

DONNA JONES

**POLICE & CRIME
COMMISSIONER**

HAMPSHIRE & ISLE OF WIGHT

June 2023

HATE CRIME

Tri-Force Area Conditional Caution Pilot Evaluation



Contents

Executive summary	2
Background	2
Aims and objectives	3
The pilot	3
Hampshire: Hate crime profile	5
Out of court disposal process for hate crime in Hampshire.....	6
Force uptake	6
Avon & Somerset: Hate crime profile	6
Out of court disposal process for hate crime in Avon & Somerset	6
Force uptake	7
West Midlands: Hate crime profile	7
Out of court disposal process for hate crime in West Midlands	7
Force uptake	7
Perspective (formally RAH)	7
Methodology	9
Data	9
Quantitative data	9
Qualitative data	15
Findings	17
Next steps	18
Appendix 1: Pre-conditions for forces wishing to apply for an exemption from the DPP Guidance on Conditional Cautions for Hate Crime perpetrators	
Appendix 2: Consultation on the proposed use of conditional cautions for hate crime	
Appendix 3: Hampshire Constabulary Adult Hate Crime OOC model	
Appendix 4: Perspective referral form	
Appendix 5: Perspective risk assessment form	
Appendix 6: Perspective post group form	
Appendix 7: Perspective Participation leaflet	
Appendix 8: Perspective victim leaflet	

Executive summary

- 201 referrals received, with an intervention completion rate from programme start of 86%
- More men (144, 65%) were referred into the programme than women (55, 27%)
- The most common age group of those referred was 31-40yrs, followed by 22-30yrs
- 65% of people referred into the Perspective programme were of White British ethnicity
- 66% of victims were not known to the perpetrator
- The most common victims were police (48, 23%), a neighbour (27, 13%), and member of the public (24, 11%)
- Only 9% of offenders showed no-change between the pre and post survey feedback
- 1.6% hate crime reoffending rate for those who complete the Perspective intervention

Background

Hate crime is a growing problem in England and Wales, highlighted by the Home Office's Annual Statistical Bulletin which reported 155,841 hate crimes recorded by police in the year ending March 2022, this is a 26% increase compared to 2020-21.¹ This reflects a year-on-year rise since 2013 and demonstrates the need to use new interventions to drive real behaviour change in offenders. However, it should be noted that an increase in public awareness of hate crime alongside improved police recording means that it can be difficult to definitively determine the cause of the increase, but rather a number of factors leading to this.

Out of Court Disposals² (OOCs) are a method of resolution for an offence, designed to reduce re-offending by enabling restorative justice and giving offenders an opportunity to take responsibility for their behaviour through education, before they find themselves in the formal Criminal Justice System (CJS). They also offer victims a chance to see some resolution to their case even if they do not wish for it to be dealt with in a formal setting. There are a number of different forms an OOC can take, however all may only be considered in situations where the offender is known and admits guilt of their offence. They are typically used in cases where the offending is deemed to be lower-level.

In 2022, the National Police Chiefs Council (NPCC) published its Out of Court Disposals (Resolutions) National Strategy.³ This strategy highlighted that the CJS cannot address vulnerability solely through prosecution. Instead, a sophisticated, whole-system approach is needed to give policing the capacity to make professional decisions and access a range of services in partnership such as early intervention pathways, OOCs and where necessary, prosecution.

Over the past nine years, there has been a growing evidence base that, for acquisitive and violent crime, early intervention (such as Turning Point⁴, CARA⁵ and Checkpoint⁶) as part of a conditional caution can reduce reoffending. However, the evidence is minimal with regards to hate crime interventions as its application is limited through the OOC framework.

In 2014, three police forces (West Yorkshire, Staffordshire and Leicestershire) were given dispensation to use OOCs for hate crime during a tri-force pilot of a simplified two-tier framework, designed to be easier for practitioners to implement and the public to understand.⁷ However, there was no specific rehabilitative

¹ [Hate crime, England and Wales, 2021 to 2022 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/statistics/hate-crime-england-and-wales-2021-to-2022)

² As of July 2023 Out of Court Disposals will be known as Out of Court Resolutions.

³ [Out-of-court-disposals-resolutions-national-strategy-2022](#)

⁴ [Microsoft Word - Operation Turning Point interim report final draft .docx \(cam.ac.uk\)](#)

⁵ [Project CARA - Birmingham University evaluation](#)

⁶ [Checkpoint | Centre for Justice Innovation](#)

⁷ [Adult Out of Court Disposal Pilot Evaluation – Final Report \(publishing.service.gov.uk\)](#)

intervention commissioned and the total number of offenders given OOCs were low in all three forces, particularly for hate crime which only represented 1% of the total offences. This meant that it was not possible to draw statistically robust conclusions around reoffending rates. Existing interventions for hate crime tend to be targeted at more serious offenders, carried out post-conviction on a one to one basis and last for several months.

Since the start of the 2014 pilot, the Director of Public Prosecutions (DPP) has adjusted its guidance to allow for the use of OOCs in relation to hate crime and domestic abuse⁸, however statutory guidance states that issuing a conditional caution is “*unlikely to be appropriate where the offence forms part of a pattern of offending*”.⁹

A tri-force OOC hate crime pilot with Avon and Somerset Police (A&S Police), West Midlands Police (WMP), and Hampshire and Isle of Wight Constabulary (HIOWC) was established in June 2021. All three police forces were given dispensation from the DPP to use conditional cautions for hate crime providing prescribed pre-conditions (see Appendix 1) were met. RISE Mutual CIC¹⁰, a social enterprise which specialises in offender rehabilitative interventions, were commissioned via a procurement process to deliver a four session group intervention programme formerly known as Rise Against Hate, (from April 2023 this is now known as Perspective), for those who met the DPP OOC hate crime criteria.

It was envisaged that a high proportion of suitable offences for the proposed pilot would be of a public order nature, or involve minor assaults accompanied by the use of racist language towards figures of authority (police officers, door staff, store detectives) or individuals providing a service (ambulance crew, taxi drivers). These were deemed to be the most likely cases, where the victim often does not see the offence as serious enough to take the time to attend court, but at the same time, a meaningful sanction is desirable to protect victims who are providing a community service.

Aims and objectives

Aim: to develop and deliver a rehabilitative early intervention course specific to hate crime, commissioned by the three named forces (A&S Police, HIOWC and WMP) and offered at no cost to the offender.

Objectives:

- To increase the evidence base in the use of disposals in cases of hate crime
- To increase victim satisfaction in hate crime outcomes
- To reduce reoffending rates of hate crime
- To better understand the demand profile for hate crime intervention and the processes surrounding this

The pilot

Following consultation with the DPP in 2018, all three police forces carried out local consultations (see Appendix 2) regarding the proposed use of conditional cautions for hate crime, as well as consultations with the national Independent Advisory Group. Benefits identified as a result of the proposed approach:

- Reporting may increase because victims will not be fearful of attending court
- Victim satisfaction may increase because victims will have an alternative to charge

⁸ [Out-of-Court Disposals in Hate Crime and Domestic Abuse Cases \(cps.gov.uk\)](https://www.cps.gov.uk/out-of-court-disposals-hate-crime-domestic-abuse-cases)

⁹ [Police, Crime, Sentencing and Courts Bill: Part 6, Cautions \(parliament.uk\)](https://www.parliament.uk/bills/2018-19/police-crime-sentencing-and-courts-bill/part-6-cautions)

¹⁰ [Homepage - RISE Mutual CIC](https://www.risemutual.co.uk/)

- Positive disposals may increase because over 25% of victims (where an offender has been identified) are currently unwilling to support a prosecution but a proportion of these may be willing to support an Out of Court Disposal (Rehabilitation or Restorative Justice)
- Victims believe that a restorative approach will be more effective

The evidence base from across the three force areas at the time of their application to the DPP for the pilot highlighted that each force had differing volumes and different ways of dealing with hate crime, yet all recognised the need for intervention.

