Q1 The effectiveness of current legislation for preventing and prosecuting hate crime

New criminal offences and enhanced sentences have been introduced in recent years to reflect the seriousness of hate crime. These include enhanced sentencing and stirring up hatred towards other groups on the grounds of religion and sexual orientation. As a result, in 2015/16, the Crown Prosecution Service completed 15,442 hate crime prosecutions - the highest number to date. There was a 41% increase in disability hate crime prosecutions compared to 2014/15; the highest ever proportion of sentence uplifts in racially and religiously aggravated crime cases; and the highest ever conviction rate in homophobic and transphobic prosecutions.

The CPS have introduced a new assurance regime which helps them to identify good practice, to learn lessons and to make improvements, and they have developed their training and guidance to best support their prosecutors. However, they recognise that much hate crime still goes unreported – and they know that they can deliver justice for more victims of these crimes. The focus over the coming year will be to build on the work so far to further improve the way they prosecute hate crime and the service they offer to victims and witnesses.

The next phase of their work in this crucial area is the development of new public policy statements on all strands of hate crime. They are working with communities to draft these statements – ensuring they reflect their experiences and concerns – and will then use them to inform improved guidance and training for their prosecutors. They are establishing a joint hate crime strategy board with the police to ensure they are working together as effectively as possible, and have a range of measures planned to raise awareness and encourage the reporting of hate crime.

They have also introduced new criminal offences and enhanced sentences in recent years to reflect the seriousness of hate crime. These include enhanced sentencing and stirring up hatred towards other groups on the grounds of religion and sexual orientation.

Q2 The barriers that prevent individuals from reporting hate crime, and measures to improve reporting rates.

Education
The reporting of hate crime relies on people understanding what hate crime actually is; why hate crime happens; why it needs to be reported; how to report it and what happens once a hate crime is reported. People also need to know and trust that there are support mechanisms in place for them so that they (and their community) will be protected from further abuse. Many victims, despite experiencing hate crime, do not recognise what hate crime is or their right to report it.

Access
Victims need to be able to access literature about hate crime. Even with education of hate crime, victims may be unable to access hate crime reporting centres or have limited access to internet or a phone.

Articulation
Some people will not be proficient in English or will not be able to speak English at all and will experience difficulties in explaining what has happened to the police. Those with a disability may also experience this or have difficulty in understanding what questions they are being asked.
How does the victim benefit from reporting a hate crime?
Unless victims quickly see justice or positive action taken after they report a hate crime, it is often simply causes a lot of hassle and trauma for the victim. This feeds into an already common sense of distrust, disillusionment and disappointment with the effectiveness of the police and the criminal justice system.

Social and Structural Barriers
Many of the communities experiencing hate crimes in the UK suffer from historical trauma due to marginalised identities. These communities may feel disempowered and unable to voice their concerns about hate crimes and have a general distrust of authority.

Disempowerment and Lack of Trust
Marginalised communities often feel a large sense of distrust in power structures, in particular police. As discussed above this stems from historical trauma and current structural oppression. This constant state of crisis in these communities also cultivates a sense of disempowerment and disbelief that change can occur. These factors play into the lack of reporting hate crimes to police.

Cultural Barriers
Barriers also exist due to cultural differences within communities. These cultural factors could determine how communities interact with power dynamics, and they may influence what gets reported and what stays behind closed doors. They may also contribute how communities communicate with each other and how it may appear to those outside these communities.

Measures to improve reporting rates

Education
It is important people understand what constitutes a hate crime and this can be addressed by statutory and voluntary agencies working together to disseminate hate crime resources for educational establishments, raising awareness of the impact of hate crime on individuals and the wider community. This in turn will increase the confidence of people in reporting hate crime. Creating awareness may counter the belief that there is no point in reporting hate crimes as “nothing will be done”.

Legal Empowerment
Legal empowerment could have the potential to work with clients, not just for clients, bringing them into the decision making process and this is vital when so many already have a deep resentment for power structures and status quo. Legal empowerment is community agencies empowering communities with the knowledge of their rights.

Victimisation Survey
Victimisation surveys aim to measure unreported hate crime, as they do not come with the weight and pressure of consequences. They are useful for determining patterns of abuse which will aid police, civil society and the community in how they tackle hate crime.

Citizen Report Cards
Creating communities that hold each other accountable is vital to building trust and relationships. Communities create alliances with police, government and top community leaders to improve safety, schools and public spaces. Citizen report cards are a tool that is given to these members of a community and used to keep track of public service records and social change strategies.
Ease of Reporting Hate crime
The opportunity to report hate crime must be made easier and more accessible. Many Police forces throughout the country have adopted an online application form which asks targeted questions in order to establish whether a hate crime has been committed or not. This tool is extremely effective as it provided detailed information to people as to what a hate crime is and can be done from the safety of the victim’s home. Further, a Mobile app which has been implemented by The Metropolitan Police service gives victims more ways of reporting hate crimes.

