Written evidence submitted by the Police Foundation

The Police Foundation's response

The victimisation of individuals due to their perceived difference is hugely damaging: not only to victims, but their communities and society as a whole. In light of the apparent increase in these incidents following the United Kingdom’s decision to leave the EU, the Police Foundation welcomes the Home Affairs Committee’s consultation to consider how responses to this issue can be improved.

The Police Foundation is the only independent charity focused entirely on developing people’s knowledge and understanding of policing and challenging the police service and the Government to improve policing for the benefit of the public.

Executive summary

- To improve the effectiveness of hate crime policies, more must be done to raise public awareness of current provisions and drive up conviction rates.
- A new hate crime statute should be introduced to consolidate current provisions and clarify complex language.
- Reporting of hate crimes remains woefully low. Current initiatives such as online platforms have not resulted in the increases that may have been expected. More must be done to understand why victims do or do not report.
- The troubled relationship between the police and minority groups must continue to be addressed in order to improve trust and confidence in the police and encourage victims to come forward.
- Social media companies must take greater responsibility for removing discriminatory material and promoting equality.
- Support services need to be better tailored to the needs of victims and more should be done to ensure all victims are referred to the appropriate support. Services should be available outside of office hours and continue to be available for a sustained period after an initial incident is reported.

The effectiveness of current legislation and law enforcement policies for preventing and prosecuting hate crime and its associated violence.

1. The Foundation welcomes the Government’s efforts to eradicate discrimination against minority groups. Through enhanced sentencing provisions the Government is attempting to make a statement that this behaviour is unacceptable. It is hoped that harsher punishments may also deter future offending. This is a commendable aim.

2. However, given an increasing body of evidence which demonstrates there is little public awareness of hate crime legislation – and the ability for courts to increase sentences as a result – the Foundation questions whether current frameworks are achieving this goal. Recent studies for example, showed the majority of offenders were oblivious that hostility towards minority groups could lead to higher punishments.
3. Conviction rates for hostility-motivated offending are also very low – in 2011/12, of 65,000 disablist hate crimes\(^1\) only 579 resulted in a conviction for an aggravated offence. Without higher numbers of prosecutions and greater levels of public understanding, current legislation cannot be an effective means for communicating the condemnation of discrimination.

4. Instead of the severity of the potential punishment, evidence also suggests that it is the likelihood of being caught which is the greatest deterrent. This further undermines the ability of enhanced sentencing to discourage offending.

5. The Foundation contends that confusing terminology combined with the complexity of current legislative frameworks is, at least in part, responsible for poor public understanding.

6. At a conceptual level the adoption of the term ‘hate’ masks the reality of the protections provided. Current provisions encapsulate prejudice, bias and targeting based on vulnerability. There are also multiple statutes governing hate crimes in England and Wales - some protections include abusive or insulting behaviour while others cover only actions which are considered threatening. These nuances are little understood by frontline practitioners, let alone potential victims and offenders.

7. In addition, the current ‘five strands’ framework (under which enhanced sentencing applies to race, religion, disability, sexual orientation and individuals who identify as transgender), engenders ambiguity. Not only does it fail to acknowledge the complexity of identity – many individuals fall into multiple categories and could have been targeted based upon one or more factors – but it has also raised on-going questions about how groups are selected, and whether these protections should be extended.

8. While the Foundation does not feel best placed to comment on whether protections should be extended to specific groups, we strongly support the need for ‘hate crime’ to be clearly defined and delineated.

9. Confusion surrounding hate crimes may also contribute to a backlash against minority groups. A recent study in Hertfordshire highlighted that the white, Christian majority failed to comprehend that discrimination on the basis of race and religion also applied to them causing frustration and anger. This type of misunderstanding may create more, rather than less, hostility.

10. We suggest that this may be partially addressed by the creation of a new statute which could attempt to consolidate current provisions and simplify complex terminology. The introduction of a new legal instrument would also provide a valuable opportunity to communicate with the public through open consultation, national awareness campaigns and targeted media pieces.

