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Hate Crime Victimization

By

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ABSTRACT

Hate crime as an area of justice and social policy has a relatively recent history, although it's not a new phenomenon. Drawing on evidence primarily from the United Kingdom and United States, this chapter examines four issues of particular salience to understanding hate crime victimization policy and practice: how hate crime is defined; how hate crime is measured; why victims under-report hate crime and how to encourage victims to report; and the effectiveness of services for hate crime victims. It concludes by offering a whole system model of support for hate crime victims that spans the victim's journey before, during and after the end of their engagement with the criminal justice system.

KEY WORDS

Hate crime, defining hate crime, under-reporting by victims, victim support services, victim decision making, bias crimes.

OBJECTIVES

After studying this chapter, the reader should understand:

- Defining hate crime: Be able to define what a hate crime is whilst also appreciating the many definitional difficulties encountered and the deeply contested nature of the concept.

- The prevalence of hate crime: Gain an understanding of how widespread hate crime is and the variable rates of victimization across different protected groups.

- Hate crime reporting: Understand the reasons for the under-reporting of hate crime as well as the factors influencing reporting, including those measures authorities have in place to try and increase reporting amongst victims and witnesses.

- Supporting hate crime victims: Gain an understanding of the types of support services for victims of hate crime and how these can be sequenced and structured to better meet victim's needs.

INTRODUCTION

Hate Crimes occur against individuals or certain stigmatized groups because the perpetrator harbors a prejudice, dislike, distrust or hatred towards that group. It has a relatively recent history as an area of justice and social policy. In the United States (US), attention to hate crime by criminal justice policy makers and practitioners originated in the early 1980s when the civil rights, women's rights and victim's rights movement provided the impetus for an anti-hate crime movement.[1] In the United Kingdom, around the same time, ad hoc responses to hate crime were developed against the backdrop of anti-discrimination legislation enacted in the 1970's.[2]

Acts which are currently referred to as hate crime are not a new phenomenon. Similar patterns of motivation, sentiment and victimization have recurred over time. Immigrants to the US in the 1890s were subject to institutional and public forms of discrimination and violence. Former black slaves were subject to intimidation and violence by the Ku Klux Klan when trying to exercise their rights in the antebellum period.[3]

However, it has been argued that there is a dramatic difference between the examples drawn from eras preceding the 1970s and 1980s, mainly that these historical acts would not have been perceived of as hate crimes. Instead, they might have been viewed as a normative behavior, representing non-punishable, perhaps even celebrated acts in their time. In contrast, similar acts, occurring in more recent years would be "…defined and publicly perceived in a qualitatively different light."[4] Social and cultural contexts are therefore important as determinants of how hate crime is conceptualized, perceived and responded to.

This chapter will examine four issues of particular salience to hate crime victimization, policy and practice:

- Definition - how is hate crime defined?

- Prevalence - how is hate crime measured, what are the trends?

- Under-reporting - why victims under-report hate crime and the efficacy of measures to encourage victims to report; and

- Efficacy of support services - how effective are services for hate crime victims.

Examples and research will be drawn primarily from the US and the UK where the development of hate crime policy and practice are most developed, supplementing this with evidence from other jurisdictions.

DEFINING HATE CRIME

Hate crime is a deeply contested and politically controversial concept. There is no agreed criminological consensus on the definition of the term or even the validity of hate crime as a concept[5]. Neither is it clear what hate as an emotion encapsulates, indeed it has long been recognized that an offender may not be motivated by hate at all but the weaker emotions of bias

or prejudice. This is supported by research evidence which suggests that hate itself is apparent in only a small proportion of hate crimes.[6] A finding which has led some academics and practitioners in the US to prefer the term 'bias crime'. The recognition that much of what passes for hate crime is more accurately prompted by prejudice and hostility held by the offender towards a social group that is seen as having 'outsider status'[7] would seem to relegate hate crime to more of a misnomer. Hate crime then would appear to be more about prejudice or bias than about hate.

As others have argued, the notion of hate crime oversimplifies the concept, tending to reduce it to discrete acts of individual pathology which drives violence, rather than reflecting deeper relational structures embedded in some offending communities.[8] Rather than conceiving of hate crimes as discrete isolated incidents they are more likely to form part of an on-going process of victimisation, one repeated over protracted periods of time.[9] These difficulties of definition become even more complex when one considers international differences. Even if we restrict ourselves to rather narrow legalistic definitions, the element of bias or prejudice in the motivation can be defined in different ways and require different thresholds (i.e. the classification can be partly or wholly motivated by bias). Different aspects of the offence can be emphasized in different countries, for example in Germany legislation tends to focus on the organised nature of violence associated with far right groups whereas the US emphasizes individual acts.[10] Different countries use a variety of approaches in classifying bias motivations, so for instance bias categories related to racism or xenophobia can include a range of identity characteristics such as race/colour, ethnicity/nationality, citizenship or language.[11]