Volume

Force	Hate Crime reports 2017/18	Adult Suspect identified / interviewed*	% of adult interviews resulting in positive disposal	% of adult interviews resulting in court appearance	% of cases not supported by victim
West Midlands Police	5429	39% (2,125)	28% (593)	18% (376)	27% (582)
Avon & Somerset	3390	48% (1636)	20% (330)	14% (227)	53% (859)
Hampshire	2615	58% (1520)	35% (525)	28% (430)	19% (285)
National	94,098			12% (adults and youths)	29%

Table 1: Volume of reported hate crime and outcomes 2017-18

*'Interviewed' includes both arrests and voluntary referrals

Hate Crime Breakdown

Force	Racial	Religious	Sexual Orientation	Gender Identity	Disability
West Midlands Police	67%	3%	12%	<1%	18%
Avon & Somerset*	62%	4%	10%	2%	9%
Hampshire	69%	4%	18%	2%	8%

Table 2: Breakdown of reported hate crimes 2017-18

*13% of A&S offences were 'Gender', a category not present in other forces

When looking at the data used for the evidence base for the pilot, the Home Office Statistical Bulletin 2017/18 'Hate Crime England and Wales 2017/18 shows 94,098 hate crimes were recorded during 2017/18, an increase of 17% from the previous year. This is part of an on-going trend which has seen an increase of 123% since 2012/13. Although some of the increase is thought to be due to better police recording, it is clear that spikes occur following significant events such as terrorist attacks or the Brexit Referendum. Comparisons with the Crime Survey of England and Wales in 2017/18 suggest that 53% of hate crime is unreported, however the figure is likely be much higher.¹¹

¹¹ Home Office Statistical Bulletin 2017/18 'Hate Crime in England and Wales 2017/18

Recorded crimes for 2017/18 shows us that 'racially/religiously motivated' hate crime is by far the highest category nationally (76% racially aggravated and a further 9% religiously aggravated). Home Office data identifies that in the case of religious hate crime, 52% is Islamophobic (Muslim population in 2017/18; 4.8%) and a further 12% is anti-Semitic (Jewish population in 2017/18; 0.5%).

Figures from the 2017/18 Crime Surveys of England and Wales show that only 51% of victims were very or fairly satisfied with police action in hate crime cases (compared with 69% for overall crime), 25% were very dissatisfied (compared with 15% in overall crime cases). Hate crime victims were more likely to be 'very' emotionally effected by the offence compared to victims of crime in general (36% compared with 13%).

This tri-force OOC hate crime pilot ran for 21 months between June 2021 and March 2023, and aimed to deliver 600 interventions across the three force areas based upon the evidence presented. The intervention estimates from across the three force areas varied, with HIOWC and ASP estimating 25% each of the 600 referrals, while WMP took on a more ambitious portion of the intervention spaces.

Each force area had a dedicated page on the force intranet page outlining the intervention, the referral form, offender leaflet, victim leaflet and a short YouTube video¹² for officers.

Hampshire: Hate crime profile

In the calendar year 2021, there were a total of 4,436 hate crimes recorded in Hampshire and Isle of Wight Constabulary. This represents a 30% increase on the previous year, reflecting national trends. The most common crime types for hate crime were public order offences (46%) and violence without injury (37%), followed by violence with injury (8%). These offences are concentrated in the most densely populated and deprived areas of the county, commonly triggered by neighbour disputes and the night time economy:

- The majority of hate crime is race-related (58%) although this has decreased from 64% in 2020.
- Crimes motivated by the victim's perceived sexual orientation represent 19% of recorded hate crime, similar to the previous year.
- Disability related hate crime has seen a disproportionate (80%) rise to 18% of all reports compared to 14% in 2020.
- Hate crimes relating to gender identity or religion remained low, accounting for 4% each of records.

Hate crime suspects were predominantly younger and male (70%), with 24% of offenders under 18, while 30% were aged between 18 and 34. It is important to note that for this pilot, those under 18 would not fall within scope.

In 2021, a total of 679 hate crimes committed by adult offenders registered a formal action, this does not include cases which were dealt with at a crown court level:

- Of the 679 hate crimes committed, 363 offences were charged or summonsed including those charged with an alternate offence.
- A further 15 were issued with a simple or adult caution, while 266 were issued with a community resolution.
- 35 offences resulted in a conditional caution.

¹² [\(3\) Perspective officers2 video - YouTube](#)

Out of court disposal process for hate crime in Hampshire

When deciding whether an OOC for hate crime is appropriate, the officer in charge (OIC) of the case follows the adult hate crime OOC force model (see Appendix 3), taking into consideration whether the criteria set by the DPP has been met. In eligible cases, the OIC completes the referral form Perspective1, allowing the sergeant to issue the conditional caution with the Perspective condition. Once this has been completed the OIC books the initial appointment with the offender (this process has now changed and the provider engages with the offender).

Force uptake

Prior to launch of the pilot, a number of open training sessions were held for officers and staff, with those on the frontline 'strongly encouraged' to attend. As such, we have been informed that the majority of frontline officers at the time received this training. The bulk of this was delivered by RISE Mutual, while further materials were made available on the staff intranet. With staff turnover, there will always be a need to offer further sessions annually. Since the rollout of the pilot, there have been a total of 57 referrals from HIOWC to the hate crime intervention.

Avon & Somerset: Hate crime profile

In the 12 months between 25/01/2021 and 25/01/2022 hate crime reports in A&S totalled 4,301, representing a 16% rise from the previous year, and amounting to approximately 12 new reports daily. Hate crime in this area reflects the national picture, with a continued rise year on year.

The most common offence types recorded for hate crime are public order offences (55.2%) and violence against the person (38.1%). It should be noted that 52% of violence against the person offences does not involve physical forms of violence, such as harassment or malicious communication.

The most common type of hate crime reported is race related (64.6%), followed by hate relating to sexual orientation (12.1%) and disability (10.4%).

Spikes in hate crime reporting in this force area also tend to follow national and international 'trigger' events. For example, cultural events such as Ramadan and Diwali or celebrations of Pride month in June may spark more instances of religious or sexual orientation/transgender motivated hate crime respectively.

Out of court disposal process for hate crime in Avon & Somerset

Similarly to other forces, the process for issuing a conditional caution for hate crime requires the OIC to ensure that the offence satisfies the DPP criteria as well as accounting for any additional aggravating factors or risk contributors. What differentiates A&S from other forces is their ASCEND team, who are police staff overseeing all conditional cautions issued in the force area. The ASCEND team undertake a strengths based needs assessment to identify suitable conditions for each case. Many of team are retired investigators, this additional layer of expertise helps to ensure the quality of outcomes across the force.

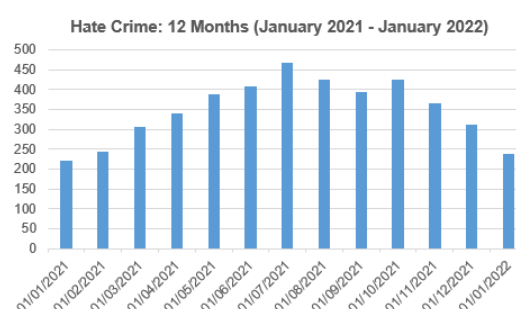


Chart 1: Hate crime reported to A&S Police 2021-2022

Force uptake

Since the rollout of the pilot, there have been a total of 44 referrals from A&S to the hate crime intervention. This is lower than expected as the forces Football Unit and DIT have been particularly proactive in submitting referrals for the disposal.

West Midlands: Hate crime profile

In 2021/22, WMP recorded 11,945 hate crime offences, a rise of 13% from the previous year. Of these, 609 were charged or summonsed, 196 were dealt with by OOCd and 3,341 were filed as Outcome 16¹³. The majority of the hate crime recorded was racially motivated, with 49% of offences (5,831) being violence against the person (with or without injury), 46% (5,461) were public order offences, and 2% (286) were criminal damage.

In 2021/22 a total of 5,272 OOCds (for all crime types) were issued. This represents an 8% increase on the 4,867 disposals issued during 2020/21. Of the 179 hate crimes that were dealt with by OOCds, 53 were cautions or conditional cautions while 126 were community resolutions.

Hate Crime Type	%
Racial	77.5%
Religious	6.8%
Disability	5.2%
Sexual Orientation	14.7%
Gender Identity	2%

Table 3: Percentage breakdown of hate crime reported to WMP 2021-22

Out of court disposal process for hate crime in West Midlands

The process for hate crime OOCds mirrors that for all other types of disposals issued. Following an interview with the offender, the OIC of the case will consider whether they meet the criteria for a conditional caution including admitting the offence. In cases where these conditions have been met, either an online link is used to book an initial assessment or a booking form is submitted to the Neighbourhood Justice Team who will record it and pass this on to RISE Mutual.

