Hate Crimes

contents

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Front cover photo: Julie Grogan

editorial

hate crimes

Hazel Croall and **David Wall** set the theme in context.

Hate crimes are as old as civilization itself, yet only in recent years have they come to be placed so carefully under the political lens, notably in the aftermath of the Stephen Lawrence murder. Hate crimes are, as ACPO recognise in their *Guide to Identifying and Combating Hate Crime* (ACPO, 2000), particularly pernicious crimes where victims are harmed because of their membership of a hated group.

The perpetrators of hate crimes have in common a hatred of the 'other' whose 'difference' becomes their target. At their most extreme, hate crimes involve genocide, ethnic cleansing and serial killing. In their lesser yet nevertheless insidious forms they can include assaults, rape and /or the many 'lower level' incidents of name-calling, harassment or vandalism which threaten and degrade the quality of life of victims.

Traditionally, hate crime has tended to be associated with racism, but the many valuable contributions to this special issue of Criminal Justice Matters illustrate with a chilling clarity how hate crimes take on many diverse forms and are based on different forms of hatred. The articles included broaden our understanding of the problem to include the targeting of, and crimes against, those who are 'different', such as ethnic groups, the gay community, vulnerable women, different religious groups and those, such as travellers, who live lifestyles perceived to be different. Furthermore the collection also shows how hate crimes are also targeted against 'outsiders' whether they be asylum seekers or citizens of neighbouring countries with whom there have been long cultural traditions of hostility.

Clearly, many jurisdictions now have in place specific legislation designed to protect vulnerable groups from hate crimes and employ specialised police and prosecution units to enforce those laws. Looking at how the particular types of hate crime are tackled by criminal justice agencies and assessing the scope and effectiveness of these laws is the subject of many of the contributions.

Research such as that carried out by Kielinger and Stanko questions the nature of the 'hate' involved in incidents defined as hate crimes, many of which involve minor violence, name-calling and harassment. While hate crime is quintessentially defined as a 'stranger' crime, many of these incidents must be seen in the context of the local neighbourhoods and communities in which they take place - often victims and offenders are not stran-

Focusing on the link between hate and crime also diverts attention away from the wider cultural sources of hate crimes.

gers. Smith and Ray also direct our attention to the dangers of equating all so-called racist crime with 'hate crime' as its racist element may be part of a much more complex set of motives. The racist element in football hooliganism also leads Garland and Rowe to query whether football hooliganism is a form of hate crime, concluding that it too is a diverse phenomenon with only a small number of incidents fitting into a hate crime paradigm. Hate crime is also often associated with deprived urban neighbourhoods, yet as Jones shows, it can also take place elsewhere, such as in seaside towns.

Ellison and others draw our attention to the complex roots of hate crime, arguing that the emphasis placed upon the connection between 'hate' and 'crime' can often result in the simplification of a range of complex issues and may end up being counter-productive. Particularly the tendency to perceive offenders as 'strangers' which often results in the pathologisation of hate crime as the work of a small number of disturbed individuals. This reductionism leads press coverage to problematise groups 'with difference' – a point that Baird suggests, which also emerged in the CJM edition on crime and the media. Interestingly, the same process also points the finger at the folk devil of the internet, as Sutton illustrates, as a forum for the enablement, organisation and transmission of hate speech.

Importantly, focusing on the link between hate and crime diverts attention away from the wider cultural and structural sources of hate crimes. Sectarian violence, as Kelly, Cramphorn and Ellison indicate, has deep historical roots and is related to the divided nature of communities. Racial violence takes place in the context of a racist culture and the legacy of colonialism and as Moran strongly argues, homophobic crimes in a homophobic culture are not deviant. These deep cultural roots also direct attention to the need to explore the location of hate crimes and to seek to understand them in the context of wider structural problems - as Smith and Ray point out, racist incidents should be seen in the context of patterns of exclusion, marginalisation and segregation.

The diversity of issues involved in hate crime make it difficult to encompass in law and by the police and other initiatives. Coussey details some of the many ways in which the law can approach racial hatred and Wong describes the background to the various definitions of hate crime currently in use. A major problem is that many victims fail to report offences, sometimes because they themselves fear the police and do not, as Moran suggests in relation to homophobic violence, see incidents in terms of a 'crime paradigm'. Matassa and Newburn describe how police initiatives, typically the creation of specialised units following the McPherson report, have had to face the issues of which offences to include and how best to bring together the different specialisms involved. This can also be an issue in relation to victim support as McManus, and Thomas and Denton, describe. Some areas, particularly those involving those of different faiths as Spalek demonstrates, are less well recognised in both the law and by victim support.

How effective is legislation in relation to hate crime? Should more be introduced to encompass sectarian, religious and other forms of violence? Several contributors raise important questions about the effectiveness of the law. Some argue for the extension of Scottish and Northern Irish laws to encompass religion and sectarianism, although the use of law in relation to hate crimes is far from straightforward. Donnelly argues that institutional discrimination still exists within the UK which allows hate crimes to persist.

While laws and opinion against hate crime can be welcomed, they raise, as McLaughlin suggests, important issues in relation to rights and freedoms where they give the police powers to intervene into speech and thought, an issue also explored by Coussey. In her contribution, Valier suggests that punishment itself can be a form of hate crime, particularly when societal hatred is directed towards perpetrators.

As many victims do not report the crimes committed against them, police interventions may only scratch the surface. As Clarke and Moody point out, seemingly trivial incidents may receive only small sentences which inadequately reflect the experience of persistent violence. Despite decades of anti-discrimination legislation and anti-racist initiatives Britain contains pockets of deeply rooted racism and, as the contribution from the Newham Monitoring Project reminds us, racial attacks show no sign of waning. Law alone therefore may be unable to tackle the structural and cultural roots of hatred for the 'other' which underpin hate crimes. Nonetheless as Matassa and Newburn point out, lessons can be learnt which may inform work for the future.

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What can we learn from people's use of the police?

Vicky Kielinger and Betsy Stanko suggest that a notion of targeted violence may be more appropriate than the traditional notion of hate crime as stranger crime.

The term 'hate crime' is increasingly being used by legislators, police, criminal justice agencies and the general public as a way of talking about targeted violence. The Diversity Directorate in the Metropolitan Police Service (MPS) is responsible for managing the police response to hate crime in London. Set up as a consequence of the Stephen Lawrence Inquiry, it extended its original remit from 'racial and violent' crime to include homophobic violence following three nail bombings in London in April 1999. The Diversity Directorate's remit is to monitor 'hate crimes' in London; to develop strategy and policy in relation to investigation, victim care and the use of police intelligence; to promote good practice, and to develop and provide appropriate training to officers.

Community Safety Units (CSUs) located in each of the 32 London boroughs are the direct service arm of the MPS. The CSUs (incorporating the then existing domestic violence units) were launched in their present capacity in June 1999 with the stated aim to "offer support and protection to anyone targeted due to their race, colour, religion, sexual orientation, disability, or to anyone who has experienced domestic violence" (MPS). On a practical basis, the Diversity Directorate and CSUs deal with the three main strands of 'racial', 'homophobic' and 'domestic' violence. This definition of hate crime used by the MPS is necessarily broad: hate crime is "crime where the perpetrator's prejudice against an identifiable group of people is a factor in determining who is victimised". It further states that membership of a 'vulnerable' group may be actual or perceived, which means that anyone can become a victim of hate crime. Thus defined, hate crime represents a threat to all of us and covers a range of different types of criminal incidents. Although it is acknowledged that the investigative standards for all three types of violence should be the same, domestic violence is conceptually separated out from 'hate crimes' in MPS literature. Whilst being an uneasy fit, it is stated that all three forms of violence constitute a special kind of social problem and threat to the personal safety of Londoners.

Research meets criminal intelligence

The 'Understanding and Responding to Hate Crime' (URHC) project, funded by the Home Office Targeted Policing Initiative in 2000, is a partnership between the MPS and Betsy Stanko and her team (Debbie Crisp, Vicky Kielinger, Lauren Marsland, Susan Paterson and Laura Richards). We have essentially joined specialist academic knowledge gleaned from Stanko's tenure as Director of the ESRC's Violence Research Programme with police intelligence. The project has the support of the corporate leadership in the MPS. The main aim of the URHC project is to tap routinely-recorded crime reports on hate crime to explore the nature of public-initiated contact for the three forms of hate crime recorded by the MPS. We have also added sexual assault to our remit. This information is analysed using a victim-oriented approach to asking about the nature of four forms of violence: racist, domestic, homophobic and sexual – through the allegations people report to the police. Since January 2001, the project has managed to quickly turn crime reports into information about hate crime. The project has been able to demonstrate that routinely-collected information can not only provide a useful means to target resources more effectively and provide officers with tools to do so, but also challenges our assumptions about the way hate crime is conceptualised. Most commonly, hate crime has been defined as stranger crime. For instance, Gail Mason, a leading Australian academic, described hate crime as: "crime, most commonly violence motivated by prejudice, bias or hatred towards a particular group of which the victim is presumed to be a member. As such, hate crime is generally directed towards a class of people; the individual victim is rarely significant to the offender and is most commonly a stranger to him or her." (Mason, 1993). Do these assumptions hold for the people who contact the MPS? What can we learn about 'hate crime' from the MPS information?

Observations through analysis

Domestic violence - often considered as distinct from what is commonly referred to as 'hate' crime - provides a good example of how our analysis has assisted the MPS to think more carefully about hate crime. Investigation, strategic practice and training have all been altered as a consequence of the project. There are approximately 7,000 domestic incidents recorded by the MPS per month, and these make up more than four-fifths of the CSUs' workload (based on incidents between January and June 2001). Although the range of allegations in the domestic incidents reported to the MPS is broad, only a small proportion result in serious injury to the victim.

Having identified these through interrogation of the crime reports, we found that sexual assaults featured strongly. Our analysis shows that domestic sexual assault allegations rarely lead to a charge, let alone a conviction. Yet we found that the perpetrators use weapons and a high level of violence while committing these sexual assaults on their partners or ex-partners. Many of these very serious offenders are also dangerous offenders, and have a string of offences of all types (including stranger sexual assault and murder). Moreover, our behavioural analyst found one in 12 of these offenders should be classified as extremely 'high risk' in terms of their disturbing behaviour. We confirm the research observation that danger increases to domestic violence victims when separating from their partners, and that children in particular are affected by these incidents. Focusing specifically on each reported incident of domestic sexual assault can, therefore, enable operational police officers to effectively target serious and potentially lethal situations.

How does this approach fit in analysing overall patterns between victim and offender that emerge in both racial and homophobic incidents? We found that on first glance, police descriptions of the relationship between victim and offender appear to back up the understanding that the majority of hate crimes are perpetrated by strangers. However, when these incidents are analysed in more detail, a very different picture emerges. Far from being unknown, the offenders in the majority

We have also come to question the separation of domestic violence into a distinct category outside of 'hate crime' (see also Gelber, 2000; Perry, 2001; Stanko, 2001). The level of violence experienced by victims of domestic violence, and in particular victims of domestic sexual assaults, would lead us to ask: why is domestic violence still treated as a crime against an individual, assumed to be non-threatening to the whole community? Domestic violence continues to be treated conceptually as 'just' threatening individual women. Our analysis demonstrates that the patterns of some men's violence extend to other women. Our evidence shows that some perpetrators of domestic sexual assaults commit stranger sexual assaults, and that some offenders may assault a series of partners rather than just one woman.

In a recent article, Stanko suggested the use of the term 'targeted violence' instead of 'hate crime'. While the term 'hate crime' places the responsibility for the violence on 'strangers' and therefore on individuals rather than society as a whole, the term 'targeted violence' places the incident inside the social context within which it occurs. She states: "The social context of targeted violence recognises the special vulnerability of individuals because they are in some relational 'disadvantage' to the perpetrator without bracketing the kind of vulnerability into a category." (Stanko, 2001) The term hate crime obscures the relational advantages or disadvantages that are ever-present in society, and which may underscore the motivation and the power of language and intimidation behind these incidents. If

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of incidents are actually local residents: local youths, school children, neighbours, and work colleagues.

We have found that the majority of racial and homophobic incidents reported to the MPS happen in ordinary, daily situations. These incidents occur in or immediately around the victims' homes, at their place of work, at school and in the street. In addition, the perpetrators are to some extent known to the victim or live or work in the same area. School children dominate racial incidents reported by people during the afternoons. The commonly held belief that homophobic incidents occur mainly during or after nights out at pubs, clubs or cruising grounds is not borne out by Londoners who contact the police.

Consequently, the nature of the 'hate crime' incidents that come to the attention of the MPS appears to be, for the most part, far from the 'stranger-based' image of hate crime. Another problem in the current conceptualisation of 'hate crime' is that much of what is recorded as racial or homophobic incidents involves 'low level' or 'ordinary' crime, such as damage to property, theft, threats or name-calling – situations that are indeed threatening to those who contact the police. These recorded incidents give a sense of how racial and homophobic intimidation contributes to a climate of unease in London. Our analysis also shows that a proportion of incidents start off as so-called ordinary threats and/or criminal incidents, such as altercations or criminal damage arising from neighbour disputes. These are recorded by the MPS as 'racial' or 'homophobic' incidents because racial or homophobic language is used during the incident. As a research team, we have begun to question whether we think about these incidents as 'hate'. We wonder whether these criminal incidents could be used to challenge the way racism or heterosexism is used to justify humiliating another person.

the offender often knows or knows of the victim, this knowledge provides additional resources for abuse, rendering the victim (or the target) additionally vulnerable. We suggest that we will learn more about social difference by learning about different strands of targeted violence and demonstrating through evidence how situations of intimidation overlap and how they differ.

Implications for police practice

A thorough understanding of the general patterns emerging from our analysis of routinely-collected information on hate crime and domestic violence can therefore have many implications for police practice. This applies to all areas of police practice including the investigation of hate crime, strategic thinking and policy making, as well as the development and provision of training to all police officers.

MPS strategy and policy has to be informed by evidence. Evidence comes from the analysis of the criminal allegations (what victims are saying, what offenders are doing, and what information is held about offenders on databases) and the investigation of crime.

The remit of this project is not to explain 'extraordinary' forms of hate crime. It is, however, 'ordinary' hate crime involving perpetrators who are to some extent known to the victim that makes up the bulk of the workload of the MPS and has such an impact on people's lives. This is a very different problem to address, both conceptually and practically. As mentioned above, the project findings on racial, homophobic and domestic incidents all have implications for the way in which resources are targeted. In addition, the policing of 'known' hatred does mean that the police view has to shift from an 'incident-based' perspective focusing on narrow legal definitions. Instead, the social context of the situation needs to be recognised to bring more creative thinking to prevention. There is of course a tension

Racist Violence As Hate Crime

Research by **Larry Ray** and **David Smith** showed many incidents involving racial hostility were complex and interrelated with other social factors.

This article draws on research on the perpetrators of racist violence conducted by the authors from 1998-20001. In the course of the research the publication of the Macpherson Report on the murder of Stephen Lawrence and the subsequent police investigation (Macpherson, 1999) brought the concept of hate crime as a way of understanding racist violence into prominence in the media and in political debate. There is no doubt that Stephen Lawrence's murder bears the hallmarks of a classic hate crime, in which the victim is selected because of his or her perceived membership of a particular social category, defined for example by ethnicity, gender, nationality, social class, or sexuality, and is unacquainted with his or her attackers. But, judging from our research, such attacks are exceptions rather than the norm among acts of racist violence; while we cannot generalise confidently from Greater Manchester to all parts of Britain, we believe that the same pattern would emerge from research in towns and cities in the north and midlands of England with similar demographic and economic characteristics. Given this, the value of seeing racist violence in terms of hate crime can be questioned, and the implications of doing so become problematic.

'Hate crime' is a relatively recent formulation, but one with powerful rhetorical force. It can be seen as an outgrowth of American anti-discrimination legislation of the 1970s: originally applied mainly to racism, it has been extended in the legislation of some US states to cover gender and sexual orientation. In principle, hate crime legislation could encompass almost all imaginable social groups, justified by the claim that victimisation because of what one is, or is perceived to be, carries with it greater hurt than victimisation because of who one is, and that in the interests of public support for the values of harmony, equality and diversity such crimes should be punished more harshly than similar crimes not motivated by hostility and hatred towards a particular social group (Lawrence, 1999). It is essential to this version of 'hate crime' legislation that victims are interchangeable so long as they have the hated characteristic, and that there is no other motive, such as might arise from a pre-existing relationship, that could explain the crime. 'Hate crime' so conceived is essentially and necessarily stranger violence, and tends to presuppose a highly motivated offender acting with some degree of premeditation. The provisions in Section 28 of the 1998 *Crime and Disorder Act* for suspects to be prosecuted for 'racially aggravated' crimes which ought to attract more severe sentences because of their racist motivation, is the clearest instance of this conception of hate crime in the criminal law of England and Wales.

The 1998 Act was implemented after the start of our research, so it was only in the latter half of it that we found subjects for interview who had been convicted of racially aggravated offences. From the interviews, it became clear that the degree of racist motivation acknowledged by offenders bore little relationship to the likelihood of their having been convicted for a racially aggravated crime. Two interviewees who had been convicted of such an offence were among the most consistent and convincing in arguing that motives other than racist hostility lay behind the offence: they claimed that it could only be understood as an outcome of a long-running dispute between neighbours. Others, where the evidence of racist motivation seemed clear, both from the facts of the offence (as far as we could ascertain them) and the attitudes of the offenders, had been convicted of offences without any racial aggravation. This is an obvious example of what we take to be the inherently contestable nature of many acts of racist violence: racism is often one motive among others. The meaning of such offences is problematic, the object of competing definitions and representations of 'what really happened', in which the police, the prosecution, the probation service, magistrates and judges and offenders themselves are all involved. This complexity is what one would expect, given that in almost all cases victims and offenders already knew each other. Typically, the relationship was a commercial one: the victims were South Asians who ran shops, taxis, or restaurants; the perpetrators were their customers. Offenders deployed a familiar set of techniques of neutralisation to explain their offences (Sykes and Matza, 1957): the status of victims was denied through claims of over-charging, or that assaults were actually acts of self-defence; the reality of injuries was minimised; the condemners were condemned (the police were allegedly racist themselves, but had exaggerated the racist element of offences to aggravate their seriousness). If these incidents were properly understood, we were told, it would be clear that the supposed offenders were in fact the true victims. This is not to deny that there

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was a racist element in virtually all of the 64 cases on which we had information; but it is to claim that racist hostility often interacted with an underlying sense of resentment, a readiness to use violence to solve problems, and the historical dynamics of a relationship between the parties that helped to shape the immediate situation of violence.

The conception of 'hate crime' that sees it as stranger violence against interchangeable victims can distort understanding of racist violence at neighbourhood level as well as in respect of individual acts of violence. Oldham became notorious after our research was completed, following the riots of early 2001; but it was clear during our research that the pattern of racist violence, as recorded by the police, was different in Oldham from any other police division in Greater Manchester. The number of racist incidents was disproportionately high in Oldham from the mid-1990s, but its real peculiarity was the high proportion of such incidents in which the victims were white and the suspects Asian. For example, in 1999-2000, 44% of the 494 Oldham victims were white, accounting for 37% of all white victims in Greater Manchester in that year (Greater Manchester Police, 2000). This pattern, acknowledged to be unique in Greater Manchester and possibly in the entire country, was taken for granted but not explained in Oldham's 1999 *Crime and Disorder Audit* (Oldham Metropolitan Borough, 1999). It had also been a recurring theme in the local press over several years; typically, the police divisional commander was cited as the source of the view that Oldham had a special problem of Asian-on-white violence. *The Oldham Evening Chronicle* of 17 March 1998, for example, had a headline: 'Fears growing over plague of racist attacks by Asian gangs'. The story quoted Chief Superintendent Eric Hewitt as saying: "Anyone seems to be a target if they are white and they are vulnerable" – a classic 'hate crime' account. An accompanying commentary noted that 'the police find it impossible to give a reason for the upsurge of Asian violence'.

We could find no demographic or economic reasons for Oldham's apparent uniqueness, and concluded that its figures on racist violence are at least in part a product of the authoritative

definition of the problem that has prevailed locally since the mid-1990s, and has tended to be uncritically reproduced in the local press. It is a definition that encourages whites to define violence as racially motivated and to report it, and sends the opposite message to Asians. And, because it employs a concept of 'hate crime' that abstracts racist violence from its context in local institutional practices (such as those of the police) and in patterns of exclusion, marginalisation and segregation, it can provide no explanation of the phenomenon in terms other than those of individual and group pathology. The classic version of 'hate crime' makes racist violence a unified, well-defined problem, rather than seeing its racist element as part of a complex set of motives developing over time within cultures of violence, resentment and hostility. We do not deny that classic 'hate crimes' happen; but the hate crime concept is inadequate to explain most of the racist violence identified in our research.

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Homophobic Violence as Hate Crime

Leslie Moran explores the challenges that homophobic violence raises for the way we understand 'hate crime'.

Homophobic violence, which I define widely to include physical violence, threats, harassment and verbal abuse, is ordinary everyday violence. Many victim surveys confirm this state of affairs (Stanko *et al* 2002). While the time frame and the sample size of these studies may vary, the experiences reported fall into a common pattern. 70-80% of respondents report experiences of homophobic harassment and abuse. Experiences of serious physical assault are reported by 20-30% of respondents. The surveys indicate that the majority of these incidents take place in public places and involve acts of violence by persons unknown to those who are the targets of violence. Also there is ample (but often overlooked) evidence that significant amounts of homophobic violence takes place in and near the home, in the immediate neighbourhood and in the place of work (including schools and colleges). This is not homophobic violence as stranger danger but homophobic violence performed by those intimate with and known to the one who is targeted (Stanko 2001). The same surveys record that few of these incidents are reported to the police. Furthermore official statistics of homophobic violence (still a rare official category) suggest that levels of reporting homophobic violence are lower than reports of other categories of violence associated with prejudice, such as racial violence (Perry, 2001 and see www.met.police.uk/crimestatistics/index.htm). Victim surveys suggest that the most common reason offered for this is expectations and prior experiences of prejudice from those in the police service.

