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Exploring Prejudice: Mapping Hate Crime in the South West

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**CRIMINOLOGY
AND CRIMINAL
JUSTICE
WITH
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Exploring Prejudice: Mapping Hate Crime in the South West

Final Report

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Contents	Page No
1.0 Introduction	3
2.0 Research Context: Literature Review	3
<i>2.1 Definition</i>	4
<i>2.2 Reporting and Recording</i>	7
<i>2.3 Summary</i>	7
3.0 Research Process	8
<i>3.1 Stage 1: Policy Mapping</i>	8
<i>3.2 Stage 2: Interviews with agencies</i>	9
3.2.1 Sampling	10
3.2.2 Qualitative Interviewing	10
<i>3.3 Stage 3: Interview Analysis</i>	11
<i>3.4 Dissemination</i>	11
4.0 Policy Mapping	12
<i>4.1 Policy Engagement</i>	12
<i>4.2 Reporting Mechanisms</i>	14
<i>4.3 Accessibility of Information</i>	15
5.0 Interview Analysis	17
<i>5.1 Definition Issues</i>	17
<i>5.2 Incidents vs Crimes</i>	19
<i>5.3 Reporting and Recording</i>	20
6.0 Conclusion	23
7.0 Recommendations	25
<i>7.1 Policy Mapping</i>	25
<i>7.2 Interview Analysis</i>	25
8.0 Reference List	27
Appendix A	29
Figure 1.0 Policy Map	16
Figure 2.0 Partnership in Practice	24

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1.0 Introduction

This report represents the findings of the research project, 'Exploring Prejudice: Mapping Hate Crime in the South West' which was carried out by researchers at Plymouth University in consultation with Equality South West. The research was commissioned by the Department for Communities and Local Government to explore the issue of hate crime management in the South West of England.

The aims of this research were:

- To identify how hate crimes and incidents are defined by multiple agencies in the South West
- To identify and map the recording practices of multiple agencies in the South West
- To identify and map responses to hate crime and incidents by multiple agencies in the South West
- To analyse the South West mapping exercise in light of national guidance, practice and criminological enquiry.

2.0 Research Context: Literature Review

The problem of 'hate crime'ⁱ has become increasingly recognised by criminal justice managers and practitioners and by academic criminologists in England and Wales over the last 10 years (Hall, 2005). Recognition of the problem of hate crime, and its impact on whole communities as well as on individual victims, has led to multiple research projects in this area (for example, Miller, 2003; Noelle, 2002; Garland and Chakraborti, 2006; Christman and Wong, 2010). The focus of research has tended to be on issues of racism, as the push to understanding hate crime has been led by responses to the Macpherson Inquiry (1999) into the racist murder of Stephen Lawrence in 1997. This then informed the subsequent definitions of hate crime provided by the Association of Chief Police Officers (ACPO) (2000, 2005) and the Home Office (2009).

The ACPO and Home Office guidance on hate crime has informed policy across public and private organisations, ensuring that hate crime is recognised and recorded by multiple agencies. However, given the limited time during which hate

crime has been explored in England and Wales, research remains patchy and continues to tackle some fundamental issues, notably the definition of hate crime as a specific type of offence or incident (Chakraborti and Garland, 2009). In order to identify the key issues raised by existing research on hate crime and therefore inform the current research project, this literature review will first consider how hate crime has been defined and wherein problems with definition occur. It will then go on to address the process of reporting and recording hate crimes.

2.1 Definition

It has been noted by Chakraborti (2010) that what 'hate crime' means to criminal justice managers and practitioners is quite different to what it means to criminologist academics. Managers and practitioners working within the criminal justice system tend to utilise the framework set out by ACPO that defines a **hate incident** as:

'Any incident, which may or may not constitute a criminal offence, which is perceived by the victim or any other person, as being motivated by prejudice or hate' (ACPO, 2005:9).

A **hate crime** is defined by ACPO as:

'Any hate incident, which constitutes a criminal offence, perceived by the victim or any other person, as being motivated by prejudice or hate' (ACPO, 2005:9).

The distinction identified by ACPO between '*incidents*' and '*crimes*' is important, as it shows formal recognition of the fact that the majority of hate related activity is low-level harassment, and may not constitute a crime per se (Chakraborti and Garland, 2009). The ACPO guidance has subsequently been augmented by a Home Office Cross Government Action Plan (2009), which applies the definition set out by ACPO, but refers to motivation by '*hostility or prejudice*' rather than '*hate*'. Academics have questioned the meaning of the term '*hate*' and the use of the term '*prejudice*' in the ACPO guidance (Hall, 2005). As Jacobs and Potter (1998) note in their research, all crime is motivated by some sort of prejudice. Therefore Hall (2005:10) suggests that it is important to consider '*which prejudices turn ordinary crimes in to hate crimes?*'.

The 2005 ACPO guidance refers to '*any*' prejudice as identified above, though in its further reading it is more specific about the types of prejudice considered as part of a spectrum of hate. Specifically, the guidance refers to race, sexual orientation, faith and disability as discriminatory factors, which represents a shorter list than previously outlined in the ACPO guidance on hate crime in 2000. Further, the areas of focus in the ACPO guidance does not reflect the seven equality strands recognised by government since 2006 with the creation of the Equality and Human

Rights Commission and incorporated in to the nine '*protected characteristics*' set out by the Equality Act 2010. Further, the Home Office (2009) guidance specifies types of prejudice in definition, rather than referring to the overarching term, '*any*'. Therefore, the guidance refers to race, sexual orientation, religion, disability and transgender status.

Chakraborti and Garland (2009) provide a comprehensive argument for the limitation of hate crime definition. They suggest that hate crime is perpetrated against people who are in a minority and as such, gender, for example, should not be incorporated within a hate crime framework. They prefer the term, '*minority group victimisation*' which draws the focus of hate crime management on to the experience of the victim and their marginalised position in society. The narrow definition of hate crime, as set out by ACPO and Home Office guidance, does have potential to limit criminal justice agencies consideration of crimes and incidents that are motivated by hate or prejudice that do not fit within specific criteria. For example, the murder of Sophie Lancaster, a young woman who was part of a '*goth*' subculture, whose mother has lobbied for recognition of her murder as a hate crime.

