



European Police College (CEPOL)

Course 69/2016 - Hate Crime

The perception, impact and consequences of hate crime

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Perceptions and impact of hate crime

'Hate crimes and incidents are any crime or incident where the prejudice of the perpetrator against an identifiable person, or group of persons, is a factor in determining who is victimised'. (UK criminal justice definition but mirrors that of OSCE ODIHR)

Victims are more likely to suffer serious and longer lasting damage because they have been victimised for what they are, look like, or because of their orientation.

Hate crimes undermine a person's dignity, their individuality, their sense of worth, and their respect for their place in society.

On a wider level, hate crimes undermine society's cohesion, and worse.

The impact of hate crimes can be far greater than other crimes without a bias motivation: they send a message that the victim/s are not an accepted part of society in which they live.

Victims can experience both a sense of extreme isolation, and greater fear than that expected by other victims of crime.

Hate crimes can be a sign of a deep fracture in society that is often difficult to repair.

They frequently leave victims in fear of future attacks and of increased violence.

The fear comes from the rejection of the victim's identity.

As a consequence, those attacked may experience both a sense of extreme isolation and longer lasting fear than experienced by other victims of crime.

A 1998 study by the American Psychological Association likened the symptoms of hate crime to post-traumatic stress disorder (Hate Crimes Today: An Age Old Foe in Modern Dress, APS, 1998, www.apa.org/releases/hate.html).

Another 2001 study published in American Behavioural Scientist found that hate crime victims suffer more significantly than victims of other forms of crime. (McDevitt, Balbonic, Garcia and Gui, Consequences for Victims, A Comparison of Bias and Non-Bias Motivated Assaults, ABS, Vol. 45, No. 4, 2001, pp 698-711)

There is also the issue of secondary traumatising, when representatives of the criminal justice system, police, prosecutors, and judiciary, deny the seriousness of the reported hate crime. For many victims of hate crime, secondary victimisation leads to even greater humiliation, degradation and isolation.

Hate crimes have a similar destructive impact on the family and friends of the victim, and on others who share the characteristics that were the object of the prejudice behind the attack.

Other members of the targeted group can also feel at risk from future attacks, and may therefore be as psychologically affected, as were the victims.

These effects can be multiplied where victims are from groups that have been discriminated against and subject to prejudice for generations.

Hate Crime Indicators

The perception of the victim is a primary indicator of bias motivation. This is based on the victim's own experience with prejudice, the circumstances of the attack, the identification of the attackers, and many other factors.

In the UK and Canada, it is the victim's evidence that defines a hate crime. In some EU states, the police or the courts may make the decision.

Perpetrators frequently make their prejudices clear before, during or after the act. Those who commit hate crimes generally want to send a message to their victims, and to others.

Hate crimes can be committed by members of one minority group against members of other minority groups; it's not always by members of the majority group against a minority.

Causes of Hate Crime

5 strands of hate crime are monitored: religion, race, sexual orientation, disability and gender identity, although some states may not do all, or disaggregate their data.

Much hate crime is low level, stemming from prejudice, or hatred and can range from racist graffiti daubing or abrasive encounters on the streets at one level; to large scale rioting and mass incursions at another.

Paul Iganski's series of studies including *Hate crime and the city*, and *Hate crimes against London's Jews*, established that such abrasive encounters predominated rather than being mission-orientated attacks, in which political, religious and other extremists determine to attack members of a minority (Iganski, P., *Hate crime and the city*, The Policy Press, Bristol, 2008; Iganski, P., Kielinger, V., Paterson, S., *Hate Crimes against London's Jews*, Institute for Jewish Policy Research and the Metropolitan Police Service, London, 2005)

Consequences of Hate Crime

Hate crime destroys individual freedoms and community safety.

They threaten the security of individuals, and social cohesion.

When they go unpunished, they challenge the rule of law.

If unchecked, they can lead to more serious crimes, retaliatory crimes, mass violence and potentially constitute a threat to national security.

Hate crime is one of the few categories of criminal activity where the police should be actively seeking to increase the crime recording rate in order to reduce the gap between the actual incidence of hate crime and, those that are recorded and treated as such.

Confidence in the police will be lower in communities which are frequently targeted by hate crime, and it is important that reporting barriers are overcome.

When a hate crime occurs, the police should want victims to have the confidence, and opportunity to report them.