In crude terms this data has been used in support of an argument that the police and the more generally the criminal justice system do not take homophobic violence seriously. The rhetoric and politics of defining hate crime have become an important dimension of the activities of those who seek to change this state of affairs in most common law jurisdictions (Jenness and Broad 1997; Jenness and Grattet 2001; Mason and Tomsen 1997). In the UK attempts to introduce or extend 'bias' or 'hate' offences and related sentence enhancement provisions to include sexual orientation have to date been unsuccessful (Thatchell 2002). In the UK, as in the USA, the rhetoric and politics of hate crime have had most attention, in terms of law reform, in the context of racial violence and most recently religious prejudice. As Jenness and her colleagues illustrate, the addition of sexual orientation is usually perceived to be much more politically controversial and hence problematic.
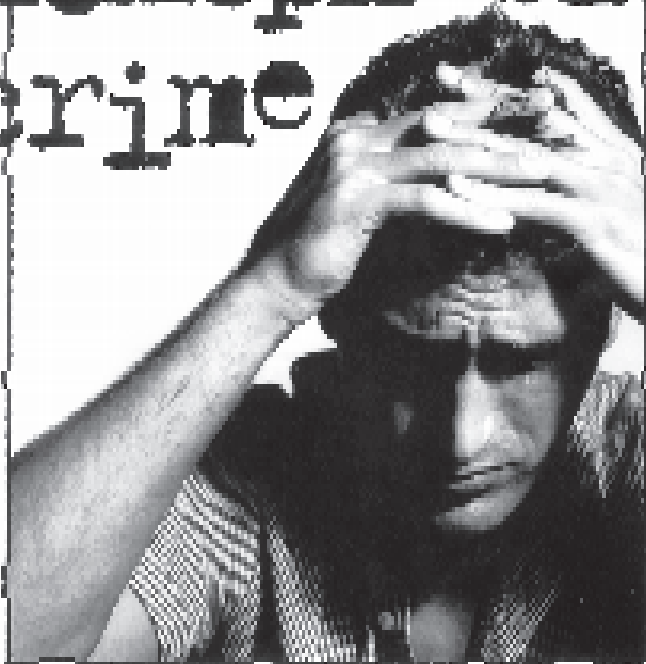
In the UK a greater success has been achieved in the characterisation of homophobic violence as hate crime in administrative and bureaucratic contexts. For example the *Guide to Identifying and Combating Hate Crime: Breaking the Power of Fear and Hate* produced by the Association of Chief Police Officers includes homophobic incidents as a category of hate crime. The guide is a statement of 'agreed strategies and tactics' and 'good practice' for policing hate crime. It is intended for 'front line police staff, their line managers and also senior managers' (ACPO, 2000). While the administrative and bureaucratic impact of naming homophobic violence as hate crime varies across police services, some changes are slowly taking place. Posts with responsibility for lesbian gay bisexual transgender (LGBT) liaison are being established. Other developments include enhanced training, new recording practices, new protocols for investigation, changes in victim support services and new or extended mechanisms for closer LGBT community relations and advice.

Various major challenges to taking homophobic violence seriously still loom large. One is that there is still little research on the current policing and criminal justice response to homophobic violence. Little is known about how administrative changes are impacting upon the police response to homophobic violence. More generally, little is known of lesbian and gay experiences of the provision of police services. One source of information about the impact of policing is official data. Statistics produced by the Metropolitan Police make depressing reading. Clearup rates for homophobic incidents in London, for the financial year 2000-2001, varied from a high of 24.5% in Westminster to a low of 14.7% in the North East sector of the Metropolitan Police area. In some areas of London monthly clearup rates are as low as 8% (2002/Feb. South East. For the same period clear-up rates for racial incidents recorded a high of 39.8% in Westminster and a low of 24.2% in the South East.)

A second challenge takes the form of low levels of reported violence. Unless individuals report, so the argument goes, the police can do little to pursue perpetrators of violence or provide assistance to respond to the specific security and safety needs of those targeted through these acts of violence. The dominant response to this lack of reporting has been twofold. The first dimension promotes the reform of the police service to reduce the homophobia of those who provide the service. A second dimension is the development of more diverse reporting mechanisms, including third party and anonymous reporting. While these changes are important there remains little evidence that they have made a dramatic impact on reporting levels, either in the UK (where they are relatively new developments) or in other jurisdictions. How is the apparent reluctance to report homophobic violence to be understood?

One of the important factors that has received relatively little attention so far is the uncritical assumption of the 'crime paradigm'. Stanko and Curry (1997) have drawn attention to the way the 'crime paradigm' informs victim surveys that document the reporting gap, and much of the associated activism that seeks to reduce that gap. The 'crime paradigm' generates an assumption that those who have suffered harm will always

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homophobic crime

is hate crime

It hurts. It's illegal. It can be stopped.

institutional landscape of criminal justice. One dimension of this changing landscape is captured in the paragraph that opens the ACPO Guide. It opens with the following statement:

"Hate Crime is a most repugnant form of crime. The police service alone cannot be effective in combating it. The active support of partner agencies, group leaders, communities, witnesses and victims is essential to effective prevention and investigation." (ACPO 2000)

On the one hand these remarks announce the seriousness of hate crime (including homophobic incidents) as a threat to order. At the same time they formally declare the limited capacity of the police, one of the key institutions of the sovereign state dedicated to the provision of internal order, safety and security, to deal with that threat to good order. David Garland has commented that, far from having a monopoly over responses to crime the state now seeks to, "spread out the crime control effort beyond the specialist state organizations that previously sought to monopolize it." (Garland 2001). Disorder and insecurity is now being addressed by way of state institutions set within a public/private multi-agency network. The *Crime and Disorder Act 1998* gives this contemporary shape and legitimacy. Certainly the first round of crime and disorder safety audits and strategies produced under that legislation suggested that little attention was being paid to either homophobic violence in particular or lesbian and gay safety more generally in this wider network of safety and security providers. Homophobic hate crime initiatives need to address this institutional shift and take it more seriously.

At the same time as the criminal justice state is loosening its monopoly over safety and security provision, demands for new laws and sentence enhancement provisions are reinforcing the role of the state. A concern here is the way lesbian and gay demands for reform are being aligned with a law and order politics that promotes what Garland has described as 'punitive segregation'. Of particular concern is the emphasis on retribution as a primary objective of punishment. The following observation by Murphy and Hampton (1998) draws attention to various attributes associated with retribution: "...criminal law institutionalizes certain feelings of anger, resentment and even hatred that are typically directed towards wrong doers, especially if we are the victims of those wrong doers."

There is a certain irony in the possibility that demands to take homophobic hate motivated violence more seriously may take the form of demands for an institutionalised form of hated.

By way of conclusion I turn to a comment made by Barbara Perry. She captures an issue which for me is at the heart of attempts to respond to homophobic violence. She observes, "In a generally-homophobic culture, violence motivated by hatred is not deviant behaviour. In fact it conforms – It is an affirmation of the gendered and sexualised hierarchy that constitutes the 'legitimate' social order." (Perry, 2001 emphasis added). The challenge is how to address and respond to this state of affairs in order to bring it to an end. Making homophobic violence into 'hate' crime (a new category of violence in general and crime in particular) is a solution that is fraught with problems. Furthermore it is far from the only approach. Much remains to

define either the incident or the injuries as 'crime'. In turn it presupposes that once so defined individuals will invoke the protective institutional mechanisms traditionally associated with 'crime' (policing and criminal justice) as the first and perhaps only response. These assumptions are problematic. For example research data generated as part of the ESRC Violence Sexuality Space project examining homophobic violence and safety, suggests that lesbians assume high levels of personal responsibility for their own safety.

Violence is rarely framed according to the crime paradigm, particularly in terms of the immediate problem of managing homophobic violence and the threat of violence. While perceptions and expectations of prejudice associated with the police and criminal justice system may be one factor in this state of affairs it is unlikely to be the only factor. In general the crime paradigm may well be an exceptional and last resort approach to making sense of violence or the need to manage violence and safety. If changes to policing and new reporting mechanisms are to be useful and reasonable more research needs to be done to understand how and when law and criminal justice paradigms come into play in lesbian and gay experiences of safety and danger. In turn the 'crime paradigm' that informs and generates expectations and demands needs to be questioned and rethought.

Another challenge is associated with the continuing demands for new laws in particular the introduction of new offences of 'hate' or 'bias' crime together with sentencing enhancement provisions. I explore these in more detail elsewhere (Moran *et al* forthcoming 2003). In brief this challenge relates to a need to place demands that homophobic violence be taken seriously in the context of changes in the

Sending Out a Message: hate crime in Northern Ireland

In Northern Ireland, despite the peace process, there has been no decrease in sectarian violence. In a society in which mutual trust and tolerance have to be re-established, **Graham Ellison** asks whether 'hate crime' laws should be introduced.

For those optimists who assumed that the Good Friday Agreement in April 1998 marked a new beginning for Northern Ireland where the politics of intolerance would gave way to tolerance and mutual respect, the events of subsequent years must have come as something of a shock. The collective euphoria of the early days of the peace process, replete with iconic (and no doubt staged) images of young Catholic children embracing British soldiers, and the sight of David Trimble and John Hume dancing rather self-consciously to pop music at a rally, have given way to altogether more disquieting images of the annual Drumcree protests, the carnage of the Omagh bombing (in 1998) and the sight of Catholic primary school children running the gauntlet of loyalist sectarian abuse and anger during the Holy Cross debacle. Of course, processes of peace making and conflict resolution, be they in Bosnia, South Africa, Israel or indeed Northern Ireland are fragile and unpredictable affairs. For the most part they are governed by long periods of inertia, the odd spurt towards reconciliation, and the occasional lapse into hopelessness and despair. Certainly, as MacGinty (2001) points out, the very existence of a peace process in ethnically divided societies can very often have the effect of engendering insecurity amongst those members from the majority ethnic bloc – in this case Protestants in Northern Ireland – who feel that their once dominant status is being eroded and that the peace process itself is delivering concession after concession to the 'other side' with little in the way of reciprocation.

Sectarian violence and victimisation

The peace process appears to have brought with it little by way of inter-communal harmony, with recent research suggesting that sectarian divisions between the two main communities in Northern Ireland have worsened significantly since the start of the process, while residential segregation has also increased to the point where it is now possible to speak of social and spatial apartheid. For instance, in 1990, 50 per cent of the entire Northern Ireland population lived in areas that were ninety percent Catholic or Protestant, whereas recent data shows this to have increased to 66 per cent (Shirlow 2002).

While the Royal Ulster Constabulary (now the Police Service of Northern Ireland) only began separate recording of incidents believed to have explicit sectarian motivation since April 2001, the data suggest that the number of arson attacks, assaults and bombings alleged to have sectarian motivation have rocketed in recent years. Similarly, in a self-report study conducted with 14-18 year olds in Northern Ireland, Ellison (2001) found that sectarian assaults and harassment were a significant feature of young people's lives. For example, almost half the sample had experienced some form of sectarian harassment (taunting, name calling and so on) while almost one third had been assaulted because of their religion or ethno-national affiliation. However, the bulk of all forms of sectarian victimisation impacted disproportionately on young Catholic males from urban working-class areas, who were twice as likely to be victimised in this way than their Protestant counterparts.

This is not to suggest, however, that sectarianism is the only problem in Northern Ireland. The almost universal focus on inter-communal conflict has tended to overshadow the growing number of attacks on members of Northern Ireland's minority ethnic communities, while incidents of 'gay bashing' and homophobic violence have recently given cause for concern.

Racially motivated crime and racist incidents

Northern Ireland has traditionally been seen as a relatively homogeneous society in racial terms. Precise figures for the size of Northern Ireland's minority ethnic communities are somewhat difficult to obtain (since the 2001 census figures have not yet been released) but most commentators estimate the total minority ethnic population to be between 15,000 and 20,000, out of a total population of 1.5 million.

The relatively small size of Northern Ireland's minority ethnic population, its relative invisibility, and general absence of this section of the community from social policy considerations, has tended to foster the impression that members of Northern Ireland's minority ethnic communities are living in a paragon of racial tolerance. In social policy terms the *Race Relations Act for England and Wales* (1976) was only extended to Northern Ireland in 1997.

However, recent research from the Northern

Howard Davies/Exile Images

Ireland Executive (Jarman 2002), based on an analysis of police recorded statistics between 1996 and 2000, suggests that there has been a 400 per cent increase in the volume of racially motivated incidents recorded by the police during this period. Indeed, when scaled up to the size of Northern Ireland's population this would represent something like 20,000 racially motivated incidents per annum. Of course, the actual situation is likely to be much more serious since the official police figures are likely to grossly under-represent the nature and extent of racially motivated attacks and harassment since by definition they only include those incidents that the police come to know about.

Homophobic Violence

Northern Ireland can also be regarded as a morally and socially conservative society, particularly in relation to gay and lesbian issues. It was only in 1982 that homosexual acts between consenting adults were decriminalised in Northern Ireland (1967 for England and Wales). This was in spite of a voracious campaign led by the Rev. Ian Paisley under the theme of 'Save Ulster From Sodomy' to retain the existing legislation. Indeed, attitudes to same-sex relationships appear to be viewed rather more censoriously in Northern Ireland than in other regions of the UK (Devine & Dowds, 1998). Similarly, research conducted by Birkett (1998) suggests that homophobic bullying is a significant problem in Northern Ireland schools, and that many teachers either refuse to discuss gay and lesbian issues altogether, or only refer to them obliquely under the aegis of sexually transmitted diseases and HIV, a position that is in direct contravention of Department of Education guidelines.

A homophobic incident monitoring scheme was established by the Royal Ulster Constabulary in 2000. This suggests a steady increase in the nature and frequency of homophobic attacks, although once again these are likely to significantly under-represent their actual occurrence.

Should hate crime legislation be introduced in Northern Ireland? There have been calls in the Northern Ireland Assembly for specific 'hate crime' legislation to be introduced to Northern Ireland. This has been motivated in part by certain provisions of the *Crime and Disorder Act (1998)* in Britain, and the situation in the US whereby tougher penalties may be imposed by a court if it can be proved that a particular offence was racially motivated. Indeed, a strong case may be made for the extension of 'hate crime' legislation to Northern Ireland given that such crimes can be regarded as 'message crimes' that attempt to send a signal to members of particular groups about their undesirability, be they Catholics or Protestants, Irish Travellers, members of minority ethnic groups, or gay men and women. In addition, while the victims of 'normal' crime may not feel that they have been singled out because of the group they belong to, research evidence from the United States suggests that the victims of 'hate crime' experience much more serious psychological and emotional trauma, as they feel that they have been targeted because of who they are and their group affiliation.

However, this is not to imply that 'hate crime' legislation should be perceived as a panacea to cure the problems of a deeply divided society. Certainly, there are problems. Rather than see particular social phenomena (racism, sectarianism) as rooted in complex structural problems, the concept itself might reduce these to the rather simplistic and analytically redundant concept of 'hate'. Likewise, what behaviours should be defined as 'hate crimes'? A number of feminists for example, have argued that domestic violence should also be classified as a 'hate crime' while others have argued that crimes against people with various disabilities should also be included. There is also the problem from the United States whereby several aspects of 'hate crime' legislation have been ruled unconstitutional under the First Amendment that guarantees the freedom of speech, a factor that may also have implications under the *Human Rights Act (1998)*. Finally, as Garland (2001) has noted, there is also

Faith and Prejudice: sectarianism as hate crime

Colin Cramphorn explains the complications of defining crimes motivated by sectarianism.

In the aftermath of the Stephen Lawrence Inquiry, the police service entered into a period of intense reflection and reassessment. There were many painful realities that had to be faced up to and questions that had to be answered. One of the most pressing was how to improve targeting of racially motivated crimes to prevent them in the first place, or to effectively investigate them to a successful conclusion. The concept of 'hate crime' was developed primarily in response to racially motivated crimes, however, it was recognised within police circles from the very start that hate crime was a much wider issue, as this edition of *Criminal Justice Matters* makes clear. Hate crime is defined in the Association of Chief Police Officers (ACPO) *Guide to Identifying and Combating Hate Crime* as: " ... a crime where the perpetrator's prejudice against any identifiable group of people is a factor in determining who is victimised" (ACPO, 2000: 13). Homophobic and religious hatreds were obvious motivations for some crimes and were therefore recognised as additional species of hate crime.

Notwithstanding the Home Office's own research into religious discrimination in England and Wales (Weller *et al.* 2001), religious motivation for crime was not regarded as a major concern outside Northern Ireland and the west of Scotland prior to the events of September 11th 2001. In their aftermath, religious prejudice became a highly contentious issue throughout the UK. The passage of the *Anti-terrorism, Crime and Security Act 2001* through Parliament in December 2001 highlighted the degree of contentiousness and the lack of consensus around this issue. Parliament rejected a provision to create a criminal offence of 'incitement to religious hatred' to mirror and match the long standing, if infrequently used, offence of 'incitement to racial hatred' (s. 17 *Public Order Act 1986*). It did, however, pass amendments to part 2 of the *Crime and Disorder Act 1998* and section 153 of the *Powers of Criminal Courts (Sentencing) Act 2000*, making religious motivation an aggravating factor for sentencers to take into consideration when dealing with the commission of assaults, criminal damage, public order offences and harassment.

Sectarianism is often regarded as just a segment of wider religious prejudice as motivation for criminal acts, being intra-faith religious prejudice as contrasted to inter-faith religious prejudice. But it is more complex than this, as the Oxford English Dictionary definition of sectarianism illustrates: "adherence or excessive attachment to a particular sect or party, especially in religion; undue favouring of a particular denomination". This raises questions about how to define what is and is not a religion, and what actions, if any, might properly be described as sectarian. This is more than semantics, particularly for those framing legislation and those who have to try to apply such legislation.

There is an old Belfast joke about a Jewish youth walking up the Antrim Road in the north of the city, an area where Protestant and Catholic communities have lived cheek by jowl since the industrial growth of the 19th century. The Jewish youth comes upon two rival gangs facing up to each other. Surprised by his arrival they turn on him and ask him what he is and naturally he replies Jewish. This momentarily

> *Whilst there is an obvious religious context to the sectarianism of Northern Ireland, it is wrong to describe it purely as a matter of religion.*

causes both groups to pause until one youth, rather quicker than the rest, asks: "Ah yes, but are you a Catholic Jew or a Protestant Jew?" This joke illustrates how in Northern Ireland these issues of definition have been reduced to a simple bi-polarity to distinguish between friend and foe. It is simplistic and inappropriate to use Catholic and Protestant allegiances in this way: i.e. as a proxy for the many other divisions one can identify in Northern Ireland, nationalist and Unionist, Republican and loyalist, Gaelic-Irish and Ulster-Scot, etc; nevertheless, it is done. And this brings with it an intensity and bitterness which those looking on from the outside find hard to comprehend in religious terms, because it cannot be understood in such terms alone. Whilst there is an obvious religious context to the sectarianism of Northern Ireland, it is wrong to describe it purely as a matter of religion.

A real example perhaps best illustrates this point. On the evening of 20th May 2002, near the Oldpark Road in north Belfast, a three-year-old toddler

followed a neighbour's cat whilst his mother's attention was distracted, ending up on a nearby playing field. There he was set upon by a group of boys between 10 and 13 years old. His screams attracted the attention of a neighbour who rescued him. Fortunately he was not seriously injured. In press reports the following day his mother was quoted as follows; "It was sectarian. There's no other reason because they've stolen his bike before because they know we're Protestants" (*The Newsletter*, 2002). Clearly the mother's perception of the motive for the attack was built on her own sense of identity as a Protestant and that of the group of 10 to 13 year olds as Catholic. But none of these children are likely to be capable of properly distinguishing between their respective denominations; Protestant and Catholic are thus reduced to convenient symbols for 'us' and 'them'. Sectarianism, whilst related to religious affiliation, is, therefore, more than a simple matter of religious prejudice.

It is for such reasons that historically no separate statistics were recorded in Northern Ireland for sectarian crimes and/or incidents. Individual crimes or incidents which were perceived as having a sectarian motivation were recorded as such, however statistics were not produced from these individual reports. The risk was always that subjectivity, prejudice and political manipulation would undermine any value such data had as a barometer of inter-communal strife, for which there were better descriptors. For example, in attributing paramilitary style assaults, shootings, bomb attacks and other security situation statistics, the Police Service of Northern Ireland uses the descriptors 'Republican' and 'loyalist', as did the Royal Ulster Constabulary GC.

Sectarianism in Northern Ireland is therefore a complicated and multi-faceted phenomenon, all too frequently used in the political lexicon as a value judgement about the morality of the act concerned and of the relative worth of those involved. Nowhere else in the

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world, so far as I am aware, would politicians, academics and public officials freely talk of ordinary decent crime (ODC), without a sense of irony. Yet in Northern Ireland this is the case, so that to apply the epithet 'sectarian' to a crime immediately elevates it above ODC in terms of its political significance. By definition it makes it abnormal and hence demonises both the act and those responsible for it. Conversely one's own worth, as determined by the relative degree of victimisation one has suffered, is elevated. In Northern Ireland it is not unusual to see individuals and groups striving to secure for themselves the status of 'true' victims in order to establish moral superiority over their rivals.

For the police this means that great care must be taken not to become a tool to be deployed to bolster a particular political position, campaign or aspiration. The reality of Northern Ireland is that Catholic and Protestant have become descriptors of community background rather than religious belief or observation. And yet some terrorist crimes have been motivated by religious prejudice. There are, for example, some Protestant paramilitary groupings who quote scriptural justifications for their actions and who believe that Catholicism represents the anti-Christ. Their crimes are, therefore, sectarian in the religious as opposed to the community background sense.

