Preventing Hate Crime

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

FINAL REPORT

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with

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Figures[1]

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Acknowledgements

Background

Hate crime remains a pervasive social problem that blights the lives of hundreds of thousands of people every year (Corcoran, Lader and Smith 2015).[2] Since the EU referendum in June 2016 the problem of prejudice-motivated abuse and violence has come under the spotlight like never before. The referendum has given rise to intense public debates on issues pertaining to national identity, immigration and race relations, amongst others. The knock-on effect has been clear to see, with significant increases in reported and recorded hate crimes across Britain.[3] Whether the referendum has *caused* an increase in hate crime is debatable. There is yet no conclusive evidence of actual increases in experienced hate incidents during and after the period of the referendum. However, the substantial rise in reported incidents to statutory agencies and third party reporting centres across the country suggests that the problem is more than merely one of improved reporting – or increases in spurious reporting as some journalists have suggested. Whether there is more hate crime or higher reporting levels (or both, as is likely), it is clear that we are in need of an improved strategy to effectively tackle and prevent hate crimes from (re-)occuring.

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). We have divided the report into three parts, the first and second examine the evidence-base for criminalisation, policing, and criminal justice and education-based interventions aimed at tackling hate. Here 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 improved 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

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[2] The Crime Survey for England and Wales (CSEW) estimates that there are approximately 222,000 hate crime incidents in England and Wales every year. The survey samples approximately 50,000 households across England and Wales and measures crime by asking members of the public about their experiences of crime over the last 12 months.

[3] See for example the Metropolitan Police Service (MPS) crime statistics website which shows that compared to the month of July 2015, there were the following increases in recorded hate crime for July 2016: +57.9% (Racist and religious); +43.6% (Antisemitic); +94% (Islamophobic); +43.3% (Homophobic) (see http://www.met.police.uk/crimefigures/). There is no published recorded data for transgender hate crime.

crime more generally. These recommendations are based on extensive consultations with research, policy and practitioner experts working in the area of hate crime.[4]

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 were conducted on a number of library-based research databases (including Scopus and Applied Social Sciences Index and Abstracts) and via free access internet search engines (Google Scholar). Searches of grey literature (public and civil society sector research reports that have not gone through an academic peer review process) were also carried out on Google. 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.

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[4] NB. The views expressed in this report are the authors' and do not necessarily represent those of the Sussex Crime Research Centre or the INHS. Note also that this report does not specifically examine the use of measures aimed at supporting victims of hate crime. There are a number of studies and reports looking into this issue. It is incredibly important and the authors' other work is looking at ways in which community-based measures can help to support the emotional wellbeing of (direct and indirect) victims. See The Sussex Hate Crime Project: http://www.sussex.ac.uk/psychology/sussexhatecrimeproject/.

1. Preventing hate crime

Combating hate crime is a complex task for any society. It will involve multiple agencies that must attempt to address a myriad of individual, institutional and structural factors that are causal to hate-motivated offences (see, Walters et al. 2016). The Government recently launched its new Hate Crime Action Plan (Home Office, 2016). It states that there are five key areas to tackle hate crime:

- Preventing hate crime by challenging the beliefs and attitudes that can underlie such crimes;
- Responding to hate crime in our communities with the aim of reducing the number;
- Increasing the reporting of hate crime, through improving the reporting process, encouraging the use of third party reporting and working with groups who may under-report;
- Improving support for the victims of hate crime;
- Building our understanding of hate crime through improved data, including the disaggregation of hate crimes records by religion.[5]

Key to the Government's plan is "partnership[s] with communities and joining up work across the hate crime strands to ensure that best practice in tackling hate crime is understood and drawn upon in all our work" (Home Office 2016: para 5). Such partnerships are clearly important to the development of official strategies to tackle hate crime as they ensure that policies are informed by the numerous civil society organisations that are working hard to address its causes and consequences. However, we see it as unfortunate that the Government's Action Plan does not place greater emphasis on working in partnership with academic researchers that are providing empirical evidence to support the use and development of best practices for hate crime.[6]

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[5] The Action Plan also sets out a number of advances that have been made since the original 2012 Plan was launched (Home Office 2012), including improvements in the recording of hate crimes, analysis of hate crime data from the Crime Survey for England and Wales (CSEW), amendments to laws (e.g., the inclusion of transgender under s. 146 of the CJA 2003), and further funding for voluntary sector organisations working with victims of hate crime. Other advances since the 2012 Action Plan include inspectorate reports (CJJI 2013) and legal reform reports (Law Commission 2014).

[6] See the work of the International Network for Hate Studies (INHS) in this regard: www.internationalhatestudies.com. Though the INHS is referenced in the Action Plan we would like to see more formal and integrated partnerships between policy makers, practitioners and academics in the development of Government strategies to combat hate crime.

The Action Plan sets out the Government's support for a range of projects and measures aimed at tackling hate crime. We do not plan to repeat in detail the information already contained in that Action Plan here.[7] However, it is useful for the purpose of this report to highlight some of the actions proposed by the Government. These include (amongst others): further funding and support for education programmes (including The Anne Frank Trust's school education programme and the work of Streetwise[8]); assessments of the levels of hate-based bullying in schools and support for anti-bullying projects; the "promotion of engagements with young people" to reduce identity based hostilities; grants to those working in communities to challenge prejudice; working with community organisations (such as GALOP – the LGBT charity) to develop resources that specifically meet the needs of LGBT people; the creation of a database of symbols, slogans and flags that may be illegal; to continue to support working groups that address hate crimes against minority groups; to look at current best practice examples in tackling disability hate crime; community-led advertising campaigns on public transport to raise awareness of all strands of hate crime; seminars on online hate and funding to the No Hate Speech movement, and targeted communications and advertisement of third party reporting organisations.

Though many of these actions are commendable, the Action Plan fails to outline specific means through which most of these aims will be achieved, nor any information on how their effectiveness or utility will be measured. Actions which involve "looking at", "reviewing", "working with" and "continuing to support" appear, at face value, to be very positive, but there is little or no detail about when and how these actions will be arranged or whether (and how) their success will be evaluated. Other action points are so broadly termed as to make any objective evaluation of their success unmeasurable. There is also a failure to seek-out and reference sufficient research evidence upon which the advancement of interventions and practices in tackling hate crime should be based.[9]

This is not to suggest that the Action Plan is without merit – many of its aims remain pivotal to the combating of hate crime in the 21st century. It should also be noted that compared to most other western jurisdictions across the world, the Government's

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[7] Nor information that is reported in the EHRC Scotland report *Rehabilitation of Hate Crime Perpetrators* (Iganski and Smith 2011) or the Youth Justice *Board's Racially Motivated Offending and Targeted Interventions* (Wilcox, Smithson, Christmann and Wong 2010).

[8] See further below, pages 39-41.

[9] Though it should be noted that the Plan states that the National Policing Lead will "assess" Proactive Recording Pilots, where crimes against disabled people are automatically considered to be hate crime, unless evidence is found to the contrary, "to see if there is anything to be learned that will increase the recording of disability hate crime." The National Policing Lead and College of Policing have also started to identify training needs for officers that will lead to better understanding and recording of hate crime. A new training package will be created on completion of the review (Home Office 2016: para 96 & 97). It is unclear what these assessments and reviews will involve.

continued commitment to delivering an effective hate crime prevention strategy is highly advanced and to be commended. Nonetheless, there is much that can be improved in the way in which the Government and statutory agencies can plan to tackle the problem of hate crime.

The aim of this report is to review a number of emerging practices[10] that have (at least some) empirical evidence to support their use – and which should be further assessed as being part of an effective hate crime prevention strategy.[11] Using case studies, we illustrate how some of these interventions are being operationalised within parts of the criminal justice system and, in certain cases, beyond. We then outline the remaining gaps in empirical evidence for those interventions already in practice (for which there remain many) and which the Government should provide funding to evaluate, thereby ensuring that any future hate crime strategy is evidence-based.

In the final section of this report, we highlight the barriers that currently exist to the successful implementation of criminal justice interventions for hate crime. We then outline recommendations for how each of these barriers might be overcome.

1.1 The role of hate crime legislation

Before reviewing the evidence-base for hate crime interventions it is helpful to understand the role that hate crime laws play in the combating of hate-motivated offences. There are a number of justifications for enacting hate crime legislation. These can be summarised as:

- Enhanced punishments attached to hate crime offences recognise the increased likelihood of enhanced levels of harms caused to victims and minority communities.
- Legislation supports the effective operationalisation of hate crime policies by law enforcement agencies (including the police, Crown Prosecution Service (CPS), probation and prison services) via recording, prosecution and post-sentence interventions.
- Criminalisation provides specific censure and sends a clear message to the public that prejudice-motivated conduct will not be tolerated.
- Laws support longer-term educative deterrence by publically denouncing prejudice-motivated conduct.

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[10] Many of which have not been included in the Government's Hate Crime Action Plan.
[11] The information found in this report is based on extensive literature reviews, the lead author's own empirical research, and findings collated from discussions with a panel of experts who were involved in two roundtable events held at the EHRC.

- The law provides a symbolic message of support to historically marginalised groups in society, showing that targeted groups will be protected by the State.[12]

The criminalisation of hate-motivated offences is particularly important to the effective implementation of interventions for hate crime. The codification of specific racially or religiously (for example) aggravated offences means that justice agencies must officially record and monitor these types of offences. In fact, since hate crime laws were enacted, a number of policies, strategies and guidance notes have been introduced by criminal justice agencies across England and Wales (see e.g., College of Policing 2014; CPS 2014; NOMS 2016). Though some of these policies may have existed without the enactment of hate crime statutes (as they have done for domestic abuse/violence, for example), it is much less likely that the policy and practice-based *focus* currently given to hate crime would exist without the legislation. Hate crime laws are therefore key to ensuring that interventions for hate crime are implemented by those agencies that are tasked with preventing crime.

1.2 Inequalities in hate crime laws

"Aggravated" offences

Not all of the five monitored strands of hate crime are included under each of the statutes dealing with hate crime (see also Figure 1 below[13]). The fact that some characteristics are included under legislation while others are omitted is problematic for the effective administration of justice for all forms of hate crime.[14]

Currently ss. 29-32 of the **Crime and Disorder Act 1998** (England and Wales) prescribe for **racially and religiously aggravated offences** only (covering assaults, criminal damage, harassment/stalking, and threatening and abusive behaviour).[15] This means that an assault aggravated by sexual orientation, transgender or disability hostility will *not* be prosecuted under the Act as an "aggravated offence" but will instead be prosecuted as a "basic offence" (e.g., "common assault" as compared to "racially aggravated assault"). All offences where there is evidence of sexual orientation,

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[12] See further, Iganski (1999) and Schweppe and Walters (2015).

[13] Note that the figures do not include football related hate crime offences.

[14] There are also a number of procedural problems associated with the prosecution of these offences, a critical examination of which falls outside the scope of this report (see further Owusu-Bempah 2015). A two-year research project on the legal process for hate crime (funded by the EU Directorate-General for Justice and Consumers) is currently being undertaken by the University of Sussex. It will report in 2017.

[15] Note also that the EU Framework Decision (2008/913/JHA) on combating racism and xenophobia through criminal law in 2008 obligates member states to legislate for racist and xenophobic crimes and to treat hate motivation as an aggravating factor at sentencing.

disability and/or transgender hostility should instead be dealt with at **sentencing** where the judge "must" increase the perpetrator's sentence under s. 146 of the Criminal Justice Act 2003.[16]

In 2014, the Law Commission for England and Wales recommended that, in the absence of full-scale law review, those groups currently not protected under the Crime and Disorder Act 1998 (England and Wales) (i.e., sexual orientation, disability and transgender) should be included under ss. 28-32 of the Act. This recommendation would ensure that all five strands of hate crime can be pursued in law as "aggravated offences", meaning that more offences will be *flagged* on the **Police National Database** as "hate crimes". This would in turn improve the chances of the hate-element of an offence coming to the attention of agencies that are tasked with working with offenders post sentence and improve the familiarity of various types of hate crimes amongst criminal justice agents.

However, one identifiable problem with this recommendation is that the Crime and Disorder Act 1998 covers a limited list of offences (see Figure 1 below). In a recent EHRC report (Walters et al. 2016), we highlighted the fact that a significant proportion of disability hate crime offences involve property related offences and sexual offences. As these types of crimes are not covered by the Crime and Disorder Act 1998, disability hate crimes may still be left without adequate protection under the criminal law.

Stirring up of hatred offences

The United Kingdom has a duty under EU law to legislate against the incitement of hatred directed towards a group of people or member of the group defined by reference to race, colour, religion, descent or national or ethnic origin.[17] There are a number of laws that deal with hate speech offences in the UK (see Law Commission 2014 for an overview). Within the complex framework of hate crime laws that exists are a number of **stirring up of hatred offences** which are set out under **Part 3** (racial hatred) and **3A** (religious and sexual orientation hatred) of the **Public Order Act 1986** (England and Wales). Neither **transgender nor disability hatred** are covered by legislation.[18]

The Law Commission for England and Wales recommended in its report that those characteristics currently not included under the POA (i.e. disability and transgender

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[16] Note that all racially aggravated offences (other than those prescribed under ss. 29-32) should be dealt with at sentencing under s. 145 of the Criminal Justice Act 2003.