WORKING DEFINITIONS

Unlike social science definitions of hate crime, legal definitions tend to be more narrow in their scope. So for law enforcement purposes hate crimes are generally deemed to have two essential components. The first is that an act violates the criminal law in that jurisdiction. The second is that the offender intends to target a protected characteristic shared by a group. Whilst these characteristics can vary widely across different countries, they can include aspects such as a person's race, language, religion, sexuality, ethnicity, nationality or any other similar common factor. For example, if a person is assaulted because of his or her real or perceived religious faith (i.e. being Muslim), this would constitute a hate crime. Hate crimes always require a base offence to have occurred, without which there is no hate crime, as well as a victim who is symbolic of a wider population. By contrast a street robbery on an elderly person who is frail would likely not constitute a hate crime if the target selection was on the basis of perceived vulnerability alone, not because the offender chose the victim because of their group membership. What is distinctive about hate crime is that the victim is targeted *because* of their membership of a social group. Thus it is the group identity which is being attacked, not the individual, so in theory the victim could be replaced by someone else.[12] The target can be one or more people, or it may be property associated with a group that shares a protected characteristic.

The widespread adoption of the term hate crime internationally in many government, campaigning and academic circles is likely due to its flexibility, being an umbrella term broad enough to cover offences perpetrated against minority racial groupings, as well as faith based groups and other vulnerable communities.

Once an offence has been reported to the authorities' difficulties can arise in categorizing the type of hate crime, for instance, if an attack takes place on a mosque and is accompanied by theft, the motive may be economic, religious bias or both.[13] Such difficulties can lead to the

systematic under-recording hate crimes by authorities.

There are also marked differences in what class of victims enjoy protected status. Mason[14] has argued that the claim to victim status is the outcome of engendering a form of emotional thinking, one which encourages others to see them as an undeserving victim of prejudice. It is also frequently a product of that group's ability to campaign and lobby for protected characteristics status, or the outcome of a cause célèbre, which can drive public support for change.

In some countries, such as the UK and USA hate crime policy and legislation is well developed and has found a strong foothold. By contrast, in many parts of continental Europe it has struggled to gain a comparable position.

United Kingdom definition

In the UK, unlike in the USA where there are specific statutes, the term 'hate crime' has no legal status, but rather denotes a wide range of criminal offences, from relatively low level harassment motivated by hostility based on personal characteristics at one end of the scale, to organised, pre-meditated activity designed to incite hatred against a group at the other. So the term "hate crime" means different things in different contexts. Hate crime is institutionally defined within the criminal justice system in England and Wales: as "any criminal offence which is perceived, by the victim or any other person, to be motivated by a hostility or prejudice […]".[15]

The above definition is also the broad operational definition primarily used for recording practices and was agreed to in 2007 by ACPO (Association of Chief Police Officers) the Crown Prosecution Service (CPS), Prison Service (now the National Offender Management Service NOMS) and other agencies that make up the criminal justice system in the UK. Whilst this

definition is widely quoted in the UK literature (particularly government documents), it reflects institutional practice rather than the legal statutes. So when criminal justice agencies refer to "hate crime" rather misleadingly they are generally not referring specifically to the statutory regimes. Their definition is wider than the terms used in the two groups of statutory offences (discussed below). Aggravated offences also provide for sentence enhancements and also re-labelling where the offences are motivated by *racial or religious* hatred (i.e. the Crime and Disorder Act 1998 which created a new category of racially aggravated criminal offences (ss. 28–32). The Religious Hatred Act (2006) inserted like offences for religious hatred.

It is therefore important to note that although hate crimes are recorded for all five of the 'protected characteristics' of race, religion, disability, sexual orientation and gender identity, the criminal offences that specifically deal with hate crime only cover some of the characteristics.[16]

Hate crime comes in two forms, direct and derivative.

Direct hate crime (Stirring up Offences)

One form of hate crime is stirring up hatred. If a person engages in certain forms of threatening, abusive or insulting conduct where the intention is to stir up racial hatred or, having regard to all the circumstances, racial hatred was likely to be stirred up. At present, the stirring up offences do not cover hatred on grounds of transgender identity or disability, but do cover race (and in a more limited way) religion and sexual orientation.[17] Criminal liability ensues where a person engages in:

- using threatening, abusive or insulting words or behaviour or displaying written material which is threatening, abusive or insulting;
- publishing or distributing written material which is threatening, abusive or insulting;

- presenting or directing the public performance of a play involving the use of threatening, abusive or insulting words or behaviour;

- distributing, showing or playing a recording of visual images or sounds which are threatening, abusive or insulting;

- providing a programme service, or producing or directing a programme, where the programme involves threatening, abusive or insulting visual images or sounds, or using the offending words or behaviour therein;

- possessing written material, or a recording of visual images or sounds, which is threatening, abusive or insulting, with a view to it being displayed, published, distributed, shown, played or included in a cable programme service.

