

Hate Crime Newsletter



Issue no. 24
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Welcome to the hate crime newsletter



Welcome to the first CPS hate crime newsletter of 2020.

This is going to be an interesting year in relation to the legal framework for hate crime. We're looking forward to the consultation from the Law Commission on its [review into hate crime legislation](#). The consultation paper is due this year and will look at the adequacy and parity of protection offered by the law relating to hate crime and will make recommendations for its reform. It will also consider which characteristics deserve

enhanced protection in criminal law and on what basis. In the meantime however, we at the CPS will continue to prosecute cases in accordance with the law and pursue a sentence uplift where there is evidence of hostility towards race, religion, disability, transgender identity or sexual orientation.

In January I was pleased to be able to speak at the launch of the LGBT Hate Crime Schools Pack. This is an innovative piece of work completed in partnership with other government departments, third sector organisations, and participants from Thomas Tallis School in London. The schools pack provides information on hate crime, how to recognise it and what to do if you do encounter it. The overriding message of the packs is that no one should be targeted or live in fear because of who they are. This is demonstrated clearly through case studies.

The LGBT pack is the first to be refreshed but the packs on disability hate crime and racially and religiously aggravated hate crime will follow. I'd like to offer my thanks to all those involved and look forward to hearing feedback from schools that have used the packs. The full article on the launch of the pack can be found on [page 4](#).

The events organised by or taken part in by CPS North West for Greater Manchester Hate Crime Awareness Week (GMHCAW) show just how engaged that CPS Area is with its local communities. The breadth of events and topics covered is incredible and there's more information on this on [page 4](#). However I know GMHCAW is only a small insight into the ongoing work to ensure the CPS is open and transparent and listens to the communities it serves – not only is there more activity taking place in CPS North West (as the information on the engagement session with the Orthodox Jewish Community shows), there is a huge raft of activity taking place across the organisation.

To shape the May 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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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 Wessex successfully prosecuted a case of disability hate crime. The victim is a taxi driver and arrived at the central office to pick up two women. He waited for them while they finished their takeaway. He then asked them for payment up front but they refused saying their mother would pay at the other end. The victim asked that, once they arrived, one of the women remained in the taxi while the other went in for the money.

Despite this agreement, at the destination both women got out of the taxi and ran off down the street. The victim pursued them and caught up with one of the women. She began to kick and punch the victim using disablist abuse. The victim tried to use his phone to call the police but the offender knocked it out of his hand.

The offender was charged with assault by beating and making off without payment. She pleaded not guilty but was found to have committed the offences. She was ordered to complete a 12 month community order and 25 days Rehabilitation Activity Requirement with five days added for the disability hate crime. The offender was also ordered to pay the victim compensation.

The CPS' Counter Terrorism Division recently successfully prosecuted a member of an extreme right wing organisation who sprayed the word 'traitors' on the Senedd (National Assembly for Wales building) in Cardiff. He also distributed posters, stickers and graffiti in multi-cultural areas of the city which celebrated Adolf Hitler's birthday and called for a 'Nazi Zone'.

The offender ran the organisation's recruitment campaign, filmed his own activities for propaganda purposes, and actively encouraged others to commit criminal offences.

He was charged with two offences of stirring up racial hatred, two offences of racially aggravated criminal damage and seven offences of possessing material stirring up hatred on the grounds of race/religion/sexual orientation, with intent to display/distribute it.

He pleaded guilty to all offences and was sentenced on 2 December 2019 to 16 months' imprisonment, and was made subject to a Criminal Behaviour Order for a period of five years.

CPS West Midlands successfully prosecuted three teenagers for a number of robberies and assaults on men whom they had targeted via Grindr. The three defendants, all 18 years old, created fake Grindr profiles to lure four men on "dates" over a period of three months. At these meetings, they would rob, assault and direct homophobic abuse upon their victims.

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

After trial, the three men were found guilty and sentenced at Birmingham Crown Court, to between 15 and 17 years imprisonment. In his sentencing remarks, the trial judge referred to each of the offences being aggravated by hostility towards sexual orientation.

For more information about this case, including how the evidence was investigated, please visit the CPS website: www.cps.gov.uk/west-midlands/news/three-teens-jailed-robbery-use-grindr

CPS West Midlands prosecuted a Stoke City football fan after he racially abused a footballer during a Stoke City versus Nottingham Forest game in September 2019.

One witness, who was at the match with his four-year-old son, said: "I felt angry and extremely upset that the man had shouted racial abuse at the player. There is no place in modern society for racial abuse of any kind, and certainly don't want my own son to be witness to it. Football has got a bad name for racial abuse, and it needs eradicating."

