The Mayor of London has expressed his pride in the diversity of our city and pledged in his manifesto to direct the Metropolitan Police Service (MPS) to take a zero tolerance approach to hate crime.

He has restated his determination to combat hate crime following a number of significant incidents since his election. The Mayor was pleased to stand alongside thousands of Londoners at the vigil in Soho following the shooting outrage in Orlando, and attended London Pride the following week. He has also expressed his concern at the increase in racist incidents following the result of the EU referendum. Following reports of such incidents he made his position clear, that he will not tolerate hate crime against anyone, in any part of London.

The Mayor’s insistence on a zero-tolerance approach to hate crime will be reflected in his Police and Crime Plan for London, which is currently being developed. There will be an extensive consultation on the plan, offering Londoners the opportunity to express their views on how the challenge of hate crime, and all other policing issues, will be met.

The Mayor welcomes the Home Affairs Select Committee inquiry. As Deputy Mayor I also welcome the opportunity to make this submission on behalf of the Mayor’s Office for Policing and Crime (MOPAC).

As a quarter of hate crimes recorded nationally are reported in London it may be helpful to provide a picture of hate crime in London as context for this submission.

**Trends**

There has been a clear upward trend in hate crime offences reported in London over the last five years. Of the 17,657 hate offences reported in the last 12 months (to August 2016) 89% were flagged as racist or religiously aggravated, and offences of this type have increased by 19% in that time. At the same time Islamophobic offences have seen the highest increase of any hate crime strand with a 65% rise in recorded offences. Islamaphobic and anti-Semitic hate crimes differ from other strands in that the rates are more subject to national and international events.

The vast majority of hate crime recorded in the last 12 months is classed as harassment, often verbal assault. Although 91.5% was recorded as ‘violence against the person’, less than 10% of those offences were classed as the more severe crimes of assault with injury or GBH.

Location can also be an influencing factor. Over half of anti-Semitic hate crimes take place within four London boroughs, and more specifically the boroughs of Barnet and Hackney which have large, visible Jewish populations. One in three transgender hate crimes also take place within four (different) boroughs, though the reasons for this are less clear. There are no obvious geographic factors influencing the location of other hate crime strands.

**Arrests and Convictions**

By the end of August 2016, 2,521 people had been arrested for racially motivated hate crimes, of which almost two-thirds of the were white, and over half 25-44. This roughly correlates with the percentage of the London population that identifies itself as ‘white’. Over half of all arrestees were charged and either detained for court proceedings or bailed to appear at court at a later date. No Further Action was taken against 25% of those arrested.
As the number of hate crime reports has increased, the sanction detection\(^1\) rate in London has reduced, from a peak of almost 50% in August 2011 to 23% in June 2016. The rate varies across different strands, ranging from 7% for disability hate crime to 24% for racial and religious hate crime in the year to June 2016.

Where victims feel more confident to report hate crime this can drive the sanction detection rate to fall further. This is because once victims have reported one crime, they often feel enabled to report additional, historic hate crimes, where there is virtually no chance of pursuing the perpetrator(s). A similar sanction detection pattern occurs when domestic abuse victims report crimes against them.

A quarter of all hate crime trials take place in London, but the conviction rate of 80% is slightly lower than the national rate of 85%. Nearly a quarter of all unsuccessful hate crime prosecutions (in the financial year 2015/16) were down to the victim failing to attend court, refusing to give evidence or retracting evidence, suggesting the gaps in the provision of services to support victims of hate crime identified in a review of victims services in London in 2014 continues to be an issue.

**Post-referendum**

The increase in hate crime reports since the EU referendum has been widely publicised and the largest increase has been in racially motivated hate crime. The profile of those targeted is also changing. Following the referendum the average victim is more likely to be a white male aged between 30-39, compared to the pre-referendum period (and for the calendar year) where the highest number of victims were Black. Whilst victims are more likely to be male, the volume of female victims has increased since the referendum.