When all these complexities are taken into account, applying ACPO's generic principles regarding hate crime to sectarian crime is extremely difficult. Yet, hate crime is an especially useful concept when seeking to deal with vulnerable groups of victims, whether they be racial or ethnic minorities, the gay and lesbian community, asylum seekers and refugees, or any other minority group. The population of Northern Ireland is overwhelmingly made up of white Caucasians, with an increasingly even split between those of a Catholic community background and those of a Protestant community background. It is anticipated that the 2001 census will show 46% or so Catholic and 52% or so Protestant, so neither community can therefore be described as a true minority and therefore as vulnerable per se. But on the other hand, anyone who saw on their television screen the picketing of the Holy Cross school in north Belfast during the autumn term of 2001 and the acts of criminality associated with it, could not fail to have seen the hatred that was openly displayed.

Policing such a deeply divided society as Northern Ireland frequently requires such conundrums to be addressed. There is great danger in making simplistic 'read-across' comparisons with policing in either Great Britain or the United States. Sectarianism, whilst having some characteristics in common with racism or homophobia, is more culturally specific in its manifestations. The Police Service of Northern Ireland therefore takes each case on its merits and records the evidence and the perceptions of those concerned in crimes where the issue of sectarianism arises. Out of total recorded crimes of 139,786 for 2001/02, 3,827 (2.74%) offences were recorded as motivated by sectarianism. Whilst this takes no account of their relative seriousness as offences, it does help to provide a sense of scale to the issue.

No one should doubt the degree to which sectarianism blights the communities of Northern Ireland. Equally no one should underestimate its complexity and therefore over-simplify the issues that it raises. For police officers dealing with the human consequences of such irrational and prejudiced behaviour, the first priority must remain provision of a professional, responsive and customer focused service. Sadly, their ability to do so is, on occasion, constrained by the sectarian prejudices they face from both Protestants and Catholics. In fact the police truly are the third force in the sectarian cock-pit of Northern Ireland.

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Perceptions of Racist Crime and Victimisation in Scotland

Ian Clarke and **Susan Moody** report on how the courts have responded to the introduction of racially aggravated offences to Scots Law

Section 33 of the *Crime and Disorder Act 1998* created two new offences in Scots law: racially aggravated harassment and racially aggravated conduct. The Scottish Executive Justice Department commissioned us to evaluate the impact of these new offences, and to explore the views on racist crime and victimisation of criminal justice professionals and representatives of minority ethnic communities. (In Scotland, in the 1991 census, 1.3% of the population — nearly 45,000 people — described themselves as other than 'white', of which the three largest nationalities were Pakistani, Chinese and Indian.) The research involved sending questionnaires to a sample of minority ethnic organisations, followed by four group interviews with a sample of questionnaire respondents. Depersonalised statistics from the Scottish Criminal Records Office (SCRO) on outcomes of court cases involving the new offences were analysed. Finally, case studies in each of the eight Scottish police force areas were conducted, involving the analysis of a sample of cases from court and prosecution records and interviews with police officers, senior prosecutors and sheriffs.

Key findings

The questionnaire responses showed that the most common type of racist incident that came to the attention of minority ethnic organisations involved verbal abuse and threats, with property damage and physical attacks reported much less often. One third of respondents said they heard about racist incidents 'frequently'; over half said this happened 'occasionally'. There was a perception amongst group interview participants that many racist incidents were committed by young people aged under 16, and that because of their age there was little that the statutory authorities could, or would, do to punish them.

It emerged from the questionnaires and the group interviews that much 'low-level' and persistent racist behaviour is not reported to the police. Numerous reasons were given for victims not reporting incidents, including fear of retaliation, the risk of making matters worse, and lack of trust in the statutory authorities. Some of those attending group interviews felt that the police, especially beat officers, neither took racist incidents seriously enough nor pursued them vigorously. The interviewees were concerned about delays and variability in police responses, though others had seen some improvement in police service delivery.

Court proceedings were regarded as highly formal and intimidating, while the layout of most courts meant that witnesses could find themselves in close proximity to the accused and their families/friends while waiting to give evidence. Some participants suggested that many victims suffered further harassment while waiting for cases to come to court and believed that even custodial sentences would not necessarily prevent the continuation of racist behaviour by families and friends of offenders.

SCRO statistics showed that 450 cases involving the new offences were taken to court during 1999 and 2000, most (404) of which were against single accused. There were 480 people accused of racist offences, of whom 420 were male. They faced 536 statutory racist crime charges: 499 of racially aggravated conduct, 31 of racially aggravated harassment and six under the *Public Order Act 1986* (incitement to racial hatred); and 318 other common law and statutory offences, a third of which were assaults. The statistics were not, however, able to show how many racially aggravated common law charges such as assault or breach of the peace came to court. Three quarters (73%) of the accused were convicted of one or more racist offences, and the remainder were acquitted of all the racist offences they faced.

The SCRO statistics also showed that during 1999 and 2000, 45 cases involving racist crimes allegedly committed by young people aged between 9 and 16 were referred to children's hearings, and 161 such cases were referred to the Children's Reporter.

Discussion

The new offences were drawn quite widely to capture a range of different behaviours, but with the common element of a perpetrator evincing malice or ill-will towards someone from a different racial group. Whilst the representatives of minority ethnic organisations we spoke to saw racism predominantly in terms of the victimisation of visible ethnic minorities, the research found a few other examples, such as victims who were European, asylum seekers, or English. It was clear that the statutory authorities have used the new offences, and not just in areas with the highest minority ethnic populations: during 1999 and 2000 the new offences were prosecuted in 30 of Scotland's 49 sheriff courts (and many of the other courts are in rural or island communities with extremely small minority ethnic populations). In Scotland, less serious cases involving young people aged 16 and under are

usually referred to the Children's Reporter and, if necessary, then to children's panels instead of being prosecuted in the courts.

It is, of course, too early to say whether the use of these measures will deter offenders, but there are indications (from non-analogous previous convictions in the court records) that for some offenders, racist behaviour is only one element of a range of 'low-level' criminality for which they have been prosecuted. Some of these people clearly had chaotic lifestyles, characterised by alcohol and drug abuse, and racism was only one of their many problem behaviours.

Police statements showed that a minority of offenders had hotly disputed the charge of racism, citing their friendships with non-whites. A number of the sentencers we spoke to had distinguished between casual verbal insults uttered in the heat of an altercation, whether intentionally hurtful or not, which they regarded as mostly trivial, and language 'with a fascist tinge', which they were prepared to treat much more seriously. A few of the group interview participants did express fears of a 'white backlash' if the new offences were used in a disproportionate way.

Conclusion

From the perspective of those subjected to regular racist victimisation, though, these distinctions, while important, would probably carry little weight. For example, those who work late at night in takeaway food establishments may be subjected to racist verbal abuse, or worse, by a large transient customer population in varying stages of inebriation. Individual incidents may be unconnected, but undoubtedly have a cumulative and debilitating effect on victims. Likewise, shop owners subjected to repetitive harassment by local children may feel more threatened by the frequency and persistence of incidents than by their seriousness. While successful convictions may make some people think twice before being verbally abusive again, such behaviour seems to be deeply ingrained in others, and the absence of punitive sanctions against young people who commit such crimes seems to provide little incentive for victims to report them to the authorities.

The new offences alone are unlikely to put a stop to racist behaviour. What, then, can be done? Persistent racist offenders need to be identified by careful scrutiny of police reports and treated appropriately, though we do not claim expertise in how that should be handled. Perhaps a public anti-racism campaign might help to raise awareness about the impact of racist behaviour on victims, and we believe that work of that nature in schools is also crucially important if the culture of racist name-calling that seems to exist in some areas is to be successfully dislodged. Finally, those most frequently victimised may require greater support from statutory agencies to enable them to participate effectively in the prosecution of those responsible.

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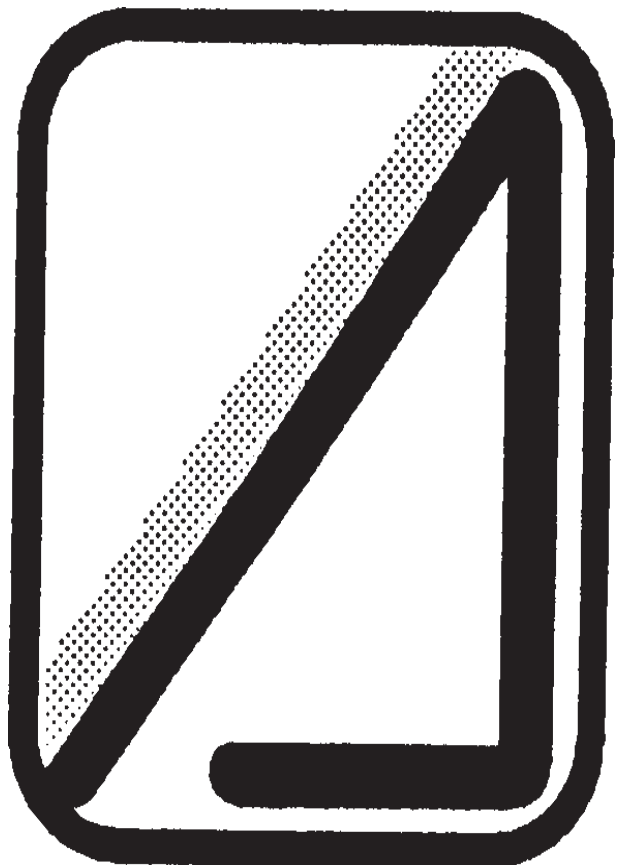
Hate Crime:
the struggle for justice in Scotland

Elinor Kelly asks whether debates within Scottish institutions will lead to greater justice for victims of hate crimes.

In Scotland, there is a long-standing judicial tradition that crimes motivated by hatred of the race, religion or denomination of the victim should be treated the same as any other, even in cases of murder. This tradition was punctured by a number of trials in the 1990s which were so manifestly a travesty of justice that they became *causes célèbres*, the focal point of campaigns which demanded that Scotland's courts change their ways and face the facts of racism and sectarianism. The names of Imran Khan, Surjit Singh Chhokar and Mark Scott are now carved into the history of popular struggle and judicial reform.

At the time this article is being written, a historic debate has just taken place in the Church of Scotland in its May General Assembly and the Scottish Parliament is considering whether to support the insertion of amendments against religious and sectarian aggravation into the Criminal Justice Bill due in the autumn. The Church of Scotland has, at

immigrants from Ireland were confined to the poorest conditions, while Protestant immigrants were preferred. Catholics and Protestants were as effectively segregated in the industrial cities and towns as they were in Northern Ireland, contained within two unequal cultures of separate worship, education, social life and politics.

Few Scots broke the uneasy silence that obscured the bigotry. Frequent mass displays of sectarianism during Orange and Hibernian marches, and by crowds of football fans following the Old Firm —Celtic and Rangers —have been tolerated without protest throughout the twentieth century. There was a strange pact on both sides of the religio-political divide that nothing should be said. The pact was broken in 1999 by one of Scotland's greatest musicians, James Macmillan, when he gave a passionate lecture about 'Scotland's Shame' and by Cara Henderson, who launched the campaign against sectarianism, 'Nil By Mouth'. Macmillan spoke out when he realised that

> *There was a strange pact on both sides of the religio-political divide that nothing should be said.*

last, repudiated its infamous and racist report of 1923 — *The Menace of the Irish Race to our Scottish Nationality* — and undertaken to work with the Catholic Church to try and eradicate sectarianism. This is an impressive shift in the Scottish climate of opinion. It increases the possibility that legal measures against sectarian and religious hatred may be introduced into Scotland. But there is still no certainty, even in the aftermath of September 11th, and yet another murder trial in which sectarian hatred featured prominently.

How can this be? The starting point for understanding Scottish response to crimes of hate lies in the bitter history of struggle between Presbyterian (later loyalist) Protestantism, and Jacobite (later republican) Catholicism that erupted in the seventeenth century and spread into what became Northern Ireland. In the early twentieth century, the Church of Scotland campaigned against Irish immigration on explicitly racist grounds, as documented in their 1923 report *The Menace of the Irish Race to our Scottish Nationality*, and the speeches of the demagogue John White who preached in 1930 that "Rome now menaces Scotland as at no time since the Reformation". In mines and shipyards, housing and welfare, Catholic

the third generation of his family, his daughter, was being subjected to sectarian abuse; Henderson was stirred into action after her friend, Mark Scott, was killed in 1995 and another young man, Sean 0'Connor, was viciously attacked in 1997 — because they were supporters of Celtic. Henderson was particularly inflamed when Donald Findlay, the defence lawyer of both the accused men, was filmed singing some of the most inflammatory sectarian songs after trials in which the issue of sectarian hatred was put aside.

Macmillan and Henderson have been supported by Andrew Mclellan, Moderator of the Church of Scotland who preached in a Catholic Cathedral and accompanied Scottish Catholics to Rome, and by Donald Gorrie, Member of the Scottish Parliament, who drafted a bill, *Protection from Sectarianism and Religious Hatred*, to make sectarian behaviour an aggravation of a criminal offence.

Parallel with the breaking of silence on sectarianism, Scotland has been severely dented by revelations about racism deep within its justice system. In 1989, Edinburgh police and the high court refused to acknowledge the racism that motivated the killers of Axmed Abuukar Sheekh, a Somali refugee. The campaign for racial justice that was launched around the Sheekh case led to changes in police practice, but

no change in the courts. In February 1998, a Glasgow school boy, Imran Khan, died after a fight between his Asian friends and white youths led by twin brothers renowned for their racism. The subsequent trial became notorious because of statements by Donald Findlay, defence advocate, and the trial judge.

In the same year, Surjit Singh Chhokar was killed in a Lanarkshire town after being ambushed by three men on his way home. Only one of the men accused was brought to trial, but acquitted for lack of evidence, causing the trial judge to make a public statement questioning the way the prosecution had been conducted. A second trial was initiated, resulting in failure to convict. In the aftermath of the first trial the Chhokar Family Justice Campaign was launched led by the young lawyer, Aamer Anwar, who has proved to be an extraordinarily effective critic of judicial complacency by mobilising the anti-racist movement, trade unions, community groups and the media to challenge the status quo.

The Chhokar Campaign coincided with the aftermath of the Stephen Lawrence Inquiry, penetrated the new Scottish Parliament, and caused such major embarrassment that Scotland did not resist the new measures on 'racist aggravation' and

The trial judge sentenced the accused man to twelve years in prison, and made the long-awaited statement "the Scottish courts will not tolerate racially motivated attacks".

'racist harassment' that were passed in Westminster. In May 2001, a man charged with a terrifying racist campaign against Nadia Khan and her boyfriend was found guilty not only of attempted murder but also of racially aggravated breaches of the peace. The trial judge sentenced the accused man to twelve years in prison, and made the long-awaited statement "the Scottish courts will not tolerate racially motivated attacks". In 1999-2000, 480 persons were brought to trial charged with one or more statutory racist crime charge; 348 were convicted.

The Khan-Chhokar-Lawrence nexus has proved so effective that it raised hopes of further change. If the culture of Scottish courts could be turned against racist crime, then surely the same could be achieved for other forms of hate crime? For years, Muslims in Britain have been campaigning for amendments in legislation that would give them judicial restitution for Islamaphobic abuse and attacks. When, in the aftermath of the September 11th attacks, the Westminster Parliament voted in favour of the *Anti-Terrorism, Crime and Security Act*, and specifically the extension of the measures dealing with 'racist aggravation in crime' to include 'religious aggravation', hopes were high that the Scottish Parliament would immediately vote in favour of the same measures being applied in Scotland. After all, both Muslim and Jewish sites in Scotland had been targeted for attack and Muslim women and children,

in particular, were being subjected to unprecedented levels of abuse. Rapid moves towards judicial restitution of crimes against Muslims were essential. Moreover, if the extension to include religious aggravation were made, would it not make sense to include sectarian as well?

But the Khan-Chhokar-Lawrence effect has faded already. Westminster's measures have not been accepted and Donald Gorrie's proposals have been shunted into legislative sidings. The Scottish Parliament has created a working group on possible legislation to tackle religious hatred. This group has dawdled its way through occasional meetings and Donald Gorrie has now withdrawn his private member's bill. He hopes to achieve more by way of debate through proposing amendments to the *Criminal Justice Bill* that is due to be debated in the Scottish Parliament in the autumn. Scottish inertia, temporarily suspended as a result of campaigning onslaught, has reasserted itself.

The Church of Scotland debate included some uncomfortable moments of soul-searching about its historical role in leading a racist campaign against the Catholic Irish, and in perpetuating sectarianism. The Scottish Parliament debate revealed whether our politicians learned any lessons from the bitter legacy of the 1990s. We are now entering the next round of the struggle between inertia and the urgent need for change if victims of hate crimes are to receive justice.

■

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Is Football 'Hooliganism' a Hate Crime?

Jon Garland and **Mike Rowe** argue that football related violence can take many different forms and while some incidents involving the far right may be close to 'hate crime', other incidents of 'hooliganism' are not.

In the aftermath of the three nail-bombing incidents in London in 1999 the debate surrounding the issue of 'hate crimes' became more prominent in the United Kingdom. Two of these bombings occurred in areas containing significant minority ethnic populations (Brick Lane and Brixton) whilst the third took place in a bar in Soho popular with the capital's gay communities. The fact that these incidents were carried out by a single individual, David Copeland, who was motivated by extreme racism, sparked a debate in Britain regarding the nature of such 'hate crimes' and how they should be punished. This debate has followed in the wake of a more long-standing controversy regarding hate crimes in the United States, where legislation combating such crimes already exists.

the National Front attempted to recruit fans on matchdays and was implicated in a series of disorderly events at fixtures over the course of the next two decades, while the extremist faction Combat 18 was amongst those orchestrating violence at the Holland versus England game in 1993. The disorder surrounding the Ireland versus England match in Dublin in 1995, which saw the game abandoned as English 'supporters' rioted within the stadium, was especially newsworthy. However, it is argued here that these incidents were not illustrative of hate crimes as such.

Whilst there is some evidence that organized and openly racist political groups were behind the disorder, the main aim of the violence was to deal a blow to the ongoing political dialogue regarding the

> *The main aim of the violence was to deal a blow to the ongoing political dialogue regarding the future of Northern Ireland.*

In the UK the closest there is to such provision is the 1998 *Crime and Disorder Act* that contains a provision regarding racially aggravated offences. In 2000 the Association of Chief Police Officers (ACPO) produced a new definition of hate crime: "Hate crime is taken to mean any crime where the perpetrator's prejudice against an identifiable group of people is a factor in determining who is victimised. This is a broad and inclusive definition. A victim of hate crime does not have to be a member of a minority or someone who is generally considered to be a 'vulnerable' person. In fact, anyone could be a victim of a hate crime." (ACPO, 2000). This definition will be used in this article to examine whether football-related disorder displays any of the characteristics normally considered a feature of a hate crime. This debate has become especially pertinent following serious disturbances that took place before, during and after the match between Oldham Athletic and Stoke City at the end of the 2000/01 football season, allegedly orchestrated by far-right groups, providing the catalyst for the riots that subsequently occurred in the Glodwick area of Oldham.

The far-right and English football

The involvement of far-right groups with English football fans dates back to at least the 1950s, when the White Defence League sold its newspaper *Black and White News* in and around football grounds (Garland and Rowe, 2001). During the late 1970s

future of Northern Ireland. Although Irish supporters found themselves the target of missiles produced as England 'fans' broke up the stadium's seating, and were therefore victims of 'prejudice against an identifiable group of people' as the ACPO definition states, the main purpose of this disturbance was not to hurt these fans, but instead to cause such disruption that the game itself would have to be abandoned, which would in turn highlight the opposition of these extremist parties to the ongoing peace process. The involvement of the far-right in the disorder that surrounded the Oldham Athletic versus Stoke City fixture at the tail end of the 2000/01 season is worthy of discussion.

The BBC programme *Hooligans* (2002) alleged that far-right supporters of a number of different clubs joined together to travel to Oldham on the day of the match with the specific intention of instigating a confrontation with local Asian youths, something which occurred after the match and contributed to the outbreak of serious rioting in the town. This incident fits within ACPO's hate crime definition, although the nature of this disorder is important, as it had explicitly racist overtones and involved violence that took place many hours after the match. The fact that it appears to have involved a broad coalition of far-right sympathisers from a number of different clubs shows an element of organisation and premeditation, although whether the violence was 'football-related' is therefore open to debate. It could

be argued that the perpetrators were guilty of hate crimes but not of football 'hooliganism'.

Violent incidents among fans have been a characteristic of English league matches since the nineteenth century. A number of theories have been posited as to what motivates 'football hooligans', and there is unfortunately neither time nor space to discuss them all here.

However, probably the most persuasive of these is that advanced by the 'Leicester School' of sociologists who suggest that 'football hooligans' have predominantly come from the lower working-class that has an intense sense of local identity and loyalty combined with a propensity to violently defend its territory (Murphy, Williams, and Dunning, 1990). The serious disorder that occurred after the Millwall versus Birmingham City play-off fixture at the end of the 2000-01 season may give some credence to these theories. Described by some observers as the most violent football disturbance seen in Britain for years, 47 police officers were injured during several hours of rioting involving over 900 Millwall 'supporters'.

This violence was mainly directed at police officers, although arguably the only reason the Birmingham City supporters were not attacked was because they were kept inside the stadium, and thus away from Millwall fans, for a substantial period after the game. Nevertheless, it is difficult to fit this incident into a 'hate crime framework' as the disorder did not appear to involve 'prejudice against an identifiable group of people' as the ACPO hate crime definition states, and was instead described as 'recreational violence' by the police themselves. Generally this type of 'hooliganism' appears to have a more random nature and is directed against either the police or opposition fans depending upon situation and circumstance. It does not appear to be motivated by racism, but instead by fierce territorial loyalty and a propensity amongst some young men to become involved in violence.

Violent incidents among fans have been a characteristic of English league matches since the nineteenth century.

