The RACE/FAITH HATE CRIME REVIEW –

In November 2005, the Merseyside Criminal Justice Board (through its performance management arm Quantum) commissioned a thorough review of the way CJ agencies and organisations deal with race hate crime in Merseyside. This was stimulated largely, but not exclusively, by the murder of Anthony Walker in Huyton in July 2005 and subsequent successful prosecution of the perpetrators of the murder.

THE RACE/FAITH HATE CRIME REVIEW

The simple aim of the review is to create: "a premium service in response to race and faith hate crime". There are 5 workstreams in the review, each led by a relevant member of the group. They are as follows:

- i) Creation of a reliable Merseyside data source
- Ii) Investigations and victim contact
- Iii) Case preparation and management
- Iv) Sentencing
- V) Application of effective post-sentence interventions

THE RACE/FAITH HATE CRIME REVIEW

- **AIM:**

  To create a multi-agency premium service to deal effectively with race and faith crime

- **KEY TARGET**:

  To increase the confidence of members of black and other racial and faith minority communities in Merseyside to report incidents and crimes by strengthening the responses of the Criminal Justice System

THE RACE/FAITH HATE CRIME REVIEW

REPORTING

- Establish reasons for non-reporting
- Develop and document 3rd party reporting centres
- Develop 24 hour reporting centres
- Design and delivery of training for reporting centre and agency staff
- Marketing of reporting systems

THE RACE/FAITH HATE CRIME REVIEW

INVESTIGATION

- Use of VICTIM Personal Statements
- Implementation of private rooms
- Use of language line
- Training of hate crime co-ordinators

CASE PREPARATION

- Deployment of race/faith hate crime specialist solicitiors
- Development of bail advice

SENTENCING

- Development of review reports
- Specialist training magistrates and legal advisors

THE RACE/FAITH HATE CRIME REVIEW

INTERVENTIONS

- Probation Service programme development
- Probation Service programme delivery mechanism
- Magistrates training

MONITORING

- Development of hate crime profiles and intelligence systems
- Development of case tracking/management systems
- PI identification

The “Against Human Dignity” Programme

AIMS:

- To reduce the risk of racially and religiously aggravated or motivated offending

OBECTIVES:

- To challenge the racially discriminatory beliefs and attitudes which underpin a racist view of society
- To increase offenders’ awareness of the history of racism within society
- To increase offenders’ understanding of the negative impact of racially abusive behaviour upon their victims and the wider community
- To enable offenders to develop anti-racist attitudes and behaviours

The “Against Human Dignity” Programme

WHO IS SUITABLE?

Male and female offenders convicted of any racially motivated or aggravated offence.

It is common for offenders to deny that they hold racist attitudes even when they accept the finding of guilt and that they have committed a racially aggravated offence. Offenders are therefore not required to demonstrate high levels of insight into the racially aggravated element of their offence in order to be regarded as suitable for the programme. Offenders must however, express a willingness to comply with the requirements of the programme. If an offender were to advise the report author that (s) he were unwilling to participate in the programme then the author should conclude that the offender does not demonstrate the required levels of motivation to address their offending behaviour and is therefore not suitable for a community sentence.

The “Against Human Dignity” Programme

WHO IS NOT SUITABLE?

Any offender whose offence is motivated by ideological belief (e.g. membership of an extreme political group)

Any offender with a learning disability or mental health problem that would impede their ability to achieve the required learning

The “Against Human Dignity” Programme

THE PROGRAMME INVOLVES:

- 14 Weekly 1-1 sessions of up to 2 hours each
- Completion of homework assignments
- Completion of identified follow-up work with offender manager

RMO BRIEFING

The Against Human Dignity Programme

PROGRAMME OVERVIEW

SESSIONS

Session 1: Pre-Programme
Session 2: Assessment
Session 3: Offence Analysis
Session 4 : Discriminatory Thinking
Session 5: Racism in Society
Session 6: Alternative Thinking
Session 7: Attitudes
Session 8: Social Development
Session 9: Midway Review
Session 10: Victims (1)
Session 11: Victims (2)
Session 12: Victims (3)
Session 13: Citizenship
Session 14: Post-Programme

NEW DEVELOPMENTS

- Expand review to cover all aspects of hate crime
- Develop a “buddy system” (circle of trust) for victims
- Set up case tracking meetings

RMO BRIEFING

Racially / religiously aggravated common assault (s. 29 (1) c)