[17] EU Framework Decision (2008/913/JHA). See also the recent ECRI (2016) report on combating hate speech.

[18] The EU Framework Decision (2008/913/JHA) also obligates member states to criminalise incitement to hatred directed at people 'defined by reference to race, colour, religion, descent or national or ethnic origin'.

hatred) should *not* be incorporated into the legislation, due to the fact that the law is rarely enforced successfully for the other stirring up of hatred offences. Furthermore, the Law Commission asserted that the problem of disablist and transphobic hate speech offences can be adequately dealt with under other legal provisions (primarily ss. 4-5 POA – proscribing threatening and abusive behaviour which can then be aggravated at sentencing under s. 146 of the Criminal Justice Act 2003) (see Figure 1 below).

The fact that the five "protected characteristics" are not equally protected in law in England and Wales, for both the aggravated offences and the stirring up of hatred offences, is potentially problematic for the effective prevention of hate crime. Such a state of affairs may result in an unintended message being sent to the public that some groups are more worthy of protection than others, giving rise to the assertion that the law has created a "hierarchy of victims" (Law Commission 2014: 84). This additionally prompted claims by some consultees to the Law Commission that all five of the monitored strands should be treated equally under the law as per the obligations set out **under s. 149 of the Equality Act 2010**[19] (Law Commission 2014: 84). Noting that the Equality Act did not require public authorities to achieve the goals of eliminating discrimination but rather to have due regard to the need to achieve them, the Law Commission nonetheless concluded that:

> To assist them in complying with their public sector equality duty, public authorities such as police forces need legislation in this area to be clear. The present system does not help in that regard, in that it treats some protected characteristics differently despite (1) all of them being protected for purposes of hostility-based offending (by the enhanced sentencing system) and (2) there being no obvious justification for the different legislative treatment. (Law Commission 2014: 94)

Further complications in the legislative framework can be found in relation to the characteristics that are protected under Parts 3 and 3A of the POA. Differences here appear in relation to the necessary *mens rea* (i.e., the mental element of the offence) that must be proved before a defendant can be convicted of such an offence. For

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[19] Section 149 of the Equality Act requires a public authority, in exercising its functions, to have due regard to the need to:
(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act;
(b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

example, the offence of stirring up of racial hatred requires a lower threshold to prove the offence compared with stirring up religious or sexual orientation hatred (see s. 18 POA versus s. 29B). Section 18 states that stirring up racial hatred can be committed where the defendant either "intends" to stir up hatred **or "having regard to all the circumstances racial hatred is *likely* to be stirred up"** (our emphasis added). However, in relation to religious or sexual orientation hatred the defendant *must* have **"intended"** to stir up hatred. In other words, religious or sexual orientation hatred cannot be proved where the evidence shows only that the hatred was likely to be stirred up. In practical terms this means that proving someone stirred up religious or sexual orientation hatred is much more difficult in court. The result is that the law is being used more extensively to prosecute racial hatred offences (though its use is still far from extensive here), while it is rarely, if ever, used for the other forms of hatred.[20]

Whether the laws on stirring up of hatred should be streamlined so that the same *mens rea* applies to all types of hatred is a complex question which requires additional discussion amongst legislators. It remains unclear whether there is a justification for the different standards applying to different types of hatred. Further debate is required on whether principles of freedom of speech and protections on free speech should apply more firmly to certain types of hatred. Supplementary empirical evaluation on whether disability and transgender hatred is a social problem that requires legislative protection is also needed.[21] We note here only that there is a genuine tension between, on the one hand, a need for equality across strands of hate crime and, on the other, the principle that any new offence enacted by Parliament must be both necessary to prevent a social wrong and enforceable in practice (Packer 1969).

Conclusion and recommendation: All hate crime laws must operate to protect (both practically and symbolically) the most endangered groups in society. 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. Where laws are unable to be enforced in practice, Parliament should seek to either (1) repeal the provisions completely for *all* protected characteristics, or (2) make amendments to the wording of the provisions to ensure that the law operates fairly and consistently across strands.

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[20] Total numbers of hate crime prosecutions are published by the CPS (2016) (England and Wales).
[21] Note that the recent report by the Women and Equalities Committee on transgender equality recommended that the law be extended to cover transgender hatred (House of Commons 2016b).

NB: A full-scale review of hate crime legislation is currently being conducted by researchers at the University of Sussex as part of a two-year EU funded project. We recommend that any amendments made to existing hate crime laws be informed by the project's final report which will be published in mid-2017.

Figure 1: Legal remedies for hate crime (England and Wales)
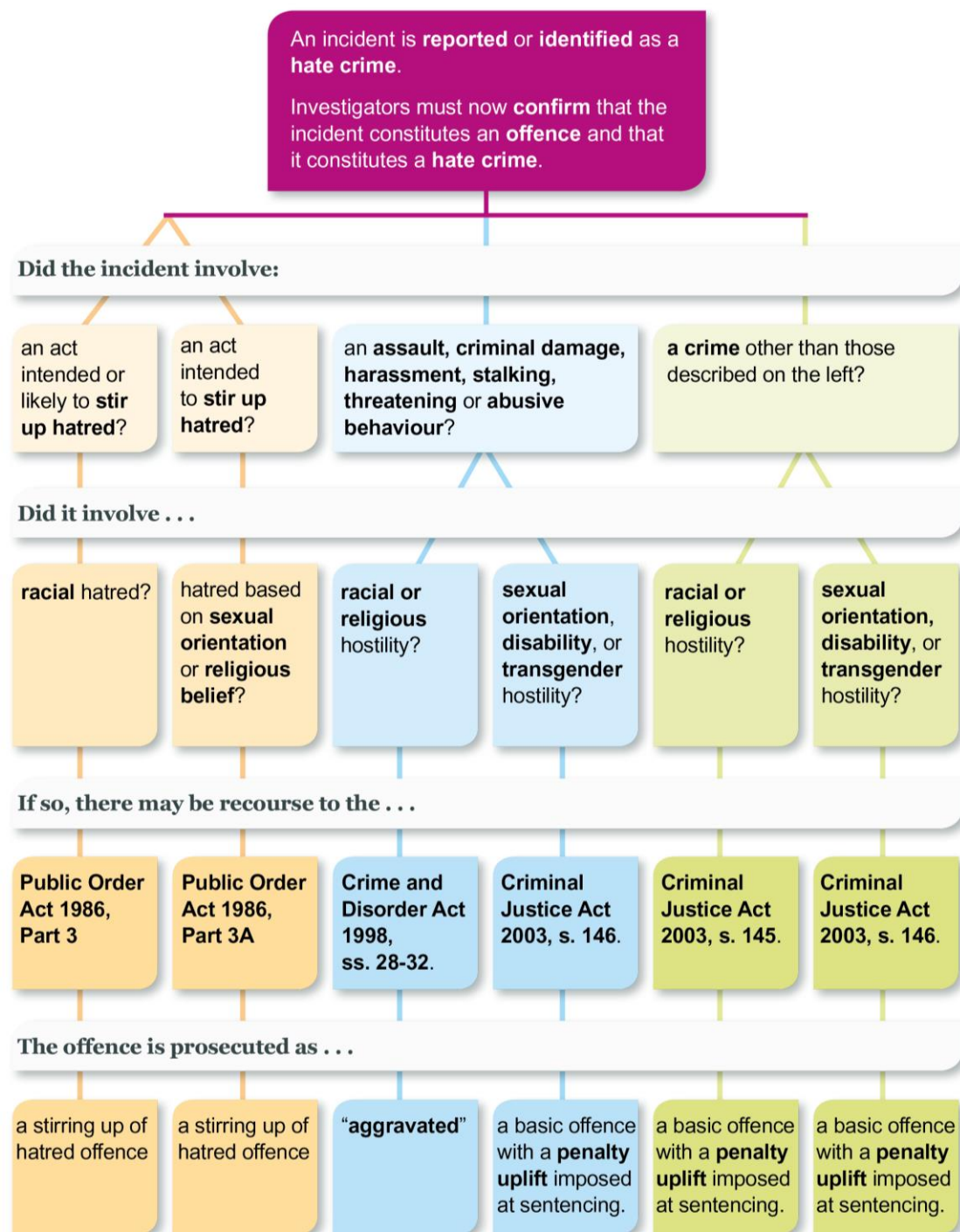
1.3 Reporting hate crime

In order for hate crime laws to work effectively, hate crimes must first come to the attention of law enforcement agencies. In a recent EHRC report (Walters et al. 2016), we noted that the under-reporting of hate crime remains a problem which may contribute to local climates in which some perpetrators feel that they can offend with a sense of impunity. The issue of under-reporting remains a significant limitation to the success of any hate crime prevention strategy. Previous analysis of the Crime Survey for England and Wales (CSEW) data (Home Office, Office for National Statistics and Ministry of Justice 2013b) found that under-reporting is due to the following reasons:

- Police would not/could not do anything (43%)
- Trivial/no loss (21%)
- Private/dealt with ourselves (12%)
- Common occurrence (10%)
- Dislike or fear of the police/previous bad experience with the police or courts (8%)
- Fear of reprisal (8%)
- Inconvenient to report (1%)
- Reported to other authorities (2%)

These findings suggest that over 50% of respondents do not report incidents because of potentially negative perceptions of the police. While the police have made a number of improvements to the way that they respond to reported hate crimes since the Macpherson report was published in 1999, there remains much more work to be done in order to improve reporting levels (see also Dunn 2009; Chakraborti and Hardy 2015).[22]

Another problem identified by Chakraborti, Garland and Hardy (2014) is that many victims remain unsure about what "hate crime" is. The police and other statutory agencies must therefore continue to work with local communities to promote understanding of hate crime and to encourage victims to report it (see further recommendations in 3.1 below).[23]

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[22] Research by Chakraborti and Hardy (2015) into anti-LGB&T hate crime and reporting also found that many victims felt that hate crimes were something that they just put up with, while others felt that reporting it would be a waste of their time because nothing would be done about it. Some individuals also do not want to report an incident as it might "out" them.

[23] See for example, the 'I'm Not Laughing' campaign which aims to create awareness and build confidence to encourage everyone from Tameside to report hate incidents: http://www.tameside.gov.uk/imnotlaughing/campaign

In response to some of these issues, the **True Vision** website was set up to provide information on reporting of hate crime in England and Wales. It acts as a portal allowing victims and witnesses to report incidents by selecting their local police service's online reporting site.

1.4 Recording hate crime

Compounding the problem of under-reporting is the issue of under-recording of hate crimes. Recently published CSEW data showed that 48% of victims of hate crime had reported the incident to the police (Corcoran et al. 2015). With an estimated 222,000 hate crimes committed each year, this means that approximately 107,000 hate crimes are reported to the police (Corcoran et al. 2015). However, recent police statistics reported that only 52,528 hate crimes were recorded by police forces in England and Wales between 2014/15 (Corcoran et al. 2015). Taken together, these figures suggest that **less than 50%** of reported hate crimes are *recorded* as such.

There are a number of reasons why many reported hate crimes are not "flagged" as hate crime incidents:

A. **"Vulnerability" versus hostility:** In relation to disability hate crime a Criminal Justice Joint Inspectorate (CJJI) report published in 2013 found that there were "[e]rrors in the recording of data relating to disability hate crime" (CJJI 2013: 4). A key issue here is that many officers are unclear as to when a victim is targeted because of prejudice or hostility directed towards their disability or not (CJJI 2013). In particular, there remains confusion over when a perpetrator has demonstrated hate or hostility towards another person's presumed disability compared with when a victim is targeted solely because of their **"perceived vulnerability".** Even more perplexing for criminal justice practitioners is to identify cases where a perpetrator's perception of vulnerability is directly connected to his or her prejudice towards disabled people (Chakraborti and Garland 2012; Walters 2013).

B. **Fear of asking questions:** Another problem identified by a Criminal Justice Joint Inspectorate report on disability hate crime was that officers were sometimes "too sensitive about causing offence" to disabled people and, as a result, they were reluctant to ask victims if they were disabled (CJJI 2013: 15).

C. **"Low-level" and ongoing disputes:** Other problems that have been identified as affecting effective recording practices are that many hate crime incidents form part

of a **process of victimisation** (see Walters et al. 2016). Cases involving ongoing "low-level" incidents are often difficult to capture, resulting in many cases being re-routed through alternative measures such as those afforded through anti-social behaviour units, or housing associations where conflicts are classified as "domestic disputes". Many of these incidents are not captured by the police as hate incidents or as crimes at all (Walters 2014: Ch 4) (see further recommendations 3.1 below).