Incitement to racial hatred, or religious hatred (extended in 2007) or on grounds of sexual orientation (extended in 2010) are offences in themselves (Public Order Act 1986, Pts III and IIIA, ss. 17–29A–M) but, the for religious hatred and sexual orientation the offences are narrower in scope:

1. the words or conduct must be threatening (not merely abusive or insulting);
2. there must have been an intention to stir up hatred (a likelihood that it might be stirred up is not enough), and;
3. there are express provisions protecting freedom of expression covering, for example, criticism of religious beliefs or sexual conduct.

   (Law Commission, 2013:4)

Consequently, there are less prosecutions for stirring up racial hatred on grounds of race, religion or sexual orientation than those for aggravated offences.

Derivative hate crime (aggravated offences)

Derivative hate crimes take the form of aggravated versions of common offences. These basic offences that can be aggravated include: common assault; assault occasioning actual bodily harm; maliciously wounding or inflicting grievous bodily harm; destroying or damaging property; threatening, abusive or insulting conduct towards someone with intent to cause fear of violence or provocation of violence; threatening, abusive or insulting conduct intended to cause harassment, alarm or distress; threatening, abusive or insulting conduct likely to cause harassment, alarm or distress; harassment and stalking; and putting people in fear of violence and stalking involving fear of violence, serious alarm or distress.

The court must first be satisfied that the basic offence has been committed and then that it is racially or religiously aggravated within the meaning of section 28 of the 1998 Act. Subsection (1) provides that the offence is racially or religiously aggravated if either of two different circumstances exists:

a) at the time of committing the offence, or immediately before or after doing so, the offender demonstrates towards the victim of the offence hostility based on the victim's membership (or presumed membership) of a racial or religious group;

b) the offence is motivated (wholly or partly) by hostility towards members of a racial or religious group, based on the victim's membership of that group (s 28, Crime and Disorder Act, 1998).

One limb is therefore concerned with the outward manifestation of racial or religious hostility, the other with the inner motivation of the offender. Hostility, demonstrated or meant, is required for both. Aggravated offences also provide for sentence enhancements and also re-labelling where the offences are motivated by *racial or religious* hatred (i.e. the Crime and Disorder Act

1998 which created a new category of racially aggravated criminal offences (ss. 28–32) (Racist or Religious Crime - CPS Guidance). The Religious Hatred Act (2006) inserted like offences for religious hatred (note offences are triable either way.

According to the UK Law Commission (2013) at present, the aggravated offences do not cover hostility based on sexual orientation, transgender identity or disability, which is curious as hatred on grounds of sexual orientation was added by the Criminal Justice and Immigration Act (2008). The Law Commission's consultation document (2013) proposes extending the aggravated offences in the Crime and Disorder Act 1998 to include where hostility is demonstrated towards people on the grounds of disability, sexual orientation or gender [i.e. "transgender"] identity; and proposes the case for extending the stirring up of hatred offences under the Public Order Act 1986 to include stirring up of hatred on the grounds of disability or gender identity.

The definition of racial aggravation is very wide and according to Burney[18] it is not essential to prove a racial motive in order for an offence to be racially aggravated; rather the two-pronged definition (above) was deemed necessary because of the difficulty of proving motive. This last point demonstrates the extraordinary scope of the legislation, and one of the reasons for why it is so politically controversial.

Hate Incidents and Hate crimes

A crucial distinction needs to be made between a **'hate crime'** and a **'hate incident'**. In the UK a hate incident is: *'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.* '[19]

Such a definition inevitably draws in a wider range of behaviours than the legal classifications as contained in Home Office list offences[20] (this needs to be borne in mind when making

comparisons between different data sets both within and between jurisdictions) as it can be highly subjective, permissively so. This strategy in the UK derives from the landmark Stephen Lawrence Inquiry Report recommendations and explicitly removes police officer discretion at the point of recording (all hate incidents have to be recorded as such). The aim is to try and prevent inappropriate 'no-criming' practices which can substantially contribute to under-recording of hate crime more generally. Therefore each police force has an obligation to initially treat all hate incidents as hate crimes and investigate them accordingly.

The Crime Survey England and Wales (CSEW) (which is a national victimisation survey) also employs a wider definition of a racially and religiously motivated incident, one broadly in line with that recommended by The Lawrence Inquiry (again, subsequently adopted by the British police). A victim of racially or religiously motivated crime is then defined as anyone who judged that motivation was present in any household or personal crime which they experienced in the relevant year, including threats. By contrast, whether such incidents would be recorded as offences by the police depends upon whether the offences meet the Home Office criteria of a racially or religiously motivated offence. Whilst CSEW data is generally considered the more reliable measure of crime nationally than police crime data figures, this subjective element provides a cautionary note when considering prevalence of hate crimes.

