

Hate Crime Newsletter



Issue no. 26
October 2020



Welcome to the hate crime newsletter

The [National Hate Crime Awareness Week](#) team is to be congratulated for ensuring the event takes place again this year w/b October 10th. The event provides a much-needed opportunity to celebrate the positive, join with upstanders and commit to continuing our joint efforts to tackle hate crime, for all our futures.

Covid-19 continues to spotlight unacceptable levels of scapegoating and stereotyping but I've also been struck by people's resilience over the course of the crisis to date as well as our ability to come together in common purpose.

Internal discussions with CPS staff in light of Black Lives Matter have given me new hope in what we can achieve together through meaningful engagement, to re-state our values and our commitment to sustain them.

This onward momentum was reflected at a recent meeting of our Hate Crime External Consultative Group and the first meeting of the cross-Government Hate Crime Strategy Board since the crisis started. We identified steps towards a new Hate Crime Strategy – something I welcome and look forward to shaping.

The last Newsletter moved online which has certainly given us a boost in circulation. I'd encourage all readers to disseminate to your own contacts and networks.

We are enormously grateful to the Solicitor General for his contribution to this edition. A timely reminder of Covid-19's impact on communities already affected by hate crime.

I am pleased to say the CPS has committed to supporting the Chinese Welfare Trust as members seek to formally establish a national support network.

The public consultation of the legal framework for hate crime was launched last month. I'm delighted that we have an article from the Law Commission's lead on this review, Martin Wimpole, I'm looking forward to working with policy colleagues to develop the CPS response to this.

We also take a brief look at some of the new commitments that the CPS has made as part of its Hate Crime Action programme. The programme was recently discussed at the Hate Crime External Consultative Group along with related performance data.

I hope you find the information in the Newsletter helpful. This edition includes some excellent work and some ideas for approaches that may be of interest to other CPS Areas.

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To shape the November? 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

Positive Outcomes and Engagement from CPS Areas

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

Counter Terrorism Division prosecuted a restaurant worker who plotted a terror attack at the Pride parade in London. He has been jailed for life and told he must serve at least 25 years in prison.

He was convicted in February after trying to attend a firearm training school, having a replica handgun and two Japanese swords made of wood. There were also incriminating messages between him and his sister where he told her about his intentions.

He discussed various targets with those he thought shared his violent outlook. These included the Pride parade in London and his goal was to cause indiscriminate slaughter.

He was given life with a minimum tariff of 25 years for the terror plot, three years for sharing a Daesh propaganda video and seven years for possessing a knife attack terror manual. The sentences will be served concurrently, meaning he will serve a total of at least 25 years.

Cymru/Wales

A man who abused a Police Community Support Officer for being transgender has received an uplifted sentence at Mold Magistrates' Court. The prosecutor applied for the sentence to be uplifted to reflect the hate crime aspect.

Edward Marsh of the CPS said: "Comments deliberately targeting a person in this way have no place in modern society. The CPS takes any hate crime allegation extremely seriously and we will robustly prosecute cases that meet the Code for Crown Prosecutors."

The District Judge said that without the transphobic element of the crime, the sentence would have been Low Level Community Order not a Medium Level Community Order, which was imposed.

Two brothers attacked a group of men outside a Cardiff Mosque; first they taunted the men and then attacked the group. One of the men produced a knife and stabbed one of the men to the abdomen.

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

Kelly Huggins of the CPS said: "The support of the community in bringing the attackers to justice has been significant, and we thank them for their cooperation in the court process."

One man pleaded guilty to causing GBH with intent to injure and possession of an offensive weapon and was sentenced to a total of five years and three months' imprisonment; and the other pleaded guilty to affray and was sentenced to 18 months' imprisonment, suspended for 18 months.

London South

A football supporter who shouted racial abuse at a player during a game between Crystal Palace and Everton in August 2019 has been convicted of a hate crime. He shouted a racist insult at Crystal Palace player Andros Townsend as he was taking a corner. He was only three metres from the pitch and was escorted out by stewards, one of who overheard the racist remark.

He was convicted of racially aggravated harassment, fined £1,050 and ordered to pay £625 in costs, and banned from attending football matches for three years. The fine was increased from £700 to reflect the element of racial hostility.