D. **Online hate incidents:** Finally, we note that the vast number of online hate incidents that occur each day means that recording accurate numbers is extremely difficult. There is currently no separate national system for reporting online hate incidents.[24] The international **Cyber Hate Working Group** has recently worked with a number of internet companies in order to produce a list of best practices on tackling cyberhate. It states that "[p]roviders should take reports about cyberhate seriously... offer user-friendly mechanisms and procedures for reporting hateful content… respond to user reports in a timely manner [and]… enforce whatever sanctions their terms of service contemplate in a consistent and fair manner."[25]

Recommendation: We recommend that a national **online hate crime hub** be created in order to improve official reporting and recording of online incidents committed in England and Wales. The hub should be used as a platform from which reported incidents can be reviewed by specialist officers who are trained to respond specifically to online hate crime offences (see further recommendations 3.1).

1.5 Third party reporting

A number of local authorities and third sector organisations have established third party reporting centres that offer victims an alternative 'safe' place to report incidents in order to solve some of the problems associated with under-reporting and under-recording.

It is likely that there are now hundreds of third party reporting centres across England and Wales. Chakraborti and Hardy (2015: 27) note that within Leicester and Leicestershire there are more than 75 third-party reporting centres alone. Other

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[24] NB: A new Online Hate Crime Hub is to be established by the MPS. It is unclear who will be able to report incidents to the hub, but as the new initiative is being set up by the MPS it is likely that only victims within London will be able to use this service. Home Office Police Innovation Fund – Online Hate Crime Hub: https://www.london.gov.uk/what-we-do/mayors-office-policing-and-crime-mopac/governance-and-decision-making/mopac-decisions-206

[25] http://www.adl.org/combating-hate/cyber-safety/best-practices/#.VwOyhS709dB

national organisations such as **Tell MAMA, the Community Security Trust** and **Stop Hate UK**[26] also provide reporting services, which may help to further improve the monitoring of hate crimes throughout the country.

However, recent research by Chakraborti and Hardy (2015) found that despite these numerous initiatives, very few people are actually aware that third party reporting agencies exist. Earlier research by Wong and Christmann (2008) also found that third party reporting centres in the north of England were rarely used and that awareness of them was either very low or non-existent. These authors have argued that we need to learn more about why some third party centres appear successful in terms of numbers of reported incidents while others are seemingly inoperative before further investment is made in centres.

Improving third party reporting: One of the problems faced by reporting agencies is that many community members are still unaware of what hate crime is, or when they should report it to the police (Chakraborti et al. 2014). Chakraborti and Hardy (2015) recommend that further work is needed to create better awareness of hate crime and how to report it. This should involve the use of "mainstream media and the minority press, developing poster campaigns in appropriate community venues and 'hubs', and utilising social networking sites such as Twitter and Facebook" (Chakraborti and Hardy 2015: 30). The Government's Action Plan has responded to these concerns, it states that:

> We will encourage third party reporting through targeted communications and advertising of True Vision… We will also offer advice to reporting centres and establish best practice standards… [and] we will work across government to identify other locations, both in the public sector and outside, where third party reporting could be made available. (Home Office 2016: paras, 85 & 86)

Importantly the Government must consult with targeted communities about where to locate third party reporting centres if they are to improve accessibility amongst targeted groups (Chakraborti and Hardy 2015). Wong and Christmann (2008) also argue that centres must become more integrated into the communities they are intended to serve if they are to achieve greater levels of success.

Online apps: There have been a number of recent moves to improve the reporting of hate crime both to the police and third party agencies via online/mobile phone *apps*. Despite these new innovations, no mention is made in the Government's Action Plan

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[26] Note, Stop Hate UK provide services for commissioned areas, currently covering locations in England only.

of the use of online apps as a means of improving hate crime reporting rates. The Government should examine further the use of such technology. For example, one new *app*, **"Self Evident"**, is being promoted by the charity Witness Confident and is provided by social enterprise Just Evidence. It allows victims and witnesses of hate crime to report their experiences using a mobile phone or tablet. An evaluation of the Self Evident *app* carried out by Witness Confident found that the vast majority of users had positive experiences with it, with 94% rating positively their ability to report a crime by smartphone and 96% rating positively their ability to send evidence via the *app* to the police (Witness Confident 2016: 7). Perhaps most importantly, the evaluation found that over one third of users stated that they would not have reported the crime without the *app* (Witness Confident 2016: 5).

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. Before we examine the interventions that can be used post-conviction, we explore a number of new interventions that are currently being used for some "low-level" hate incidents and criminal offences. Note also that some of these interventions are used in addition to other more formal justice processes.

2.1 Restorative practices

One of the most increasingly utilised interventions for "low-level" offences over the past 15-20 years are restorative justice (RJ) practices. RJ practices generally employ inclusive forms of dialogue between stakeholders of a crime in order to more fully comprehend its causes and consequences. Collectively, the victims, perpetrators and their supporters determine how each of the affected parties can resolve the problems the incident/s has caused. It is common for the perpetrator to repair the harms that have been caused via some form of material, financial or emotional reparation (such as apologies, returning of stolen goods, financial compensation, or community work) (Walters 2014).

Central to the restorative process is the development of empathic connections between the parties. **Empathy** is the process of understanding and appreciating other people's experiences and feelings, thus facilitating an understanding of the impact of certain

experiences on their lives (Batson et al. 1997). One factor that has been consistently shown to be associated with increased empathy is intergroup contact (Brown and Hewstone 2005). If members of different groups encounter each other under the right conditions – broadly, those which do not exacerbate existing negative or unequal intergroup relations – then increased empathy and trust and lessened anxiety are commonly observed.

There is a growing number of restorative practices being used within and outside the criminal justice system to address crime, including (amongst others): **victim-perpetrator mediation, family group conferencing, Neighbourhood Resolution Panels,** as well as a number of police-led restorative interventions, including **restorative disposals** and **community resolutions** (for details see CJJI 2012). Most recently, the Powers of Criminal Courts (Sentencing) Act 2000 was amended to allow for the deferment of sentence for restorative justice activities (sections 1 & 1ZA). The Code of Practice for Victims 2015 additionally states that victims are "entitled to receive information on Restorative Justice from the police or other organisation that delivers Restorative Justice services for victims in your area, including how you could take part" (Ministry of Justice 2015: 35). These new developments in criminal justice practice mean that RJ interventions are becoming increasingly common as both alternative justice mechanisms (especially in cases involving low-level offences) and as additional interventions used alongside conventional/court processes.

Despite the rapid growth of RJ throughout the justice system, its use for hate crime remains limited. This is due to a clear resistance amongst certain statutory agencies to its use for such offences. For example, there remains a CPS policy against the use of conditional cautions for hate crime.[27] The Government's Action Plan on tackling hate crime omits to even mention restorative justice, with dialogical justice interventions given no mention in either of the sections on "preventing hate crime", "responding to hate crime in our communities" or "improving support for victims of hate crime". Recently, doubts about its use for such offences were emphasised in the Justice Committee's report on Restorative Justice (House of Commons 2016a), the Committee noting that it had been brought to their attention that its use for hate crime was "doubtful" and potentially "controversial". However, a thorough search of all written and oral evidence to the Committee (published on the House of Commons website) found only two references to hate crime. The first reference was by a practitioner who provided an example of a very successful restorative intervention for a racially motivated incident, while the second reference provided by Cleveland Police and Crime

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[27] See CPS guidance "Cautions and Diversion" http://www.cps.gov.uk/legal/a_to_c/cautioning_and_diversion/. Certain conditions can be attached to caution which may include restorative/reparative measures.

Commissioner and Restorative Cleveland noted simply that they were looking into using RJ for hate crime. It is unclear why the Committee therefore states that doubts were brought to their attention when none of the published evidence bear this to be true.

The lack of support for using RJ for hate crime amongst some sectors of the justice system means that its use is far from prolific. There are, however, a small number of RJ programmes currently being used *specifically* for hate crime, such as: the Probation Board for Northern Ireland pilot project within the programme **"Accepting Differences",** which aims to prevent reoffending by challenging perpetrator attitudes and prejudices via restorative dialogue while also increasing safety in communities (PBNI 2015); and a newly launched pilot project in East Sussex via the Brighton and Hove Safe in the City Partnership which is making use of restorative justice and community resolutions for hate crime.

The limited use of RJ for hate crime has meant that there is a paucity of data on its effectiveness for hate crime (Walters and Hoyle 2012; Walters 2014). The largest empirical study to date was conducted by Walters (2014) who examined several RJ practices in London, Devon and Cornwall and Oxford. Below we summarise the main findings.

The Hate Crime Project, Southwark Mediation Centre, London.

The Hate Crime Project (HCP) is a project run at Southwark Mediation Centre (a third sector charity) that deals with cases involving both hate crimes and hate incidents. Cases are often referred to the Project by schools, housing associations, the police, anti-social behaviour units, as well as by self-referral. The main aims and objectives of HCP are: to use inclusive dialogue to explore the effect that inter-personal conflicts had on the lives of those directly and indirectly involved; to enquire into issues around prejudice which may be at the heart of the conflict; and to find a resolution that is acceptable to all or most. The mediation process typically ends with a written agreement outlining the undertakings that both parties had agreed to. These signed agreements often include promises to cease certain activities (including hate speech), commitments to avoid combative communication if similarly provoked in the future; and sometimes an apology.

Walters (2014: Ch 4) evaluated the HCP during 2008-2011 using 15 observations of both direct and indirect meetings and 23 interviews with complainant victims of hate crimes/incidents who had completed the mediation process. He found that, in the majority of cases researched (17/23), interviewees stated that the mediation process

had directly improved their emotional well-being. Most participants indicated that their levels of anger, anxiety and fear were reduced directly after taking part in community mediation. The four most common reasons for these improvements were: participants felt they could play an active part in their own conflict resolution; participants were able to explain to the perpetrator and others the harms they had experienced, while additionally talking about what it is like for them to be "different" in the community; participants felt supported by mediators who listened to their version of events; and finally, the perpetrator signed an agreement promising to desist from further hate incidents.

In terms of preventing reoffending, the study found that **11 out of 19 cases** of on-going hate crime incidents ceased directly after the mediation process had taken place. A further **six cases** stopped after the community mediator included other agencies within the mediation process, including schools, social services, community police officers and housing officers.[28]

Restorative Police Disposals, Devon and Cornwall

In 2008, Devon and Cornwall Police Service trained all of its officers to use a new restorative disposal for "low level" offences. The disposal should only be used where the victim agrees to take part in a street level restorative encounter, (direct or indirect) victim-perpetrator mediation or a restorative conference.

Fourteen victims of hate crime who had participated in a restorative disposal were interviewed (Walters 2014: Ch 5). Seven (half) stated that they were satisfied with the outcome of their case. Seven interviewees also felt that they were provided with an opportunity to explain how the incident affected them – a key aspect of restorative justice. However, just four out of the 14 participants stated that they felt the restorative disposal had helped to repair the harms caused by the hate crime. The reasons for these lower levels of harm reparation included that several participants felt pressured by the police to agree to the intervention. This had implications for the voluntariness of the process. While 11 out of 14 victims had received an apology from the perpetrator, most felt that the apology was disingenuous; several apologies had been written on a note pad without explanation as to why the crime had been committed. This left several victims feeling "let down" by the police. It should be noted that most perpetrators took part in a Level One restorative disposal (i.e., street level encounters used at the scene of the crime, see CJJI 2012). Only one victim was given an opportunity to talk directly with the perpetrator about the offence and how the perpetrator could repair the harms he had caused. These findings give rise to the question of whether the Devon and

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[28] A follow up period of between 6-18 months was used post mediation.

Cornwall police restorative disposals should be labelled as a "restorative" intervention, given that many of the disposals lacked key elements of restorative justice (Walters 2014: Ch 5).

Avoiding the risks of using Restorative Justice for hate crime

A number of potential risks must be carefully considered when using RJ for hate crime. The most significant concern is that restorative meetings might cause re-victimisation by bringing victims and perpetrators together via direct meetings. Qualitative research with victims and practitioners suggests that re-victimisation is very rare however (Walters 2014: Ch 4). Re-victimisation and power differentials are important considerations for practitioners facilitating restorative justice interventions. Walters' (2014) study found that in order to minimise power divisions and to reduce the risk of re-victimisation practitioners implemented the following processes:

- Thorough preparation of participants before any direct dialogue took place. This involved outlining the aims and objectives of RJ meetings, to prepare participants for difficult questions, and to ascertain whether perpetrators would re-vocalise their prejudices in direct meetings.
- Ground rules at the start of meetings outlining expected language and behaviour during meetings.
- Arranging for other participants to take part who supported the participant, but not the prejudice/s that were central to the case, including: school teachers, sports coaches, friends, and family members.
- Using indirect mediation meetings, allowing participants to talk and for an agreement to be reached between participants without them directly meeting.

