

# Hate Crime Newsletter



Issue no. 22  
August 2019

## Welcome to the hate crime newsletter



I would like to start this issue of the newsletter with some good news; Mark Brookes has been awarded an Honorary Doctorate in Law from the University of Kent. Mark works tirelessly to raise awareness of hate crime amongst disabled communities and to increase understanding amongst the police, the CPS and other organisations. Mark has been a long-standing supporter of the CPS and is a member of our External Reference Group. Mark's speech is truly inspirational and I would encourage you to watch it on the [Dimensions website](#).

At the end of June, the Director of Public Prosecutions, Max Hill QC, gave the closing remarks at our Hate Crime Coordinators Event in London. Hate Crime Coordinators are specialists who work in each CPS Area to ensure hate crimes are progressed and prosecuted properly. These face to face events are important for the Coordinators, as well as the Area Inclusion and Community Engagement Managers (ICEMs), to get together and share best practice. In his closing remarks the Director reiterated that tackling hate crime is a priority for the CPS and praised the dedication of the Coordinators and ICEMs. The Director stressed the importance of establishing a dialogue through community engagement – communities need to know what we're doing as an organisation but it is also important for us to understand their perspective and the feedback and advice they can give us.

In July, the CPS published its revised policy and legal guidance on Crimes Against Older People (CAOP). Although age is not a protected characteristic within hate crime legislation, we do report on our performance in this area in the CPS Hate Crime Annual Report. The policy was revised with support from two National Scrutiny Panels made up of academics and experts and was also the subject of a public consultation. I would like to thank all those who were part of the panels or who responded to the consultation. We take CAOP seriously and your input and expertise has been an invaluable part of this process. Please take a look at the article on [page 4](#) for more detail.

Looking to the months ahead, National Hate Crime Awareness Week is coming up in October. We will be publishing our Hate Crime Annual Report during this time as well as creating some videos to highlight our work on hate crime and our engagement with community partners and stakeholders.

To shape the November 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 Newcastle fan and season ticket holder who shouted racist abuse at football players during a match against Liverpool.

The offender was found guilty of a racially aggravated public order offence. He was sentenced to pay a fine of £550 and was given a five year [football banning order](#). Newcastle United has also banned the offender from its grounds indefinitely.

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CPS Wessex successfully prosecuted a disability hate crime public order offence. The offender attended the Probation Service without an appointment. He became abusive towards staff and starting slamming doors when he was asked to wait to be seen. The victim politely asked the offender to calm down but was subjected to disablist abuse. The offender also threatened to break the victim's legs.

The offender committed a number of other crimes which were prosecuted at the same time as the disability hate crime including common assault, theft of a pedal bike and theft from a shop.

The offender pleaded guilty and was sentenced to 26 weeks' imprisonment in total. The disability hate crime made up 18 weeks of this sentence which was uplifted from 13 weeks due to the disability hate crime element.

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CPS East Midlands successfully prosecuted an offender who assaulted a police officer and was both racially and homophobically abusive.

Police were called to an incident where the offender was causing a disturbance at a residential address. She was told to leave but later returned to the property so the police were called back. The offender was arrested but punched and spat at one of the police officers. She was then verbally abusive using both homophobic and racist insults.

The offender pleaded guilty to assaulting an emergency worker, a racially aggravated public order offence and a public order offence. She was sentenced to 12 weeks' custody uplifted from six weeks due to the homophobic and racially aggravated hate crime elements.

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CPS North West successfully prosecuted an offender who called the New Zealand terror attacker a 'hero' in a series of racist posts on Facebook. The offender uploaded his posts just two days after 51 people were killed and dozens more injured at two mosques in Christchurch

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](#).

on 15 March.

The offender pleaded guilty to sending grossly offensive messages via a public communications network. He was sentenced to four weeks' custody, suspended for 18 months, and ordered to complete 200 hours of unpaid work. The offender must also pay £85 court costs plus a victim surcharge of £115. The sentence was uplifted to a suspended sentence because of the hate crime element, it would otherwise have been a community order. When sentencing, the magistrates told the offender, 'there is no place in society for racism'.

