

Hate Crime Newsletter



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November 2018

Welcome to the hate crime newsletter



It's been a busy few months since the last newsletter. The [CPS Hate Crime Annual Report 2017-18](#) was published on 16 October during hate crime awareness week. The report details what we've achieved over the last year and is an open and transparent look at our prosecution performance. I am hugely proud to see the sentence uplift rate increase to 67.1% which is a testament to the work of CPS prosecutors in building cases correctly and providing the courts with the information they need to sentence appropriately.

There was a huge amount of activity across the CPS during National Hate Crime Awareness Week – I think it is our biggest contribution to date. We worked with police and community partners across the country to raise awareness of hate crime and how to report it. Take a look at the article on [page 6](#) for more detail.

We've also recently seen the publication of the report following the [joint thematic inspection](#) of the police and the CPS in relation to disability hate crime. The report states the CPS has made 'substantial progress' in this area and that CPS decision making was 'excellent'. The CPS has worked hard over a number of years to improve its work in this area and I'm pleased to see this recognition. We know, however, there is more to do and we'll be working towards some of the recommendations made by the inspectorate in 2019.

In September I spoke at the launch event for the Foundation for People with Learning Disabilities' (FPLD) report '[A Life Without Fear?](#)' This report is thought-provoking and underpins just how much hard work there has been but also how much more we need to do across the Criminal Justice System to tackle Disability Hate Crime. The CPS will carefully consider the recommendations made within the report and will continue to work with FPLD. There is more detail on the report in the article [on page 10](#).

I am looking forward to our next hate crime coordinators face to face meeting which is taking place in December. It will be a great opportunity to look at what more we should be doing in 2019 to tackle hate crime.

To shape the February edition of the newsletter, please send comments, contributions and examples of best practice to: HateCrime.policy@cps.gov.uk

Chris Long, Hate Crime Champion and Chief Crown Prosecutor

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Updates and info

Positive Outcomes and Engagement from CPS Areas Hate Crime Coordinators

Prosecutors and Hate Crime Coordinators are working hard across the country to prosecute hate crimes. Here we celebrate some of our recent successes:

CPS East Midlands successfully prosecuted a case of disability hate crime where the offender was the registered carer for the victim who has been diagnosed with multiple sclerosis. On the day of the incident the offender had been drinking. The victim needed some help but was repeatedly ignored by the offender. In desperation the victim tried to do the things herself but fell onto the floor. When she pressed her emergency wrist button, the offender became really angry and put both his hands on her shoulders and applied pressure whilst shouting disablist and threatening abuse at her.

The police were called and the offender was arrested and charged with assault by beating. The offender failed to appear at court but was subsequently arrested and pleaded guilty.

The offender was sentenced to 16 week's imprisonment suspended for 18 months; this included an additional six month's suspension as the uplift in sentence for the disability hate element of the offence. He was also ordered not to communicate in any way with the victim or attend the property. He was ordered to pay a victim surcharge of £115 and costs of £85.

CPS Yorkshire and Humberside prosecuted an offender for religiously aggravated hate crime. After exiting his home address the victim was approached by the offender who began questioning him about his religious beliefs in an intimidating manner. The offender then proceeded to assault the victim by pushing him to the chest causing the victim to stagger backwards. The offender was charged with religiously aggravated common assault. He pleaded guilty and was sentenced to 28 days custody, uplifted from 14 days, and £115 compensation.

CPS Wessex successfully prosecuted an offender for transphobic and homophobic abuse. The offender went to his mother's house and caused damage to a number of items. He then homophobically and transphobically abused family members and physically assaulted two of them. He fled the address but police located him nearby. He was charged with battery and criminal damage and pleaded guilty at court. His mental health issues were taken into account at sentencing and he was given a 12 month community order with a four month tagging curfew which would have been three months were it not for the hate element. He was also ordered to pay compensation for the damage caused.

The CPS South West prosecuted an offender who was racially abusive to a member of Post Office staff after they refused to let him withdraw money from his post office account. This was on the grounds that he was banned from the store after a previous incident of aggressive

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www.cps.gov.uk/cps-areas-and-cps-direct

behaviour.

