



# Hate crime newsletter

No. 30, March 2022

## WELCOME

Lionel Idan, Chief Crown  
Prosecutor



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CPS HATE  
CRIME  
WEBPAGE](#)



## ENGAGING WITH OUR COMMUNITIES

Anthony Walker Pathways  
Foundation

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Penney Lewis, Law  
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## TAKING ACTION ON HATE CRIME IN FOOTBALL

Max Hill QC, Director of  
Public Prosecutions





Welcome

to the hate crime newsletter

There's much to report since our last hate crime newsletter. The roll out of mandated hate crime training continues for all new prosecutors; [Hate Crime Prosecution Guidance and Policy Statements](#) have been refreshed in line with the Sentencing Act 2020; following our review of casework last year, we've shared findings and top tips with prosecutors; and operational guidance has been refreshed with the support of community stakeholders, providing prosecutors with clear and up-to-date insights into the lived experience of hate crime facing many in our communities.

We are all concerned at the latest [Community Security Trust Antisemitic Incidents Report](#) (2022) which reveals the largest ever recorded volume of antisemitic incidents and this provides a window into what is happening across society. We continue to prosecute all instances of antisemitism where our Code test is met. We recently responded in full to a call for evidence by the All Party Parliamentary Group on Antisemitism and we look forward to engaging in further discussion as to the way forward.

During the last quarter, I undertook a series of 1-2-1 conversations with key stakeholders who support victims of hate crime. The conversations were both insightful and very informative – we discussed emerging trends and issues of concern. The aim of the sessions was to help build community confidence, reinforce our commitment to tackling hate crime and above all, to listen and learn from valued subject matter leaders. In June, I will be expanding these sessions to include local CPS Areas and Police forces so that we can continue to listen and learn from each other, and work collaboratively to jointly address the challenges we face.

Since publishing a [joint statement on hate crime with the National Police Chiefs Council](#) in October, we have been

working on ways we can provide more structured support to forces where the need is greatest. CPS Areas regularly engage with local forces, but the new approach will provide structure and focus as we head into the new planning year.

With joint working at the very core of how we tackle these crimes, I'm delighted that the Association of Police and Crime Commissioners hate crime lead, Alison Lowe, has a feature in this edition of the newsletter.

In December 2021, the Law Commission published its [second review of hate crime legislation](#) - a significant publication for everyone who works to tackle hate crime. Professor Penny Lewis, Law Commissioner for Criminal Law, shares an update on this review.

As we do in every hate crime newsletter, I'm delighted to share a round-up of the tremendous work going on across the CPS to engage with communities to improve understanding of our work and build confidence in reporting hate crime.

Finally, our most recent performance figures for hate crime have been [published on our website](#). For the year up to September 2021, we completed 13,212 hate crime prosecutions resulting in 11,256 convictions or a conviction rate of 85.2%. This compares to a conviction rate for all offences over the same period of 81.8%. Our prosecutors have powers to ask the court to increase the sentence – where we can prove that a crime was a hate crime - to reflect the seriousness of the offence. In 2020/21, the proportion of convictions with an increase in sentence was 78.2%.

As always, we welcome your suggestions, feedback and proposals for articles. You can contact us at: [HateCrime.policy@cps.gov.uk](mailto:HateCrime.policy@cps.gov.uk)

**Lionel Idan, Chief Crown Prosecutor and CPS hate crime lead**



**“I am determined to be a driver for change”**

**Alison Lowe  
Hate crime lead,  
Association of Police and  
Crime Commissioners**

If you are a member of a minority, the chances are you have been made to feel different, “other”, or “less than” the majority, for at least some part of your life. Trust me, as a Black woman, with two beautiful gay children, I know that feeling all too well!

That is why I am determined to ensure that Police and Crime Commissioners and Deputy Mayors for Policing and Crime do all we can to eradicate hate crime.

We are uniquely placed to tackle this crime type through prioritising hate crime in our Police and Crime Plans, engaging frequently with all our communities, and ensuring that the services we commission are able to adequately support victims.

As a national Lead, I have led on the creation of the [APCC Equality Framework](#), to support my colleagues across England and Wales to take action locally, such as using data to understand who is being targeted, making sure that victims’ services provide specialist support, and playing a leading role in bringing partners together across the community when serious incidents of hate crime occur.

Additionally, we are learning from each other through sharing examples of good practice, such as the [Humberside Hate Crime Scrutiny Group](#), which allows for the APCC there to hear different perspectives from the local community to influence and inform policy. Meanwhile in West Yorkshire, we are proudly working with Stop Hate UK to drive forward the use of digital technology, enabling those who have been targeted to report to the police through our [hate crime reporting app](#).

