

# Hate Crime Newsletter



Issue no. 20  
February 2019

## Welcome to the hate crime newsletter



This is the first issue of 2019 and, I'm sure we say this every year, what a busy year 2018 was. Hate Crime Awareness Week was the biggest yet for the CPS, we published our Hate Crime Annual Report, launched a consultation on crimes against older people and gave evidence on hate crime to two Select Committees.

In December, we held our first meeting of the External Consultative Group (ECG). This is a group of experts who advise the CPS on its approach to hate crime and is

modelled on the successful Violence Against Women and Girls ECG. The ECG was established following commitments in the [cross-Government hate crime action plan](#) as well as the CPS [Inclusion and Community Engagement strategy](#). In the CPS we have long recognised the value of stakeholder engagement in developing our hate crime approach and the need for ongoing engagement with communities and the ECG is the next stage of this approach.

In 2019, we are looking forward to working and engaging with the Law Commission on their review into hate crime legislation. The Law Commission is looking to explore how to make current legislation more effective and consider if there should be additional protected characteristics added. This is an exciting piece of work and one that could improve the experiences of victims of hate crime. If you're interested in the review, there's more information on the [Law Commission's website](#).

We'll also be publishing the final version of the CPS policy guidance on Crimes Against Older People following the largely positive responses received to the consultation. Thank you to everyone who fed in their views.

I'd like to also say huge congratulations to Grace Moronfolu and Kim Ann Williamson, CPS Inclusion and Community Engagement Managers for East Midlands and Cymru/Wales respectively, who both received MBEs in the Queen's Birthday Honours late last year. Building relationships with stakeholders is critical to our work on tackling hate crime and better supporting victims and witnesses so it's great to see Grace and Kim Ann recognised for this work. Well done both!

To shape the May edition of the newsletter, please send comments, contributions and examples of best practice to: [HateCrime.policy@cps.gov.uk](mailto:HateCrime.policy@cps.gov.uk)

**Chris Long, Hate Crime Champion and Chief Crown Prosecutor**

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## 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 North East successfully prosecuted a case of disability hate crime where the offender used disablist language against his neighbour who has Autism and mental health issues. The victim had been experiencing issues with the offender playing loud music and making loud banging noises at all hours. On this particular occasion the victim was out in her garden at night having a cigarette before she went to bed. The offender came out and started to kick and throw objects and shouted threatening, disablist abuse at the victim.

The defendant pleaded guilty but disputed that his behaviour demonstrated hostility towards his neighbour based on her disability and so a [Newton hearing](#) was required. The court found that the offence was a disability hate crime.

The victim was supported to give evidence by an application for [special measures](#). The victim was able to give evidence via a live link and was assisted in her communication by a registered intermediary. The victim was able to go on a pre-court visit to familiarise herself with the court room. Further recommendations were made by the intermediary after the pre-court visit, including appropriate lighting and prompt cards to be available.

The offender was given a 13-week suspended sentence with 20 days' Rehabilitation Activity Requirement, £100 compensation award to the victim, £300 costs and an £85 victim surcharge together with a restraining order for three months to have no contact with the victim. There was a three-week uplift added to the suspended sentence for the hate crime element.

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As part of the CPS South East's commitment to tackling disability hate crime, District Crown Prosecutor and Hate Crime Coordinator Gareth Morgan delivered an awareness session with the Community Engagement Manager Ann-Marie Tierney in Brighton in November 2018.

The session was delivered to service users of Gig Buddies and was about the role of the CPS; how we spot hate crime and what we can do about it. Gig Buddies is a project that pairs up people with and without learning disabilities in Sussex to be friends and to go to events together. There was a lot of discussion about the barriers to reporting such as not being believed. Attendees were really pleased to hear about special measures and felt that more people need to know about this to help alleviate their fears. At the end of the session, the CPS representatives asked everyone who attended to commit to sharing the information with at least one friend to spread awareness of hate crime and how seriously it is treated by the criminal justice system. The Gig Buddies staff member said, once the session was over, the service users were still talking about what they had learned and who they were going to tell.

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CPS South West successfully obtained a sentence uplift in a disability hate crime case. The offender and victim were in a relationship and the victim was 16 at the time. The offender was charged with three assaults on the victim. During the first instance he bit her arm and on the second he verbally abused her with disablist language, slapped her to the face with both hands and jabbed her on the forehead with his palm causing her to hit a metal pole behind her. On the third occasion the victim was on FaceTime with her father who is deaf and they were using sign language. The offender became angry when he couldn't understand what they were saying so he punched the victim in the back and pushed his elbow into her neck. He also used disablist language towards her and her father.

