

Introduction to Hate Crime

HERTFORDSHIRE COUNTY COMMUNITY SAFETY UNIT (CCSU) - 2024

County Community Safety Unit



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Learning Objectives

To understand what a Hate Crime is

To understand some reasons behind differences in Hate Crime data

To understand the difference between a Hate Crime and a Non-Crime Hate Incident

Defining Hate Crime



The law recognises **five** types of hate crime based on these **protected characteristics**:



If the offender has either:

- **demonstrated hostility**
- **OR** been **motivated** by **hostility**
- **OR** the offence is perceived by the victim or **any other person**, as being motivated by a hostility or prejudice based on someone's actual or perceived characteristic

They can be prosecuted for a Hate Crime

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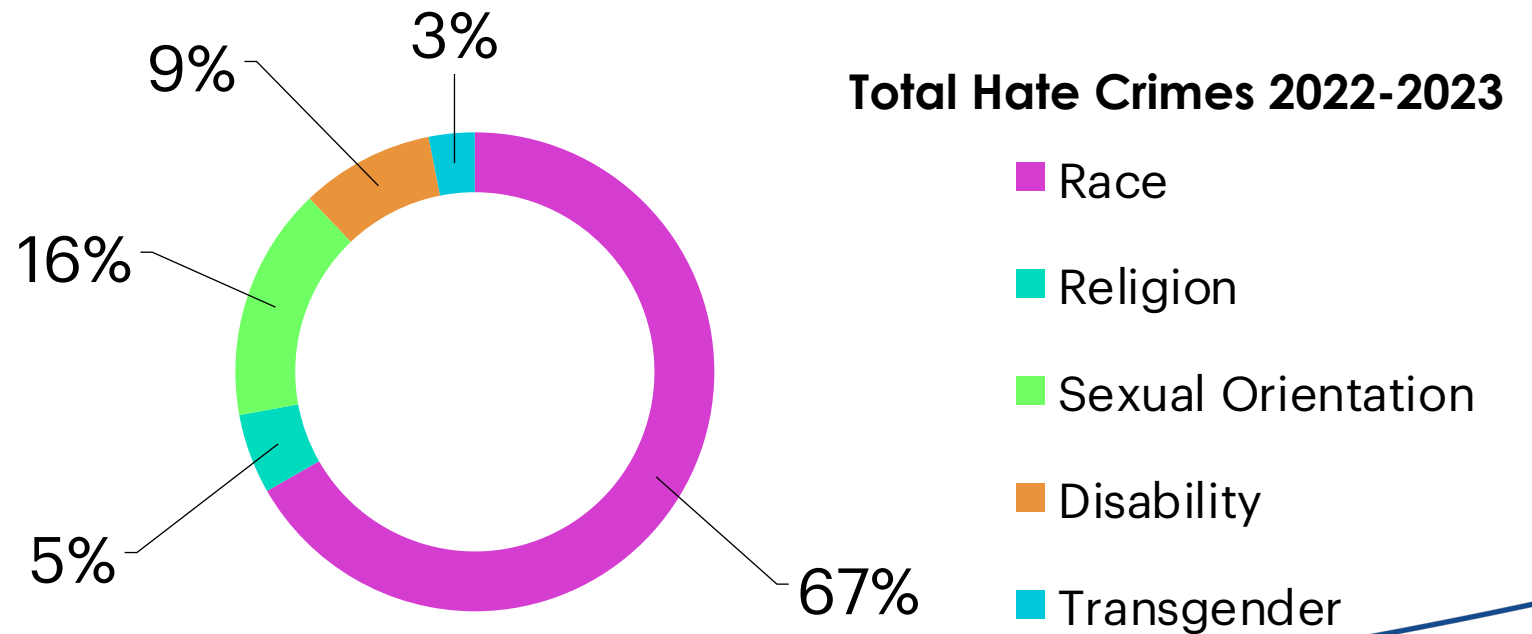


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Hate Crime Data

Does this data fit what you might expect?



Defining Non-Crime Hate Incident (NCHI)



The law recognises **five** types of Non-Crime Hate Incident based on these **protected characteristics**:



If the offender has either:

- **demonstrated hostility**
- **OR** been **motivated** by **hostility**
- **OR** the incident is perceived by the victim or **any other person**, as being motivated by a hostility or prejudice based on someone's actual or perceived characteristic
- **BUT there is no criminal offence involved**

A record is made only if it meets the recording threshold and is essential for preventing it escalating into a crime

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1. Task: Hate Crime or Hate Incident?

There has been an ongoing neighbour dispute over parking. As one party has returned home and approached their front door, they have seen their neighbour open their front door and say “go back to your own country”.