Further examples of innovative PCC-led work in this area were highlighted in the Home Affairs Committee [report](#) published last year, reviewing progress made on recommendations in the Macpherson Report. However, we are clear that [we need to see more action and greater focus](#) nationwide to ensure that all the communities we represent can be confident in the police forces that serve them.

I for one, am determined to be a driver for that change.

**Alison Lowe, Deputy Mayor for Police and Crime in West Yorkshire and APCC’s national lead for hate crime.**



# Update from the Law Commission



On 7<sup>th</sup> December last year, the Law Commission announced recommendations to reform hate crime legislation ensuring consistency and clarity in the law. It recommended equal protection under law for all five currently protected characteristics: race, religion, sexual orientation, disability and transgender identity. In practical terms, this would involve the extension of aggravated offences to cover the characteristics of sexual orientation, disability and transgender identity.

The Commission also recommended equal protection in relation to the offences of stirring up hatred under the Public Order Act 1986, which currently apply unequally to the characteristics of religion and sexual orientation and exclude the characteristics of disability and transgender identity.

To address concerns about low prosecution rates for disability hate crime, the Commission recommended reform of the legal test for aggravated offences and enhanced sentencing to include motivation by ‘hostility or *prejudice*’. The intention is that more subtle forms of abuse and exploitation of disabled

victims will be better recognised within the hate crime framework

The Commission did not recommend the inclusion of “sex or gender” as a characteristic for the purposes of aggravated offences and enhanced sentencing. After carefully considering the practical implications, the Commission formed the view that hate crime laws would be an ineffective solution to violence against women and girls (VAWG), and would create unhelpful hierarchies of victims and make it more difficult to secure convictions in areas where women are disproportionately victims: domestic abuse and sexual assault.

However, the Commission recognised the importance of tackling VAWG and made several recommendations including extending the offence of stirring up hatred to cover sex or gender which would help tackle the growing threat of “incel” ideology, and its potential to lead to serious criminal offending. It also recommended that the government review whether a new offence of public sexual harassment would be desirable.

The Commission’s review was broad and considered the inclusion of several other characteristics, including age. However, it found that there was not a compelling case to introduce any additional characteristics in law at this time.

**Professor Penny Lewis, Law Commissioner for Criminal Law**



## Max Hill QC on taking action

# against racist and homophobic football chants

*Originally published in the Telegraph, January 2022*

The beauty of football is that anyone can play. All you need is a ball, some friends, and a goal. Fans can unite anywhere in the world with a shared love of a club, country or just the game itself. It is perhaps the most inclusive sport.

This weekend saw the FA Cup back in action - a competition which encapsulates the simplicity of the game and pits Premier League giants against relative minnows. But for 90 minutes, it is a level playing field and we often see upsets, none felt more keenly by myself as a lifelong Newcastle United fan with defeat to League One's Cambridge United.

Unfortunately, we also saw the return of reports of racist and or homophobic chanting during at least three cup ties: Crystal Palace vs Millwall, Spurs vs Chelsea and Reading v Cardiff City. This disgusting behaviour will never be tolerated by those who truly love the game, and by most of society.

The CPS has always prosecuted so-called fans who shout racist offensive comments at games including those aimed at footballers. While the pandemic forced stadiums to be empty, we saw an increase of online racial abuse of footballers. Seeing England in the final of Euro 2020 and Wales yet again performing above expectations should be an inspiration to youngsters across both nations but instead it was marred by the online racist comments towards black players who were brave enough to take penalties in a major final unlike the cowardly trolls who never set foot on the pitch as players.

My sports lead prosecutors have been responding to this growing threat by working with clubs, charities, and footballing bodies, as well as the police, to demonstrate what is needed to bring people accused of racist or homophobic abuse to justice. As a result, two people have been jailed and more people now have hate crimes on their criminal record. We have also made clear to the police that well-known homophobic slurs could be prosecuted as a hate crime, along with any other discriminatory language. Because we take hate crime so seriously, we will always ask for harsher sentences in these cases.

While the sound of chanting returning to stadiums rings a return to normality and can inspire players to perform at a higher level, racist or homophobic chanting excludes fans from enjoying the sport by demonstrating their fellow supporters are not welcome at their club. Nothing is less inclusive than that and it brings real damage to the heart of the game.

