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HATE CRIME & SYSTEM(IC) INJUSTICE:

A REPORT

BY THE RACIAL JUSTICE NETWORK





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Acknowledgement

We would like to start by thanking all the contributors and those who have been willing to share their stories and seek support from the Racial Justice Network. The resilient individuals whose voices need to be heard, who continue to inspire us and fuel us to agitate for justice.

We would also like to offer a content warning as some of the content is triggering.



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Hate Crime & System(ic) Injustice: a Report on the Experiences of Reporting Hate Crime in West Yorkshire.

Abstract:

This report provides an insight into the hate crime experiences of migrants in Leeds and Bradford. Building on Peninah Wangari-Jones' paper on national hate crime,¹ This report edited by Eve Doran and Sharon Anyiam includes the narratives of individuals who have experienced a hate crime and reported it to West Yorkshire Police. This report will outline the wider context of hate crime, followed by an exploration of three narratives that discuss lived experience with hate crime and reporting it to the police. Findings include Black, Brown and migrant communities may fail to report hate crime incidents to the police because - police do not deal with racist hate crime incidents in a timely manner; police delays prolong the emotional trauma caused by racist hate crime incidents. The hostile environment policy and the proximity of the police to the immigration department exacerbate fear and mistrust and deter many victims from coming forward. These findings provoke some recommendations on ways to effectively tackle hate crime reporting so victims feel safe and supported.

Introduction:

This year the COVID-19 health crisis has illuminated the inequalities affecting the health of Black and Brown and migrant communities.² These are perpetual inequalities which were intensified by exceptional circumstances, at times of crises those already facing hardship will be the first to suffer the fallout. As Brexit looms we are troubled by the likelihood of seeing a further rise in racialised hate crime as we did in the period following the referendum. Similar to the disparities in healthcare brought to light by COVID-19, hate crime has unfortunately been a permanent feature in the lives of many Black, Brown and migrant communities.

The hostile environment policy (a set of government policies designed to make like so difficult in the UK they want to voluntarily leave)³ has increased the role and the perception of the police as

¹ Wangari-Jones, P. (2019) Exploring the hate crime attrition rate in England and Wales (Unpublished report)

² Kings College London (2020) [COVID-19 is illuminating the inequalities affecting the health of BAME communities. says King's alumni](#) 15 June.

³ Hostile Environment policies have been put in place since their introduction in 2010 by then Home Secretary Theresa May. Schools, GPs, banks, landlords and police have all become border agents



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a border force as pointed out in Yorkshire Resists and ours [Stop the Scan](#) campaign amongst others. Even with increased legitimisation and bolstering of anti-migrant narrative in our streets and policies, the fear and mistrust of the police and authorities mean many Black, Brown and migrant communities continue to suffer in silence. With upcoming Brexit,⁴ socio-economic conditions being brought about by Covid and the reduced protections that might come with Brexit, the situation is likely to get worse.

Black Lives Matter protests and [social justice movements](#) in the past months have brought a lot of injustices relating to policing and the general justice system to the surface. This report is not only attempting to remind us about this intersection of oppressions but begins to question what actions are being taken by the government, police and wider society to address these vital and important concerns of the intersection of Brexit, Covid-19 pandemic and the hostile environment policy as we move forward.

Hate crimes are offences committed on the basis of a victim's actual or perceived membership to a particular group or community. We face difficulty in fully understanding the scope of the problem, partly due to victim under-reporting. There is a momentous 'dark figure' of hate crime (the amount of crime which goes undiscovered) and part of this dark figure is due to the reluctance of victims to report incidents to the police. The repercussions of this can be that without full knowledge about hate crime victimisation, reliable estimates cannot be generated. We also face difficulty in effectively getting resources to victims and the communities that need them most.⁵

The police and the CPS (Crown Prosecution Service) have agreed on the following definition for identifying and flagging hate crimes:

"Any criminal offence which is perceived by the victim or any other person, to be motivated by hostility or prejudice, based on a person's disability or perceived disability; race or perceived race; or religion or perceived religion; or sexual orientation or perceived sexual orientation or transgender identity or perceived transgender identity."

