I explained that I was fine.

When I got back to the council offices, I spoke to my manager again and he told me to report it to the police using the 101 number, which is what I did.

As a result of this incident I was left feeling angry, upset and frustrated. I am used to dealing with difficult situations as part of my job. I know that Parking Enforcement Officers are not universally popular, and that is something that I have grown used to in my job. However, what really distressed me about this incident was that it had nothing to do with my job, it was an attack on me personally because of who I am and my identity.

I am willing to support police action and attend court if necessary.

5.2 Work Sheet 2: Prepared Statement

Prepared Statement of Barry Thomas

I, Barry Thomas, confirm that earlier today I was arrested for the offence of using threatening/abusive/insulting words/behaviour to cause harassment/alarm/distress on 01 July 2023. I have been made aware that the allegation is in relation to my interactions with the people at the Market Stalls on the day.

In relation to the alleged offence, I would like to state as follows:

1. I deny using any threatening/abusive/insulting words or behaviour to cause anyone any kind of harassment/alarm/distress.
2. I spoke to other traders at the Market, and did not speak to the traffic warden, who has made this complaint to the police against me.
3. When I spoke to other traders, the traffic warden was present, and I said, "what are you talking to that thing for?". I did not have any intention to cause anyone harassment or distress.
4. I was just having a bit of banter with the other traders, and they also thought I was being funny. No one seemed to have taken any offence.
5. I do not speak to the traffic warden as I don't think he does his job fairly.
6. I am not sure why the traffic warden would be offended or insulted by my comments.

I do not have any further comments to make at this stage and would exercise my right to silence during the interview.

I confirm that I have been explained the terms of caution by my solicitor.

Name: Barry Thomas

Signed: Barry Thomas

Date: 15 July 2023

5.3 Work Sheet 3: Proof of Evidence

Proof of Evidence Barry Thomas

I, Barry Thomas, will say as follows:

On 1 July 2023 I was setting up my stall at the Market on the High Street in Anytown. I had arrived a bit late because there was particularly heavy traffic that day. My usual pitch is about halfway up the market, next to a stall that sells cheese. I think that the man who works on the cheese stall is called John or something, but I don't really know because I am not very sociable, and like to keep myself to myself.

The man I think is called John was chatting to another market trader and also a traffic warden. I don't particularly like traffic wardens at the best of times, but I am particularly cautious around this one. That is because they have previously given me a ticket when I was unloading and I didn't think that it was fair. I successfully appealed the ticket. Since then, the traffic warden hasn't really spoken to me, and I don't speak to them. However, I am fairly sure that they have it in for me.

It was raining, and there weren't many customers about, so I tried to engage John and the other market trader with a bit of banter to lighten the mood. I said "WHAT ARE YOU TALKING TO THAT THING FOR?". By "THAT THING" I was referring to the fact that they were talking to a traffic warden. It was not a reference to the traffic warden's gender, only their occupation.

Both John and the other market trader thought this was funny, and I could see them having a little smile. As a result, I decided to say again "I CAN'T BELIEVE YOU ARE TALKING TO THAT THING." This time I said it louder. I said this directly to John and the other market trader. I was not talking to the traffic warden. As I have said, we do not speak to each other, so I have no idea why they thought I was talking to them. I also think that traffic wardens should have a thicker skin. It certainly wasn't my intention to upset them.

The traffic warden then approached me and started having a go at me. I don't know why they did this, as I hadn't been talking to them, and I was just having a bit of banter with the other stall holders. I said to the traffic warden that I wasn't talking to them. I may have called them a "FELLA". I don't remember, but if I did this would have been because it is just an expression I use a lot, particularly when I am flustered, which I was at the time.

I am not a prejudiced person. I actually have a neighbour who is gay. As I say I like to keep myself to myself, so I don't actually talk to my neighbour or socialise with him or his partner at all, but I don't mind them living next door and as far as I am aware, there have never been any problems.

5.4 Worksheet 4: The Role of the Defence Solicitor

Print out and give to class to keep

1. Role of the CPS

The CPS is the principle public prosecuting authority in England and Wales

- They prosecute criminal cases investigated by police and other investigative agencies
- They are independent

They Must:

- Ensure that the correct person is prosecuted for the correct offence
- Bring offenders to justice wherever possible
- Be fair, impartial, and with integrity secure justice for victims, witnesses, suspects, defendants and the public

2. What is an Interview?

Section 11, Code C of PACE Order 1989 defines an interview as:

“...the questioning of a person regarding his involvement, or suspected involvement, in a criminal offence or offences which, by virtue of paragraph 10.1 of Code C, is required to be carried out under caution”.