Krista Cronshaw, from the CPS, said: "Racism at football matches will not be tolerated and the CPS will continue to work with partners to stamp out this hateful behaviour. We hope that this conviction encourages anyone who experiences or witnesses a hate crime of this nature to contact the police and we will work with them to bring those responsible to justice."

North West

A 65-year-old man was sentenced for racially abusing a young mother as she walked with her two young children. Two passers-by overheard him say amongst other racial insults, 'get back to your own country'. They challenged him and were verbally abused before they flagged down a passing police van.

In police interview, the man described himself as a white supremacist.

He pleaded guilty to racially aggravated behaviour with intent to cause the victim harassment alarm and distress and was sentenced to a Community Order with a curfew 8pm-6am for 10 weeks, and ordered to pay £85 costs and £90 Victim Surcharge. Without the uplift, the sentence would have been a fine.

Pamela Fee for the CPS said: "Spouting such poisonous views in a public place is not acceptable in today's society and we will continue to bring before the courts those who commit hate crime offences. I would like to commend the two witnesses who intervened to protect the young woman and quickly alerted police to the ongoing incident. I would encourage anyone who hears racist abuse or sees a repeated pattern of racist behaviour to come forward to report it regardless of how minor an incident may initially appear."

West Midlands

The offender in this case sent messages via online platforms expressing extreme right-wing sentiments supporting the killing of Muslims and non-white people, and indicated he intended to kill people. During the first hearing at Birmingham Magistrates' Court, he pleaded guilty to all charges and was sentenced to 12 weeks' imprisonment, suspended for two years, and ordered to complete 200 hours of community activity and work. The racist and religious nature of the offending was taken into account when he was sentenced.

North West

Two men were jailed at Manchester Crown Court for a violent homophobic attack on a gay couple in the city centre. The defendants shouted homophobic slurs at the couple and demanded they hand over money. They pleaded guilty and were both sentenced to 32 months' imprisonment which was uplifted due to the homophobic aggravation.

Yorkshire & Humberside

The defendant approached a man in a wheelchair in the street and tipped him out of his wheelchair before shouting at him and throwing the wheelchair into the road. A short time later in the same area, the defendant approached a man who was on crutches and started pushing and shoving him. He then grabbed the man by his jacket and held him up against a window. A short time after this, the defendant started pushing two other men and throwing punches at them.

At the first hearing, the defendant pleaded guilty to using threatening, abusive or insulting words or behaviour with intent to cause fear of or provoke unlawful violence and assault by beating. He was sentenced to 16 weeks' imprisonment for the assault, which was uplifted from 14 weeks for the disability hate crime element, and eight week's imprisonment for the public order offence, to run concurrently.

Hate Crime Awareness Week

Mark Healy

Director and Co-Founder of Hate Crime Awareness Week

Ryan Parkins and I founded 17-24-30 in March 2009 to mark the 10th anniversary of the London Nail Bomb attacks on Brixton, Brick Lane and Soho. There had been an article in a magazine that had suggested that it was time to play the anniversaries down, that the community no longer cared and that the anniversaries caused unnecessary pain and suffering. My initial thoughts were if people were still suffering we (the community) had a duty to stand up and support them. Over 2,000 people join the group within a month showing that people wanted to continue marking the anniversaries.

Later the same year, Ian Baynham - a gay man 62 years old, out celebrating a new job, was homophobically abused and beaten in Trafalgar Square. He was in a coma for four weeks until he died. We promoted the police appeal which led to the perpetrators being apprehended. I came up with the idea of organising a vigil for Ian and much to my surprise over 29,000 people shared it on social media and over 10,000 people turned up to the first vigil to say no to hate crime. A campaign was born which encouraged people to hold similar vigils around the UK over the next three years. The London vigils ran between 2009 to 2012.

In 2012, due to the pressures of austerity I came up with the idea of National Hate Crime Awareness Week. The idea to encourage local authorities (police and councils), key partners and communities affected by hate crime to work together to tackle local hate crime issues. We wanted to encourage people to come together, to remember those we have lost and those who need our ongoing support, to say no to all forms of hate crime and make our communities safer places for everyone. Since 2012 we have gone from 70 councils to 211 councils in 2017 taking part in the national week. In 2019 we had over 70% of councils across the UK taking part.