Emerging Issues

Online hate crimes/incidents are a developing phenomenon, and there is growing concern about social media platforms acting as a method of victimisation. Online communication can be offensive and in bad taste, but as set out in the UK Crown Prosecution Service guidelines on prosecuting cases involving social media, content has to be more than simply giving offence to

11

be contrary to the criminal law. Only communication which is grossly offensive, indecent, obscene or false are prohibited by legislation.

In principle there may be other forms of hostility arising from age, gender, or appearance, for example which can also be considered hate crimes, although for example in the UK, they are not part of the five centrally monitored strands.[21] A number of other groups could also have claim to being victimised because of a shared identity or characteristic (i.e. certain youth subcultures, the homeless, prostitutes, sectarian groups, asylum seekers etc.) but *may* fall outside of the nationally monitored strands. For instance, in a study of a rural county in the UK[22] because of the rural nature of significant parts of the county, hate crime victimization towards Travelers and Gypsies was examined (unlike Roma Gypsies, Travelers, especially new travelers, are not subsumed under an ethnic group, and hence racial monitored strand).

This widening about what constitutes a group which is vulnerable to hate crime is further illustrated by the growing variability across the 43 police forces in England & Wales regarding what vulnerable groups are being monitored. Greater Manchester police (GMP) were the first force to record as a hate crime direct and derivative offences against some subcultural groups (here Goths and Emos[23]), a practice now adopted by several other police forces. The flexible nature of what constitutes hate crime, police force independence, and the influence of local Police and Crime Commissioners is likely to see this variation in monitoring continue. Issues of group classification are important as hate crime policy defines who will be provided with support and as such which local groups will be provided with funding.

PREVALENCE

It is extremely difficult to establish the precise levels of hate crime across different jurisdictions

without a shared transnational definition of what hate crime is, as well as differences in methods to record hate crimes. Even when a definition is imposed, such as in the case of the Organisation for Security and Co-operation in Europe (OSCE) the number of hate crimes which comes to the attention of the respective authorities varies widely. For instance, the OSCE reports that no official data on racist or xenophobic hate crimes were reported to ODIHR for member states such as Italy, Spain and Russia (in respect of the 2012 OSCE Annual Report) whereas in two other member states with smaller populations, 39,906 racist crimes were recorded in the UK and an estimated 3,979 in Sweden. Such stark comparisons only acts to highlight the major deficiencies in reporting and recording of hate crime and the definitional problems encountered when trying to make meaningful comparisons between different countries.

Victimization Surveys in the European Union

In response to the glaring inadequacies and absences of publicly available data on hate crime in European Union Member States (EUMS) the Fundamental Rights Agency (FRA) launched its own survey to explore selected immigrant and minority groups victimisation. The 2008 European Union Minorities and Discrimination Survey (EU-MIDIS) interviews some 23,500 respondents with an ethnic minority or immigrant background across 27 Member States and we cite findings from the survey in some detail.

The survey uses a representative sampling approach of minority groups which chooses interviewees at random, and hence the results do not reflect experiences of a chosen few. The survey highlights that Sub-Saharan Africans and Roma peoples suffer the highest rates of racially motivated crime. Some 18 percent of Roma respondents and 18 percent of Sub-Sahara African respondents said they had experienced at least one racially motivated incident in the last 12 months. Other general groups surveyed showed a lower level of racially motivated crime in

the last 12 months, with North Africans (9%); Turkish (8%); Central and Eastern Europeans (7%); Russians (5%) and former Yugoslavians (3%).[24]

In some EUMS's these racially motivated in-person victimisation rises to more than 1 in 4 respondents; notably, Roma in the Czech Republic (32%), Somalis in Finland (32%), Somalis in Denmark (31%), Africans in Malta (29%) and 26% of Roma in Greece, Poland and Sub-Saharan Africa in Ireland. By contrast, hardly any (1%) former Yugoslavians in Austria and Luxemburg, Russians in Latvia, or Turkish in Bulgaria said they had been victim to any ethnic or racist motivated crime in the past 12 months.

There was a higher volume of serious harassment compared to assaults or threats of assault across almost every surveyed group (with only a few exceptions). Roma respondents in Greece showed the highest rate of harassment over 12 months (174 incidents per 100 respondents). The survey found other high levels amongst Roma in the Czech Republic (118), Somalis in Denmark (112) and Somalis in Finland (106).

As with racist violence and threats, Roma and Sub-Saharan respondents were especially affected by harassment incidents. As the FRA authors conclude, the survey findings demonstrate the extent to which racially motivated crime is overwhelmingly experienced by the more visible minorities in the EU.

UK and USA

In the UK and the USA there is a relatively well developed legislative programme and reporting procedures for hate crime.

In the US, the Hate Crime Statistics Act of 1990 (HCSA) later modified by the Matthew Shepard and James Byrd Jr. Hate Crimes Prevention Act (2009) required the Attorney General to collect

data on crimes committed because of the victim's race, religion, disability, sexual orientation, or ethnicity.