The offender pleaded guilty to all three assaults and was given 12 weeks' custody for the non-aggravated assault and 14 weeks for both aggravated assaults which included the sentence uplift. The sentence was suspended for 12 months. He was also ordered to complete 150 hours of unpaid work and to pay compensation of £200.

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CPS Wales successfully prosecuted a case of racially aggravated common assault. The offender was outside a club with his girlfriend and became aggressive towards her, pushing her backwards. The victim's friend stepped in and told the offender not to push his girlfriend. The offender then ran towards the victim and her friends which, he stated, was to intimidate them. He then punched the victim to the face. The offender left the scene but returned to shout racist abuse at the victim. He was detained by door staff until the police arrived.

The offender pleaded guilty and was sentenced to pay a fine of £178 which was increased from a Band B to a Band C fine due to the racial element. He was also ordered to pay costs of £350 and £100 compensation to the victim.

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4–10 February was regional Hate Crime Awareness Week in Greater Manchester. CPS North West had a presence at a number of events throughout the week. Rachael Pavion, Hate Crime Coordinator, was a keynote speaker at the initial launch event, sharing our successes in the prosecution of hate crime. She also presented to criminology students and took part in a hate crime event at the University of Manchester. David Leighton, Inclusion and Community Engagement Officer, attended the Challenging Hate Forum, promoting the work of the CPS.

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CPS West Midlands delivered an awareness session on LGBT History with staff as part of LGBT History Month. Mark Brocklehurst, Co-Chair of the LGBTi Employee Network delivered a presentation and quiz to staff on the impact of the LGBTi community, their journey, rights and equality. The work of the employee network is crucial to the Area Inclusion and Diversity plan. Collectively, staff viewed short video clips on the LGBTi community including the work of Stonewall. The session also looked at role models and campaigners such as Marielle Franco and Marsha P Johnson. This year the Area is also supporting Pride festivals to share the work of the CPS in tackling hate crime.

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## Why the CPS must be an ally for Jewish women

Danny Stone MBE, Director, Antisemitism Policy Trust

In November 2018, the Antisemitism Policy Trust assisted the All-Party Parliamentary Group Against Antisemitism in organising the Sara Conference. This event was a global first, focussing on the intersection between misogyny and antisemitism, taking its name both from the foremother of the Abrahamic faiths and reclaiming it from the Nazis who forced Jewish women with 'non-Jewish' sounding names to use it.

The rationale for the conference was spelled out by MP Ruth Smeeth, herself on the receiving end of horrendous abuse, in the Times in advance of the meeting. "This particular intersectional attack is putting people off public life" she said. The examples to prove her point are all too evident. At the tail end of 2018, Luciana Berger MP tweeted that there should be a no confidence vote in the Prime Minister. In a follow-up post, she showed the extent of the racist abuse in response. "You and your coterie are 5th columnists Berger, with ill intentions." replied one user.



Oli Sandler Photography

Data revealed at the conference detailed the co-ordination, and growth in both misogynist and racist abuse and the overlap between the two. Former Google data scientist Seth Stephens-Davidowitz found that of 9,000 threads about feminism on the far-right website Stormfront, 60% also mention Jews. Other

message boards like Gab.ai on which the Pittsburgh synagogue shooter Robert Bowers posted, and 4Chan, were said to host men's rights activists, 'white genocide' campaigners and gamers in an increasingly sinister online bubble in which concern that 'white culture' is being diminished becomes a 'unifier'. Angelo Carusone, the head of American NGO Media Matters, explained that online algorithms were leading some activists from anti-migrant sentiment to antisemitism amongst wider conspiratorial thinking. Carusone revealed a 180% increase in 2017, from 2015, for posts containing both misogyny and antisemitism on the 4Chan site. The hallmarks of the online attacks planned on 4Chan, he said, were to isolate and harass not just particular targets but their supporters too, freeing the space to increase online harms.

Numerous high-level speakers addressed the conference. Metropolitan Police Commissioner Dame Cressida Dick said the online abuse faced by both MPs and women was, a "very significant" factor for the police force. Prime Minister Theresa May said: "Jewish women, particularly those in the public eye, are increasingly facing a two-pronged attack for both their gender and their faith that is completely unacceptable."

To find out more about the Antisemitism Policy Trust, please visit their website: <https://www.antisemitism.org.uk/>

We are now engaging partners, domestically and overseas to take steps to address gendered antisemitism. For the CPS, the challenge is evident. There needs to be swift and well-co-ordinated decision making about which cases to pursue. Women from minority groups must feel confident that crimes committed against them will be punished. Too often, crimes perpetrated in the online space, in multiple jurisdictions are falling through the communications gap. The CPS policy statements make it clear that online harms must be treated with the same seriousness as real world crimes, now the CPS must hone its response to the realities of digital life, including misogynist antisemitism.