The CPS also note:

obliged to do immigration checks. For more see

<https://www.ippr.org/files/2020-09/access-denied-hostile-environment-sept20.pdf>

⁴ The transition period for the UK to leave the European Union ends on December 31st, 2020. For more see <https://www.gov.uk/transition>

⁵ Myers & Lantz, (2020) Perry (2002) Lantz et al (2019) Pezzella et al (2019)



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“There is no legal definition of hostility so we use the everyday understanding of the word which includes ill-will, spite, contempt, prejudice, unfriendliness, antagonism, resentment and dislike.”⁶

The Crown Prosecution Service Hate Crime Report 2017-2018⁷ put forward the reason for the increase in hate crime reporting across all forms of hate crime, except disability, between 2014 and 2016 was because improvements had been made in crime recording methods, leading to more people coming forward. [Advocacy](#) and a push for third party reporting centres⁸ in this period potentially helped those who feared going to the police stations, for example, community centres, places of faith, and online ([TELL MAMA](#)). Garland et al (2014) believe the increase is due to encouragement and raising awareness of people’s rights so they become better informed about violations and infringements to their rights. Many incidents would still have occurred but remained unreported had people’s level of awareness not been raised.

Crime Survey for England and Wales (CSEW) estimated that around 110,000 hate incidents took place between 2015 and 2018 even though only 84,000 of which were reported. The most commonly reported motivating factor in these hate crime incidents was race. Out of these estimations the largest strand that did not report hate incidents and crime, disability was highest at 86%⁹, religion at 79%, sexual orientation at 62% and race at 30%.¹⁰

In the Home Office’s statistical bulletin *Hate Crimes, England and Wales, 2014/15*, Corcoran, Lader and Smith (2015) stated that it is not that hate incidents have increased but the fact that reporting mechanisms have improved, which has led to more people reporting these crimes. The introduction of third party reporting centres meant more victims who would have been deterred from contacting or speaking to the police have been able to do so. Participants of a research project conducted in Leicester on identifying barriers and solutions to reporting stated ‘that the likelihood of reporting would be increased if the mechanisms available to report hate crimes were more straightforward’¹¹. Further, reasons for increases in reported cases include momentous national and international events. *Hate crime statistics 2017/2018* states that though the increases in hate crime over the last five years have mainly been driven by improved crime recording by the police, there have been spikes in hate crime following certain events such as the EU Referendum and the Westminster attacks in 2017. Though religious hate crime

⁶ CPS (2020) Hate Crime

<https://www.cps.gov.uk/crime-info/hate-crime#:~:text=%22Any%20criminal%20offence%20which%20is,orientation%20or%20transgender%20identity%20or>

⁷ [Hate crime report 2017-2018](#)

⁸ [5 Ways to Disrupt Racism](#)

⁹ Disability hate crime also relates to ‘mate crime’ as crimes are often committed by people known by the victim like contractors, carers, relatives and friends compared to perpetrators being strangers so figures are often hidden.

¹⁰ Office of National Statistics (2018) [CSEW number of hate crime incidents in England](#)

¹¹ Chakaborti & Hardy (2015: 9)



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has seen the largest increase over the year, racially motivated incidents have remained the highest.

A study carried out by the [International Network for Hate Studies](#) calculated the number of offences that are likely to ‘drop-out’ of the criminal justice system. The total number of cases that drop out of the system represent what is known as the “justice gap” for hate crime. Analysis of the Crime Survey for England and Wales (CSEW) suggests that between 2015-16 approximately **110,160** hate crimes were reported to the police. Yet official police statistics for the same period recorded just **62,518** hate crimes. This suggests that only 57% of those incidents reported to the police are recorded as hate crimes. During the same year, the CPS prosecuted 15,442 hate-based offences, of which **12,846** resulted in a conviction. Which means that of an approximate 110,160 reported hate crimes, only 4,342 offences (4%) resulted in a sentence uplift based on identity-based hostility. In other words, approximately **96%** of reported hate crimes may not result in a sentence uplift (International Network for Hate Studies Report). Hate Crime legislation dictates that courts must pass increased sentences for offences motivated by hostility towards a person’s race, religion, disability, transgender identity or sexuality.¹² Possible reasons for this significant “justice gap” in the reporting of hate crime, includes: difference in the definitions of hate crime used by the police compared with the courts; varying dates between reporting and legal action; victims retracting statements; and perpetrators never being apprehended.

