

Hate Crime Newsletter



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Welcome to the hate crime newsletter



Just over two months ago a man opened fire in two New Zealand Mosques killing 51 people. He live-streamed his attack online. While this particular crime didn't happen in the UK, attacks like this put hate crime into sharp focus and can impact the levels of reporting and of awareness in this country. We are also reminded of the importance of tackling hate crime and the need to robustly prosecute these cases. Doing so sends a clear message to those who would spread hatred that it will not be tolerated and they will receive a higher sentence

if they target someone on the basis of their race, religion, sexual orientation, transgender identity or disability.

This attack is also a clear reminder of how developments in technology can be abused by criminals. There is an article on [page 7](#) about the joint Home Office and Department for Digital Culture Media and Sport (DCMS) Online Harms White Paper Consultation. I would encourage anyone with an interest in hate crime committed online to respond to the consultation.

There are a number of articles in this issue of the CPS hate crime newsletter which have been written by prosecutors and Inclusion Managers. I'm particularly pleased to see the work of CPS Areas highlighted and to show how hard they are working to engage with and learn from communities in relation to hate crime. The key message our prosecutors and wider teams are giving to communities is the importance of reporting these crimes, a message that I wholeheartedly support.

[Page 5](#) contains a really interesting article from Lionel Idan, Deputy Chief Crown Prosecutor for the West Midlands, about the work his Area have been doing to obtain Criminal Behaviour Orders (CBOs). The CPS can apply for CBOs on conviction to prevent future offending and they can be especially useful in hate crime cases and also crimes against older people.

To shape the August 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:

On 17 May, a far right extremist who planned to murder his local MP with a sword was sentenced to life in prison.

Last year Jack Renshaw, 23, pleaded guilty to planning to commit a terrorist act which included buying a sword of the type used by Roman soldiers. His target was Rosie Cooper, the MP for West Lancashire. He also pleaded guilty to making threats to kill a police officer who had been investigating him for an unrelated matter.

The CPS presented evidence that in his warped imagination the virulently racist Renshaw saw the murder as a blow against a “Jewish-controlled state” oppressing the white community. He saw the MP as a traitor who deserved to die as she represented a false democracy.

Before sentencing him, the judge at the Old Bailey heard how Renshaw was serving a three-year prison term for stirring up racial hatred in two anti-Semitic speeches in 2016. At another trial last year he was also sentenced to 16 months for child sex offences.

Renshaw admitted being a member of racist group National Action until it was banned as a terrorist organisation in December 2016.

Jenny Hopkins, from the CPS, said: “A crime of this type against anyone is a serious matter but when our MPs are targeted it is also an attack on the democratic process and public service. Jack Renshaw was prepared to act on his white supremacist world view and plotted to kill a Member of Parliament – a plan reminiscent of the abhorrent murder of Jo Cox MP. He also made threats against a police officer and his prison sentence reflects the seriousness of the offences.”

Renshaw was given a life sentence on 17 May and ordered to serve a minimum of 20 years in prison. More information on the case can be found on the CPS website: www.cps.gov.uk/cps/news/life-sentence-white-supremacist-mp-murder-plot

CPS North West successfully prosecuted a case of racially aggravated hate crime. The offender daubed offensive and racist graffiti on the door of his neighbour and in communal areas. The offender was charged with racially aggravated criminal damage.

The victim provided a [Victim Personal Statement](#) in which he outlined the effect of the offence on him and also his young son.

The offender pleaded guilty and was sentenced to 12 months’ imprisonment which included

Each CPS Area has a dedicated webpage on the CPS website. To find out more about the work of the CPS in your area, please visit our website: www.cps.gov.uk/cps-areas-and-cps-direct

the sentence uplift to reflect the element of racial aggravation. He was also given a [restraining order](#) which prevented the offender from contacting the victim and his son for a period of five years.

CPS Wessex successfully prosecuted a transphobic hate crime where the young offender was repeatedly disruptive and abusive to staff members at his school. On one occasion he used transphobic abuse directed towards a teacher.

The offender pleaded guilty and was sentenced to a nine-month referral order increased from eight months to reflect the transphobic element of the offence.

