Alternative Hate Crime Reporting Mechanisms in the UK

The purpose of this briefing is to explore hate crime reporting models commonly used in the United Kingdom in an effort to support the NSW Standing Committee on Social Issues to consider options for the NSW context.

With more than two decades experience responding to hate crime in the United Kingdom, there is an opportunity to extrapolate to the Australian context. Guidance is provided by studies such as that undertaken by Walters, Brown and Wiedlitzka (2016), who reviewed the evidence on preventing hate crime and set out recommendations for improving the use of interventions.[1]

UK response to Hate Crime

The United Kingdom introduced the Public Order Act in 1986 which prohibits hate speech and has continued to strengthen its commitment to addressing hate crimes with the introduction of further legislation to facilitate monitoring, prevention, prosecution and redress for crimes motivated by hostility or prejudice based on actual or perceived race, religion/faith, sexual orientation, disability and transgender identity.[2]

While many commentators are of the view that policy and other responses may not have otherwise happened in the absence of Hate Crime legislation[3], it is important to consider those elements of the UK approach that have led to increased reporting of hate crimes that can be replicated in NSW in the absence of legislation.

One major key to the UK success has been a strong commitment from relevant stakeholders to work collaboratively and in good faith towards protecting vulnerable communities. Another key, has been the willingness to explore new ground and taking a multidimensional approach.[4]

This was expressed by Lord Bracadale who undertook an independent review of hate crime legislation in Scotland (2018):

> *Recommendation 21: No legislative change is required in relation to the support given to victims of hate crime offences. However, I note and commend the practical measures being taken to create a more coordinated response to reporting, preventing and responding to hate crime offences.[5]*

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[1] Walters, Mark, Brown, Rupert and Wiedlitzka, Susann (2016) Preventing hate crime: emerging practices and recommendations for the effective management of criminal justice interventions. Project Report. Sussex Crime Research Centre, Sussex, UK. http://sro.sussex.ac.uk/64925/

[2] file:///C:/Users/michaela/AppData/Local/Microsoft/Windows/INetCache/Content.Outlook/AYSW9X05/Hate%20Crime%20Strategy%202017%20-%202021%20FINAL%20VERSION.pdf

[3] http://sro.sussex.ac.uk/64925/1/Interventions%20for%20Hate%20Crime%20-%20FINAL%20REPORT_2.pdf

[4] Combating hate crime is a complex task for any society. It will involve multiple agencies that must attempt to address a myriad of individual, institutional and structural factors that are causal to hate-motivated offences (see, Walters et al. 2016).

[5] https://www.gov.scot/publications/independent-review-hate-crime-legislation-scotland-final-report/

The UK Government's Hate Crime Action Plan (Home Office, 2016) outlines five key areas to tackle hate crime[6]:

- Preventing hate crime by challenging the beliefs and attitudes that can underlie such crimes;
- Responding to hate crime in our communities with the aim of reducing the number;
- Increasing the reporting of hate crime, through improving the reporting process, encouraging the use of third party reporting and working with groups who may under-report;
- Improving support for the victims of hate crime;
- Building our understanding of hate crime through improved data, including the disaggregation of hate crimes records by religion.

Underreporting of Hate Crimes

Alternative reporting mechanisms were explored as a result of underreporting of hate crimes which studies show was mostly due to potentially negative perceptions of the police.[7] A secondary reason for underreporting is lack of knowledge of what constitutes a hate crime and avenues for redress requiring public education.[8]

In response to some of these issues, the True Vision website was set up to provide information on reporting of hate crime in England and Wales. It acts as a portal allowing victims and witnesses to report incidents by selecting their local police service's online reporting site.

What is Third Party Reporting?

Based on the premise of underreporting and under recording of hate crimes, which in turn limits the capacity to fully understand their extent and impact, third party reporting is an alternative community based mechanism of crime reporting that aims to provide vulnerable community members with confidence to report experiences of hate crime to trusted community contacts thereby increasing understanding and investigation of hate crimes.

The model requires establishment of a community partnership involving arms of justice including police as well as community organisations to establish operational protocols to ensure relevant information is shared and crimes are responded to.[9]

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[6] Key to the Government's plan is "partnership[s] with communities and joining up work across the hate crime strands to ensure that best practice in tackling hate crime is understood and drawn upon in all our work" (Home Office 2016: para 5). Such partnerships are clearly important to the development of official strategies to tackle hate crime as they ensure that policies are informed by the numerous civil society organisations that are working hard to address its causes and consequences. However, we see it as unfortunate that the Government's Action Plan does not place greater emphasis on working in partnership with academic researchers that are providing empirical evidence to support the use and development of best practices for hate crime.