Case Study 1: Antisemitic harassment – Exploring the harms of the Holocaust

A 17 year old Jewish male (K) was racially and religiously harassed by another 17 year old white British Male (Y) in Oxford. Y was later prosecuted and convicted of racially and religiously aggravated harassment under section 32 of the Crime and Disorder Act 1998. As a first time perpetrator, Y was sentenced to a Referral Order and later referred to Oxford Youth Offending Service where a restorative justice practitioner was assigned to his case.

The RJ practitioner met with K and his father who spoke at length about how the incident had affected them and how important their Jewish roots were. The facilitator asked K how the perpetrator might help to repair some of the harms he had caused. K suggested that the perpetrator learn about the impacts caused by antisemitism. This suggestion led to the perpetrator being asked to undertake a research project on the rise of the Nazi party and the devastating effects of antisemitism during WWII. The perpetrator manager, herself Jewish, supervised the project which was completed over a two-week period. The report was then presented back to the victim and his family by the RJ facilitator. At the end of the six page report, the perpetrator reflected:

> "I feel that I understand why incidents involving racial abuse against Jewish citizens and [other] races are taken so seriously. As I have been... reading about... the Holocaust... [and] I understand the hurt and pain the victim and his family must of felt when I said what I said to him as it was obviously a terrible time for there [sic] race... it is not just him that it relates to but a whole race of people and that's not what I intended to do. On reflection of my actions I now feel that I will be able to use language more appropriately towards over [sic] people and not to talk about peoples religions and believes [sic] in such a way... as it is unacceptable because of the pain it causes to the people it happens to."

When asked whether K believed the perpetrator now had a better understanding of his identity background, he replied:

> "Somewhat I think, well the fact that he had to do this [referring to the report] ... he's looked into some things that hatred can do... the bad times of the Holocaust..."

The victim went on to state that he had not experienced any further forms of harassment from Y.

Conclusion and recommendation: The government must take more seriously the use of RJ for hate crime, including planning for its implementation within the Hate Crime Action Plan. We recommend that where police services and other justice agencies undertake to use RJ interventions for hate crime, organisations must commit to the following:

- Practices must be facilitated by experienced and fully trained restorative practitioners who understand, not only the key values underpinning RJ, but also the sensitive dynamics of hate crime victimisation.
- Facilitators must provide adequate preparation of each participant.
- Facilitators must ensure that participation is voluntary and that stakeholders are not cajoled into participating.
- Level One "restorative encounters" should not be used for hate crime unless adequate preparation and voluntary participation can be guaranteed.
- Facilitators should undertake to work together with other agencies and organisations when organising restorative meetings (including schools, housing associations, neighbourhood policing teams, community safety units, anti-social behaviour units, and social services). This will ensure that a more holistic approach is taken to addressing the needs of both victims and perpetrators of hate crime.

2.2 Custodial and community (rehabilitation-based) interventions

In cases where a hate crime offender is convicted of a criminal offence he or she may be sentenced to a period of imprisonment or alternatively to a community-based order. During the offender's sentence, offender management agencies, including prison and probation services, may utilise rehabilitation programmes in order to help individuals better understand their prejudiced attitudes and beliefs, as well as how internalised problems can be externalised and projected onto those perceived to be a threat or the cause of an perpetrator's problems. The aim of rehabilitative interventions is to create a change in offenders that leads to desistance.

Whether hate crime offenders can be "rehabilitated" via criminal justice interventions remains to a great extent unanswered, especially given the complex structural and situational factors that give rise to such offending (see Walters et al. 2016). We outline below some of the rehabilitation-based interventions that are currently being used for hate crime offenders both within and outside custody. As we will see here again, the evidence-base for rehabilitation programmes remains scant.

Diversity Awareness and Prejudice Pack

The Diversity Awareness and Prejudice Pack (DAPP) is now a well-established London-based probation programme that is used specifically for hate crime perpetrators (Iganski and Smith 2011). The DAPP originally focused on racially motivated perpetrators, but has now been extended to other types of hate crime. The programme is used in three ways: as a form of assessment; to supplement other interventions; or as a stand-alone intervention (London Probation n.d.).

The DAPP is used for perpetrators on community and custodial sentences as well as for those on a post-custody condition and consists of 14 weekly two-hour sessions and is mainly delivered as a group work programme; however, it can also include one-to-one sessions for perpetrators where group work is impractical. The programme uses interactive exercises, visual aids, videos and homework tasks, all of which attempt to address the following: "socialisation process from childhood; personal identity, offending attitudes, beliefs and values; thinking skills to avoid offending; how prejudicial attitudes contribute toward offending; enhancing victim empathy; targeted violence; strategies to avoid relapse in offending and manage prejudices more constructively" (London Probation n.d.: 4).

Iganski and Smith (2011: 30) previously reported that the London Probation Trust evaluated the DAPP programme in 2005 (unpublished) by interviewing probation staff and juvenile detention centre staff. It was noted that staff emphasised the necessity for a one-to-one approach in order to minimise collusion between perpetrators. Many felt that group work lacked the flexibility necessary to focus on specific individual experiences and challenges (Iganski 2012). Perpetrators additionally stressed the importance of a one-to-one approach. The evaluation found that perpetrators generally felt that they were more aware of their attitudes and beliefs relating to racism and prejudice, as well as a greater sensitivity towards others (Iganski and Smith 2011: 30).

Priestley One-to-One Programme

The Priestley One to One Programme (Priestley OTO) is a cognitive and motivational programme that focuses on changing perpetrator behaviour (Ministry of Justice n.d.). The aim of Priestley OTO is to increase public protection; support perpetrators in accepting responsibility for their offence and to be aware of the consequences of their crime. The programme is only available as a community-based programme and has been accredited for use since 2001 (Ministry of Justice n.d.; Ministry of Justice 2012). Priestley OTO began as a 12-session manualised programme at the Somerset

Probation Service and was eventually extended through a pilot at Greater Manchester, Cumbria and elsewhere (Priestley 1993 cited in Hankinson and Priestley 2010).

The current OTO programme is used for medium to medium/high risk perpetrators. Each perpetrator undertakes a total of 21 one-to-one sessions (with 1-2 sessions per week), with each session lasting between 60-90 minutes (Hankinson and Priestley 2010; Ministry of Justice 2012). According to Hankinson and Priestley (2010), the Priestley OTO programme is one of the only individual-based accredited programmes to be run by probation and in prisons. As of 2008 this programme was being used in 19 out of 42 probation areas (NOMS 2008 cited in Hankinson and Priestley 2010). However, it was not until 2003-2004 that the OTO treatment became an accredited "programme of choice" for racially motivated perpetrators (RMOs) (Hankinson and Priestley 2010; see NOMS 2005).

An evaluation of the OTO programme by Hollin et al. (2004: iv) found that "controlling for salient population factors, there was a lower rate of reconviction in the completer group as compared to non-completers and comparison groups". However, this study did not examine hate crime perpetrators specifically and it is important to stress that the research design of the evaluation may not have been adequate (Hollin 2008). Since 2005, West Mercia Probation has referred all eligible and suitable "racially motivated" cases to OTO, with other types of hate crime now also being referred to the programme (Hankinson and Priestley 2010: 387). Hankinson and Priestley's (2010) evaluation of the OTO programme in West Mercia found: rates of completion for OTO programmes are higher compared with some group programmes; the majority of perpetrators indicated that the programme had helped solve their problems; and the majority of perpetrators felt that it had been helpful in reducing their offending behaviour. Staff also reported that they had generally benefited from training on OTO.

Using two case studies on racially motivated perpetrators, Hankinson and Priestley (2010) describe how the OTO programme can work to change perpetrators' attitudes and behaviours. At the end of one of the case studies they conclude that on completion of the OTO programme:

> R was able to acknowledge the impact of his offending on victims, a new insight for him, and the anti-social nature of 'casual' racist attitudes held by him and most of his peers. Doubt still existed, however, about his ability to maintain and use this learning in circumstances of perceived provocation and under the influence of alcohol. (Hankinson and Priestley 2010: 390)

This statement illustrates the potentially positive impacts of rehabilitation programmes on hate crime perpetrators. However, it also highlights that therapy-based interventions cannot be a panacea for hate crime offending. As the exploration of hate crime causation in our connecting EHRC report (Walters et al. 2016) shows, there are multiple social, cultural and context-driven dynamics that are intrinsic to the causation of hate crime; factors that may serve to undermine long-term perpetrator rehabilitation.

Promoting Human Dignity

The Merseyside "Promoting Human Dignity" (PHD) programme is another well-established programme for hate crime perpetrators that is now funded by the Merseyside Community Rehabilitation Company (CRC) (Iganski and Smith 2011). The PHD programme was adapted from an earlier programme called Against Human Dignity, established in 2000. The PHD programme utilises both one-to-one sessions and group work (Palmer and Smith 2010) and runs for 14 weekly two-and-a-half hour sessions (Iganski 2012). The programme includes homework, a final programme report for the relevant perpetrator manager and is underpinned by Rational-Emotive Behavioural Therapy (Iganski and Smith 2011). Note that ideologically committed perpetrators are unable to take part in the programme (Iganski and Smith 2011). According to Iganski and Smith (2011), between 2008 and 2009, around 200 perpetrators went through the PHD programme.

Palmer and Smith (2010) undertook an evaluation of the PHD programme, which included 18 observations (12 group and six one-to-one sessions), 30 perpetrator interviews (18 perpetrators, 12 of whom were interviewed twice), and four probation staff interviews. They found that the first attempt to implement the PHD group work was less successful as, out of 11 participants, only four attended the first session, gradually reducing to three participants and finally the group was left with only one participant (Palmer and Smith 2010). In the second attempt of the group work, seven participants attended the first and second sessions, with one member being excluded due to disruptive behaviour after the second session (Palmer and Smith 2010).

Most group work members described their group work experiences in a positive manner (Palmer and Smith 2010). Palmer and Smith (2010) note that one common concern of utilising group work was the possibility of fostering and intensifying racism through a group dynamic. However, the evaluation did not bear this out, with the authors attributing this finding to the exclusion of ideologically motivated perpetrators (this excluded only a small number of perpetrators from the PHD programme).

Overall, the evaluation suggested that perpetrators had positive experiences with both parts of the programme, that perpetrators found the facilitators helpful and accepting, that perpetrators seemed encouraged by the developing empathy part of the programme, and that perpetrators were able to see the relevance of the programme applied to real-world situations (Palmer and Smith 2010).

The Challenge to Change Programme

The Challenge to Change Programme (CTC) as part of the Challenge Hate Crime project was launched in 2010 in Northern Ireland. It provides support to hate crime offenders in custody and in the community in order to reduce hate-motivated reoffending (NIACRO n.d.). The programme was developed as a seven-stage intervention and combines group and individual work in prison and post-release support. Facilitators use both one-to-one and group work and utilise an "integrative approach" that blends a number of psychological approaches with emotional intelligence, which is intended to promote "self-confidence, enthusiasm, self-motivation, empathy, perseverance and self-awareness" (NIACRO n.d.). A key component of the programme is to explore sectarianism and prejudice as participants have experienced them.

The pilot model included an initial therapeutic assessment of participants to identify the most appropriate therapeutic approach and assess if the participant is suitable for group work, followed by a programme (path) assessment including identifying a post-release community context (Iganski 2012). Participants are able to access a range of formal psycho-therapeutic approaches focused on their individual needs (e.g., cognitive behaviour therapy) over three months for up to 12 sessions (Iganski 2012). Group work is also available for participants within the prison setting including relevant community groups or representatives (Iganski 2012). The CTC pilot also included support in the community context post-release, tailored towards participants' needs (Iganski 2012).

An internal evaluation was conducted using semi-structured interviews with 18 of the 22 participants in the pilot programme as well as documentary analysis of case files (Compass 2012). The authors concluded that the "multi-modal approach" of the programme is positive and the "mediative and therapeutic" approaches were valuable (Compass 2012). However, they also found that a major barrier to the CTC programme was that only a small number of interviewees accepted that prejudice was a factor in their "hate crime" offending, with only one out of the 22 interviewees accepting that he had acted out of prejudice (Compass 2012: 21-22). Instead, most participants blamed

misuse of drugs and alcohol for their conduct and that, had they been sober, they would not have acted as they had.

The fact that 21 of the 22 participants did not accept that they were motivated by prejudice or bias meant that an assessment of whether the CTC could change offenders' prejudiced attitudes and beliefs was not possible (Compass 2012).

Smile Hate Crime Awareness Programme

This programme was initiated by Lancashire Constabulary in 2007 and was run by Smile Mediation Ltd. The programme was used as an alternative to conventional punishments (fines, supervision, imprisonment) and aims to create greater awareness amongst hate crime perpetrators about the consequences of their conduct (Iganski. Ainsworth, Geraghty, Lagou and Patel 2015). Perpetrators are enrolled on the programme as part of a condition attached to a community order by the courts. The programme is delivered using two mediators in a two-hour session with perpetrators on an individual basis (though some sessions are held with groups of perpetrators) (Iganski et al. 2015: 236). The sessions focus on the harms caused by hate crime victimisation with mediators asking participants to think about the hurt caused and for perpetrators to then think about how they would feel had they been victimised in this way. Impacts on other communities are then explored. Iganski et al. (2015: 237) note that participants in the programme show increased levels of empathy based on scores generated from course evaluation forms.