For more information on how the CPS tackles this kind of offending, please see [the CPS guidelines on prosecuting cases involving communications sent via social media](#).

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CPS Mersey Cheshire successfully prosecuted a man who sent an offensive email to Labour's Shadow Minister of State for Women and Equalities, Naseem Shah MP.

The offender accused the MP of antisemitism and suggested she'd tried to silence the victims of the recent Rotherham child abuse scandal. He also made racist taunts and threats of violence to Ms Shah and her family.

He pleaded guilty to one count of sending a grossly offensive message via a public communications network and was sentenced to 12 weeks' in jail, uplifted from 8 weeks to take account of the religious hostility within the offence. He was also ordered to pay £300 in compensation to the victim.

More information on this case can be found [on the CPS website](#)

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CPS South East Area Hate Crime Coordinator Gareth Morgan joined forces with Surrey Police to host a stand at Surrey Pride. [More information can be found on the CPS website](#).

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](#).

## Crimes Against Older People

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

On 15 July, the CPS published its revised [policy](#) and [legal guidance](#) on Crimes Against Older People (CAOP). The CPS policy aims to ensure that older people have the same access to justice as younger people and are given a voice in the Criminal Justice System.

The policy was revised with support from expert groups such as Age UK, Action on Elder Abuse and the office of the Older Peoples Commissioner for Wales. In addition, it was the subject of a seven week public consultation. We have also published the [summary of responses](#) to the consultation.

The main change to the CPS policy and legal guidance is a revised flagging definition for CAOP. The CPS applies an electronic 'flag' to Crimes Against Older People on our case management system. Flagging cases helps us to monitor them throughout the prosecution process. The previous definition was over four paragraphs long so we have focussed on making this much shorter and easier to apply. The new flagging definition is:

*'Where the victim is 65 or over, any criminal offence which is perceived by the victim or any other person, to be committed **by reason of** the victim's vulnerability through age or presumed vulnerability through age'.*

Not all older people are vulnerable. Vulnerability can be situational and can change over time. By setting a flagging definition which recognises this reality, we will flag and monitor cases where the offender selects or exploits a victim because they perceive them as vulnerable, or to be an easy target, because of their age. Societal perceptions around age and vulnerability increase the potential of an older person to be a target of crime.

On 17 July, HMICFRS and HMCPSI published a joint report into the work of the police and the CPS in relation to CAOP. The inspectorate highlighted some key issues which we had previously identified and updated as part of the refresh of our policy and legal guidance. The report also highlighted that we correctly charged every case that was inspected.

The CPS accepted all the recommendations made in the report and is working to ensure better support for victims and witnesses as well as working with the policing lead to ensure a more joined up approach to CAOP.

Over the next six months the CPS will improve how it identifies cases where older people have been deliberately targeted and consider if they need assistance such as intermediaries or interpreters in court.

The CPS will also make better use of restraining orders and other ancillary measures that further protect victims beyond any sentence given to offenders.

To read the full response to the inspection report, please [visit the CPS website](#)

## Georgian Delegation

Julie Hansel, Senior Crown Prosecutor, CPS North West

On the 3 July, I was delighted to host a delegation from Georgia at Sunlight House, Manchester. This Eastern European country is relatively new to hate crime policy and the delegation included leaders from the Ministry of the Interior, prosecutors, police and courts officials keen to discuss partnership working, how to increase reporting, the prosecution process, the recording of data and, most importantly, support for victims. Georgia is working hard to build its capacity to deal with hate crime following concerns raised about the rights of minority groups; particularly from the LGBT+ community.

As a Senior Crown Prosecutor with 15 years' experience I joined with colleagues from a range of partners including the Police (GMP Hate Crime Leads) and the Mayor's Office. I gave a presentation to the delegates covering the role of the CPS, the Code for Crown Prosecutors and our approach to Hate Crime.