The offender was charged with a racially aggravated public order offence and pleaded guilty. The hate crime element took the sentence past the custody threshold and he was sentenced to 28 day's immediate custody uplifted from a high level community order.

CPS South East prosecuted a case where the victim was attacked after challenging a man who was homophobically abusing two men outside a nightclub. The victim then remembers waking up in hospital after being punched to the face. He required surgery for a fractured jaw including the insertion of a metal plate. The offender also homophobically assaulted another man who required treatment for a shoulder injury.

The offender was found guilty of both assaults and was sentenced to 18 months imprisonment with six months added to the sentence for the hate crime element of the offences.

CPS Yorkshire and Humberside prosecuted an offender who harassed the victim over a period of a year by sending a number of letters which attacked the victim's sexuality. The offender was charged with harassment without violence and was found guilty following a trial. He was sentenced to eight weeks custody uplifted from six weeks, suspended for 12 months. He was also ordered to pay £620 costs, a £115 victim surcharge, and the court issued an indefinite restraining order to prevent the offender from contacting the victim by any means.

CPS South West prosecuted a homophobic hate crime which took place during Hate Crime Awareness Week. The victim was attacked on a bus and subjected to homophobic abuse. The offender pleaded guilty at the first hearing and the case was adjourned for sentence. The CPS asked the police to obtain a victim personal statement (VPS).

At the sentencing hearing, the prosecutor discussed the case with the victim and his family explaining the charge and sentencing guidelines. The prosecutor also made an application which enabled the victim to read his VPS during the hearing.

Initially the uplift wasn't announced but, once the prosecutor reminded the court of the need to do so, this was rectified. The offender was sentenced to 16 weeks' custody which was uplifted to 18 weeks' for the homophobic element. Compensation was awarded and a restraining order put in place for 12 months. The prosecutor wrote to the victim and his family to explain the sentence.

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No2H8 awards

Alison Plant, Senior Policy Advisor, Prosecution Policy and Inclusion Unit

This year's No2H8 awards were held on 13 September and continued the tradition of honouring those who tackle hatred, intolerance and prejudice nationwide, those who work tirelessly to support victims and witnesses and those who promote cohesion, challenging all forms of hate.

The CPS continued its sponsorship of the award for [Supporting Victims Reporting Hate Crime](#) this year. This award was an opportunity to highlight the work of the community partners the CPS engages with and who provide their experience and expertise to help us improve our hate crime prosecutions and our service to victims and witnesses.

The winner was Steven Kelly who was presented with the award by Baljit Ubhey, Head of Prosecution Policy and Inclusion at the CPS. Steven is the Strategic Hate Crime lead for Gateshead Council's Community Safety Team.



Steven identified that the Learning Disability community felt most at risk of hate crime when on public transport so commissioned a local media company to create two films on the bus and metro with actors from the Learning Disability community taking part. This has increased the confidence within this community of recognising and reporting incidents. Steven also brought the first 'Speed Faithing' event to agencies and communities, working with faith leaders to deliver training on different religions, which was a huge success.



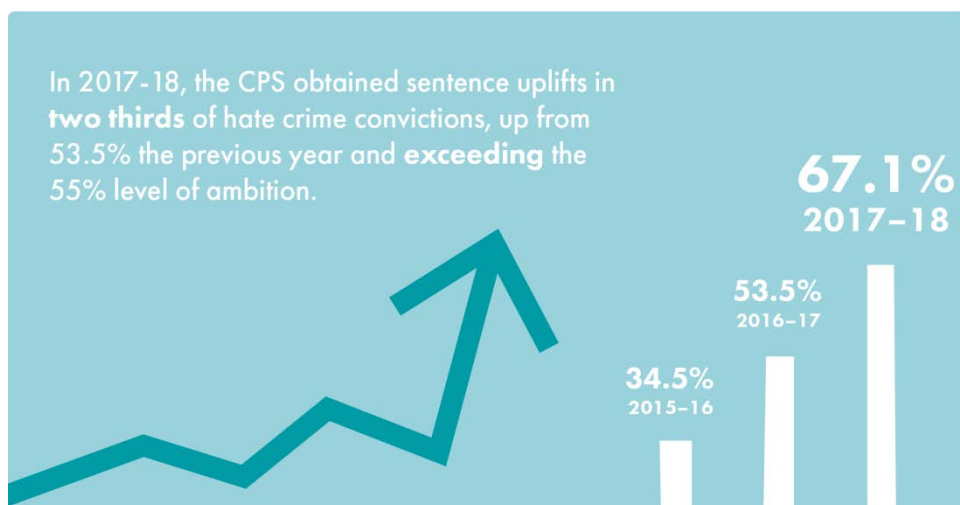
Mick Conboy, CPS Hate Crime Stakeholder Manager, was awarded the Outstanding Contribution Award for his work in tackling hate crime. Mick has worked in this area for a number of years but most recently at the CPS. Mick has created and maintained invaluable links with stakeholders and community partners seeking their input and views which ensures the CPS is at the vanguard of policy making. Mick's passion and hard work has increased the reputation of the CPS and public confidence in the work we do. Congratulations Mick!