An evaluation commissioned into reoffending rates for those who had completed the programme found that 45% of perpetrators who had attended the programme reoffended after completion of the programme, compared with 75% of a control group who had been dealt with by the court for racially aggravated offences. Iganski et al. (2015: 237) note significantly that no-one in the Smile programme group was charged with a racially aggravated offence following the programme; by contrast, four of the 42 matched perpetrators in the control group were charged with such an offence.

2.3 Other programmes being used for hate crime

Through our roundtable discussions, literature searches and web searches we were able to identify a number of other programmes[29] that have recently or are currently being used specifically for hate crime perpetrators across England and Wales (and

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[29] We were unable to locate empirical evidence for these and therefore do not examine them in more detail here.

Scotland).[30] As these programmes have not been subject to any independent evaluation we provide only basic details of each programme.[31]

Think Again (West Yorkshire)	This programme was established by the West Yorkshire Probation Trust in 2010 and is specifically available to the West Yorkshire courts as part of a community order. The programme is delivered by probation officers and targets offenders who have been convicted of a hate crime. The programme aims to empower participants in the development of their own sense of place, purpose and potential, as well as empowering participants to positively place themselves within society.
Race Equality in our Communities (NOMS[32])	This programme was funded by the NOMS' prison service and the Race & Equality Action Group and established in 2010. It is a voluntary programme for offenders in prison.
Can you Hear the Bigots Sing (Scotland)	This programme was devised and delivered by the Iona Community, a Christian organisation. The aims of this anti-sectarianism course are learning and changing attitudes, tolerating diversity and promoting citizenship.
Turning the Spotlight on Hate Crime Programme (AWAZ Cumbria).	This holistic programme is an initiative by the Cumbria Office of the Police and Crime Commissioner and encourages hate crime perpetrators or individuals at risk of offending to desist from prejudice-motivated offending. Programme outcomes are aimed at providing perpetrators with awareness and diversity training, developing empathy for victims, witnesses and families, as well as increasing perpetrator knowledge on possible consequences of hate crime convictions. (http://equalitycumbria.org/TSP)

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[30] See also Iganski and Smith (2011) and Wilcox et al. (2010).
[31] Our searches also uncovered a number of other international programmes. These included: EXIT (Germany), a programme that counteracts right-wing extremism and hate crime by assisting members to leave hate groups (EXIT Deutschland 2014); Taking Responsibility – Breaking away from Hate and Violence (Germany), a programme that utilises a non-confrontational approach to tackling de-radicalisation of young people in prison and is entirely voluntary (Violence Prevention Network 2015) and EXIT Fryshuset (Sweden) which offers support to individuals in white supremacy groups who wish to leave (Koehler 2015).
[32] National Offender Management Service.

Sacro's Anti-Sectarianism	This service was funded by the Scottish Government (until 31st March 2016) to tackle Intra-Christian Sectarianism and works with offenders (12 years and above) who reside in Glasgow, Lanarkshire, Falkirk or Stirling and have been charged with an Intra-Christian sectarian offence. This programme is administered in a group or one-to-one setting. (http://www.sacro.org.uk/services/criminal-justice/anti-sectarian-services)
From Murmur to Murder	This resource pack published by the West Midlands Training Consortium in collaboration with Midlands Region Association of Chief Officers of Probation in 1999 includes a programme aimed at tackling racially motivated offending and challenging prejudices using third-person scenarios.

2.4 How widespread are interventions for hate crime across England and Wales?

Web searches were carried out on the National Probation Service (England and Wales) and 21 Community Rehabilitation Companies (England and Wales). In addition, each organisation was contacted via email and telephone.

All CRCs stated that they ran perpetrator interventions on their websites. Ten CRCs did not respond to our emails and/or were unable to provide us with the relevant information over the telephone.[33] Nine CRCs told us that they did not run any specific interventions for hate crime offenders at this point in time. Of the remaining 12 CRCs, we recorded six CRCs as implementing interventions that dealt *specifically* with hate crime perpetrators. Both Essex and Hampshire CRCs had purchased DAPP from London CRC. Greater Manchester CRC had previously purchased DAPP but the license period had since expired. Both Cheshire and Merseyside CRC stated that they use the Promoting Human Dignity programme, while Dorset, Devon and Cornwall were unable to provide specific details of the measures used for hate crime perpetrators. However, their website states that a "wide range of interventions [are used] specifically targeted towards changing thinking and behaviours [including] racially motivated offending".

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[33] Attempts to contact each organisation were made on at least three separate occasions.

Due to the fact that not all organisations responded to our requests for information, we cannot be sure that other CRCs and probations services did not have tailored programmes for hate crime perpetrators. However, our searches indicated that hate crime was not a priority for offender management agencies in many parts of England and Wales, with those areas where programmes did exist being limited to locations where hate crime was perceived to be a particular "problem". This concurred with previous research by the Youth Justice Board that found that only one half of Youth Offending Teams and one-third of secure establishments for young perpetrators had specific provisions for racially motivated perpetrators (Wilcox et al. 2010: 8). Several of the perpetrator services that we spoke to additionally stated that the hate element of an offence could be dealt with in existing generalist programmes, while one contact noted that her organisation preferred to create tailored one-to-one interventions based on each individual, rather than using "specialised" programmes.
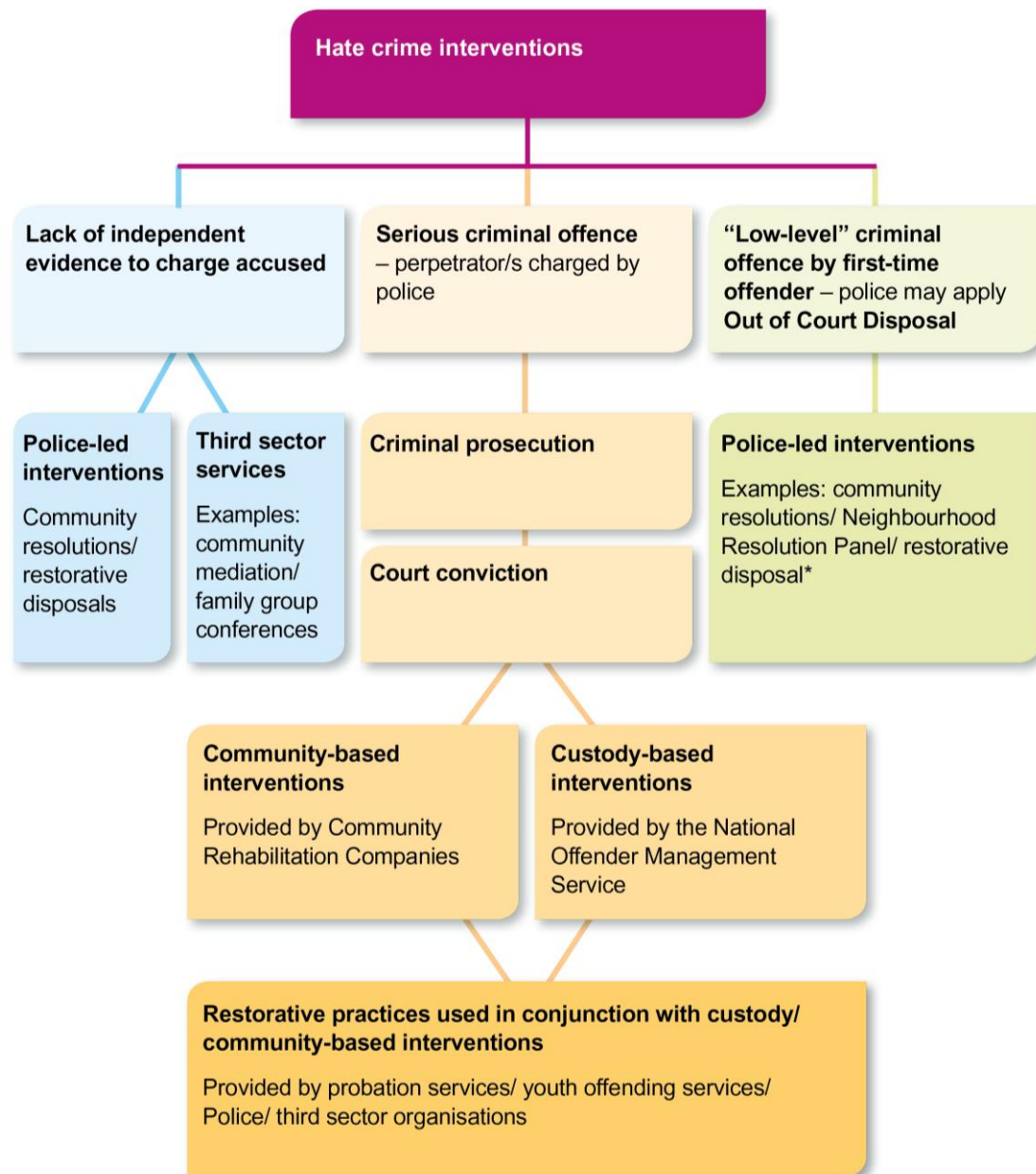
2.5 Conclusions and recommendations

A. A common theme across rehabilitation programmes for hate crime was that sessions included work on raising cultural and diversity awareness, reflecting on attitudes and beliefs, and that consideration was given to the impacts that hate crime can have on victims and communities. However, the lack of robust long-term studies examining the effectiveness of rehabilitation programmes to prevent re-offending means that it is difficult to recommend one programme over another. Those evaluations that do exist suggest, generally, that one-to-one work is necessary for the successful implementation of programmes due to the fact that each hate crime offender will be different – though the flexibility of offering group-based sessions should be maintained in order to cater for the needs of some perpetrators.

B. What is clear from the literature is that cognitive-based therapies, involving either one-to-one or group based work, can only provide one small part of a very complex strategy for preventing hate crime. As our previous review of the research on perpetrator motivation suggests (Walters et al. 2016), hate crime is a complex phenomenon that is linked to structural, socio-economic, situational and social psychological factors. Thus, if rehabilitation programmes are to be effective in the long-term, criminal justice agencies should develop multi-agency partnerships in order to develop a holistic strategy to preventing hate crime. For example, rehabilitation interventions could work within a framework that also employs restorative justice meetings during the empathy stage of a rehabilitation-based

intervention. In addition, offenders interested in football (for example) could be asked to take part in initiatives and workshops run by organisations such as Kick it Out or the Care Partnership (see 2.7 below). Finally, CRCs and other agencies should work to integrate offenders back into communities with the educational and practical skills needed to gain employment. This more holistic approach to combating hate crime would enable the criminal justice agencies to address hate crime in a way that targets both the offender's individual problems, engages with the communities and peers that the perpetrator must return to, and addresses *some* of the socio-economic factors that give rise to offending behaviour.

C. Our online searches and direct communications with justice agencies across England and Wales showed that interventions for hate crime were used only in a small number of locations where hate crime was perceived to be a particular "problem". Interventions that do exist appear to focus, in the main, on racially motivated offending. Further collaborative efforts between agencies are required to ensure that emerging best practices for hate crime are used more widely for all types of hate-motivation (see further recommendations, section 3.1).

D. Although it has been outside the scope of this report to review interventions operating across Europe, several programmes were identified as being used specifically for hate crime offenders (see footnote 31). Many of these interventions are focused on extremist hate crime offenders (known also as mission offenders, see Walters et al. 2016: 36). Collaborative explorations of best practices with other EU Members States may help with future development of programmes to prevent hate crime. We recommend that criminal justice agencies seek to engage with EU funding streams (such as Horizon 2020) in order to examine more fully those interventions that are used across Europe in order to assess whether international best practices can be applied in the British context.

Figure 2: Hate crime interventions

Hate crime interventions

Lack of independent evidence to charge accused

Serious criminal offence – perpetrator/s charged by police

"Low-level" criminal offence by first-time offender – police may apply **Out of Court Disposal**

Police-led interventions

Community resolutions/ restorative disposals

Third sector services

Examples: community mediation/ family group conferences

Criminal prosecution

Court conviction

Police-led interventions

Examples: community resolutions/ Neighbourhood Resolution Panel/ restorative disposal*

Community-based interventions

Provided by Community Rehabilitation Companies

Custody-based interventions

Provided by the National Offender Management Service

Restorative practices used in conjunction with custody/ community-based interventions

Provided by probation services/ youth offending services/ Police/ third sector organisations

* Note that Conditional Cautions are currently not available for hate crime offences

2.6 Gaps in knowledge (interventions)

1. There are a number of justice interventions being utilised across England and Wales to prevent hate-motivated crime. Yet very few of these have been evaluated by external researchers (with most evaluations being internal and not published) (NOMS 2016: 10).