Force uptake

The hate crime pilot was covered in all OOCd training sessions delivered to Force Criminal Investigations Department (CID) Volume Crime Teams, Response and Neighbourhood Teams, Custody and Student officers. This represents approximately 2,500 of a total workforce of 7,000. A PowerPoint presentation covering the pilot was also sent to all supervisors in these teams in July 2021. Since the rollout of the pilot, there have been a total of 100 referrals from WMP to the hate crime intervention, 12 were community resolutions, the remaining were conditional cautions.

Perspective (formally RAH)

Perspective is the hate crime OOCd delivered by RISE Mutual for this pilot. The intervention was designed as a four-part programme, with an initial one to one session and three group sessions. The referral form (see Appendix 4) for hate crime perpetrators is completed by the force area and submitted to Rise Mutual. On receipt of referral, if the individual is eligible for the intervention a Perspective risk assessment (see Appendix 5) is completed by a RISE Mutual practitioner. Upon completion of the intervention, a Perspective post group form (see Appendix 6) is completed, allowing for comparisons of outcomes achieved and distanced travelled following attendance on the intervention.

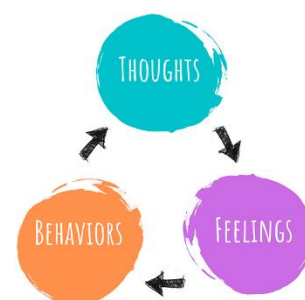
¹³ Police have a named suspect but the victim does not support a prosecution.

Many of the staff and facilitators at Rise hold probation officer level qualifications or training, and are experienced and trained in delivery of accredited programmes, supported by other staff members who are qualified social workers or have specific training and qualifications such as:

- Advanced NVR (Non-violent resistance) training
- Trauma treatments and trauma informed delivery
- Motivational interviewing
- Mental health first aid

All practitioners receive training in all delivery approaches with regular quality assurance and supervision sessions, with around 30 facilitators specialising in different areas.

The intervention starts with a one to one with the offender and a Perspective facilitator. The offender is asked their version of the incident, seeking their point of view utilising the thoughts and feelings triangle. Here an exploration of the offender's intentions and goals is sought, this aids the summary assessment and a risk factor scoring. Three group sessions follow which last on average for 3 hours with a comfort break.



Thoughts feelings and actions triangle

A pre and post questionnaire is completed by a Perspective facilitator on the offender attending the intervention. In the first group session participants are given an introduction and overview of the intervention. The session then seeks views on the participants understanding of hate crime, reviewing the legal definition and the data around hate crime reports. Participants are introduced to the victims' perspective and then brought in to review their own behaviours and actions, including influential factors around them such as the impact of alcohol and substance misuse on decision making capabilities.

The second session focuses on the emotional and reactive responses to situations, decision making and control, emotion and the impact on the brain and improved social skills in negative situations. The third session introduces an alternate view on situations, challenging beliefs, exploring empathy and restorative justice approaches. Following completion of the one to one and three group sessions it is hoped that the offender recognises their behaviour and chooses not to reoffend.

The intervention is underpinned by the following theory models:

- Cognitive Behavioural Therapy (CBT)
- Solution-Focused Brief Therapy (SFBT)
- The Cycle of Change
- Desistance theory
- Social learning Theory

Key principles adopted via delivery of the intervention are:

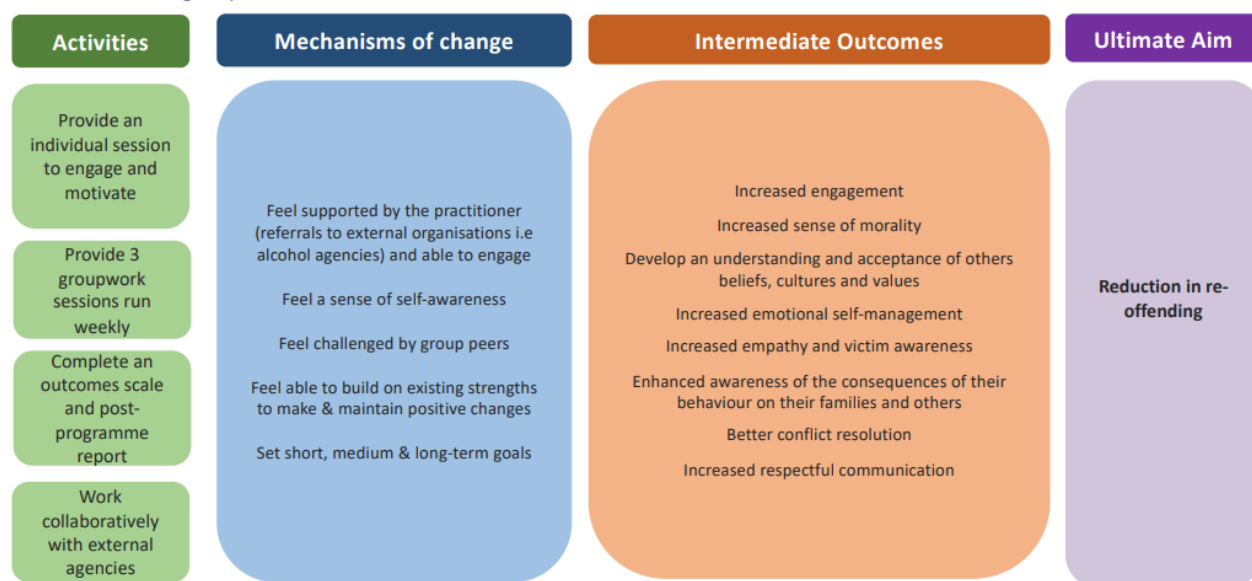
- Motivational interviewing
- Peer support & challenge
- Offender focus
- Rapport & non-shaming
- Listening and questioning

The evidence base to support the intervention delivery outlines the foundation of behaviour change, utilising a 'what works' approach. While there are no guarantees, by incorporating principles whereby there is a known positive correlation between method adopted and engagement with this method, provides services with a stronger working practice.

Perspective developed a theory of change model for this intervention, outlining the mechanisms of change, which can be argued are the pillars for behaviour change.

The “Rise Against Hate” Course

An OOCR group work intervention for standard-medium risk offenders who have committed hate crimes



Theory of change model: Perspective

Methodology

This evaluation was informed by both quantitative and qualitative methods. Data from RISE Mutual on the Perspective intervention demonstrates the uptake and attendance of the course alongside demographic information about participants and offence trends. Reoffending data was reviewed by each force area on those who took part in the intervention.

In addition, qualitative data drawn from focus groups with officers and staff from within two of the three police forces as well as one to one interviews with those leading on the pilot in all three force areas. A further focus group was conducted with practitioners from RISE Mutual who delivered the Perspective intervention. This approach was of particular importance due to the smaller numbers of referrals in the pilot.

While all three forces followed the dispensation guidelines for offenders taking part, how force areas adopted and promoted this OOCR intervention was not prescriptive. The ability to be flexible and respond to the needs of each force area allowed for tailored implementation.

Data

As a part of the ongoing performance monitoring of the Perspective intervention, quarterly returns were reviewed. It is these quarterly returns which gives us the quantitative delivery of the hate crime OOCR across the tri-force area.

Quantitative data

The total number of referrals received into the Perspective programme from across the three force areas to the end of Q4 2022/23 was 201. Half (101) of those originally referred into the intervention completed the course, and 43% (77) of cases were closed as uncompleted. Of those closed, 54 were returned to the OIC. The intervention completion rate from referral to course end was 51%.

The majority (194) of participants referred into the intervention were invited to attend the initial assessment; this number is slightly lower than those referred as the participants excluded could not be contacted. However, only 76% (153) actually attended the assessment. There was further attrition between

the initial assessment and the first group session as only 118 of 132 participants who were booked on attended this. Nonetheless, 86% of participants who attended the second session went on to complete the course. This highlights the biggest hurdle for practitioners is getting participants to attend the initial face to face assessment. There is also a notable challenge with getting those who have been assessed as suitable to attend the group sessions. However, we can see that once participants have overcome those first steps and started to engage with the course material there is a positive completion rate.