3. Human Rights Protection

You must be aware of the following provisions of the Human Rights Act 1998 when you interview a suspect:

Schedule 1 article 3 Human Rights Act 1998 – Prohibition of Torture:

- No one shall be subject to torture or inhuman, degrading treatment or punishment

Schedule 1 Article 5 Human Rights Act 1998 – Right to Liberty and Security:

- Everyone arrested has the right to be informed, in a language they understand, of the reasons for the arrest and of any charge made against them

Schedule 1 Article 14 Human Rights Act 1998 – Prohibition on Discrimination:

- The convention rights shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, associated with a national minority, property, birth or other status

5.5 Worksheet 5: CPS Charging Decision Tests

Print out and give to class to keep

Full Code Test:

Evidential Stage:

- Is there sufficient evidence to provide a realistic prospect of conviction?
- This means that an objective, impartial and reasonable court hearing the case is more likely than not to find the defendant guilty

Prosecutors consider:

- Can the evidence be used in court?
- Is the evidence reliable?
- Is the evidence credible?
- Is there any other material that might affect the sufficiency of the evidence?

Threshold Test:

1. Reasonable grounds to suspect the person to be charged has committed offence
2. Further evidence can be obtained within a reasonable period to provide a realistic prospect of conviction
3. Seriousness of circumstances justifies making immediate charging decision
4. Containing substantial grounds to object to bail
5. It is in the public interest to charge the suspect

6.FURTHER INFORMATION

Further Information:

This section is for you to further explore any questions or interests that you may have in regards to hate crimes, the supporting infrastructure available for victims and others, as well as for more information regarding third-party reporting sites.

Simply scroll to the section that you would like to find out more about and click the links to find out more.

Disclaimer: All links work and are available openly to users as of June 2024.

Hate Crime Information:

If you want further information regarding Hate Crime from a more legal understanding, follow these links:

CPS:

- [Charging Decisions](#)
- [Code for Crown Prosecutors](#)
- [Hate Crime](#)

The Sophie Lancaster Foundation:

- [S.O.P.H.I.E](#)

True Vision:

- [Prosecuting Hate Crimes](#)

Third Party Reporting:

If you want further information regarding Third-Party reporting of Hate Crimes, follow these links:

- [Crime Stoppers](#)
- [CST](#)
- [Stop Hate UK](#)
- [Tell MAMA](#)
- [True Vision](#)

Hate Crime Reviews:

If you want further information regarding recent/ historical Hate Crime inquiries, follow these links:

- [Angiolini Inquiry](#)
- (Relates to crimes of misogyny, not currently in hate crime legislation across all counties, but existing within some).
- [Casey Review](#)
- [Macpherson Review](#)

Successfully Prosecuted Hate Crime Cases:

If you want further examples of successfully prosecuted Hate Crimes, follow these links:

(Examples)

- [CPS; March 2024](#)

For support:

If you want mental health support as a result of anything that you have seen here or otherwise, follow these links:

(Mental Health support services)

- [C.A.L.L.](#)
- [CALM](#)
- [Samaritans](#)
- [Shout](#)
- [Switchboard](#)

Further Relevant Links:

If you want further relevant information, follow these links:

- [Fair Trials](#)

7. FINAL COMMENTS

Concluding remarks:

'This training package was initially delivered by hosting an all-day event for police and partner agencies. The aim was to highlight the awareness of under reported strands of hate crime, different ways to report and the consequences victims face. In addition, it was important to highlight the challenges faced when prosecuting a hate crime. We worked with the Crown Prosecution service and the law students from the University of Hertfordshire in preparing a case centred on a real-life case, filming in the law court. The students were responsible for preparing their own prosecution papers and were the actors in the film produced.'

The day was a huge success with many positive comments, and it was suggested that we turn this into a training package to be used force wide. This is a training package based on that day.

This resource pack will be useful for forces to use 'in house' or promote to their partner agencies to use together and independently. I would thoroughly recommend it.'

- Helen Whitehead



With thanks to:

Helen Whitehead

Kate Moore

Cait Harrop

Lionel Idan

Paul Giannasi

CPS (Thames Chiltern)

University of Hertfordshire

Rob Finlay