In the UK the Crime Survey for England and Wales (CSEW), which is a national victimisation survey, provides the most accurate estimates of hate crime prevalence. Estimates for the years 2012/13 to 2014/15 indicates that there were 222,000 hate crimes per year for the five monitored strands,[1] with 0.4% of adults (in England and Wales) being victims of any hate crime in the 12 month period prior to the survey (Corcoran et al 2015). This total figure represents a statistically significant fall of 28% from 2007/8 and 2008/09 CSEW, which reflects a similar rate of fall to overall crime.[25]

Some 48% of hate crimes came to the attention of the police, more than the 40% for volume crime, likely reflecting the greater number of violent crime incidents (49% of hate crimes as opposed to 19% of overall CSEW crime) which tend to see higher levels of reporting (Corcoran et al 2015). Of the 52,528 hate crimes in England and Wales which came to the attention of the police, the overwhelming majority (some 82%) were race hate crimes, followed by 11% being sexual orientation hate crimes, 6% religion hate crimes, 5% disability hate crimes and 1% transgender hate crimes.[26]

Whilst the media in the UK, US and other countries may tend to concentrate on the most extreme expressions of hate motivated violence, as with volume crime more generally, this does not reflect the daily reality. For example, in the UK much hate crime takes the form of 'low level' public order offences (59%) such as harassment, verbal abuse, and intimidation.[27] Some 30% of incidents are classified as violence against the person offences (30% of which caused injury but the majority, some 70%, is violence without injury).[28] The remaining 7% constitutes criminal

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[1] The five monitored strands are: race, religion, disability, sexual orientation and gender-identity.

damage/arson offences, and 3% 'other notifiable' offences.

As with volume crime more generally, hate crime victimisation is disproportionately concentrated for young males 16 to 24 years old (with 0.5% experiencing personal hate crime, being a factor of ten higher than for the over 75's). Socio-demographic characteristics are also important, as social renters (0.4%) experience more hate crime than owner occupiers (0.1%).[29]

Ethnic minorities such as Black (0.7%), Asian (0.5%) or Mixed Ethnic (1.4%) backgrounds experience more hate crime than White adults (0.1%), as do single (0.4%) compared to married adults (0.1%) (Corcoran et al 2015). This is likely due to their different use of public space and heightened situational risks in their routine activities. Indeed, there is a worrying trend showing a marked increase (37%) in race hate crime offences occurring on public transport over the past five years (Yeung and Duncan, 2016). Train carriages and buses provide confined spaces and direct contact with visibly different others, where grievances and prejudices can rapidly escalate into violent altercations.[30]

Hate crime victims also suffer higher rates of repeat victimisation[2] than do victims of volume crime, particularly for household crime (35%) more than personal crime (27%).[31]

UNDER-REPORTING OF HATE CRIME

Reasons for under-reporting

The under-reporting of hate crime needs to be seen within the wider context of low levels of reporting of crime more generally. Using two sweeps of the British Crime Survey (BCS)

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[2] The CSEW defines repeat victimisation as being a victim of the same type of any hate crime more than once in the last year.

2009/10 and 2010/11, Table 4.1 summarizes victims' reasons for not reporting hate crime to the police, compared with reasons for victims not reporting all BCS crime.[32] The table also provides comparable analysis of reasons given by victims for not reporting all crime to the police across 16 industrialised Western nations (including the UK and US) in a study by Goudriaan and colleagues.[33]

Table 4.1: Reasons for not Reporting Crime Incident to the Police (amended from Smith and colleagues[34]

Reason for not reporting	All Hate Crime	All BCS crime	16 Western Nations
Trivial/no loss/police would not/could not do anything	55	73	84*
Private/dealt with ourselves	19	15	9
Common occurrence	9	3	-
Dislike or fear of the police/previous bad experience with the police or courts	7	2	2
Inconvenient to report	6	6	-
Fear of reprisal	5	2	4
Reported to other authorities	4	5	3
Other	21	6	19**

*Included 'Inappropriate for Police' which was a category unique to the 16 nation International study.

**This category differs to that of the BCS 'Other' category in its make up (although the expectation would be that similar reasons were cited (no insurance; don't know etc.).

<u>NB</u>: Figures may add to more than 100 as multiple responses were allowed and also due to rounding errors.

The most frequently mentioned reason for not reporting hate crime (as with other crime) is that the victim perceived the incident as too trivial, no loss was involved, believing that the police would not be bothered or could not do much about the offence, or that the attempt at an offence was unsuccessful,[35] all of which equated to over half (55%) of all reasons for non-reporting Hate Crime.[36] However, despite this representing the most oft given reason for non-reporting, victims of Hate Crime were less likely than victims of overall BCS crime to say that the incident was too trivial to report to the police (55% compared with 73%) as they were in comparison with the international data.