## Stakeholder visits

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

The CPS Prosecution Policy and Inclusion Unit (PPIU) Hate Crime Team has embarked upon a series of stakeholder visits for community organisations who are involved in supporting victims of hate crime. So far, we have visited GALOP, Tell MAMA, and Stop Hate UK (in London and Leeds). We also plan to visit the Community Security Trust (CST) and representatives of the Gypsy Roma Traveller community during February and March of 2019.

The sessions focus specifically upon the role of the CPS, how prosecutorial decisions are made, and the legislative framework for prosecuting hate crime in England and Wales. The topics covered include:

- The separate roles of the police and the CPS;
- The Code for Crown Prosecutors;
- The five 'protected' strands of hate crime;
- Flagging and monitoring of hate crime;
- 'Stirring-up' offences under part 3 of the Public Order Act 1986;
- Specific racially and religiously aggravated offences under the Crime and Disorder Act 1998;
- Sections 145 and 146 of the Criminal Justice Act 2003;
- Social media offences; and
- Freedom of expression.

Hate crime legislation has evolved in a piecemeal fashion and breaking down the law in this way and explaining how the CPS makes decisions can assist organisations to better understand the legal framework and thereby improve the level of support which they give to victims from their respective communities.

So far the sessions have been enthusiastically received with lots of lively discussion and subsequent positive feedback. At one of the sessions, two volunteers took annual leave from their day jobs in order to attend. It was therefore very gratifying to be told that they felt that the event was very worthwhile and that their time had been well-spent.

**I found the session fascinating and I have had some really positive feedback from all who attended.**

**Lynne, Stop Hate UK**

## Bournemouth University hate crime Forum Theatre project

Wendy Wyeth, Inclusion and Community Engagement Manager, Wessex

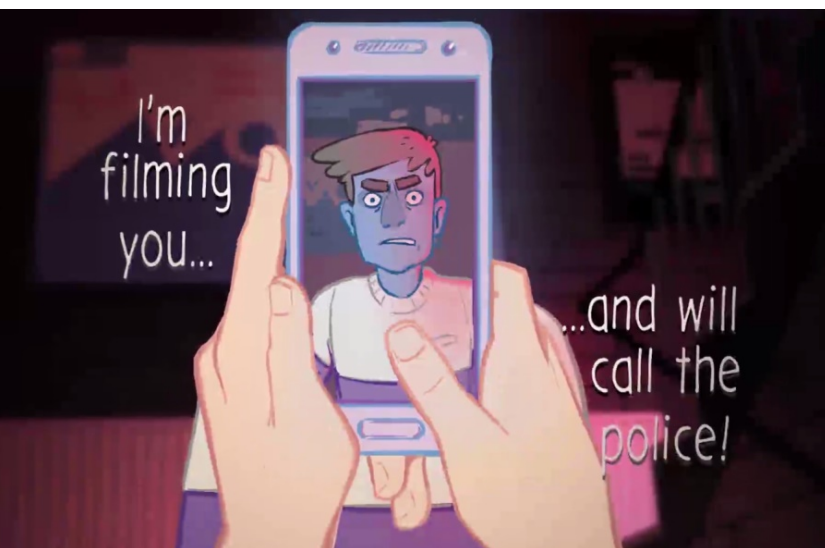
James Burnham, the Hate Crime Coordinator and I have been working on a Forum Theatre project with Bournemouth University, specifically focussed on hate crime. The project received funding from the Office for Students, following a partnership bid for money to pay for the Forum Theatre sessions.

The Forum Theatre sessions are a drama-based format which uses actors to explore examples of hate crime. James provided hate crime case studies for the company to use when acting out hate crime scenarios to students at the University. As a result of the theatre workshops, there has been an evaluation process and at least five students have come forward to share their experience of hate crime directly as a result of the workshops they took part in. These students were interviewed on camera and shared their experiences of how the project encouraged them to speak out about the behaviour they had experienced.

A couple of these scenarios were adapted into short animation clips showing examples of bystanders standing up to hate crime perpetrators. These clips are freely available to use as training materials to raise awareness of what hate is and what to do about it. If you would like to use any of these clips, please contact me at: [HateCrime.policy@cps.gov.uk](mailto:HateCrime.policy@cps.gov.uk)

There was a launch event at the University on Thursday 28 February where the students showcased their work. James was also a guest speaker and spoke about the CPS response to hate crime. The event also marks the relaunch of Prejudice Free Dorset which is a multi-agency hate crime group.