Football hooliganism is a complex phenomenon that is spatially and temporally contingent. As Armstrong (1994) argues, it "is ephemeral, renegotiated weekly, and constructs nomadic spaces for individuals and social groups to enter, perform and exit". That it is often unorganised and spontaneous is frequently unacknowledged by a media that appears keen to promote the idea that 'hooligan gangs' are 'highly organised' and are often influenced by far-right politics. That there has been some influence by far-right parties within fan groups is acknowledged here, and indeed some hooligan 'crews' have, on occasion, liaised and worked with extremist parties in order to orchestrate violence. However, these alliances are often forged for limited periods when the interests of both parties appear to coincide, and fall apart once this mutual self-interest fades. Nevertheless, it is during these periods when football 'hooliganism' most closely resembles hate crime, as it may feature actions that are inspired by prejudicial views and are directed against a certain section of society. However, as Back, Crabbe and Solomos (2001) argue, too often the focus of the 'hooligan debate' has revolved around what they term the 'racist-hooligan' couplet, whereby 'hooligans' are equated with far-right activism; something which, it has been suggested above, is in fact relatively rare.

As this article has shown, football 'hooliganism' takes many forms. In some instances, for example when 'hooligans' combine with far-right groups or when 'fans' from one club clash with long-standing local rivals, the violence would fall within the framework outlined in the ACPO definition. At many other times though, 'hooliganism' is relatively unfocused and unorganised. To label these instances as hate crimes would involve stretching the definition so far that it becomes meaningless, as then virtually anything could be included as a hate crime.

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Hate Crimes Against British Muslims in the Aftermath of September 11th

Basia Spalek explains the need for the law and victim support agencies to recognise the significance of religious, as well as racial, violence and harassment.

The events that took place on September 11th 2001, when the World Trade Center was destroyed, led to widespread anxiety amongst the general public about the possibility of future chemical, biological or nuclear attacks. Media accounts suggest that in the immediate aftermath of September 11th, churches experienced an increased attendance and the number of people seeking counselling and psychotherapy also rose.

For many Muslims living in Britain, anxiety relating to September 11th was not directly linked to the possibility of future terrorist attacks, but to the threat of being physically assaulted or verbally abused by members of the British public. The aftermath of September 11th has shown them that events which take place in the global political arena can have a significant impact on their safety and well-being. In the words of one Muslim woman that I spoke to:

"As the 'war' progresses each day is uncertain. The outcome of the previous day dictates our lives in the outside world. How safe we feel, how comfortable we feel and the growing concern of what will happen if it all goes wrong."

Muslim experiences of victimisation

This article stems from a research study that I recently carried out looking at Muslim women's fear of crime and experiences of victimisation. Feminist work has highlighted how the negotiation of personal safety is a common feature of women's everyday lives (Stanko, 1985). The Muslim women that I talked to explained how, prior to the events of September 11th , they were also negotiating their security. The act of veiling is a part of this negotiation since the *hijab* (or veil) reduces the potential for men to sexualise women since many women argue that it liberates them from the male (sexual) gaze.

However, the attacks on the World Trade Center have brought into sharp focus how religious and cultural differences can arouse violent and aggressive responses, with Muslim women being particularly targeted for violence and harassment because the act of veiling is a signifier of Islam. Women have had their veils pulled off their heads, been violently attacked and verbally abused. These experiences have had a significant impact upon Muslim women's sense of well-being and the negotiation of their personal safety. The women that I interviewed told me that in the months following September 11th, they changed their everyday behaviour, avoiding places that they had not previously regarded as being dangerous, for example, some started to avoid walking through town centres or past pubs. Increased anxiety is also evidenced by the safety tips produced by the Islamic Human Rights Commission after the attacks in the US, advising women to "travel in groups, to look confident, to tell others of their whereabouts" and so forth (Siddiqui, 2001). Women have not, however, been the only targets of hate crime. Some Muslim men were also physically and verbally abused and mosques were vandalised (in one case firebombed), leading to many Muslim communities investing in private security measures, for example CCTV.

The significance of religious victimisation

The attacks on British Muslims illustrate the pervasiveness of the negative stereotyping of Islam in Western countries. Edward Said (1981) has argued that Islam has often been linked to barbarism and a kind of distasteful exoticism in western academic, political and social discourses. Islam has for many centuries been interpreted as 'the other', as the antithesis of Western society, as inhumane and evil. Indeed, after the attacks of September 11th, the Italian Prime Minister claimed that Western civilisation is superior because of its respect for human rights. Islamophobia, defined as having unfounded hostility towards Islam which results in discrimination against Muslims and the exclusion of Muslims from mainstream political and social affairs (Conway, 1997), is endemic within British society. This discussion clearly illustrates the importance of introducing the issue of religious identity into criminological debates and social policy-making. Ethnic identity rather than religious affiliation has been the traditional way of viewing issues of multi-culturalism, leading to the insensitive treatment of religious minority groups. Both social welfare and criminal justice policy anti-discriminatory approaches are largely based on anti-racist models, thereby significantly diminishing the importance of religious issues (Sheriff, 2001). Many people who want to make formal allegations of discrimination have to resort to discrimination on the grounds of race or gender even

though they believe that their religion has been the real reason for their inappropriate treatment. *The Crime and Disorder Act 1998* has been criticised by British Muslims because although it introduced higher penalties for offences which are racially aggravated, no mention was made of offences which may be motivated by religious hostility. In autumn 2001 the British government put together an emergency anti-terror bill which initially had included a ban on incitement to religious hatred. However, this was dropped from the bill in order to secure successful passage through Parliament. This was despite the fact that Muslim communities have for a long time campaigned for protection against anti-religious discrimination and violence, believing that a law against incitement to religious hatred might close legal loopholes that far right groups have been exploiting. The lack of legal and social responses specifically aimed at helping British Muslims has meant that Muslim communities have often had to organise their own support systems.

Islam can undoubtedly provide spiritual and moral help, enabling a victimised person to move from 'victim' to 'survivor' status more easily. There are also Muslim organisations that respond to the spiritual and emotional needs of both Muslim victims and offenders. However, these often get little (if any) governmental financial support and have to rely upon their own fund-raising abilities. It is crucial to expand victim services specifically aimed at Muslims, since secular-based support systems are not likely to adequately address their needs. It is time for policy makers to view diversity not only in terms of race or gender but also in terms of religious affiliation since only then will we be able to offer more sensitive and valid responses to Muslim communities.

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Hate Crime by the Sea: Operation Columbus

Every summer international students come to Britain's seaside towns to study English. **Carol Jones** reviews strategies to prevent hate crimes against them.

The murder in 1993 of Stephen Lawrence and the subsequent MacPherson Report (1999) highlighted inequalities suffered by black and Asian people in the criminal justice system. The police were found to be wanting in their handling of the murder investigation and the subsequent inquiry found evidence of institutionalised racism within the force, that is, the very agency employed to protect was also an exponent. "In short, the over-victimisation of ethnic minority communities through violent racism in particular is the result of individual action, cultural racism and the indirect impact of structural forces" (Bowling and Phillips, 2002).

Such attitudes are held to influence incidents of antagonism and violence against 'others' by those who subscribe to the ideology of racism. Common to the definition of racism is "the belief that certain groups are innately, biologically, socially, morally superior to other groups, based upon what is attributed to be their racial composition." (Kleg, 1993).

'It is vital that we continue to attract students here. The majority of them hear about Hastings through word of mouth and reputation, but we are fighting a battle with the few who decide to commit a crime against them – be it abuse, theft or aggression. We will not tolerate this kind of behaviour and the council along with the police and the language schools are working together to try and combat this. Overseas students are a vital part of our economy and should be treated as such..' (Hastings on line summer 2001, *www.hastings.gov.uk*).

The South of England plays host to many thousands of international students who spend a few weeks in England each summer to learn English at one of the many language schools which exist in several of the south coast towns. They are often under 18 years of age and during their stay routinely live with host families. According to a senior police officer of the Sussex Constabulary who is strategically involved in community policing, evidence showed that during the mid-1990s in seaside towns within the Sussex police division many of

On arrest one of the offenders stated "They deserve it, they should not be in the country."

In an effort to address the apparent shortfall in criminal justice responses to racially motivated incidents, the *Crime and Disorder Act (1998)* introduced racially aggravated offences to the statute book which increased the punitive sentencing for offenders of racially motivated crime. The Act and its emphasis on multi-agency working placed a statutory obligation on the police to record and tackle homophobic and racist incidents in partnership with relevant agencies at a localised level. To this end, the instigation and execution of Operation Columbus has provided a model of partnership working designed to tackle a very specific issue. Here though, the issue is not confined to the inner city but located in resorts that depend, to a significant extent, on international (foreign language) students.

Operation Columbus was an initiative introduced by the Sussex Police in response to an unexpectedly high proportion of racially motivated incidents in Brighton and Hove during the 1990s. Its purpose is to improve the safety and well being of international students who visit the area and who may become the victims of racially motivated incidents or hate crime.

these students were racially harassed and were also often victims of more serious crimes.

Their appearance, demeanour and style of dress as well as the obvious language differences makes international students instant targets of harassment and crime in areas which during the remainder of the year have a relatively low ethnic minority population. In addition they are often easily identifiable by bags displaying the logo of their language school that are given as gifts on arrival. Clearly not all incidents against international students are racially motivated: fraud victimisation, for example, is also a significant problem. However, following the victimisation of international students because of their ethnicity, Operation Columbus provides an appropriate policy response. "In addition to providing crime prevention leaflets to students, helping them reduce the risk of being subject to crime whilst in Sussex, use is made of interpreters and links with local exchange groups to encourage early reporting of any incidents. We have had successful cases and will arrange for witnesses (to travel back to the country) to ensure that persistent offenders do not escape prosecution" (Policing Plan 2002-03 on

Howard Davies/Exile Images

www.sussexpolice.uk).

International students contribute to the economies of the towns they visit and this has stimulated the increased partnership strategy which has developed in Hastings, Brighton and Hove, Torbay and other towns. A student watch scheme supported by local businesses in Hastings further demonstrates the partnership approach as premises offer a safe haven for international students who are victimised.

In one incident, the victim 'Achmed', a Saudi Arabian national, was temporarily in the U.K. studying English. Whilst waiting at the bus stop in 'Sunnytown' he was approached by two persons who threatened and attacked him and demanded money. They stole his wallet and left 'Achmed' suffering cuts, bruises and other injuries. On arrest one of the offenders stated "They deserve it, they should not be in the country."

Racially motivated incidents are more commonly portrayed as inner-city, poor socio-economic phenomena, but Maynard and Read (1997) draw attention to a survey conducted amongst all 43 police forces asking for recorded levels of racially motivated incidents for the previous year. While actual numbers were, unsurprisingly higher in areas of greatest population, the rate of incidents per thousand population provided a very different picture in Dorset (with Bournemouth home to many language schools) which went up from 29th to 8th place. The coastal idylls of Torbay, Bournemouth and Brighton have little in common with the media picture of the typical scenes of hate crime, and the offenders, regularly young males and females, derived from leafy suburbs as well as small council estates.

Operation Columbus was adopted by Devon and Cornwall Constabulary in 1999 and according to data on their web site (*www.devon-cornwall.police.uk*), crime against foreign students has since fallen by 30 per cent. Their strategy has been one of partnership, with Youth Liaison Officers visiting language schools, distribution of a video demonstrating crime prevention and cultural awareness issues and police officers visiting the schools to introduce themselves as the approachable face of British policing. This tactic is particularly valuable for students from countries where the police are feared rather than seen as allies.

Another effective measure has been taken by the police in Bournemouth, where community relations officers produce and distribute 'smart cards' to participating language schools. The cards are easy for students to carry with them, and provide crime prevention information in relevant languages and a contact telephone number.

As the summer of 2002 begins, new waves of international students are arriving in Britain's south coastal towns. While they receive none of the headlines associated with illegal immigrants, asylum seekers or mass immigration, they are still the target of racially motivated hate crimes. Police forces in partnership with language schools, local businesses, social and public agencies are once again preparing to implement strategies designed to reduce incidents of hate-crime-by-the-sea.

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Hate Crimes Against Travellers

Eric Donnelly details the background to hate crimes against Travellers: a history of discrimination and marginalisation.

Hate crimes committed against Travellers in England are by no means a new phenomenon. When Romany Gypsies (Roma) first arrived in England during the early 16th century, Henry VIII made it punishable by death to remain in Britain as an 'Egyptian' unless entered into service. Elizabeth I extended this offence to include persons in their company in disguise and this law remained in force until the 1780s (Dawson, 1999). Regrettably, the ideology of the early legislation has traversed generations and remains prevalent today both within England and Europe. More recent examples of atrocities committed against Travellers include the extermination of an estimated 600,000 Roma in Hitler's death camps, as well as numerous instances of persecution against the Roma following the break-up of the Soviet Union.

An assessment of the exact number of hate crimes committed against Travellers within England is impossible to establish because their distrust of the criminal justice system causes them not to report many offences committed against them (Morris and Clements, 1999). Furthermore, the legal definition

women from health screening facilities. This may in part explain why Travellers have a higher infant mortality rate and a lower life expectancy than the settled population of the UK. Other examples of systematic discrimination include the bullying of Travellers' children whilst at school, refusal to allow Travellers into restaurants or public houses, and ill-treatment of Travellers whilst in police custody.

There are also examples of hate crimes committed against Travellers in England. The more serious of these include a shotgun attack on a Romani Travellers' encampment in Bramdean, near Winchester in June 2001. There were no injuries, however two vehicles were damaged by pellets from two separate cartridges. This was the second such attack against Travellers on Bramdean Common. Fifteen months previously, four shotgun cartridges were fired at two caravans as families slept inside. Investigating police felt was that this may have been a racially motivated attack. The response of a local borough councillor, Mr. Bob Muden, to this incident was threatening to the Travellers when he stated, "Beware the long hot summer nights and the

> *General practitioners refused to register or treat Travellers, their children were excluded from immunization programmes and women from health screeening facilities.*

under *The Race Relations Act 1976*, as amended by *The Race Relations (Amendment) Act 2000*, includes Gypsies and Irish Travellers as ethnic minorities. It does not however, include 'New Travellers'. As a consequence, unless the police dealing with an incident perceive that there is an ethnic connotation, notably that the offence has been directed at a recognized minority group, the offence will not be reported as such. Liaison with the National Race Hate Crime Unit confirmed that Travellers as a minority group would be too small in number to collate national statistics. Efforts to remedy these problems include the appointment of Travellers' representatives. These representatives are appointed to Independent Advisory Groups attached to various police authorities, and provide Travellers with advice and support.

Discrimination against Travellers often results in social exclusion and marginalisation (Neuwahl, 2000) and results in institutional racism. Evidence of this type of discrimination was confirmed by a report from the Equal Opportunities Committee of the Scottish Parliament, which detailed discrimination within the National Health Service, noting cases when general practitioners refused to register or treat Travellers, their children were excluded from immunization programmes, and

vigilantes". Although the *Crime and Disorder Act 1998* introduced the concept of racially aggravated assaults, its effectiveness is undermined by its under-use (Turns, 2000).

Government attempts to make public provision for Travellers was formalized in the *Caravan Sites Act 1968* which placed a duty on local authorities to provide static sites for Travellers. This duty was seen in itself to be discriminatory on the basis that London boroughs were under a separate duty to provide a minimum of fifteen pitches for Travellers, and once this figure had been attained, the borough could apply for designated powers to evict any surplus caravans. Sylvia Van Toen of the Travellers' Education Project noted: "Imagine a law which restricts the number of Bangladeshi families – to fifteen a borough" (Birtill, 1995). Regrettably, many local authorities failed to comply with their duties under this act, largely due to local hostility to planning applications for caravan sites. The shortfall in designated sites compelled an estimated 4,500 Travellers to camp on unauthorized sites.

The Government response to this dilemma was to remove the obligation on local authorities to provide sites by repeal of the *Caravan Sites Act* under s. 80 of the *Criminal Justice and Public Order Act 1994* (hereinafter CJPOA 1994). The CJPOA
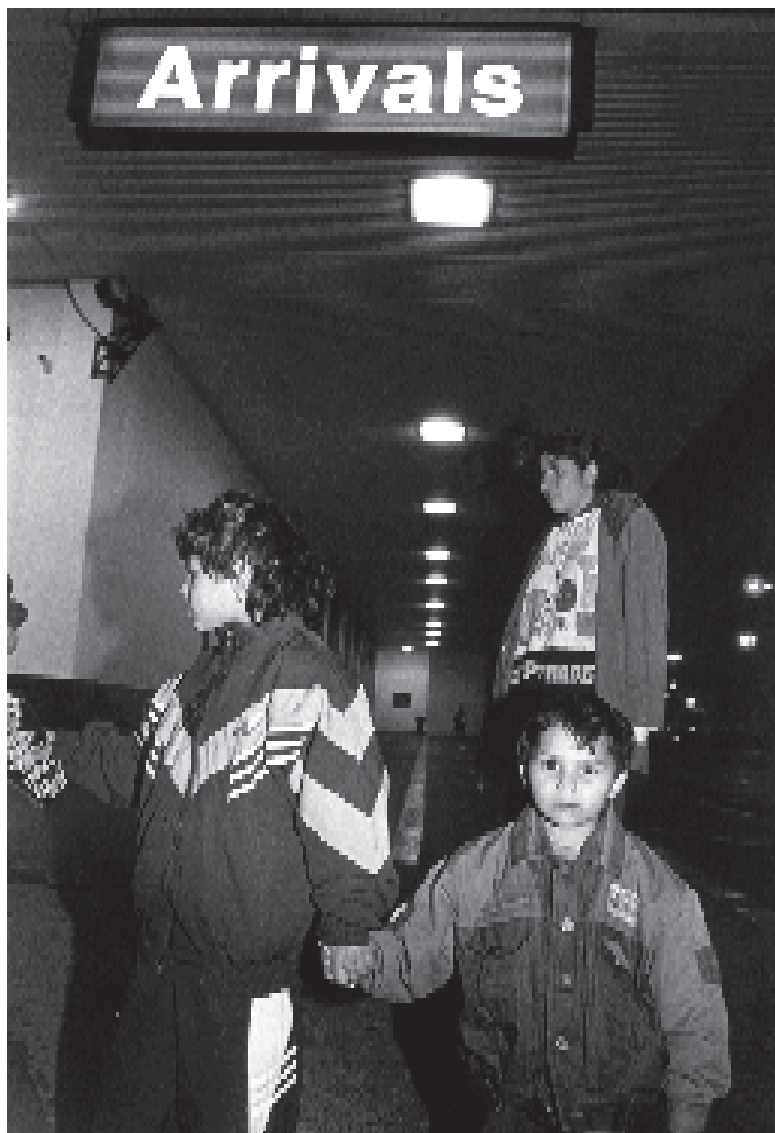
Roma asylum seekers, Dover 1997

1994 Act further increased police and local authority powers to evict Travellers from these unauthorized camps (s.61), and made it a criminal offence for Travellers not to leave land when ordered by a police officer after damage had been caused or when there were six vehicles on the land. Additionally, under s.77 it became a criminal offence to camp without permission once a local authority had requested a person to leave, and under ss.61(4), 62, 77 & 78, sanctions included confiscation of caravans, possessions, fines and imprisonment. As such the effect of the CJPOA 1994 was essentially to criminalize Travellers, and reflects assimilationist assumptions about ethnic minorities in their relation to the law (Jones and Welhengama, 2000).

The *Race Relations (Amendment) Act 2000* outlawed racial discrimination by public authorities, whilst creating an exception for the Immigration Service. In April 2001, a ministerial authorization was issued entitled *Discrimination on the Ground of Ethnic or National Origin* which required British immigration officials to subject specified groups – including Roma – to a more rigorous examination than others when arriving at a UK border. A 'pre-clearance' procedure began on 18 July 2001 in the Czech Republic, and by 24 July 2001 it had led to the airlines refusing to board 100 people, most of whom were Czech Roma. Whilst being condemned by both the media and politicians, the procedure has been suspended and reintroduced several times in the period since.

These discriminatory measures remain in force despite ratification by the UK Government of a number of international treaties and conventions which promise to protect and promote the rights of minorities. The Government's actions detailed above, however, appear to illustrate non-compliance with certain of these international commitments.

Early judgements of The European Court of Human Rights offered little practical benefits for the protection of Roma rights. However, on 18th January 2001 six cases involving Gypsy applicants were before the court. One of the applications, *Varey v. UK*, was settled by the UK Government with costs and compensation, making it one of the first Western European Gypsy complaints to succeed. The issue in that case involved material irregularity in that the Secretary of State overruled an inspector's advice that planning permission be granted.

Of perhaps equal importance was the decision in the lead case, *Chapman* (ECHR 27238/1995). An important factor was the determination of whether European norms in respect of Travellers' rights had developed sufficiently to find against the UK. It was held that they had not, on the basis that the state should be accorded a wide margin of appreciation, however the decision was by a narrow majority of ten to seven. A large minority therefore were of the opinion that such norms had so evolved. Perhaps in the near future applications such as this may eventually succeed.

Whilst it is not argued that hate crimes in the UK are committed with the frequency or intensity of other European States (e.g., the Czech Republic, Bulgaria and Spain), it is argued here that a culture of systematic institutional discrimination does exist within the UK and that hate crimes against Travellers persist. The *Travellers Reform Bill*, published on 31st January 2002, seeks to address the poverty and discrimination faced by Travellers and Gypsies. If introduced it would enable local housing corporations to fund the provision of official sites, thus removing part of the conflict between the settled society and those leading a nomadic lifestyle. The eventual success of the bill however, is dependent upon compliance with, and the support of, the institutions of Government. Experience so far suggests that this is unlikely to materialize.

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Race Hatred and the Far Right on the Internet

Mike Sutton argues that the presence of hate groups on the Internet could present a serious risk to community safety and should be looked at in more depth.

