

# Cause for Concern: the policing of hate crime

**Eugene McLaughlin** describes the process of establishing 'anti-hate' policies.

**D**uring the last two decades the USA has witnessed a remarkable mobilisation by social activists to persuade Congress and many state legislatures to recognise 'hate crime' as a distinct category of criminality warranting new sentencing rules. Parts of the USA have established police/criminal justice task forces to identify, investigate, and prosecute perpetrators of 'hate crime'. High profile cases such as that of Matthew Sheppard, Brandon Lee and James Byrd Jr. resulted in legislation that penalises crimes motivated by bias or prejudice on grounds of race, gender or sexual orientation, provides civil redress for victims of 'hate crime' and requires state agencies to collect data on the prevalence of 'hate crime'.

groups to transform the criminal law into an 'affirmative action' schedule.

- permits state agencies to criminalise thought and speech as well as deed.

## **Anti hate measures in London**

In the UK, the term 'hate crime' materialised in policy discourse as a result of the Metropolitan Police response to the highly critical findings of the Stephen Lawrence Inquiry. The establishment of the Racial and Violent Crimes Task Force (CO24), lay advisory groups and borough based Community Safety Units (CSUs) created fresh dialogue between the police and those groups and communities who complained that

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The institutionalisation of 'hate crime' as a criminal justice policy domain has generated heated public commentary, much of it focusing on the definitional issue of what forms of criminal behaviour should be embraced by the term and the insistence that these crimes require additional forms of punishment. Proponents of these measures argue that a 'hate crime' is uniquely destructive and unsettling because:

- a victim is deliberately targeted because of a core characteristic of her/his identity.
- the crime is intended to terrorise not just the immediate victim but entire communities.
- hate crime has the potential to destabilise the liberal value system.

Opponents insist that 'hate crime' legislation is in itself divisive because it:

- privileges the criminal victimisation of certain groups.
- is being deliberately constructed on the back of a 'moral panic' orchestrated by minority pressure

they were underprotected and particularly vulnerable. Initially the Metropolitan Police concentrated on 'race hate crime' with John Grieve, the Director of CO24, declaring war against the racists. The no-warning nail bomb attack on the Admiral Duncan pub in Soho during April 1999 by David Copeland, a self-declared neo-Nazi, resulted in calls for tough new penalties for anti-gay 'hate crime'. As a result a new squad dedicated to fighting homophobia was established. The discovery that the majority of incidents being referred to the new Community Safety Units were incidents of domestic violence widened the definition of 'hate crime' used by CO24. On 8 June 1999 the first co-ordinated 'hate crime' arrests took place in early morning raids in South London.

To raise public awareness about the realities of 'hate crime' in London, a high-profile media campaign ran initially through autumn 1999 and early 2000. Victim-centred advertisements and leaflets informed Londoners that: "Racist crime, domestic violence, hate mail, homophobic crime are hate crimes. They hurt. They're illegal. They can be stopped. Contact your local Community Safety Unit. We're based at a police station in your area and are specifically trained to deal sensitively with victims of hate crime." Further publicity for anti-hate crime initiatives in London was garnered on the first

anniversary of the publication of the Stephen Lawrence Inquiry Report. Finally in October 2001, a £250,000 advertising campaign was launched by the Metropolitan Police to discourage young people from committing race hate crimes. Advertorials were placed in youth magazines to support television advertisements featuring some of the country's best-known pop stars. Nationally, the release of the very detailed ACPO (*Guide to Identifying and Combating Hate Crime*) in September 2000 represented another significant step in the mainstreaming of the term. The guide stressed that 'hate crime' would be a priority for not just the Metropolitan Police but all police forces because it was 'exceptionally pernicious and damaging to individuals and communities'.

### **Grounds for concern? What should we make of these anti-hate measures?**

On one hand we might express relief that the police are finally taking action and removing some very nasty individuals from our streets and making potential perpetrators think twice. In addition, we should support the adoption of a more sensitive attitude towards victims whose needs and interests have been traditionally marginalised by police officers. And articulating what is 'hate crime' must be seen as an important part of the process of identifying the values and ground rules of a vibrant, multicultural society, including the public recognition and affirmation of the right to be different. 'Hate crime', in all its many manifestations, strikes at the diversity upon which multicultural societies thrive, denying the right to self-identity and self-determination and imposing a subordinate, less-than-human status on victims and their community.

However, there are also grounds for concern about how 'hate crime' has been mainstreamed by the police in the UK. Those concerned with defending civil liberties and human rights should always be willing as a matter of principle to cast a critical gaze on practices that empower the state and the criminal justice system to evaluate not only actions but speech and thought. Licensing the police to determine what does or does not constitute 'hate crime' creates the potential for arbitrariness and news media manipulation. The most notable example of this, to date, took place in March 2001. As part of a month long campaign aimed at 15 to 25 years olds, cinemas screened advertisements informing audiences that 'all hate crime is illegal and can be stopped'. BBC2 also broadcast a 'hate crime' documentary highlighting the work of the CSUs. To hammer home the point, on March 20th London's news media informed listeners that the Metropolitan Police had arrested more than 100 people during a series of dawn raids aimed at tackling 'hate crime' in the capital. The alleged offences ranged from

racially aggravated threats to kill, homophobic harassment, publication of racist and homophobic material, domestic violence and rape. Londoners were assured by reporters who had taken part in the 'March Against Hate Initiative' (part of 'Operation Athena') that the Met had 'taken out' some of the worst extremists operating in the capital.

However, we still have to be concerned about the potential for miscarriages of justice. This high profile 'positive arrest' approach springs as much from the Metropolitan Police desperately trying to assuage its most vociferous critics as from the collection of hard evidence and understanding of the phenomenon it is dealing with. The Met was less than forthcoming about how many of those arrested were subsequently charged and convicted of 'hate crime'. Of equal concern is the fact that as an umbrella term 'hate crime' can mask or flatten the specificities and complexities of racism, homophobia, domestic violence etc. Because 'hate' obfuscates as much as it illuminates, as a matter of urgency its status as an organising principle of routine police work must be the subject of critique and challenge.

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