The ability of criminal justice agencies to recognise '*any*' incidents or crimes motivated by prejudice or hate in the ACPO guidance, is limited therefore by the subsequent ACPO listing of discriminated against groups and the later Home Office Action Plan. Additionally, and as noted by Hall (2010) the police are placed with a new task in defining whether an offence or incident is a '*hate*' one, because they are required to determine the motivation for the act, rather than simply identify whether the act has occurred or not. This places the police, or other agency recording the incident, in a new position, not previously encountered in law. The ability of the police to engage with the notion of prejudice has previously been recognised as limited (Rowe, 2004, James, 2007) as they have difficulty embedding notions of diversity into their practice. This may go some way to explaining why the police have not responded comprehensively to hate crime in the past (Cronin et al, 2007; Hall, 2010).

Bowling (1999) argues that when the police deal with victims of racist crime, they fail to recognise the process of racism that has occurred, wherein victims suffer multiple minor incidents which have a cumulative effect on them. The police tend to treat incidents separately and therefore fail to gain the confidence of victims in this area, as they do not recognise the weight of the cumulative experience of racism. According to Bowling, the police place racist victimisation at the bottom of a hierarchy of crimes. This is likely to be due to the ambiguity of hate crime definition for the police and their lack of knowledge of hate crime, leading to a sense of uncertainty exacerbated by the infrequency of having to deal with such cases (Cronin et al, 2007). Further, Perry (2010) argues a need for further research on police management of hate crime which takes in to account their occupational culture, which has historically been understood to incorporate racist and homophobic

attitudes (Reiner, 2000; Chan, 1997) and operates within a working environment that has been identified as '*institutionally racist*' (Macpherson, 1999).

Perry (2010) suggests that a review of research shows that there are a number of factors that determine the application of hate crime legislation and policy. In order to understand how hate crime has been responded to by agencies she suggests that it should be considered what formal protocols, training, leadership and resources are in place to respond effectively to hate crime problems. Further, the context of hate crime management should be considered, taking into account national policy, political administration and public opinion. Dixon and Gadd (2006) have argued that hate crime legislation has been developed in a social and political environment that fails to embrace diversity and difference and thus is likely to struggle to be recognised, accepted and utilised. Similarly, Garland and Chakraborti (2006) suggest that the management of hate crime has been '*tokenistic*' in England and Wales. Legislation is considered less a useable tool, but rather symbolic legislation that provides an anti-discrimination message. Ostensibly then, the police may fail to engage with the law due to their tendency towards a pragmatic approach, which is unlikely to recognise the complexity of applying hate crime legislation as is currently available (Reiner, 2000; Hall, 2010).

The hate crime legislation is varied and lacking in clarity. In relation to each of the hate crime priorities identified in the ACPO (2005) and Home Office (2009) guidance, the law simply allows increased sentencing for an offence if it is found to be motivated by hate. So, in relation to racist hate crime, the Crime and Disorder Act (1998) provides enhanced sentences for offences that are racially aggravated and the Anti-Terrorism, Crime and Security Act (2001) includes religiously aggravated offences within this remit. The Criminal Justice and Immigration Act (2008) legislates against incitement to hatred on grounds of sexuality and the Criminal Justice Act (2003) allows for enhanced sentence for those found to be hostile on the basis of disability. Overall, the legislation is broad and complex (rather than the clearer framework provided in the US, where hate crime has been long-recognised) and a full consideration of its multiple aspects and vagaries is provided by Chakraborti and Garland (2009).

The lack of clarity on hate crime provided by the law, the breadth of the ACPO (2005) definition of hate crime alongside a far narrower definition in its guidance and Home Office (2009) Action Plan, and the tendency of hate crime to manifest in multiple incidents rather than one-off serious crimes, has failed to clearly articulate hate crime to police and related agencies. As such, scrutiny of the way that agencies define, train, lead on and resource the management of hate crime is appropriate and necessary, as identified by Perry (2010) above. An integral part of such a consideration must include analysis of the reporting and recording mechanisms provided to victims of hate crime.

2.2 Reporting and Recording

The Macpherson Report (1999) recommended that extensive provision be made for victims of racial harassment and hate crime to report their experiences to formal agencies. The process of reporting was recommended to include provision for reporting 24 hours a day and via third-party mechanisms. Macpherson recognised the low levels of reporting hate crimes prior to his inquiry and his recommendations were designed to build reporting levels and thus increase formal records of hate crimes to facilitate knowledge of such offending and appropriate agency responses (Christman and Wong, 2010). By increasing reporting and recording of hate crime and subsequent effective agency management of the problem of hate crime, it was intended that public confidence in the criminal justice system would increase and thus legitimise not only the process of justice, but also the premise of hate crime legislation that society will not tolerate discrimination on the basis of hate.

Hate crime reporting mechanisms have been developed as a consequence of Macpherson's (1999) recommendations (Chakraborti, 2010, Christman and Wong, 2010), including the provision of third-party reporting environments, such as via charitable organisations and community centres. However, Christman and Wong (2010) have noted that the aim of increasing reporting of hate crime may be problematic due to the reporting practices of victims. Their analysis of hate crime reporting shows that the public are unlikely to increase reporting of minor incidents, despite the policy drive to increase all reporting, including minor incidents, in recognition of the cumulative effect that such victimisation has (Docking and Tuffin, 2005). Indeed, Christman and Wong (2010) argue that the policy drive to increase reporting of minor incidents is simply an attempt for government to be seen to be addressing Macpherson's (1999) recommendations. They suggest that there is '*a meagre evidence base for the effectiveness of some of the adopted approaches, such as non-police, third party reporting centres*' (Christman and Wong, 2010:201).

Christman and Wong (2010) suggest that policy initiatives to increase reporting of hate crime should be targeted on those people who experience semi-serious offences and those who suffer persistent low level offences, both of which are more likely to be reported and are more likely to elicit an effective response from the police. This should build the confidence of those who report and their associated communities. They suggest that initiatives should focus on high risk areas and the social networks that surround them, as they are the most likely gatekeepers to the criminal justice system via provision of advice and guidance prior to reporting (Greenburg and Ruback, 1992).

