

Hate crime scoping study

A review of the police response to inform future
inspection activity

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Background

Hate crime is pernicious. Crimes motivated by hate have a profound and lasting effect on victims and communities.

Before the EU referendum in 2016, the former Home Secretary commissioned Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS)¹ to carry out an inspection of police forces' understanding of, and response to, hate crime of all types.

HMICFRS has begun this programme of work on hate crime with a scoping study, which has informed more detailed inspection activity scheduled to take place in our 2017/18 inspection programme. In addition, HMICFRS will be supporting Her Majesty's Crown Prosecution Inspectorate (HMCPPI) in an inspection of disability hate crime.

The purpose of this scoping study is to review existing knowledge of the police role in responding to hate crime and, on the basis of the available evidence, to propose priority areas of focus for HMICFRS' forthcoming inspection.

In this scoping study, HMICFRS adopted the government's definition of hate crime, that is:

“Any crime that is motivated by hostility on the grounds of race, religion, sexual orientation, disability or transgender identity can be classed as a hate crime”.²

In response to local concerns, some police forces have expanded their definition of hate crime to include crimes against other vulnerable victim groups.

Hate crime is an exceptionally complex and wide-ranging social problem. It is important, therefore, to recognise that it requires a co-ordinated response involving policing, government departments, and many other agencies. However, the focus of this scoping study is on the response of the police service to reports of hate crime received from victims, or from those representing victims.

¹ This inspection was carried out before 19 July 2017, when HMIC also took on responsibility for fire & rescue service inspections and was renamed HM Inspectorate of Constabulary and Fire & Rescue Services. The methodology underpinning our inspection findings is unaffected by this change. References to HMICFRS in this report may relate to an event that happened before 19 July 2017 when HMICFRS was HMIC. Citations of documents which HMIC published before 19 July 2017 will still cite HMIC as the publisher.

² *Action Against Hate – The UK Government's Plan to Tackle Hate Crime*. Home Office, 2016. Available at: www.gov.uk/government/publications/hate-crime-action-plan-2016

Scoping approach

HMICFRS' approach to this scoping study included the following elements:

- an assessment of the legal and national policy context relevant to the police response to hate crime;
- a review and analysis of existing research, evidence and data in the public domain;
- discussions with national experts on hate crime, including the National Police Chiefs' Council (NPCC) lead, leaders of the cross-government hate crime programme, national third sector organisations working to support victims, and academic researchers;
- analysis of political interest and the priority given to dealing with hate crime; and
- analysis of related HMICFRS findings to date – particularly those of recent all-force inspections under the PEEL programme, joint inspections of disability hate crime³ and HMICFRS' crime data integrity inspections.⁴

³ *Living in a different world: Joint review of disability hate crime*, Criminal Justice Joint Inspection 2013. Available from: www.justiceinspectorates.gov.uk/hmicfrs/publications/living-in-a-different-world-joint-review-of-disability-hate-crime/

⁴ In November 2015, HMICFRS wrote to all chief constables and police and crime commissioners to inform them about its plans to inspect crime recording practices. Available from: www.justiceinspectorates.gov.uk/hmicfrs/our-work/crime-data-integrity/

The scale and nature of hate crime

Police-recorded hate crime has risen over the past four years. In 2016/17 there were 80,393 recorded hate crimes; this was an increase of 29 percent compared to 2015/16 (where there were 62,518), and of 81 percent compared to 2013/14 (when there were 44,480).⁵

The increased level of recorded hate crime offences is likely to have been caused by a number of factors, including:

- greater awareness of hate crime by the police and public;
- victims being more willing to come forward and be identified;
- more hate crimes/incidents happening;⁶ and
- hate crime increasingly being committed online.

In addition, the Home Office attributes some increases in recorded crime to better flagging and recording practices by forces.⁷

Previous research has indicated that the number of recorded hate crimes can increase after particular high-profile incidents, and then drop off in the following days and weeks.⁸ For example, the Home Office noted an increase after the murder of Fusilier Lee Rigby in July 2013 and following the killing of 12 people at the offices of the French publication, Charlie Hebdo, in January 2015.⁹

A further example of this occurred following the EU referendum in June 2016, when there was a short-term increase in recorded hate crimes. NPCC data showed that, at its peak, there was a 58 per cent increase in the reporting of hate crime by comparison to 2015's figures.¹⁰ Home Office data also shows that the number of

⁵ *Hate Crime, England and Wales, 2016/2017*, Home Office, 17 October 2017.