For more information about the awards, visit their website: <https://no2h8crimeawards.org/>

CPS Hate Crime Annual Report 2017-18

Alison Plant, Senior Policy Advisor, Prosecution Policy and Inclusion Unit

On 16 October, the CPS published its [Hate Crime Annual Report 2017-18](#) which includes the latest figures on prosecutions for these cases. The report shows the CPS obtained sentence uplifts in 67.1% of cases – up from 53.5% and exceeding the level of ambition we set ourselves in CPS 2020.



Alongside the significant increase in sentence uplifts, there have been overall increases in the conviction rate and guilty pleas. In addition, there have been reductions in the number of cases which end due to complainant issues. These factors combined show improved outcomes for victims and witnesses.

The report shows an overall decrease in the number of hate crime cases. There has been a drop of 4.4% in police receipts and the number of completed prosecutions has reduced by 2.3%. We are continuing to work with the police to understand the reasons for this drop in receipts.

The report also covers the recognition the CPS has received from external stakeholders over the last year. The recent HMCSI inspection report highlights the progress the CPS has made in prosecuting and tackling disability hate crime as well as praising the work of the Area hate crime coordinators. The Lammy review also praised the CPS for its openness to external scrutiny which is something which shapes and informs our work in relation to hate crime through both local and national stakeholder panels.

While there are significant improvements in relation to sentence uplift and other indicators, there is more to be done in the coming year. The refresh of the cross-Government hate crime action plan, also published on 16 October, provides continued focus for our work in this area.

We will continue to build on our successes, to acknowledge areas for improvement and work with partners to deliver justice for those affected by hate crime.

National Hate Crime Awareness Week

Alison Plant, Senior Policy Advisor, Prosecution Policy and Inclusion Unit

National Hate Crime Awareness Week (NHCAW) brings people together to stand with and support those affected by hate crime. In 2018, NHCAW ran from 13-20 October. With every CPS Area involved, the CPS organised and participated in a wide range of events across the country to mark NHCAW 2018. Here are just a few examples:



In CPS West Midlands, the Chief Crown Prosecutor Janine Smith (pictured) attended Nottingham leaders united 'No to Hate' event at the University of Nottingham which focused on partnership working.

In CPS Mersey Cheshire, the Inclusion and Community Engagement Manager delivered a number of hate crime awareness workshops in schools.

In CPS South East, the Hate Crime Coordinator held a hate crime lunch and learn session for all staff which included a video link so all offices could attend.

The CPS also participated in online NHCAW activity on social media. This activity was organised into themed days:

- Monday** **Community Impact Statements (CIS)** – this included videos from partners on the wider impact of hate crime and a link to the CPS guidelines on the use of CIS in hate crime cases
- Tuesday** **Hate Crime Annual Report** – publication of the report alongside a video from hate crime champion Chris Long and messages from CPS staff on why tackling hate crime is so important
- Wednesday** **HMCPSI disability hate crime report** - a link to the recently published inspectorate report into disability hate crime accompanied by quotegrams from hate crime coordinators.
- Thursday** **Spotlight on Hate Crime Coordinators** – highlighting the work of the hate crime coordinators who support prosecutors to deliver justice and obtain sentence uplifts in hate crime cases.
- Friday** **Community Engagement and Inclusion** – this day focussed on the extensive community engagement carried out in each CPS Area led by the Inclusion and Community Engagement Managers



Hate Crime Action Plan and Public Awareness Campaign

Chris Witt and Kerry Charlesworth, Home Office

The Government published an update to the 2016 Hate Crime Action Plan on 16 October. This 'refresh' sets out the progress made against the actions published in 2016, as well as new commitments pledged tackle hate crime and protect victims.