The volume of police arrests for offences of racial hate has not matched the increase in reports. Between 24 June and 3 September there have been 733 recorded race hate arrests. This is an average of 10.2 per day, slightly below the 735 arrests for the 72 days preceding the referendum. The lack of an increase in the number of arrests commensurate with the increase in reported offences may be due to several reasons, which we will be exploring with the MPS; we are clear that we need to improve confidence and that this will lead to improving outcomes. A number of investigations may also be ongoing and may, in time, deliver an increase in arrests and convictions.

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

An issue that causes public confusion is that there is no specific offence of ‘hate crime’ in criminal law. Rather, there are existing offences committed against a person, which may include threats, physical assault, harassment and damage to property. There are also offences which may not be directed at individuals such as incitement to violence or incitement to hatred.

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\(^1\) i. A sanction detection occurs when; a notifiable offence (crime) has been committed and recorded; a suspect has been identified and is aware of the detection; the Crown Prosecution Service evidential test is satisfied; the victim has been informed that the offence has been detected; and the suspect has been charged, reported for summons or cautioned, been issued with a penalty notice for disorder, or the offence has been taken into consideration when an offender is sentenced.
Police can identify, or ‘flag’, any offence as a hate crime as outlined in the Home Office definition, thereby influencing how the offence is investigated and prosecuted, including, in the case of a conviction, attracting an enhanced sentence. However only racially or religiously motivated hate crimes can be prosecuted specifically as aggravated offences, e.g. racially or religiously aggravated assault with injury. There are five such specific aggravated offences.

There is some merit in considering the views of community stakeholders who support victims of hate crime, particularly those who identify as belonging to one of the monitored strands other than racial or religious, who express a desire to see legislation simplified and equalised so that crimes motivated by hostility on the basis of any of the monitored strands can be prosecuted as aggravated offences.

Those community stakeholders with whom MOPAC works don’t suggest that the difference in the way the law applies to the monitored strands is the only concern in how hate crime is addressed in the criminal justice system. There are, as suggested by the terms of reference for the inquiry, a number of factors such as under-reporting, recording and a lack of awareness. However, the committee may wish to explore whether evidence suggests that flagging of offences (other than racially or religiously motivated) works consistently in terms of how cases progress through the criminal justice system, or if aggravating factors ‘get lost’, resulting in a different outcome. There is a risk that if crimes are rightly reported as hate crimes, but the aggravating factors are not taken into consideration and therefore prosecuted as offences without hostility (based on the protected characteristic of the victims), they will not attract an enhanced sentence in the event of a conviction. Such outcomes would risk losing both the deterrent effect for future perpetrators, and the confidence boost to those reporting the offences.

Our community stakeholders have also expressed the view that offences motivated by hostility on the bases of age and gender should also be included in the Home Office definition of hate crime, bringing it in line with other equalities legislation. Legislation already allows police a measure of discretion in treating the targeting of people outside of the five monitored strands as hate crime. This discretion is demonstrated by Greater Manchester Police who made the decision to include crimes against people identified with specific sub-cultures as hate crimes following the highly publicised murder of Sophie Lancaster in 2007. Nottingham police have also taken the decision this year to categorise misogynistic incidents as hate crimes. There are potential benefits for victims in this approach – offering a better chance that the victim will receive the most appropriate support and the incident a more robust response. The approach is not without complexities however. One of the risks is that the motivation may not always be clear – i.e. is an elderly woman being targeted because of hostility on the basis of her age or gender, or merely because she appears vulnerable and therefore an easier target? These are complexities that already play out in crimes against disabled people.

A first step to more effective legislation would be to implement in full the Law Commission’s 2013 recommendation of a full review of aggravated offences, but the Government could in the meantime consider implementing an equal approach to the incitement laws across all strands. Government could also review existing data to ascertain whether or not the laws should be extended to include age and gender.

The Law Commission also recommended that sentences uplifted on the basis of hostility are recorded on the Police National Computer, and reflected in an offender’s record. This would give the police, prison and probation services access to more accurate information about offenders’ history, assisting police in identifying potential repeat hate crime offenders and
enabling prison and probation services to tailor rehabilitation and education programmes. I would endorse this recommendation.

It is important to consider the range of criminal justice outcomes that are applied to hate crime offenders and how these could be used to also rehabilitate and re-educate offenders to prevent reoffending. This might be achieved through the provision of mandatory, evidenced-led preventive offender programmes, for example. However, the rationale and efficacy would need to be fully understood and explained to community stakeholders and the public to ensure there was no perception that such sentences are either a ‘soft option’ or a cost-saving mechanism.

