

HATE CRIME

PC0106ppv01_Hate Crime

Aim & Objectives

Aim:

Identify relevant hate crime legislation and definitions and examine the role of a constable in investigating and responding to hate crime and hate incidents.

Lesson Objectives:

1. Identify relevant hate crime legislation and definitions.
2. Understand how to respond to these incidents.
3. Apply legislation to given scenarios and questions.



Hate Crime

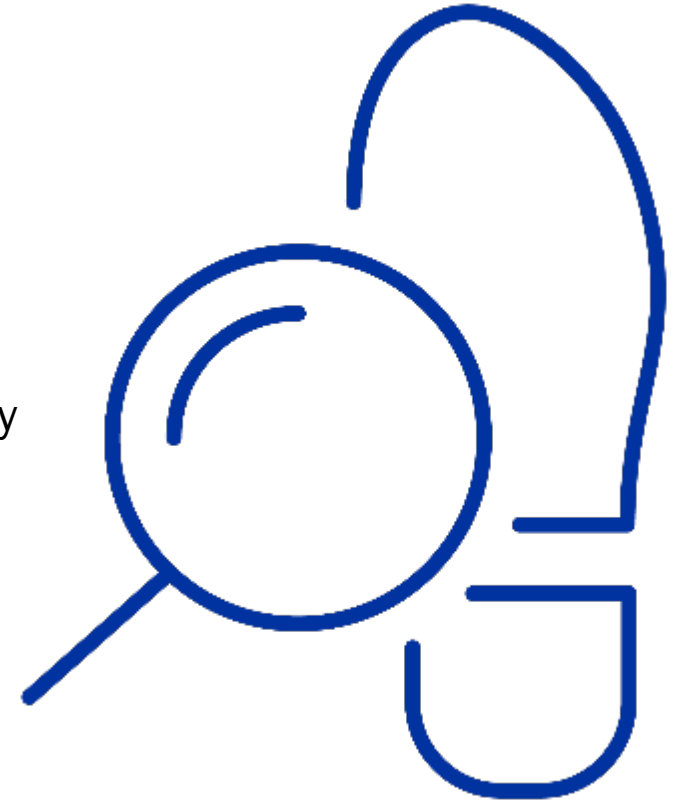
What is your definition of a Hate Crime?



Hate Crime

Hate Crime is defined by CPS and the Police:

‘Any criminal offence which is perceived by the victim or any other person, to be motivated by hostility or prejudice based on a person's race or perceived race; religion or perceived religion; sexual orientation or perceived sexual orientation; disability or perceived disability and any crime motivated by hostility or prejudice against a person who is transgender or perceived to be transgender.’ [\(MPS, 2023\)](#)



Hate Incidents

What is your definition of a Hate Incident?



What is a Hate Incident?

Hate incident is defined by the Home Office as:

‘A non-crime hate incident (NCHI) means an incident or alleged incident which involves or is alleged to involve an act by a person (‘the subject’) which is perceived by a person other than the subject to be motivated - wholly or partly - by hostility or prejudice towards persons with a particular characteristic.’ [\(Home Office, 2023\)](#)

‘A single distinct event or occurrence which disturbs an individual, group or community’s quality of life or causes them concern’. [\(Home Office, 2023\)](#)

Can you give an example of something you will encounter that might constitute a hate incident?

Key Legislation

Section 28 – 32 Crime and Disorder Act 1998

Section 66 of the Sentencing Act 2020

Equality Act 2010

These are the three main bodies of legislation regarding the application of hate crime laws.



Section 28 – 32 Crime and Disorder Act 1998

These are specified offences where if evidence of hostility towards members of a racial or religious group the offence can be aggravated.

Section 28, Subsection 1:

(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]; or

(b) The offence is motivated (wholly or partly) by hostility towards members of a racial or religious group or based on their membership of that group.

([Legislation.gov](https://www.legislation.gov.uk/ukpga/1998/32), 2020)



WHAT IS A RACIAL OR RELIGIOUS GROUP?



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What Offences do you think could be Racially or Religiously Aggravated?