A&S Police referred a total of 44 participants, all of which were booked in for an initial assessment. A total of 29 (66%) of these participants completed the course and 11 (25%) cases were closed without being completed. Of those closed, all 11 were returned to the OIC. A&S's cases saw less attrition overall, with a higher than average (93%) attendance at the initial assessment and for the second session (75%). There was a positive engagement rate for those who started the group sessions, with 88% going on to complete the course.

HIOWC referred 57 people into the Perspective intervention, 56 of which were booked onto the first session. Of all those referred, 31 (54%) participants completed the course and 17 (30%) cases were closed as not completed. Of those closed, eight were returned to the OIC; four of which were prosecuted, two were filed as no further action and two went on to complete the course at a later date. HIOWC's referrals saw some attrition for the first session with 82% of those booked in attending the initial assessment. However, the force saw an average attendance rate for the group sessions (75%) but had the lowest completion rate (79%) from those participants.

Since the end of the initial pilot phase of Perspective and the new arrangements commencing in April 2023, in quarter 1, nine of the participants who started the course during the pilot phase went on to complete the intervention. With the inclusion of these participants the intervention completion rate from referral to course end is 55%. One participant was referred by A&S Police with the overall completion rate for A&S Police including this participant sits at 68% and the completion rate from group starts is 91%. The further eight participants were referred from HIOWC. This increases the total number of those who completed the course from HIOWC to 39 (68%). Furthermore, the recognition of these participants' completion means the completion rate for those who started the group sessions increases to 91%.

WMP referred 100 cases into the Perspective intervention, the majority (95) of which were booked onto the first session. In total, 41 (41%) participants completed the course, and 39 (39%) cases were closed as incomplete. Of those closed, 34 were returned to the OIC, the highest number of cases from across the three force areas. WMP's cases saw far more attrition and a lower completion rate than the other two forces'. The force saw only 67% of those who were supposed to attend the first session, and 80% of those who were meant to start the group sessions did so. However, once again there was a high engagement rate for those who did start the group sessions as 89% who did went on to complete the course. Of the offenders who failed to comply with the OOCd:

- 14 were partial completions and filed as a caution
- 4 were filed as community resolution
- 3 were charged
- 20 were filed as no further action, likely reflective that the offender was given a conditional caution due to the victim not wanting to go to court

There was a total of 11 cases assessed as unsuitable to attend the Perspective intervention: one referred by A&S Police, three referred by HIOWC and seven referred by WMP. The majority of these cases were assessed as unsuitable because the participant was unwilling to admit any wrongdoing, a key criterion of the intervention. A few cases were also deemed unsuitable as the participant's mental health was too poor for them to be able to effectively engage with the course material. Furthermore, the final few participants raised

concerns about not being able to travel to face to face workshops and being unable to use technology. Therefore, they were assessed as unsuitable as they did not feel the course was a feasible option for them.

Demographics of Participants:

The most common age group of participants was 31-40yrs (45), followed by 22-30yrs (38), and with only 14 people aged 60+yrs referred into the intervention. HIOWC saw more cases from younger people (30yrs and under) (44%) compared to the other two force areas (A&S 27%; WMP 31%). The highest completion rate of the intervention was seen from the 31-40yrs age group. Overall, the age range least likely to complete the course was the 51-60yrs group.

Avon & Somerset				Hampshire and IOW				West Midlands			
Age	Total	Split	% (completed)	Age	Total	Split	% (completed)	Age	Total	Split	% (completed)
18 - 21	4	9%	75%	18 - 21	13	23%	50%	18 - 21	13	13%	45%
22 - 30	8	18%	71%	22 - 30	12	21%	44%	22 - 30	18	18%	50%
31 - 40	10	23%	89%	31 - 40	12	21%	90%	31 - 40	23	23%	60%
41 - 50	8	18%	57%	41 - 50	3	5%	67%	41 - 50	20	20%	44%
51 - 60	10	23%	78%	51 - 60	11	18%	60%	51 - 60	11	11%	13%
60>	4	9%	50%	60>	4	7%	100%	60>	6	6%	67%
Unknown/ not recorded	0	0%	0%	Unknown/ not recorded	3	5%	67%	Unknown/ not recorded	9	9%	22%
TOTAL	44	100%	73%	TOTAL	57	100%	65%	TOTAL	100	100%	46%

Table 4: Participant age and completion rate

The majority (130, 65%) of participants referred into the Perspective programme were of White British ethnicity. All but one of the participants from A&S Police and all but five from HIOWC were White. This aligns with the fact the majority of hate crimes were reportedly of a racial nature. As the sample sizes for ethnicities other than White British are relatively small it is hard to draw conclusions regarding completion rate. Nevertheless, we can see White British perpetrators put forward by WMP were less likely to complete the course than those put forward by the other two forces. This is in line with WMP's overall lower completion percentage rate of participants.

Overall, more men (144, 65%) were referred into the Perspective programme than women (55, 27%), which reflects wider hate crime trends. In the cases referred by A&S Police and HIOWC a higher percentage of men completed the course than women. However, this was not the case for referrals from WMP.

Out of the 201 referrals into the Perspective programme 42 (21%) of the participants were recorded as having a mental health issue. Of these, seven were referred by A&S Police, 17 by HIOWC and 18 by WMP. Of those recorded as having autism (3), all went on to complete the course. There is no other clear correlation between mental health issues and completion rates across the three forces. RISE Mutual did note some mental health issues may not have been recorded as they only included a yes/no question on the assessment form. However, they are now taking steps to ensure specific mental health issues will be recorded for each case.

Offence Circumstance:

The most prevalent type of hate crime offence referred into the programme was race (78%), followed by sexuality (19%). There were only three cases where a disability hate crime was recorded. Overall, those who were referred for committing a hate crime motivated by targeting someone's sexuality were slightly more likely (64%) to complete the course than those who were referred for a racial hate crime (61%). However, this was not reflected in WMP cases, as those who had committed a racial hate crime were more likely to

finish the course. Therefore, there is not a clear indication relating to hate crime type and likelihood of completing the intervention.

In just under half (100) of cases alcohol / drug misuse was recorded as a factor. The split between the three forces was: 23 cases from A&S Police, 31 cases from HIOWC and 46 cases from WMP. For cases referred by A&S Police and HIOWC, those who were recorded as not under the influence of alcohol / drugs were more likely to complete the course. Conversely, cases from WMP where drugs / alcohol had been recorded as a factor had a higher completion percentage than those where it was not.

There were only 14 (7%) cases recorded where social media or cyber bullying played a part in the offence across the three forces. The low amount of cases referred where social media or cyber bullying were a factor could suggest there may be underreporting when hate crime is committed online. Furthermore, it highlights the challenge of identifying a perpetrator in these cases.

A total of 56 (28%) cases indicated the hate crime was a reaction to other incidents or events compared to 135 (66%) cases where it was not. Of the cases where it was a reaction to other incidents or events: 12 were referred by A&S Police, 18 from HIOWC and 26 from WMP.

Victim Impact:

Of the 34 different victim types identified from hate crimes that resulted in a referral into the intervention, the most common victims were police (48, 24%), a neighbour (27, 13%), and member of the public (24, 12%). This suggests the majority of offences took place in public spaces. It is unsurprising police were the most common victim type in this sample as not only are they a responding authority figure, but we assume they are more likely to be aware of what constitutes a hate crime and to feel confident in reporting them.

In the majority (88, 44%) of cases referred to the Perspective programme the victim stated they were not concerned about how the hate crime impacted their life. However, a number of victims did say the hate crime impacted their life negatively; 34 (17%) stated their normal life was affected and 21 (10%) said they were living in fear because of it. Of the victims who stated their lives were somewhat negatively impacted by the incident, nine were referred by A&S Police, 16 by HIOWC and 30 by WMP.

Avon & Somerset				Hampshire and IOW				West Midlands			
Was the victim(s) known to the perpetrator?	Total	Split	% (completed)	Was the victim(s) known to the perpetrator?	Total	Split	% (completed)	Was the victim(s) known to the perpetrator?	Total	Split	% (completed)
Yes	16	36%	67%	Yes	14	25%	79%	Yes	28	28%	44%
No	28	62%	76%	No	40	70%	58%	No	64	65%	51%
Unknown	0	0%	0%	Unknown	3	5%	67%	Unknown	7	7%	14%
TOTAL	44	100%	73%	TOTAL	57	100%	65%	TOTAL	99	100%	46%

Table 5: Whether victim was known to perpetrator and completion rate

In 58 (29%) of the cases referred to the Perspective programme the victim was known to the perpetrator, whereas in the majority of cases (138, 66%) the victim was not known to the perpetrator. The overall likelihood of the perpetrator completing the course was similar in both cohorts, thus this is unlikely to be a factor for completing the intervention.