CPS London North successfully prosecuted a case of disability hate crime. The victim was driving his car when the offender cut in front of him. The victim beeped his horn at which point the offender got out of his car and started to shout abuse at the victim and his passenger, demanding he get out of the car. The victim attempted to drive round the offender's vehicle to get out of the situation but the offender returned to his van and drove ahead of him. Again the offender got out of his vehicle and hurled abuse at the victim. The offender started hitting the victim's car and tried to open the driver-side door.

When the offender returned to his vehicle he was using his phone whilst driving and then spat at the window of the victim's car.

The Defendant pleaded guilty to a public order offence and to driving while using his mobile phone. He was ordered to pay a fine of £250 which was uplifted from £150 due to the disability hate crime element. He was also ordered to pay costs of £300, compensation of £150 and a victim surcharge of £30.

CPS East Midlands successfully prosecuted a transphobic hate crime. The offender carried out a series of thefts from high street shops but was also threatening and verbally abusive towards the victim using transphobic language. The offender was charged with a public order offence for the transphobic hate crime as well as a number of theft offences.

The offender pleaded guilty and was sentenced to four weeks' imprisonment. The sentence was increased from a community order because of the hate crime element.

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Inclusion and Community Engagement in Wales

Matthew Ellis, Inclusion and Community Engagement Manager, CPS Cymru/Wales

As the newly appointed ICEM for Cymru/Wales, I gave a presentation to a group of adults with learning disabilities through Newport People First (NPF) at their offices in the historic Market in Newport, Gwent. NPF are part of the All Wales People First network. This covers all of Wales and is a collaboration of self-advocacy groups in all the 22 Welsh Local Authority areas for people with learning disabilities. Their mission is to ensure people with learning disabilities understand their rights, especially human rights. The session involved a small group of adults and a support worker and was delivered in two main parts – the role of the CPS and prosecuting hate crime, with the aim to increase understanding of what we do and improve community confidence in how we tackle hate crime.

The first part concentrated on the role of the CPS and looked at who we are, what we do and



where we do it. This was received well and included a section on what special measures and other aids to giving evidence are available, while explaining the processes behind applying for them. This helped NPF members to understand that there are steps we in the CJS can take to ensure that victims and witnesses can give their evidence as comfortably as possible while still keeping an eye on the fact that attending

Court is a difficult and frightening experience for anyone.

The second part dealt with hate crime, concentrating on disability hate crime. We ran through all the strands of hate crime and explained what the CPS would need to do to prove such a case. They were assured that all hate crime cases referred to us are taken seriously and dealt with robustly. I had prepared some case studies to demonstrate what is and is not a hate crime, putting the audience in the position of the prosecutor to decide whether the scenario was a hate crime or not. This created a lively debate about some of the issues we as prosecutors and members of our communities face concerning hate crime. The session came to a close with an explanation of the sentence uplift – what it is and how it is applied.

Feedback was very positive, from the members of Newport People First and from their support worker. This was my first community engagement and good, open feedback was given by the group. This two way communication is vital to help us support those targeted by hate crime and crimes against disabled people.

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

CPS West Midlands' drive to tackle Hate Crime using CBOs

Lionel Idan, Deputy Chief Crown Prosecutor, CPS West Midlands

In October last year, we began a concerted drive to increase the use of CBOs in hate crime cases and crimes against older people (CAOP). Our thematic panel that month focused on raising awareness amongst stakeholders and the police of the importance and versatility of CBOs in tackling all aspects of hate crime and CAOP. On 8 May 2019 we had one of our most significant successes to date, with a CBO being imposed in a case involving a crime against older people.



The defendant, Kamlesh Bassi, adopted a variety of aliases and pretended to be a qualified medical doctor, a nurse, an occupational therapist, a physiotherapist, an osteopath and a chiropractor. Bassi deliberately targeted elderly people and persuaded them to engage her bogus

services for payment. Bassi also pretended to be a masseuse and falsely acted as a 'home help'. Bassi gave her elderly victims her own prescription medication without any regard for, or knowledge of, their medical histories.