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

There is much research that suggests under-reporting of hate crime is a challenge. Information sources such as the Crime Survey for England and Wales (CSEW) and anecdotal evidence from communities targeted by hate crime supports this assertion.

There are barriers to reporting that are common to all monitored strands, such as low awareness among victims and witnesses as to what constitutes a hate crime, including a lack of understanding by those receiving the reports. The Government’s own hate crime action plan, ‘Action Against Hate’ (2016), also alludes to the perception that the police do not take reports of hate crime seriously. This echoes other research suggesting; a lack of confidence that the authorities will take hate crime reports seriously or that any action will be taken; anxiety about reprisals or other unwelcome consequences; and negative past experiences with police and other public authorities. The previous Government action plan (Challenge it, Report it, Stop it 2012) suggested that under-reporting is greater where the victim is ‘isolated’, and the problem is particularly challenging where the victim is from the Gypsy, Irish Traveller and Roma communities, from ‘new’ migrant communities, including asylum and refugee communities, or is disabled or transgendered. This is most profoundly illustrated in relation to the low numbers of disabled hate crime reports compared to the percentage of the population that declares itself as having a disability.

The challenges to reporting can be met, and the approach in London is three-fold;

- increase awareness of hate crime so that those who are victims or who witness incidents understand that such behaviour is not only unacceptable but criminal. MOPAC will be promoting National Hate Crime Awareness Week in October. We have also ensured that Police Safer Schools Officers have access to a range of hate crime resources to assist in engaging school children. The Mayor has written to every school in London offering to work with them in increasing awareness and understanding of hate crime;

- encourage the reporting of hate crime by increasing the opportunities to do so, and making sure the public are fully aware of these opportunities. This includes a smartphone app for reporting hate crime that is currently being piloted in London and Sussex;

- ensuring that hate crime reports receive a robust and appropriate response, including the pursuit of perpetrators and the availability of appropriate victim support. By ensuring such successes are publicised, we hope to give more victims and witnesses the confidence to report.
The CSEW report of 2014 suggested that 43% of hate crimes (nationally) are not reported to the police. The CSEW report of 2015 indicated a fall in the numbers of people reporting that they were victims of hate crime, while London continued to see increases in the number of hate crime reports across all strands in the same period. This suggests that efforts to raise confidence and boost reporting in London are having a positive impact.

There are currently several universal ways to report hate crime; police 999 and 101 numbers for emergency and non-emergency incidents, and the Ministry of Justice (MoJ) sponsored Tru-Vision website. These are supplemented by a number of smaller, local services offering third-party reporting. To further boost reports, the Government could establish a single, national telephone number to report hate crime, underpinned by a national awareness campaign encouraging its use. Such a service would not be a victim support service, thereby risking supplanting existing local or specialised support services, but would be an additional means of capturing reports and potentially signposting to existing services.

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.

All communities targeted by hate crime have talked of the increasing amount of targeting that takes place online, and the challenge it presents can appear overwhelming. Social media enables abuse and victimisation in front of a wider audience, where perpetrators feel they can act with impunity through a veil of anonymity. This can result in an increased level of insecurity and humiliation felt by individual victims and the widespread targeting of whole communities.

Online technologies, and the way people interact with them, changes rapidly and criminal justice agencies often appear to be ‘playing catch-up’ leading to an inconsistent response. We welcome the Government’s recognition of the increasing impact and complexities around online hate crime in its new Action Plan. The decision to convene a ministerial seminar on hate on the internet that brings together victims’ groups, stakeholders and industry representatives, is a positive development, as is the decision by the Director of Public Prosecutions to publish guidance on prosecuting cases involving communications sent via social media.

However, the Chief Crown Prosecutor for London has herself stated that this is “not an issue we can prosecute our way out of” and we are delighted to see that the government also recognises the importance of the voluntary and community sector in meeting these challenges. MOPAC shares this recognition and includes voluntary and community sector elements in its Online Hate Crime Hub initiative to be launched with support from the Home Office Police Innovation Fund. The Hub Programme will provide a dedicated police resource to detect and respond to online hate crime, and assist in training police officers and community groups in how to report and challenge hate material online.