Scrutiny Panel
Throughout many Police forces, police officers and members of the community run a scrutiny Panel every 6 weeks which scrutinise how the police have dealt with/ responded to hate crime/ incident reports. With one of the main barriers being a distrust of the police, a scrutiny panel which brings together both the police and the community to look at how their hate crime reports are dealt with can be seen as restoring some trust with the Police. It would mean the community play a vital part in raising the issues and can offer knowledge that the police may otherwise not possess about the main issues/challenges in regards to hate crime.

Hate crime week
Research undertaken demonstrates to a lack of knowledge by the public as to what is meant by a hate crime. This points to an obvious gap in knowledge which needs to be addressed. Yearly, a week long campaign is conducted to tackle Hate crime. Police forces as well as communities and councils come together to raise awareness of the issue and encourage people to report hate crimes. As well as raising awareness of hate crime this National Hate crime awareness week encourages reporting and promotes local support services and resources. This week encourages communities and organisations to work together with a common aim of eradicating hate crime.

Hate incident reporting centres
An example of building links with the community and making the reporting of hate crime more accessible can be seen through a Hate incident Reporting centre. The aim of these centres is to make it easier for members of the public to report hate incidents, by providing safe and accessible places for them to go with information. A prominent barrier present in reporting hate crime is the lack of trust in the police and the difficulty in approaching them, however such a scheme would mean that those wanting to report hate crime can do so in a more comfortable environment which is familiar to them rather than going to the police station. This scheme is an excellent way of establishing a good relationship with communities and allows communities and the police to work closely together in raising awareness of hate crime and tackling the issue head first.

Lack of trust
Creating relationships between these communities and the police is vital in creating trust that can lead to a supportive atmosphere and belief that change is possible.

Q3 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.

Hate on the Internet: What You Need to Know
Websites and other online environments that propagate hate are widespread on the Internet. Hate websites are both disturbing and destructive. They are disturbing because they disseminate crude messages of hate, often permeated by violent images and words. The sites are destructive because they are easily accessible and designed to be compelling in order to attract new members, especially young people. Hate on the Internet is also spread through web forums and listserves, which serve as
a vehicle for the daily exchange of hate messages. Hate-music sites, which contain songs with hateful and prejudiced lyrics, are available on or through links in hate websites. A significant barrier to police in investigating hate sites that appear to violate hate crime laws is the lack of training on the technical issues involved in identifying who is responsible for hate sites and where those sites originate, and proving who is responsible for the content.

Monitor the Content of Hate Websites
Agencies dealing with hate crime can develop contacts with Internet-service providers and become familiar with their policies for dealing with hate sites. Then, by monitoring Internet sites, they can identify content that poses an immediate threat or violates guidelines, and quickly notify Internet-service providers. This does not supplant the role of law enforcement agencies where criminal acts may have occurred but, given the complexity of legal regulation of the Internet, the Internet-service providers may be more effective in removing the problematic content. In some countries, voluntary sector organisations have been responsible for the closure of websites dedicated to hate speech. They have done so through direct intervention with service providers and government agencies, and bringing legal action.

Education
Comprehensive guides to education on the problem of cyberhate for parents, teachers and students have been developed by a number of organisations and are available on the web.
- For law enforcement: educational materials and training to police and prosecutors can be provided in skills and techniques for investigating hate crimes involving the use of the Internet;
- For parents: there is advice and training for parents how to recognise and assess problematic websites, how to transfer this knowledge to their children and how to monitor what sites children log onto.
- For teachers: there is advice on how to talk about cyberhate and how to develop students’ critical-thinking skills, which will allow them to ask appropriate questions about the validity of information on websites; and
- For students: there is information for young people on the dangers of cyberhate, how to recognise and assess discriminatory material, and what can be done against it.

Q4 The role of the voluntary sector, community representatives and other frontline organisations in challenging attitudes that underpin hate crime.

Hate crime destroys lives and devastates communities. The voluntary sector, community representatives and frontline organisations play a crucial role in supporting individuals and communities experiencing hate crime, particularly in encouraging people that use their services to report incidents of hate crime. For example, research from Stonewall estimates that one in six gay people in the UK have experienced homophobic hate crime, yet as many as three in four victims still do not report the incident. This scale of under-reporting is replicated across all diversity strands so it is essential that these organisations support victims by raising awareness of hate crime and encourage reporting. Although the primary responsibility to combat hate crimes lies with local and national authorities, voluntary sector and community representatives play an essential role in working with these authorities to address hate crimes and in guiding their response. They challenge attitudes underpinning hate crime by acting as a voice for victims, serving as intermediaries with the statutory bodies and campaigning for action to meet the challenges of hate crime.
Q5 Statistical trends in hate crime and how the recording, measurement and analysis of hate crime can be improved

1. Improve crime recording
When considering trends of hate crime, it is important to make the distinction between the level of offending and the volume of recorded crime. Hate crimes are significantly under reported, and there is further attrition between the reporting of a crime and accurate recording by the police.