Following conviction for seven counts of fraud by false representation and three counts of supplying a prescription only medicinal product, we successfully sought a CBO which included conditions prohibiting Bassi from advertising, providing or performing care services for reward or otherwise. The Judge additionally imposed a restraining order for the protection of the specific victims targeted by Bassi

Often, a common feature of hostility-based offending is the escalation in behaviours, usually from relatively minor but common acts, to increasingly serious and even life threatening offending. CBOs can play a very important role in mitigating and managing the risks posed to the wider public even after an offender has served their sentence.

This case of Bassi was handled by our Complex Casework Unit and highlights the very versatile and wide ranging nature of CBOs. From simple summary-only magistrates' cases, to more complex indictable-only Crown Court prosecutions, CBOs are just as applicable across the board.

In June, our local hate crime champions are leading a joint training session of our local police, prosecutors and key stakeholders including our local authorities who play an important role in referring appropriate cases for CBOs. This session will reinforce the need for early and

Criminal Behaviour Orders (CBOs)

CBOs came into force on 20 October 2014 and are available on conviction for any criminal offence in any criminal court

It is always worth checking if a suspect has been involved in any other incidents and, if so, whether those victims shared personal characteristics on the grounds of religion, ethnicity, gender identity, sexual orientation, disability or age.

Breach of a CBO is a criminal offence which carries a maximum penalty on summary conviction of six months' imprisonment or a fine, or both. On conviction on indictment, the maximum penalty is five years or a fine, or both.

To find out more about the work of CPS West Midlands, you can visit our local page on the CPS website: <https://www.cps.gov.uk/west-midlands>

accurate identification of cases for CBOs, as well as ensuring that we maintain the momentum on using such orders to robustly tackle hate crime.

Legal Framework sessions

Josie O'Driscoll, Chief Officer and Sherrie Smith, Project Manager, GATE Herts

Three representatives from GATE Herts attended the legal framework session in March 2019 at the CPS. The session helped us as third-party reporters to understand in more detail the actual logistics of flagging, recording and making a decision about prosecuting a hate crime.

The CPS legal lead on hate crime explained the process of flagging, which is done manually on either the police or CPS computer systems. It helped us to know how hate crime flags are applied and it means we can advise clients on the process so they can make sure, when they're reporting hate crimes, that they are flagged properly. We found it useful to have clarification about the shared police and CPS flagging definition for hate crime which is:

"Any criminal offence which is perceived by the victim or any other person, to be motivated by hostility or prejudice, based on a person's disability or perceived disability; race or perceived race; or religion or perceived religion; or sexual orientation or perceived sexual orientation or transgender identity or perceived transgender identity."

The important part for us is that this is based on the perception of the victim, or any other person. This is important because different levels of hate affect people in different ways and an officer it is being reported to may not see it as a hate crime even when the victim does.

We also heard more about the offence of stirring up hatred on the grounds of race which is an offence under Part 3 of the Public Order Act 1986. This is something we feel covers a lot of the hatred directed towards members of the Gypsy, Roma and Traveller community, especially online. Going forward we will ensure that any investigating police officer is aware of this offence when we report an incident.

The facilitators of the session were willing and able to answer all questions from ourselves and other organisations present in a helpful manner and were also able to give us fictional scenarios that helped us to distinguish between different possibilities and types of crimes. Going forward this will help us make a preliminary determination as to whether something is discrimination; i.e. a civil matter that needs to be taken up in private proceedings at court or a possible hate crime.

The session has also given us a better understanding of the 'evidential stage' and 'the public interest stage' of the Code for Crown Prosecutors and although cases not proceeding to the charging stage is upsetting for clients and frustrating for us as case workers, we can now explain to the client a possible reason why it cannot move forward. Over all it was an informative session and will be useful in our future work.

GATE Herts are a community led organisation who seek to educate both Travelling Communities and the Wider Population to live side by side in a diverse society. To find out more about GATE Herts, visit their website at: <http://www.gateherts.org.uk/>

Online Harms White Paper Consultation

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

On 8 April 2019, the Home Office and the Department for Digital, Culture, Media and Sport published their joint Online Harms White Paper consultation which sets out the Government's plans for a package of measures to keep users safe online. This package comprises legislative and non-legislative measures and will make companies more responsible for their users' safety online, especially children and other vulnerable groups.