We recognise that the nature of online hate crime, including the complexities around identifying the location of the perpetrator (and therefore the crime), and often the location of the victim, mean that there are jurisdiction issues, both national and international. There are additional jurisdiction issues related to the distinction between material that may be criminal and that which may be offensive, but may be considered an expression of free speech. Social media providers have offered support and training in using their existing online tools to highlight, challenge and, in some cases remove hate material, but these complexities can hinder more robust action.
While we will encourage the ongoing engagement of social media providers through local initiatives like the MOPAC Online Hate Crime Hub, we would urge continued pressure through the various national and international forums with which they engage. We must work with Government, criminal justice partners and the online industry to demonstrate that the internet is not an ‘un-policed’ environment. That hate crime online is still hate crime and will be responded to as robustly as any other crime.

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

There is a vital role for the voluntary and community sector, not only in challenging attitudes that underpin hate crime, but in actively participating in delivering the response when hate crime occurs.

The contribution of voluntary and community sector partners, and other frontline organisations, adds credibility to the policies, strategies and plans of the public agencies charged with combatting hate crime. This is because they not only represent and work with those communities targeted by hate crime, but their participants are often members of those communities, including those who have themselves experienced victimisation.

Such groups are frequently able to provide the most appropriate guidance in terms of raising awareness of the nature of the hate crime targeted at their communities and the impact it has. An initiative developed jointly by the MPS and Deaf and Disabled People’s Organisations (DDPOs) established earlier this year is an example of the value the voluntary and community sector can add. The issue of under-reporting, already acknowledged, can be exacerbated by a lack of understanding on the part of those taking the reports. As a result, even where victims have the confidence to report a hate crime, if the crime is not recorded correctly an inaccurate picture of the level of hate crime is cemented, and, more importantly, the crime and the victim may not receive the response they deserve.

The initiative, called ‘Disability Hate Crime Matters’, is an awareness raising campaign for all MPS police officers. It provides detailed guidance, through briefings to groups of officers, on how they should capture disability hate crime reports on the MPS internal crime reporting systems and how such reports should be progressed. As an indication of the effectiveness of Disability Hate Crime Matters, reports of disability hate crime in London numbered about 100 a year in 2014 and 2015. In January 2016, the month before the briefings began, there were 12 reports. In the two months after the roll out of the briefings the number of reports was over 200. This, according the DDPOs, represented a far truer picture of the actual number of hate crime incidents suffered by disabled victims.

As well as their awareness-raising capabilities, many organisations rooted in the voluntary and community sector provide the most direct, appropriate and specialist support services to those who have been victimised. However, this sector is under-developed in terms of resources and capacity. If we wish to see victims have the confidence to report, and we recognise that the voluntary and community sector has an important role in providing a response, public agencies must ensure those voluntary and community partners have the capacity and resources to meet the demand.
Statistical trends in hate crime and how the recording, measurement and analysis of hate crime can be improved.

MOPAC publishes a hate crime ‘dashboard’ in London. The MOPAC dashboards are interactive data tools that publish up-to-date crime, policing and criminal justice data. The hate crime dashboard contains numbers of hate crime reports, including data going back a number of years to identify trends, demographic information on victims and data on prosecutions and outcomes.

Statutory and community stakeholders have welcomed the dashboard, asserting that it provides a useful way to recognise the levels of hate crime and indicate what the response from criminal justice system partners should be.

I have already mentioned the risk presented by inaccurate recording of hate crime reports, but there are additional issues related to the limits on available hate crime data. There are gaps, particularly around the victim journey. MOPAC’s work on the hate crime dashboard suggests a variety of additional data would be helpful in the analysis of hate crime and how it is responded to;

- Repeat victims data. A national standard in how this is recorded would help. Currently this information is hard to acquire and therefore difficult to analyse.
- Sentence uplift data and more frequent data release by Crown Prosecution Service and courts.
- The reporting mechanism used by the victim (or witness) to report hate crimes.
- Repeat suspects/offenders.
- Intersectionality, i.e. where the hostility is based on more than one of the monitored strands, or the victim identifies as belonging to more than one strand. Data available on how this is recorded and tracked and the support offered to victims would be helpful.
- A clear identification of hate crimes committed online.
- It may be useful to measure separately those reported hate crimes where police have no opportunity to take action due to the historic nature of the crime or the victim doesn’t know the perpetrator and there are no witnesses.

