

October 2016

Hate Crime

What it is and how to support victims and witnesses



Crown Prosecution Service
cps.gov.uk



This guide is about hate crime and how to help people who may be victims of hate crime.

It is for people who work for voluntary organisations and people who work in health, housing or social care.

Knowing what is a hate crime



Hate crime covers lots of things that are against the law such as:

- verbal abuse - saying bad things to someone
- threats - saying that someone will do something bad to another person
- bullying
- hurting someone
- damaging things that belong to someone else



It can also include mate crime - this is when someone a person knows takes advantage of their friendship to do something against the law.



The law protects people:

- if they are treated differently because of who they are



- if someone thinks they are less important than other people



- if someone behaves badly towards them because of:

- disability
- gender (if someone is a man, woman or transgender)
- nationality or race
- religion
- or sexual orientation (if someone is straight, gay, lesbian or bisexual)



Hate crime is about the bad things someone does to another person, because of who they think they are.

Recording and reporting hate crime



If the victim, witness or someone else like the police think that a hate crime has been done by someone, then this will be recorded straight away.



The police will then look for information or evidence to show if this is true.



It is not always possible to take people to court if the police think they have done a hate crime. This can be because:



- the police cannot find enough information or evidence to show that someone has done a crime
- or the police cannot find enough information or evidence to show that the crime was also a hate crime



It is still important to report things to the police, so that they know what has happened.

Taking people to court



There are 2 laws that can be used for taking people to court when the police think that someone has done a hate crime:

1. The Crime and Disorder Act 1998
2. The Criminal Justice Act 2003



Evidence or information that shows that someone has done a hate crime can include things someone has said or done:



- Someone might say something bad about another person because of who they are or who they think they are.



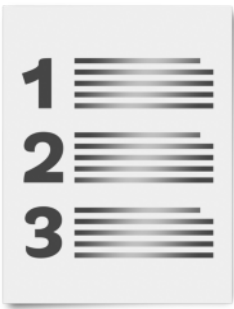
- Someone might do something bad because of something linked to a person. For example, if they see someone using a wheelchair or wearing a hijab (a head covering worn by Muslim women).



It is a good idea to keep a note of what has happened, especially if it has happened before.



Take photos of any damage.



The Crown Prosecution Service (also known as the CPS) has made a list of things that can help with showing evidence of a hate crime and understanding why someone has done it. This includes:



- violent things happening in other parts of the world or country



- when there are religious or cultural holidays or events



- the same kind of thing has happened before



- things happen in a more planned way



- things happen more often and become more serious



- saying bad things about a person starts to turn into violence



- people are wrongly said to be a paedophile or terrorist



- people are treated in a way that hurts them and they are treated without respect



- stalking someone or threatening them



- giving away personal information about someone's gender identity



It is the job of the police to find information about a hate crime.



The CPS follows rules about making decisions on taking people to court when the police think they have done a crime.



These rules say that:

- there needs to be a good chance that a court will find someone guilty of a crime



- it needs to be in the public interest that someone goes to court - this means that it needs to be in everyone's interest, not just the person the crime was done to

It is more likely to be in the public interest to take someone to court for a hate crime.

Other crimes to do with hate



Stirring up hatred is also against the law. This is about trying to get people to hate others. People can do this using words and threats, in the way they behave, or by using posters and leaflets.



Stirring up hatred means getting people to hate others so much that it could affect public order.

In law, there are 2 ways to look at this:



1. **Stirring up hatred to do with someone's race or nationality. This is against the law even if the person who did it did not mean to do it.**



2. **Stirring up religious hatred or hatred because of someone's sexual orientation (if someone is straight, gay, lesbian or bisexual). This is only against the law if it is done on purpose.**



People also have the right to free speech. This means that they can say what they think about religion and sexual orientation, even if this may upset other people.



But they cannot do this if it means that public order could be affected.

Supporting victims and witnesses

Who can help?



The police will need to find out what help a witness needs as soon as possible.

- Registered Intermediaries can help with communication



- Witness Care Units give help and information



- Citizens Advice gives free, independent help.



Click on www.citizensadvice.org.uk/about-us/citizens-advice-witness-service/



- Some areas have reporting centres, so that people do not need to go to a police station

- People can also report hate crimes to Stop Hate UK



Click on www.stophate.org

What help can victims and witnesses get in court?



Victims and witnesses may have different support needs. People will get help to make sure that they can give their best evidence.



This help, called 'special measures' can include:

- screens in the courtroom



- a video link or recorded video, so that witnesses do not need to be in the court



- having fewer people in the court



- judges and barristers not wearing their wigs and gowns



- help with communication



- rules to keep information about what is happening out of the news

These people can also get 'special measures':

1. Vulnerable witnesses -



- people under 18
- people with mental health needs
- people with high support needs
- people with a physical disability





2. Intimidated witnesses -

- someone who may not give their best evidence due to fear to do with giving evidence

The CPS has made a guide on special measures.



Click on the CPS website to find it:

www.cps.gov.uk/legal/s_to_u/special_measures

The Royal College of Speech and Language Therapists has information about the help intermediaries give with communication.



Click on

www.rcslt.org/about/young_offenders_and_criminal_justice/registered_intermediaries

How can I help a victim or witness?



If you think someone has been a victim of a hate crime, here are some questions you can ask:

- What happened? Who was there? Where and when did it happen? Has it happened before?



- How did it make you feel?



- Do you know the person who did it?



- Do you think that this had anything to do with who you are?



- Have you told anyone else? Do you want to talk to someone about what has happened?



It is important to keep a record of what is said.

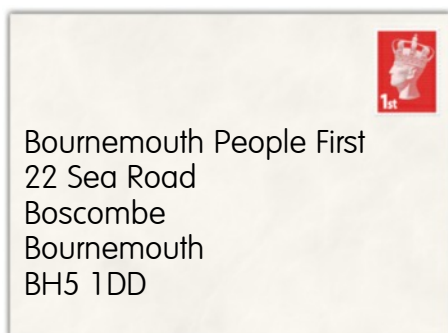


Listening to someone and giving them the right support can make it easier for them to talk about what has happened.



You can also talk about the best way to report what has happened.

Easy read design by:



www.bournemouthpeoplefirst.co.uk



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