2.3 Summary

As outlined above, hate crime is a complex area of study and practice. Evidence suggests that formal agency responses to hate crime are limited. Despite some

improvements, as police forces work more imaginatively with minority communities (McGhee, 2005; James, 2007), there remains low reporting levels for hate crime, a lack of engagement in partnership working, a tokenistic attitude towards hate crime by formal agencies and a lack of practitioner engagement in hate crime management (Chakraborti, 2009). The aim of this research is to address the issues raised within this literature review, particularly considering how hate crime is defined, reported and managed by all agencies involved in contemporary drives to address it.

As Chakraborti (2010) and Perry (2010) note, there is a lack of evidence on the ways that police and other agencies operationalise hate crime guidance and policy or on the interplay between those agencies which are encouraged to act in partnership (Docking and Tuffin, 2005). Further, the role of front line practitioners in determining the operationalisation of policy requires further analysis, as noted by Hall (2005), who specifically refers to the policy slippage that occurs when police use their discretion to act as '*street level bureaucrats*' (Lipsky, 1980).

This research then explores the ways that agencies in the South West of England have defined hate crime, publically (via internet environments), internally (via policy) and in practice (via community engagement). It addresses the role of leadership in determining resources, training and engagement '*top down*' in agencies and practitioner acceptance of and use of policy and training in the field. It has done so across the public and 3rd sector organisations that have responsibility for hate crime management through the completion of interviews with practitioners and managers in a random sample of local authorities, police forces and 3rd sector organisations from across the South West as detailed below.

3.0 Research Process

The aim of this research was to examine service provision for hate crime victims throughout the South West of England, across the statutory and 3rd sectors. Within the statutory sector this involved looking at police and local authority provision, whilst 3rd sector provision often rested upon identifying smaller single issue organisations. That said particular agencies within the 3rd sector were organised nationally, regionally and locally, whilst other third sector agencies operated on a more regional or local level. This section of the report will outline the process of research followed, initially outlining the policy mapping stage before going on to outline the interview stages of the research and finally the analysis process.

3.1 Stage 1: Policy Mapping

The initial approach to the research was to undertake policy mapping of the statutory and 3rd sectors. Effectively the statutory sector was subdivided into '*police*' and '*local authorities*', providing with the 3rd sector a tripartite view of policy mapping.

Internet searches were undertaken by Equality South West to identify which organisations were providing services, what these services were and how they were represented publically via website provision. Where available, the names and contact details of lead figures within organisations were recorded, to aid the identification of key representatives and key workers for the second stage of the research.

An extensive process of mapping followed. Information was gathered from all local authorities in the South West of England on hate crime matters. Local authorities were therefore addressed at county, borough and parish levels across the South West regional area, reaching from Gloucestershire, Wiltshire and Dorset to Cornwall. Each police force area's websites in the region were similarly mined for information. Finally the 3rd sector was mapped across the South West and mined for information on hate crime matters. Gathering information on the 3rd sector required a combination of sourcing knowledge. Searches were carried out on the internet and the Equality South West database on 3rd sector agencies was utilised to ensure that as full a range of organisations was included in the mapping process as possible.

At this stage of the research the analysis required the researcher to record vital information from each agency's website under the following headings: policy engagement, reporting mechanisms and accessibility. A wealth of information was attained via this process which was inputted in to an excel spreadsheet as an organisational tool. Further, as noted above, information was gathered on key representatives within agencies who would later be approached for interviews following a sampling process.

Analysis of the policy mapping process was carried out by researchers at Plymouth University. The research findings on the policy mapping stage of the research are outlined below at 4.0.

3.2 Stage 2: Interviews with Agencies

In order to address the aims of the research the policy mapping process was followed by completion of interviews with agencies across the statutory and 3rd sectors. The policy mapping process provided vital information on how agencies informed the public on hate crime problems and reporting mechanisms. In order to ascertain the translation of policy in to practice and any gaps in publicised provision interviews were carried out which explored the key issues addressed by the literature review and the subsequent policy mapping process. The report will now go on to identify how the sample of interviews was gathered and how the interviews were completed.

3.2.1 Sampling

In order to ensure that a comprehensive view of agencies was attained the research applied a careful sampling process that was designed to represent the statutory and 3rd sectors in the South West appropriately. In order to do this, the policy mapping stage of the research was utilised to gather information on all agencies across the South West of England. A '*stratified random sampling*' process was then applied, wherein a random sample of agencies was taken which ensured representation of local authorities, police forces and the third sector across the South West. Therefore, local authorities were represented from across the region at county, borough and parish levels. Further, each police force area was represented in the sample. Finally in relation to the 3rd sector the sampling process stratified organisations according to their national, regional or local coverage, to ensure that both larger, more established organisations were represented within the sample, such as Victim Support and Race Equality Councils, as well as small local organisations.

The stratified sampling process resulted in 32 interviews with agencies across the South West of England. In each sampled statutory agency a representative of the agency, who specialised in hate crime issues, was interviewed. Such '*key representatives*' were commonly senior members of staff, but were occasionally '*specialists*' who were not in a senior post. Further, in each statutory agency a key worker was interviewed. Key workers in the police forces were police constables or occasionally police community support officers. Whereas in local authorities either housing officers or anti-social behaviour officers were interviewed as they were identified as likely key points of contact for victims of hate crime. Interviews in the 3rd sector were carried out with key representatives of those organisations that were national or regional and with key workers in those organisations. Smaller local 3rd sector organisations were not hierarchically organised and therefore interviews were carried out with individuals within those organisations who may have fulfilled both key representative and key worker roles. The interview data below at 5.0 therefore identifies quotes as either from key representatives (KR), key workers (KW), or the third sector (TS).

3.2.2 Qualitative Interviewing

The interview process required utilising the key contacts identified by the policy mapping stage to kick-start the process of finding interviewees. Given the nature of shifting roles and responsibilities in the statutory sector, the key contacts set out via websites were largely unreliable. Therefore the researcher who carried out the interviews utilised a range of methodologies to contact the appropriate personnel to interview. This involved multiple telephone calls to agencies and follow up of contacts provided in initial interviews. As noted above at 3.1 Equality South West

held vital information on key contacts in the 3rd sector. Therefore these were utilised to gain access to 3rd sector personnel.