[7] http://sro.sussex.ac.uk/64925/1/Interventions%20for%20Hate%20Crime%20-%20FINAL%20REPORT_2.pdf
[8] Chakraborti, Garland and Hardy (2014)
[9] http://report-it.org.uk/files/third_party_reporting_flowchart_1.pdf

Measures are taken to provide confidence to victims and witnesses by removing barriers including:

- People can report in person or via websites or apps
- People can remain anonymous
- People can report to trained community members and not police
- Staff and volunteers from organisations that service relevant communities can be trained to take reports thereby expanding existing services, enhancing anonymity and providing the opportunity to link them to other relevant services
- Trained staff and volunteers of can link victims and witnesses to police and represent them

Third Party reporting has existed in the UK for many years and in their 2016 Action Plan the UK Government has committed to increasing support for Third Party Reporting Centres:

> We will encourage third party reporting through targeted communications and advertising of True Vision… We will also offer advice to reporting centres and establish best practice standards… [and] we will work across government to identify other locations, both in the public sector and outside, where third party reporting could be made available. (Home Office 2016: paras, 85 & 86)

What are Third Party Reporting Centres?

The first official recommendation for the establishment of Third Party Reporting Centres (TPRC) resulted from the public inquiry into the police handling of the racist murder of teenager Stephen Lawrence in April 1993. The inquiry led by Sir William Macpherson produced a detailed report (the Macpherson Report, 1999) which recommended the setting up as TPRCs as alternative places for victims of hate to report their experiences.[10]

A Third Party Reporting Centre is a place (which is not a police station) where victims can report hate crime and incidents. The report can be given in confidence and the details of the report will only contain the victim's personal details with their consent when passed to the police. The benefits of setting up a third party centre include:

- Victims will gain support and confidence
- Victims don't need to give their personal details
- Victims can be signposted to ongoing support [11]

In addition to providing victims with an alternative place to report their experiences, TPRCs are commonly able to provide practical and emotional support.[12]

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[10] Third Party Reporting Centres: An evaluation. August 2018. Ranjeev Kumar Pathak. The Police and Crime Commissioner's Office for Hampshire, Isle of Wight, Portsmouth and Southampton.
[11] http://sro.sussex.ac.uk/64925/1/Interventions%20for%20Hate%20Crime%20-%20FINAL%20REPORT_2.pdf
[12] Third Party Reporting Centres: An evaluation. August 2018. Ranjeev Kumar Pathak. The Police and Crime Commissioner's Office for Hampshire, Isle of Wight, Portsmouth and Southampton.

How to set up Third Party Reporting Centres?

True Vision provides a variety of practical resources to assist with the establishment of 'Third-Party' reporting structures and victim services including a *Hate Crime Reporting Protocol* and *Guidance on Establishing Effective Hate Crime Community Resources*.[13]

The Isle of Wight Community Safety Partnership outlines four steps to setting up a Third Party Reporting Centre:

> 1. Identify an accessible multi-use premises where members of the public go for a variety of reasons, so that anyone entering the building could not be identified as going in to report hate crime. The location should also be a place where a victim will feel safe and they will be able to trust those who work there. There needs to be a private area where people can talk in confidence.

> 2. Identify the Staff - there must be a pool of staff (paid or volunteers) that are willing to be trained and undertake the role fully understanding confidentiality. Staff and volunteers would need to undergo a DBS check. Training will be given by Hampshire Police usually by local neighbourhood officers. The training will cover an overview of hate crime, recording procedures, consent and safeguarding matters. The staff are not there to give advice but to offer support, a listening ear and signpost. It is important to understand that it may take more than one conversation to get the full account.

> 3. Draw up an agreement - an agreement should be established by the centre and Hampshire Police. This agreement will cover how the centre will work, what information will be recorded and what information will be passed to the police dependant on consent from the victim Additionally let the Community Safety Partnership know when the centre is ready to accept reporting. It is also worth preparing a help list for staff to refer to in terms of ongoing support for the victim dependent upon their needs.