This year will see the Women's Euros and the Men's World Cup. We must make sure that the lasting memory of these two major international football tournaments is the beautiful game on the pitch, not marred by horrendous racism or homophobia witnessed in last year's Euros. As we return to league football from cup competitions, if you see or hear any of this unacceptable behaviour, report it to the police, who will investigate. If the legal test is met, we will not hesitate to take people to court so that justice is served.

**Max Hill QC, Director of Public Prosecutions**

# Engaging with our communities in Mersey-Cheshire

## Anthony Walker Pathways Foundation

In Mersey-Cheshire, we were delighted to launch the CPS Anthony Walker Pathways Scheme honouring the memory of Anthony Walker, the work of the foundation in his name and our CPS commitment to supporting diverse communities and talented young people and their career aspirations.

**“Before today if you had asked I don’t think I could have given you a role model, but now I feel spoilt for choice”**

Since launching the scheme in November 2021, 38 young people have undertaken work experience with CPS in Mersey-Cheshire. Students met CPS staff and learnt about what we do, and how we prosecute a case. They also got the chance to step into the shoes of a prosecutor by examining past cases and applying The Code for Crown Prosecutors to arrive at a charging decision. They then discussed their views on the future challenges for the criminal justice system, from changes in communication styles and the impact of online crime.

Through their experience, students gained significant knowledge of the criminal justice system, confidence in the CPS, but most importantly, they gained aspirations and confidence towards pursuing careers within the law.

All of the students who took part attended schools in some of the most deprived areas of Merseyside and Britain. One teacher commented: ‘These are students who do not expect to achieve, they are not used to having people believe and encourage them to believe that they can achieve great things. I don’t think you can imagine the level of impact this work experience has had.



All of our teaching staff have noticed to increased motivations and dedication to exam preparation and school work from all those involved. We cannot thank you enough.’

This is what students said about the event:

‘I don’t know how to say thank you in a way that seems to be good enough. I have never met a strong black professional woman before. And certainly not one who has encouraged and challenged me to believe, and strive to achieve my potential’

‘Before today if you had asked I don’t think I could have given you a role model, but now I feel spoilt for choice’

**Jennifer Friday, Inclusion and Community Engagement Manager CPS Mersey-Cheshire**

# Engaging with our communities in Wessex

## Young people in Hampshire take the lead in mock hate crime trial



As part of Hate Crime Awareness Week, CPS Wessex and Hampshire Police, delivered an interactive event for members of Hampshire's Police and Crime Youth Commission. The Youth Commission are a group of young volunteers, aged between 14- 24yrs, who work proactively to help young people voice their opinions about, and shape, decisions on Policing and Crime.

The two day event allowed members of the Youth Commission to see exactly how the police investigate hate crime, how the we make charging decisions and prosecute hate crime.

On the first day, the Youth Commissioners visited the Eastern Police Investigation Centre in Portsmouth. They investigated an example hate crime incident – a case of racially aggravated criminal damage. They visited the crime scene, gathered evidence, identified witnesses and looked for forensic opportunities to help them identify a suspect and build the case to refer to the CPS for charging.

On the second day, we held a mock trial at Portsmouth University's simulation courtroom and the young participants acted as the jury. They witnessed the full trial for the case they'd investigated delivered by our prosecutors. Following which they were asked to consider the evidence presented to them and return their verdict as the Jury. They found the defendant guilty of the crime.

As part of the trial, the victim's personal statement was presented to the court and our prosecutors explained how this plays an important role in demonstrating the impact that hate crime has on its victims.

The participants also learned about sentence uplifts and why they are awarded by the court. It was an excellent opportunity for the Youth Commission to see how the police and CPS work in partnership, and the steps that are taken to bring perpetrators of Hate Crime to justice.

## Hate crime awareness session for the newly resettled Afghanistan community in Wiltshire

In November, we delivered sessions with Wiltshire Police to the newly resettled Afghanistan community, who have been re-homed in the UK from Afghanistan.

Wiltshire Police spoke to the community about the role of the police, their position within the Criminal Justice System (CJS) and provided key information on how to report a crime.

Beth Sparks, the Inclusion and Community Engagement Manager for CPS Wessex, explained the role of the CPS and how we fit in the criminal justice system. The session also covered what a hate crime is, how to recognise these crimes and how we prosecute them.

CPS Wessex are continuing to work with the police to deliver hate crime awareness sessions to the resettled Afghanistan community across Wessex.



# Prosecuting hate crime: Case studies

## **CPS Yorkshire and Humberside**

The offender sent several abusive messages to the victim, who was an ex partner, which contained homophobic abuse. He pleaded guilty at the first hearing in the Magistrates' Court to using threatening, abusive or insulting words or behaviour in public which may result in someone present fearing the use of immediate unlawful violence. He was sentenced to 26 weeks' imprisonment, which was increased from 20 weeks to reflect the hate crime element and suspended for 12 months. He was also given a Restraining Order ordering him not to contact the victim for five years.