Maximum penalty:

Crown Court – 2 years imprisonment and/or an unlimited fine

Magistrates Court – 6 months

Racially / religiously aggravated criminal damage (s.30 (1) c)

Maximum penalty:

Crown Court – 14 years imprisonment

Magistrates Court – 6 months imprisonment

RMO BRIEFING

Racially / religiously aggravated fear/provocation of violence (s.31 (1) a)

Maximum penalty:

Crown Court – 2 years imprisonment and/or an unlimited fine

Magistrates Court – 6 months imprisonment

Racially/religiously aggravated intentional harassment/alarm/distress (31 (1) b)

Maximum penalty:

Crown Court – 2 years imprisonment and/or an unlimited fine

Magistrates Court – 6 months imprisonment

RMO BRIEFING – THE CONTEXT

Racially / religiously aggravated harassment/alarm/distress (s.31 (1) c)

Maximum penalty:

Magistrates Court – Fine up to Level 4 (2500)

Racially / religiously aggravated harassment/stalking without violence (s.32 (1) a)

Maximum penalty:

Crown Court – 2 years imprisonment and/or an unlimited fine

Magistrates Court – 6 months imprisonment

Court can impose Restraining Order on conviction

RMO BRIEFING

Racially / religiously aggravated harassment/stalking with fear of violence (s.32 (1) b)

Maximum penalty:

Crown Court – 7 years imprisonment and/or an unlimited fine.

Magistrates Court – 6 months imprisonment

Court can impose Restraining Order on conviction

RMO BRIEFING

Relevant Legislation 2

Incitement to racial hatred – Sections 17 – 29 Public Order Act 1986

Using threatening / abusive /insulting words or behaviour or Displaying written material with intent to stir up racial hatred (s. 18)

Maximum penalty:

Crown Court – 7 years imprisonment

Magistrates Court – 6 months

Can only be prosecuted with the consent of Attorney General.

Referred to CPS Casework Directorate to be dealt with by specialist prosecutor

RMO BRIEFING

Publishing/distributing written material which is threatening/abusive/insulting with intent/likely to stir up racial hatred (s.19)

Maximum penalty:
Crown Court – 7 years imprisonment
Magistrates Court – 6 months
Can only be prosecuted with the consent of Attorney General.
Referred to CPS Casework Directorate to be dealt with by specialist prosecutor

RMO BRIEFING

Publishing Performance of a play involving threatening/abusive / Insulting words/behaviour with intent / likely to stir up racial hatred (s.20)

Maximum penalty:
Crown Court – 7 years imprisonment
Magistrates Court – 6 months
Can only be prosecuted with the consent of Attorney General.
Referred to CPS Casework Directorate to be dealt with by specialist prosecutor

RMO BRIEFING

Distributing /showing / playing a recording of visual images or sounds that are threatening / abusive / insulting with intent / likely to stir up racial hatred (s.21)

Maximum Penalty:
Crown Court – 7 years imprisonment
Magistrates Court 6 – months
Can only be prosecuted with the consent of Attorney General.
Referred to CPS Casework Directorate to be dealt with by specialist prosecutor

RMO BRIEFING

Broadcasting or including programme in cable programme service involving threatening / abusive/ insulting visual images or sounds with intent / likely to stir Up racial hatred (s.22)

Maximum penalty:
Crown Court – 7years imprisonment
Magistrates Court – 6 months
Can only be prosecuted with the consent of Attorney General.
Referred to CPS Casework Directorate to be dealt with by specialist prosecutor

RMO BRIEFING

Possessing racially inflammatory material / material for display / publication / distribution with intent / likely to stir up racial hatred (s.23)

Maximum penalty:

Crown Court – 7years imprisonment

Magistrates Court – 6 months

Can only be prosecuted with the consent of Attorney General.

Referred to CPS Casework Directorate to be dealt with by specialist prosecutor

RMO BRIEFING

RELEVANT LEGISLATION 3

Football offences – Section 3 Football Offences Act (amended by Section 9 Football (Offences & Disorder Act 1999)

Engaging in, or taking part in, indecent / racialist chanting at a designated football match

Maximum penalty:

Fine up to Level 3 (£1000)

Court can impose a football Banning Order in addition to any other penalty. Breach of Banning Order carries up to 6 months imprisonment. Does not apply to religious chanting, however, other offences such as racially / religiously aggravated public order offences may be more appropriate.