

Select Committee on Community Safety and Community Services – 20th January 2011

Report of the Chief Executive

Dudley Borough Hate Crime Role Update

Purpose of Report

1. This report sets out Dudley MBC's and Safe & Sound's approach to hate crime. The report also outlines some achievements to date.

Background

Definition

- 2 The distinction between a Hate Incident and a Hate Crime is outlined below:

A Hate Incident is: 'Any incident, which may or may not constitute a criminal offence, which is perceived by the victim or any other person, as being motivated by prejudice or hate.'

A Hate Crime is: 'Any hate incident, which constitutes a criminal offence, perceived by the victim or any other person, as being motivated by prejudice or hate'.

The perception of the victim or any other person is the defining factor in determining a hate incident. The prejudice or hate perceived can be based on any identifying factor including:

- disability
- age
- race
- religion or belief
- sexual orientation
- gender identity

- 3 A victim of a hate incident does not have to be a member of a minority group or someone who is generally considered to be vulnerable.
- 4 The spectrum of hate crime/incidents runs from abuse and harassment through to violent extremism. It can take many forms including:
 - Physical attacks
 - Arson
 - Offensive graffiti and other damage to property
 - Verbal abuse and intimidation (e.g. obscene telephone calls)

- 5 Failure to robustly tackle hate crime not only fails to protect the individual victim, but can also damage community cohesion, damaging community relationships by fear or distrust.

Context

- 6 In the last two years the profile of Hate Crime has risen locally and nationally. In 2009 the Home Office published the Hate Crime Cross Government Action Plan (HCAP), which coincided with the tenth anniversary of the MacPherson Inquiry report into the racist murder of Stephen Lawrence. The aim of the HCAP is to increase people's confidence in criminal justice agencies and improve cross agency efforts to prevent hate crime.
- 7 A recent Home Office report (October 2010) also reveals that the two categories of hate crimes that were most commonly reported nationally were connected with race (43,426 offences) and sexual orientation (4,805 offences). Other categories included religion / faith (2,083 offences), disability (1, 402 offences) and transgender (312 offences).
- 8 Community Safety Partnerships are required to lead on:
- The development and publication of local action plans to tackle and prevent hate crimes
 - In Dudley, collating, analysing and disseminating hate crime data to Safe and Sound
- 9 At a local level the Crime Reduction Officer with the portfolio for Hate Crime has been working with colleagues on a borough wide Hate Crime Strategy. The strategy relates to both hate crime and hate incidents. Both target people because of their identity, and are forms of discrimination that infringe human rights and can fundamentally affect victims' quality of life. The aim is to prevent hate incidents from escalating into hate crimes by prevention, supporting victims and working with the Police and partners to challenge attitudes and behaviours and to bring the perpetrators to justice, all fundamental aspects of the Hate Crime Strategy.
- 10 Work has been produced by the Community Safety Partnership analyst to keep Safe and Sound updated on hate crime on a monthly basis.
- 11 New guidance has been issued to local Community Safety Partnerships to develop local hate crime action plans. The publication of this action plan is imminent and is intended to set out how cross-government activity will address the following:
- Increasing victim and community confidence in the criminal justice system and reporting incidents.
 - Obtaining more positive outcomes to reported incidents including more offenders being brought to justice.
 - Improving the response to webpage hate crime
 - Preventing hate incidents developing into serious crimes
 - Improving recording, monitoring and mapping so as to effectively target preventative action

- Improving awareness of hate crime in the work place
- Improving access to and take-up of victim support

Key Roles to Date

- 12 The Crime Reduction Officer with Portfolio for Hate Crime is a member of the Anti Social Behaviour Team within the Community Safety Team. She has been in post for 18 months.
- 13 The purpose of this role is to co-ordinate a multi agency response to Hate Crime. This includes work to support victims and to take appropriate action in respect of perpetrators. There are two key strands of the role. The first is that of case managing complaints from owner occupied and private sector households. The second is that of supporting and advising the Council's Housing Managers regarding hate incidents / hate crimes reported by Council Tenants.
- 14 Other key elements of her role are supporting and working with colleagues and partners and assisting in collating evidence. It also involves joint visits to victims and perpetrators, as well as supporting vulnerable adults and young people. The post involves providing regular feedback to the complainants. Wherever possible, the role entails identifying workable solutions and ensuring actions are timely and coordinated. This often involves chairing multi-agency case conferences, ensuring the agreed actions are implemented and reporting to the Anti Social Behaviour Unit Operations Manager.
- 15 The role is developing and other key elements include:
 - Planning and delivering hate crime awareness sessions.
 - Addressing under reporting.
 - Convening consultation and meetings with hard to reach community groups within the Borough.
 - Positively promoting the work against hate crime.
 - Liaising with relevant agencies and voluntary sector organisations to support their work in response to hate crimes/hate incidents.
 - Supporting and contributing to the developments of policies and protocols that deliver best practice.
 - Developing working relationships with organisations such as Crown Prosecution Service, Equality & Human Rights Commission and Regional Commission of Racial Equality.