In order to attain interviews with key workers an alternate approach was utilised. The researcher followed a 'bottom-up' approach to this aspect of the research by identifying front-line personnel in agencies via websites and contact with agencies. The researcher then contacted key workers directly. This process was followed to ensure that those people interviewed did not have prior knowledge of the research and to ensure that they had not been identified by key representatives who may have selected personnel who had specialism in the area of hate crime. The research aimed to identify the translation of policy in practice and as such interviews needed to be carried out that would provide reliable data.

The interviews were completed between July and September 2011. A range of interviewing approaches were utilised to carry out the research in order to comply with the needs of the interviewees. Hence, interviews were completed in person and over the phone. Interviews lasted for between 15 minutes and 1 ½ hours, dependent on the time available to the interviewee. An interview schedule was designed to address the aims of the research (see Appendix A). The researcher utilised an in-depth approach to interviewing, allowing the interview to flow conversationally guided by the interview schedule (Lofland, 1971). This process allowed for the gathering of rich data for analysis. Each interview was transcribed in full by the researcher who completed the interviews.

3.3 Stage 3: Interview Analysis

The data gathered from the interviews was analysed in light of the findings in the policy mapping process and the literature review. Therefore, the transcripts of the interviews were read through by the Plymouth University researchers and a range of themes and issues were drawn out which reflected the previous analysis process and addressed concerns raised in the literature review. The interviews were then coded according to the themes and issues that had arisen. The research was then drawn together under the headings '*definition issues*', '*incidents vs crimes*' and '*reporting and recording*'. Section 5.0 below sets out the findings of the research from the interviews with agencies in the South West.

3.4 Dissemination

This research was carried out as part of an informative process on hate crime in the South West. It was therefore important that the findings were disseminated appropriately across the region in order to inform agencies across the statutory and 3rd sectors about hate crime management issues and to gain feedback on the research findings. Equality South West ran three dissemination events across the South West region in December 2011 to present the research findings and engender

debate in this area. Events were held across the region in order to ‘*reach out*’ to agencies and reduce costs of attendance. Events were held in Cornwall, Somerset and Gloucestershire and were attended by managers and practitioners from multiple agencies across the statutory and 3rd sectors. These events were dynamic, providing opportunities for discussion and feedback to the research team on the research findings and hate crime issues generally. This report was written in light of the feedback and discussion held at those events.

4.0 Policy Mapping

This section of the report will outline the policy mapping stage of the research process. The key findings of the research are outlined in Figure 1.0 below. The policy mapping process was carried out in order to inform the subsequent stages of the research process. In order to comprehensively address hate crime in the South West of England it was initially necessary to ascertain what information was available on this issue publically, as presented by police, local authorities and the 3rd sector. An extensive search was therefore carried out, as detailed above at 3.1, and the information was analysed according to a number of pertinent issues identified by previous research.

The core issues addressed at the policy mapping stage were: the engagement of agencies with national hate crime policy; the reporting mechanisms provided by agencies, and; the accessibility of information provided publically. Each of these issues were considered in relation to the type of agency providing information. However, it should be noted that the costs of providing information to the public, particularly via websites that were our primary source of analysis, can be prohibitive. As such those organisations with the most limited budgets, particularly within the 3rd sector, were least likely able to provide comprehensive information.

4.1 Policy Engagement

National policy on managing hate crime is set out in guidance from ACPO (2005) and the Home Office (2009) as outlined above at 2.1. Such hate incidents and crimes are specifically motivated by prejudice and the guidance refers to prejudice on the grounds of race, sexual orientation, transgender status, faith and disability, all of which are legislated to ensure enhanced sentencing for offences of this natureⁱⁱ.

The process of reviewing local policies on hate crime as presented publically showed that there were varying degrees of engagement with national policy. Good practice was identified by the research particularly in the area of partnership working. Policy on partnership working was developed as a response to the Macpherson Inquiry (1999), which identified a lack of cooperation, information sharing and

learning between agencies. The ACPO guidance on hate crime management says that '*A multi-agency approach has the potential to deliver the best level of support and service to a victim of hate crime*' (2005:26). Therefore, local multi-agency hate crime partnerships have been established, alongside the broader multi-agency working requirements of agencies since the Crime and Disorder Act (1998) required Crime and Disorder Reduction Partnerships in local areas. The current research found that police forces, local authorities and 3rd sector agencies in the South West of England provided information to the public on partnership working generally. Such partnership working on hate crime tended to be held within the remit of '*Community Safety Partnerships*'.

In relation to following policy on the particular types of prejudice outlined by ACPO (2005) and the Home Office (2009), the police, understandably, followed the ACPO guidance most closely across each of the regional force area websites. However, local authorities provided various definitions of hate crimes on their websites. Four particular areas of concern were raised by the policy mapping process regarding policy engagement however.

Firstly, across all three sectors there was little or no information provided publically regarding hate crime experienced by transgender communities, despite the fact that they are protected in guidance and legislation (Home Office, 2009). Although the legislation allowing enhanced sentencing for hate crimes committed as a result of prejudice towards transgender status is not a '*duty*' of the courts, their specific inclusion within hate crime policy and the '*power*' of the courts to enhance sentences for offences committed as a result of prejudice on this basis requires their inclusion within hate crime partnerships and subsequent reporting and recording mechanisms.

Secondly, the policy mapping process showed that there was some confusion amongst agencies between hate crime and domestic abuse. The management of these offences by agencies is distinct and necessarily so. Therefore, the conflation of hate crime and domestic abuse is problematic. Further, the inclusion of offences that are a result of prejudice on the basis of either gender or age, both of which were represented on some agency websites, are not supported by legislation for enhanced sentencing as hate crimes and therefore should be treated distinctly by agencies, rather than included generically with other information on hate crime. Both gender and age are '*protected characteristics*' as set out within the Equality Act (2010), but they are not managed as hate crimes per se.

Thirdly, the process of policy mapping identified that statutory agencies were not necessarily clear in providing information on the distinction between hate '*incidents*' and hate '*crimes*'. This distinction is particularly relevant due to the multiple nature of hate crime victimisation. As detailed above at 2.2, policy initiatives on hate crime are focused on increasing reporting rates for both incidents and crimes of hate in

recognition of the cumulative impact of multiple victimisation of low level incidents. Given that hate crime impacts on individuals and their broader community (Noelle, 2002) and can be prosecuted on the basis of a person other than the victim perceiving the offence as a hate crime, publically available information should provide comprehensive and consistent information in order to elicit an appropriate public response.