The second most frequent reason across all three data sets (19% for hate crime) was the victim feeling that the incident was a private matter to be dealt with by them, not the authorities. The third most common reason cited by victims, (9% for hate crime) perceived that the incident was a 'common occurrence' and so did not report it because of this. The fourth most commonly cited reason cited by hate crime victims (7%) was holding some objection to the reporting agency, such as dislike or fear of the police, or having had a previous bad experience with the police or courts as the reason for not reporting the incident. The inconvenience of reporting was cited by some 6%, whereas having a fear of reprisal prevented reporting by a further 5%. Only 4% of responses said they reported to other authorities rather than the police.

The remaining 'Other' reasons category for not reporting Hate Crime represents more than a fifth of all victim responses (some 21%). This is not disaggregated in the analysis, collapsing a number of different reasons for non-reporting, such as; something that happens as part of my job; partly my/friend's/relative's fault; offender not responsible for actions; thinking that someone else had reported the incident/similar incidents; in addition to failures on behalf of the reporting

agency (i.e. 'tried to report but was not able to contact the police'; and, 'police not interested') as well as 'other' miscellaneous reasons.

Increasing hate crime reporting

Particular efforts have been made by policymakers and practitioners in the UK and US to encourage victims to report hate crimes. This is in part recognition of the vulnerability of particular communities and groups to hate crime and part of a deliberate attempt to address wider issues of discrimination against these groups. These policy and practice responses are considered below.

Building confidence in the police

Victims of hate crime are generally likely to be less satisfied than victims of other crime in their interactions with the police. BCS survey results showed that 53% of hate crime victims were 'very' or 'fairly satisfied' compared to the more substantial 69% for BCS overall crime.[37] Hate Crime victims were also more likely to be 'very dissatisfied' (23%) with how the police handled the matter compared to overall BCS crime (14%). Furthermore, in only 45% of Hate Crime incidents did victims think that the police took the matter as seriously as they should, compared with 65% of incidents of BCS crime overall. Similarly, there were lower levels of agreement that the police had treated victims of Hate Crime fairly (63%) when compared to overall BCS crime (79%), or treated victims with respect (76% compared with 89%) of incidents of overall BCS crime.

These findings take on greater weight when considering the impact on citizens of encounters with the police. Skogan's (2006) work in the US (replicated in several other countries, including the UK) suggest that having a bad experience with the police is four to fourteen times as great or

impactful as that of having a positive experience.[38] Indeed there appears to be an 'asymmetry' between how people perceive they are treated and their general confidence in the police. In addition to this, the way in which victims are updated on the progress of their cases can affect the likelihood that they will report future crimes to the police.[39]

To achieve this requires police forces to build positive relationships with organizations which represent those groups which are vulnerable to hate crime; train all their officers and support staff (such as call handlers) to deal with hate crime incidents appropriately; deploy specialist officers (who have received additional training) to case manage hate crime cases; and more generally improve the way that they maintain contact and communicate the progress of a case with victims.

Third party hate crime reporting centers

In the UK, the landmark Lawrence Inquiry report encouraged the reporting of racist incidents to agencies other than the police.[40] The rationale for this was if members of black and minority ethnic communities were reluctant to report racist incidents to the police, fearing police racism and/or indifference, then they should be given the opportunity to report to agencies that they trusted and/or in which they had greater confidence. This established in the UK the principle of 'third party' reporting hate crime reporting centres which has been applied to other groups and communities vulnerable to hate crime.

In 2014 the UK Government's Hate Crime Action Plan for England and Wales acknowledged that victims of hate crime were still reluctant to report hate crimes and underreporting remained a problem.[41] The role of the third party reporting centres in contributing to increasing reporting has received limited attention. Research in the UK which has been conducted into the efficacy

of these centres, suggests that despite laudable efforts from local authorities in encouraging the establishment of third party reporting centres and NGOs in agreeing to act as third party reporting centres, the performance of these centres has been variable and reporting rates have been low.[42] Based on this research it is possible to devise a typology of hate crime reporting centers which goes some way to predicting how effective they're likely to be. This is summarized in Table 4.2. Organizations which tick all or most of the boxes from list A are likely to be more effective than those which fall into list B.

Table 4.2 Dimensions of an effective hate crime reporting centre

Operating dimension	List A	List B
Organisational purpose	Hate crime as core business	Hate crime as non-core business
Resourcing	Dedicated funding for Hate crime work	Hate crime work resourced from funding which does not specifically cover hate crime work
Capacity/capability	Reporting, support and signposting for other help Reporting, enforcement, support and signposting for other help	Reporting only Reporting and signposting for further help
Types of hate crime dealt with	All	Specific hate crime types
Strength of links to groups vulnerable to hate crime	Well embedded	Limited
Strength of operational and strategic links to police and other key strategic agencies	Good operational links Good strategic links	Limited operational links Limited strategic links

Social context

Goudriaan, Lynch and Nieuwbeerta considered the influence of wider social context on the reporting of crime by examining incident level data from the International Crime Victims Survey (ICVS) for 16 western industrialised countries including the UK and United States.[43] They

devised a framework, reproduced below, which makes the distinction between three

geographically defined social contexts and two types of considerations. The social contexts

cover, the micro level, mesmo and macro level, with the corresponding decision gates that an

individual engages in. In doing so the authors emphasize the wider social context in which the

crime took place. Understanding of these contexts has the potential to provide policy makers

with policy and practice responses, which could foster increased reporting of hate crime. To date

there has been limited research into the efficacy of responses which have aimed to influence

social context around the reporting of hate crime or for that matter any crime.