Criminal Damage – Section 30 Crime and Disorder Act 1998

Harassment – Section 32 Crime and Disorder Act 1998

Assault – Section 29 Crime and Disorder Act 1998

Public Order – Section 31 Crime and Disorder Act 1998



What does Aggravating Offence Mean?

An aggravating offence means that the offence becomes more serious.

Racial and Religious offences under the Crime and Disorder Act 1998 become either-way offences.

Powers under PACE 1984 such as S17, S18 and S32 are now available.

The court has greater sentencing powers.



Section 66 of the Sentencing Act 2020

Section 66 of the Sentencing Act 2020 highlights that hostility towards other protected characteristics are also aggravated.

Subsection 1 highlights:

- (a) Racial hostility,
- (b) Religious hostility,
- (c) Hostility related to disability,
- (d) Hostility related to sexual orientation, or
- (e) Hostility related to transgender identity.



What is the Purpose of Hate Crime Laws?

The Law Commission Paper 250 (2020) examining Hate Crime legislation can be notes 4 general purposes of Hate Crime legislation.

1. Protection of groups from violence incited by hate speech and maintenance of public order;
2. Protection of vulnerable groups from the emotional and psychological harms of hate speech;
3. Prevention of the social exclusion and marginalisation of vulnerable groups in society; and
4. Setting parameters for acceptable conduct, thereby fostering social cohesion.



Motivation not Characteristic

Not all protected characteristics are covered by hate crime legislation.

The Law Commission Consultation Paper 250 (Law Commission, 2020) notes the contentious issues of hate crime legislation and what protected characteristics to cover.

The Consultation Paper discusses legislating on other forms of criminal behaviour motivated by hostility to a 'group' and suggests reform for advanced sentencing guidelines. (Law Commission, 2020. pg 422)

It highlights the identity of the victim is not the focus of the law but rather the motivation of the offender.

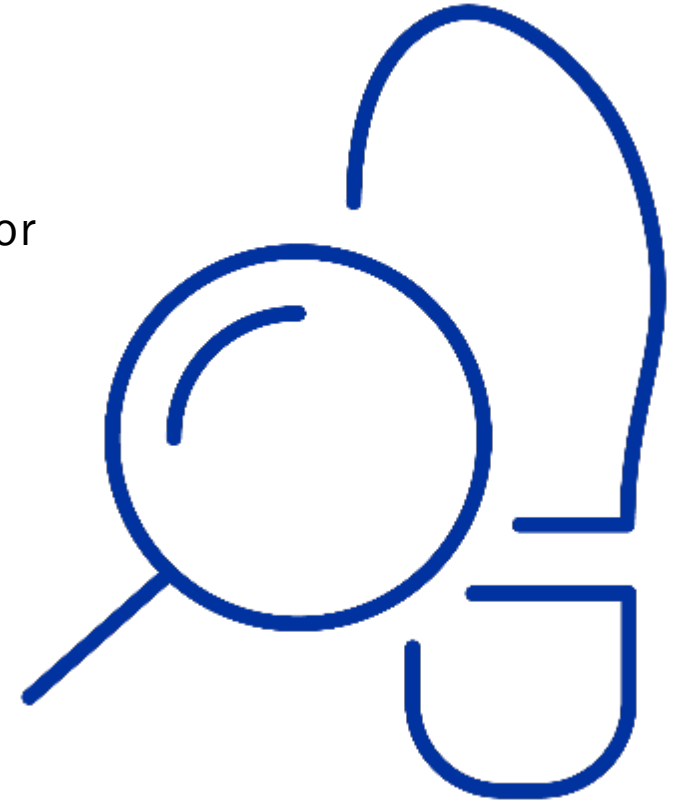
'The law does not, for instance, treat a black victim differently from a white victim, or a gay offender differently from a heterosexual offender' (Law Commission, 2020. pg 13-14).

Case of Sophie Lancaster (2007)

Sophie Lancaster was brutally murdered in August 2007 after being attacked by a group of teenagers.

She was a member of the 'goth' subculture, and this was motivation for the attackers.