One of the areas that the Online Harms White Paper covers is hate crime committed online. The paper sets out the Government's plans to ensure that companies create platforms where people – regardless of their race, religion, sexual orientation, transgender identity or disability – can work, learn and socialise together, with shared rights, responsibilities and opportunities.

The Paper proposes that online platforms will need to adhere to a Duty of Care to users which will be enforced by an independent regulator. As part of this Duty of Care, the regulator will create codes of practice and it is proposed that one such code should cover hate crime.

Some of the areas the Government expects to be in the hate crime code of practice are:

- Guidance to companies to outline what activity and material constitutes hateful content, including that which is a hate crime, or where not necessarily illegal, content that may directly or indirectly cause harm to other users – for example, in some cases of bullying, or offensive material.
- Guidance on the content and/or activity companies should proactively identify, to either prevent it being made publicly available or prevent further sharing.
- Expectations around clear and accessible guidance to users on what constitutes hate crime and how to report it.
- Measures to ensure that reporting processes are fit for purpose and are clear, visible and easy to use. Users should receive clear explanations of decisions taken.
- Steps to ensure that services have effective and transparent processes for moderating this type of content and users are kept up to date with the progress of their report.
- Clarification as to what constitutes an expedient time frame for the removal of (or temporarily limiting access to) hateful content.
- Processes companies should have in place to ensure that users can appeal the removal of content or other responses, in order to protect users' rights online.
- Reasonable steps to take to ensure that users will not receive recommendations to hateful or inappropriate content.
- Steps to ensure that users who have been exposed to hateful material are directed to, and are able to access, adequate support.
- Guidance on the requirements for how companies should support law enforcement and other relevant bodies' investigations where appropriate.

The consultation is open until 1 July and can be found here: www.gov.uk/government/consultations/online-harms-white-paper

More information about the Online Harms White Paper can be found on the Government website at: www.gov.uk/government/consultations/online-harms-white-paper

Supporting the Jewish Community in the North West

Ian Lee, North West Area Hate Crime Lead

In April, I was delighted to represent the CPS and speak at the inaugural Hate Crime Awareness Conference hosted by the Community Security Trust (CST).

CST is a charity working nationally to promote good relations between British Jews and the rest of British society by working towards the elimination of racism, and anti-Semitism in particular. They represent British Jews on issues of racism, anti-Semitism, extremism, policing and security. The Jewish community in North Manchester is long standing, the second largest in the UK and strongly represents the diversity in the Jewish faith. CST looks after Jewish organisations, schools and places of worship regardless of their denominations, instilling feelings of safety and confidence in the place they call home.

This informative and engaging conference was held at CST's northern regional office in Manchester and was attended by representatives from a great number of police forces and third sector agencies. I attended the event with Gemma Rice and David Leighton from the North West Area Inclusion and Community Engagement team.

My speech focussed on the work being done by CPS to combat hate crime and highlighted the crucial need for closer partnership and community engagement. It was an opportunity to explain all the good work being done by CPS including our work to quality check cases through the Hate Crime Assurance Scheme and the various events and campaigns supported by the CPS such as #No2h8Crime Awards; our own #hatecrimematters campaign; the National Hate Crime Awareness Week #NHCAW; and the CPS Hate Crime External Consultative Group who provide advice and support on the work of the CPS to tackle hate crime.

Hate crime is under-reported and so my main message was to encourage all hate incidents to be reported and for greater use of Community Impact Statements so we can better represent the true impact these crimes can have.

I closed by explaining the role the community can play in identifying and flagging trends such as the reported increase in misogynist and anti-Semitic hate incidents, largely online.

The event was a huge success and a great opportunity to build important community relationships to help build strong cases.

In terms of next steps, we are working with community representatives to establish a more regular 'community conversation'.

To find out more about CPS North West, visit their page on the external website:
<https://www.cps.gov.uk/north-west>

More about CST and publicity for the event can be found here:
<https://cst.org.uk/news/blog/2019/04/05/cst-hosts-inaugural-hate-crime-awareness-conference-in-the-north>

West Midlands Safer Travel Partnership ‘Talk, Report, Stop’ Hate Crime Campaign Parveen Hassan, Inclusion and Community Engagement Manager, West Midlands

Following the West Midlands Mayor and Faith Conference in November 2017, the Mayor and Faith Action Plan recommended a joint project between the Mayor and the Police and Crime Commissioner to raise public awareness of hate crime and for victims of hate crime not to suffer in silence.