- **Recommendations/response:** The Government should commit to funding the formal evaluation and assessment of interventions in its Action Plan. Service providers (e.g., offender management services/CRCs/NOMS/Scottish Prison Service) should work with researchers to undertake robust and, where possible, long-term evaluations of interventions with follow-up periods to assess recidivism. Research methods may include: quantitative surveys of users (preferably with before-after designs, ideally also involving a no-treatment control group); qualitative interviews with service users; and observations of programme sessions.

2. More reflexive research is required on *how* the success (or otherwise) of interventions can (or should) be measured empirically.

- **Recommendation/response:** Researchers should discuss with service providers the aims and objectives of specific programmes. Measurement by recidivism rates is one way of examining the success of a measure. However, this is not always possible and does not provide the full picture of how an intervention has affected an individual's attitudes, beliefs and behaviours.

3. In our connecting EHRC report (Walters et al. 2016) we identified a number of different types of hate crime incidents (e.g., one-off hate attacks, repeat offenders and on-going interpersonal conflicts that escalate into hate abuse etc.) and different types of hate offenders (e.g., thrill seekers, retaliators etc.). We also saw how diverging social and situational factors are associated with different types of offences. Understanding the differences between types of hate crime incidents will be crucial to addressing the causes and consequences of the offence. Moreover, offenders with different levels of prejudice and multiple motivations may require distinct approaches to addressing their underlying offending behaviour.

- **Recommendation/response:** Further research is required, exploring 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.

2.7 Education programmes

The limited evidence on both restorative (empathy-based) interventions and rehabilitation-based programmes suggests that these interventions may *help* to reduce re-offending rates amongst hate crime perpetrators. However, it is unlikely that these programmes alone can drastically reduce the number of hate crimes that are committed each year. As such we must look beyond interventions that are used to respond to reported incidents to those that may help to prevent prejudice-motivated conduct from occurring in the first place.

The Coalition Government's Hate Crime Action Plan (Home Office 2012) originally set out a number of action points under the heading of "preventing hate crime". Among these was the need to support educational initiatives aimed at tackling prejudice and bullying. Since then, a number of new educational programmes aimed at preventing hate crime have been developed in an attempt to reduce prejudice and prevent hate crimes. Many of these programmes are being implemented in schools and colleges across the country, while some initiatives have also been used in sporting contexts.

A systematic review of school anti-bullying programmes conducted by Farrington and Ttofi (2009) found that, overall, programmes tend to reduce the level of bullying in schools. There were a number of important programme elements that are significantly associated with decreasing victimisation. These included "parent training/meetings, disciplinary methods, the duration of the program for children and teachers and the intensity of the program for children and teachers" (Farrington and Ttofi 2009: 69). However, the authors also found that "work with peers" (e.g., peer mentoring, peer group pressure as bystanders) was significantly associated with increasing victimisation. These findings highlight the importance of ensuring that there is sufficient evidence that anti-hate education programmes work to decrease and do not increase victimisation before "rolling-out" initiatives nationally (see also Abrams, Swift and Mahmood 2016).

There is currently a lack of evidence on the effectiveness of education programmes aimed specifically at reducing prejudiced attitudes (see Abrams et al. 2016), while even less is known about whether they have any positive impacts on offending behaviour (see Hall 2013: 154-163). One recent evaluation of programmes aimed at preventing homophobic, biphobic and transphobic (HBT) bullying in schools in England involved 20 interviews with teachers (Mitchell, Gray and Beninger 2014). The evaluation suggests that programmes are more successful when "teaching about LGB and T people was incorporated into teaching throughout the curriculum in age – appropriate ways from an early age" and where a "'whole school' approach to HBT [was

implemented] that addresses prejudice against LGB and T people from an early age in age-appropriate ways rather than stand-alone teaching on HBT bullying only" (Mitchell et al. 2014). However, the evaluation did not provide a systematic assessment of whether programmes reduced levels of anti-LGBT bullying. The Government Equalities Office has commissioned NatCen to carry out a further national programme evaluation of eight anti-homophobic, biphobic and transphobic bullying initiatives for school-aged children and young people.

Another emerging practice that has attracted further funding from the Government is the **Anne Frank Schools Programme**. Points are taken from Anne Frank's life and diary in order to help students understand the damage caused by prejudice and hatred. Each year the Anne Frank Trust reaches almost 40,000 young people through its educational programme. The Anne Frank Trust evaluates its own programme by surveying peer guides[34] and teachers on the impact that the programme had on students. In their most recent report they found that most peer guides had much greater understandings of prejudice and the harms it causes, while the vast majority of teachers strongly agreed that students were more respectful to different groups after the programme (Anne Frank Trust 2016).[35]

Below, we provide a short overview of some of the other educational initiatives currently being offered that aim specifically to prevent hate-motivated incidents.

Schools and young people	
The Hate Crime Schools Project	This is an initiative run by the CPS. They provide resources including powerpoint slides and short videos to be used by schools in England and Wales to explore different types of hate crime (including disablist, racist and religious and anti-LGBT hate crime). The resources include scenarios based on the life experiences of hate crimes. (http://www.cps.gov.uk/northwest/working_with_you/hate_crime_schools_project/) (see further case study in Home Office 2014: 13).
Schools OUT	This is a membership based organisation that aims to increase the acceptance and safety of LGBT people in

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[34] Students trained to guide their peers through the story of Anne Frank.
[35] Note also that Abrams, Swift and Mahmood (2016) have evaluated the quality and comprehensiveness of the assessment provided by the Anne Frank Trust, providing the programme with a comparatively positive rating of 67/100.

	education. The organisation provides educational resources and training materials for schools. (http://www.schools-out.org.uk/)
The Stonewall at School Project	This is a campaign against homophobic bullying in secondary schools, primary schools, colleges and universities. Stonewall has distributed their "Different Families" resources to 25,000 primary schools in Britain. Stonewall has also developed a training programme for teachers aimed at helping them to create a more inclusive and accepting teaching environment. (http://www.stonewall.org.uk/get-involved/education/secondary-schools)
Stop Hate UK	This organisation offers schools a 1.5 hour staff training session that considers equality and diversity issues in conjunction with hate incidents and strategies that schools may consider to support pupils, staff and the wider community. They also deliver training in hate crime awareness and related subjects to anybody interested in learning more about hate crime, its impact and accessing or delivering support. (http://www.stophateuk.org/training/)
The Sophie Lancaster Foundation	The Foundation provides educational group-work that will challenge the prejudice and intolerance towards people from alternative subcultures. (http://www.sophielancasterfoundation.com/index.php?option=com_content&view=article&id=73&Itemid=16)
Streetwise	This organisation works with schools to challenge so-called 'casual' anti-Muslim hatred and antisemitism on our school playgrounds. (http://www.streetwisegb.org/)
West of Scotland Regional Equality Council (WSREC) – Challenging Sectarianism Across Generations	This project aims to challenge intra-Christian sectarian attitudes and behaviours which arise in the West of Scotland through workshops with schools and youth groups. It is also conducting a social research project report as well as running a community theatre production. The project will deliver a year-long

	programme of activities in 2016 including: workshops challenging sectarianism and wider hate crime, delivering a community garden project and commissioning a youth media and journalism initiative. (http://wsrec.co.uk/projects/csag/)
West of Scotland Regional Equality Council (WSREC) – Good Community Relations Project (Young People Challenging Hate Crime)	This is a project funded by the Scottish Government Equality Unit, targeting young people and youth practitioners across the West of Scotland. It aims to challenge and prevent hate crime through workshops, integration activities and training. Together with the Stepping into Diversity Project, the Good Community Relations Project has produced a book, short film and exhibition exploring and celebrating migration to Glasgow. (http://wsrec.co.uk/projects/gcrp-hatecrime/)
Three Faiths Forum	This is an NGO that runs educational workshops in secondary schools and facilitates linking schools with different denominational compositions. It aims to promote religious tolerance and greater understanding and acceptance of diversity. (http://www.3ff.org.uk/)

Sport	
Kick It Out Kick	This is an organisation that aims to tackle all forms of discrimination in football. As part of its campaign to eradicate prejudice, it runs an education programme providing resources and workshops that are delivered to: schools; colleges and universities; community groups; grassroots Teams; and other organisations. (http://www.kickitout.org/?gclid=COujyYDZ_soCFQLkwgodiLcP5Q).
Show Racism the Red Card	This is an anti-racism charity that aims to change perceptions of ethnic identity using educational resources, workshops and events. Their work is primarily based in schools.

	(http://www.srtrc.org/about/about-show-racism-the-red-card) (see case study in Home Office 2014: 15).
Rainbow Laces	This is a campaign launched by Stonewall. The aim of the campaign is for football players to wear rainbow coloured laces to show support for LGBT equality. (https://www.stonewall.org.uk/our-work/campaigns/rainbowlaces).

As with school-based education programmes, sporting initiatives attempt to challenge individual, institutional and wider cultural racism through innovative learning tools. Research on the impacts of anti-prejudice initiatives in sports has focused mostly on people's perceptions about the effectiveness of initiatives. The results have been mixed, with Dixon, Lowes and Gibbons (2016) noting that campaigns, such as the Kick It Out campaign, can be criticised for overstating their success rhetorically rather than bringing about any systemic changes to British football (Dixon et al. 2016: 141). Research by Cleland and Cashmore (2013) also found that 79% of respondents to a survey of 1000 fans believed that Kick it Out had only partly been effective at tackling racial inequality in football (cited by Dixon et al. 2016: 142).

The next case study highlights a particularly impactful initiative that has been evaluated by researchers and which serves as an example of emerging best practice.

Case Study 2: The CARE Partnership

A number of violent racist incidents occurred during the season 2000/01 in English football grounds (Garland and Chakraborti 2003). In response to this, CARE Partnership, an initiative established by Charlton Athletic Football Club and Greenwich Council (now run by Charlton Athletic Community Trust), was set up with the aim to:

1. Directly oppose racism in whatever its manifestation – using strong anti-racist messages and sanctions;
2. Instigate preventative arts and sports initiatives with young people to counteract racist peer pressure etc.;
3. Encourage wide participation of black and minority ethnic communities, both in playing and as spectators.

CARE's "flagship" event is the annual "Red, White and Black Day" which has the purpose of communicating a message of anti-racism to all football supporters. There are a range of themes relating to diversity and equality that are featured during the event, including "steel bands, banner parades, free literature and stickers, radio announcements, guest appearances, match programme notes and goody bags for children" (Garland and Chakraborti 2003: 13). As part of the wider work in the community, CARE uses PATH trainers to run workshops in primary schools within Greenwich. The workshops explore issues such as racism, prejudice, bullying, equality and rights. Trainers use a range of methods to communicate their message, including freeze frames, leader-in-role, improvisation, and games.

Garland and Chakraborti's (2003) evaluation of the CARE initiative (based on 901 completed postal surveys of fans) found that 90% of respondents felt that racism had either disappeared or decreased over the previous five years. Of these 90% of respondents, "77% felt that anti-racist initiatives run by Charlton Athletic had been a factor in this decrease. The Let's Kick Racism Out of Football campaign and the success of black players were also commonly cited (70% and 69% respectively)" (Garland and Chakraborti 2003: 6). Moreover, 87% of respondents felt that CARE had been very or fairly successful at promoting anti-racism in the wider community. Despite this, 66% of respondents stated that they had still witnessed racist abuse and incidents at home games. It should also be noted that only 24 respondents identified as being from a minority ethnic background. Of these, 22 stated that they felt that CARE had reduced racism at the Charlton Football Club.[36]

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[36] CARE now has an even wider remit implementing the following initiatives: Community based multi-sports programmes; Inter-active arts and drama courses; Multi-media and digital technology courses;

2.8 Conclusion and recommendation

School education programmes: The Government recently announced £1.3 million of funding to help schools tackle bullying (including prejudice-based bullying). The Government's Hate Crime Action Plan also commits support for further roll-out of the Anne Frank Schools Programme as well as support for other projects and programmes to reduce levels of bullying. However, while there is some research to support the effectiveness of programmes such as that provided by the Anne Frank Trust, there remains a lack of empirical evidence examining directly whether programmes have positive attitudinal and behavioural impacts on the students who participate in such programmes. We recommend that the Government commits part of its funding to researchers and programme providers to act quickly to conduct **comprehensive evaluations** of initiatives to ascertain which programmes (and which elements of programmes) can help to reduce all forms of prejudice. Assessment of longer-term impacts on prejudice-motivated conduct will require medium-long term evaluations using quantitative evaluations employing longitudinal surveys.

Taken at face value, the proliferation of education programmes to challenge prejudices appears to be a positive step forward in preventing hate crime. However, we must remain careful not to invest finite resources rolling out initiatives across the country without at least some evidence that they work. Once a sufficient evidence base is developed, investment should be made in programmes that have high quality evaluations. The government should then establish a **system to accredit** effective anti-hate crime programmes in schools.