Finally, the research found that information cascade between agencies, particularly between different local authority areas or tiers, was limited. In other words, the information provided by some local authorities at the county level in the South West were not replicated in their associated district level authorities, despite guidance that the information was accessible at that authority level.

4.2 Reporting Mechanisms

In relation to reporting mechanisms the research found that both the statutory and 3rd sector agencies generally provided comprehensive on-line reporting facilities for victims of hate crime. Such *'e-reporting'* forms ensure flexibility of reporting as recommended by Macpherson (1999) that allowance should be made for reporting hate crime in as many settings as possible and 24 hours a day. Police force websites across the South West also provided comprehensive information on traditional reporting mechanisms by telephone or in person. Further, both statutory and 3rd sector agencies generally provided public information on third-party reporting mechanisms.

The process of third-party reporting recognises that victims of hate crime may lack confidence in reporting to local police forces. Therefore, the inclusion of such mechanisms via publically available information is important in building trust in communities and increasing the reporting of hate incidents as well as crimes.

This research found that many local authorities provided information on third-party reporting as noted above, including some extensive provision in this area such as the provision of translation services and links to 3rd sector agencies. However, some local authorities did lack information on third-party reporting, again occasionally as a consequence of a lack of cascade of information.

A further issue identified by the research was the reliance of police forces on the services of Victim Support to engage with hate crime victims. Although Victim Support provide a national and extensive service to victims of crime, guidance (Home Office, 2009) suggests that support for victims of hate crime should be sought from a range of providers in the 3rd sector, as appropriate. Part of the process of engaging effectively with communities in order to build public confidence

in policing requires police forces to effectively communicate with 3rd sector agencies as part of multi-agency provision. Therefore, the inclusion of local, specialist services on police force websites to inform the public would be beneficial.

4.3 Accessibility of Information

In order for information to be useful to the public it needs to be appropriately accessible. This research found that both the statutory and 3rd sector were able to present information to the public via websites in a generally accessible format. Some agencies provided more comprehensive services than others, as noted above, in terms of accessibility such as providing translation services. Other agencies provided links to national hate crime support organisations, such as *'True Vision'* whose website provides comprehensive and accessible information on reporting hate crime and on how to receive support as a victim of hate crime. Further, across the sectors information was made available through provision of leaflets, as well as websites.

The research found two issues in relation to the accessibility of information to the public on hate crime. Firstly, there was a great deal of variability of information provided to the public via websites. Some local authorities, for example, had provided extensive information and links to further support and reporting mechanisms that were accessible to all, whereas others contained no information at all, or information that was extremely limited. This variability of information provision within the statutory sector could result in a *'postcode lottery'* for victims of hate crime; dependent on the area of the South West that a victim resides in accessibility to information and services can be excellent, limited or non-existent.

Secondly, police force websites were found by the research to hold information on hate crime, but occasionally this information was *'hidden'* beneath multiple other layers of information. Given that the police must represent a large amount of information on their websites, similar to local authorities, it is understandable that occasionally certain pieces of information can be obscured. However, ensuring accessibility of information for the public on hate crime requires some re-consideration of the siting of such information on websites.

Figure 1.0: Policy Map

	<i>Policy Engagement</i>	<i>Reporting Mechanisms</i>	<i>Accessibility of Information</i>
<i>Police</i>	<ul style="list-style-type: none"> - Following ACPO guidance - Some lack of explicit information on hate <i>incidents</i> - Partnership working with LAs and 3rd sector 	<ul style="list-style-type: none"> - E-reporting forms - Traditional reporting via phone/in person - Advice provided on 3rd party reporting - Reliance on Victim Support 	<ul style="list-style-type: none"> - Some web-availability inc. specific website - Some information 'hidden' within websites - Information provided via leaflets
<i>Local Authorities</i>	<ul style="list-style-type: none"> - Various definitions of hate crime addressed - Mixed degree of distinction between <i>crimes</i> and <i>incidents</i> - Partnership working on hate crime commonly led by 'Community Safety Partnerships' 	<ul style="list-style-type: none"> - E-reporting forms - Signposting to 3rd party reporting - Some websites provide extensive information on 3rd party reporting - Information cascading between county councils and local districts varies - Some LAs lack reporting information 	<ul style="list-style-type: none"> - Web- availability of information variable accessible - Some information available via leaflets - Information often provided according to community need including range of language translations
<i>3rd Sector</i>	<ul style="list-style-type: none"> - Focus on specific self interest - Partnership working with police and LAs on hate crime apparent - Providing training to police 	<ul style="list-style-type: none"> - 3rd party reporting facilities in most organisations 	<ul style="list-style-type: none"> - Information provided via websites and leaflets - Overall availability of information comprehensive - Some organisations lack specific website information on hate crime

5.0 Interview Analysis

This section of the report will present the findings of the research from the analysis of interviews carried out, as outlined at 3.2 above. The analysis was carried out with reference to the key issues highlighted by policy and research on hate crime and with reference to the policy mapping stage of the research process. Therefore the research findings here will initially consider how hate crime was defined by interviewees, it will then go on to address the distinction between hate crimes and incidents and finally reporting and recording issues.

As noted above at 3.2.1, at each stage of the analysis process the interview data was considered in light of the respondents' position as either a '*key representative*' of an agency or a '*key worker*' within an agency. This distinction was necessary as the research was particularly interested in exploring the translation of policy in to practice, given that previous research has identified policy slippage or drift within agencies (Hall, 2005). Those interviews carried out with people working in the 3rd sector were generally not identified within this dichotomy however, given that the research represented the range of 3rd sector agencies, including those that lacked a hierarchical structure and were often reliant on voluntarism. The analysis here pays particular regard to the relationship between agencies, given the importance placed in policy on multi-agency working, as discussed initially above at 4.1.

5.1 Definition Issues

In order to effectively consider the management of hate crime in the South West of England, it was initially important to address how people working within the remit of hate crime understood the meaning of the term. Key representatives of agencies from across the three sectors showed a general understanding of the term '*hate crime*' and identified the appropriate areas of prejudice as outlined in ACPO (2005) and Home Office (2009) guidance. Those areas of focus were on the identifiable groups of race, sexual orientation, transgender status, faith and disability.