Table 4.3: Factors Influencing the Reporting of Crime to the Police: The effects of Social Context

Level Geographic entity	Cost/benefit consideration	Normative consideration
Micro level Situation	Knowledge about offender Perceived risk of retribution by offender Amount of injury Amount of loss Means of contacting police Distance from event in time or space Perceived likelihood of police response Perceived chance to receive some sort of compensation (e.g. recovery, repair,	Victim offender relationship Victim precipitation Guilt Shame

	punishment of offender, payment by insurance company) Guilt Shame	
Meso-level Family & friends, block, neighbourhood, community, organisation, jurisdiction	Availability of (community organisations) for self help Knowledge about area Reputation Knowledge of alternatives Private security	Attachments to family & friends, area or organisation Reputation Norms regarding self help Policies for handling crime incidents
Macro level State, nation	Availability of (community organisations) for self help Police competence (responsiveness, efficiency) Social stratification Gender roles Roles of adults and juveniles	Legitimacy of police or government Norms regarding self help (individualism v collectivism) Compliance norm Institutionalisation of insurance Gender roles Roles of adults and juveniles

Community level factors which influence reporting and responses

Wilson and Ruback 2003[44] examined Hate Crime incidents reported to the Pennsylvania Human Relations Commission from 1984 to 1998. The Commission is a state agency that enforces laws prohibiting discrimination and records reported bias crime incidents by victims or authorities relating to race, religion and sexual orientation. They found that *rates* of both personal and property Hate Crimes are significantly higher in rural than urban counties across the state. They attribute this (based on social disorganisation theory) to a *'threshold effect'* on the reporting of Hate Crime. As interactions between races are more frequent in urban areas, Hate Crimes may be more frequent in urban counties. Therefore residents may not report these incidents because they consider interracial tension and hate activity so commonplace that agencies will not

intervene unless the matter is serious. In rural counties there may relatively little contact between races, resulting in fewer Hate Crime incidents, however residents may be more likely to take these events seriously and are more likely than their urban counterparts to report them.

Wilson and Ruback[45] also found that police were more likely to become involved in incidents in counties with large Jewish populations, but less likely in counties with substantial black populations. They suggest that this is also consistent with *social disorganisation theory*, i.e. the extent to which these two ethnic groups are organised among themselves and with political forces which control the allocation of resources to and the priorities of local law enforcement agencies. They propose that Jewish communities are better organised than black communities and so are more likely to seek help after a Hate Crime has occurred.

McVeigh, Welch and Bjarnason 2003[46] conducted an analysis of Hate Crime recording in the United States in relation to the activity of civil rights organisations and voting. They found that:

- The presence of civil rights organisations and the resources of civil rights organisations can contribute to higher numbers of reported Hate Crimes in counties with relatively high levels of voting for the Democratic Party.

- The effectiveness of civil rights organisations was affected by the *credibility of Hate Crime framing* to provide confirmation that Hate Crime was an important issue. This credibility was influenced by the degree of ethnic heterogeneity in the county, the levels of interracial homicide and the number of racist hate groups

McVeigh et al.[47] also found that Hate Crime reporting tended to be higher in politically competitive counties. Overall, these findings demonstrate the importance of having an

organisational infrastructure to promote positive reporting messages, channel grievances and advocate on behalf of minority groups.

SUPPORT SERVICES FOR HATE CRIME VICTIMS

There is a diverse body of research about the needs of hate crime victims[48] which points to a dual role for hate crime victim support services: supporting individuals, building their confidence to report hate crimes to the police and/other official body; and providing the emotional and practical support to cope with the aftermath of the incident(s). The service model in Table 5.1 devised by Wong, Christmann and colleagues (2013)[49] draws on this literature and maps this across to a victim's journey before, during and after the end of their engagement with the criminal justice system, offering whole system model of support for hate crime victims.