In 2017 we set up a national website www.nationalhcaw.uk which provides information about hate crime reporting, how to organise your national week, news updates from the hate crime sector, volunteering opportunities and two archives dedicated to recording the history of the national week and the April Acts of Remembrance. Bringing people together to say no to hate remains central to everything we do - whilst bringing comfort to those affected by hate crime in their darkest moments by ensuring the community is there for them. Mark Healey mark@17-24-30.org

Hate crime during COVID-19

Rt Hon Michael Ellis QC MP

COVID-19 has presented unprecedented challenges for all of us in the criminal justice system. The global pandemic has had a significant impact on how the criminal justice system functions, how members of the public report crime and on the types of crimes we are seeing.

It is perhaps unsurprising that during the height of lockdown, with everyone confined to their homes, offending dipped well below average levels. However, it is disheartening to have seen reports of changes in offending driven by the pandemic itself. Even in a time as frightening and frustrating as this, hate crime of any kind is completely unacceptable.

East Asian communities have been disproportionately targeted during this period. They have been accused of 'bringing the virus here' and have been targeted with other conspiracy-focused allegations. There has also been wider hostility against other minority communities and those perceived as 'foreign', with offenders accusing them of causing or spreading the virus. Racist stereotyping has also been prevalent in COVID-related crimes, with the Muslim community being subject to abuse for allegedly breaking lockdown measures in order to convene for prayer, while the Jewish community has been accused of controlling the response of governments.

I am absolutely clear that these crimes have no place in our society. Particularly in such a time of crisis, focus should be on supporting one another; projecting hate is never right, but it is even more repugnant in the current context.

I am proud of the response of the criminal justice system to this offending. I know that there have been regular meetings of the National Police Chiefs' Council Gold Group on COVID-19 and Hate Crime to tackle these issues, and that both the CPS and police have continued to bring perpetrators to justice during the pandemic while also examining how the approach to hate crime could be improved when returning to 'business as usual' offending levels. This continued joint focus is essential to protect victims and hold offenders accountable.

I am pleased also that the CPS has been so closely involved in arrangements for two seminars for members of the South East Asian communities, organised by the Chinese Welfare Trust and COVID-19 Act Action Racism Group. These seminars will be invaluable, highlighting existing CPS work on hate crime and with community members, as well as supporting new work to raise awareness of what the hate crime is and how victims can be best supported.

Chinese Welfare Trust

Lisa Yeung-Donaldson, Project Director, on behalf of Chinese Welfare Trust

The COVID-19 pandemic has subjected the British Chinese and Southeast Asian communities to unprecedented levels of prejudice and hate. There has been an upsurge in verbal abuse and racially-aggravated hate incidents on individuals (some of them international students) as well as businesses (especially Chinese takeaways) across the country. Research has shown a 300% increase in the use of hashtags on Twitter encouraging violence against China and Chinese people.

It is alarming to see how quickly a baseless viewpoint could take hold so quickly, implying that people of Chinese and SE Asian origin were responsible for spreading the new coronavirus. The frequent use of images of Chinese and SE Asian people in masks in news reports reinforced this perception, fuelling hateful speech and behaviour on the ground.

The Chinese and SE Asian communities responded to this rapidly deteriorating situation in a robust way before the national lockdown.

One of the trustees of **Chinese Welfare Trust**, together with other community activists, formed a cross-party alliance called **CARG** (Covid-19 Anti-racism Group) with the aims to raise awareness of, as well as objection to, media misrepresentation of people of oriental appearance when reporting about the new coronavirus outbreak. CARG's campaign highlighted the effects of scapegoating on a particular ethnicity on the proliferation of hate in all its forms - verbal abuse, racial attacks and online hate speech.