Hate
Crime

Neither

Hate
Incident

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Answer

Based on the information given, this would constitute a hate incident. If the victim felt threatened and/or the words were considered abusive or insulting, it could become a hate crime.

The reference to the victim's country of origin makes it a race-related hate incident, regardless of where the victim is actually from.

Hate
Crime

Neither

Hate
Incident

2. Task: Hate Crime or Hate Incident?

A student takes the bus into town every morning. He is regularly spat at when he boards the bus by youths who regularly make fun of people with disabilities. Tom thinks this is normal and is therefore not upset by the behaviour. Tom is partially deaf and has a speech impediment.

Hate
Crime

Neither

Hate
Incident

Answer

This is a hate crime because the motive/motivation of the youths turns their spitting into a hate crime.

The victim is not always aware that they have been a victim of hate crime. This is why it is important to report even if you are not sure, either to the police or through a third party.

Hate
Crime

Neither

Hate
Incident

3. Hate Crime or Hate Incident?

‘I was leaving a well-known LGBTQ+ venue when a male has pushed me and then punched me to the side of my head. He has then said, “your sort disgust me”.’

Hate
Crime

Neither

Hate
Incident

Answer

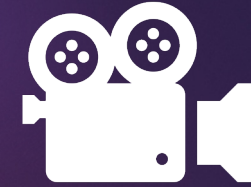
This is a hate crime because the suspect makes an assumption about the perceived sexual orientation of the victim because they are seen leaving an LGBTQ+ venue, and when assaulting the victim, the suspect expresses verbal hostility based on the perceived sexuality of the victim. The actual sexual orientation of the victim is irrelevant.

Hate
Crime

Neither

Hate
Incident

Reporting Video

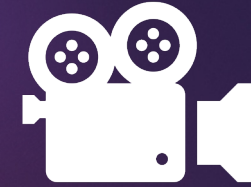


Watch the Reporting Video and think about the below questions:

[Click this Link](#)

- ▶ What **barriers** do you think people face to reporting?
- ▶ What might the **impacts** of this hate crime be? (Think individual level versus community level)
- ▶ What might **justice** look like for this individual?

Reporting Video



Watch the 3rd Party Reporting Video and think about the same questions:

[Click this Link 2](#)

- ▶ What **barriers** do you think people face to reporting?
- ▶ What might the **impacts** of this hate crime be? (Think individual level versus community level)
- ▶ What might **justice** look like for this individual?

Break 1



- ▶ Take 10 minutes break before we reconvene to explore;

Defendant Arrest & Interview: The Role of the Defence Solicitor

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Defendant Arrest & Interview: The Role of the Defence Solicitor

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Learning Objectives

To understand the interviewing process

To understand how organisations can collaborate

To understand the investigation and court process of a hate crime

Defendant Arrest & Interview:

Deciding
whether to
Prosecute

Full Code
Test

Threshold
Test

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Role of the Defence Solicitor

Represent:

Assist:

Ensure:

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Defendants' Interview

- ▶ Suspect is **arrested** and taken to a police station for **questioning**
- ▶ They **cannot refuse** to attend the police interview
- ▶ If they ask for a solicitor, the solicitor can **advise** them on the best **course of action** during the interview;

Advice may be:

'Answer all questions as fully as possible'

'Give no comment to all questions'

'Provide a prepared statement for the interview'

Decision to Charge Made



The Defence Solicitor:

- ▶ can make **representations** to the police on any proposed bail conditions
- ▶ will **receive evidence** and unused material prior to the first hearing of the Magistrate court
- ▶ will represent the defendant at this and any **future hearings**

Mock Trial Defence



In the case stated, the defendant was advised by his solicitor to give a prepared statement

Your turn:

- ▶ Consider the charges against the defendant, as the statement is something that the prosecutor would have when making their decision
- ▶ Is there anything that you would have done differently?
- ▶ Do you notice anything new that you wouldn't have before?

If a Decision to Not Charge is Made

If the case doesn't pass the legal test, and the suspect **isn't** prosecuted, a victim has the right for the review of their case by a different prosecutor

Suspect not
prosecuted

Case
reviewed
again

Victim
updated on
case
progress

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Break



- ▶ Take 10 minutes break before we reconvene to explore;

Crown Prosecution Service Charging Decision

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Crown Prosecution Service Charging Decision

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Learning Objectives

1. To understand the role of the CPS

2. To understand how the CPS decides whether to charge

3. To look at the challenges faced by the CPS

Principle Function of CPS



What are the principle functions of the CPS?