A handful (27, 13%) of victims indicated they would be interested in engaging with Restorative Justice. Half of these (13) were referred by HIOWC, 11 from WMP and three from A&S Police.

Reoffending Rates:

Of the 201 referrals into the Perspective programme reoffending data was provided for 109 participants. This data spans the 12 months after the offenders either completed the Perspective intervention or received

their conditional caution if they did not complete the programme. In total, five of these participants were involved with the police regarding another hate crime related incident after referral to the intervention. Two of these participants were referred by HIOWC, two by WMP and one by A&S Police. However, only one of these participants, referred by HIOWC, actually completed the programme. Therefore, the data we have suggests there is a much lower reoffending rate for those who completed the course compared to those who did not.

Overall, three of the participants were a suspect in a hate crime case that was no further actioned, one participant committed two hate crime offences in the year after receiving their conditional caution, and one participant committed a hate crime offence 7-12 months after receiving their conditional caution. Of the participants involved with the police regarding another hate crime related incident three were male and two were female, and all of them were White British. In all five cases the participant committed or was suspected of a similar hate crime to the one they were originally charged with. This suggests for those who reoffend there is no change in attitudes or behaviour, something the intervention aims to challenge. However, thus far, the programme appears to have been successful as the hate crime reoffending rate for those who completed the intervention is 1.6%. For those who did not complete the intervention the hate crime reoffending rate is 8.3%, which further demonstrates the effectiveness of the Perspective programme. The overall hate crime reoffending rate for all participants, whether they completed the intervention or not, is 4.6%.

A further 23 participants reoffended or were a suspect in a criminal case after their referral to the Perspective programme, but these were for offences unrelated to hate crime. This means the total reoffending rate for all individuals referred into Perspective is 25.7%. Comparatively, the reoffending rate for all crime for those who completed the intervention is 14.8%. This highlights the Perspective intervention is most effective at reducing reoffending relating to hate crime, as would be expected, but is not as successful in reducing all criminal behaviour.

Pre and Post surveys:

Facilitators assessed each individual eligible for the Perspective programme through having a conversation with the offender and completing a pre and post survey to measure their progress before and after the intervention. The surveys score the individual's attitude regarding nine different factors relating to offending behaviour on a Likert scale of 1-5; 1 being stuck, meaning the offender cannot see what they did wrong or thinks they had no choice, and 5 being respectful, meaning the offender takes responsibility for their actions and demonstrates respectful behaviour towards all. The nine factors being measured were: motivation and engagement; self-awareness; morals; beliefs and values; understanding emotions; empathy; victim awareness; behaviour; and external support (alcohol, drugs, mental health, etc.). The overall trend suggests the intervention was successful as the majority (61%; 51) of individuals scored 4 or 5 after the group sessions.

1: Stuck, the offender can't see what they did wrong or thinks they had no choice.

2: Starting, they are open to hearing others views, but still don't really understand the impact of their behaviour.

3: Accepting help, the offender acknowledges the offending behaviour and is motivated to change.

4: Discovery, the offender learns new ways of thinking and behaving. They recognise the impact of their behaviour and strive towards change.

5: Being Respectful, the offender takes responsibility for their actions, demonstrates respectful behaviour towards all.

Likert scale survey options

Motivation and Engagement

Self-Awareness

Morals

Beliefs and Values

Understanding Emotions

Empathy

Victim Awareness

Behaviour

External Support (alcohol, drugs, mental health etc.)

9 factors measured in pre/post survey

The pre group surveys show two-thirds (66%; 54) of individuals scored 1 or 2 on all nine factors, meaning they were in a starting position where they did not understand the impact of their behaviour. A third (33%; 28) of participants scored 3 in the pre group surveys, meaning they acknowledged their behaviour was wrong and wanted to change. Victim awareness was the factor where individuals had the lowest scores with 67 (74%) participants scoring 1 or 2, followed by self-awareness with 61 (74%) participants scoring 1 or 2. This indicates an initial lack of awareness of both the victim's perspective and how their behaviour would be perceived appears to be the most notable issue for those committing hate crime offences.

Comparatively, the post group intervention surveys show two-thirds (61%; 51) of individuals scored 4 or 5 on all nine factors, indicating they demonstrated behaviour change and acknowledged the impact of their actions for the hate crime offence. Around a third (30%; 25) of participants for each factor scored 3, illustrating there was elements of positive progress but that they had not exhibited real change as a result of the intervention. Understanding emotions and morals were the components where individuals had the highest scores post intervention, as 56 participants (66%) each were scored 4 or 5. This demonstrates the programme was most successful in strengthening behaviour and attitude change around individuals' own emotions and morals. However, there was also a handful (9%; 8) of offenders who for every factor remained on scores of 1 or 2, indicating there are those individuals where behaviour change intervention is not effective. Victim awareness remained the area where participants had the lowest scores, as 15 (18%) still scored 1 or 2, suggesting it is one of the more challenging areas to influence for positive change and due regard for victims is lacking for many perpetrators.

The survey feedback evidences the programme overall was effective in changing individuals' attitudes for the better. For each of the nine factors, positive change from a score of 2 or below to 4 or above was seen (between 46 and 57 offenders; 54-68%), demonstrating progress was made. The greatest change was seen in understanding emotions (57 participants; 68%), followed by morals (54 participants; 65%). This supports the indication the programme was most effective at improving attitudes around these two factors. We saw the least change in behaviour (46 participants; 54%), suggesting behaviour is one of the most difficult factors to change for hate crime perpetrators through a short term intervention and highlights further focus and intervention is likely to be required in this area for positive and sustained change to be seen.

	Pre Group Scores					Post Group Scores				
	1	2	3	4	5	1	2	3	4	5
Motivation and Engagement	7	49	24	2	0	1	4	26	33	20
Self-Awareness	15	46	21	0	0	1	6	29	33	16
Morals	3	51	27	2	0	1	5	21	43	13
Beliefs and Values	10	42	30	2	0	1	7	24	44	8
Understanding Emotions	19	39	27	0	0	1	4	23	37	19
Empathy	18	37	28	1	0	3	9	21	36	17
Victim Awareness	24	43	24	0	0	4	11	29	30	11
Behaviour	6	44	34	1	0	1	8	29	33	14
External Support (alcohol, drugs, mental health, etc.)	10	33	34	1	0	3	2	24	33	20

Table 6: Pre and Post Group Survey Scores

Qualitative data

In order to gather the views and perceptions of those who are referring into the Perspective intervention from across the three forces, and the intervention provider, focus groups were offered. These were taken up by two of the three forces (HIOWC and A&S Police) and the intervention provider, interviews were also undertaken with each of the three force leads for this OOCDD pilot.

We heard from HIOWC (4 participants) and A&S (5 participants), who have different approaches to issuing OOCDDs.

From the HIOWC participants, we heard of a good awareness of OOCDDs, one PC spoke of issuing an OOCDD at least once a week while deployed on Op Falcon¹⁴, this was typically for a Project CARA (Cautioning and Relationship Abuse)¹⁵ which is an intervention used for Domestic Abuse offences as part of a conditional caution.

We heard that locally hate crime across HIOWC varies due to location, for example Portsmouth focus on supporting international students through trying to break down cultural barriers to encourage reports of hate crime to the police. When looking across different policing teams we heard how the Neighbourhood Policing Teams tackle more local issues of hate crime, often linked to neighbour disputes, compared to those hate crimes where investigations are needed, but typically most hate crime is resolved before hitting custody. There was agreement that race/ethnicity are often brought into verbal disputes, which in turn results in the hate crime being committed, but typically the individual will not see the verbal assault as a hate crime, nor see themselves as a racist.

Information on the Perspective intervention was explored by officers via the force intranet. Only one participant had made a referral to Perspective, and this was with the support of her Sergeant, but spoke of finding the process straightforward. Discussion emerged around those who will admit making a hate comment, but not that the motivation is fuelled by hate.

¹⁴ Police investigations team across HIOWC.

¹⁵ Intervention designed to enable first time offenders to understand what domestic abuse is and the impact and consequences of their behaviour to reduce the possibility of them committing domestic abuse again in the future.