In seeking to understand how the far right have been able to flourish since the end of the Second World War, many writers stress the decline of heavy manufacturing in the West and the subsequent disenfranchisement of men within traditional working class white communities. It is within this context that Perry provides an extremely useful and precise explanation of the reasons for many hate crimes in the West: "Hate crime then, involves acts of violence and intimidation, usually directed toward already stigmatized and marginalized groups. As such, it is a mechanism of power and oppression, intended to reaffirm the precarious hierarchies that characterize a given social order. It attempts to re-create simultaneously the threatened (real or imagined) hegemony of the perpetrator's group and the 'appropriate' subordinate identity of the victim's group. It is a means of marking both the Self and the Other in such a way as to re-establish their 'proper' relative positions, as given and reproduced by broader ideologies and patterns of social and political inequality (Perry, 2001)."

Of course, not all hate activity is criminal even though it may be as damaging. Perry (2001), for example, goes on to explain how some politicians in the USA describe gay men and lesbians as 'less than human', thus creating an enabling environment in which hate-motivated violence can flourish. Similar arguments have been made in the UK regarding Enoch Powell's infamous 'Rivers of Blood' speech and to a much lesser extent, Home Secretary David Blunkett's stance on asylum seekers.

Hatred has manifested in recent violent conflict in towns in Bradford, Stoke-on-Trent, Oldham and Burnley. In these and other towns and cities in England there are areas where members of minority ethnic groups are particularly at risk from racially motivated offenders – making threats, being violent, stealing and vandalising. Where the perpetrators are white, writers have been noting for years that they frequently come from areas where many feel aggrieved enough, by their own lack of opportunities and hope, to blame clearly identified 'others' as the reason for so many of their problems. This blame stems from the competition for scarce resources for which many impoverished communities struggle. In towns and cities where the less well off white communities do not hate their Asian neighbours, but rather complain about their perceived success in obtaining scarce resources, far right groups frequently seize upon the opportunity to create an enabling environment for hate crime to flourish and they are increasingly using the Internet to get their message across in ways that have never before been possible. As a consequence this use of new technology may ultimately have serious implications for community safety.

Far right groups on the Internet

There has been a combined growth and evolution in the race hate movement in the UK and the United States in recent years and the Internet has undoubtedly encouraged their development:

In dramatic ways, hate groups threaten to extend their impact beyond the immediate membership. Their mantra of intolerance is gaining considerable legitimacy in light of the changing messengers and media that carry their message. (Perry, 2001).

The communications revolution has brought a new dimension to the hate movement. Racist web sites provide an enabling environment in which hate can flourish both on-line and off-line in our towns and cities. However, unlike those politicians whose ill considered and sometimes well meant comments provide an enabling environment, far right hate groups are proactively and strategically shaping that environment both on and off-line.

In a ground breaking paper, Back (2002) asks three main questions about the presence of far right groups on the Internet: what is drawing people into the racist world of the Net; what significance does this development have for different versions of racism in the 21st century; is the digital world changing the face of racism? In seeking answers to these important questions Back demonstrates five ways that the Net assists racist activities:

1. It enables the celebration of real instances of racial violence with photographs and dehumanising comments.
2. It enhances racial narcissism, promoting indifference towards victims by using images and cartoon caricatures.
3. It enables the merchandising of white power

White Nationalist Community Discussion Board
Stormfront Store
Subscribe to Maillists
Press Coverage
Search Stormfront
What Is Racism?
Text Library
Graphics Library
Upcoming Events
Webhosting Info
Women's Page
Kids Page
Links Portal
Comments
Home

Stormfront.org

Stormfront

WHITE PRIDE WORLD WIDE

music and Nazi paraphernalia – building an economic powerbase.

4. It enables the archiving and downloading of collections of racist materials in one place – such as racist speeches and debates.

5. It enables people to experience and yet remain geographically distant from racist culture. To provide just one example, this includes indulging in simulated racism through on-line games with names such as 'Jew Rats', which may be particularly alluring to the young who could confuse the racist message with anarchic humour.

The communications revolution, fuelled by the rapid expansion of the Internet, has created a new dimension in hate crime by bringing together diverse racist groups such as the British National Party (BNP), White Aryan Resistance, Combat 18, National Alliance, Stormfront, The Identity Church Movement, Ku Klux Klan (KKK) and the US based militia movement. Not only is this powerful international communications medium facilitating the development of neo-Nazi networks, but it is also providing a conduit for the sharing of ideas and ideologies (Back *et. al* 1998) rather than as a means of command and control (Whine, 2000). There is however a growing body of evidence to suggest an increase in the latter function as rumours abound that names, addresses, telephone numbers and email addresses of intended targets have been published. Of course, the 'Brick Lane Bomber' David Copeland, an active member of the BNP, took the recipes for his pipe and nail bombs from the Internet.

In addition to the use of websites by racist groups, individuals in the UK are debating their hate on mainstream politics news groups such as *Alt.politics.british* and *Soc.culture.british*. In the USA, the trend is towards setting up specialist racist news groups such as *Alt.politics.nationalism.white*, *alt.revisionism* and *alt.flameniggers* (Mann and Tuffin, 2000). Mann and Tuffin's important research used custom designed programming techniques to quantify the degree of interaction between various racist news groups and found that there was considerable disruption of racist debates by opposing anti-racists: "within the newsgroups examined we find that they have not facilitated the visible formation of cohesive, racist groups due to the presence of large scale opposition within the newsgroups." Mann and Tuffin (2000) also note that many racist groups are attempting to hide behind the mask of respectability that Perry (2001) refers to as 'rhinestone racism' or 'button-down terror'. Mann and Tuffin observe: "the moderation in some posters' tone as they attempt to engage participants in other newsgroups may be a source of concern, in terms of making racists harder to track down." They go on to write: "the actions of racists and criminals (organised or not) in the real world is far more important than their activity in cyberspace, yet it may be driven or underpinned by ideology or tactics developed online". This is arguably the main issue of concern regarding the use of the Internet by far right groups, since Bowling's (1993) research reveals that racism is dynamic and in a state of constant movement and change, rather than static and fixed.

Either directly or indirectly, the far right are deliberately seeking to dominate 'other' groups. Therefore, their activities on the Internet may directly increase the number of racial incidents at street level. Consequently, it is important for us to know more about the dynamics of on-line hate groups, particularly their strategies and tactics. More research in this area will help to inform important policy questions regarding the threat that the powerful and growing Internet presence of far right groups might pose to community safety and democracy in the information age.

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The Reporting of Hate Crime

Rachel Baird points out problems and shortcomings in newspaper coverage of hate crime.

The recent press coverage of asylum seekers has proved just how hysterical, vindictive and irresponsible newspapers can be, especially towards people who are not 'like us'. The reporting of hate crime is not so frequently outrageous, but there are problems with it, which I will sketch out and try to explain. I shall also argue that the reporting of hate crime should not be seen in isolation from wider press coverage of the people who are often its victims.

Press coverage of hate crime has improved over the last decade or so according to Chris Myant, a senior communications officer with the Commission for Racial Equality who states that: "public concern about racial violence over the 1990s has been very much a function of the greater concern given to it by the print media". Furthermore, Mr Myant believes that police have helped, because since the

members of the Asian community might lack faith in the police and believe it was not worth reporting crimes.

More subtly, some reports of hate crime lack the moral opprobrium which screams out from reports in tabloid newspapers about attacks on, say, pensioners. The implicit suggestion is that crimes against the minority group in question matter less. Max Manin of gay rights campaign Stonewall says that while a story of an assault against an old woman might condemn the attack as 'despicable', if a gay man were the victim it would be more flatly factual. "There is a really strong authorial view point which is condemnatory, whereas it is straight reportage if it is a gay attack," he says. "There is often no sense of 'what an outrage'."

Another problem is that hate crime often goes completely unreported. Some Muslims feel that the

> *The reporting of hate crime should not be seen in isolation from wider press coverage of the people who are often its victims.*

early 1990s they have announced early on in investigations if they believed crimes were racially motivated — and that in turn has been reported. He also reckons that newspapers are not systematically biased in favour of white victims of racist crimes: "one has to understand some of the limitations, but on the whole my feelings would be that I don't think journalists have done too badly". More on those limitations below. But first, here is an example of how bad reporting can still be.

News stories about the vicious attack on 76-year old Walter Chamberlain in Oldham last April are thought to have contributed significantly towards the riots there the following month, not least by encouraging white racist thugs to congregate for 'revenge'. Newspapers and even the BBC claimed the crime against Mr Chamberlain, which was blamed on Asian youths, was a racist crime. His family denied it was racially motivated, but that got little publicity. The reports of the attack on the old man came soon after articles stating that 60 per cent of victims of recorded racial crimes in Oldham were white.

Critics of the media say that far too often, the figures were reported without any explanation of why attacks against people from ethnic minorities might have been underestimated — for example,

wave of attacks against them since September 11 has been woefully under-reported by national newspapers. Inayat Bunglawala, media secretary of the Muslim Council of Britain, draws an unfavourable contrast between extensive coverage of recent attacks on the Jewish community and coverage of similar violence against Muslims. "We do have concerns that the amount of anti-Muslim prejudice out there is not sufficiently reflected in the press," he says.

Some problems with the reporting of hate crime are inevitable because of the 'limitations' mentioned earlier. There are individual reporters and editors who are prejudiced against particular groups of people, and that affects the way stories get written, or even if they are written at all. More often, I suspect, reporters and editors are not themselves prejudiced, but decide that the newspaper ought to reflect the assumed prejudices of their readers.

For all that editors say about upholding the 'public interest' - which surely includes good relations between different social groups - they are in the business of selling newspapers. They may feel there is a conflict between securing sales by pandering to readers' prejudices, and doing the right thing. Prejudice and assumed prejudice might be less of an issue if there were more newspaper journalists from ethnic minorities, although they would still have to

contend with the views of editors, and their editors' views about what secures sales. 'News judgement' – or an editor's decisions about which stories are most important on a particular day – also affects the way hate crime is reported, or whether it is covered at all. When the Queen Mother died, to take an extreme example, many important stories were immediately spiked.

News is generally understood by journalists as what is new and, preferably, also shocking or remarkable. Since hate crimes, like almost all other crimes, are terribly common, news editors have to be selective about the ones they report. That said, they ought also to find room for stories which show important trends in hate crime.

Another influence is the pressure to sensationalise — something which is especially strong on tabloid newspapers. It exists because reporters are expected to make their stories 'grab' the reader and keep them interested — if a story is deemed too dull, it simply will not get into the paper. But it is a problem because it can mean that important caveats to the main idea of the story are left out, either by reporters or later by sub-editors cutting copy to fit a page. As a result, police figures about racial attacks in Oldham were reported in an uncritical way. Some of this is simply laziness on the part of

of the above-mentioned grounds." That brings me back to stories about asylum seekers, as well as to reporting generally about people from ethnic minorities, people who are gay and people from religious minorities. The reporting of hate crime cannot be seen in isolation from wider reporting about groups who are the targets of hate crime.

If a newspaper is systematically unsympathetic and critical towards, say, gay men and women, its reports of hate crimes against them are likely to reflect this. Even if they don't — and newspapers are capable of incredible hypocrisy — readers' views about hate crime will surely be influenced by what newspapers say from day to day about victims. If we care about how hate crime is reported, we should care about wider coverage too.

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Another influence is the pressure to sensationalise – something which is especially strong on tabloid newspapers.

individual journalists. But a journalist on a daily newspaper may have only half an hour in which to write their story and may not have time to discover that there are important qualifications to include.

There are no published rules for all journalists specifically about hate crime. However both the NUJ Code of Conduct and the Press Complaints Commission's Code of Practice say that reporters should not mention people's race, religion or sexual orientation unless it is 'relevant' to the story. The NUJ Code also says: "A journalist shall neither originate nor process material which encourages discrimination, ridicule, prejudice or hatred on any

Punishment as a Hate Crime

Claire Valier takes a critical look at how vengeful hatred becomes part of the 'justice' process through the legal system's handling of sensationalised crimes.

Enraged and violent crowds, screaming and rushing at the van carrying the young defendants, were a daily feature of the 'Bulger killers' trial. These dramatic scenes were described in evidence to the European Court, when lawyers argued that the trial had been inhuman and degrading. The court was also told about the boys' terror upon hearing that their names and photographs had been publicly released. While the majority did not see the trial and penalty as inhuman, several judges denounced the handling of the case, stating, "Vengeance is not a form of justice and in particular vengeance against children in a civilised society should be completely excluded." The Bulger case is emblematic of the visceral passions and raw emotions so prominent in the crime debates, policies and practices of today. When hate is admitted into the penalties imposed under the criminal law, does punishment become a crime?

branding in two senses; branding in the sense of stigmatic marking, and branding in the sense of marketing a recognisable product for mass consumption. At the end of the trial of the 'Bulger killers', the judge took a controversial decision to release their names and school photographs. The European Court, while not identifying this act as a breach of human rights, did comment that it was somewhat unadvisable. When the boys, Thompson and Venables, were eventually released in 2000, the threat of attack was deemed so serious that they had to be supplied with new identities backed up by an anonymity order (see Valier, 2002). They were described in the *Times* as 'marked men' and 'dead men walking.' The police leaked the photographs taken back in 1993 to the press, and in the *News of the World*'s coverage the stigmatic brand of the mugshot turned into the bullseye of the marksman's target. The detective who had interviewed one boy told BBC's

When hate is admitted into the penalties imposed under the criminal law, does punishment become a crime?

Both hate crimes as conventionally understood, and severe punishments, perform a certain kind of communicative work. They send out controversial messages about those individuals that a society seeks to marginalise and exclude. Politicians and lawyers are beginning to recognise the damaging effects of hate crimes committed by members of the public against minority groups. It is quite an irony that the state's own criminal justice system not only fails to prevent hateful assaults of various kinds against convicted offenders and their relatives, but sometimes even seems to encourage them. The debate on hate crimes can be productively broadened to consider whether notorious murderers should be given protection against the extremes of vengeful punishment, harassment, vilification, and physical assault.

Branding criminals

In an iconic age, fascination with high-profile offenders is widespread, fed by the flow of images and messages circulated daily in the media. Notorious criminals increasingly lose the power to control the uses made of their image, as their names, faces and stories become lucrative commodities. Distributing names and photographs is a form of

Panorama programme it was right that the freed killers should "live on a knife-point."

Vituperous reporting adds to the suffering and degradation that is one of the pains of imprisonment. It may also keep offenders in prison longer, once public opinion becomes a factor in tariff decisions. Some murderers have unsuccessfully sought censure of the media through the Press Complaints Commission (PCC) and the courts. The mother of Jon Venables has lodged a complaint with the PCC after the *News of the World* alleged that she had made the 'chilling prediction' that her son would be dead within four weeks of being released. Similarly, Myra Hindley complained about an article in the *Mirror*, which had erroneously claimed that she was dying of cancer, inviting readers to revel in her suffering and the thought of her imminent demise. Ian Brady has also made complaints about intrusive articles, and especially those featuring long-lens paparazzi-style images of him. So far the PCC has defended this style of article as being 'in the public interest.' They have affirmed that despite claims to the contrary by some tabloids, even notorious criminals retain some human rights. However, they have decided to give no redress in the complaints made so far, and implicitly extended no protection to offenders and their relatives.

Today in addition to notorious criminals, the victims of some crimes also become recognisable household names. Hate enters crimino-legal practices with the new forms of their incorporation into the criminal justice system. The dire rage of crime victims and their relatives is portrayed as righteous indignation, and their turning from grief to vengeful fury as natural and inevitable. In the USA, since 1991 victim impact statements have been lawfully admitted at sentencing in death penalty cases (see Sarat, 1997). In the penalty phase, narratives of graphic violence and extreme trauma are used to ground the prosecution's demand for execution. Forty searing impact testimonies were presented to the jury that unanimously recommended Timothy McVeigh, the Oklahoma City bomber, be put to death. The voices of survivors and relatives who oppose the death penalty and call for reconciliation, like Bud Welch whose daughter was killed by the explosion, were not heard by the court. By the time of the execution day, they were drowned out by the privileged vengeful victimhood narrative. The American President might call the imposition of the death penalty an act of justice, but for an abolitionist it is a hate crime, and wholly out of step with the current trend of international law. In Britain the Bulger family, backed by the tabloids, mounted a high-profile campaign for Thompson and Venables to suffer life imprisonment. The Home Secretary's action, in raising their tariff after receiving protest coupons from readers of *The Sun*, was censured by the courts. Yet the Home Office continued to send out ambiguous messages about listening to victims.

Proportionality and emotion in punishment

A set of principles has emerged over the last few decades, which permits the legal system to legitimise, regulate and distribute the hatred which increasingly enters into punishment. These principles are premised upon an old distinction between retribution (lawful, within limits) and vengeance (unlawful). At present, retribution is officially practised within a legal logic of proportionality, or 'just deserts,' with the idea of imposing a punishment proportionate to the severity of the crime. This penal philosophy is premised upon the rational calculation of a penalty matching the gravity of the offence. However, by admitting matters of 'public opinion' and victim impact into decisions on punishment at the same time as they pursue a 'get tough' crime agenda, the government opens up the criminal justice process to vengeful passions. The notion of proportionality becomes a threat levelled against both individual offenders and the rule of law itself: if we deem the retribution imposed as insufficient, we 'the public', will exact our revenge. Cases like those of Timothy McVeigh, Myra Hindley, Jon Venables and Robert Thompson seem to confirm what scholars across the disciplines

have been noting for some time, that the public culture of western societies is increasingly centred on representations of graphic violence and trauma (Berlant, 1997; Seltzer, 1998). In a series of dramatic mutations, new relations are being created between public affect, legal practices and the political. Ultimately, the notion of proportionality is transformed, turning into an emotive conduit for hatred. Punishment becomes a hate crime.

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Legal Responses to Racially Motivated Hate Crimes

Mary Coussey summarises some of the wide range of international responses to racially motivated hate crime and hate speech.

Racially motivated hate crime generates considerable public and political concern and debate across a wide range of jurisdictions. Yet, despite the apparent consensus about its social undesirability, there exists a wide range of legal responses to the problem.

The main international basis for legislation is the UN *Convention on the Elimination of all Forms of Racial Discrimination* (CERD), Article 4 of which defines racially motivated hate activities as: "all those which are based on ideas or theories of superiority of one race or group of one colour or ethnic origin, which justify or promote racial hatred or discrimination." CERD requires signatories to make it an offence to disseminate such ideas, and to incite discrimination or violence. It also requires signatories to prohibit organisations and organised activities that incite racial hatred and discrimination.

Two key questions arise with regard to the choice of legal strategies to deal with racially motivated hate crime. The first is whether to tackle hate activities

collection, and the differences in legislation (EUMC, 1998). Only the incidence of different (non-comparable) offences as reported by each member state could be listed.

Hate speech

Until recently, certain western European countries have put greater emphasis on specific regulations against hate speech and racist organisations than they have on legislating against racial discrimination. These countries tend to be influenced by their experience of the Nazis in the Second World War. For example, the criminal codes in France, Germany, Italy and Austria allow the banning of certain extremist organisations, Holocaust denial, inciting racial discrimination, hatred or violence, or vindicating war crimes. In France it is an offence to wear or display Nazi badges or emblems and to wear uniforms associated with organisations involved with crimes against humanity. Spain also bans incitement to racial hatred and Holocaust denial (EUMC, 1998).

> *Approaches to both of the above questions seem to depend on the particular recent history and experience of the country concerned.*

under existing criminal and civil legislation, or whether to enact specific legislation. The second is which activities to ban. Should disseminating racially derogatory or offensive material be banned or does this conflict with the right to freedom of expression? Should disseminating material and activities which incite racial hatred, violence or discrimination be banned, or should racist organisations be banned? Does the latter conflict with the right to freedom of association?

Approaches to both of the above questions seem to depend on the particular recent history and experience of the country concerned. There may already exist generic offences of disseminating racist propaganda, racial harassment or violence, or specified offences such as Holocaust denial. Alternatively, some countries allow unrestricted freedom of expression or freedom of association, and racist activity only becomes an offence when linked to violence or threatened violence.

The EU, when it attempted to monitor racism and xenophobia, found it impossible to make any comparisons because of the differences in classifications of offences, differences in data

Most other western European countries have created general criminal offences against incitement to racial hatred. For example, this is the approach in Great Britain, Ireland, the Netherlands and Sweden. England and Wales prohibit the chanting of racist slogans at football matches. Several western countries including Denmark, Great Britain, the Netherlands, Norway and Sweden do not ban extremist groups, but rely on legislation to control their activities.

The United States is restrained from taking action against hate speech and material by potential conflicts with the First Amendment in the Constitution which protects the right to free speech. Exceptions to this include threatening words which promote action towards violence and breaches of the peace.

Although many states in the US have enacted laws against racist or hate crimes, some of these laws have been ruled to be in conflict with the right to free speech. In other instances specific prosecutions have been overturned on these grounds (Cowl, 1995). There are provisions in some states against burning religious symbols (crosses) and wearing masks and hoods except for theatrical and carnival dress. The Supreme Court is due to consider whether state laws

banning the burning of crosses violate the right to free speech.

Canada's federal criminal code covers the dissemination of hate propaganda, incitement of hatred and wilful promotion of hatred. There is no federal legislation against hate speech, although this is currently the subject of public debate. Several provinces have enacted legislation against vilification on racial grounds. *The Race Relations Act* includes civil prohibition of insulting, humiliating or intimidating behaviour on racial grounds.

South Africa's constitution includes a right to human dignity, and an independent Human Rights Commission promotes observance of the constitution. A debate is currently in progress on the balance between freedom of expression and speech enshrined in the constitution, and the need to prevent racist material and speech.

Racial violence

There are three approaches to dealing with racist violence. It can be treated as a general criminal offence; or there can be increased penalties for offences in which a racial motivation is established; and thirdly there can be specific racially-motivated offences.

