The (Re)emergence of Hate Crime as a Policy Issue

Kevin Wong reviews how the 'Lawrence' principles have been put into operation under the umbrella term 'hate crime', and considers the effectiveness of this approach.

*T*he Stephen Lawrence Inquiry Report, published in 1999, was described by the then Home Secretary Jack Straw as a 'watershed' in race relations in the UK. The report drew together 70 recommendations, many of which were recognised by the Government and public agencies at the time as providing a set of general principles that should be applied to a broader range of hate crimes as well as racial harassment.

The general 'Lawrence' principles are:
* The need for a commonly agreed definition of what is a racial incident.

* A recognition that racial incidents are under-reported by the public.

* The allocation of appropriate resources to tackle racial incidents and provide support to victims.

* The development of common reporting systems for agencies and third party reporting centres to enable the nature and extent of the problem to be identified and tackled.

Defining and identifying hate crimes
Recommendation 51 of the Lawrence Inquiry Report (1999) defined a racist incident as: "any incident which is perceived to be racist by the victim or any other person".

The Association of Chief Police Officers (ACPO) responded to the Lawrence report in 2000 with their *Guide to Identifying and Combating Hate Crime*, which has subsequently been promoted by ACPO and Her Majesty's Inspectorate of Constabulary (HMIC) as the basis upon which local forces should deal with hate crime. ACPO adopted the Lawrence Inquiry's definition of racial harassment and applied it to their definition of a homophobic incident, as: "any incident which is perceived to be homophobic by the victim or any other person". In recognising that hate crimes could also be motivated by other prejudices such as religious bigotry, ACPO defined hate crime as: "a crime where the perpetrator's prejudice against any identifiable group of people is a factor in determining who is victimised" (ACPO, 2000).

While these latter definitions have been used by police services since the publication of the ACPO guide, they have not been universally adopted by other public services or voluntary sector agencies in the same way as the Lawrence Inquiry's definition of racial harassment.

Under reporting
For the majority of public and voluntary sector agencies involved in addressing the needs of victims or taking action against perpetrators, hate crime has become operationally synonymous with either racial or homophobic incidents. This is due in part to the overwhelming numbers of reported hate crime incidents which relate to race and homophobia. While national figures for the numbers of racial incidents reported to the police are published by the Home Secretary under Section 95 of the *Criminal Justice Act 1991*, no such nationally aggregated figures are available for homophobic incidents or other hate crimes, therefore it is difficult to gain a national picture about any changes in reporting and recording levels.

For racial incidents, there has been a substantial increase in the number of incidents reported to and recorded by the police. The figures rose from 13,878 in 1997/98 to 23,049 in 1998/99 and 47,814 in 1999/2000 (Home Office, 2000). In contrast, estimates from the British Crime Survey (BCS) indicate a reduction in incidents which the victim considered to be racially motivated by 27 per cent, from 382,000 in 1995 to 280,000 in 1999. This suggests that the recent sharp rise in incidents reported to the police is a positive indicator, reflecting greater reporting by the public and better recording practice rather than an increase in the number of incidents.

Common reporting systems
The development of common reporting systems and third party reporting has mainly been focused on racial incidents. There are few systems in place for homophobic incidents and none for other hate crimes. A report by Lemos and Crane in 2000 suggests that even for racial incidents this development has not been universal. Their study covered 250 agencies tackling racial harassment in 67 local authority areas where the majority of black and minority ethnic people live in England, Scotland, Wales and Northern Ireland. Common reporting systems were in place in 39 (58 per cent) of the areas surveyed and were

generally viewed positively by agencies. Third party reporting centres which collected reports and passed them on to key agencies had been established in 37 areas (55 per cent), but the impact of these was less consistent.

No study has been carried out, however, in areas with low black and minority ethnic populations. Anecdotal evidence cited by the Lawrence Inquiry Guidance suggests that outside metropolitan areas or places with significant visible minorities, there has been variable progress in implementing the recommendations from the Lawrence Inquiry, both amongst non-policing agencies and bodies such as the Local Government Association.

In some areas with a low black and minority ethnic population and/or where there is an 'invisible' gay and lesbian community there can be a perception amongst agency staff that there are likely to be only a few cases of harassment and little need for agencies other than the police to develop a recording and monitoring system for racial and homophobic incidents.

In North-east Lincolnshire non-policing agencies have 'packaged' these issues together with domestic violence and 're-branded' them collectively as 'hate crimes'. This has gained acceptance amongst agencies and staff and has enabled the development and implementation of a common recording and monitoring system for all three issues. It should however be noted that the local police hold to the ACPO definition of hate crime which excludes domestic violence.

Both within the police and other agencies, there appears to be a lack of clarity about what constitutes a hate crime other than the default position of racial and homophobic incidents. The ACPO guide gives examples such as "hate crimes against faith groups, groups within faiths (sectarianism), asylum seekers, disabled people, refugees, Romany peoples, Irish travellers" (ACPO, 2000). While recognising the need to act in a proportional way to the problem of hate crime, agencies need to review their current arrangements for dealing with racist and homophobic incidents and at the same time consider how best to deal with other issues which may currently be unrecognised and therefore marginalised. Therefore, it might be time to review the term 'hate crime' and create distinct definitions for other issues.

The importance of agreeing common definitions across agencies should not be underestimated. Prior to the Lawrence Inquiry reports into the nature and extent of racial harassment consistently highlighted the lack of coordinated inter-agency action arising from the lack of resources and the inability to agree on a common operational definition of a racial incident.

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References:

ACPO (2000) *Guide to Identifying and Combating Hate Crime.* London: ACPO.

Macpherson, W. (1999) *The Stephen Lawrence Inquiry. Report of an Inquiry by Sir William Macpherson of Cluny* (Cm 4262), London: The Stationery Office.