Sports educational initiatives: There is some limited evidence to suggest that some of the sports-based educational initiatives are working to reduce prejudice-motivated conduct (including hate crime). Anti-prejudice initiatives incorporated into sports activities are aided by the fact that both young people and adults are captive audiences already engaged in a chosen activity. Initiatives such as CARE in Greenwich should be encouraged across all football clubs and in other popular sports throughout Britain.

While education programmes may *help* to challenge prejudice-motivated conduct, we emphasise here that hate crime cannot be challenged solely within the school classroom or the sports field, if and where young people return afterwards to local environments that support learnt prejudices. We therefore recommend that education initiatives should engage (where possible) young people along with their parents and

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Drama and theatre productions; Conferences, Seminars and Workshops; Employment and skills programmes; Accredited sports coaching qualifications; Equality and diversity training; Education programmes; and Inter faith activities.

closest friends. Initiatives should also be implemented as part of a multi-agency partnership that connects education programmes with other interventions that aim to prevent hate crime (see also recommendation 2.5 above).

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

3.1. Identifying hate crimes

Research explored above showed that 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 (Chakraborti and Hardy 2015; Corcoran et al. 2015: 21). Research also shows that victims often feel that officers will not believe them or that they will not be treated respectfully (BDA & Scottish Government Equality Unit 2016: 15; Home Office, Office for National Statistics and Ministry of Justice 2013a). Victims who have prior negative encounters with the police become far less likely to report any following incidents (Wong and Christmann 2008). In relation to disabled people, there are other issues around a lack of disability awareness (CJJI 2013) and restrictions to communication (BDA & Scottish Government Equality Unit 2016). Collectively, these studies suggest that there is still a substantial degree of distrust between some minority groups and the police which is inhibiting the effective policing of hate crime.

Recommendations:

A. On-going police training on identifying hate crimes and dealing with the needs of victims is required. A number of organisations provide tailored training in this regard, including (amongst others) the Leicester Hate Studies Centre (http://www2.le.ac.uk/departments/criminology/hate/professional) and Stop Hate UK (http://www.stophateuk.org/training/) who provide broad hate crime training, and many local, regional and national organisations that provide strand specific hate crime training, such as the EHRC partnered LGBT consortium hate crime training package.[37]

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[37] Note that a number of recommendations are listed in a previous report on anti-LGB&T hate crime for the EHRC (which we concur with) and will not be repeated here (see Chakraborti and Hardy 2015).

B. Further investment should be considered in accessible and user-friendly online technology, including reporting *apps*, which may help to increase reporting levels among victims of hate crime. Enhancing accessibility should help to increase the likelihood of reporting among those who do not wish to deal with the police directly, those who think that making a formal report to the police is a waste of time and those who feel that it is not serious enough to take up police time. Importantly, online *apps* must be easily searchable via online search engines and *app* stores and promoted within targeted communities.

C. Multi-agency partnerships should be developed where they do not currently exist, and maintained where they do, in order to provide a more holistic approach to identifying hate crimes (see example above of HCP, Southwark). One method is for areas to use a "One Question Solution" approach to identifying hate crime victimisation. An example of this approach is found in Merseyside where the Fire Brigade has initiated a new approach to gathering information about the needs of local residents that extends beyond fire security. Officers ask individuals how they are and any information (such as people experiencing hate crime) can be shared (with the permission of the individual) with other local agencies.

3.2. Flagging "hate crime" incidents throughout the justice system

Police recording practices: Most police services use a computer-based crime reporting system. These systems allow for officers to tick a box thereby identifying an offence as a "hate crime". However, CSEW data noted above suggests that less than 50% of reported hate crimes are being recorded on these databases as such (Corcoran et al. 2015; see further discussion above under "Reporting and recording hate crime"). Police officers in England and Wales should also record "hate incidents". However, these will not be recorded on crime reporting systems where they do not amount to specific offences. Instead some services use separate databases to log anti-social behaviour (ASB) incidents (logs should also contain the details of previous incidents). Where a hate incident *also* amounts to hate crime a separate report should be recorded using the crime reporting system. This means that it will not always be clear to an officer responding to a "hate crime" whether previous ASB involving "hate incidents" have been recorded – unless the responding officer checks both systems.

Recorded prosecutions and convictions: Hate crimes prosecuted in court are only recorded on the court databases as aggravated offences where the offence relates to a racially or religiously aggravated crime. Data on crimes aggravated by sexual orientation, disability or transgender hostility are not consistently collected. 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).

The problem of flagging during both the police and court stages of the criminal process is most starkly illustrated in cases involving disability hate crime. The CSEW estimates that there are 70,000 disability hate crimes each year, yet only 2,508 are recorded by the police (Corcoran et al. 2015). The most recent court statistics showed that between 2015/16 the CPS completed 941 prosecutions, with 770 cases resulting in a conviction (CPS 2016).

Recommendations:

A. Further training should be given to police officers and other criminal justice agencies on correctly flagging hate crimes on crime reporting systems.[38] This is especially the case for disability hate crime where recorded levels are still disproportionately lower than their estimated numbers.

A recent example of training to improve hate crime recording is that of Lancashire police where the Disability Hate Crime Network recently trained all 3,000 police officers in Lancashire on disability awareness. Official statistics presented to the authors of this report showed that recorded disability hate crimes almost doubled in the 12 month period after the training was completed.

B. 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. This will ensure that more hate crimes are accurately flagged at the investigation stage. Such an approach may be particularly useful for certain strands of hate crimes (e.g., disability based) where officers remain unsure about what evidence is required for an offence to be flagged as a hate crime.

C. Police services should investigate the possibility of linking online crime recording databases with those used for ASB in order to ensure that the "process" of hate

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[38] It should be acknowledged, however, that the police have made vast improvements in recording practices for hate crimes more generally, with recorded levels increasing by 18% (2013-15) – note that estimated numbers of actual hate crime incidents have decreased by 28% (2012-15) (Corcoran et al. 2015).

crime victimisation is more comprehensively recorded. This will in turn allow officers, neighbourhood policing teams, and other linked agencies to identify and address repeated hate incidents which frequently escalate into more serious forms of hate violence.

D. The Law Commission for England and Wales (Law Commission 2014) and the Women and Equalities Committee on transgender equality (House of Commons 2016b) have both recommended that identity-based hostilities identified at sentencing be recorded on the Police National Database. Where perpetrators are sentenced to a term of imprisonment we recommend further that offences should be flagged as hate crimes on the Prison National Offender Management Information System (NOMS 2016). We reiterate the importance of these measures as being pivotal to establishing an accurate account of the numbers of convicted hate crimes, while also enabling post-sentence agencies to identify and address all types of hate-motivated crimes.

3.3 Risk assessments

Risk assessments are carried out by most justice agencies when dealing with criminal offending. Previous research has suggested that a focus on risk management within secure estates can sometimes come at the expense of focusing on addressing perpetrator behaviour (Wilcox et al. 2010: 75-76). In relation to the police, risk assessments are carried out before and after an investigation has been completed. Where, for example, a victim is deemed to be vulnerable and/or there is a risk the offence will have a high community impact, offences are categorised as "high risk". Such a categorisation will usually result in the parties (i.e., victims and perpetrators) being separated from each other during any formal criminal process in order to protect the victim.

Recommendation:

A. While risk assessments must be maintained in order to protect the most endangered of victims and to determine risk levels for reoffending, we recommend that assessments for hate crime should not *automatically* mean that perpetrators be isolated and/or completely segregated from victims. In particular, the failure to bring perpetrators and victims together where possible will inhibit the workability of empathy-based and restorative justice practices that rely on voluntary and inclusive participation of all parties to a crime/incident. The decision to meet directly must be made by the victim and the perpetrator (without undue pressure), both of

whom must decide whether to participate based on information provided by a facilitator about what the restorative process entails. Further risk assessments can be made by justice practitioners during the preparation stage of restorative processes where it may be determined that a face-to-face meeting will not be practical or where a genuine risk of re-victimisation is identified (see further recommendation above on RJ for hate crime, section 2.1).

3.4 Knowledge transfer and information sharing

Our discussions with experts at the two roundtables highlighted that there was extensive knowledge of, expertise and experience in tackling hate crime across Britain. We hope that this report will help to bring together much of this good practice. However, pockets of knowledge and good practice often exist in silos, with organisations across England and Wales developing their own practices in isolation from one another. The disparity of practices that exists is compounded further by the fact that the probation services in England and Wales are now outsourced to dozens of companies that are running their own commercially contracted interventions. Information about best practices is therefore not readily available between CRCs or across other justice agencies in England and Wales.

Recommendation:

A. A "Know-How" online database should be created and 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. These materials can be uploaded and filed under a taxonomy allowing future users to browse materials. Such a scheme would enable agencies to share knowledge, best practices, and evaluations of programmes in order to support more effective management of hate crime across England and Wales.

Consideration should be given to the development of a "research quality instrument" for deposited items. This would have the advantage of further organising the materials and signposting between programmes/interventions that have evaluation evidence.

We foresee that some CRCs could be disincentivised from sharing information and knowledge that they may wish to sell to other CRCs. However, the National Offender Management Service states that "National Probation Service… CRCs,

prisons, police and other criminal justice agencies have a duty to share information…" (NOMS 2016: 8). Companies must therefore be strongly encouraged to share all materials that they deem non-profitable. There will also be a significant amount of information held by the National Probation Service, local authorities and other justice agencies that will support the usability of a know-how database.

3.5 A shared language

Our discussions with experts revealed that many practitioners remain nervous about talking about hate crime and issues regarding identity with perpetrators and therefore many tended to avoid dealing with the hate-element of the offence or any issues relating to "difference" all together. Three interlinking themes emerged about the problem of language in relation to hate crime.

i.   Many practitioners remain fearful that they will use incorrect or inappropriate language and that this will result in them being accused of racism/homophobia/ disablism etc.
ii.   The fact that there is a vast spectrum of hate crime incidents (from verbal abuse to murder) and the fact that there are five different strands of hate-motivation has inhibited the formation of a common language for practitioners to use when working directly with perpetrators flagged as "hate crime offenders".
iii. Hate crimes give rise to varied impacts, situational factors, and intentions/motives and involve diverse relationships. These multifarious factors have meant that practitioners lack confidence in locating a terminology that can be applied across hate crime strands.

Recommendations:

A.   In order to improve practitioner confidence around hate crime we recommend that the National Probation Service and CRCs 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.

B.   Longer term, if a shared language on hate crime is possible (and we believe it is), this will need to be embedded among agencies responding to hate crime. This will involve a structured, considered and strategic approach to sharing language about hate crime. We already recommend above the use of a Know-How database that

will facilitate shared documentation and policies on hate crime. We recommend further that senior officers within justice agencies such as CRCs and the National Probation Service develop guidance documentation on the use of language in hate crime cases. This guidance should be employed during training/supervision sessions with offender managers.

3.6 Cost

The Ministry of Justice's budget was cut by 4% in 2015. Proposed 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:

A. 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 organisations can result in *cost efficiencies* by fully utilising interventions, programmes and training programmes that are offered by these organisations. In some cases these are offered on a no (additional) cost basis – though they will invariably rely on some form of funding. One example is the Hate Crime Project run by Southwark Mediation (see above under "Restorative practices") which works with a number of local agencies (including the police) to address local conflicts that involve hate crimes and hate incidents. Other service providers offer programmes that can be tailored to set budgets. It is important to emphasise the fact that austerity measures have meant that many of these third sector organisations have suffered from severe financial cuts. It is therefore important to note that we are not recommending that the state rely on the third sector to fill the void of government cuts.

B. 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[39] targets criminal justice agencies should focus on for effective interventions.

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[39] Specific, Measurable, Assignable, Realistic, and Time-related.

3.7 Remaining "tough" on hate crime offenders

Retribution remains the cornerstone of the criminal justice system. In practical terms, this means that perpetrators are given punishments that are commensurate with the seriousness of their offence. However, a political climate that has focused on being "tough on crime" has resulted in punishments consistently becoming more punitive (e.g., lengthier prison sentences). This has meant that alternative (restorative, rehabilitative, or community-based) measures for hate crime perpetrators may be viewed as being a "soft touch" in addressing prejudice-motivated offending.

Recommendations:

A. Both macro and micro level reform in criminal justice policy is needed if we are to move towards greater use of empathy-based or rehabilitative interventions for hate crime. A previous Secretary of State for Justice, Michael Gove MP, indicated a willingness to pursue the "Rehabilitation Revolution" (that was first advocated in the Green Paper *Breaking the Cycle* (Ministry of Justice 2010)) but that has since failed to materialise and it is currently unclear what approach the new Secretary will take to reforming the criminal justice system.