⁶ *Preventing Hate Crime – Emerging practices and recommendations for the improved management of criminal justice interventions*, Mark A Walters and Rupert Brown with Susann Wiedlitzka, University of Sussex and the International Network for Hate Studies 2016, p6.

⁷ *Hate Crime, England and Wales, 2016/2017*, Home Office, 17 October 2017, p1.

⁸ National Police Chiefs' Council Submission to the Home Affairs Select Committee, 31 August 2016. Available at:

www.npcc.police.uk/NPCC%20letter%20HASC%20Hate%20Crime%20Inquiry%20submitted.pdf

⁹ *Hate Crime, England and Wales, 2016/2017*, Home Office, 2017.

¹⁰ Tackling hate crime remains a priority, NPCC, 2016. Available at: <https://news.npcc.police.uk/releases/tackling-hate-crime-remains-a-priority>

racially or religiously-aggravated hate crime offences recorded by police in July 2017 was higher than in July 2016.¹¹

The NPCC has suggested that some short-term increases in recorded hate crime may be because those who have a propensity to violent hostility are more likely to act in retribution following significant events. Additionally, significant incidents may raise fears and awareness in targeted communities, which could explain the rises in recorded hate crime during these periods.¹²

However, when examining data on particular incidents, it is important to recognise that many hate crimes do not get reported to the police, and some people may report an incident some time after it occurred.

Victims' experiences of hate crime

Data on victims' perceptions and experiences of hate crime are explored as part of the Crime Survey for England and Wales (CSEW).¹³

Using combined data from the CSEW for 2012/2013 to 2014/2015, it was estimated that on average there were 222,000 hate incidents¹⁴ per year. Over the same time period, the CSEW found that 48 percent of hate crimes were brought to the attention of the police.

The CSEW explored the reasons why some hate crimes were not reported to the police and these are shown in the table on the next page.

¹¹ *Hate Crime, England and Wales, 2015/2016*, Home Office, 2016.

¹² National Police Chiefs' Council Submission to the Home Affairs Select Committee, 31 August 2016. Available at: www.npcc.police.uk/NPCC%20letter%20HASC%20Hate%20Crime%20Inquiry%20submitted.pdf

¹³ The Crime Survey for England and Wales (CSEW) is a survey of the victims of different crimes, including those motivated by hate, and can therefore provide an estimate for the number of hate crimes per year. This data cannot be directly compared with recorded crime data however, because they cover different time periods and the CSEW data includes additional hate crime strands which are not included in the Home Office monitored strands (for example, age and gender hate crimes).

¹⁴ Incidents in this context are events that were experienced by survey respondents who perceived they were hate motivated. It is not possible to know if these would necessarily constitute crime or non-crime incidents as this figure is an estimate based on the CSEW response rates.

Figure 1: Reasons for not reporting hate crime to the police, Crime Survey for England and Wales respondents (2011/12 to 2012/13)

Reason for not reporting	Percent
Police would not/could not do anything	43
Trivial/no loss	21
Private/dealt with ourselves	12
Common occurrence	10
Dislike or fear of the police/previous bad experience with the police or courts	8
Fear of reprisal	8
Reported to other authorities	2
Inconvenient to report	1

Source: An overview of hate crime in England and Wales, Home Office, 2013

In addition, the CSEW surveys for 2012/13 to 2014/15 shows that hate crime victims were less likely than victims of crime overall to be very or fairly satisfied by the police handling of the incident (52 percent, compared with 73 percent). Hate crime victims were also more likely to be very dissatisfied with the police handling of the matter than victims of crime overall (35 per cent, compared with 14 percent).

In the 2012/13 to 2014/15 CSEW surveys, 92 percent of victims of hate crime said that they were emotionally affected by the incident, compared to 81 percent of overall crime victims. Victims of hate crimes were more likely to say they suffered a loss of confidence or felt vulnerable after the incident (39 percent), compared with overall crime victims (17 percent).¹⁵

Under the Code of Practice for Victims of Crime,¹⁶ victims of hate crime are entitled to enhanced support services. The provision of such services is the responsibility of police and crime commissioners.