Delegates were interested in the definition of an aggravated offence set out in the two limbs of the Crime and Disorder Act 1998 and the Criminal Justice Act 2003, and expressed their surprise at the broad range of behaviour which it covers. I explained the role of the Prosecutor at Court, the sentence uplift and our focus on prosecutor training. I also outlined our Hate Crime assurance processes which include weekly audits of cases, monthly reports to HQ, checking performance based on our performance data, Community Engagement and the role of Hate Crime Scrutiny Panels.

Delegates clearly found the presentation engaging as they asked an array of challenging



questions! They were interested in court process, hostile witnesses, evidential challenges during trials, and increasing public confidence. Delegates were encouraged by our effective relationships with communities and were keen to explore how they can draw from our experiences.

The event was an extremely positive experience and our guests from Georgia clearly welcomed the open nature of the dialogue. It was a good opportunity to emphasise the

hard work that we all do and our dedication to our values in the fight against hate crime.

To find out more about the work of CPS North West, visit [their page on the CPS website](#)

## CPS Hate Crime External Consultative Group

Mick Conboy, CPS Senior Policy Advisor, Prosecution Policy and Inclusion Unit

We have now had two meetings of our External Consultative Group (ECG); the first was held in December 2018 and the second April 2019.

The ECG is a group of experts who advise the CPS on its approach to hate crime. The ECG was established following commitments in the [cross-Government hate crime action plan](#) as well as the CPS [Inclusion and Community Engagement strategy](#).

Membership of the group consists of those with experience and expertise in supporting victims of hate crime, promoting the development of effective responses and academics who have studied both the nature and impact of hate crime.

The Lammy Review into ‘The treatment of, and outcomes for, Black, Asian and Minority Ethnic individuals in the Criminal Justice System’, published in 2017, praised the CPS for its ‘openness to external scrutiny’. This is something that we pride ourselves on in relation to hate crime and our ECG allows us to hear from experts and take on board their feedback and constructive criticism.

The first ECG meeting in December 2018 focused on the issue of law reform with a presentation from the Law Commission review team. Further items covered the [CPS Hate Crime Strategy](#) which is an overarching framework for tackling hate crime and was published in 2017, and the Hate Crime Assurance scheme.

In April, the ECG provided their views and experience on Restorative Justice, improving awareness and reporting of hate crime and the steps the CPS can take to ensure effective and consistent victim support. All suggestions will be fully considered.

ECG members have provided positive feedback on the group:

“I found the ECG useful as an opportunity to hear about (and contribute to) hate crime policy thinking at a more strategic level. Having academics round the table as well as community groups definitely added value.”

ECG member

To find out more about how the CPS prosecutes hate crime, [visit the Hate Crime page on the CPS website](#)

“I think that there is a very open and welcoming atmosphere. You have the sense that you can make points, ask questions and you will be met with an open mind and a commitment to listen, explain and inform, so that is really positive. I think that it is looking at the right issues as well.”

**ECG member**

I would like to thank all members of the ECG for their continued commitment to supporting the CPS to improve and to learn.

## **Trans Equality Statement**

**Mick Conboy, CPS Senior Policy Advisor, Prosecution Policy and Inclusion Unit**

In 2018-19, the CPS worked with stakeholders as part of a National Scrutiny Panel to refresh the CPS Transgender Equality Management Guidance (TEMG) which was first produced in 2006, and last updated in 2014 with community input.

The original guidance aimed to assist managers with good practice suggestions and covered employment, community engagement and prosecution as well as a list of contacts from within the CPS and relevant community stakeholders, many of whom contributed to the guide’s development.

The NSP to revise the guidance included representatives from Stonewall, Galop, GIREs, a:gender, Mermaids, CPS Area LSIPs and academics.

On reviewing the document, the NSP members considered the original TEMG to have been ground-breaking but that it had now served its purpose. Panel members felt that a much shorter document targeted at communities themselves would be far more effective. The document was revised to focus on the CPS’ current commitments and provide links to relevant guidance, policy and research on employment and community engagement.

As a result of this work [the Trans Equality Statement](#) was published in July and aims to provide a brief overview of our commitment to Trans equality and sustain the confidence of communities.