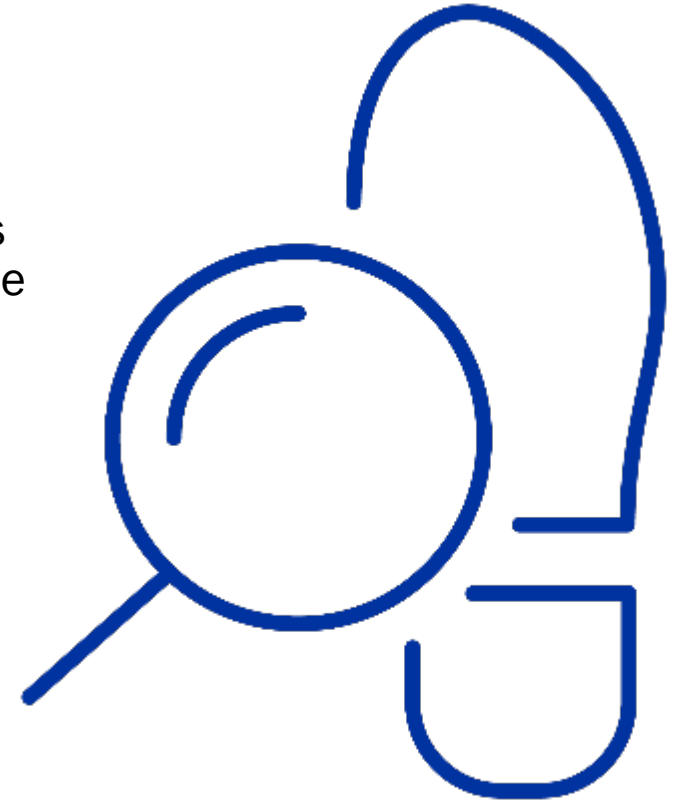
Is this a hate crime?



Case of Sophie Lancaster (2007)

The prosecution (Anthony Russel QC) noted that the victims were:

‘... Singled out for their appearance alone because they looked and dressed differently from you and your friends. I regard this as a serious aggravating feature of this case, which is to be equated with other hate crimes such as those where people of different races, religions, or sexual orientation are attacked because they are different’.



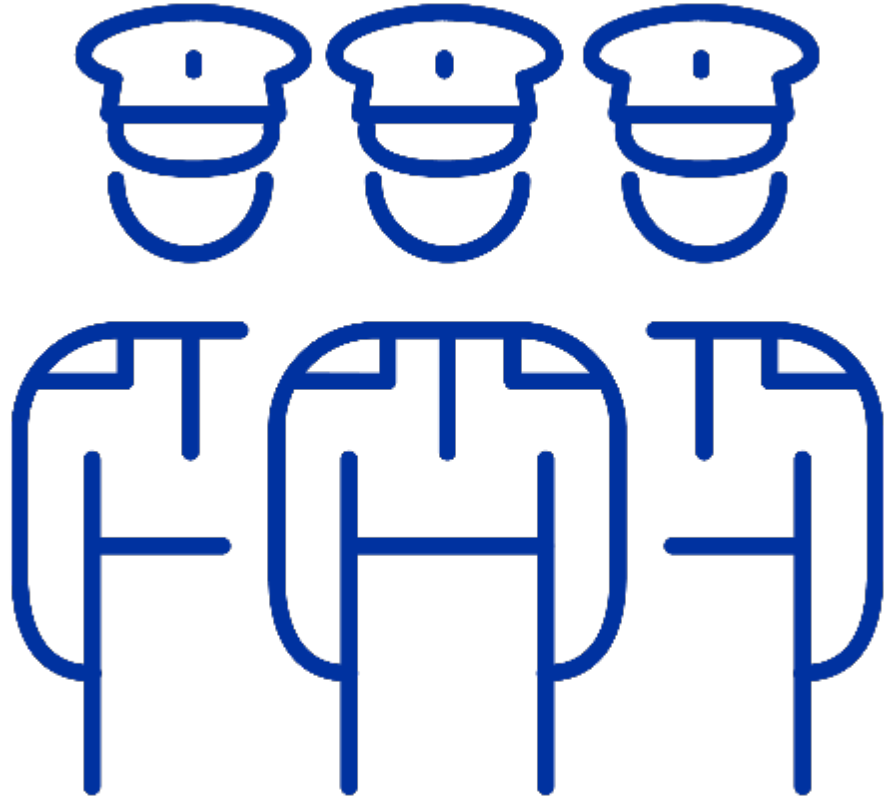
Other Offences

There is also the offence of stirring up racial, religious, and sexual orientation hatred using the following:

- **Words or behaviour or display of written material.**
(S18 Racial, S29B Religious/Sexual Orientation of POA 1986)
- **Publishing or distributing written material**
(S19 Racial, S29C Religious/Sexual Orientation of POA 1986)
- **Public Performance of Play**
(S20 Racial, S29D Religious/Sexual Orientation of POA 1986)
- **Distributing, showing or playing a recording**
(S21 Racial, S29E Religious/Sexual Orientation of the POA 1986)



Football Offences



Football Offences:

Section 3 of the Football Offences Act 2003 creates an offence when people chant something of a racist nature at a designated football match.

- ‘It is an offence to engage or take part in chanting of an indecent or racist nature at a designated football match’ (Legislation.gov.UK, 2020)
- ‘Racist’ ‘Means consisting of or including matter which is threatening, abusive or insulting to a person by reason of his colour, race, nationality (including citizenship) or ethnic or national origins.’

Does not apply to chanting which is of a religious nature. (legislation.gov.UK, 2020)

Responding to Hate Crimes/Incidents

When responding to a hate crime or incident officers should ensure that they:

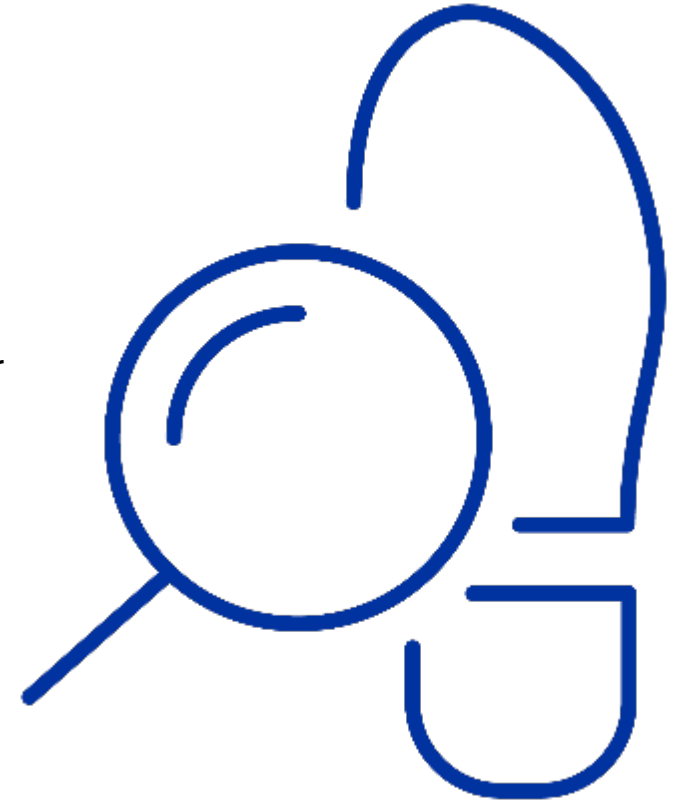
- Undertake an effective investigation
- Signpost victims
- Reduce repeat victimisation

Officers should conduct a risk assessment of the victim in relation and consider the following:

- The victim's isolation, for example, they have limited support or live alone
- They have particular personal characteristics which may increase their vulnerability
- That there are particular issues that leave them susceptible to intimidation

(College of Policing, 2020)

Appraise the duty officer (inspector) of the incident.



QUIZ



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Question 1

Which of the following offences cannot be racially aggravated under the Crime and Disorder Act 1998?

- A) Theft
- B) Criminal Damage
- C) Harassment
- D) Assault



Question 2

Which of the following offences cannot be racially aggravated under the Crime and Disorder Act 1998?

- A) GBH with intent (S18 OAPA 1841)
- B) GBH (S20 OAPA 1841)
- C) ABH (S47 OAPA 1841)
- D) Common Assault (S39 Criminal Justice Act 1988)



Question 3

Charles is a right-wing extremist and does not like any immigrants.