The offender pleaded guilty to using racially aggravated threatening or abusive words or behaviour with intent to cause alarm or distress. The sentence was uplifted from a Band B fine to a Band C fine and the defendant was fined £310. He was also given a [Football Banning Order](#) for three years.

CPS North East successfully challenged a sentence which had not taken into account the homophobic element of the case and therefore did not receive a sentence uplift.

The defendant was charged with assault occasioning actual bodily harm following a verbal argument with the victim, during which he used homophobic abuse before throwing a glass at his head causing injury. The defendant admitted the assault but denied using homophobic abuse.

The CPS appealed the decision to sentence the defendant in respect of the assault without reaching a factual determination on the homophobic hostility. The High Court found in the Crown's favour and allowed the appeal, sending the case back to the Magistrates to hold a Newton hearing and make a determination on the evidence.

On 17th December, after hearing evidence, the magistrates found that the assault had been accompanied by homophobic hostility and determined that this had been a hate crime. The defendant's sentence was increased to eight weeks' custody from a community penalty. The sentence was suspended for 12 months.

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LGBT Hate Crime Schools Pack Launched

Stacey Stanhope, CPS Senior Policy Advisor

21 January saw the launch of the revised LGBT schools pack. The schools packs were originally developed by CPS North West and a separate pack covers each strand of hate crime. Refreshing the packs was one of the commitments the CPS made in the cross-Government hate crime action plan launched in 2016.

This was a partnership endeavour and involved a number of specialists across education, representatives from the LGBT community and third sector organisations. Instrumental in the development of the packs were Stonewall, Gendered Intelligence, NASUWT (the teachers union), the National Police Chief's Council, the Head Teacher, Head of Curriculum and the students at Thomas Tallis School in London, the Department of Education, Government Equalities Office, Schools Out and Papyrus amongst others. At the launch event, Chris Long, CPS Hate Crime Lead, thanked all our partners but especially the staff and students at the school. They shared their personal experiences and those of others to bring the new Upstander scenario to life in a way that will be very relatable to young people.

These schools packs are essential resources because it is vitally important that children and young people who are victims of hate incidents or crimes, understand that they are protected by some of the most robust hate crime legislation in the world.

In 2018, over 100,000 LGBT+ people responded to the National LGBT Survey. 40% said they had experienced an incident, such as verbal harassment or physical violence, in the last 12 months, simply because they were LGBT+. However more than 90% of the most serious incidents went unreported, often because the person affected thought 'it happens all the time'. That is just a small snapshot of the overall picture of targeting experienced by the LGBT+ community. It demonstrates the importance of work like the schools pack to help us tackle this problem.

The LGBT schools pack has been the first to be refreshed. The packs on racially and religiously aggravated hate crime and disability hate crime will also be refreshed with the CPS inputting vital information on hate crime legislation.

Greater Manchester Hate Crime Awareness Week and engagement sessions with the Orthodox Jewish Community

Gemma Rice, Inclusion and Community Engagement Manager, CPS North West

Greater Manchester Hate Crime Awareness Week was Monday 3 – Sunday 9 February. CPS North West had a full programme of activities and events as part of the week. This included:

- Hosting a number of lunch and learn events where Local Scrutiny and Involvement Panel (LSIP) members highlighted to staff the importance of the panels and how they

Teachers and schools can [download the pack](#) [from our website](#) by requesting a password from LGBTHatecrimeschoolspack@cps.gov.uk

have driven the quality of our casework;

- Community Conversations to promote the value of this work and raise awareness of how these conversations have been the catalyst for innovative work on hate crime;
- Sessions with refugees and asylum seekers;
- The launch and promotion of the Early Intervention Hate Crime Pilot (Bolton Division) – a project working with the police, local authority, Victim Services and community organisations such as Bolton Council of Mosques. The pilot aims to turn the curve in the decreasing number of hate crimes referred to the CPS;
- LGBT hate Crime Event in collaboration with Salford Youth Service and partners;
- Engagement session at University of Manchester to promote how we deal with Hate Crime and work experience opportunities;
- Training and development sessions for community representatives engaged with the CPS on prosecuting hate crime and induction of the first Youth LSIP at Manchester Metropolitan University;
- Engagement through the Challenging Hate Forum;
- Promoting the week and communicating both internally and externally via CPS North West Twitter account.

The week is an important opportunity to raise awareness of hate crime locally and to promote the work of the CPS and its partners. Working closely with partners across the public and voluntary sector is vital in building community confidence and showing that we are united in tackling hate crime.