The advantage of treating racial violence as a general offence is that there is no need to prove that the action was racially motivated. Such evidence is often difficult to obtain, and may make a successful prosecution more difficult. The advantage of having specific offences or increased penalties for racial motivation is that it makes it clear that the authorities regard them as particularly serious and unacceptable.

Germany, Norway, Spain, and Sweden do not have specific offences, but have increased penalties for offences in which racial motivation is an aggravating factor. Austria has promotion of National Socialist aims as an aggravating factor in the criminal code (Council of Europe, 1998).

Great Britain has some specific racially aggravated offences and provisions for evidence of racial motivation to be considered as an aggravating factor in other offences. Belgium too has specific offences of incitement to racial hatred or violence. Some states in the USA have enhanced penalties for hate crimes. However, some countries such as Australia, Canada, France and Denmark have no legislative basis for putting forward a racist motivation for violent offences.

Recording and monitoring

There is no internationally comparable system for comparing racially motivated incidents. England and Wales have recently adopted a definition based on the perception of the victim as the basis for the collection of information on racist incidents. In Germany the Federal Criminal Police Agency and state police agencies record offences motivated by xenophobia, defined as acts committed against individuals because of their ethnic origin, colour or appearance. Coordination of detailed information about the incidence and nature of racist offences has been used to monitor and prevent the development of organised violent racist activities.

In the Netherlands, Anti-Discrimination Bureaux in over 40 cities collect information on racial harassment, violence and extremist activities, which are reported to the police. Regular liaison can enable the police to take preventive steps (Oakley, 1997). Norway's Centre for Combating Ethnic Discrimination monitors racially motivated crimes and the outcomes. Several

countries including Austria, France and Germany also monitor the activities of extremist groups (Oakley, 1996).

Keeping statistics is essential for prevention and reviewing the effectiveness of action, but it can also reveal uncomfortable facts about the extent of hate crimes. Because of the sensitivity of this data, some countries, for example, the Netherlands, do not publish it. There can also be considerable differences between the number of racist incidents reported to the authorities and those perceived to be racist by the victims. (For example see the 1996 British Crime Survey.) However, as reports by the Council of Europe show, many member states do not have adequate systems for recording and monitoring hate crimes.

In the United States, monitoring is required under the federal *Hate Crimes Statistics Act*. The data from states and law enforcement agencies is collated and published annually by the Federal Bureau of Investigation – although there is known to be substantial under-recording. There is no monitoring of hate groups themselves, as this would be perceived as an interference in the right of assembly (Cowl, 1995). Australia does not yet have a regular monitoring system for hate crimes, and considers that it has not reached crisis proportions. Although South Africa's recent main concern has been preventing politically motivated violence, there has been a history of state-sponsored racial violence under the apartheid system. The government has been considering the possibility of legislating to make incitement to racial hatred a criminal offence.

In summary, an international survey of legislation shows that there are few comparable statistics about hate activities because of the wide variety of different approaches to these matters. Legislation has tended to be enacted in response to specific outrages and not as a result of a coherent strategy or to implement the CERD obligations. Many countries allow the dissemination of racially insulting or derogatory material and intervene only when it becomes incitement to discriminate or to racial violence. A few countries ban specific extremist organisations and emblems, but most do not. Most allow racial motivation to be an aggravating factor in general criminal cases, and a few have specific racially motivated crimes.

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The (Re)emergence of Hate Crime as a Policy Issue

Kevin Wong reviews how the 'Lawrence' principles have been put into operation under the umbrella term 'hate crime', and considers the effectiveness of this approach.

*T*he *Stephen Lawrence Inquiry Report*, published in 1999, was described by the then Home Secretary Jack Straw as a 'watershed' in race relations in the UK. The report drew together 70 recommendations, many of which were recognised by the Government and public agencies at the time as providing a set of general principles that should be applied to a broader range of hate crimes as well as racial harassment.

The general 'Lawrence' principles are:

- The need for a commonly agreed definition of what is a racial incident.

- A recognition that racial incidents are under-reported by the public.

- The allocation of appropriate resources to tackle racial incidents and provide support to victims.

- The development of common reporting systems for agencies and third party reporting centres to enable the nature and extent of the problem to be identified and tackled.

Defining and identifying hate crimes

Recommendation 51 of the Lawrence Inquiry Report (1999) defined a racist incident as: "any incident which is perceived to be racist by the victim or any other person".

The Association of Chief Police Officers (ACPO) responded to the Lawrence report in 2000 with their *Guide to Identifying and Combating Hate Crime*, which has subsequently been promoted by ACPO and Her Majesty's Inspectorate of Constabulary (HMIC) as the basis upon which local forces should deal with hate crime. ACPO adopted the Lawrence Inquiry's definition of racial harassment and applied it to their definition of a homophobic incident, as: "any incident which is perceived to be homophobic by the victim or any other person". In recognising that hate crimes could also be motivated by other prejudices such as religious bigotry, ACPO defined hate crime as: "a crime where the perpetrator's prejudice against any identifiable group of people is a factor in determining who is victimised" (ACPO, 2000).

While these latter definitions have been used by police services since the publication of the ACPO guide, they have not been universally adopted by other public services or voluntary sector agencies in the same way as the Lawrence Inquiry's definition of racial harassment.

Under reporting

For the majority of public and voluntary sector agencies involved in addressing the needs of victims or taking action against perpetrators, hate crime has become operationally synonymous with either racial or homophobic incidents. This is due in part to the overwhelming numbers of reported hate crime incidents which relate to race and homophobia. While national figures for the numbers of racial incidents reported to the police are published by the Home Secretary under Section 95 of the *Criminal Justice Act 1991*, no such nationally aggregated figures are available for homophobic incidents or other hate crimes, therefore it is difficult to gain a national picture about any changes in reporting and recording levels.

For racial incidents, there has been a substantial increase in the number of incidents reported to and recorded by the police. The figures rose from 13,878 in 1997/98 to 23,049 in 1998/99 and 47,814 in 1999/2000 (Home Office, 2000). In contrast, estimates from the British Crime Survey (BCS) indicate a reduction in incidents which the victim considered to be racially motivated by 27 per cent, from 382,000 in 1995 to 280,000 in 1999. This suggests that the recent sharp rise in incidents reported to the police is a positive indicator, reflecting greater reporting by the public and better recording practice rather than an increase in the number of incidents.

Common reporting systems

The development of common reporting systems and third party reporting has mainly been focused on racial incidents. There are few systems in place for homophobic incidents and none for other hate crimes. A report by Lemos and Crane in 2000 suggests that even for racial incidents this development has not been universal. Their study covered 250 agencies tackling racial harassment in 67 local authority areas where the majority of black and minority ethnic people live in England, Scotland, Wales and Northern Ireland. Common reporting systems were in place in 39 (58 per cent) of the areas surveyed and were

generally viewed positively by agencies. Third party reporting centres which collected reports and passed them on to key agencies had been established in 37 areas (55 per cent), but the impact of these was less consistent.

No study has been carried out, however, in areas with low black and minority ethnic populations. Anecdotal evidence cited by the Lawrence Inquiry Guidance suggests that outside metropolitan areas or places with significant visible minorities, there has been variable progress in implementing the recommendations from the Lawrence Inquiry, both amongst non-policing agencies and bodies such as the Local Government Association.

In some areas with a low black and minority ethnic population and/or where there is an 'invisible' gay and lesbian community there can be a perception amongst agency staff that there are likely to be only a few cases of harassment and little need for agencies other than the police to develop a recording and monitoring system for racial and homophobic incidents.

In North-east Lincolnshire non-policing agencies have 'packaged' these issues together with domestic violence and 're-branded' them collectively as 'hate crimes'. This has gained acceptance amongst agencies and staff and has enabled the development and implementation of a common recording and monitoring system for all three issues. It should however be noted that the local police hold to the ACPO definition of hate crime which excludes domestic violence.

Both within the police and other agencies, there appears to be a lack of clarity about what constitutes a hate crime other than the default position of racial and homophobic incidents. The ACPO guide gives examples such as "hate crimes against faith groups, groups within faiths (sectarianism), asylum seekers, disabled people, refugees, Romany peoples, Irish travellers" (ACPO, 2000). While recognising the need to act in a proportional way to the problem of hate crime, agencies need to review their current arrangements for dealing with racist and homophobic incidents and at the same time consider how best to deal with other issues which may currently be unrecognised and therefore marginalised. Therefore, it might be time to review the term 'hate crime' and create distinct definitions for other issues.

The importance of agreeing common definitions across agencies should not be underestimated. Prior to the Lawrence Inquiry reports into the nature and extent of racial harassment consistently highlighted the lack of coordinated inter-agency action arising from the lack of resources and the inability to agree on a common operational definition of a racial incident.

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Anti-hate Policy: all talk, no action

Cilius Victor looks back at government and police responses to hate crime over the past two decades and sees many changes, but little improvement.

On a summer's day in 1980, in East Ham in the London borough of Newham, a small troop of white adolescents propelled by youthful bravado, perhaps boredom, but undoubtedly nursed within a culture of racism, slew Akhtar Ali Baig. Akhtar had a knife plunged into his chest – the result of a five-pound bet. Twenty-one years later in May 2001, 3000 people took the body of 34 year-old father of two Shiblu Rahman to a waiting grave in Forest Gate, Newham. Shiblu Rahman was attacked outside his home by four white men — a 12 inch blade ripping open his abdomen. Both of these killings took place in the very hub of communities where black people live, work, gossip and pray.

In both cases, the community response to these acts of savagery was rapid, organised and determined. Not only did people respond to the murders themselves and rally support for both families, but simultaneously looked to the wider issues. The action committee that was established to co-ordinate a community response to Akhtar's killing gave rise to the formation of Newham

Again, another unlawfully killed inquest verdict – no arrests, no charges.

Monitoring Project (NMP), an east London community based organisation providing independent help and support to members of the black community who are on the receiving end of racial and civil injustice.

The death of Shibu Rahman and all the assaults and abuses of the intervening years is uncomfortable proof of the deep roots of racism, how little they have been disturbed and sadly, how much goodwill and effort has been wasted and cynically sabotaged. One need only to look at the application of so called 'hate laws' to clearly see that they have made zero difference in reducing racial harassment in east London. In fact, such laws have made it more difficult to secure even appropriate charges let alone conviction for what is after all an assault on a person, assaults for which we already had adequate laws – only inadequate officials to implement them.

So how have the issues of racial harassment changed and been reflected in the lives of black communities in east London these last two decades? The public inquiry and subsequent report into the

killing of Stephen Lawrence act as reference points on the timeline of black community struggles, and delineate for better or worse the 'before and after' political and social credentials of public bodies, officials and politicians. Institutional amnesia comes easily for many of these entities who conveniently brush aside the fact that not so long ago racial attacks could be safely ignored. Such attacks were considered crimes against people who were not really supposed to be here. To counter this charge, the current refrain from many a researcher, journalist or politician is often "but that was twenty years ago, we have changed, things have moved on for the better". From NMP's perspective it is the wrong response.

The "we have changed" chant is imbued with the presumption of change always being progressive. Is that really so? In 1983, NMP wrote:

"In our experience, cases are only reported to us when they have reached an unbearable level. Most of the victims find it difficult to even remember the countless instances of harassment they have suffered in their time in this country. They have lost count of the number of times they are told 'Pakis go home', or the number of times they have been spat upon, from a 5-year old child to a 60-year old women; the times stones have been thrown at them; the times they have been pushed or been rude to when shopping; the number of times they are told that blacks smell, etc. The reaction of the police appears to have changed very little in spite of numerous reports on racial attacks in Newham and the employment of police Community Liaison Officers." (NMP Annual Report 1983)

In 1999 the Joseph Roundtree Foundation reported on the wide-spread and debilitating effect of daily 'low level' racism, the kind that few black people even consider reporting until it reaches saturation levels (Chahal and Julienne, 1999). The same 1983 NMP annual report comments on the over-the-top police response to a domestic incident, the arrest of a 40 year old diabetic woman and the charges against her for assaulting two police officers. In March 1997, police responded to another domestic incident in Newham, and yes, things had indeed moved on for the police responded by spraying CS gas at close range on a

shackled Ibrahima Sey. An inquest jury judged that he had been unlawfully killed. No arrest has ever been made. No charges brought. The same for Oluwashiji 'Shiji' Lapite two years earlier who sustained a crushed larynx, most likely from an illegal neck hold, and was dead within 30 minutes of contact with police officers from the infamous Stoke Newington Police Station in east London. Again, another unlawfully killed inquest verdict – no arrests, no charges.

But the response to years of campaigning by families, communities, NMP and other groups yielded change. Unashamed denial of the existence of racial attacks and to a lesser extent police harassment of the black community was no longer tenable, at least for public officials. During the '80s in east London, as in other metropolitan areas where the majority of the UK's black communities live, local government authorities established equal opportunities units, equalities units or race units, different names for essentially the same task. The primary purpose of these units was to present the local authority in the best possible light — all other considerations were secondary. We were given happy photogenic faces promoting equal opportunities that had precious little positive impact on the daily lives of black people in the real world. If black communities managed to extract some positive benefit from such institutions it was either because of enlightened thinking from a handful of

of the police have improved considerably since then.

Today in east London racial harassment policy continues to be determined by economics and not the quest for social justice. Such dialogue that exists is done with those holding Master of Business Administration diplomas. In 1997, Newham Council attempted to wash its hands of direct responsibility for responding to racial harassment on its housing estates by outsourcing such responsibility to Estate Management UK Ltd, described then by the local authority as a 'Corporate Racial Harassment Investigation Support Provider'. What the hell is that? No need to respond to difficult searching questions from NMP or the public when you can hide behind the shield of the 'commercial sensitivity' of business agreements. This nonsense continues still.

Once again we must justify our existence and be schooled that we ourselves are the problem. Racial attacks happen because we are not good citizens. We must learn to be good citizens for our good citizenship will protect us. For 'citizenship' today replaces the 'assimilation' or 'integration' of the past – things do indeed change.

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Today in east London racial harassment policy continues to be determined by economics and not the quest for social justice.

individual officers rather than from the systems they worked in; by accident; or because of tenacious, collective community-rooted action. Dare it be said, that fear of riot and rebellion also played a part.

Racial attacks as an issue for public institutions were diluted from being a political concern where strategies for change could be based on harnessing the strength and resilience of the community, to being an issue solely of process management. What followed were multi-agency forums, ethnic monitoring, case conferences, 'specialist' police officers in 'specialist units' to deal with racial attacks, local authority police committees and police community consultative committees that did not have gums let alone teeth. Media friendly and empathy-trained officials would be in attendance to absorb any critical response. All these initiatives made little impact on the level and extent of racial harassment. But things are always changing. In August 1994, Chief Superintendent Bernard Taffs of Hackney gave an astonishing written response to an NMP letter ending with this gem of wisdom: "May your sporran never catch in your bicycle chain". It was a public relations disaster for him and his division. The media management abilities

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Cause for Concern: the policing of hate crime

Eugene McLaughlin describes the process of establishing 'anti-hate' policies.

During the last two decades the USA has witnessed a remarkable mobilisation by social activists to persuade Congress and many state legislatures to recognise 'hate crime' as a distinct category of criminality warranting new sentencing rules. Parts of the USA have established police/criminal justice task forces to identify, investigate, and prosecute perpetrators of 'hate crime'. High profile cases such as that of Matthew Sheppard, Brandon Lee and James Byrd Jr. resulted in legislation that penalises crimes motivated by bias or prejudice on grounds of race, gender or sexual orientation, provides civil redress for victims of 'hate crime' and requires state agencies to collect data on the prevalence of 'hate crime'.

The institutionalisation of 'hate crime' as a criminal justice policy domain has generated heated public commentary, much of it focusing on the definitional issue of what forms of criminal behaviour should be embraced by the term and the insistence that these crimes require additional forms of punishment. Proponents of these measures argue that a 'hate crime' is uniquely destructive and unsettling because:

- a victim is deliberately targeted because of a core characteristic of her/his identity.

- the crime is intended to terrorise not just the immediate victim but entire communities.

- hate crime has the potential to destabilise the liberal value system.

Opponents insist that 'hate crime' legislation is in itself divisive because it:

- privileges the criminal victimisation of certain groups.

- is being deliberately constructed on the back of a 'moral panic' orchestrated by minority pressure groups to transform the criminal law into an 'affirmative action' schedule.

- permits state agencies to criminalise thought and speech as well as deed.

Anti hate measures in London

In the UK, the term 'hate crime' materialised in policy discourse as a result of the Metropolitan Police response to the highly critical findings of the Stephen Lawrence Inquiry. The establishment of the Racial and Violent Crimes Task Force (CO24), lay advisory groups and borough based Community Safety Units (CSUs) created fresh dialogue between the police and those groups and communities who complained that

One one hand we might express relief that the police are finally taking action and removing some very nasty individuals from our streets and making potential perpetrators think twice.

they were underprotected and particularly vulnerable. Initially the Metropolitan Police concentrated on 'race hate crime' with John Grieve, the Director of CO24, declaring war against the racists. The no-warning nail bomb attack on the Admiral Duncan pub in Soho during April 1999 by David Copeland, a self-declared neo-Nazi, resulted in calls for tough new penalties for anti-gay 'hate crime'. As a result a new squad dedicated to fighting homophobia was established. The discovery that the majority of incidents being referred to the new Community Safety Units were incidents of domestic violence widened the definition of 'hate crime' used by CO24. On 8 June 1999 the first co-ordinated 'hate crime' arrests took place in early morning raids in South London.

To raise public awareness about the realities of 'hate crime' in London, a high-profile media campaign ran initially through autumn 1999 and early 2000. Victim-centred advertisements and leaflets informed Londoners that: "Racist crime, domestic violence, hate mail, homophobic crime are hate crimes. They hurt. They're illegal. They can be stopped. Contact your local Community Safety Unit. We're based at a police station in your area and are specifically trained to deal sensitively with victims of hate crime." Further publicity for anti-hate crime initiatives in London was garnered on the first

anniversary of the publication of the Stephen Lawrence Inquiry Report. Finally in October 2001, a £250,000 advertising campaign was launched by the Metropolitan Police to discourage young people from committing race hate crimes. Advertorials were placed in youth magazines to support television advertisements featuring some of the country's best-known pop stars. Nationally, the release of the very detailed ACPO (*Guide to Identifying and Combating Hate Crime*) in September 2000 represented another significant step in the mainstreaming of the term. The guide stressed that 'hate crime' would be a priority for not just the Metropolitan Police but all police forces because it was 'exceptionally pernicious and damaging to individuals and communities'.

Grounds for concern? What should we make of these anti-hate measures?

On one hand we might express relief that the police are finally taking action and removing some very nasty individuals from our streets and making potential perpetrators think twice. In addition, we should support the adoption of a more sensitive attitude towards victims whose needs and interests have been traditionally marginalised by police officers. And articulating what is 'hate crime' must be seen as an important part of the process of identifying the values and ground rules of a vibrant, multicultural society, including the public recognition and affirmation of the right to be different. 'Hate crime', in all its many manifestations, strikes at the diversity upon which multicultural societies thrive, denying the right to self-identity and self-determination and imposing a subordinate, less-than-human status on victims and their community.

However, there are also grounds for concern about how 'hate crime' has been mainstreamed by the police in the UK. Those concerned with defending civil liberties and human rights should always be willing as a matter of principle to cast a critical gaze on practices that empower the state and the criminal justice system to evaluate not only actions but speech and thought. Licensing the police to determine what does or does not constitute 'hate crime' creates the potential for arbitrariness and news media manipulation. The most notable example of this, to date, took place in March 2001. As part of a month long campaign aimed at 15 to 25 years olds, cinemas screened advertisements informing audiences that 'all hate crime is illegal and can be stopped'. BBC2 also broadcast a 'hate crime' documentary highlighting the work of the CSUs. To hammer home the point, on March 20th London's news media informed listeners that the Metropolitan Police had arrested more than 100 people during a series of dawn raids aimed at tackling 'hate crime' in the capital. The alleged offences ranged from racially aggravated threats to kill, homophobic harassment, publication of racist and homophobic material, domestic violence and rape. Londoners were assured by reporters who had taken part in the 'March Against Hate Initiative' (part of 'Operation Athena') that the Met had 'taken out' some of the worst extremists operating in the capital.

However, we still have to be concerned about the potential for miscarriages of justice. This high profile 'positive arrest' approach springs as much from the Metropolitan Police desperately trying to assuage its most vociferous critics as from the collection of hard evidence and understanding of the phenomenon it is dealing with. The Met was less than forthcoming about how many of those arrested were subsequently charged and convicted of 'hate crime'. Of equal concern is the fact that as an umbrella term 'hate crime' can mask or flatten the specificities and complexities of racism, homophobia, domestic violence etc. Because 'hate' obfuscates as much as it illuminates, as a matter of urgency its status as an organising principle of routine police work must be the subject of critique and challenge.

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Structuring a Police Response: the Diversity Directorate

A summary of the anti-hate crime structures set up within the Metropolitan Police Service.

Community safety units were launched by the then Commissioner Sir Paul Condon in June 1999. They offer a range of services to those suffering the hurt of hate crime and are supported centrally by the Diversity Directorate.

The Diversity Directorate itself was created on 1st September 2000 by (recently retired) Deputy Assistant Commissioner John Grieve, bringing together the prevention and detection of racist and violent crime, the implementation of the Stephen Lawrence Inquiry recommendations and community safety policy. Commander Cressida Dick now leads the Directorate.

Improving public confidence in the prevention and detection of hate crime is a policing priority, and the Directorate has overriding responsibility for this within the Metropolitan Police Service (MPS). The diversity strategy 'Protect and Respect – Everybody Benefits' sets standards for hate crime investigation within the Metropolitan Police District.

In addition to community safety units, the Directorate oversees victim care, family liaison, the use of intelligence to combat hate crime, third party reporting, and a number of other responsibilities. The Directorate also ensures that appropriate training is delivered in these areas.