A hate crime stakeholder roundtable was hosted at the Sultan Bahu Trust in Birmingham in September where this issue was looked at in more detail. CPS West Midlands Bindi Athwal, the Crown Court Hate Crime Coordinator and I participated with colleagues from CST, Tell Mama, WMP and Birmingham Faith Groups.

We all pledged to support a public campaign to increase awareness and reporting of hate crime on public transport and together developed the [Safer Travel West Midlands ‘Talk, Report, Stop Hate’ Campaign](#).

The aim of the campaign is to encourage victims to report so that route trends can be identified and perpetrators can be caught. The messaging of the public ‘Talk, Report, Stop Hate’ campaign is that everyone has the right to travel safely on public transport buses.

On 1 March 2019, as a result of the project, Bindi and I were also invited to the Safer Travel West Midlands launch, ‘Talk, Report, Stop Hate’ in Wolverhampton. The launch was organised by West Midlands Metro Mayor Andy Street and West Midlands Police and Crime Commissioner David Jamieson, and community partners CST and Tell Mama.

The Mayor and PCC launched this important campaign at Wolverhampton Bus Station. Campaign posters will appear on bus stations across the West Midlands for a year. There was also positive media coverage in the Birmingham Mail and positive tweets about CPS.

This was an innovative campaign where the importance of CPS involvement was recognised and welcomed. If you wish to learn more about the project or how you can get involved please contact Parveen Hassan, Inclusion and Community Engagement Manager, CPS West Midlands at HateCrime.policy@cps.gov.uk



Hate Crime - a strategy update from Her Majesty's Prison & Probation Service

Megan Key, Equalities Manager, HM Prison and Probation Service (HMPPS)

In 2018, HMPPS committed to refreshing the agency's work with hate crime perpetrators and became a contributing member of the Home Office multi-agency strategy Board, under the prevention workstream. A central steering group was convened of senior operational managers across Probation and Prison project managed by Equalities lead, Megan Key.

Our aim is to strengthen our approach to identifying, assessing and managing perpetrators; develop and capitalise on CJS partners and the third sector partnerships and continue to develop the understanding of our practitioners in both custody and the community. We held a briefing event in November at National Archives bringing together expertise from CPS, Stop Hate UK, Sussex University and the Home Office and have more recently developed a HMPPS wide action plan, sharing progress with the Home Office strategy board.

The work will see us review and develop group work and one to one interventions, raise awareness amongst staff of hate crime, introduce up to date training for practitioners and work with HM Courts & Tribunals Service and CPS to improve our identification of perpetrators at sentencing stage. This will help us provide better advice to sentencers and ensure the correct interventions to manage risk and reduce re-offending can be proposed consistently across England and Wales. We envisage the work to be completed by Q4 2019.

Useful updates and info

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

Short film on cuckooing

Carlisle Mencap's Independence Studio has recently produced a short film about mate crime/cuckooing. The film recently won the National Crime Beat awards. You can find the film at the following link: <https://youtu.be/D1VnZqvxBrA>

CPS Consultation on Mental Health Conditions and Disorders legal guidance

On 12 March, the CPS launched its public consultation on a proposed revision of its Legal Guidance on prosecuting defendants with mental health issues. The consultation seeks views on four main areas of the proposed revisions to the guidance:

1. Information prosecutors need about each mental health condition or disorder;
2. Appropriate public interest factors;
3. Appropriate factors when considering diversion from prosecution; and

For more information about HMPPS, please visit their website: www.gov.uk/government/organisations/her-majestys-prison-and-probation-service

4. Whether the “fitness to plead” procedure is set out clearly and accurately.

There is also an opportunity for respondents to add any other general observations they may have about the proposed guidance.

If you would like to respond to the consultation, you can do so on the CPS website: www.cps.gov.uk/consultation/public-consultation-mental-health-conditions-and-disorders-draft-legal-guidance

Hate Crime Statistics

On the 15 April, the [March 2019 House of Commons Library research paper](#) on hate crime statistics in England and Wales was published.

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