In addition to our Hate Crime Awareness Week work, CPS North West launched a series of sessions with the Orthodox Jewish Community across Salford, Bury and Manchester. The sessions were developed with the JEWEL Foundation which is an employment support service established to enhance the economic sustainability of Manchester’s Jewish community. The sessions were designed to engage with the community and raise the profile of the CPS as an employer of choice.

The first session saw Martin Goldman, Chief Crown Prosecutor for CPS North West, give a personal account of maintaining and observing his Jewish faith whilst progressing his career within the CPS. The second session was a more hands on event providing training for the community on contextualising the CPS recruitment process, working with attendees to identify their strengths and putting them into “Civil Service” language and within the Success Profile framework. The final session, was an offer of mock interviews at our Manchester office.

Working in partnership with JEWEL has been hugely important in understanding the needs of the Orthodox Jewish Community and tailoring our sessions accordingly. JEWEL delivers employment readiness programmes and also sessions on how to be Jewish in a non-Jewish workplace for example, overcoming the lack of kosher facilities. JEWEL will also be running some cultural awareness sessions for our Manchester based staff.

Our local work with the Jewish Community is supported by the national CPS work to tackle anti-Semitic hate crime. The CPS has recently refreshed a short guide for lawyers on anti-Semitism, with the assistance of the Community Security Trust. The guide includes key aspects of the law and victim support.

Holocaust Memorial Day Event

Helen Starkey, CPS Head of Strategic HR

On 27 January, the Director of Public Prosecutions Max Hill QC and the then Attorney General Geoffrey Cox QC spoke at a Holocaust Memorial Day event organised by the Government Legal Department, the Jewish Society, Legal Aid Agency, MoJ and the CPS to discuss the impact of genocide on the world and how individuals can seek justice for survivors.

The event, titled 'Genocide Past and Present', was led by Judge Keith Raynor who is prosecuting individuals for genocide in Cambodia and author Peter Lantos who survived Bergen-Belsen concentration camp.

The Director focussed on two main areas where the CPS can make a contribution to a fair and tolerant society - the importance of inclusivity, diversity and a holistic approach to faith, and the CPS' approach to hate crime.

The Director talked about the CPS' proactive approach to being a fair, diverse and inclusive employer and the work that has taken place towards our aim of having a diverse workforce that truly represents the people we serve. We have good representation of women at all grades, our representation of Black, Asian and Minority Ethnic (BAME) staff also compares favourably at all grades with other organisations, as does our LGBT representation.

The CPS is recognised as a Disability Confident Leader and as a Business in the Community Top Employer for Race, we have secured 'a:gender' Silver status for our work relating to trans employees and we are a Top 10 employer with Working Families UK.

However, the Director was clear that this doesn't mean that all our diversity and inclusion challenges are resolved, there is always more to do. The CPS is determined to ensure that all employees thrive in an organisation where they can be themselves and achieve their full potential. To achieve that we have a Diversity and Inclusion focussed HR team and five active employee networks.

The CPS recognises that we are stronger through difference and recruiting and supporting people from different faiths is a key part of this. We are starting from a strong base but will continue to strive to ensure our workforce is even more diverse and inclusive in the future.

The theme for Holocaust Memorial Day 2020 is 'Stand Together'. The engagement and input we've received from communities, including Jewish communities, clearly shows that it's only by working together, by standing together, that we can make progress in this important area and give a clear message that hate and prejudice will not be tolerated.

Director of Public Prosecutions Max Hill QC

To find out more about Holocaust Memorial Day visit: www.hmd.org.uk/take-part-in-holocaust-memorial-day/holocaust-memorial-day-2020/

'The last acceptable form of racism': Friends, Families and Travellers Cultural Awareness Training

Lucy Hetherington, Friends, Families and Travellers

Prejudice against Gypsies, Roma and Travellers has been described as the 'last acceptable form of racism'. When Traveller Movement asked 199 Gypsy, Roma and Traveller people about their experiences of discrimination, 77% disclosed that they had been the victims of hate speech or hate crime ([Traveller Movement, 2017](#)). A Traveller Movement report 'Policing by Consent' found police officers from 45 territorial police forces in England, Scotland and Wales considered hate crime to be the most common issue members of Gypsy, Roma and Traveller communities report to the police ([Traveller Movement, 2018](#)).

This is particularly alarming when you take into account data collected from GATE Herts which found that Gypsy, Roma and Traveller communities are reporting **less than** 15% of hate incidences to the police ([GATE Herts, 2018](#)). We hope that by raising cultural awareness among criminal justice services, we may be able to encourage Gypsy, Roma and Traveller victims of hate crime and hate speech to engage with services, measure the scale and causes of hate and to safeguard those who are at risk.