Having unpacked what hate crime is and trends including an explanation for recent increase in hate crime reporting, we also wanted to pay attention to what happens after the reporting. We wanted to explore the outcomes based on communities on the periphery who continue to seek support from the Racial Justice Network. Reports show that only 1 in 10 reports of hate crime achieve a ‘satisfactory’ result from the victims perspective. This is not just on the basis of a successful conviction of the perpetrator(s), it is also on the process itself like support through the process, understanding of the procedure, being heard, updates from the police and so forth. This means 9 out of 10 individuals who report hate crime are not content with how it was dealt with.¹³

Despite the huge national increase in reported cases, the number of prosecutions is lower and the number of convictions is even smaller again. Organisations such as [International Network for Hate Studies](#) (2017) have called for reform with some asking for a hate crime act. They feature research conducted with police, victim support, magistrates, crime prosecution service and others involved in the process which states that there was a huge disparity between how evidence is collected, presented or given. For example, it was difficult to evidence the weight and manner of a racial slur in a way that would bear enough for a conviction. Most cases were dismissed unless involving physical evidence such as arson or bodily harm, as they were more straightforward than public order offences.

¹² [Sentence Uplift – an explanatory note](#)

¹³ [The International Network for Hate Studies](#)



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An analysis of the Home Office report on hate crime by *The Independent* newspaper concluded ‘the statisticians who compiled the report said that it was possible that some crimes – which the victim believed to be racially motivated – were not being assessed as such by the police.’ It found that a staggering 80% of allegations of racially or religiously motivated crime are not investigated. Less than one-third of these result in court proceedings, let alone convictions.¹⁴ There were also reports which commented on the manner of communication between the investigating police officer and the Crime Prosecution Service (CPS) who decide if the issue is worth prosecuting. The inconsistency between crime reporting, prosecution and conviction was also cited as a deterrent for those who would otherwise seek justice.

Narratives on Hate Crime Reporting:

This report emerged from people in the community who reached out to the Racial Justice Network between 2019 and 2020 for support with their hate crime experience(s). In this report, we present the perspective of four contributors who were willing to share their stories for the purpose of calling attention to how Black, Brown and migrant communities are impacted by hate crime. We conducted 1-2-1 interviews with four contributors to ascertain: how they defined hate crime and if this aligned with the police understanding of hate crime; the timescale in which hate crime reports were dealt with; and lastly, what support the victims needed during the process. Observing the similarities in their stories, we outlined three key questions to further interrogate how West Yorkshire Police dealt with reports of hate crime. This section will outline the four contributors' responses to our questions.

Contributors are referred to as Mo, Ali, Jay, and Eil.

Contributor Mo

Mo recounting their own experience, recalls a time they were walking to the shop near their house, a suburban area, when two white teenage individuals confronted them, with one asking what they were doing in the area followed by the use of the ‘n’ word. They responded to the individuals asking “what did you say?” and they were met with an onslaught of verbal insults,

¹⁴Wright, O (2014) [Exclusive: Race hate - a crime the police will not solve](#) *The Independent*, 13 January.



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which quickly turned physical. One of the individuals initiated the physical assault by punching and kicking Mo on their face and body and dragging Mo on the ground, and as Mo defended themselves against being attacked, the other individual would pull Mo away from their attacker, however the attacker would then again begin to assault Mo. This attack lasted roughly ten minutes as Mo was 20 metres away from their house screaming for help. Mo's partner was in the house, so Mo picked themselves up, bleeding and injured and ran to their house where they told their partner they had been attacked. Their partner begins to run after the individuals as they were fleeing and caught the attacker, making a citizen's arrest whilst both individuals are shouting. Mo recalls at this point they were in shock from the attack as people began to emerge from their homes and police cars began to arrive. Once the police had the attacker they ask what happened and the attacker describes being attacked by Mo's partner. At this point the police view Mo's partner as the perpetrator despite Mo telling them what had just happened. The police then told Mo and their partner that they could not talk to each other and take their partner in for questioning, despite the fact that Mo's partner had not witnessed the assault. The police also question Mo in their house by themselves, whilst still reeling off the shock of the assault without providing or checking if Mo had anyone to be there for support. The police witness Mo's injuries and take them to hospital, where they continue to put pressure on Mo to provide a statement, despite being physically injured, emotionally traumatized and in a state of shock. The police also informed Mo that they were going to keep their partner held as the attacker also had physical injuries. During the journey to the hospital, Mo omitted that they were going to press charges for the assault and the police officer who had questioned Mo told Mo if they were their partner they would advise them not to press charges over the assault. Whilst at the hospital, Mo overhears a conversation with the police where the officer that had advised them not to press charges relays to their colleague "I have tried but [they] are still insisting on pressing charges".