Some key representatives of agencies showed a particularly nuanced understanding of hate crime within a rural context. For example one interviewee said,

'We've got to keep reminding ourselves that ... there are a substantial amount of people that are, from time to time, subject to hate crime. So, although we are a rural area, these crimes do exist and we must be mindful and keep reminding ourselves that there are people out there that need our support' (KR6)

The engagement of key representatives with hate crime issues did mean that occasionally they referred to a broader concept of hate crime than guidance suggests appropriate. Similar to the findings above at 4.1, key representatives of agencies occasionally included gender and age within their notion of what constituted their remit as hate crime specialists. Considering hate crime within this broader remit may be a consequence of the original ACPO (2005) definition referring to 'any' prejudice. However, guidance from ACPO (2005) and the Home Office (2009) has subsequently been clear which minority groups are protected by hate crime definition (Chakraborti and Garland, 2009).

Alongside the issue of some key representatives addressing hate crime more broadly than guidance allows, so there were also occasions in interviews when key representatives of agencies focused too narrowly on hate crime as a race issue, rather than embracing other prejudiced behaviour. This research finding reflects the statistics on hate crime which show that the majority of offences which go to court as hate crimes are on the basis of racial prejudice (CPS, 2011, CPS, 2012). Indeed, the finding may reflect previous research by Rowe (2004) whose analysis shows that some agencies have simply recast race and ethnicity as 'diversity'. Understandably, the current research found that 3rd sector agencies tend to focus their understanding on the needs of specific communities likewise, but this finding reflects the nature of the 3rd sector which is largely made up of organisations representing specific interest groups.

Previous research on minority communities (Southern and James, 2006) has identified the problem of 3rd sector organisations, whose interest is in supporting a specific community, being called upon to support other groups of people beyond their essential remit. The current research reiterated that problem, but found that larger, more established 3rd sector organisations were able to support such needs. Effective multi-agency working and signposting to appropriate organisations would negate that problem however as noted below at 5.3.

Examples of good practice in developing the understanding of hate crime across agencies in the South West were found in this research. Interviewees in the 3rd sector, particularly those supporting specific communities, had acted as a 'critical friend' to statutory sector agencies in defining hate crime. Further, local authority hate crime specialists and 3rd sector organisations had engaged in training of other agencies, particularly the police, to inform their recognition of hate crime.

Key workers in agencies were less engaged with hate crime policies than their colleagues who acted as key representatives on this issue. The research found that some key workers in agencies showed a good knowledge of hate crime, but they tended to devolve responsibility for its management to other sections of their agency or key representatives. The requirement for agencies to increase the reporting of

hate crime relies on agency personnel knowing how to act when hate crime is reported. Key workers lack of knowledge of hate crime issues may be a consequence of their failure to effectively engage with training on diversity, as has been found in previous research (Rowe, 2004).

The devolvement of responsibility for hate crime management by key workers to specialists may mean that they are unlikely to build confidence in victims of hate crime, as required to increase reporting. Indeed, some key workers knowledge of hate crime was found by this research to be very limited, reflecting previous research in this area (Cronin et al, 2007, Hall, 2010) and providing evidence of policy slippage (Hall, 2005). This is of particular concern in the recent climate of resource cuts across the criminal justice sector where specialist posts are under threat, as has been considered in Devon and Cornwall police force for specialist diversity officers. The cutting of such posts assumes that key workers are fully cognisant of specialist issues, such as hate crime.

5.2 Incidents vs Crimes

Similar to the findings relating to the definition of hate crime above at 5.1, the research found that key representatives in agencies recognised the distinction between hate crimes and hate incidents. However, there was concern expressed by some key representatives that links between crimes and incidents were not always evident, resulting in a possible failure to recognise the cumulative impact of minor offences that are typical of hate crimes. This could be explained in part as a result of poor resources, as noted by this interviewee:

'We've got all this data, this really useful stuff, but what it's not very good is we've got separate systems at the moment... For instance we've got a separate crime system and its 'well our crime records are here and our incident records are there' and it's difficult for them to talk to each other. Wouldn't it be great, if when we despatch an officer to 'Mrs Smith' that as the officer is going to the scene, we'd be telling him, 'you know you need to be aware that this isn't the first occasion that Mrs Smith has phoned us in the last 3 months, well she's previously been a victim of this crime'' (KR2).

The distinction between hate crimes and hate incidents is set out in policy (ACPO, 2005, Home Office, 2009) to ensure that all actions motivated by hate, whether actual crimes or incidents are recorded and responded to by agencies appropriately. In order to prevent hate crime occurring, hate incidents are addressed; appropriate responses to hate incidents should mean that problems do not escalate to criminal behaviour. Effective provision of reporting mechanisms is central to this preventive aim and is largely addressed through the provision of third-party reporting centres as detailed above at 4.2.

This research found that both hate incidents and crimes were being reported to organisations within the 3rd sector as third-party reporting centres. However, information on hate incidents tended not to be transferred by the 3rd sector to statutory agencies. Such information should be passed to the statutory sector anonymously unless the victim requests a named report. Indeed, the research found that there was a reliance on the 3rd sector by statutory agencies to deal with hate incidents, particularly to support victims, while they dealt with hate crimes. This is an important finding in the research as it identifies a paradox in provision: the 3rd sector tends to deal with hate *incidents*, while the statutory sector tends to deal with hate *crimes*. The paradox lies in the fact that the reporting and recording of hate incidents via third-party reporting mechanisms should lead to statutory agencies acting to prevent crimes occurring, but if they are unaware of them, they will not be able to act on them. This research finding may be reflected in the way that police key workers tended to see hate crime as serious as suggested by the interviewee below:

'You do find that hate incidents, obviously to get to a point where they have to call us because of feeling that they are being targeted, it's generally quite a serious issue rather than being just a minor thing'. (KW 2)

The minor nature of much hate crime and its cumulative impact on victims are key aspects of this type of offending. As stated above at 4.1, publicly provided information on the distinction between hate incidents and crimes is limited. Key representatives of agencies are aware of this distinction, but the way in which hate crime is managed via third-party reporting mechanisms means that key workers in statutory agencies are less likely to engage with them and therefore are less likely to understand the way that hate crime occurs and should be managed through preventive action.