Friends Families and Travellers have delivered Gypsy and Traveller Cultural Awareness training to over 700 organisations and local authorities. We developed an online learning programme targeting the key themes and questions asked by service providers about Gypsies and Travellers. We are proud that our cultural awareness training is award winning (Silver Winner at the Training and Journal Awards 2017) and that the feedback we receive shows real change being made to make services more inclusive.

"I feel better equipped to work with Gypsies and Travellers. I now have a fuller understanding of the issues they face. This training has given me the confidence and knowledge to communicate more effectively. I found the course extremely informative and helpful."

Over four modules, the course:

- Shares principles for better practice and learning opportunities about Gypsy and Traveller history and culture;
- Highlights the challenges faced by Gypsies and Travellers;
- Shares positive strategies for organisations to adopt to increase access to services and participation from Gypsies and Travellers.

"It has expanded my knowledge on what Gypsies and Travellers can go through during their lives and will help me adapt my communications skills so they are more inclusive and accessible."

Friends, Families and Travellers is a leading national charity that works on behalf of all Gypsies, Roma and Travellers regardless of ethnicity, culture or background.

If you would like more information about the course, you can enrol at [MeLearning](#). If you would like to discuss the course in more detail, contact [Friends, Families and Travellers](#).

Disability Hate Crime

Rt Hon Michael Ellis QC MP



It is concerning, for both the CPS and those in the community with disabilities, that there has been a fall of nearly 25 per cent in disability hate crime prosecutions. CPS reports show that between 2017-2018 and 2018-2019 there was the largest annual fall in hate crime cases sent from the police to the CPS.

Home Office data indicates that disability hate crime reported to the police increased significantly between 2017-2018 and 2018-2019. However, in the same period, the police referral of disability hate crime to the CPS for charging decisions fell from 625 to 367. The disabled community will understandably feel frustrated about these figures, and I am pleased to see that this has been acknowledged by both the CPS and the police.

I am pleased that the CPS has been engaging with local police forces to better understand the fall, and to take action to address it. The CPS will be undertaking an assessment of the handling of unsuccessful disability hate crime cases in order to better understand what further improvements can be made. I know from my regular discussions with the CPS how important

this work is for them, and how committed they are to providing a better service to victims of disability hate crime.

Further work still needs to be done to support the disabled community and address the issues surrounding disability hate crime. There remains a large amount of disquiet about the CPS' figures and the criminal justice system must find ways to address this issue, to ensure that all victims of hate crime are protected equally.

Disability hate crimes are often slightly different in nature to other hate crime offences. This is because many cases involve the offender perceiving the victim to be an 'easy target'. These cases often involve opportunism or exploitation, rather than hostility. For an offence to be prosecuted as a hate crime, legislation currently dictates that there must be an element of hostility. This means that often the CPS will be unable to prosecute cases as hate crimes, and also means it is not possible for a sentence uplift to be applied.

This has understandably led to concerns that the law does not treat all protected characteristics equally. It is unsurprising that the disabled community feel aggrieved by this.

The Government asked the Law Commission in 2018 to complete a wide-ranging review into hate crime to explore how to make current legislation more effective, taking into account the experience of disabled victims. This review will provide an opportunity to revisit the law, and I look forward to seeing it progress.

It is clear that the criminal justice system needs to find ways to overcome the problems surrounding disability hate crime and ensure that these appalling cases are dealt with in the right way. It is positive to see how the CPS and police have reacted to the fall in referrals and prosecutions, and I look forward to seeing the good work on these issues continue.

Useful updates and info

Alison Plant, CPS Senior Policy Advisor

CPS quarterly data release

In the CPS Hate Crime Annual Report, published in October 2019, it was confirmed that the CPS would be moving to quarterly data releases rather than annual reports. This will provide more regular opportunities for discussions with stakeholders that are informed by the most up-to-date data evidence, while helping us all to be agile in responding to shifting trends and new challenges.

The first such data release was published on 30 January and can be found here: www.cps.gov.uk/publication/cps-data-summary-quarter-2-2019-2020

CST Annual Report 2019

On 6 February CST published its [antisemitic incidents report 2019](#). CST recorded 1,805 antisemitic incidents in the UK in 2019, the highest total that CST has ever recorded in a single calendar year. This is seven per cent higher than the 1,690 antisemitic incidents reported to CST in 2018, making 2019 the fourth consecutive year in which the annual record has been broken.

On 30 December 2019, CST also published its [Antisemitic Discourse Report covering 2018](#). Antisemitic Discourse means antisemitism that occurs in politics, media, sport and other public settings. CST's report covers both actual antisemitism and issues that impact on it and British Jews.

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