Three major investigation teams operate within the Directorate. Investigations of unsolved murders or unexplained deaths where the victim is linked to a minority community; race crime offences with particular sensitivity; and other major crime investigations and reinvestigations affecting the relationship between the MPS and minority communities are dealt with by these teams.

External scrutiny of the Metropolitan Police Service is achieved through the Independent Advisory Group and Lesbian, Gay, Bisexual Transgender Advisory Group. Both groups have an influential role in policy development, and a wider role in critically appraising MPS practices and procedures. An advisory groups team within the Directorate acts as the point of reference regarding use of independent advice within the Service.

This month, the Directorate published the MPS *Race Equality Scheme* under the implementation of the *Race Relations (Amendment) Act* which came into force in April 2001 as a direct result of the Stephen Lawrence Inquiry. It places a general duty on all UK public authorities to tackle institutional racism, promote equal opportunity and good relations between people of different racial groups.

The MPS scheme sets out what the service is doing to promote race equality, and includes topics such as public access to information and services, complaints, recruitment and ethnic monitoring, language and disability issues. The Met's scheme has been praised by the Commission for Racial Equality and cited as an example of best practice for other forces.

The work of the Directorate has also been praised by Her Majesty's Inspector of Constabulary HMIC as "a beacon of good practice for the police service nationally".

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Information provided by the Directorate of Public Affairs, Metropolitan Police Service.

Metropolitan Police

arising from the incident-based analysis of criminal allegations and the conceptualisation of the wider social context of 'hate crime' or 'targeted violence'. Many of the so-called 'hate crime' incidents that come to the attention of the police are the 'rubbish' incidents that do not result in criminal prosecutions. These are the incidents that most often cannot be dealt with by pro-active operations and detailed targeting of individuals. A deeper understanding of the overall patterns of the 'ordinary' as well as the extremely violent or organised attacks on strangers is necessary before strategic decisions can be made about intervention and prevention. In this analysis of the richer context of the 'ordinary' incidents that govern 'everyday' life the URHC project is providing the MPS with a means to that understanding. It is a lesson that others might wish to take on board. As we grow increasingly convinced by our own data, challenging targeted violence demands that we target the social resources for social (and indeed criminal) threat and intimidation.

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be done not only to understand the problem but also to conceptualise the solutions to the problem. More debate is needed on the role of criminal law and the nature and form of punishment in this context. Alternatives also need to canvassed and explored.

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the more insidious tendency to align 'hate crime' with a conservative law and order lobby and the politics of victimhood.

While the existence of 'hate crime' legislation will not by itself solve the problems of a deeply divided society, it could nevertheless be argued that the absence of such legislation in Northern Ireland sends a message to various individuals that their actions will be tolerated and given some kind of social, cultural and political sanction. Such a view has no place in a society that is trying to come to terms with the legacy of the past thirty years, and which in a post-conflict phase is attempting to establish mutual trust and tolerance.

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Policing Hate Crime

Mario Matassa and **Tim Newburn** reflect on developments within the Metropolitan area and elsewhere in the policing of 'hate crime' since the Lawrence Inquiry.

The term 'hate crime' is a relatively new one, having been coined in the United States in 1985 (Jacobs and Potter 1998). Its currency was not extended to Britain until much more recently. The murder of Stephen Lawrence, and the subsequent inquiry into the police handling of the case, placed the problem of racially motivated crime back into the public spotlight. The April 1999 nail bombing of the Admiral Duncan pub in the heart of London's gay community, which killed three and seriously injured 79, was a further turning point.

Such racist and homophobic attacks exposed, with dreadful clarity, the vulnerability of all minority communities to crime motivated by prejudice and hate. The ongoing response from the police service to the recommendations of the Lawrence Inquiry was broadened to incorporate all hate crimes.

This was reflected by the publication in 2000 of the ACPO *Guide to Identifying and Combating Hate Crime* (ACPO, 2000) which replaced what had previously been a good practice guide focusing solely on racial incidents. The guide explicitly acknowledged that a victim of 'hate crime' does not necessarily have to be a member of a 'visible' minority but that the term incorporates crimes motivated by prejudice against lesbians, gay men, bisexuals and transgendered (LGBT) people. The guide also discussed other less recognised forms of hate crime against faith groups, groups within faiths (sectarianism), asylum seekers, refugees, disabled people and other groups.

Within the Metropolitan policing area over the past few years we have witnessed a flurry of activity reflecting the elevated status of 'hate crime' within policing priorities. On a corporate level developments include the formation of the Racial and Violent Crime Task Force, the establishment of the Independent Advisory Group for visible minority ethnic communities and, slightly later, a similar body representing the LGBT community. Community safety units, with a remit to investigate hate crime, were established in every London borough and minimum standards for the investigation for hate crime were published. The latest phase of the Met's diversity strategy - Protect and Respect: Everybody Benefits - was launched last April with a plan reflecting a more holistic approach, endeavouring to work with all London's various communities.

Whilst these developments are welcome, tackling hate crime effectively requires more than the creation of structures. Speaking after the first anniversary of the publication of the Lawrence Report, the then Home Secretary Jack Straw was optimistic but noted that there was "a long way to go. Changing policies can be done on paper but changing attitudes is much more difficult" (*The Guardian*, 24th February 2000).

Resurgence of interest

The Government's Crime Reduction Programme (CRP) provided a timely opportunity to capitalise on the resurgence of 'public' interest and the revitalised sense of urgency within the police service and other agencies in addressing the problem of 'hate crime'. The Home Office's Targeted Policing Initiative (TPI) funded three programmes focusing on various forms of hate crime. Two of these initiatives were implemented in London: The Four Boroughs Racially Motivated Crime Programme and the Southwark Anti-Hate Crime Project: PPACTS (Police Partners and Community Together in Southwark). The third, the Brighton and Hove Anti Victimisation Initiative was sponsored by Sussex Police in addition to Home Office funding. For the past two years we have been responsible for evaluating these three initiatives.

The rationale behind the TPI generally is to help the police, in conjunction with local crime and disorder partnerships, to better understand and develop a problem solving approach to tackling crime. The primary objective, in keeping with the underpinning logic of the CRP, is to develop cost effective interventions to reduce crime, and to improve the evidence-base about what works in reducing crime. The tactics and interventions employed in the anti-hate crime initiatives varied significantly, across and within programmes and between the three sites. All of the projects were delivered within a partnership framework, although the initial conceptualisation, and subsequent evolution, of 'partnership' differed significantly in each. Likewise the focus of the individual programmes varied but broadly a number of common themes or foci of attention emerged. These included enforcement, education and awareness raising, victim support, community development and offender identification, deterrence and rehabilitation.

The interventions (actual and proposed) involved a combination of both innovative and more traditional methods for addressing the problem. Among the more innovative, for example, were much-needed work in relation to identifying actual and potential hate crime offenders through risk assessment, together with a desire to develop programmes directed at challenging such offending behaviour. Equally innovative, and inevitably challenging, were mechanisms designed to encourage and enable community involvement in strategy design, implementation and monitoring. Simultaneously, more traditional policing enforcement tactics were combined with intelligence led and problem oriented approaches to attempt to reduce or prevent hate crime within specific 'hotspots'. Finally, tried and tested mechanisms were combined with more innovative approaches to support victims and engender greater trust and understanding.

Results

The results of the programmes have to date been somewhat mixed, with some indications of good practice as well as some difficulties and problems. Perhaps predictably the ideal did not in all cases live up to the reality. All of the projects were ambitious; indeed, perhaps too ambitious. They were implemented at a time when public institutions, including the police, were subject to unprecedented public scrutiny. This was particularly the case in the field of hate crime. Sensitivity to this atmosphere of scrutiny clearly shaped the undertaking, both in design and implementation. There were innumerable practical and organisational hurdles to overcome in establishing inter-agency work in this area (see Bowling, 1998), and the myriad networks, partnerships and consultative bodies created meant that leadership, purposes and interests were sometimes in conflict. On occasion, such difficulties were compounded by over-complicated lines of communication, a lack of consensus

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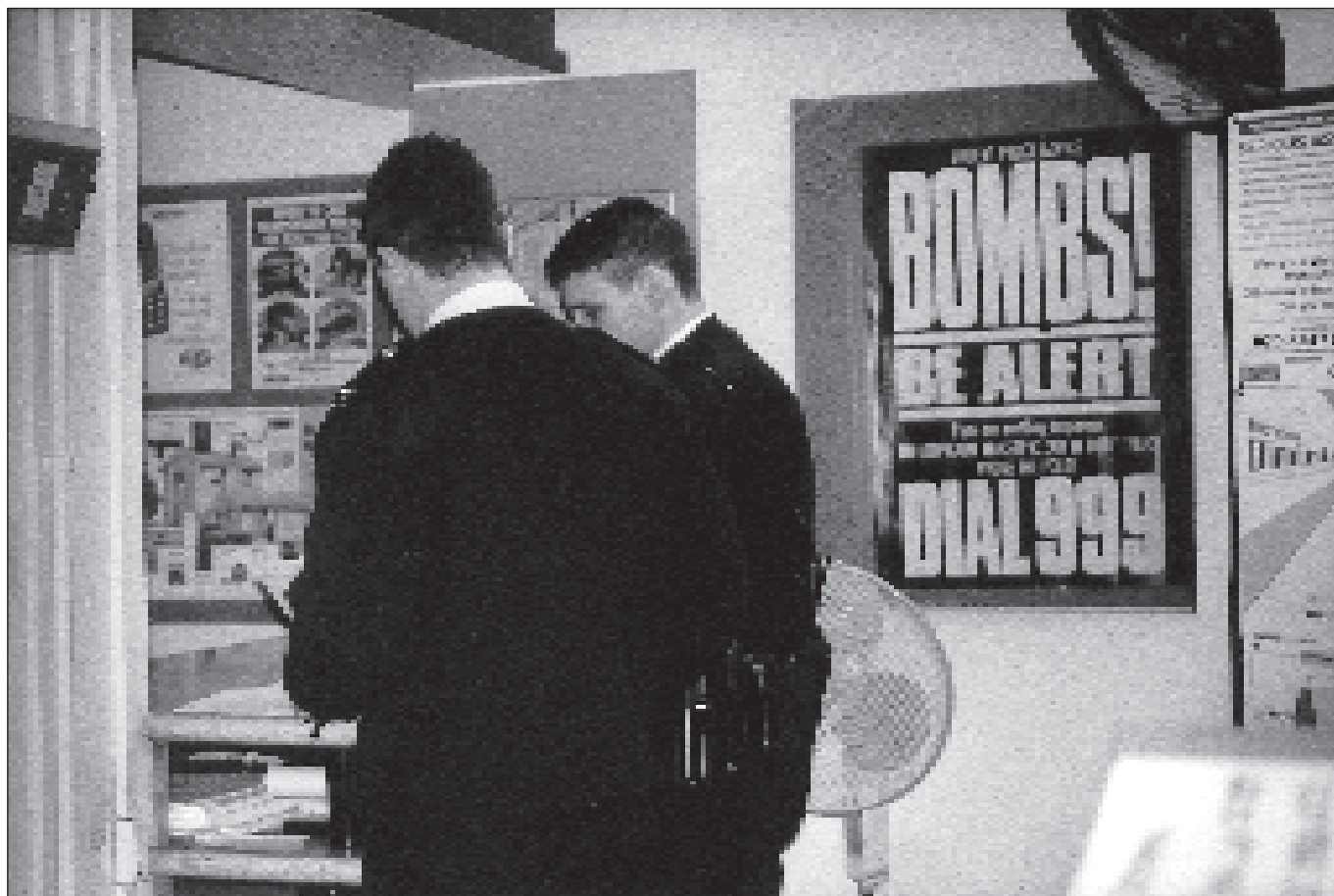
over responsibility and fractured chains of accountability. These organisational issues play out in different ways in different contexts, but appear an almost ubiquitous part of partnership working in this difficult arena.

In conclusion, as we draw towards the close of these programmes (one project ended in March 2002, the others finish at the end of the year) a number of questions require serious consideration. The big one is to what extent were they successful? From a purely crime reduction perspective it is unlikely that even the most ardent project champion will be able to claim significant success. Given the long and intractable history of these problems this should perhaps not be a huge surprise. Nonetheless, within the programmes there are indications of where future activity should be concentrated. It is clear, for all that partnership working is now fashionable, that an holistic approach that seeks to involve all the key agencies, and to combine a focus on offenders, victims and communities, remains an attractive and important strategic approach (Sibbett, 1997). However, there remain massive problems in connection with inter-agency working in criminal justice – many of them related to organisational culture. Reform of criminal justice agencies is on the agenda. The experience of attempting to respond to hate crime suggests that such reform may be a necessary precursor to more effective engagement in this area. On a positive note, the multi-agency work in London has at least done some of the groundwork for what remains arguably the least developed aspect of work in this area: interventions with convicted racist offenders. Considerable effort should surely go into expanding work in this area in the future.

Whatever the problems that have been experienced on the ground, the bottom line is that every time such work is undertaken lessons are learned. It would be all too easy to focus solely on the negative and the greatest danger is that identifying hurdles and problems will serve to deter practitioners from similar work in the future. Ultimately the key is to capitalise on the lessons and consider these in themselves as a measure of success. Doing so requires an ability and willingness to acknowledge shortcomings and accept criticism, and then to try again. This is perhaps the area where organisational culture is most intransigent. The understandable sensitivities around hate crime reinforce the old adage about success having many parents whilst failure remains an orphan. If we expect only success, rather than cultivating a willingness to learn all lessons, we run the risk of putting yet more obstacles in the way of future progress in this area. It is profoundly to be hoped that these projects pave the way for much more work on hate crime in the next few years.

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Systems not Words? Some organisational response to hate crimes

Jim McManus emphasises the need for a 'whole system' response to hate crime.

Possibly the most common organisational response to hate crimes is to initiate awareness training with police and other agency staff. There is no doubt that, if done well, training can be extremely valuable at an individual level (Peel, 2001). However, if change is to be achieved, there is a need to ensure that responses are embedded across an organisation.

This is apparent if we take a victim rather than an agency perspective. The danger in this though is that those of us who have once been victims of hate crime become 'experts' and adapt services around our personal perception of needs, rather than what will be suitable for a range of victims. What might suit my needs as a gay man, or as a Catholic caught on the wrong side of a 12 July March in Glasgow, may not suit those of anyone else.

For many victims of hate, prejudice is something encountered on a daily basis. The psychological burden of a hate crime – whether physical or non-physical – interacts with this experience of complex and ubiquitous inequity.

Some organisations have chosen to deal with this by setting up specific anti-victimisation units, with a small number of staff dealing with a range of hate crimes. There are clear benefits in such an approach, not least ensuring that victims receive a response which is highly skilled and highly sensitised to their needs. The disadvantage is that too often a 'one size fits all' approach is developed. Apart from the fact that most of these units rely on short-term or special funding, joining hate crimes together makes for ease of administration. As a consequence, victimisation units can turn into 'sink units' where race hate, religious hate, sexuality, transgender and gender hate are lumped together, and end up being marginalised by the rest of the agency. The cultural, political and psychological implications of this for victims and for those working with them is often underestimated.

While the national policy framework remains as disjointed as ever, across the country a range of organisational responses are developing in addition to the traditional equal opportunities model.

The Best Value Approach is developing in several regions. In Exeter, the city council joined the police and the county council in conducting a best value review of domestic violence which provides a model that could be adopted elsewhere. In the London borough of Merton, Nacro conducted a best value review of racial and domestic violence arrangements, including interviewing victims. This approach, with strong support from the council and other agencies, was able to consider everything from victim experience of agency response to funding and commissioning of projects to challenge racism across the borough. The best value approach, if used properly, can give victims an opportunity to challenge and improve practice. Allowing time for in-depth interviews with victims, families and agency staff can tease out aspects of good practice, while psychological evidence can be used to develop a best practice benchmark.

An example of this is the *Homophobic Violence Toolkit*, commissioned by the Home Office which I wrote with Dr Ian Rivers, Reader in Psychology at York St. John. The toolkit includes a specimen methodology for a best value review, questionnaires for victims, a set of standards for dealing with victims based on best psychological evidence, and skills standards and a training package for staff. In our trials this 'clinical level' guideline approach has underpinned awareness training and policy to help agencies achieve performance targets set as a result of a best value review. (*The Homophobic Violence Toolkit* is as yet unpublished, although it was completed eighteen months ago, in April 2001. We have since conducted field pilots. In the meantime 392 requests for the toolkit have been logged, but this resource remains unavailable to the agencies who might want to use it.)

The Business Excellence Approach is another organisational response which is showing increasing use in the

Table 1 **Business Excellence and Crime and Disorder Performance Management Frameworks compared : some means of helping CDRPs understand EFQM (McManus 2002).**

Element of EFQM	Element of Crime and Disorder Performance Management Framework
• **Processes** • **Leadership Policy and Strategy** • **People** • **Partnership and Resources** • **People Results**	• Assemble partnership, assess its strengths and weaknesses, develop partnership review process. • Wide and shallow audit and wide-ranging consultation covering whole local authority in order to identify emerging priorities.
• **People Results** • **Customer Results** • **Society Results** • **Key Performance Results**	**Narrow and deep audit of priority themes and area to include:** • Detailed analysis of emerging priorities • Detailed audit of existing provision that examines its delivery, its outcomes, its cost-effectiveness and the views of users and the community (based on Section 17). • Detailed consultation with victims, offenders and affected communities (both resident and business)
• **Partnerships and Resources** • **Processes** • **Key Performance Results**	• Develop and publish crime and disorder strategy including SMART targets and action plan

commercial and public sectors (McManus 2002). It is based on the European Foundation for Quality Model (EFQM), which the Government is strongly promoting, and to this end the Cabinet Office has a range of support services for public sector agencies. (A self-assessment toolkit on EFQM for voluntary agencies is available to download from *www.ncvo.org.uk*.) The British Quality Foundation produces toolkits for public sector agencies on how to use EFQM and there is a Criminal Justice and Community Safety Networking Group which meets regularly to share experience on how this model can be used.

The main benefit of EFQM is that it requires analysis and response across an entire system, against a range of performance tools that have been tried and tested by thousands of public and commercial sector agencies across Europe and elsewhere. Nacro for example has used EFQM as an internal quality audit and improvement tool, and recently completed two studies where EFQM was used in reviewing organisational responses to hate crimes. Nacro have also produced a self-assessment toolkit on hate crimes linked to EFQM standards, which is contained in the body of the as yet unpublished *Homophobic Violence Toolkit*. As Table 1 shows, the EFQM model integrates well with the Crime and Disorder Performance Management Framework.

EFQM can be applied universally, and training is available to implement it. In one London borough Nacro used EFQM to analyse responses to hate crimes, and one of the populations we were asked to consider was disabled people. Table 2 shows how EFQM helped us elucidate responses to the weaknesses we uncovered.

The existing work on policy frameworks, standards, training and awareness raising is essential, but it clearly needs to be complemented by the use of organisational improvement tools. Prejudice is something which permeates much of human nature, and many of our institutions. Yet, crime driven by hate does not only feed from overt prejudice, but also from our failure to respond across a system and do everything that can be done to eradicate it. Until the political will exists to adopt a whole system approach, attempts to eradicate hate crime will not be effective.

■

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Table 2: **A London CDRP's findings in relation to Hate Crime (including crime against disabled people).**

Service Area	Location	Offenders	Victims
People Processes	• Providing training to staff from agencies to routinely survey and monitor hotspot locations • Security adaptations and improved access	• Developing an offender treatment outcome standard with competencies and training for staff in dealing with offenders	• Developing a competence standard for how staff deal with victims • Providing training to underpin this
Partnerships and Resources	• Joint protocol on police, neighbourhood warden and CCTV provision in hotspots • Joint funding of victim suites in local hospital • The need to have dedicated reporting and response functions	• Creation of a joint offending behaviour programme between local voluntary agency, magistrates' court and probation	• Creation of a pooled budget for reporting systems • Pooled funding of local race, lesbian and gay and domestic violence programmes to address victimization together
Processes	• A need to ensure that victimization which happens outdoors is handled sensitively • The process for repairs of disabled access facilities in public buildings makes disabled people feel more at risk	• Review of the way in which offenders are dealt with to prevent repeat victimization during bail or pending trial	• A throughcare standard for victims which deals with psychological, physical and emotional recovery and minimizing the risk of Post Traumatic Stress Disorder • Keeping the victim informed during the criminal justice process
Policy and Strategy	• A need to review policy on streetlighting in hotspots of racial and homophobic attacks • Development of a situational crime reduction strategy combining hate crime, night-time economy crime and criminal damage in town centre areas	• A need to develop a shared policy between agencies on dealing with offenders • Lack of an effective information sharing protocol	• Lack of any policy on victims shared between agencies • Lack of an effective information sharing protocol

Working with Victims and Perpetrators of Hate Crime

Robyn Thomas and **Neil Denton** recommend that training should define the specific nature of hate crimes and the context within which they are perpetrated.

Training for those who carry out specialist work with both the offenders and victims of hate crime needs to develop an understanding of the particular nature of such crimes. In the first place the policy and legislative framework within which this work is conducted needs to be taken into account. Broadly this would include requirements under, for example, the *Race Relations (Amendment) Act* (2000) or *Protection from Harassment Act* (1997). Staff working with perpetrators need information about their legal and agency-specific responsibilities. More specifically knowledge of the relevant legislation can empower victims by enabling them to make an informed choice about the management of their case.

Specialist work and training with both victims and perpetrators should be underpinned by theoretical explanation, of power for example (Duluth wheel for domestic violence) and scapegoating (Allport, 1954). This helps to develop understanding of the impact of such crimes and why hate crime is frequently viewed by the victim as being a targeted attack on their fundamental right to exist. Similarly, explanations of perpetrators' behaviour needs to be understood in order to develop effective, appropriate interventions.