Progress to date

- 16 During the past 18 months 166 hate crimes/hate incidents have been reported to the post holder of which 127 have been resolved satisfactorily. There are currently 39 open cases, 20 of which are Council properties case managed by Housing managers.
- 17 Between April and July 2010, 82 hate crime cases were referred to the postholder from the police for additional support. In all these cases the complainants were contacted and offered support. This period intensively coincided with the three visits from the English Defence League (E D L).
- 18 Since 2008 hate crime appears to be increasing in Dudley. In 2008/09 there were

175 hate crimes recorded; by comparison, there were 181 in 2009/ 10. April /May 2010 showed 58 hate crimes recorded by the police, compared with 25 for the same period of April/May 2009.

- 19 The Hate Crime Officer has been involved in the formation of the Lesbian, Gay, Bisexual and Transgender (LGBT) Forum. The Equality Act 2010 places a duty on the public sector to research and provide support services not already in place. Other partners in this exercise were: -
- West Midlands Police (lead officer for LGBT)
 - British Transport Police
 - Dudley Primary Care Trust
 - Walsall and Dudley Mental Health Trust
 - Centre for Equality and Diversity (CFED)
 - Victim Support
 - Birmingham City Council (Pink Shield LGBT Forum)
 - Sandwell MBC LGBT Forum
- 20 The LGBT Dudley Forum was set up in September 2009 and meets on a regular monthly basis. The first public meeting was attended by the Leader of the Council.
- 21 To support victims, collaboration with Housing Services in contributing to the re drafting of the tenants handbook, to include hate crime, managing hate crime and hate incidents. Links with several partner agencies and voluntary groups have been made raising awareness identifying opportunities for co working.

Proposed Development work for the near future

- 22 A Hate Crime Strategy will shortly be finalised. An action plan has been devised from this to implement a number of key identified priorities. Some of these are as follows:
- Exploring with the police the potential for improved reporting systems (particularly homophobic and disability related)
 - Developing of a specialist multi agency Hate Crime Operational Group
 - Identifying opportunity and resources for hate crime training across the Council and partners. This will include specified key roles and responsibilities.
 - Improving and building upon better working relationships with the Crown Prosecution Service and Probation Service. This will explore work with other agencies working with perpetrators, thereby preventing hate crime.
- 23 It is intended that the work of the Anti Bullying Awareness sessions in schools and colleges in Dudley links to awareness of hate crime.
- 24 Effectively tackling Hate Crime also helps underpin the delivery of the Community Cohesion agenda, building stronger and more secure communities.

Finance

- 25 There are no direct financial implications arising from this report.

Law

- 26 The Association of Chief Police Officers (ACPO) and the Crown Prosecution Service (CPS) have agreed on the following definition of a hate crime:

Any criminal offence which is perceived, by the victim or any other person, to be motivated by a hostility or prejudice based on the following:

- a person's race, or perceived race
- a person's religion, or perceived religion
- a person's sexual orientation, or perceived sexual orientation
- a person's disability, or perceived disability
- against a person who is transgender, or perceived to be transgender


- 27 The Stephen Lawrence Inquiry uncovered institutional racism in the handling of the murder of Stephen Lawrence and brought wider recognition in England and Wales to 'aggravated' offences (created in the Crime and Disorder Act 1998). These crimes are committed on the grounds of a person's or group's ethnicity or race. This report was central to the move towards investigating alleged hate crime with the perception of the victim or witnesses as the starting point.
- 28 In 2001, legislative amendments extended protection against targeted hostility to religious groups. Then, in 2003, Section 146 of the Criminal Justice Act allowed courts to increase sentences related to hostility shown towards disability or sexual orientation.

Equality Impact

- 29 This report is in accordance with the council's equality and diversity policy.
- 30 The Crime Reduction Officer with the Portfolio for Hate Crime aims to deliver a service to all communities resident within the borough.
- 31 Hate crime / incidents target people because of their identity. Such activity is discrimination and infringes human rights and can fundamentally affect their quality of life.

Recommendation

- 32 It is recommended that the committee note the contents of this report.



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List of Background Papers