New commitments include:

- A review of the coverage and approach of current hate crime legislative provisions by the Law Commission.
- Extending the Home Office Places of Worship scheme for a further year, to help protect religious buildings from hate attacks.
- Improving the police response by offering call handlers specialist training and revamping the True Vison reporting website.
- Additional funding for groups such as Anne Frank Trust to challenge hatred

The Home Secretary, Sajid Javid said:

“Hate crime goes directly against the long-standing British values of unity, tolerance and mutual respect – and I am committed to stamping this sickening behaviour out. Our refreshed action plan sets out how we will tackle the root causes of prejudice and racism, support hate crime victims and ensure offenders face the full force of the law.”

One of the new commitments from the Home Office was the launch of a new public awareness campaign, aimed at increasing awareness and understanding of what hate crime is and underlining the Government's commitment to tackling these crimes.

The adverts included in the campaign depict a range of hate crimes, particularly some types of offences which people, including victims, often do not recognise as criminal, such as online and verbal abuse. The campaign also aims to help the public understand that hate crimes can target sexual orientation, transgender identity and disability as well as race and religion.

Campaign advertising is being run across England and Wales on Video on Demand (such as ITV player and All4), social media, and posters are in public places at potential points of incidents where hate crime tends to happen e.g. bus stops, tube panels, phone kiosks and tram panels. The campaign went live on the 31 October.

All campaign advertising signposts to a [new page on GOV.UK](#) where members of the public can find out more about hate crime. The website also signposts organisations who can



The Home Office have produced a Partner Pack, which includes background information on the campaign as well as links to the campaign videos and posters. Please email HateCrimeCampaign@homeoffice.gov.uk if you would like a copy of the Partner Pack.

provide support and help to victims.

The campaign was developed working closely with representatives from the Independent Advisory Group on hate crime and the Crown Prosecution Service, who helped to ensure that the scenarios depicted in the adverts were potentially prosecutable hate crimes.

Inclusion London – combating disability hate crime

Louise Holden, Hate Crime Partnership Manager, Inclusion London

Recently published Home Office figures show that disability hate crime is on the rise, with an increase in violent assaults (Home Office, 2018). This means that more and more disabled people are making decisions not to go out alone, not to engage with others online, to isolate themselves for fear of being befriended so their money and home can be taken over, or worse being physically or sexually assaulted.

Through the campaigning work of Anne Novis MBE and others, for the last 20 years, disability hate crime is now better recognised and dealt with by the Criminal Justice System. Inclusion London has been funded by the 3 Guineas Trust, for 3 to 5 years, to provide support to Deaf & Disabled People's Organisations across London so they can combat Hate Crime against Disabled People, recognising that Disabled people can also be affected by other strands of Hate Crime. These crimes need to have multiple flags to reflect the intersectional nature of the motivating factors.

The Inclusion London Deaf & Disabled People's Organisation Hate Crime Partnership will be developed to provide a Pan-London response to DHC, much as GALOP, CST and Tell Mama have developed to respond to other strands of Hate Crime.

This partnership puts the people that know about the devastating and long term impacts of DHC at the heart of the work, as research shows that participation-led projects have better outcomes and longer term impact.

It is now accepted that the BME community should lead on projects for their community, and women only organisations are more effective at supporting women; it's time now for Disabled people to lead on the issues affecting them.

Disability charities are not necessarily led by Deaf & Disabled people. To be a DDPO, a charity has to have at least 50% of their employees and 75% of their trustees identifying as Disabled. They must also have the social model of disability at the core of their strategic aims. The social model says that it is the barriers faced by people with impairments that disable them, not the impairment itself.

Inclusion London has a membership of over 90 DDPOs across London. 19 of these providing support to approximately 22,000 Disabled people in relation to hate crime.