**Putting victims first**

11. Within this reform process, the Foundation believes the needs of victims should be considered. Hate crimes are a very personal attack on a victim’s identity which may result in lower self-confidence. Empowering victims should therefore be an important

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part of the response to such a sensitive issue. Some evidence suggests victims would rather see offenders receive education than harsher punishments. This directly contrasts with the Government’s aggravated sentencing strategy – and is perhaps more akin to the German response to hostility-motivated crimes.

12. Victims also have an appetite for Restorative Justice (RJ) and the Foundation would encourage this. Not only has RJ been proven to reduce reoffending but it offers an important opportunity to place the victim at the centre of proceedings. It also enables any underlying discriminatory views which may be driving hostility based offending to be explored – rather than focussing on a single incident in isolation.

13. Finally, procedural issues must be remedied. The prosecution of hate crimes is often coupled with a charge for a lesser offence – with no reference to aggravation. This, in and of itself, is not problematic. It may be necessary to ensure an offender is still punished where hostility can’t be proven. Research however, suggests that this has led to the widespread practice of ‘charge bargaining’ whereby an offender pleads guilty to the basic offence- avoiding both a longer sentence and the ‘hate crime’ label, regardless of evidence of any hostility. If this is allowed to occur frequently, hate crime laws are ineffective and little more than an empty gesture to victims.

**The barriers that prevent individuals from reporting hate crime, and measures to improve reporting rates.**

14. It is important to acknowledge that low hate crime reporting levels come within the context of consistently low reporting rates across offence types, as shown by the significant gap between police recorded crime and levels documented by the Crime Survey for England and Wales (CSEW). However evidence suggests this problem is exacerbated for hate crimes. The national average for hate crime reporting sits at around one in four compared with approximately four in 10 across other CESW offences. This is further elevated for specific groups. The Metropolitan Police Service estimates that as much as 90 per cent of homophobic hate crime goes unreported.

15. The continuing lack of awareness about what hate crime is (and how it is responded to) remains a significant barrier to reporting. Not only does ambiguity affect officers who may be unsure whether a hate crime has occurred, but more importantly individuals may fail to recognise their own victimisation.

16. It is the Foundation’s view that an effective response to this confusion will require a multi-channel approach which acknowledges both the diversity and vulnerability of those covered by the provisions. While still encouraging, government rhetoric and police-led campaigns are unlikely to effectively target the parts of society most vulnerable to hate crime victimisation. Instead, there is a need to consider more informal and innovative ways to engage with the people who are most at risk.

17. It is also the Foundation’s view that rather than being sporadic or reactive – one-off campaigns for example in response to serious incidents – continuous efforts must be made to underline that discrimination will not be tolerated.

**Addressing the fear of not being taken seriously**
18. A second, and seemingly well-known, barrier to reporting is victims fearing they will not be taken seriously. Recent work by Chakraborti and Hardy found one third of respondents who had experienced hate crimes felt this way.

19. The Foundation contends that this fear is part of a wider issue: a lack of confidence in the agencies of law and order. There has been a troubled relationship between the police and minority communities epitomised by high profile cases like Stephen Lawrence and the consistently elevated use of stop and search. While no doubt there have been improvements – particularly post-Macpherson – significant cultural change is still required within forces to ensure relationships with minority communities improve.

**Ensuring positive interactions with the police**

20. Increasing future reporting rates is also heavily dependent on ensuring those coming forward have positive interactions with the police. The Foundation believes this is an area requiring significant improvement. According to the CSEW just 59 per cent of hate crime victims thought they had been treated fairly - compared with 80 per cent for all crimes.

21. Evidence also suggests that current diversity training is patchy and often inadequate – particularly in the context of disablist hate crime.