In terms of the effectiveness of the Perspective intervention as an effective OOD for hate crime, it is difficult to measure. As a new concept it appears to deliver and gives the victims the satisfaction they need and the opportunity to educate the offender. As the intervention is not just racial, but all protected characteristics, it provides a safe space for offenders to address their own preconceptions.

In terms of the local picture, typically seen is low level hate crime in public order and/or neighbour related disputes, with very few racially aggravated assaults. Discussions around the use of the Perspective intervention focused on the challenges of the criteria needing to be met under the dispensation guidelines “*I find the sticky bit of the criteria that always get stuck with is the fact that their behaviour was directly as a result of their hatred towards another’s race or colour.*” Participants spoke of the offender being more likely to admit the public order element not the hate element, and as a result avoiding them from being able to access the intervention. “*We get to a point where you think that educational diversion would be brilliant for that person, but because there’s a tiny element of the criteria we’re missing, we can’t place them on it. And that’s sometimes a bit disappointing where someone would really benefit from it.*”

[illegible]

In terms of the initial contact with the offender, RISE Mutual stated “*It’s really nice because 9/10 times if we do the initial assessments, we will be doing the remaining sessions as well so it’s nice to get to know them a bit one to one, find a bit more information and sort of relax them a little bit*” and “*in hindsight they wish they could have dealt with the situation a bit better.*” We did also hear the consistent narrative that for many, taking part they do not see themselves as speaking with hate “*they deny that they’re racist or homophobic, but yet they’re acting racist and homophobic. And there’s obviously a contradiction there. So we try and highlight, well, if you’re not, then why are you behaving that way, you know?*”

The diverse range of participants again only highlighted the need for an intervention to be open to all demographics *“it's a bit like a speed awareness course I guess where you get people from all sorts of backgrounds.”* Through engagement of the intervention *“we want them to express their beliefs because that's how we explore them and challenge them. We don't want them to sit and agree with us.”* For participants to open up, the feeling of a non-judgemental safe space is key, especially when exchanging views around hate speech.

In terms of addressing challenging behaviour, this appears to be over the phone when the initial contact is made *“Sometimes they can be rude on the phone I get a bit of swearing but I just don't let it get to my head...let them get that out of their system and then I might say why don't I call you back in a few days and let's see.”*

We also undertook interviews with the OOC hate crime pilot lead for each force area. These identified common themes around:

- Low uptake of the intervention and over estimation of the number of referrals anticipated needs to be explored in more detail. Factors such as officer awareness and buy-in, offender and victim engagement levels.
- Having new initiatives embed within a force takes time. Developing a new intervention that didn't previously exist, to meet the needs of all potential offenders will require revisions.
- For those who did go through the intervention, this is believed to have made more of a positive impact than going through the court process. Both in terms of the offender having to address their behaviour, and the victim understanding that the course is educational and to address behaviour change.

Findings

- Early indications of the Perspective intervention show an 86% completion rate from start for offenders referred, and a 1.6% hate crime reoffending rate following completion of the intervention.
- The pilot force areas report a continued need for this OOC in order to divert and educate those committing hate speech before their behaviours escalate.
- The use of online courses facilitated the delivery of participants from across the three force areas being able to attend the group sessions. Where needed one to one sessions were utilised to meet the needs of individuals referred, this flexibility increased the numbers who were put through the intervention.
- Typically, where individuals engage in the initial one to one assessment session they are more likely to complete the intervention, indicating where rapport has been built, this paves the way for positive engagement.
- The overall likelihood of the perpetrator completing the course was similar in both cases where the victim was and was not known to the perpetrator, thus this is unlikely to be a factor for completing the intervention.
- Only 9% of perpetrators had no-change in their pre and post surveys. We can also see that overall the majority (61%; 51) of individuals scored 4 or 5 after completion of the intervention.
- In terms of delivery across the three force areas, while WMP had more cases (100) referred to the Perspective intervention compared to A&S Police (44) and HIOWC (57), WMP saw more cases being referred back to the OIC, more cases closed as incomplete, but saw equal levels of completion once participants did engage, further indicating that once positive engagement with a participant is reached the likelihood of them completing the intervention also increases.
- The service user feedback is currently captured by practitioners at RISE Mutual, and it is unlikely that the same practitioner will deliver the intervention and assess the service user accessing the course. To ensure the service user/offender accessing the behaviour change intervention views are reflected

and incorporated back into the system, we recommend that in addition to the practitioner perspective, the offender's self-assessment is also captured.

- Views of the victim are not currently captured, informing the victim that the perpetrator completed the intervention (where possible) would provide full 360 feedback. We know that often the lack of 'not knowing' the outcome is a gap in victim satisfaction.
- It appears as though A&S Police and HIOWC, due to both force areas having a dedicated team in place to facilitate the OOCd referrals, were able to focus on more eligible cases being referred into the intervention, leading to a much lower number of cases being referred back to the OIC. As the facilitators and course content was consistent across all force areas, the outlier appears to be the lack of a centralised team in WMP to look at OOCd resulting in quantity over quality in the volume of referrals to Perspective.

Next steps

HIOWC and A&S Police have continued with the hate crime intervention following a proposal by RISE Mutual, which outlines a target of 80 referrals over a 1-year period at a cost of £22,371 per year, split between HIOWC and A&S Police ending April 2024. This co-commissioning approach across two different force areas is essential in ensuring there is sufficient numbers across the pilot areas for group work to take place. RISE proposed a monthly online group, with around 5-6 offenders per group, with the option to include a small number of in-person sessions where required. Unfortunately WMP were unable to secure further funding and thus were unable to continue with the pilot beyond April 2023. This co-commissioning across forces, if rolled out wider is likely to be a key driver in success in achieving the uptake needed.

The more officers and staff from across each force area who are aware of the Perspective intervention and understand the conditions required to meet the OOCd will only increase the potential reach of offenders who can be diverted down this path. Recognition that both staff turnover and change of local priorities/focus can result in pilots/interventions not keeping their momentum. The focus and commitment needs to come from within each force area, with regular and consistent messaging and reminders for it to become a business as usual approach to an OOCd. The referral process is changing, moving forward Rise will contact the offender to arrange the initial assessment, it is hoped this contact from Rise directly will increase engagement from those being referred. As Rise are the organisation delivering the intervention, they will be in a stronger position to answer any questions from the offender and put at ease any worries/concerns around attending.

In terms of intervention content, being led by the provider to apply their professional judgement, and drawing upon their practical first-hand experience to review the sessions as needed is key. The demographics of those taking part is so varied that no clear conclusions can be drawn, demonstrating the need for the intervention to be a universal approach.

In terms of what is being recognised as positive elements from the intervention appear to be:

- A non-judgemental safe space to speak openly/freely
- Professional tenacity of the provider to follow up with the offender
- Consistency of the facilitator from initial contact through to delivery
- The use of virtual groups breaking down barriers to access (with face to face where needed)
- Use of key principles based upon evidenced theory models

A review and ongoing monitoring of reoffending rates¹⁶ for those completing the intervention will be key. This pilot, while small in number across the three force areas, is the start of a building evidence base. Where numbers going through the intervention begin to increase, the analysis of participants demographics and hate crime offence type may draw further findings in terms of the intervention success and identify where any further changes to the course may be beneficial.

¹⁶ Proven reoffences are measured over a one-year follow-up period and a further six-month waiting period to allow for offences to be proven in court.

Appendix 1: Pre-conditions for forces wishing to apply for an exemption from the DPP Guidance on Conditional Cautions for Hate Crime perpetrators

Pre-Condition

1 - Force agrees to abide by guidance issued to pilot areas and agreed by the MoJ, CPS and the NPCC (covering offence types, level of risk, appropriate conditions, use of RJ and CRs etc.). In Particular, the force should ensure that in all hate crime offences:

1. The offence is not one which is indictable only.
2. The offence does not involve conduct likely to stir up hatred, or intended to stir up hatred, towards other groups.
3. The offender has made a full admission and has not raised the possibility of a defence, for example in the case of assault self-defence.
4. The offender has admitted the 'hate element' of the offence; i.e. that:
 - at the time of committing the offence or immediately before or afterwards s/he demonstrated hostility to the victim based upon their race, religion, sexual orientation, transgender identity or disability and/or
 - the offence was motivated (wholly or partly) by hostility towards persons of a particular race, religion, or sexual orientation, or who are transgender or who have a disability.
5. The offender shows genuine remorse.
6. The offender has no previous hate crime history, or links to any other relevant offending behaviour which indicates that an out of court disposal would be ineffective. (Local records should be checked for any previous out of court disposals.)
7. The offender is not a known member of an extremist organisation.
8. The offender has not committed a serious offence. The starting point for assessing seriousness is to consider the likely penalty if the matter went to court. Where the circumstances of the offence indicate that an immediate custodial sentence or high level community order is the appropriate sentence then an out of court disposal should not be offered.
9. The victim does not appear to be a targeted victim either in terms of protected characteristics (e.g. a disability which makes the victim vulnerable) and/or in terms of repeated incidents (i.e. the evidence suggests this was a one-off, isolated incident).
10. The express wishes of the victim are met by dealing with the matter out of court after the victim has been provided with a full explanation of all options and their consequences. However, the final decision will always rest with the police supervisor or CPS.