The relationship between a victim, perpetrator

The extent, experience and effects of harassment and repeat victimisation should also be examined. A common factor of hate crimes is that victims are likely to suffer multiple incidents, though different perpetrators may commit them. Victims therefore view their harassment as part of a pattern and not as a series of isolated incidents. It has been argued (Bowling, 1998) that this disparity between victim perception and agency response accounts for the lack of confidence and dissatisfaction victims feel in reporting crimes and seeking support. This aspect of training would recognise the effects of multiple discrimination experienced by, for example, black and minority ethnic women suffering domestic violence, and the compounded barriers to their access to appropriate service provision.

Perpetrators of hate crimes have often committed a number of incidents against a range of victims, partly because they are unlikely to be identified and charged. Training for dealing with perpetrators should explore trigger situations and contributory factors. Issues of collusion and cross transference are particularly pertinent to this type of work. Workers often feel anxious about 'doing something wrong' or causing offence. Such wariness may partly be explained by their own prejudiced attitudes.

Victims of all hate crimes may have internalised

> *A common factor of hate crimes is that victims are likely to suffer multiple incidents, though different perpetrators may commit them.*

and incident is complex. Training should reflect the different impacts of crime on individuals. It should also facilitate understanding of the socio-political context and perceptions of empowered and disempowered communities. Responses of an individual to their experience of hate crime can only be understood once the multi-faceted nature of the self and its complex interaction with society has been recognised. Levels of social capital within a community and cohesion between communities are critical to this response. It is also important to examine institutional discrimination and its impact on service provision.

Challenging myths and stereotypes is integral to this work. This can be done by providing accessible, factual information in order to explore and undermine assumptions and prejudicial attitudes. The influence exerted by the media and peer groups should also be acknowledged.

some of the 'reasons' given by perpetrators for their victimisation. For example in domestic violence the perpetrator frequently tells victims that the abuse is their fault. Victims may also try to conceal or down-play the extent of the violence. Workers need to be vigilant about colluding with these belief structures, and responsibility should clearly be placed with the perpetrator. Complex trauma victims invariably present with very low self-esteem and a learned helplessness. Workers need to be cognisant of this, and to ensure that decisions taken regarding options for the victim do not simply mirror the desires of the worker. Collusion is also an issue faced by, for instance, white workers working with white racially motivated offenders. If racist or prejudiced attitudes are expressed without challenge, it is easy for the perpetrator to assume that the worker is in agreement.

Identification and dissemination of best practice is an effective way to demonstrate the implications of

theory, and to support and develop the confidence of staff in this complex and sensitive work. Good practice will vary according to the particular form of hate crime but broadly will include the following.

• **Confidentiality**

Confidentiality is of particular importance. In relation to victims of domestic violence, workers need to be made aware that it is common for abusive partners to try to gain information about their partner/ex partner. Disclosure of information can pose a significant risk to the victim's safety.

Different issues arise when dealing with homophobic and racist crime especially when the victim is from a small, marginalised community. For example, victims may be reluctant to seek help from within their community for fear that professional boundaries will be breached and that private disclosure may become public knowledge. There will be different issues of confidentiality when dealing with perpetrators. Whilst data protection legislation still applies, recent guidance from the Home Office indicates that sensitive information relating to perpetrators can be processed without their consent.

• **Offering a choice of worker**

Workers should approach this in a sensitive and open manner. It needs to be recognised that one of the key emotional benefits to some victims is the ability to discuss the emotional and practical effects of the crime with someone outside their immediate group of family, friends and community. This can be particularly helpful to victims of hate crime, as

people may feel guilty about sharing their feelings with others who have also experienced similar victimisation. Conversely, other victims welcome the opportunity to seek advice and emotional support from a worker of a similar background. Perpetrators would not be granted this choice as it could collude with their prejudicial attitudes.

• **Guarding against assumptions**

Excessive enthusiasm to engage and empathise can lead workers to make assumptions about victims. Staff therefore need to be trained to ask the client seemingly irrelevant or trivial questions such as 'Is this a convenient time?' and 'Where would you like me to sit?' Such an approach will form the foundation for the empowerment of the client and will generally avoid causing offence. It is similarly important to allow perpetrators to explain what happened in their own words.

• **Case management**

Structured case management and supervision should be an integral part of any work, but is of particular importance when dealing with the victims and perpetrators of hate crime. A structured, well managed approach to casework involving line management, co-working, case conferencing and external supervision can help highlight issues such as cross-transference and collusion, and identify appropriate solutions.

• **Regular training**

The dynamic nature of this area of work, with both victims and offenders, means that training needs of staff should be identified and updated on a regular basis.

Training related to victims and perpetrators of hate crimes has traditionally been regarded as separate and distinct. There is however an increasing awareness that the components of the training are similar, although the emphasis will differ. As partnership working evolves, so will multi-agency training. All training needs to be relevant and accessible in order to develop the confidence and skills of workers required to do this work. It must however be recognised that staff will only undertake such complex and challenging work on a consistent basis when they feel supported by managers, colleagues and the institution. Training is one component of this. Policy and procedural guidance is also crucial. ■

Robyn Thomas and *Neil Denton* *are Community Safety Officers at Newcastle City Council. The views expressed in this article do not necessarily reflect the view of the authority.*

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update

Una Padel summarises the latest report on reducing re-offending.

The long-awaited Social Exclusion Unit report *Reducing Re-offending by Ex-prisoners* was finally published on 1st July. It provides a thorough analysis of the problems facing prisoners on release and the consequences for them and the rest of society. Among the useful introductory statistics are the following: 58% of prisoners released in 1997 were reconvicted within two years, 36% returned to prison on another sentence. On average those reconvicted within two years actually received three further convictions, and it is estimated that for each reconviction five recorded offences were committed. Released prisoners are estimated to be responsible for 18% of recorded, notifiable crimes costing at least £11 billion per year.

The Social Exclusion Unit identifies nine key factors which influence re-offending: education; employment; drug and alcohol misuse; mental and physical health; attitudes and self-control; institutionalization and life skills; housing; financial support and debt; and family networks. Each of these factors is discussed in detail with the manner in which prison can address the issues, and the ways in which imprisonment can aggravate the problem described. Examples of good practice are highlighted, and direct quotes from prisoners used to emphasise some of the deficiencies.

The report identifies steps which should be taken at each stage of the sentence and on release relating to each of the nine factors influencing re-offending. They are incorporated into a fairly comprehensive Rehabilitation Framework. This framework is clearly laid-out and practical, designed to prevent some of the most usual problems occurring, and to address issues likely to cause difficulty on release well before the prisoner leaves prison. An example is the financial problems so many prisoners face relating to the payment of benefits. The Rehabilitation Framework identifies the following steps: pre-sentence: the prisoner's benefits situation should be identified. During reception/induction into prison: existing benefits claims should be closed or transferred and benefits owed should be obtained. ID should be established. During custody: ongoing benefits advice should be provided where needed. In preparation for release: benefits staff should be made aware of relevant rules and entitlements. Appropriate benefits claims should be made and cleared in time for release.

Each released prisoner should be provided with sufficient money to bridge the gap until the first benefit payment.

The report recommends the development of a long-term national rehabilitation strategy which would incorporate national measures to tackle the financial and housing problems faced by newly released prisoners.

The strategy would have at its heart the 'Going Straight Contract' which would be drawn up by individual case managers following a full assessment of each prisoner's needs and signed by the prisoner. It would start from the point of sentence and last to the end of the sentences in the community and would address the issues highlighted in the rehabilitation framework. Prisoners would be required to participate in a range of programmes and activities. They would be rewarded for their participation and sanctioned for non-participation. To compensate victims and communities for the damage caused by their offending, prisoners would also be expected to contribute to a reparation fund from their prison earnings.

The involvement of a range of agencies, both statutory and non-statutory, would be essential to make this work in a seamless manner and the report proposes that a number of models be piloted with 18-20 year old prisoners under the leadership of a national director reporting to the Correctional Services Board.

Copies of the report are available from the Social Exclusion Unit 020 7276 2055 or on *www.socialexclusionunit.gov.uk*

Research examining drug markets and their relationship with community deprivation has recently been published by the Home Office. Two types of drug market were identified – those that drew buyers from outside the area, had open as well as closed selling and were vulnerable to competition – were found in inner city areas with mixed housing, significant transient populations and mixed ethnicity. Those that served buyers mainly from the local area with closed selling and established buyer/seller arrangements were found in outer city areas with stable, almost exclusively white populations. Researchers found that heroin was available in all the markets and crack in 75%. Crack use was found to be increasing more quickly than heroin. The decline in open selling is resulting in reducing nuisance in the communities involved, though in some areas there have been increases in the level of violence. In all the areas researched the drug market was one of a number of neighbourhood problems none of which on their own was sufficient for neighbourhood decline. However, where markets had become established they were an impediment to regeneration, damaging community confidence and damaging the reputation of the area.

A Rock and a Hard Place - drug markets in deprived neighbourhoods is available on www.drugs.gov.uk

HMP Holloway 1st Night in Custody Project

Jackie King summarises the CCJS evaluation of the project.

The Prisoners Advice and Care Trust (PACT, formerly the Bourne Trust) 1st Night in Custody project at HMP Holloway was proposed in response to a number of reviews which highlighted gaps in the service provided to women when they enter custody for the first time. Various reports by the Home Office on women in prison showed the vulnerability of those going through the reception process. Within this context, the project's aim is to work with the most distressed women who come into HMP Holloway to spend their first night ever in custody. The main objectives are the reduction of anxiety felt by this group, and to ensure that information about all the resources available to new prisoners, both inside and outside of the prison, is given at reception. The project also refers women onto appropriate prison and community services.

The CCJS research was essentially a needs-based evaluation to determine whether clients' needs were being met by the project in terms of reducing anxiety, providing information and making referrals. However, as the research progressed, there were a number of changes in the direction of the project, which caused the research to evolve into a developmental model, helping the service develop rather than merely providing formal statistical feedback.

The research was undertaken in three stages over 18 months. The first stage was a baseline survey of inmates in September 2000, and independent discussions with the project coordinator and various prison departments. The second stage consisted of in-depth interviews with 13 inmates in December 2001. The third stage was undertaken throughout February and March 2002. It was made up of interviews with ten reception staff, five wing staff, the project coordinator, three project staff and volunteers, six governors and heads of departments, as well as a focus group of prison department representatives and telephone interviews with six community organisations that take referrals from the project. Furthermore, the project provided their internal monthly statistics for the quarter ending September 2001 and the results of a questionnaire completed by 50 inmates in August 2001. The case notes of seven of the women interviewed were provided by the service and analysed.

The research concluded that there were strong indications that the 1st Night in Custody Project has been successful in reducing the immediate anxiety of women upon their arrival in custody, and resolving a number of immediate concerns during their first night in custody. It is also clear that the service provides increased information to women and speeds up the referral process to prison and community services. In particular:

- The project reduces the anxiety felt by women about coming into prison by making phone calls on their behalf to their children and relatives and by explaining aspects of the prison regime;
- The project provides information to the women about a variety of issues, but needs to make a clear distinction between information that is merely being passed on and referrals that are made on the woman's behalf;
- The quality of the referrals to services are generally suitable, timely and appropriate;
- There are a number of issues that affect women's access to services. These are primarily a result of staffing in the prisons and are beyond the control of the project;
- Communication and coordination with the reception staff, befrienders and women's families are excellent, but communication with volunteers, wing staff, nurses and referred services needs some improvement;
- The project requires more funding for increased working hours for current staff and increased staff numbers;
- The project has learnt from its experiences and has evolved in a positive manner.

All parties felt that the project is an inherently valuable one and should be continued, either in its current or in an expanded form in the future. It was seen as a pilot of best practice in relation to helping women in custody for the first time and was also seen as contributing towards the humanising of Holloway Prison at a time where very little positive action occurs within the female estate.

Copies of the full report are available from PACT on tel: 020 7582 6699.

Jackie King is Research Officer at CCJS.

Book review

Jackie King reviews *States of Denial: Knowing About Atrocities and Suffering* **by Stanley Cohen.** Polity Press 2001.

In his preface, Cohen reflects on the early origins of his interest in denial — in his native South Africa, his family had paid for a Zulu working for a private security company to act as a 'Night Watch Boy'- young Cohen lay in his warm bed wondering why the black man was out there in the cold, watching over them. The psychological unease he felt in this situation – "knowing that something was deeply wrong, but also knowing that (I) could not live in a state of permanent awareness of this knowledge" — sets the tone for the rest of this book, which in many ways describes a personal journey.

The book is a good read, scholarly and well constructed but accessible to the general reader. It provides an original theory of denial and acknowledgement, spanning different historical and geographic regions and different kinds of subject matter, ranging from the personal – poverty, domestic violence, physical and sexual abuse – to the international – the Holocaust, Somalia, Bosnia, the Middle East.

While the first few chapters set up the psychological, theoretical and methodological issues, the other chapters deal with the following themes:
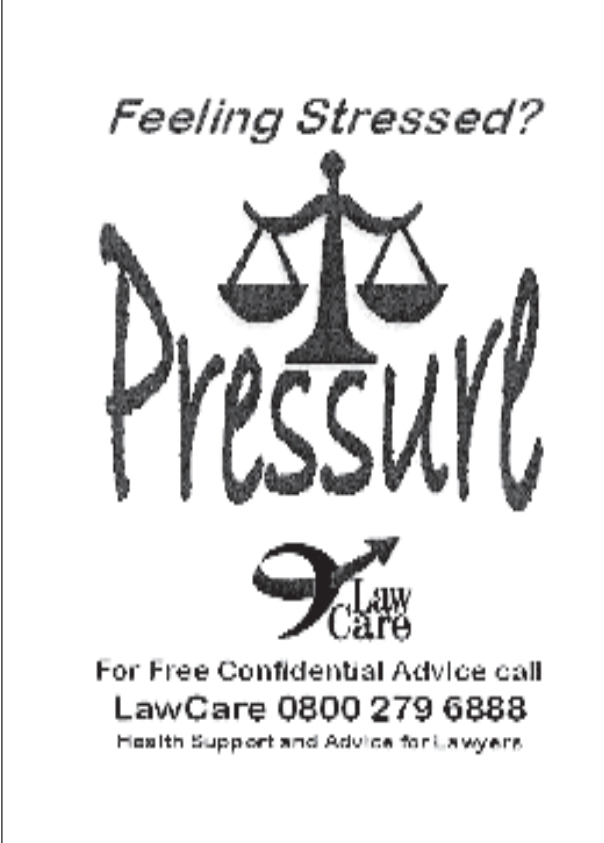
- Denial at work: mechanisms and rhetorical devices
- Accounting for atrocities: perpetrators and officials
- Blocking out the past: personal memories, public histories
- Bystander states
- Images of suffering
- Appeals: outrage into action
- Digging up graves, opening up wounds: acknowledging the past
- Acknowledgement

Cohen examines how people react to unwelcome knowledge, particularly to knowledge about atrocities, and the differing ways in which victims and perpetrators see these atrocities. According to Cohen, denial of responsibility inevitably follows one of four paths: obedience to superiors, conformity with society, necessity or splitting of the personality. He provides deep and clear insight into the psychology, ethics and sociology of acting as a bystander, a dissenter, a whistleblower and a rescuer. In the pages specifically dedicated to hate crimes, Cohen deals with the subject by categorising it in the following manner, under the heading 'legal compulsion'. He states that regulation and control are manifested as either:

- denial as crime – as in hate crimes legislation, for example legislation against denial of the Holocaust.
- duty to remember – as in truth commissions, political trials and inquiries.
- duty to rescue – to intervene on behalf of strangers, especially to save their lives.
- duty to know about even distant atrocities.

While these elements provide for lengthy moral and ethical debates both at the domestic and international levels, their theoretical discussion is very timely in the current global context. He believes that denial is the normal state of affairs and cases where the outsider is asked to take action are the exception, "Why people don't shut out is more interesting than why they shut out." This book compels readers to look at their own responses and judge their own behaviour when faced with the atrocities and suffering of others.

Book review

Julia Braggins reviews *The Geese Theatre Handbook* **edited by Clark Baim, Sally Brookes and Alun Mountford.** Waterside Press.

For anyone who has seen the Geese Theatre Company in action, their work will need no introduction. For anyone who has not, it is a treat in store. Geese Theatre UK was formed in 1987 to work exclusively within the criminal justice field. Members of the company devise and perform issue-based plays within prison, probation and similar settings. They also conduct workshops and training sessions with offenders to develop self-awareness and communication skills.

This is a generous book. Not only does it explain the thinking behind the company's work, it also provides a treasure-chest of games and exercises for any group setting. I defy any trainer or group facilitator across the social and communication skills spectrum not to find some stunning new off-the-peg idea to lift a jaded session on a wet Thursday.

There are some timely health warnings about boundaries, however, and about knowing your own professional limitations. The authors are at pains to distinguish between the generally 'therapeutic' uses of drama-based exercises, and personal therapy, or psychodrama. They caution wisely against rushing into personal level work without the appropriate training. Knowing what you are doing is crucial –

There is a wealth of food for thought in this book, for trainers of all kinds.

for group leaders as well as for participants - as powerful forces may be unleashed.

The rationale for the company's work is spelled out. Social learning theory, cognitive-behavioural theory (widely cited as being one of the most effective approaches in offending behaviour programmes) and role theory all underpin their approach. The first two may be familiar to practitioners working on offending behaviour programmes: the latter less so, perhaps. We are all role players in our ordinary lives, though most of us don't think of it this way. Daughter, son, parent, friend, student, teacher, employee, employer: these are all roles we might play, sometimes serially, sometimes at one and the same time. When we know how to perform a role it is in our 'role repertoire'.

Part of the Geese approach is to encourage participants in their training sessions to 'expand their role repertoires'. An equally important objective is to develop a felt experience of what it is to take other roles: to 'climb into another person's skin and walk around in it' (to paraphrase the quotation from Harper Lee's *To Kill a Mocking Bird*, which prefaces chapter four.)

There is a wealth of food for thought in this book, for trainers of all kinds. The authors urge, above all else, that you make sessions memorable. How? By ensuring that your training 'involves the whole person, physically, mentally and emotionally'. For instance, you could attempt to start a discussion on victim awareness in a group of male burglars by asking members how they'd feel about someone taking their wallet. Or alternatively you could ask them to stand in a circle, put their wallets on the floor in front of them, move several places round the circle so that they are standing in front of someone else's wallet (and several places from their own). Then ask how they would feel, if you asked each one to pick up the wallet in front of them. (The authors recommend that you do not actually ask them to do this!) The point is made.

Masks, the hallmark of a Geese performance, are the subject of the final chapter. The company uses masks to explore the various roles we play in our lives, and to highlight the notion that the 'front' we display to the world is not necessarily in sync with the thoughts going on inside our heads. 'Lifting the mask' is a device they employ to explore the hidden thoughts, feelings, attitudes and beliefs of the characters in the drama, and, by extension, the audience.

The eight 'fragment masks' (e.g. The Fist: 'Don't mess with me!': Mr Cool: 'Everything is sweet as a nut') represent key self-protective strategies we can adopt to avoid facing difficult issues by blaming others, playing the victim, or using charm to get by. The focus is on the behaviour, not the mask. Don't try this at home: these are Geese copyright. They all look like male masks: here, and elsewhere, I have wondered how far the Geese approach is geared to working with women. There are few examples in this book. Perhaps they leave that territory to the excellent Clean Break Theatre Company?

There are enlightening nuts-and-bolts chapters on structuring drama-based sessions, on processing techniques to enable participants to know what it is they have learned, and on building new skills to see how they might start to apply it. And there is a stunning chapter on analysing the theory and practice of the constructive use of role play, for which trainers (like me) can only be grateful. There are tips and templates for a range of assessment and evaluation techniques in the accompanying appendices.

As you may have gathered, I am a big fan of Geese and of this book. The handbook, respectfully and thoughtfully written, is an invaluable addition to the Waterside list. If you are responsible for group work, and are sympathetic to the drama-led approach, you won't need me to urge you to put in your order. Better still, if you can, ask the company in. We are lucky to have them. ■

Geese Theatre UK: www.geese.co.uk

Notes for Contributors

- Each quarterly issue of CJM focuses on a special area of criminological interest. CJM 49 will be our issue on **'Public Perceptions and Participation'.** Copy deadline is **12 August 2002.** CJM 50 will cover the theme of **'Criminal Families'**. Copy deadline is **15 November 2002**. Contributors are advised to discuss their ideas with Valerie Schloredt before submission. We also welcome articles written in response to this issue. Please send hard copy + disc in text or Word format or e-mail to: crimjustmatters@hotmail.com

- Articles (max length: 1200 words) should be jargon free, with no more than six references, and written to appeal to a well-informed, but not necessarily academic audience. Photos or illustrations are particularly welcomed. Publication, even of invited articles, cannot be guaranteed and we reserve the right to edit where necessary. Articles, letters and reviews can only be accepted on this basis.

- Editorial policy for CJM is determined by the Editorial Board, which is in turn accountable to, and appointed by, the Council of the Centre. The views expressed by contributors are their own and are not necessarily the views of the Centre.

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The Centre exists to promote the exchange of knowledge, experience and understanding of criminal justice. A non-campaigning body, it seeks to bring together criminal justice practitioners, sentencers, policy makers and academics through a programme of conferences, courses, seminars, lectures, study visits and publications. Members receive CJM free! For membership details please contact Julie Grogan, CCJS, King's College London, 8th Floor, 75-79 York Road, London SE1 7AW. Tel: 020 7401 2425, visit our website, or complete the attached form (photocopies are fine) and send us your cheque today.

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Joint per household	40	44	49

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Ordinary	32	38	42
Joint per household	42	48	53
Full-time Student	20	26	32

(Copy of student card attached please)

Voluntary Organisation - up to 10 staff	35
Organisations - up to 25 staff	50
- up to 50 staff	100
- up to 50-1000 staff	250
- 1000-3000 staff	500
- 3000-10,000 staff	750
- more than10,000 staff	1000