Following the incident no support was offered or provided to Mo and their partner, no follow-up telephone call was made in relation to the incident and it took police officers four days before they visited Mo. When they visited they informed Mo they were dropping the case as there was no evidence to support the case, despite their physical injuries still being visible and a tooth being damaged as a result of it. The police failed to take pictures of the injuries and failed to gather a doctor's report on the day of the incident that would have served as evidence. This meant that the perpetrators got away with their crimes. Mo notes as their status was precarious, the support and compensation entitled to a British citizen was not extended to them so they struggled with PTSD for a long time due to the incident. Mo highlights their anger and frustration that their case was not classified as a hate crime as they felt if it was the police may have taken it more seriously.

Mo also described the story of a friend who at the time did not have regular immigration status and was thus housed in home office accommodation in an area notorious for its hostility towards Black, Brown and migrant communities. Mo's friend often dealt with eggs being thrown at their window and the property being vandalised with racial slurs graffitied across the door. Mo's friend had friends visiting and as they were socialising in the house young white people in the area



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began relentlessly making noises and throwing things at the house and banging on the walls. When they came out of their home to ask that they stop, Mo's friend was attacked, one of the people smashed a bottle against the ground and thrust the jagged edge against their head causing an injury that left them hospitalised for nearly a month. The others who were in the house now came out and a bystander, seeing a confrontation centring a group of Black men, called the police who arrived in multitudes and apprehended only the Black men and not the perpetrators. The police did not classify the attack as a hate crime, nor was any conviction made. As Mo's friend was within the asylum-seeking system they did not have rights to any service provision, a directive of the hostile environment, this meant they did not receive support for the mental trauma of the event or any physio for their injury which has left them with permanent after-effects. They were also not entitled to any victim compensation, which owing to the gravity of the act committed against them should have been a substantial amount.

Contributor Ali

Ali works within a charity organisation in Bradford that supports local communities, predominantly working with Black, Asian and ethnically minoritised communities. Their organisation previously acted as a reporting centre for hate crime, however, they later came to the decision to terminate reporting services as members of their community felt their reports were not being taken seriously, and as a result, not dealt with effectively by the police. For this reason, they did not want to continue to put their community through a process that saw no substantial outcome for the victims.

Ali discussed a particular instant in which one of their service users, who had immigrated from Nigeria, reported a hate crime to their organisation regarding racial verbal abuse they had received from a white-British neighbour. In this case, Ali notes the police took over two weeks before they had contacted the victim. Ali expressed their concerns that the police do not respond in a timely manner to reports of hate crime which means that victims often feel forgotten and unheard and stressed this was a common pattern. When they called the victim their partner answered the phone and asked the police to call back but instead, the police asked if the partner could discuss the details of the incident. The partner stated they had not been there during the time of the event and should call back to speak directly to the victim. The victim never received this call and was not visited. When they did not hear back from the police, the victim contacted the police and found out the case had been closed because no evidence of a hate crime was found. Ali stated this was a pattern they had witnessed for several African migrants within their community who reported racist hate crime incidents. As a result, this suggests that definitions of hate crime should be left to those who experience hate crime to define.

Ali also spoke to their own personal experience reporting a hate crime to the police. They noted that the police did little to provide any substantial support that made them feel safe. Recounting



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the many times their offices had been vandalised, they expressed the fear and anxiety these incidents add to their daily stressors but felt the police failed to recognise how racially motivated incidents impact victims on a mental and psychological level.