To find out more about how the CPS prosecutes hate crime, [visit the Hate Crime page on the CPS website](#)

## Hate Crime Events in CPS London North

Matthew Golby, Hate Crime Coordinator, CPS London North

In CPS London North we recently held three hate crime themed team days for our Magistrates' Court Team. This team includes operational delivery staff, administrative staff and prosecutors so it was really important to give a holistic view of hate crime and how we can all contribute to improving casework quality and obtaining and recording sentence uplifts.

We had a number of speakers on each day to make sure the events were as engaging as possible. The Area Chief Crown Prosecutor, Ed Beltrami, opened the events to welcome the attendees.

Representatives from the [Community Security Trust](#) (CST) spoke at each event and gave a presentation entitled 'Protecting Our Jewish Community'. 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 antisemitism in particular. They represent British Jews on issues of racism, antisemitism, extremism, policing and security. The presentation was followed by a Q&A which gave the team an opportunity to engage and talk more about the issues faced by Jewish communities in London.

The Area Legal Lead for hate crime also spoke at the events and gave an overview of her role. This was accompanied by a presentation on the role of CPS administrative staff in ensuring hate crimes are correctly flagged on CPS case management systems. This presentation also stressed the importance of prosecutors at court correctly noting the sentence uplift and informing administrators so this can be recorded on the case.

The police attended each event and spoke to those present about their role investigating hate crime and ensuring evidence of hostility is gathered and passed to the CPS to enable prosecutors to present it at court and obtain a sentence uplift. The police representative also spoke about initiatives they are running locally to improve practice and engage with communities.

The team days have been a great success and those present have been really engaged and willing to listen and learn. I hope that a greater understanding of hate crime across all job roles in the team will lead to improvements and better results for victims and witnesses.

To find out more about CPS London North, [visit their page on the CPS website](#)

## Crimes Against Older People

Michael Ellis QC MP



Older people are not by definition vulnerable, however a disproportionate number are victims of crimes. They account for just 18% of the population, yet more than 80% are victims of doorstep scams and 1 in 4 are victims of domestic homicide.

While age is not a protected characteristic in hate crime legislation, it is intrinsically linked to the matter, in particular disability hate crime. Studies show that as a group, older people are more likely to fear becoming victims of crime than people in other age groups, and are more likely to be affected by the physical and mental challenges of attending court to give evidence. The criminal justice system must find ways to overcome these barriers.

*The poor relation: The police and CPS response to crimes against older people* is the first report by HM Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS) and HM Crown Prosecution Service Inspectorate (HMCPSI) looking specifically at older victims of crimes. It found that the police and CPS need to prepare for the growing challenges of helping and keeping safe an ageing population, and made a number of

recommendations about how this should be done.

As part of this inspection process, HMICFRS and HMCPSI commissioned an external consultancy to interview older victims of crime about their experiences. These interviews informed the findings of the report and helped to build a better picture of the challenges presented to the police and CPS by crimes against older people.

One of the most important of these was that the police and CPS need to work better together. The police alone cannot solve the challenges of an aging problem with a disproportionate amount of complex needs within the criminal justice system, and it is vital that we kick-start the change we need through strong working relationships.

It's great to see how quickly the CPS has taken action to ensure older people are fully supported by the criminal justice system. This includes recently publishing updated policy guidance on Crimes Against Older People which was developed following a public consultation with engagement from stakeholders including the police. I also wish to express my support for Chris Long, Chief Crown Prosecutor national lead for Hate Crime, who is taking on further responsibility for crimes against older people; and look forward to continuing work with the CPS on hate crime and related issues.

As HMICFRS and HMCPSI highlighted in their report, we are facing an increasingly aging population, which will require significant cooperation across government and the criminal justice system. I look forward to seeing the work scheduled for the next six months coming to fruition.