We recommend that the Government move towards greater use of community-based, restorative and rehabilitative interventions across Britain. In order to achieve this, such interventions must be embedded in law, policy and practice if they are to have any long-term impacts on the way in which the justice system operates. Agencies that invest more of their time and resources on dialogical based interventions will enhance the opportunities for communities to more effectively 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 alternative justice interventions *in conjunction* with the current legal provisions, or to utilise them in cases where prosecution is not possible.

References

Abrams, D., Swift, H.J., and Mahmood, L. (2016) *Prejudice and unlawful behaviour: Exploring levers for change,* Research Report 101, Equality and Human Rights Commission. Available: https://www.equalityhumanrights.com/sites/default/files/research-report-101-prejudice-and-unlawful-behaviour.pdf

The Anne Frank Trust. (2015) *The Anne Frank Trust Our Impact 2015*, Anne Frank Trust. Available: http://www.annefrank.org.uk/uploads/PDF/THE%20ANNE%20FRANK%20TRUST%20IMPACT%20REPORT%202015.pdf

Awaz Cumbria. (2015-2017). *Turning the Spotlight Programme - A programme for changing hearts and minds to tackle the root causes of hate crime.* Available: http://awazcumbria.org/sites/default/files/Referral%20Process%20and%20Standard%20-TSP%20Hate%20Crime%20V.7.pdf

Batson, C. D., Polycarpou, M.P., Harmond-Jones, E., Imhoff, H.J., Mitchener, E.C., Bednar, L.L., Klein, T.R. and Highberger, L. (1997). Empathy and attitudes: Can feeling for a member of a group improve feelings towards the group? *Journal of Personality and Social Psychology*, vol. 72, no. 1, pp. 105-118.

British Deaf Association (BDA) Scotland and the Scottish Government Equality Unit. (2015). *Access & inclusion: A report on hate crime in Scotland's deaf community.* Available: http://old-bda.org.uk/uploads/BDA/files/BDA_Hate_Crime_Report-March_2015.pdf

Brown, R., and Hewstone, M. (2005). An integrative theory of intergroup contact. *Advances in Experimental Social Psychology,* vol. 37, pp. 255-343.

Chakraborti, N. and Garland, J. (2012). 'Reconceptualising hate crime victimization through the lens of vulnerability and 'Difference''. *Theoretical Criminology,* vol. 16, no. 4**,** pp. 499-514.

Chakraborti, N. and Hardy, S-J. (2015). *LGB&T hate crime reporting: Identifying barriers and solutions.* Available: https://www.equalityhumanrights.com/sites/default/files/research-lgbt-hate-crime-reporting-identifying-barriers-and-solutions.pdf

Chakraborti, N., Garland, J. and Hardy, S-J. (2014). *The Leicester Hate Crime Project: Findings and conclusions.* University of Leicester. Available at: https://www2.le.ac.uk/departments/criminology/hate/documents/fc-full-report [Accessed: 21 July 2016]

Criminal Justice Joint Inspection (CJJI). (2012). *Facing up to offending: Use of restorative justice in the criminal justice system.* Available: https://www.justiceinspectorates.gov.uk/hmic/media/facing-up-to-offending-20120918.pdf

Criminal Justice Joint Inspection (CJJI). (2013). *Living in a different world: Joint review of disability hate crime.* Available: https://www.justiceinspectorates.gov.uk/cjji/wp-content/uploads/sites/2/2014/04/CJJI_DHC_Mar13_rpt.pdf

College of Policing. (2014). *National Policing Hate Crime Strategy.* Available: http://www.college.police.uk/What-we-do/Support/Equality/Documents/National-Policing-Hate-Crime-strategy.pdf#search=hate%20crime

Compass. (2012). *Challenge to change - Evaluation report.* Northern Ireland Association for Mental Health.

Corcoran, H., Lader, D. and Smith, K. (2015). *Hate crime, England and Wales, 2014/15.* Available: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/467366/hosb0515.pdf

Crown Prosecution Service (CPS). (2016). *Hate Crime Reoprt 2014-15 and 2015-16.* Available: https://www.cps.gov.uk/publications/docs/cps_hate_crime_report_2016.pdf

Dixon, K., Lowes, J. and Gibbons, T. (2016). 'Show Racism The Red Card: Potential barriers to the effective implementation of the anti-racist message'. *Soccer & Society,* vol. 17, no. 1, pp. 140-154.

Dunn, P. (2009). Crime and prejudice: Needs and support of hate crime victims. In Iganski, P. (ed.), *Hate Crimes.* London: Praeger, pp. 123–41.

European Commission Against Racism and Intolerance (ECRI) (2016). *ECRI general policy recommendation no. 15 on combating hate speech* Available: http://www.coe.int/t/dghl/monitoring/ecri/activities/GPR/EN/Recommendation_N15/REC-15-2016-015-ENG.pdf

EXIT Deutschland. (2014). *EXIT-Germany - We provide the way out: De-radicalization and disengagement (Revised Second Edition).*

Farrington, D.P. and Ttofi, M.M. (2009) *'*School-based programs to reduce bullying and victimization*'. Campbell Systematic Reviews,* no. 6, pp 1-147.

Garland, J. and Chakraborti, N. (2003). *Challenging racism, promoting inclusiveness? An evaluation of the Charlton Athletic Race Equality Partnership*, Leicester: Scarman Centre Occasional Paper No. 9.

Hall, N. (2013). *Hate Crime,* Abingdon, Routledge.

Hankinson, I. and Priestley, P. (2010). 'Diversity and effectiveness in probation: The One-to-One programme in West Mercia'. *Probation Journal,* vol. 57, no. 4, pp. 383-399.

Hollin, C., Palmer, E., Mcguire, J., Hounsome, J., Hatcher, R., Bilby, C. and Clark, C. (2004). *Pathfinder programmes in the Probation Service: A retrospective analysis.* Available:

https://www.researchgate.net/publication/221710263_Pathfinder_Programme
s_in_the_Probation_Service_A_Retrospective_Analysis

Hollin, C.R. (2008). 'Evaluating offending behaviour programmes: Does only
randomization glister?'. *Criminology and Criminal Justice,* vol. 8, no. 1**,** pp. 89-
106.

Home Office. (2012). *Challenge it, report it, stop it: The Government's plan to tackle
hate crime.* Available:
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/
97849/action-plan.pdf

Home Office. (2014). *Challenge it, report it, stop it: Delivering the Government's Hate
Crime Action Plan.* Available:
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/
307624/HateCrimeActionPlanProgressReport.pdf

Home Office, Office for National Statistics and Ministry of Justice. (2013a). *An
overview of hate crime in England and Wales.* Available:
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/
266358/hate-crime-2013.pdf

Home Office, Office for National Statistics and Ministry of Justice. (2013b). *An
overview of hate crime in England and Wales: Appendix tables.* Available:
https://www.gov.uk/government/statistics/an-overview-of-hate-crime-in-
england-and-wales

Home Office. (2016). *Action against hate: The UK Government's plan for tackling
hate crime*, Available:
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/
543679/Action_Against_Hate_-
_UK_Government_s_Plan_to_Tackle_Hate_Crime_2016.pdf

House of Commons. (2016a). *Restorative justice: Fourth report of session 2016-17.*
House of Commons Justice Committe. Available:
http://www.publications.parliament.uk/pa/cm201617/cmselect/cmjust/164/164.
pdf

House of Commons. (2016b). *Transgender equality: First report of session 2015–16.*
House of Commons Women and Equalities Committee. Available:
http://www.publications.parliament.uk/pa/cm201516/cmselect/cmwomeq/390/
390.pdf

Iganski, P. (1999). 'Why make hate a crime?'. *Critical Social Policy,* vol. 19, no. 3**,**
pp. 386-95.

Iganski, P. (2012). *Hate crime: Taking stock programmes for offenders of hate.*
Available:
http://eprints.lancs.ac.uk/65875/1/07_Programmes_for_Offenders_of_Hate.pd
f

Iganski, P. and Smith, D. (2011). *Rehabilitation of hate crime perpetrators - Research report.* Equality and Human Rights Commission, Scotland.

Iganski, P with Ainsworth, K., Geraghty, I., Lagou, S. and Patel, N. (2015). 'Understanding how "hate" hurts: a case study of working with perpetrators and potential perpetrators', in Chakraborti, N. and Garland, J. (eds.) *Responding to hate crime: The case for connecting policy and research.* Bristol: Policy Press.

Koehler, D. (2015). 'Deradicalization', in Hall, N. (ed.) *The Routledge international handbook on hate crime.* London: Routledge, Taylor & Francis Group, pp. 420-429.

Law Commission. (2014). *Hate crime: Should the current offences be extended?* Available: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/316103/9781474104852_Print.pdf

London Probation. (n.d.). *The Diversity Awareness and Prejudice Pack (DAPP) - A toolkit for work with offending behaviour prejudice and hate.*

Ministry of Justice. (2010). *Breaking the cycle: Effective punishment, rehabilitation and sentencing of perpetrators.* Available: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/185936/breaking-the-cycle.pdf

Ministry of Justice. (2012). The Correctional Services Accreditation Panel Report: 2010–2011 https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/217276/correctional-services-acc-panel-annual-report-2010-11.pdf

Ministry of Justice. (2015). *The code of practice for victims of crime.* Available: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/476900/code-of-practice-for-victims-of-crime.PDF

Ministry of Justice. (n.d.). Glossary of programmes. https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/449290/glossary-of-programmes.pdf

NIACRO. (n.d.). *Challenge hate crime.* Belfast: Northern Ireland Association for the Care and Resettlement of Offenders.

Mitchell, M., Gray, M. and Beninger, K. (2014). *Tackling homophobic, biphobic and transphobic bullying among school-age children and young people.* NatCen Social Research. Available: http://www.natcen.ac.uk/media/563016/natcen-social-research-hbt-bullying-findings.pdf

National Offender Management Service (NOMS) (2005). *Diversity and the one to one accredited programme.* Available: http://webarchive.nationalarchives.gov.uk/20101216070244/http://www.probation.homeoffice.gov.uk/files/pdf/PC67%202005.pdf

National Offender Management Service (NOMS). (2016). *Working with hate crime offending.*

Owusu-Bempah, A. (2015). 'Prosecuting hate crime: Procedural issues and the future of the aggravated offences'. *Legal Studies,* vol. 35, no. 3, pp. 443-462.

Packer, H.L. (1969). *The Limits of the criminal sanction.* Stanford, CA: Stanford University Press.

Palmer, J. and Smith, D. (2010). 'Promoting Human Dignity: An evaluation of a programme for racially motivated perpetrators'. *Probation Journal,* vol. 57, no. 4**,** pp. 368-382.

Probation Board for Northern Ireland (PBNI). (2015). *Innovation within Probation Board for Northern Ireland.* Available: http://www.pbni.org.uk/innovation-within-probation-board-for-northern-ireland/

Schweppe, J. and Walters, M.A. (2015). 'Hate crimes: Legislating to enhance punishment'. *Oxford Handbooks Online in Criminology and Criminal Justice.*

Violence Prevention Network. (2010). *Violence Prevention Network Jahres- und Wirkungsbericht 2009|2010.* Available: http://germany.ashoka.org/sites/germanysix.ashoka.org/files/WB_ViolencePrevention_WEB_ES.pdf

Violence Prevention Network. (2015). *Taking responsibility – Breaking away from hate and violence: Deradicalisation in prison.* Available: http://www.violence-prevention-network.de/en/projects/deradicalisation-in-prison

Walters, M.A. (2013). 'Why the Rochdale Gang should have been sentenced as "hate crime" offenders'. *Criminal Law Review*, vol. 2, pp. 131–44.

Walters, M.A. (2014). *Hate crime and restorative Justice: Exploring causes, repairing Harms.* Oxford, Oxford University Press.

Walters, M.A. and Brown, R. with Wiedlitzka, S. (2016). *Causes and motivations of hate crime.* Research Report 102. Equality and Human Rights Commission.

Walters, M.A. and Hoyle, C. (2012). '*Exploring the everyday world of hate victimization through community mediation.' International Review of Victimology*, vol. 18, no. 1, pp. 7-24.

Wilcox, A., Smithson, H., Christmann, K. and Wong, K. (2010). *Racially motivated offending and targeted interventions.* Youth Justice Board. Available: http://dera.ioe.ac.uk/2200/1/Racially%20Motivated%20Offending%20and%20Targeted%20Interventions.pdf

Witness Confident. (2016). *How new technology is enhancing the service the police provide the public.* Available: https://www.witnessconfident.org/images/How_New_Technology_is_Enhancing_the_Service_the_Police_Provide_the_Public.pdf

Wong, K. and Christmann, K. (2008), 'The role of decision-making in reporting hate crime'. *Safer Communities*, vol. 7, no. 2, pp. 19-34.

Wong, K., Christmann, K., Meadows, L., Albertson, K. and Senior, P. (2013), *Hate crime in Suffolk: Understanding prevalence and support needs.* Sheffield, Shieffiled Hallam University.

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