Contributor Jay:

Jay sought the help of The Racial Justice Network to appeal their case against the ‘systemic and institutional racism within the British policing system against black minorities’. Jay had been suffering ‘endless troubles’ with their neighbour who often parked across their doorway thereby blocking access to their home, and called them and their young son ‘Black bastards’. One particular incident in which Jay was subjected to racial abuse, assaulted in the form of being spat in their face, threatened with eviction and physical threats (to ‘smash their face in’), drove Jay to seek our help. The police officers who arrived at the scene refused to take a sample of the spit from Jay’s scarf which Jay had kept in the hope that the evidence could be used. Though Jay had been clear about the racist nature of the incident the police officer omitted the term ‘hate crime’ from her statements as well as any racial inferences while adding their own unsubstantiated subjective comments about Jay, which they believe could discredit their case. The officer stated that Jay and their neighbour are ‘as bad as each other’ and that Jay wanted their neighbour to be removed from their home address. Jay discovered these false allegations through access to subject data. Even though the officer had promised to take the matter to court, the case was closed without any action, including interviewing the perpetrators. Jay appealed against the officer’s decision through IOPC who mandated that their case be reopened, and the body-worn video camera (BWV) of the officer be reviewed. Following the review of the body-worn video camera, Jay’s case was reclassified as a hate crime incident. However, the police refused to do anything about the case claiming that it lacked substantial evidence to warrant court judgement (i.e. there was no DNA evidence and no CCTV footage to prove Jay’s account), despite there being eyewitnesses. Jay feels the police wasted their evidence deliberately in order to render their case worthless. The police took no responsibility for their actions and claimed that the lack of swab at the time was a mere mistake hence, no action would be taken against the officer in the form of a disciplinary or learning development. This was not the first time Jay had faced racial abuse from this family and even their visitors. Jay feels, had the roles been reversed, the police would not have brushed over this case. The incident has had a continued negative impact on Jay’s mental health. In the end, Jay did not follow through with the appeal as the process was causing them too much trauma and negatively impacted their mental health and wellbeing.

When Jay told their story, they passionately vocalised their experiences and poured forth their anger at the hate they received, but most importantly their frustrations towards the apathy and inefficiency of the police as a channel for seeking justice. There was a sense that they had not been heard before, as they spoke in-depth about their realisation that the police had in fact



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attempted to waste their time by delaying contact, lying about details of their initial report, lying about plans to follow up their case and so on.

Contributor EII:

EII is an advocate for people seeking asylum and issues relating to migration, destitution and the hostile environment. They believe the police often turn the tables on the victim when the victim may have precarious immigration status. They recalled one such instance in which a female victim of sexual abuse reported the crime to the police only for her status to be called into question and passed along to the Home Office. Having taken her statement, the police claimed they could pursue the case whether she remained in the country or not. It is unknown if they did actually pursue the case. Additionally, if you have a precarious immigration status you are not entitled to compensation following a crime. EII also gives details about a client who had been attacked with a knife and stabbed several times, but because they were in the asylum-seeking process they received no victim compensation. For this reason, many people do not think it worth reporting incidents because of immigration exposure. In this way, the asylum process creates “a pool of vulnerable people for society to abuse”, many people who are destitute are considered outside of the justice system and left exposed to crimes. The perpetrators of these unreported crimes reap no punishment, perpetuating crime and reinforcing the idea that there are groups of people our government considers dispensable. This cycle of crime has become another arm of the hostile environment, there is the attitude that you have put yourself in this situation by coming to the country ‘illegally’ and have no right to justice.

EII highlighted that a person’s immigration status does not need to be precarious for there to be a likelihood that you will not receive justice for crimes committed against you. Considering the anti-immigration rhetoric of the EU referendum, any migrant in the UK can now assume there is a 50% chance that the judge your case is brought to may believe you do not have a right to be in this country. There is also a 50% chance that the police officer who first records your case may believe that you do not have a right to be in this country, regardless of what your official status may be.

In the words of EII: ‘The wheels of justice grind slowly, except in the case of immigration’.