5.3 Reporting and Recording

This research found that key representatives and key workers in both statutory and 3rd sector agencies in the South West were aware of a lack of reporting of hate crime and this gave them cause for concern. Key workers in the police were the least likely to be aware of this problem, perhaps as noted above at 5.2, as a consequence of the process of reporting. If police key workers are only called upon to deal with more serious offending in this area, it may be that they lack confidence in managing minor offending (Cronin et al, 2007). The lack of knowledge by police key workers on recording hate crime again reflects previous research in this area which has shown that police officers are unlikely to operationalize hate crime policy and guidance (Chakraborti, 2010, Perry, 2010), perhaps due to their caution about

measuring hate motivation which the guidance requires and complicated by their lack of experience in dealing with minor hate crime issues (Hall, 2010).

Communication with local communities, particularly via the 3rd sector, was identified in interviews as the key tool to increase reporting of hate crime, as mentioned by the following interviewee:

'Because a lot of communities affected by this don't necessarily want help from statutory agencies, they'd prefer to get help from community groups that are often their own communities.' (KR1)

As noted above at 4.1, local authorities often provided comprehensive information to the public on reporting hate crime. This research found further that those people interviewed from local authorities, particularly key representatives, recognised their role as communicators to the public on hate crime reporting mechanisms. Research by Christman and Wong (2010) suggests that communication with local communities where hate crime poses a particular problem, rather than generic communication strategies, are most likely to be effective in addressing hate crime issues. The cumulative impact of minor incidents of hate crime on individuals (Bowling, 1999) and communities (Noelle, 2002) and the lack of those communities confidence in statutory agencies, places a more enhanced role on the 3rd sector to provide support and information.

The 3rd sector interviews identified that the promotion of reporting hate crime often required negotiation between victims and the statutory sector. The 3rd sector saw this negotiation process as part of their role, as noted by the following interviewee:

'Some of them can be very traumatised by someone coming in uniform... might be afraid they are going to be picked up by immigration.' (TS5)

The process of encouraging reporting and negotiating with the statutory sector carried out by the 3rd sector was most likely to be embraced by more established 3rd sector organisations. Indeed, interviews with such organisations identified that they were more prepared to challenge the statutory sector management of hate crime, particularly the police.

Some 3rd sector organisation interviews identified a sense of frustration with what they saw as extensive requirements to fulfil an official 3rd party reporting role. For example the following interviewee noted:

'I didn't think it would have to be as drastic as, 'well you would have to be 24/7, you would have to be over the weekend, somebody in the office'. I didn't feel that was actually the case, but again.. It was not something we were able to, you know with such a small team, we weren't able to take it forward.' (TS2)

In this example the 3rd sector organisation was very small, without the resources to provide reporting at all times of day and night, seven days a week. However, no such requirements are in place for 3rd party reporting centres, the policy requiring such comprehensive provision across a broad range of providers, rather than within each provider (Home Office, 2009).

The Macpherson Inquiry (1999) identified the need for multiple avenues of reporting for hate crime and subsequently guidance has followed this lead by promoting reporting mechanisms via the statutory sector and 3rd party reporting centres for people who lack confidence to report to the police or their local authority as noted above at 4.2. Of key workers in the statutory sector, local authority key workers were the most likely in interviews to show a nuanced understanding of hate crime reporting including 3rd party reporting as identified by the following interviewee:

'There is a 3rd party reporting form and our customer service people are trained in speaking to people who may wish to report hate crime to us. So it's a system where people can report to us if they feel uncomfortable, say reporting to the police.' (KW8)

Some key workers in the police showed a general lack of awareness of hate crime reporting issues and a lack of awareness of the available 3rd sector organisations in their local area. For example, the following interviewee:

'If there were any groups that I knew I could refer them to then I would; it would probably be more at a national or a county level rather than at an actual local place.. Because these groups change all the time as well.' (KW2)

Given that key workers in the police are increasingly required to engage with their local communities in order to reassure the public and thus build confidence in the criminal justice system, it is notable that awareness of local 3rd sector agencies is limited. This may reflect the previous research finding that more established 3rd sector organisations, which are likely to be regional or to align to a national organisation, are more prepared to engage with the statutory sector to communicate the views of victims of hate crime. It also raised again the concern outlined at 4.3 that reporting provision is something of a 'postcode lottery' in that it is dependent on the information provided publically via websites and on the knowledge of key

workers. Given that police key workers are less likely to know who to refer victims to, it may be that 3rd party reporting is not easily available to victims.

6.0 Conclusion

This report sets out the findings of the Department for Communities and Local Government funded research in to the management of hate crime in the South West of England carried out in partnership between Equality South West and Plymouth University. In doing so it addresses the aims of the research by considering how hate crime is defined, recorded and responded to in the South West of England in light of national guidance and criminological research in this area.

This research was carried out as a qualitative enquiry, designed to explore the issues raised by previous research in the area and to set out the context within which hate crime management in the South West of England occurs. This section of the report will summarise the key findings of the research before identifying a set of recommendations for hate crime management in the South West of England.

The research has shown that publically available information on hate crime, largely provided on websites, is comprehensive. However there are some gaps in provision, particularly around the scope of hate crime and around the distinction between hate incidents and crimes. Some excellent examples of reporting mechanisms exist for hate crime victims in the South West via websites. These are accessible, such as e-reporting forms and identification of 3rd party reporting centres. Some gaps in reporting provision are evident however. Publically available information on hate crime is generally accessible to all but is subject to resource limitations, particularly within the 3rd sector.

The research has shown that key representatives for hate crime in the statutory sector and those working within the 3rd sector tend to have a good understanding of hate crime, its implications and strategies to tackle it. However, key workers in statutory agencies have a more limited knowledge of hate crime and the research showed a tendency of key workers to devolve responsibility for hate crime to specialists or senior members of staff. This lack of transfer of information on hate crime policy to key workers in agencies is problematic given that victims are most likely to encounter key workers when they approach agencies for support. Such evidence of policy drift means that hate crime management may not fulfil the aims and objectives of statutory agencies to increase reporting and recording of hate crime in the South West.