> 4. Publicise the centre – In order to be a success publicity will be required at the start and ongoing to let people know about the centre. It is important that it is kept in the public eye. Materials have been developed by the Office Police Crime Commissioner and used in other parts of Hampshire and the IOW. Finally it should be remembered that the 3rd party reporting function is an additional service provided by a premises.[14]

The Isle of White Community Safety Partnership is currently considering developing an online version of the Third Party Reporting Centre Training which would make it available for use in Australia:

> The half day TPRC training which we have currently in place is delivered by police colleagues from Hampshire Constabulary. I am hoping to make the training more accessible by getting it recorded and delivered as an online package. I hope by having the training available online

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[13] http://www.report-it.org.uk/third-party_reporting_support

[14] www.iwight.com/communitysafety

more individuals and organisations can access it make use of it at their own convenience not only locally, regionally, nationally but internationally as well (such as yourself in Australia).15

Using Technology to encourage reporting

Apps are starting to be used to improve reporting of hate crime to police and third party agencies in the UK. Witness Confident, a charity in the UK, developed an app called "Self Evident", which allows victims and witnesses to report experiences using a mobile phone or tablet. An evaluation of the app found that the vast majority of users had positive experiences with it, with 94% rating positively their ability to report a crime by smartphone and 96% rating positively their ability to send evidence via the app to the police (Witness Confident 2016: 7). Perhaps most importantly, the evaluation found that over one third of users stated that they would not have reported the crime without the app (Witness Confident 2016: 5).[16]

Hate Crime Reporting is increasing

According to O'Neill (2017)[17] the number of recorded hate crimes within England and Wales has nearly doubled in 4 years. Following is the number of hate-motivated offences recorded by police per year:

- 2016/2017 - 80,393
- 2015/2016 - 57,080
- 2012/2013 - 42,255

Police data indicates that there were 9,157 reports of sexual orientation related hare crimes in 2016/2017 which was the second highest rate of the five protected attributes which include presumed race or ethnicity; religion; sexual orientation; disability; and transgender identity.[18]

While the increase in Hate Crime reporting is coinciding with the increase in number of TPRCs, there is not enough clarity to pin point the exact reason for the increase in reporting. In his evaluation of Third Party Reporting Centres in 2018, Ranjeev Kumar Pathak was not able to confirm whether the increase in TPRCs has fuelled increased hate crime reporting due to a lack of consistent data from TPRC's.[19]

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[15] Email communication with Ranjeev Kumar Pathak, Senior Performance and Information Officer with the Office of the Police and Crime Commissioner for Hampshire 6 December 2018
ranjeev.pathak@hampshire.pnn.police.uk

[16] Witness Confident. (2016). How new technology is enhancing the service the police provide the public. Available: 58 https://www.witnessconfident.org/images/How_New_Technology_is_Enhanci ng_the_Service_the_Police_Provide_the_Public.pdf

[17] O'Neill, A. (2017). Hate Crime, England and Wales, 2016/2017. Retrieved from THE SUSSEX HATE CRIME PROJECT FINAL REPORT. Dr Jenny Paterson Prof. Mark A. Walters Prof. Rupert Brown Dr Harriet Fearn http://www.sussex.ac.uk/psychology/sussexhatecrimeproject/

[18] THE SUSSEX HATE CRIME PROJECT FINAL REPORT. Dr Jenny Paterson Prof. Mark A. Walters Prof. Rupert Brown Dr Harriet Fearn http://www.sussex.ac.uk/psychology/sussexhatecrimeproject/

[19] Third Party Reporting Centres: An evaluation. August 2018. Ranjeev Kumar Pathak. The Police and Crime Commissioner's Office for Hampshire, Isle of Wight, Portsmouth and Southampton.

NSW Sexual Assault Reporting Option (SARO)

An excellent example of an alternative reporting option introduced by the NSW Police Force is the Sexual Assault Reporting Option (SARO).

> SARO is a crime reporting model for victims that decide not to make a formal report to police which involves people submitting a SARO questionnaire. The questionnaire is easy to complete containing a series of questions written to obtain specific information from the victim about the offence. There is a section where the victim can provide a summary in their own words about what happened to them.
>
> Victims can choose to provide their contact details or make the report anonymously. All information received will be treated with the utmost confidentiality, and recorded on a secure and restricted NSW Police Force data base. Completed questionnaires will also be kept securely at the offices of the CA&SCS.
>
> Importantly, the submission of a SARO questionnaire is not the same as making a formal report to police and will not automatically result in a criminal investigation being commenced. The primary purposes of a SARO is to make a record of what occurred, in addition to allowing the NSW Police Force to gather information on sexual offences and offending.[20]

This is the basis of a model that can be adapted to for hate crimes.

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[20]https://www.police.nsw.gov.au/crime/sex_crimes/adult_sexual_assault/sexual_assault_categories/sexual_assault_reporting_option_saro