This guidance will be reviewed and amended periodically, in the light of experience from forces that adopt this approach.

2 - Risk Assessment and Selection of Cases

Selection criteria for the type of case must ensure that there is no repeated victimisation, the victim should be contacted and a risk assessment completed.

Police forces must have a robust approach to assessing risk and should only use conditional cautions for cases where a risk assessment shows that the risk to the safety of the victim and/or family is not high.

3 - Decision and Screening

The decision and screening of referrals must be made by a supervisor who has the appropriate knowledge / experience, skillset and access to information on perpetrator interventions and other interventions available. The supervising officer should reassure themselves that the initial assessment of risk is correct and that a risk management plan has been put in place if appropriate.

Where the offence is one of violence where the injuries are so serious that the charging standard would be ABH or above then a conditional caution should not be given unless a senior police officer (Inspector or above) believes there are exceptional circumstances.

4 - Condition Types

Forces must offer a range of conditions, with a focus on rehabilitation, education and reparation.

Reparative options could include Restorative Justice with a hate crime trained facilitator which is not on the spot, other options could include a letter of apology to the victim and compensation to repair any harm that has been done.

Rehabilitative options would include a quality assured intervention, which is evidence based and has the ability to be assessed.

For all incidents, forces should also consider the possibility of onward referral/signposting to other services (e.g. drugs, alcohol, mental health).

Conditions could also be restrictive. Conditions should generally not include a punitive financial element as this doesn't address the underlying cause of the offending, unless there is a reason to do so.

Restorative Justice can be considered where both the victim and offender agree to it but should not be on the spot or on the street, and any officer undertaking the RJ process must have received accredited facilitator training (3-5 day training input) and ideally specific training to deal with this type of offence.

5 - Monitoring Compliance

A robust accurate process must be in place to monitor and report on compliance with conditions. Commissioned services should include within the service level agreement a requirement for the service supplier to supply robust and auditable information on compliance to the police.

6 - Data Collection

Police forces will need to be able to provide robust data and monitor reoffending rates for the first year of operation, and ensure there are mechanisms in place after this to monitor effectiveness of interventions and use of hate crime out of court disposals.

7 - Scrutiny Arrangements

An independent Scrutiny Panel with membership to ensure a cross criminal justice view (for example magistrates and CPS) and independent representation from an advisory group, should meet regularly to review an agreed percentage of hate crime cases.

Appendix 2: Consultation on the proposed use of conditional cautions for hate crime

Avon and Somerset Constabulary Hate Crime and Out of Court Disposal Consultation

A consultation was delivered in order to establish thoughts and ideas around the potential uplift of the conditional caution being available to use with appropriate hate crime offences. The DPP sets guidance that hate crime should not be used with this disposal, however under national guidance forces across the country will be moving to a 2 tier framework, resulting in only the community resolution and conditional caution being the available out of court disposals. Avon and Somerset see this embargo as something that should be re-considered under this new framework and an opportunity to use positive intervention early on for this type of offending.

Avon and Somerset alongside Hampshire and West Midlands have communicated this to the DPP; as such the DPP has provided the opportunity for the 3 forces to explore local views around this potential uplift and to consider what sort of behavioural intervention would be most suitable and effective.

Within Avon and Somerset consultation was undertaken through various means, these are explained below, including a summary of the responses.

1. Internal

- Police Hate Crime Lead – Superintendent Andy Bennett has been cited on this proposed change, the DPP pre-conditions have been reviewed with him and feedback was provided. A key response to this was ensuring relevant Inspectors such as that of Neighbourhood Inspectors would be used to authorise the disposal for hate crime, given the skills and knowledge they would have with regard to the particular community or cohort the offence may have affected. ACC Nikki Watson who leads on OOCDS within the constabulary has also been key in supporting discussions around hate crime at this level to the Chief Officer Group and beyond.
- OPCC – The OPCC is supportive of this change and recognises the benefits in utilising the conditional caution to address this offending behaviour. The OPCC has supported with contributing funding to the Constabulary's wider OOCDS change project and the associated interventions. The PCC also funds a Restorative Justice Service that has developed specialist hate facilitation skills.
- Officers – Training and communication has been embarked upon across the constabulary which has touched upon the possibility of this change and intervention opportunity. Feedback has been positive and it would seem to be a welcomed tool for Officers to be able to utilise when dealing with appropriate hate crime cases. Thus far no concerns have been flagged.

2. External

- Strategic Independent Advisory Group (SIAG) – Attendance at the quarterly meeting where a presentation was delivered. Feedback was generally positive, one note was made around the importance of communication where potentially challenged by the media. This has prompted writing a publications piece that could be used if the situation arises. Scrutiny of cases was also a discussion point as to which they were re-assured in knowing an OPCC led process does occur and will be further developed to increase the number of panels delivered.

- Community Safety Partnership Boards (Stronger Safer Partnerships) – attendance or communication with all boards. Feedback was positive, views that there is a need. In more rural areas such as Somerset there was some concern as to how this would be delivered in some hard to reach areas, discussion was that we do have limited resources but geography has been taken into account; accessible locations have been identified across the force area, where geography does become a barrier we will respond to this when demand presents itself.
- Focus Group – this was delivered using an array of partners including; CPS, NPS, CRC, Housing, ASB teams, SARI (victim hate crime support) and Restorative Approaches Avon and Somerset. It also included a Neighbourhoods Officer and Police Inspector specialised in hate crime. There were community members from the Muslim, Jewish and Chinese community also in the group. The group was really positive and felt the uplift should be considered. They felt with an appropriate intervention this could change behaviours and encourage victims continuing or even beginning the reporting process. It was felt that for Avon and Somerset hate crime does come in all forms as such a generic intervention would be most applicable with specific modules that could be entered into depending on the individual. It was felt RJ in support of this would be beneficial. Communication is key and ensuring that communities understand this is not diluting hate crime. In addition to this it was felt authorisation should be assigned to a core group of Officers with specialist skills. Finally an action taken away was to review NFA cases; to look at how many could be appropriate for an OOC as this may indicate the potential for greater uptake when an intervention is an option (see section 4 in this report for the findings).

3. Online Survey

- An online survey was developed to explore views on the Avon and Somerset approach to OOC's and views with regard to hate crime, conditional cautions and potential intervention. This went out to all IAG's, the Local Criminal Justice Board and Community Safety Partnership's; only 25 people responded however the findings do reflect most of the face to face interaction.

The key findings of this survey are as follows:

- 80% agreed that the conditional caution should be available to use with hate crime.
- 84% felt that victims would be more inclined to proceed with an investigation or even reporting if where appropriate, a non-court option with an outcome for the offender to address their behaviour was available.
- 60% were in favour of group sessions addressing generic hate behaviour and thinking.
- 65% were in favour of using restorative approaches.
- Where further comments were given, some felt nervous that communities would see this as lessening the seriousness of hate crime. However a resounding theme was that if communicated well, victims would welcome this approach over court.

4. NFA dip sample – Victim declines to prosecute; outcome 16

- A recent focus group on this subject raised a hypothesis that, when Avon & Somerset move to the two tier system and more meaningful conditions are available, some cases which would currently be disposed via Outcome 16 (victim declines to prosecute) or via prosecution could instead be issued an OOC. Reviewing this would help best establish potential volume of referrals to an intervention provider for cases of hate crime. The number of OOCs issued for a hate crime can be taken from existing records: there were 101 in 2017/18.