¹⁵ *Hate Crime, England and Wales, 2015/2016*, Home Office 2016

¹⁶ Statutory code of practice issued by the Secretary of State for Justice under section 32 of the Domestic Violence, Crime and Victims Act 2004; the code establishes minimum standards on the rights, support and protection of victims of crime; its stated objective is to ensure the criminal justice system puts victims first, making the system more responsive to them and easier for them to navigate; it also aims to ensure that victims of crime are treated well and receive appropriate support to help them cope and recover, and to protect them from becoming victims again; the code specifies the services which must be provided to victims of crime in England and Wales, and sets a minimum for the standard of those services; higher entitlements are set for victims of the most serious crime,

In spite of an intensified focus by the police service in recent years, it remains the case that many victims remain dissatisfied by the police response.

There is much evidence to suggest that among the factors that support and safeguard victims are effective multi-agency partnerships and the provision of a range of accessible and flexible services which victims can access when they need them.¹⁷ Local authorities and the community groups that might provide such services are under severe financial pressures, which in turn may increase pressures on the police service and reduce the options for onward referral of victims to sources of support.

It is also important to remember that police officers and staff may themselves be victims of hate incidents and crimes.

persistently targeted victims and vulnerable or intimidated victims; the public sector bodies which are obliged to provide services to victims of crime are specified in the code, and include police forces and police and crime commissioners; the Victims' Commissioner has a statutory duty to keep the code under regular review. The code is available at:

www.cps.gov.uk/legal/assets/uploads/files/OD_000049.pdf

¹⁷ *What works in supporting victims of crime – a rapid evidence assessment*, Wedlock, E and Tapley, J, Office of the Victims' Commissioner, March 2016, p25. Available at:

<http://victimscommissioner.org.uk/wp-content/uploads/2014/10/What-works-in-supporting-victims-of-crime.pdf>

Conclusions and recommendations for inspection activity

The very strong view from those consulted was that the scope of the inspection should include all five strands of hate crime, as well as any extension to the national definition that forces (and the organisations with which they work) may have made based on particular hostilities that they believe exist in their area.

There is significant evidence that hate crimes go unreported to police. The police and their partner organisations, particularly at a local level, need to understand better the reasons why this is so, in order that action may be taken to improve reporting rates.

Even when hate incidents and crimes are reported, there are many reasons why police may not recognise, record, and respond appropriately to them. One reason is that hate crimes may become conflated with other offence types, such as harassment. This in turn may partially explain the gap between the numbers of hate incidents and crimes as reported by victims in the CSEW and the figures recorded by police.

A core aim of the inspection should be to identify and disseminate examples of good practice that are demonstrably achieving positive outcomes for victims. This approach should be linked to an understanding of the barriers and enablers which apply to improving services for victims, and to support for learning across the police service on response to hate crime.

Hate crime is a wide and complex subject matter for inspection. We acknowledge that the issues vary between different victim groups. For this reason, the programme of work should be flexible and incremental. An example of our intended approach is our work with Her Majesty's Crown Prosecution Service Inspectorate (HMCPIS) on disability hate crime.

It is also the case that hate crime is increasingly taking place online, and in a digital world the inspection should also examine whether the police initial response to offences committed online is effective.

The proposed lines of enquiry for the inspection into hate crime are set out below. Taken together, these areas focus on the 'front end' of the police response and subsequent related activity. As this is the first stage of an anticipated programme of work, the inspection should concentrate on the initial engagement of the victim with the police service.

The inspection should consider whether:

- police forces have effective strategies in place to deal effectively with hate crime in order to protect victims and communities;
- strong leadership is demonstrated at both a national and local level;
- there are effective partnership arrangements at a national and local level to bring about improvements in reporting and recording;
- police understand and respond to the needs of specific communities, including through innovative approaches;
- police identify and assess risks to victims and wider communities;
- police refer and encourage victims of hate crime to access appropriate support from local partner agencies;
- victims receive appropriate care and support from partner agencies;
- there has been an effective police response to the government's hate crime action plan;¹⁸
- police understand and respond appropriately to demand;
- police effectively identify and record hate crimes; and
- training and awareness provision for staff dealing with hate crime cases is effective.

¹⁸ *Action Against Hate – The UK Government's Plan to Tackle Hate Crime*, Home Office, 2016. Available at: www.gov.uk/government/publications/hate-crime-action-plan-2016