As police recorded hate crime only represents a fraction of the overall level of offending, it is important to improve the reporting and recording rates to build our understanding of hate crime and provide the best possible support to victims.

The Crime Survey for England and Wales (CSEW) gives the most reliable estimate of the prevalence of hate crime and can be used to estimate the overall attrition rate. However, the limited sample size prevents analysis by police force area. While it may be feasible for individual forces to replicate this locally, it would be challenging to ensure the use of comparable methodologies.

HMIC’s Crime Data Integrity inspections have improved the crime recording rates. Compliance with National Crime Recording Standards can also be managed locally within each force.

2. Improve measurement
There may be scope to review the national definitions for recording hate crime or provide further guidance. Currently, recorded hate crimes are identified through two channels:

- **Home Office counting rules** - Specific offences for racially and religiously aggravated crime where there is evidence of hate as an aggravating factor (limited to assault, criminal damage, public order, and harassment)
- **Annual Data Requirement (ADR) relating to recorded hate crime** - Hate crimes for other types of offence, other protected characteristics, and offences without evidence of hate as a motivating factor (perceived by the victim or any other person).

3. Improve analysis
The ADR relating to recorded hate crime has been amended to include the faith of victims of religiously aggravated hate crime (mandatory from April 2017). In addition, the nationality (or perceived nationality) of the victim could also be recorded to allow greater scope for analysis. For example, Iranian and Filipino victims both self-classify as ‘Any other Asian background’.

Offender profiles, such as age and offending history can be used to analyse hate crime. The MO of a crime may also be useful to further understand the nature of hate crime, for example, online crime, night-time economy, etc.

The harm caused by hate crime may be captured in a similar way to the severity score currently under development by the Office for National Statistics. Rather than presenting a simple count of hate crime, this would give a greater weighting to more serious offences or those that cause most harm.

The Home Office proposes to remove the ‘User satisfaction performance measures’ ADR from April 2017. While this allows forces to tailor their surveys to reflect their own needs, the impact is that national satisfaction levels will originate from CSEW without sufficient sample size to compare individual forces.
Q6 - The type, extent and effectiveness of the support that is available to victims and their families and how it might be improved

Helping Victims to Report Hate Crimes
Many voluntary sector organisations and community groups dealing with hate crimes work hard to eliminate the obstacles that lead victims to choose not to formally report hate crime incidents. Their work includes helping to create an environment of confidence in which victims and their families feel able to file a complaint with authorities without fear of dismissive treatment or reprisal and with a well-founded belief that doing so will do them and their community some good.

Emergency Assistance
There are 24-hour emergency telephone and Internet hotlines for hate crime victims, through which they, their families or their friends can report hate-motivated incidents. NGOs can offer advice, a range of counselling and direct support services, and assistance to victims who wish to contact the police or other local authorities.

Accompanying Victims to Police or Other Government Agencies
Many victims feel more comfortable in reporting hate crimes to law enforcement and other official agencies if they are accompanied by a person whom they trust with experience in these matters. Accompaniment by voluntary sector representatives can help ensure that official bodies treat complainants with respect, record testimony fully and accurately, and observe established procedures. Accompaniment can also provide victims and their families with the sense of security they need to approach official bodies and to bring a complaint into the open.

Representing Victims
In many cases, voluntary sector organisations can represent victims in interactions with police and other public bodies, such as schools or housing authorities. In some cases, where specific voluntary organisations are acknowledged as “third parties” that can report crimes on behalf of victims, voluntary organisations may make the initial criminal complaints of hate crimes to public authorities.

Empowering Victims
Community groups and voluntary sector organisations, through support and encouragement, can help victims regain a sense of confidence in their community, control of their lives and reduce victims’ sense of isolation by showing their support for victims.

Supporting Victims
Interviewing victims or witnesses who do not speak the same language as the interviewer presents special challenges. It is important to have competent interpreters who have been trained in the sensitivities of the interview process and can be trusted to reflect the actual words of the interviewee. Interpreters should have the confidence of interviewees. Voluntary organisations, police officers and others who deal with the victims of hate crimes must be able to provide appropriate, effective services to culturally diverse communities and to take into account issues of gender within these communities. Competence in dealing with cultural differences (sometimes called “cultural competence”) is particularly important when addressing hate-motivated crimes.

Outreach support
Outreach supports expands the scope of advocacy and campaigning by reaching outward to work with others. For voluntary sector organisations working on hate crime prevention, this means developing working relations with other voluntary organisations and with social, cultural and religious groups within the community. Through outreach, the potential for bringing about change is increased by adding to the number and influence of people and organisations pressing for the same
goals, by adding the voices of prominent individuals who can lend their own prestige to pressure for change, and by showing that demands for action to combat hate crimes do not come only from the communities under threat.