For more information about this Project, please contact Louise Holden, Inclusion London Disability Hate Crime Project Manager: louise.holden@inclusionlondon.org.uk

For Campaigns & Policy, please contact Ellen Clifford, Campaigns & Policy Manager

Ellen.Clifford@inclusionlondon.org.uk

Home Office Hate Crime Statistics, 2018: www.gov.uk/government/statistics/hate-crime-england-and-wales-2017-to-2018

Social Model of Disability – www.inclusionlondon.org.uk/disability-in-london/social-model/the-social-model-of-disability-and-the-cultural-model-of-deafness/

Women and Equalities Committee

Jonathan Bushell, Senior Policy Advisor, Prosecution Policy and Inclusion Unit

On 5 September Baljit Ubhey, Director of Prosecution Policy and Inclusion, gave evidence to the [Women and Equalities Committee](#) (WEC) inquiry into antisemitism. The Committee is looking into antisemitic hate crime in communities, victim experiences and public service responses.



Baljit answered questions alongside Chief Superintendent Dave Stringer and Detective Chief Superintendent Simon Rose from the Met police. The CPS approach to hate crime in general, as with all offences, is based upon the relevant legal framework and the application of the Code for Crown Prosecutors. Prosecutors are also supported by CPS legal guidance and public statements.

Baljit explained to the committee that a crime involving antisemitism will be treated legally in the same way as any other type of hate crime. The

prosecutor must ensure that there is sufficient evidence to provide a realistic prospect of conviction and to establish the relevant element of hostility.

To support prosecutors in understanding and identifying antisemitic hate crime, the recent training package on racially and religiously aggravated crime mandated for all prosecutors and paralegals made use of case studies developed with the assistance of the CST and Tell MAMA. This provided an opportunity to focus on how hate crime impacts upon Jewish communities and reinforced prosecutor understanding of how hostility manifests itself towards Jewish people and their faith.

When talking about the ways in which the CPS quality checks hate crimes, Baljit covered the important role carried out by Area Hate Crime Coordinators in checking both live and finalised hate crime cases as part of the Hate Crime Assurance scheme.

Building public confidence in hate crime cases was also highlighted by Baljit as a priority for the CPS and she talked about the need to share positive outcomes of hate crime prosecutions to show that we prosecute people and achieve sentence uplifts.

The Committee was interested to hear about how the CPS prosecutes online antisemitic hate crimes and Baljit outline some of the considerations around the Communications Act 2003 and the Malicious Communications Act 1988.

The full evidence session can be watched on the WEC website at: <https://www.parliamentlive.tv/Event/Index/b7f00f17-106b-4a85-9f12-a359993c76b6>

Living in Fear – what works in learning disability hate crime

Christine Burke, Foundation for People with Learning Disabilities and Equalities Lead from Mental Health Foundation

The What Works Project report '[A Life Without Fear?](#)' took evidence from people with learning disabilities who have been targets of violence, harassment and the practice of cuckooing, where gangs forcibly take over their homes for the purposes of drug dealing and prostitution.

Some contributors to the study reported being spat at, having belongings destroyed or being so frightened in their own homes that they were scared to leave the house. Many people with learning disabilities reported living in fear, with the potential for further impacts on their mental health including stress, depression and anxiety.

The report also found that there were some examples of local good practice, such as the Pegasus project pioneered by Surrey Police which improves mapping and prosecution of crime against people with learning disabilities; and the national awareness raising campaign, I'm with Sam run by Dimensions UK.

However, it is shocking that just over a decade after the deaths of Fiona and Frankie Pilkington there is still no co-ordinated strategy to tackle hate crime against people with learning disabilities.

It is vital as a first step that we collect statistics that properly reflect the nature of the problem. We also need to urgently tackle a situation in which national services remain patchy, un-coordinated, poorly evaluated and under-funded.

At present many people with learning disabilities have normalised the hate crime they face. This must change. There is a lot we can do including learning from some of the successful local projects that have been pioneered. It is time that we make good practice common practice.