Processes of reporting and recording hate crime have been identified by the research as potentially problematic in themselves, augmenting the lack of key worker engagement with hate crime as a problem. An unintended consequence of 3rd party reporting mechanisms has been that they potentially create a hierarchical approach to the way that incidents and crimes are dealt with. Each sector tends to deal with particular hate crime issues, so the police deal with hate crimes, while the 3rd sector deal with hate incidents. Local authorities see their main role as communicating hate crime reporting to the public.

The research has shown that partnership working is part of South West strategies for managing hate crime, as is required by policy (ACPO, 2005, Home Office, 2009). However, the slippage of policy in practice, the process of 3rd party reporting and the focus of agencies on their essential remit has resulted in limited partnership working in practice. Rather, as signified below at Figure 2.0, agencies tend to fall in to their traditional roles within communities, which represent a tripartite system.

Figure 2.0 Partnership in Practice



7.0 Recommendations

This section of the report outlines a set of recommendations based on the research findings. The recommendations are set out as identified by the two analysis stages of the research. Initially recommendations are made based on the policy mapping process and secondly they are made based on the analysis of interviews.

7.1 Policy Mapping

1. Publically available information regarding hate crime should be consistent across agencies, particularly between the police and local authorities.
2. Hate crime information should incorporate guidance and support for people of transgender status.
3. Hate crime policies should not conflate hate crime matters with domestic abuse matters.
4. Hate crime information should be clear on what processes are available to victims for support and prosecution.
5. Information on hate crime should be comprehensive on publically available websites and cascade of information should be facilitated.
6. Information on reporting mechanisms should be available to the public, particularly on 3rd party reporting mechanisms. Local authorities particularly should address information provision in this area and follow good practice elsewhere.
7. Police forces should ensure that they include local 3rd sector support provision on their websites to engage effectively with their local communities and to comprehensively inform the public of services available to them.
8. All statutory services should provide comprehensive information, following best practice, via websites.
9. Police forces should ensure that provision of information is easily accessible on websites.

7.2 Interview Analysis

1. Key representatives of agencies should ensure they are fully aware of the fine nuances of hate crime including the official definition of a hate crime and what it means for victims in terms of support and prosecution.
2. Key representatives of agencies and key workers should understand which groups of people are protected by hate crime legislation.
3. There should be continuation of the dissemination of good practice across the south west region, wherein 3rd sector agencies act as critical friends to the statutory sector and training is delivered across agencies.
4. Good multi-agency working and signposting should facilitate the engagement of all 3rd sector organisations within hate crime management.

5. Key workers in agencies should be aware of how to respond to hate crime problems, rather than devolve responsibility for them to specialists. Effective engagement of staff 'on the ground' with hate crime is more likely to build public confidence in this area.
6. Reporting and recording mechanisms for hate crime should be reconsidered to ensure that both hate incidents and crimes are reported to the statutory sector to inform prevention action and ensure robust records.
7. Key workers in the police should be more aware of the problems of reporting hate crime and they should get to know and engage with the 3rd sector in their area to ensure they can advise victims and the public generally on 3rd party reporting mechanisms.
8. Smaller 3rd sector organisations should be empowered to negotiate and challenge statutory sector agencies to promote the reporting of hate crime.
9. 3rd sector organisations should be comprehensively informed of the requirements to allow 3rd party reporting through their organisation that are not restrictive.

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Appendix A

Hate Crime – Interview Questions

Defining hate crime

- What is your role?
- What does hate crime mean to you?
- How does your agency define hate crime in policy? (race, sexual orientation, faith, disability = ACPO guidance, other examples = trans-gender, age, gender)
- How do you distinguish between a hate crime and a hate incident?
- How does defining something as a hate crime or incident affect the offender and/or the victim?

Your organisation

- How do you know about hate crime?
- Has there been any leadership on hate crime issues within your organisation?
- What resources are provided for dealing with hate crime by your organisation? (Time, personnel, funding, training, organising events, posters, etc.)
- Do you feel your colleagues/staff know about hate crime?

Reporting

- How can victims of hate crime/incidents report their experiences to your agency?
- What happens if a hate **crime** is reported to you?
- What happens if a hate **incident** is reported to you?
- How many hate crimes were reported to you in 2010?
- Do you record the impact of hate crime on the victim?
- Do you signpost victims of hate crime to other agencies?
- How do you know about repeat victimisation of hate crime?
- How do you let people know about reporting mechanisms for hate crime?
- What do you do with information collected on hate crime?
- What sort of hate crime gets reported to you?
- Do you offer support to victims of hate crime/incidents?
- Do you do any work with wider communities in order to tackle hate crime? If so, how?
- Do you have any particular processes or procedures in place for victims of hate crime to attend your agency to report/be interviewed in relation to their hate crime/incident experience? If so, what? (e.g. to accommodate cultural differences).
- Once a hate crime/incident is reported, who leads investigation in to it? (this may only be police relevant).

- Do you have any data/information on how hate crime/incidents have been resolved?
- Do victims of hate crime always know that they have been a victim of hate specifically, rather than a victim of crime generally?

Working with other agencies

- Who do you signpost hate crime victims to?
- Who would you recommend that offences/incidents are reported to?
- Are you part of a hate crime partnership? If so, what other agencies are included in the partnership?
- Have you engaged with other agencies around hate crime issues?

Conclusion

- Do you feel that your organisation deals with hate crime comprehensively?
- Do you think 'hate crime' is a useful tool?
- Does the 'hate crime' legislation help to tackle prejudice and racism?

ⁱ Throughout this report 'hate crime' will be referred to as an overarching term to include both hate crimes and hate incidents. See discussion of definition at 2.1.

ⁱⁱ Incitement legislation is based in the Racial and Religious Hatred Act (2006). The legislation allowing enhanced sentencing for hate crime offences for racially aggravated offences is the Crime and Disorder Act (1998), for hostility on the basis of disability is the Criminal Justice Act (2003), for religiously aggravated offences is the Anti-terrorism, Crime and Security Act (2001), for hostility on the grounds of sexuality is the Criminal Justice Act (2003) and for offences motivated by hate against people of transgender status courts have the power, though not the duty, to increase sentences.