Table 5.1 A whole system approach to supporting hate crime victims

Service stages	Key service objective	Key service elements across all the stages
Pre-incident	• Providing targeted information to individuals who may be vulnerable to Hate Crime • Information initiatives targeted at potential perpetrators to deter or prevent Hate Crimes occurring	Case co-ordination by a 'lead professional' (from a public or VCS agency) who is responsible for managing the individual's case at each or any of these stages
Pre-reporting to the police	• Recording information about Hate Crimes from individuals who do not feel comfortable/confident to report this to the police • Working with individuals and communities so that they feel able to report incidents to the police	A risk of victimisation and needs assessment process that is applied to each case A scaled response to each case based on a red, amber, green (RAG) system of risk of victimisation and need (similar to that adopted for the
Reporting to the	• Supporting individuals report Hate	

Service stages	Key service objective	Key service elements across all the stages
police	Crime to the police • Managing the expectations of individuals about the types of action that the police can take	management of prolific offenders) which ensures that community specific support (where required) is provided
Criminal justice System	• Supporting individuals through the criminal justice system, managing their expectations through this process • Protecting individuals from reprisals	A regular case conference and review process (as adopted for the management of prolific offenders) involving all the key criminal justice and voluntary sector agencies
Post criminal justice system	• Providing 'aftercare' support and protection to individuals whether or not perpetrators are convicted	

SUMMARY

Hate crime is a contested and politically controversial concept. In criminology there is no consensus on how it is defined or even its validity. For law enforcement purposes hate crimes are generally deemed to have two essential components. The first is that an act which violates the criminal law in that jurisdiction. The second is that the offender intends to target a protected characteristic shared by a group. Protected characteristics used across jurisdictions include: race, religion, disability, sexual orientation and gender identity and are being widened to include other identified groups which are vulnerable to crime (homeless, a prostitute and belonging to a youth sub-culture group).

Comparing the prevalence of hate crime across jurisdictions is difficult because of a lack of a transnational definition and differences in methods to record hate crime. A European survey of European

Union Member States exploring immigrant and minority group victimisation demonstrates that racially motivated crime is overwhelmingly experienced by the more visible minorities in the EU. In the UK hate crime is measured in two ways through regular victim surveys which provides the most accurate estimates of certain hate crimes and through the police who record as hate incidents (where an incident is perceived by the victim or anyone else to be a hate crime) and hate crimes where an incident is investigated and where deemed to a recordable offence is 'crimed'.

Hate crimes as with other crimes are underreported. The most frequently given reasons for underreporting by hate crime victims are: the incident was too trivial; the incident was a private matter and the incident was a common occurrence. To encourage victims to report to the police requires: the police to build confidence in them among groups vulnerable to hate crime; improving the efficacy of third party reporting centres; official bodies understanding the social context which could support reporting and community factors.

Support services for hate crime victims have a dual role: supporting individuals, building their confidence to report hate crimes to the police and/other official body; and providing the emotional and practical support to cope with the aftermath of the incident(s)

DISCUSSION QUESTIONS

1. Can there ever be an internationally agreed definition of hate crime? Would this be desirable? Think about the advantages and disadvantages to this policy goal, including an international legal framework.

2. How prevalent is hate crime? What difficulties do you encounter in trying to provide a robust answer to this question?

3. How can authorities increase the reporting of hate crime?

4. How should hate crime victims be supported? In answering this question think about the diffusion of innovation across other social policy and criminal justice arenas and consider questions of effectiveness.

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[20] Home Office list offences comprise all those criminal offences which police forces around the country centrally report. It is important to note that this is not an exhaustive as some more manor offences are not reported centrally but dealt with at the police force level.

[21] There is a fairly substantial body of literature that grapples with the question of what should be classed as hate crime, and there is a potentially very large number of incumbent groups (Travellers, Gypsies, asylum seekers, overseas students, prostitutes, homeless people, to name a few). It is also instructive to examine how the BCS records incidents on whether the victim thought the offender was motivated by the victims age or gender (categorised as age or gender motivated Hate Crime) of which there were around 143,000 (0.3%) and 120,000 (0.2%) perceived incidents for the youngest and oldest age groups (Smith et al. 2012:25). However, these victims may be targeted as much for their vulnerability as the fact that they are old, young, or female, making the ascribed hate element as the defining feature problematic. A number of other groups could also have claim to being victimised because of a shared identity or characteristic (i.e. certain youth subcultures, the homeless, prostitutes, sectarian groups etc.) but may fall outside of the nationally monitored strands.

[22] Wong, K. and Christmann, K., Meadows, L., Albertson, K., Senior, P. (2013), *Hate crime in Suffolk : understanding prevalence and support needs,* Sheffield, Shieffiled Hallam University.

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[32] Table 4.1 displays data combined from two survey years (2009/10 and 2010/11) in order to give more robust estimates by increasing the number of incidents available for analysis. Displayed figures are 12-month averages of the estimates from the two survey years and therefore comparable with 12-month BCS findings more generally.

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[35] The authors merged a number of similar answer categories: ('Too trivial/not worth reporting', 'No loss/damage', 'Police would not have been bothered/interested', 'Police could not do anything' and 'Attempt at offence was unsuccessful') due to the similarity in their definition and end meaning for respondents. This is unfortunate as several of these reasons point to service failures and would more profitably have been disaggregated for finer analysis.

[36] Unfortunately the BCS merges these different reasons due to the perceived similarity for respondents, so we are unable to know whether it is the victim's subjective feelings concerning the crime or alternatively their assessments of the police response that results in non-reporting – this is especially unhelpful when trying to understand victim decision making.

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