- ▶ Prosecution of the right person for the right offence
- ▶ Bring offenders to justice
- ▶ Secure justice for victims, witnesses, suspects, defendants and the public

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How the CPS Makes Charging Decisions:



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- ▶ Serious / complex cases
- ▶ Including **all** hate crime cases
- ▶ Tests Code for Crown Prosecutors:
- ▶ Full Code test
- ▶ Threshold Test
- ▶ Continual Duty of Review



Evidential Stage:

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



- ▶ Use in limited circumstances to charge a suspect where Full Code Test is not met
- ▶ Reviewed and Full Code Test applied as soon as evidence received
- ▶ All 5 Conditions must be met

Mock Trial Defence



Prosecutors consider:

- ▶ How serious is the offence committed?
- ▶ What is the level of culpability?
- ▶ What are the circumstances of the crime and the harm to the victim/s?

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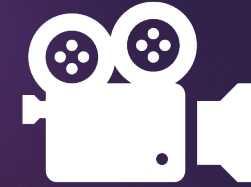
Mock Trial Defence



Prosecutors consider:

- ▶ What was the suspect's age and maturity at the time of offence?
- ▶ What is the impact on the community?
- ▶ Is prosecution a proportionate response?
- ▶ Do sources of information need protecting?

Video Part 1



- ▶ Watch the first part of the Mock Hate Crime Trial video and think about the below questions:

[Click this Link 3](#)

- ▶ What **barriers** do you think people face to reporting?
- ▶ What might the **impacts** of this hate crime be? (Think individual level versus community level)
- ▶ What might **justice** look like for this individual?

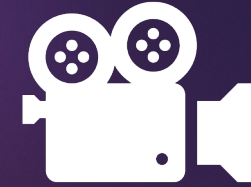
Break



- ▶ Take 5 minutes break before we reconvene to explore;

Video Part 2 and Your Decision

Video Part 2



Watch the first part of the Mock Hate Crime Trial video and think about your verdict

[Click this Link 4](#)

- ▶ Do you believe the defendant is Guilty? If so, why?
- ▶ Do you believe the defendant is Not Guilty? If so, why?

What would your decision be now based on this information?

Guilty?



Not Guilty?

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The Result

- ▶ The defendant was found to be.....



The Result

- ▶ However, the decision was taken to the Court of Appeals, and the verdict was overturned, therefore, the defendant was ultimately found....



References for Introduction

- ▶ CPS (2022) <https://www.cps.gov.uk/crime-info/hate-crime>
- ▶ CPS (2023) *New Code and guidance for non-crime hate incidents*. Available at: <https://www.college.police.uk/article/new-code-and-guidance-non-crime-hate-incidents> (Accessed: 07/06/2024).
- ▶ Gov.UK (2023) <https://www.gov.uk/government/statistics/hate-crime-england-and-wales-2022-to-2023/hate-crime-england-and-wales-2022-to-2023>
- ▶ Gov.UK^b (2023) *Non-Crime Hate Incidents: Code of Practice on the Recording and Retention of Personal Data*. Available at: <https://www.gov.uk/government/publications/non-crime-hate-incidents-code-of-practice/non-crime-hate-incidents-code-of-practice-on-the-recording-and-retention-of-personal-data-accessible#:~:text=11.,12> (Accessed: 07/06/2024).

References for Charging Decision

- ▶ CPS (2018) *The Code for Crown Prosecutors*. Available at: <https://www.cps.gov.uk/publication/code-crown-prosecutors> (Accessed: 01/05/2024).
- ▶ CPS (2023) *CPS charging decisions - examining demographic disparities in the outcomes of our decision making*. Available at: <https://www.cps.gov.uk/publication/cps-charging-decisions-examining-demographic-disparities-outcomes-our-decision-making#:~:text=The%20threshold%20test%20is%20used,a%20realistic%20prospect%20of%20conviction.> (Accessed: 01/05/2024).
- ▶ CPS (2022) *How We Make our Decisions*. Available at: <https://www.cps.gov.uk/about-cps/how-we-make-our-decisions> (Accessed: 01/05/2024).

References for Defendant Arrest & Interview

ABV Solicitors (2020) *What is the Role of a Criminal Defence Solicitor?* Available at: <https://www.abvsolicitors.co.uk/criminal-solicitor/what-is-the-role-of-a-criminal-defence-solicitor/> (Accessed: 28/06/2024).

Home Office (2023) *Interviewing Suspects*. Available at: <https://assets.publishing.service.gov.uk/media/64f1e37e9ee0f2000fb7bdc0/interviewing-suspects.pdf> (Accessed: 28/06/2024).

With Thanks to these Organisations



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