By now, the desire for change was palpable in the community. Chinese Welfare Trust responded to this new level of public consciousness by spearheading a project aiming to bring together a dozen Chinese and SE Asian community organisations in England to put into effect a coordinated approach in tackling hate crime. Funded by the National Lottery, the project will help to upskill staff and volunteers on the understanding and reporting of hate crime. It will also improve on regional victim support, with the ultimate aim to implementing best practice systems of third-party hate crime reporting by facilitating the formation of a network of reporting hubs.

Covid-19, despite all its challenges to communities and society, has been a real catalyst for change. It has heightened awareness and galvanised action among the British Chinese and SE Asian communities. The realisation that we must not allow hate to fester and tear into the fabric of community cohesion continues to resonate with the rest of society. With hate crime being taken more seriously than ever, the pandemic has become the 'Stephen Lawrence' moment for the British Chinese and SE Asian communities.

Law Commission – Hate Crime Legislative Review

Martin Wimpole Review Team Leader

The Law Commission launched its consultation on hate crime laws on 21 September 2020. The consultation period will close on 24 December. The consultation paper and further information about the review is available [here](#).

The consultation will focus on two main questions:

- Who should hate crime laws protect?; and
- How should the laws work?

The Commission will consider how the current laws can be made clearer, fairer and more effective. This includes examination of the current disparity of treatment amongst the existing protected characteristics: race, religion, sexual orientation, disability, and transgender.

The Commission will also ask whether any characteristics should be added to hate crime laws, notably sex/gender and age, and several other groups that have been proposed: alternative subcultures (goths, punks etc), sex workers, people experiencing homelessness, and non-religious philosophical beliefs.

Another key concern is whether the law is working effectively in respect of disability hate crime. The Commission will ask whether reforms to the “hostility” test are needed to recognise the types of harm experienced by disabled victims of crime.

The Commission will also consult on possible reforms to hate speech offences – the offences of “stirring up hatred” under the Public Order Act 1986, and the offence of “racialist chanting” at football matches. The consultation will ask how these offences can operate more fairly across different characteristic groups, and how to strike the right balance with the right to freedom of expression.

A separate but [related consultation](#) is also currently underway into the main offences that are prosecuted in cases of abusive and offensive online communications: specifically, the offences under section 127 of the Communications Act 2003 and section 1 of the Malicious Communications Act 1988. These offences are sometimes subject to enhanced sentencing as “hate crimes” if the offence was motivated by or the defendant demonstrated hostility towards a protected characteristic. This consultation is considering ways to make these offences clearer, and more targeted against the harm this conduct can cause. The consultation deadline for the Abusive and Offensive Online Communications review is 18 December 2020.

Hate Crime External Consultative Group and CPS Action Programme

Mick Conboy – Hate Crime Policy Lead

In December 2018, the CPS established a Hate Crime External Consultative Group (ECG). The ECG provides advice, support and challenge to the work of the CPS on hate crime. Members are drawn from community-based organisations that support and advise victims of hate crime, as well as academics.

At its most recent meeting, the ECG focused on the proposed Hate Crime Action Programme. Discussion focused on draft proposals as well as the current context influenced by the experience of Covid-19 and Black Lives Matter. The Action Programme has now been amended to reflect this discussion.

A detailed review will be undertaken in 2020/21 into why disability hate crime prosecutions fail in order to identify any mitigating activities the CPS or its partners could take. The project will be undertaken with the support of a specially commissioned National Scrutiny Panel which will assess the effectiveness of our disability hate crime policy statement.

In a separate project, a National Scrutiny Panel will be commissioned to assist in a review of the handling of Transphobic Hate Crime. The numbers of these prosecutions continue to remain relatively low which makes it difficult to evaluate performance from data trends alone. The review will scrutinise a sample range of individual cases with the support of Area Local Scrutiny and Involvement Panels.

A third casework-related project will undertake a detailed examination of complainant engagement in hate crime prosecutions. It will be undertaken by CPS Areas and seek to identify good practice and any issues that require closer attention, particularly with respect to why some complainants disengage from supporting the prosecution process.

A new classroom based Hate Crime training package has been commissioned which will cover: a specific session for the Lawyer Induction Programme; a mandated course for all new prosecutors covering 1.5 days; and a half day course for more experienced prosecutors in need of a refresher.