22. While specialist hate crime officers are an encouraging step (and current pilots have been well-received) it is the Foundation’s view that all frontline practitioners must have better training around diversity issues. For example, it may not immediately be clear to call handlers that an incident constitutes a hate crime and therefore all officers must be equipped to deal with these offences on an ad-hoc basis. Ensuring initial interactions are positive is an important step to improving trust and confidence in the police.

23. Providing alternative places for reporting has also been proposed as a solution to the low numbers coming forward. However, this has seen mixed success. Despite a concerted effort to push victims towards sites which facilitate online reporting adoption levels have been reasonably low. A recent study suggested True Vision was in fact the least likely alternative pursued by victims who were much more likely to approach the Council or Victim Support. With new (and expensive) initiatives such as the MPS's online hate crime hub being launched, more must be done to understand why victims do/do not use alternative reporting methods.

24. Research also suggests that victims often turn to friends, family and confidants to discuss their victimisation and whether to report or not. The Foundation believes this underlines the need to not only target potential victims with awareness campaigns but whole communities.

**Targeting low-level incidents**

25. Regardless of crime type, the tipping points for reporting are the seriousness of victimisation or the same offender being involved multiple times. Like other offences individuals make an assessment of the cost/benefits of coming forward. In the context of hate crime, where victimisation can happen daily, the so-called ‘cost’ can be significant, making incentivising the reporting of low-level offences challenging.
26. Despite this however, it is the Foundation’s view that addressing this type of victimisation should be an important focus for policymakers. The build-up of seemingly low-level incidents can have a significant cumulative impact on victims – the tragic example of Fiona Pilkington is a case in point here. Low-level, but highly frequent victimisation may also lead to hostility becoming normalised, both by individuals and minority communities. Victims should not be in a position where they feel it is necessary to simply ‘toughen up’ rather than seek help.

27. Making the process of reporting as painless and easy as possible is therefore essential to reduce the burden for victims coming forward. Digital channels may provide one option for this, but in order to reach the most marginalised communities additional community engagement is needed to build relationships with those most at risk.

The role of social media companies and other online platforms in helping to identify online sources of hate crime and to prevent online hate incidents from escalating.

28. The Foundation acknowledges that online hate crime is a growing problem and one which cannot be solved through a traditional police response or by policing alone. This is in part because while digital skills are improving within forces, they remain some distance behind those held by private sector experts. Resource constraints also mean it is inevitable that policing will need assistance from other organisations to tackle hate online.

29. Online platforms provide criminals with far greater opportunities to conceal their identities as well as enabling lone offenders to create multiple victims simply at the click of a button. In the context of extremism the web also offers an unrivalled opportunity for groups to target new recruits. Helping to reveal the identities of individuals who are perpetuating hate using social channels is therefore an important and necessary task for platform providers.

30. Social media companies should also do more to remove discriminatory content. The sheer volume of incidents makes this a significant undertaking, however by failing to crack down on online hate incidents, minority communities may come to believe hate speech is accepted and may also continue to fear that discriminatory views will manifest themselves into violence and abuse in their daily lives.

31. The Foundation queries however, whether this can be achieved solely through collaboration. The social media giants have historically been reluctant to tackle the issue of discriminatory content, and while there is a balance to be struck with freedom of expression, there is perhaps also a need in more serious cases, such as those where specific attacks against minorities are encouraged or planned, for the Home Office to have greater powers to hold companies to account. The Committee has already highlighted the need for a stronger response from industry in the context of extremism stating ‘Social media companies are consciously failing to combat the use of their sites to promote terrorism and killings’.

32. Hate crime online will also require an international rather than domestic approach. Evidence suggests that the majority of social content is hosted in the US and online hate crosses multiple jurisdictions, limiting the impact of a UK response. The Foundation would therefore encourage greater resources to be placed on
establishing international networks to fight online discrimination, rather than local efforts.