In conclusion

These narratives shine the spotlight on the barriers Black, Brown and migrant communities experience when reporting a hate crime. Contributors consistently note that the police failed to recognize the severity of the crimes committed against them which is exemplified by the slackened timescales for investigations by the police. While cases of hate crime may appear to be individual acts, these incidents are rooted in a wider, structural process in which expressions of hate, discrimination and hostility are utilised to create the marginalised ‘other’ and preserve



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hegemony. Hate crime becomes a means of reinforcing power dynamics between dominant and subordinate groups. Research has shown that hate incidents are often fuelled by economic uncertainty, political scaremongering and stereotyping by the media. The severity and pervasiveness of these incidents can be influenced by ‘trigger’ events, such as Brexit.¹⁵

During the current climate of a pandemic, that has witnessed those with disabilities or ongoing health issues, racialized and migrant communities adversely impacted, and in the wake of the actualization of Brexit, we can be certain hate crimes experienced by those in these communities will increase. For example, far-right groups have increased their attacks on East and South-East Asian people since the outbreak of COVID-19 in the UK.¹⁶ The devastation caused by hate crime can often be reinforced, and not alleviated, by the continued failures of police to respond effectively.¹⁷ Much of the research cites victim under-reporting as the main obstacle to understanding and tackling hate crime. However, we argue that many hate crimes which are brought to the police are not handled as such and that the racialisation and immigration status of the victim can often be treated as inconsequential by police. This means that the ways in which hate crimes are dealt with by police are not good enough to adequately protect communities with migration history, racially minoritised and other protected characteristics.

Recommendations:

Having looked at the issues raised and contributions from individuals who spoke to our team, these are our recommendations to improve hate crime reporting and support for victims of such acts.

1. As per the definition agreed by the police and CPS, as highlighted in Ali’s narrative, we recommend that victims’ definitions of hate crime should be primary as the criminal offence perceived is by the victim. This means that police should not have the authority to close a report/case due to denying the legitimacy of the hate crime. This also means the onus should not be on the victim to prove a hate crime was committed.
2. In addition, the police need to classify all incidents of hostility fuelled by racism, sexism, homophobia, ableism and religious discrimination as hate crimes and not lessen classifications. Thus, we recommended that the police classify hate crime accordingly. Individuals affected by hate crime do not always say it in those terms which means actions are not taken or

¹⁵ Chakraborti and Garland (2012) & (2015) Perry (2001) Chakraborti (2017)

¹⁶ Townsend, M. & Iqbal, N. (2020) [Far right using coronavirus as excuse to attack Asians, say police](#) The Guardian, 29 August.; Grierson, J. (2020) [Anti-Asian hate crimes up 21% in UK during coronavirus crisis](#) The Guardian, 13 May.

¹⁷ Awan and Zempi (2017)



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seriousness of matter disregarded. We recommend police officers undergo regular hate crime training so they know and understand how to better classify and listen to and support victims.

3. All narratives exemplify the need for a more rigid timescale and process to be put in place for dealing with reports of hate crime. Common patterns of bad practice, for instance, failure of the police to gather physical evidence, detailed in Mo and Jay's narratives, calls for stricter adherence to procedure and regular checks and balances to ensure compliance with due process. Increased communication with the victim and explanation for any delays. The appeals process should account for police delays and make allowances for this as Jay's story demonstrates the negative impact a delayed process can have on victims of hate crime.

4. We recommend police and the judicial system at large, engage with content that deepens the understanding of trauma caused by racist hate crimes and develop an awareness of, and relationships with, local support providers. This should extend to any strategies or policy reviews which should aim and ensure listening, engagement and participation from marginalised communities. By listening to the communities most adversely affected police can gain insight into tackling hate crime in a more sensitive and effective manner. From the stories shared with us, it is evident that there is a lack of aftercare for hate crime victims despite the existence of many local and national charities and organisations who provide support. If the police were to familiarise themselves with these organisations they could be signposted to victims.

5. We also recommended Denouncement of hostile environment policies, particularly by the justice system and in accordance with the Equality Act 2010 (treated differently because of protected characteristics). All victims of crime, hate crime should be offered necessary support and compensation regardless of their status in this country. This includes mental and physical health support as these services were denied to individuals.

6. Our final recommendation is for a firewall to be installed between the police and the immigration database. As discussed in the introduction of this report, Yorkshire Resist and us have expressed our [concerns](#) of the police use of the biometric gateway (mobile fingerprint scanners) connected to the immigration database. It prevents police from supporting communities. Other organisations such as [Liberty](#) and the [Step Up Migrant Women](#) have highlighted the dangers these actions have for migrant women fleeing abuse. In the same light, we can see in Ell's account how hostile environment policies have not only deterred migrant victims of hate crimes from reporting but have put them in vulnerable situations.



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