## **CPS Yorkshire and Humberside**

The offender entered a store and was racially abusive and aggressive to the owner. Customers intervened so the defendant left the store, but returned with a metal bat. He used further racial abuse and then assaulted the owner and another customer before being chased out of the store. He pleaded guilty at the first hearing in the Crown Court to two charges of racially aggravated common assault, having an offensive weapon and behaving in such a way that someone present at the scene might fear for their personal safety. He was sentenced to nine months' imprisonment, which was increased by six months to reflect the hate crime element of the offence.

## **CPS Yorkshire and Humberside**

The offender entered a takeaway and used racially abusive language towards the staff. He was arrested and found to be in possession of drugs. He pleaded guilty at the first hearing in the Magistrates' Court to racially aggravated threatening, abusive or insulting words or behaviour in public with the intent to cause someone present to fear the use of immediate unlawful violence and possession of a Class C drug. He was sentenced to 16 weeks' imprisonment, increased from 12 weeks to reflect the racial abuse and ordered to pay £100 compensation.

## **CPS Yorkshire and Humberside**

The offender was a passenger in a taxi and used racially aggravated language to the driver before assaulting him. He pleaded guilty at the first hearing in the Magistrates' Court to racially aggravated disorderly behaviour with intent to cause harassment, alarm or distress and common assault. He was sentenced to 16 weeks' imprisonment which was increased from 12 weeks to reflect the hate crime element of the offence and suspended for 12 months. He was also given a 20 day Rehabilitative Activity Requirement, placed under a curfew from 7pm-5am for eight weeks and ordered to pay £85 Court costs, £128 victim surcharge and £500 compensation to the victim.

## **CPS Serious Crime and Counter Terrorism Division**

A university student, 19, was given a prison sentence after pleading guilty to disseminating a terrorist publication and four counts of possession of a document useful to a person preparing an act of terrorism. He also had a manual on how to make improvised explosive devices which he disguised as a guide for the popular video game Minecraft. Woolwich Crown Court was told that police found various Nazi Germany memorabilia items - including daggers, rings and uniform items - as well as a copy of Mein Kampf.



## **CPS Merseyside and Cheshire**

The offender racially abused a goalkeeper at a non-league football match and made racist gestures towards him while penalties were being taken. Several people at the game were shocked at the abuse and took to social media to express their concern. The football club put a picture of the defendant on social media in an attempt to establish his identity.

He was charged with racially aggravated harassment, but denied the charge. He was found guilty and sentenced to 12 weeks custody, suspended for two years. He was also ordered to 30 days Rehabilitative Activity and to be electronically monitored for 12 months with a curfew covering Friday evenings 7pm to 6am and Saturdays from 12am to 4am.

The District Judge commented: "I struggle to understand what goes through the mind of someone who thinks it's big, clever, acceptable to behave in this way as a result of skin colour, where they come from or any other factor. I struggle to understand why you think it is acceptable. It's wholly unacceptable. This clearly crosses custody threshold. Let me make it quite clear to you. This is a sentence of imprisonment. It gives you, and only you an option to avoid serving that. If you do breach the order, I want it brought back before me and you will go to prison."

## **CPS London North**

A so-called football fan who livestreamed himself on Facebook racially abusing three England players after the Euro 2020 final has been jailed. The offender used a social networking site to rant about black players involved in the penalty shootout at the Euro 2020 cup final. He was sentenced to 10 weeks in custody having previously pleaded guilty to sending by public communication network a grossly offensive or indecent or obscene or menacing message or matter. A colleague reported the 18-second clip to both Facebook and the police after he refused to take it down.

Elaine Cousins, from the CPS, said: "While the majority of the nation took great pride in the Three Lions reaching their first international final in more than 50 years, the offender took to Facebook to livestream a barrage of racist abuse at the three players who missed penalties during the game. When approached by a Facebook friend to remove the grossly offensive content, he replied 'It's my profile, I can do what I want'.

"There is absolutely no room in the game, nor elsewhere, for racism. The CPS is committed to bringing perpetrators of hate crime to justice where there is the evidence to do so. I would like to thank the individual who reported this appalling hate crime and I hope this prosecution goes some way in educating and deterring people from posting hate on social media. The CPS is currently working with the police, player bodies and organisations, to explain what evidence is needed to pass our legal tests to authorise charges in hate crime cases."