33. Finally, social media companies have an important proactive role to play. Social platforms offer an opportunity to engage with communities and for people to come together to show support for diversity and difference (they are already utilised by charities for this purpose). It is our view therefore that they should be encouraged to counter hate speech through promoted messages. These could also warn potential offenders of the consequences of using social forums to incite hatred.

The role of the voluntary sector, community representatives, and other frontline organisations in challenging attitudes that underpin hate crime.

34. The Foundation praises the efforts of a number of voluntary organisations who have worked hard to assist victims and educate offenders. In particular, research has shown that Victim Support has worked tirelessly to comfort individuals as well as raising the profile of hate crime victimisation nationally. The Government should continue to support and celebrate the work of these organisations and where possible, more funds should be committed to projects which aim to challenge discriminatory attitudes. Many charities have strong links with local communities. Utilising these relationships to fight ingrained discriminatory views is an important part of preventing future victimisation.

35. Early intervention through the provision of education within our schools is also necessary. Schools provide the state with the first opportunity to engage with minority communities and in particular high-risk individuals in order to promote the value of diversity. Some work has already been done in this area. For example, the provision of hate crime packs by the Crown Prosecution Service. While this is encouraging it is clear that we remain behind a number of other nations when it comes to providing anti-hatred education. Lessons should be learned from mainland Europe where significant effort has been made to use education as tool for combatting discrimination. This has included reviewing educational materials to ensure they promote equality, increased teacher training and dedicated days to celebrate difference.

36. Educational institutions also have the ability to support or promote prejudice against minorities. Some schools, for example, have been found to be using materials which promote discrimination. The Trojan Horse affair in Birmingham in 2014 is a particularly poignant example here in the context of radicalisation. Effective strategies must be developed to prevent this from happening in future.

Statistical trends in hate crime and how the recording, measurement and analysis of hate crime can be improved.

37. As we have highlighted above, improving the reporting of hate crime is a significant challenge for police forces and one which must be addressed. Greater knowledge about the prevalence and diversity of hate crime is central to our ability combat it.

38. There are however, also recording issues to consider. Of the four in 10 crimes reported to the police the CSEW suggests only half are recorded. Evidence shows there are some officers who are still not even aware of all the groups who are
currently offered protection by existing provisions. The chequered history between the police and specific minorities also has the potential to undermine objectivity and contribute to under-recording. Improvements are therefore heavily dependent on greater police education.

39. In addition, some hate crime straddles more than one protected group. Notably, hate crimes against Sikhs and Jews can be categorized as both racial and religious. In order to improve consistency the Police Foundation believes it would be advisable to designate which category these offences should fall under (e.g. all hate crimes involving Sikhs as racist).

The type, extent and effectiveness of the support that is available to victims and their families and how it might be improved.

40. Worryingly, victims who do come forward are less satisfied than those who have experienced other forms of victimisation. It is the Foundation’s belief that this is not just because of poor initial experience with the police but also their lack of interaction with support services. The majority of individuals who have been subjected to hate crimes are not aware of the services that are available to them and have mixed satisfaction when they do access support. More must be done to ensure victims are proactively referred to appropriate help.

41. In addition, it is the Foundation’s view that the diversity of hate crime victims means relying upon the idea that ‘one-size’ of support fits all will inevitably fail to satisfy higher numbers of victims. Digitising services for example, may improve access for some cohorts but may be unsuitable for others. A multi-agency approach which employs a number of communication channels and is tailored to individual victims’ needs must therefore be employed.

42. We also argue that victims must be able to access support outside of normal working hours. This is currently patchy at a national level despite the fact that research suggests it is often late at night when help is most required.

43. Finally, it is our belief that support should remain an on-going option for victims rather than only being available immediately in the aftermath of an incident. This is important as it recognises that victims of hate crime may experience further discrimination within their communities. It also acknowledges that victims may take time to be in a position mentally to engage with agencies due to the significant effects of their experiences. Lessons may be learnt from the provision of support to domestic violence victims who may have similarly undergone prolonged verbal and physical abuse.