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

There is some very high quality support in place in London for victims of hate crime. The transfer of victims funding from the MoJ to Police and Crime Commissioners has allowed MOPAC to ensure hate crime victim support can be delivered through a mixture of discreet commissioning of community based providers, and providing access to a small grants fund.

However, the hate crime victim support sector is less well developed than other victim support areas. Specialised support services are often small-scale, local, and lack the requisite resources and capacity to access funds available through the existing mechanisms. The challenges are;
to provide development and capacity to ensure that specialised services can meet the
demand as the confidence of victims to report increases;
to ensure that best practice among service providers is recognised and spread, ensuring
victims receive support that is appropriate to their specific needs as they attempt to cope
and recover.

MOPAC is currently piloting a Hate Crime Victims’ Advocates (HCVA) scheme in two London
boroughs. The scheme aims to support victims, helping them to cope and recover using a model
based on Independent Domestic Violence Advocates (IDVA). Studies have shown that when
high risk clients engage with IDVAs there are clear and measurable improvements in terms of
victims feeling safer. Under the HCVA scheme a consortium of community based victims
support organisations provides enhanced, specialist support across all hate crime strands.

Success of the pilot scheme will be measured by whether the it improves outcomes for hate
crime victims including; reduced repeat victimisation, increased feelings of safety, improved
accessibility of services and a reduction in the attrition rate of prosecutions where victims choose
a criminal justice path. Without pre-empting the evaluation of the pilot, we suggest this is a
service that could be scaled up and sustained with appropriate funding.

A Vulnerability Gap

I’m aware that we must be careful when using the word ‘vulnerable’ when talking about hate
crime. Members of those communities who are targeted by hate crime have expressed the view
that the word has unhelpful and misleading connotations. They assert that to describe them as
vulnerable, merely on the basis of their race, religion, sexual orientation, gender identity or
disability status, places the focus of the crime on them instead of the perpetrator and his or her
bigotry and hostility. A very senior Asian police officer described how he has been the target of
racial abuse, but he would never describe himself as vulnerable. Similarly, a member of the
MPS Disability Working Group described how being attacked in the street was not because she
was vulnerable – but because of the views of her attacker about her disability.

However, we must recognise that there may be circumstances that make some citizens more
vulnerable to crime, including hate crime, than others. This vulnerability may have nothing to
do with their identification as belonging to one of the monitored strands. It may simply be
geographic – living in an area identified as ‘vulnerable’ because of high levels of depravation
and crime. It may be their youth, their mental health, their lack of educational opportunities or a
whole host of other social or economic factors that result in some sections of the community
being over-represented in the criminal justice system as victims, offenders or both.

It is essential that we, as public agencies charged with addressing hate crime, ensure that all our
citizens feel secure, whoever they are and wherever they live. This requires us to ‘get ahead of
the game’. I’ve mentioned the importance of ensuring that those who can offer the most
appropriate support to victims have the capacity and resources to do so, but equally important is
the promotion of a society where intolerance has no place. We must ensure that hate crime and
hate speech has no place in our schools and educational establishments, enabling our young
people to understand what is inappropriate, offensive or even criminal, and the impact on their
fellow citizens.
We must ensure that perpetrators of hate crime feel no more able to spread their divisive messages online than they do on the street. As a step towards this I would urge the Government to promote and support National Hate Crime Awareness Week this October and every year going forward.

The outpouring of public support towards some of the individuals and communities targeted by the recent ‘Brexit’ related increases in hate crime demonstrate that our citizens are overwhelmingly tolerant. However, we must be vigilant and there is more to do. I would be happy to provide the inquiry with any further details on MOPAC plans to combat hate. I look forward to the report at the conclusion of the inquiry

Submitted on behalf of the Mayor of London by Sophie Linden, Deputy Mayor for Policing and Crime