The CPS is committed to providing an excellent service in prosecuting disability hate crime and to maintaining a dialogue with community partners, academics and other government departments about our collective response. We recognise the impact it can have on people's lives and have worked hard with our prosecutors to ensure this is understood so we can play our part in bringing offenders to justice.

Mick Conboy, CPS Hate Crime Stakeholder Manager

The Foundation for People with Learning Disabilities (FPLD) has been working on the issue of hate crime faced by people with learning disabilities since their ground-breaking report [Loneliness and Cruelty \(2012\)](#).

Criminal Behaviour Orders

Yvette Levy, Hate Crime Coordinator, CPS Yorkshire and Humberside

Criminal Behaviour Orders (CBOs) can be issued by any criminal court against a person who has been convicted of an offence to tackle the most persistently anti-social individuals who are also engaged in criminal activity. The CPS has published legal guidance on CBOs which can be found here: www.cps.gov.uk/legal-guidance/criminal-behaviour-orders

A CBO is available on conviction for any criminal offence in any criminal court. The order is aimed at tackling the most serious and persistent offenders.

CBOs will usually include prohibitions to stop the relevant offending behaviour, and may also include requirements to address the underlying causes of the defendant's offending.

The court may make a CBO against an offender only on the application of the prosecution. For a CBO to be made:

- The court must be satisfied, beyond reasonable doubt, that the offender has engaged in behaviour that caused, or was likely to cause, harassment, alarm or distress to any person; and
- That the court considers making the order will help in preventing the offender from engaging in such behaviour.

The CBO replaces the Anti-Social Behaviour Order (ASBO) on conviction and the Drinking Banning Order (DBO) on conviction.

In the case of a CBO made before the offender has reached the age of 18, the order period must be a fixed period of not less than one year, and not more than three years.

In the case of a CBO made after the offender has reached the age of 18, the order period must be for a fixed period of not less than two years, or an indefinite period (so that the order has effect until further order).

Some examples of the effective use of CBO's in hate crime cases are:-

- A "cuckooing" prohibition - exclusion from residential properties within a specified area and/or blanket exclusion from a specific area to prevent exploitation of disabled and vulnerable persons.
- Prohibition on fraudulent traders targeting vulnerable elderly and disabled people from offering any building or gardening work for payment.
- Prohibition on extremists from knowingly participating in, organising or controlling any demonstration, meeting, gathering or website protesting against [X].

For more information, please see the Statutory Guidance about the Anti-Social Behaviour, Crime and Policing Act 2014: www.gov.uk/government/publications/anti-social-behaviour-crime-and-policing-bill-anti-social-behaviour

Useful updates and info

Alison Plant, CPS Senior Policy Advisor, Prosecution Policy and Inclusion Unit

Home Office hate crime community projects fund

The Home Office is pleased to announce the launch of year three of the Hate Crime Community Project Fund. The application window is open until the 7 December 2018. The scheme funds community led projects up to £75,000 each, to tackle hate crime in communities most affected by hate crime.

All information about the scheme and how to apply can be found [here](#). Applications must be submitted by 23:59 on the 7 December 2018. If you have any questions please contact the hate crime team at the Home Office: hatecrimeprojects@homeoffice.gov.uk.

HMCTS to include sentence uplifts on the court record

HMCTS have issued instructions to their staff in the magistrates' courts and Crown court to ensure that hate crime sentence uplifts under sections 145 and 146 of the Criminal Justice Act 2003 are included in the court record. This will ensure that it is clear when someone has been convicted of a hate crime and that this will be recorded as part of the sentence on the defendant's PNC list of previous convictions.

Law Commission Scoping Report – Abusive and Offensive Online Communications

On 1 November, the Law Commission launched its scoping report into abusive and offensive online communications. The Law Commission were asked to assess whether the current criminal law achieved parity of treatment between online and offline offending. For the most part, it has concluded that abusive online communications are, at least theoretically, criminalised to the same or even a greater degree than equivalent offline offending. However, the Commission considers there is considerable scope for reform. To read the full report, visit the Law Commissions website: <https://www.lawcom.gov.uk/abusive-and-offensive-online-communications/>

We welcome your input, so if you would like to contribute to the Hate Crime Newsletter or have comments on this or any other issue, please email: HateCrime.Policy@cps.gov.uk