This was an exciting and innovative project to be involved in and shows what we can achieve



when we engage with community partners and young people.

“This piece of work reflects a partnership approach towards tackling hate crime. The feedback from all involved is that the work has raised student awareness of what hate crime is and the support available within and outside the University.”

Dr James Palfreman-Kay, Equality and Diversity Adviser, Bournemouth University

The partner agencies involved in the project were:

- Students Union Bournemouth University
- Police and Crime Commissioner for Dorset
- Dorset Police
- Wessex Crown Prosecution Service
- Access Dorset
- Dorset Race Equality Council
- Intercom Trust

## Hate Crime Network Event

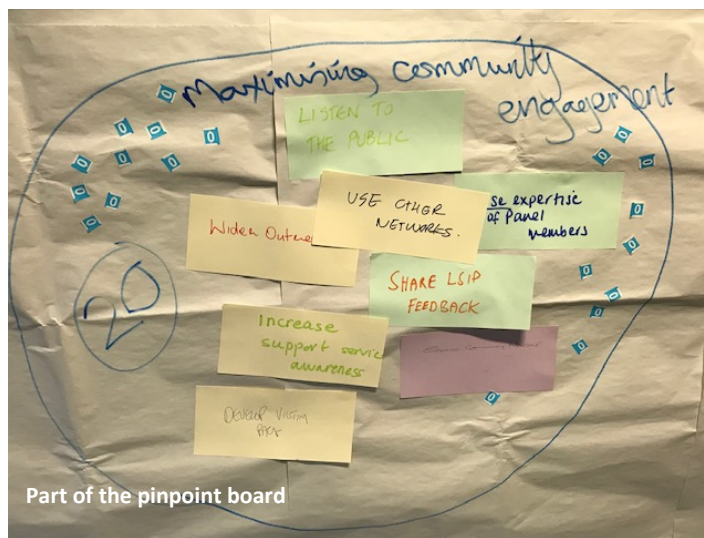
Alison Plant, Senior Policy Advisor, Prosecution Policy and Inclusion Unit

On 14 December 2018, the CPS held its bi-annual hate crime network meeting. The hate crime network consists of Hate Crime Coordinators and Inclusion and Community Engagement Managers from across the CPS Areas as well as hate crime policy leads and the Senior Hate Crime Champion Chris Long. The network is spread out across England and Wales, we're therefore only able to meet face to face twice a year and these events are an excellent opportunity to share best practice, talk through issues and challenges and to work together to find solutions and improvements. We often invite external speakers to the meeting.

The event in December was a bit different and used the [Pinpoint Facilitation](#) technique to ask the network to focus on how we work together to tackle hate crime.

Pinpoint is a method of interactive working to come to an agreed end point which in this case was an action plan. It is a way of collectively deciding what is important and what actions need to be taken. The technique asks those present to prioritise issues to work out the most important actions to take.

The day demanded a great deal of interaction and involvement from the network and they didn't disappoint as the photos from the day show. The action plan has been typed up and agreed between the network.



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The priorities identified were:

- Casework quality
- Working with police
- Sharing learning, and
- Maximising community engagement

## Wales LSIP on Crimes Against Older People

Kim Ann Williamson MBE and Richard Paull, CPS Cymru/Wales

On 19 November, CPS Cymru/Wales held the first ever Local Scrutiny Panel to focus solely on crimes against older people. Although crimes against this demographic are covered by regular panels held nationwide, Cymru-Wales took the decision to hold a specialist event.

It was chaired by Chief Crown Prosecutor Barry Hughes, who explains: “Wales is unique in that we have an Older People’s Commissioner, Heléna Herklots CBE. She acts as a champion for older people in Wales and an independent voice on issues affecting this group.

“Together with the Chief Constable for South Wales, I met with Deputy Commissioner Kelly Davies earlier this year to discuss her concerns about how crimes against older people are dealt with. It was a really interesting meeting, focusing on the specific needs of older people as victims of crime, with some taking the view that there is significant under-reporting of crimes against this demographic.

I felt that holding a dedicated scrutiny panel focusing on cases involving this group was the right thing to do. It’s an important part of properly reflecting the demographics of our communities – particularly as the population in Wales continues to age, and the proportion of older people steadily increases.”

The panel included a representative for the Older People’s Commissioner, along with representatives from all four Welsh police forces, other public bodies and third sector organisations.