To find out more about the Solicitor General and the Attorney General, you can [visit their page on GOV.UK](#)

## Antisemitism Checklist

Mick Conboy, CPS Senior Policy Advisor, Prosecution Policy and Inclusion Unit

We have recently refreshed a short guide for charging and reviewing lawyers on antisemitism with the assistance of the Community Security Trust (CST). The guide includes key aspects of the law and CPS guidance covering the flagging of hate crime, evidence of racially or religiously aggravated offending, victim support, the need for accurate recording and effective monitoring and lessons arising from prosecution practice relating to antisemitism.

This latest version builds on the existing section covering practice lessons which makes use of casework experience to prompt prosecutors on evidence of antisemitism in support of a prosecution. The guide also calls on the experience and expertise of CST in identifying examples of antisemitism experienced by their clients.

Additions to the refreshed guide include factors for prosecutors to consider in cases where anti-Zionism might have crossed the line into antisemitism; and examples of age-old antisemitic stereotypes which may be unfamiliar to prosecutors but are still able to cause grave offence.

Hate crime guidance provides support to prosecutors in obtaining the most appropriate outcome as in this case:

An offender who wrote songs calling for violence against Jewish people has been ordered to be detained in a hospital for treatment after pleading guilty to an arson attack on Exeter synagogue whilst suffering a psychotic episode.

A passer-by heard the explosion and saw the man walking to his van with a green petrol can before driving off. She flagged down a passing police car and gave officers the licence plate number.

The court heard expert psychiatric evidence explaining how the offender had been suffering from psychosis at the time of the attack. The experts also concluded that he posed a high risk of further violence exacerbated by his use of alcohol and illegal drugs. In light of these conclusions the judge imposed a hospital order under the Mental Health Act along with a restriction order for the safety of the public.

Sue Hemming from the CPS said: "His violence was partly driven by his hatred of Jewish people which was clear from the library of extremist literature he had. He was suffering from a psychiatric disorder at the time but remains a danger so it's right that he gets the treatment he needs at a hospital and the public is kept safe."

His laptops, mobile phone and storage devices contained antisemitic and neo-Nazi material, as well as data showing his hatred for people who were not white. One document was a 340-page terrorist manual aimed at white supremacists to prepare them for a "race war". There were sections recommending targeting synagogues and advice about arson attacks.

More information about the hate crime guidance for prosecutors can be [found on the CPS website](#)

## Useful updates and info

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

### Government Response to the Women and Equalities Committee

On 5 April 2019, the Women and Equalities Select Committee published its report 'Tackling Inequalities Faced by Gypsy, Roma and Traveller Communities'. The Government published its response on 26 June and committed to tackling the serious disparities faced by these communities. [The full response can be found here.](#)

The CPS plans to hold a further meeting of the Gypsy, Roma and Traveller National Scrutiny Panel later in the year to seek to build on the previous action plan. The focus will continue to be on measures to increase awareness and the confidence to report.

### CST Antisemitic Incidents Report

On 1 August, the Community Security Trust (CST) published its Antisemitic Incidents Report for January – June which shows that CST recorded a record high total of 892 antisemitic incidents in the UK in the first six months of the year. [The full report can be found here.](#)

### Law Commission review

The Law Commission is in the 'fact-finding', pre-consultation stage of its wide-ranging review into hate crime. The Law Commission has attended and participated in a number of insightful and informative events. These have ranged from academic summits hosted by universities, to Hate Crime Scrutiny Panels run by the CPS, to preliminary discussions with a number of organisations representing affected individuals, and groups of people who have shared their immediate experiences of hate crime. The Law Commission is working on the Consultation Paper, drawing together the views of stakeholders, academic studies, and international best practice.

The Law Commission was asked by the Government 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. For more information, including timescales, [visit the Law Commission's website.](#)

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)

### No2H8 Awards

Nominations for the 2019 [#No2H8 national awards](#) are now open. There are a range of Upstander award categories including: Jo Cox special award; Tell MAMA's award and the CPS award, Supporting Victims, Reporting Hate crime.

Nominations for the CPS award can reflect the contribution of individuals in any sector, including CPS staff, and nominations are accepted from any organisation.