He spots Khan who is a barber and decides to enter the barbers and cause havoc by stealing items and racially abusing the Khan based on his nationality. He enters the and approaches Khan. As he enters he notices two police officers walk past and decides not to try anything and leaves the barbers.

What offence if any has been committed at this stage?

- A) Attempted Racially Aggravated Criminal Damage
- B) Racially Aggravated Burglary
- C) Attempted Racially Aggravated Public Order
- D) No offence committed



Question 4

Charles returns to Khan's barbershop and decides that he wishes to spray paint racist graffiti on the side of the barbershop. He approaches and begins to spray black paint on the shop front when a member of public grabs his arm and asks him if he has permission to do this. Charles panics and breaks free of the MOP and runs away.

The only graffiti visible is 3 stripes which has no discernible meaning to Khan or any other person.

Has Charles committed the offence of Racially Aggravated Criminal Damage contrary to S30 Crime and Disorder Act 1998?

- A. No, as no one can understand the meaning of the spray paint it is not a hate crime as no person perceives it as a hate crime.
- B. Yes, as Charles has the motivation to commit a crime based on racial hostility.
- C. Yes, as Charles has spray painted on Khan's shop window.
- D. No, as the spray paint is not racist it is simple criminal damage.

Question 5

Who can perceive an incident to be a hate crime?

- A) The victim
- B) The victim and a witness
- C) An independent third party
- D) Anyone



Question 6

Which public order offences can be aggravated?

S1 Riot

S2 Violent Disorder

S3 Affray

S4 Fear of Provocation of Violence

S4A Directed Alarm, Harassment, or Distress

S5 Non-Directed Alarm, Harassment, or Distress



Question 7

Simmons discovers that Paterson has been sleeping with his wife and decides to confront PATERSON. Simmons is very angry and heads to Paterson's flat. Simmons arrives outside and shouts "Come out here you filthy bastard." PATERSON then opens the door of his flat and Simmons punches Paterson in the face inflicting a broken nose. Simmons shouts at Paterson "Hope you learned your lesson". Paterson reports the assault to police stating he believes the assault to be racially motivated.

Does Simmons commit the offence of racially or religiously aggravated assault contrary to Section 29 of the Crime and Disorder Act 1998?

- A. Yes, this assault is motivated Paterson presumed membership of a racial group.
- B. No, there is no evidence to suggest the assault was motivated by racial hostility.
- C. No, as the assault was not wholly motivated by racial hostility.
- D. Yes, as Simmons believes the assault is racially motivated.

Question 8

Shane does not like people parking cars in the street outside his address as it is a busy road, and his driveway gets blocked frequently. He regularly shouts at drivers as they park to prevent them from doing so. Seeing an unattended car outside his home he attempts to further dissuade road users from visiting his street and Shane scratches the driver's door with a key. As he does this, the owner of the car, Kristina, returns. Shane recognizes Kristina as being Indian and immediately swears and shouts at her, insulting her Indian nationality.

Does Shane commit the offence of racially or religiously aggravated criminal damage contrary to Section 30 of the Crime and Disorder Act 1998?

- A. No, racial hostility was not demonstrated before the offence of damage.
- B. Yes, damage to property belonging to ethnic minority groups is always regarded as racially aggravated.
- C. No, the criminal damage itself was not motivated by racial hatred.
- D. Yes, racial hostility was demonstrated immediately after the offence of damage.

Question 9

What protected characteristics are covered by Section 28 of the Crime and Disorder Act 1998?

- A) Transgender and Disability
- B) Racial and Religious
- C) Sex and Pregnancy status
- D) Nationality and Sexual Orientation

Question 10

What is a racial group as defined by Section 28 of the Crime and Disorder Act 1998?

- A. Race, Colour, Nationality, Ethnic or National Origins.
- B. Race, Colour, Creed, Ethnic or National Origins.
- C. Race, Culture, Nationality, Ethnic or National Origins
- D. Race, Colour, Nationality, Politics, Ethnic or National Origins



Further Reading

[Hate crime consultation paper - Law Commission Paper 250](#)

[Victim Support Hate Crime Services](#)

[Met Police Website How to Report a Hate Crime](#)



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