FRA surveys show that the most common reasons for not reporting hate incidents and crimes to the police is because the victim believes the police will not, or cannot, do much about it.

Trust and confidence in the police and ultimately government, will be damaged if the police fail to deliver services to the highest standards.

In the UK, the gap between the number of hate crimes, and those that are recorded is very large.

In 2012/3, 42,236 hate crimes were recorded by the police (*An Overview of Hate Crime in England and Wales*, Home Office, December 2013,

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/266358/hate-crime-2013.pdf)

The Home Office-sponsored annual Crime Survey of England and Wales for the same year reported 278,000 hate crimes across the 5 strands.

Of these, 154,000 were motivated by race; 70,000 were motivated by religion.

There has been a fall in the number of hate crimes reported to the police in the UK, from approximately 50% in the years 2007/8/9 to 40% in recent years. This is partly explained by the increase in less serious offences which have a lower reporting rate.

Within the EU, Member States now have to transpose two Directives into national law.

The Council Framework Decision on Racism and Xenophobia 2008 became operational at the end of 2014. In addition to requiring Member States to criminalise incitement to hatred based on racial and religious grounds and denial of genocide including the Holocaust, it also obliges them to consider the racist motivation behind criminal acts. This latter requirement is also a consequence of European case law decisions (<http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=URISERV:I33178&from=EN>)

The second is the Victims Directive 2012, which requires Member States to put victims at the heart of the criminal justice system, and to improve support services to them. This becomes operational at the end of 2015 (<http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32012L0029>)

The latest annual report by FRA published in July 2015, notes that some Member States have not fully transposed the first of these, and during 2014, engaged in bilateral discussions to ensure that they do so. It also notes that from December 2014, the European Commission is empowered to launch infringement proceedings against states which have failed to do so (Fundamental rights: challenges and achievements, EU Fundamental Rights Agency, Vienna, June 2015, http://fra.europa.eu/sites/default/files/fra-annual-report-2014_en.pdf)

FRA also points out, as it has done every year, that hate crimes are not being reported in anything like the correct quantity, and urges police forces to ensure that minorities understand they have the right to report hate crime, and make them aware of how to do so.

In conclusion, the task is to understand the causes of, and the consequences of, hate crime, and ensure that victims are able to report them in accessible and understandable ways.

Case Study: Stephen Lawrence

The 1993 murder of Black teenager Stephen Lawrence by a group of White racists highlighted the deep damage caused by hate crime, and the inadequate response by the police.

The police failings led to a high-level judicial inquiry chaired by Sir William Macpherson, a High Court judge, and ultimately the complete overhaul of the criminal justice system response to hate crime. (The Stephen Lawrence Inquiry, CM 4262-1, The Stationery Office, London, 1999).

The Racist and Violent Crime Taskforce was established by the Metropolitan Police Service to investigate the murder, and to examine police practice in investigating and dealing with hate crime.

An inquiry into the attitudes and practices of the Crown Prosecution Service, chaired by Professor Gus John, recommended, inter alia, the appointment of specialist prosecutors and substantial re-training for all prosecutors.

The Race for Justice Inquiry, appointed by the Attorney General, recommended, inter alia, the Race for Justice initiative, subsequently renamed the Hate Crime initiative, which led to the appointment of the Hate Crime Strategy Group, composed of senior police, prosecution service and other officials, to continuously review hate crime strategy and practice. In turn they are advised by the Hate Crime Independent Advisory Group, composed of civil society, academic and police experts.

The government hate crime strategy, *Challenge it, Report it, Stop it*, updates cross-government hate crime strategy, and lists on-going initiatives and plans (https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/97849/action-plan.pdf)

The *National Policing Hate Crime Strategy*, and the *Hate Crime Operational Guidance* publications are distributed to all police stations, and are available on-line (http://www.report-it.org.uk/strategy_and_guidance).

Of note is the fact that police online reporting of crime cannot proceed without 'flagging' any bias motivation.

In 2015, the Association of Chief Police Officers (now the National Police Chief's Council) initiated a formal hate crime data-sharing protocol by which national civil society groups can exchange detailed but anonymised data on hate crimes and incidents with the police, and vice versa. To date, this has been signed by the Community Security Trust on behalf of the Jewish community and Tell MAMA on behalf of Muslim communities (<http://news.npcc.police.uk/releases/police-agree-data-sharing-protocols-with-the-community-security-trust-and-tell-mama>).