A refreshed communications strategy will be introduced covering both internal and external audiences. The internal goal will be to improve staff awareness and ownership of hate crime issues. Externally, we will focus on key messages around hate crime and target specific communities and demographics.

We will continue to report on progress and new developments as we move forward.

CPS Area Community Engagement

South East

CPS South East held two recent coffee and chat events with members of the trans and LGBTQI+ communities.

The events, hosted by CPS South East's Inclusion and Community Engagement Manager, Madeline Denny involved a round table discussion on how to engage members of local communities in Surrey, Kent and Sussex to report incidents of hate crime, support victims and witnesses who have experienced hate crime and showcase the local work done around prosecutions.

Local hate crime lead Gareth Morgan explained the mechanisms by which cases brought to court could have increased sentences imposed in court – thereby providing re-assurance to local groups about the importance which society places on preventing hate speech and activity.

Members of the trans community were then in turn able to ask specific questions of the police representatives and new trans supports groups in turn were able to provide awareness raising around the support that they had been able to give to local

West Midlands

During April and May, DCCP Lionel Idan held a series of 121 conversations with key members of the Chinese community including Birmingham Councillor Alex Yip, Dr Yeo Poon and Anna Yim.

Following these conversations to better understand the impact of COVID-19 related hate crime on the Chinese Community, CPS West Midlands organised and delivered a hate crime awareness workshop to members and trustees of the Birmingham Chinese Community Centre on 8 June 2020.

DCP Nathan Miebai and DCP Calista Priddey, hate crime coordinators for the region, led the session and shared information on prosecuting hate crimes, CPS policy statements and interactive case study which brought the session to life.

“The training was very informative and well delivered by very experienced trainers. It was very reassuring and useful for our community members with little knowledge of the CPS.” Anna Yim CEO Chinese Community Centre - Birmingham

The Area also hosted an online hate crime community conversation chaired by DCCP Lionel Idan. The aim was to understand the impact that COVID19 had on various community groups across the region, as well as to reassure members of the public of the continued commitment of CPS West Midlands to bringing offenders to justice despite the pandemic.

The meeting brought together charities, faith communities and community members dealing with victims of hate crimes.

Two experiences were reported, one by the Community Security Trust (CST) at a virtual synagogue and one from the Police Online Hub relating to a university meeting. Articles relating to the case aimed at the synagogue was shared with members from the CST who developed guidance in response. Concerns were raised about the practice of ‘Zoom bombing’ and the impact it had on the community.

“One of the main benefits for us as participants on the hate crime panel is that we can see first hand that so many other minority communities suffer from similar problems. We can empathise with the issues they are facing and know directly that hate has no distinction and that one group can suffer similar prejudice to another. We can also see and understand that the law is being applied to protect us all.” Keith Rowe, Jewish Community Representative

Yorkshire & Humberside

CPS Yorkshire and Humberside hosted its second dial-in with members of its Hate Crime Scrutiny Panel. The meeting, which was attended by charities supporting victims of hate crime, local council services and the police provided an opportunity to share information about local services and tensions within communities.

Issues raised included an increase in abuse towards people with disabilities who are exempt from wearing a face covering in shops and the impact of lockdown on the trans community, for whom lockdown afforded greater freedom to dress as their authentic self but also caused disruption to medical and specialist treatments.

Some Panel members had seen an increase in antisocial behaviour and neighbour disputes with a hate crime element and in some parts of the Area the relaxation of social distancing measures coupled with the Black Lives Matter protests has created a spike in hate crime incidents towards the Chinese community. This is against a backdrop of most third-party reporting centres remaining closed with online reporting services being offered instead. Some panel members have become aware of an increase in online hate crime, particularly affecting young people.

“As a regular Panel member and hate crime lead from Doncaster Council, the recent virtual scrutiny panel provided a platform for us to share experiences regarding the current situation and the impact it is having, The Panel allowed for some discussion and learning, whether in the form of reassurance that we are taking similar approaches to common challenges or taking away potential things to try in the future.” Rachael Long, Crime and Safer Doncaster Theme Manager

North West

Following a series of conversations between the CPS and grassroots British Muslim organisations, the issue of hate crime, specifically the drop in cases referred by Greater Manchester Police (GMP) to the CPS for charging decision, was raised as a concern with a clear steer that the CPS and GMP needed to work together to tackle this issue.