The scrutiny panel looked at four cases which had already been finalised and went through them in detail before discussing the policies that were in place in the CPS to deal with crimes against older people.

With over 20% of the population in Wales being over the age of retirement, and that figure expected to rise, crimes against older people will continue to be a regular feature of casework.

The CPS is in the process of revising its policy and legal guidance on crimes against older people which comprehensively sets out how we approach these crimes.

The policy guidance has been developed with input from national scrutiny panels consisting of members with experience and expertise from a community and academic perspective.

A public consultation on the updated guidance closed on 29 October 2018, and those responses are being carefully considered.

### CPS scrutiny panels

Similar local scrutiny panels are regularly held across England and Wales – attended by local community representatives who reflect local concerns.

The panels play an important role in feeding back issues to local staff to improve casework quality and support for victims and witnesses.

Panel members have worked with us to develop and deliver training to our prosecutors and caseworkers and helped to improve the accessibility of our communications with victims, while also taking back messages to their own communities.

To find out more about CPS Cymru/Wales, please visit their local page on the CPS website: <https://www.cps.gov.uk/cymru-wales>



## Tackling Religious Hate Crime Robert Buckland QC MP



I have long been committed to tackling hate crime, and it's something the government is also committed to. This is no more pressing than in the area of hate crime motivated by hostility or prejudice based on religion, in which the Home Office have recorded a 40% increase in the last year.

This sharp increase in religious hate crime is believed to be a direct reaction to the terrorist attacks in 2017, showing the importance of ongoing work in this key area, and I congratulate the CPS on keeping pace with this significant increase in terms of volume of

completed prosecutions.

The hate crime statistics are also able to, for the first time, analyse racially motivated hate crime by religion, thanks to the new requirement for police forces to disaggregate hate crime data by faith. This further layer of data will help to ensure that actions of the *2016 Hate Crime Action Plan* are supported and established where they are most needed. I therefore welcome the CPS' work in the area of religiously aggravated crime, including the production of guidance for prosecutors as well as more public-facing work like the 'it's not just offensive, it's an offence' campaign in partnership with Home Office.

The Home Office has also been continuing to offer grants through their *Places of Worship* scheme, which has so far helped 89 places of worship across a wide variety of faiths install safety measures; and they have received positive feedback from funding recipients about the impact of these measures on deterring crime.

The Ministry of Housing, Communities and Local Government (MHCLG) has also been extensively involved in measures to reduce incidents of religiously aggravated hate crime. MHCLG support a number of charities including Streetwise's *Stand Up!* Project, the Anne Frank Trust, True Vision, and Kick It Out. These charities are helping to tackle issues as diverse as Anti-Muslim hatred within football stadiums to encouraging hate crime reporting within the Charedi community.

The Department for Education (DfE), jointly with the Home Office, developed the *Educate Against Hate* website in 2016 to provide teachers, school leaders and parents with practical information and advice, and to signpost to where they can report a hate crime or inappropriate material. Last year, the DfE sent campaign materials to all schools in England. I look forward to seeing that complimented by CPS' own hate crime school packs. There is some important work happening across government and the CPS to tackle religiously aggravated hate crime, and I look forward to seeing the work scheduled for this year to come to fruition.

To find out more about the Solicitor General and the Attorney General, you can access the Government's website here:  
<https://www.gov.uk/government/organisations/attorney-generals-office>

## Useful updates and info

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

### Law Commission review

The Law Commission has commenced a wide-ranging review into hate crime to explore how to make current legislation more effective and consider if there should be additional protected characteristics added such as misogyny and age.

This review builds on the previous hate crime review conducted in 2014. The Law Commission plans to complete consultation exercises in order to gain a wide range of views on the issue. For more information, including timescales, visit the Law Commission's website: <https://www.lawcom.gov.uk/project/hate-crime/>

### Petitions Committee Report

The Petitions Committee has published its report on Online Abuse and the Experience of Disabled People which can be found on its website: [publications.parliament.uk/pa/cm201719/cmselect/cmpetitions/759/75902.htm](https://publications.parliament.uk/pa/cm201719/cmselect/cmpetitions/759/75902.htm)

### The All Party Parliamentary Group on Hate Crime

The APPG on hate has published its report titled "How do we build community cohesion when hate crime is on the rise?" The report can be found on the APPG's website: [www.appghatecrime.org/publications/](http://www.appghatecrime.org/publications/)

### CST report

On 7 February, the Community Security Trust (CST) published its [Antisemitic Incidents Report](#) which shows that CST recorded a record total of 1,652 antisemitic incidents in the UK in 2018.

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](mailto:HateCrime.Policy@cps.gov.uk)