A pilot in Bolton brings the CPS in at an earlier stage. All reported hate crimes will be overseen by a newly appointed GMP Hate Crime Coordinator and reviewed by a dedicated CPS lawyer. The objectives of the pilot are:

- To increase the number of hate crimes received by the CPS through earlier CPS involvement. This will provide earlier advice and guidance to officers with a view of building strong case files;
- To review the suitability of out of court disposals before decisions are actioned, particularly in relation to cautions; and
- To quantify victim attrition rates of hate crime cases and scope out a response.

The pilot aims to increase hate crime referrals for Charging Decision by 50%; and to improve communication with communities over successful prosecutions.

The Pilot was active for 3 weeks in March 2020 but was stalled due to the Pandemic. In that short period, over 50% of hate crimes reported remained open for investigation (this is a significant increase) and involvement from the Hate Crime Coordinator on the division led to at least one offence being reactivated where it otherwise would have been filed without any investigation.

The Pilot is due to restart on 1st September and will introduce a stronger community engagement through a Bolton scrutiny panel alongside improved communications on how hate crimes are progressing through the criminal justice system.

Progress on data sharing

Mick Conboy – Hate Crime Policy Lead

This edition highlights a small but significant step to improved data sharing across CJS agencies. The Home Office and Ministry of Justice have confirmed that the Police National Computer will have the capacity to record sentence uplifts in all successful hate crime prosecutions.

The value of recording appropriate data at each stage of the investigation and prosecution of hate crime is that lessons can be learned and future practice improved.

The recording of sentence uplifts is important for a number of reasons. First, the CPS has a better understanding of whether it's approach to the prosecution of hate crime is working. Secondly, the courts, HMCTS and MoJ have a better understanding as to how the courts are applying the law on hate crime and its sentencing; thirdly Witness Care Units can inform victims of hate crime of the outcome of the case and whether the sentence incorporates a sentence uplift in recognition of the additionality of hate; finally, probation and prison services can ensure that all those convicted of a hate crime offence have appropriate rehabilitative programmes to support them.

The effective use of these shared recording systems can always be improved but the key is that we have a system exists in the first place.

One gap we have had until now is that the Police National Computer has not been able to record those offences which attract a sentence uplift by way of s145 and s146 of the Criminal Justice Act 2003. These are sentencing provisions only and will not appear on the charge sheet. The PNC has no difficulty recording statutory offences such as the racially and religiously aggravated offences under the Crime and Disorder Act 1998. But until now, it has not been able to record sentence uplifts under the Criminal Justice Act 2003.

The reason why this is significant is that with no record of such offending it would be impossible to tell if suspects had any previous convictions relevant to an ongoing prosecution. In this way, those who repeatedly harass or threaten or assault people in the gay or trans communities or those with disabilities would never be noticed; each offence would be like the first time. This situation would also arise in racially and religiously aggravated offending where the charge is not one of the specific offences caught by the CDA. In other words, a good proportion of hate crime offences.

Having first identified this gap, the CPS has persistently followed through until after further recent discussion, we have had confirmation that court system and related guidance as well as PNC systems have all been amended to capture all relevant sentence uplifts. A small but certainly significant step for victims, their families and communities.

Useful updates and info

CPS quarterly data release

The Community Security Trust published its Antisemitic Incidents Report for January-June 2020 – a summary of the key points is provided [here](#) and the full report is [here](#).

Inclusion London provides its latest briefing on disability hate crime in the time of Covid-19; <https://www.inclusionlondon.org.uk/campaigns-and-policy/facts-and-information/hate-crime/inclusion-london-briefing-disability-hate-crime/>

News of a new project: LGBTQI Gypsies, Roma and Travellers & society
<http://www.romaniarts.co.uk/lgbtqi-gypsies-roma-and-travellers-society/>

The Romani Cultural and Arts Company – RomArchive wins prestigious awards
<http://www.romaniarts.co.uk/the-romani-cultural-and-arts-company-proud-romarchive-wins-prestigious-awards/>

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