Total number of people prosecuted or victim declines to prosecute (VDTP)	992
8% of the above could have been appropriate	79
OOCDs with hate flag	101
Potential uplift on OOCDs if the 8% become OOCDs	180

- In order to test this hypothesis, a dip sample was undertaken. There were 992 cases of either VDTP or prosecution in 2017/18; 60 cases were randomly selected for scrutiny, using offence type, previous offending and admission of guilt as criteria (though some records did not fully describe the case or the reason for the disposal, making accurate predictions difficult).
- 8% of the cases sampled were found to be suitable for an OOCD. If this figure is extrapolated to the wider group of 992, the potential number of cases is 79.
- This figure added to the cases which were disposed of via OOCD leads to a theoretical total of 180 referrals to intervention providers. This is an increase of 78%.

5. Conclusion of the consultation

- A wide range of people from an array of backgrounds and professions have been involved in this consultation. The findings have been positive with the consensus in favour of being able to use the conditional caution with hate crime, where a well-developed appropriate intervention can be used. Avon and Somerset welcome the opportunity to work with Hampshire and West Midlands to develop such an intervention, whether this results in three local approaches or one single 'tri-force' approach.

Hate crime and conditional caution focus group – Avon and Somerset – 16/05/18

Attendees:

Name	Organisation
Nainesh Pandit	Stand Against Racism and Inequality (SARI)
Sherrie Curtis	CRC
Lizzie Lawrence	Curo Housing/ASB
Rizwhan Ahmed	IAG member and community representative
Sgt Helen Riddell	ASC Hate Crime lead representative
Derek Brown	IAG member and community representative
Abi Bendall	S.Glos ASB team (Local Authority)
Amjid Ali	IAG Chair and community representative
Kathy Taylor	CPS Hate Crime lead
Tue Baker	CPS Community Inclusion and Engagement
PC Louise Ford	OOCD Champion
Jules Cox	Restorative Approaches Avon and Somerset (RAAS)
Helen Jeal	Business Improvement – ASCEND project
Sophie Dingley	Criminal Justice Business Manager – ASCEND project
Charlotte Pritchard	Pathway and Partnership Coordinator – ASCEND project

A focus group including partners and community representatives was held in order to discuss the subject matter of conditional cautions (CC's) being used with hate crime. Following up and coming changes to the adult out of court disposal framework, a reduction in available disposals requires consideration of the use of CC's with hate crime offences. The Director of Public Prosecutions (DPP) has requested that this is done a local level and national level. It will only be until the DPP is satisfied with the responses and any proposals put forward to allow dispensation for CC's and hate crime.

The Focus Group

An introduction was given to the group on the wider changes to the out of court disposal framework and the Avon and Somerset response to this through the ASCEND project. See PowerPoint presentation.

Discussion points were then fed to the group; this was done in two parts to allow for feedback and wider group discussion.

The areas of discussion were as follows:

Part 1: Use of conditional cautions with hate crime.

- * Do you think the conditional caution should be made available with hate crime?
- * What concerns might you have with this?
- * Why do so many victims choose not to proceed with hate crime and do you think this will help encourage reporting?
- * Do you think behaviour/attitudes can be changed around hate?

Part 2: Intervention consideration

- * Are there particular hate 'needs' in Avon and Somerset?
- * What would a positive intervention look like to you?
- * Locally who could deliver a hate intervention?
- * Do you see benefit in a national pilot – 3 forces delivering the same?

Part 1 – Key findings

- The group concluded that they felt CC's should be made available to be used with hate crime. However it must be a carefully monitored process and delivered appropriately.
- Some of the discussion around this was that they felt the intervention would be a crucial part to the use of CC's and hate crime.
- Decision making was a concern, in that the group felt it should be a core group of supervisors (Inspectors), skilled in authorising the disposal.
- It was asked how it will be used alongside the community remedy and would this be an inclusive process for victims. The response is that the community remedy should be used in consultation with the victim when considering an outcome with an out of court disposal; any hate intervention that is to be used in the future would be part of this. Training to Officers is going to include the community remedy to refresh this.
- There was some concern that there could be a dilution to hate crime in that seriousness could be lessened if Officers deem the CC to be an easier option than to prosecute. The reality is that an investigation would have to have taken place, the offender would need to acknowledge the offence and a supervisor would have to authorise the disposal outcome for it to be considered for a CC. There will be robust decision making processes to ensure the CC is used in only appropriate cases.
- CPS were concerned that in cases where a breach may occur that not enough time would be accounted for a prosecution. This is built into the 16 weeks for completion of a CC. The conditions will be monitored and followed up where non-completion is evident, accounting for prosecution processes.
- It was felt that the community could have a perception that this is an easy option for the offender; it was felt that communications to the public would be key to eradicate this view.
- The group felt there were a number of reasons as to why victims often choose not to proceed with reporting or prosecuting for a hate crime; these included avoidance of lengthy court processes, they do not want to criminalise, fear of reprisal, lack of recognition in being a victim as some feel being target is just part of life.
- It was felt that the CC with a meaningful intervention should help encourage victims to proceed but they would need to be confident in the process.
- It was felt that behaviour and attitudes around hate can be changed when the individual is engaged and motivated. The quality of the intervention will also be key to the success of this.

Part 2 – Key findings

- The group identified that within Avon and Somerset some of the key hate 'needs' were race and religion, disability and homophobia. It was suggested that about 60% of hate crime was race related in the force area.
- Some of the group highlighted that Bristol should be viewed on its own as quite different to the rest of the force area.
- Since Brexit issues have worsened and we have seen an increase in hate towards eastern European countries.
- There was also consideration around the fact that do we truly know what the hate needs are, as roughly 700 hate cases in a year are NFA'd – therefore what are the themes within these crimes.
- The consensus appeared to suggest that for an intervention a generic hate crime programme with tailored modules would be most appropriate for Avon and Somerset.
- Some did feel that specific programmes would be more appropriate.
- The use of cultural visits was also considered to be important. Technology was raised around this as there are packages available which allow for realistic simulation of mosque visits, shown to have positive impact.
- The group also identified restorative approaches to be important and some felt it could be the final module of the intervention.
- Evaluation and accreditation were also key to the intervention being successful.
- Time was also raised as being important, so that it is not rushed and carefully considered.
- The group felt it should be a one- time opportunity for the offender.
- The group felt there a number of local partners who could deliver such an intervention, some included SARI, RAAS, CRC, victim support organisations. Some consideration was made to the support of using PCSO's as there impact can be huge.
- Community safety partnerships were viewed as being important stakeholders in this.
- In considering a national approach it was felt that Hampshire, West Midlands and A&S were all quite different landscapes and one approach was unlikely to fit. However the group felt that working together would be key if we were all at the same stage.
- A national evaluation of the 3 forces should be considered and sharing of best practices taken from this.

Hate Crime Conditional Caution Proposal

Summary of WMP Consultation

In relation to the proposed Hate Crime pilot, the following consultation has been carried out in WMP:

1. Internal

- **Midlands Region Police Hate Crime Force Leads Forum (inc. CPS plus GMP who were visiting)**

In favour – very positive about the proposal – members felt it would help increase both reporting and positive outcomes because of the number of victims who do not want to go to court at present, but would be willing to support an Out of Court Disposal.

- **WMP NPU Hate Crime Leads Meeting (inc Local Authority leads from Sandwell, Solihull and Wolverhampton)**

In favour – very positive about the proposal. The group felt it would be important to get properly trained and experienced facilitators to run any intervention.

- **OPCC**

The WMP OPCC supports the proposal which reflects the PCC direction on Hate Crime, victim services and restorative justice. The PCC will fund the intervention in the West Midlands through the Neighbourhood Justice Project and is also commissioning an external RJ provider to deliver on a range of offences including Hate Crime

2. External

Several Independent Advisory Groups with diverse membership were attended as well as other standalone meetings.

- **LGBT IAG**

In favour of the proposal – felt this was a long overdue approach – particularly supported the idea of restorative justice and a restorative approach – felt it would help to increase reporting from victims who were put off by the prospect of a court process..

- **Wolverhampton IAG**

Some members were initially concerned, felt it was a move away from a zero tolerance approach – it appeared members were under misconception that all hate crime offenders were imprisoned – however, the chair of this panel is a magistrate and explained that a first time offender for a low level offence would probably receive only a fine.

They were also initially concerned about the governance (disposal decisions in police hands) but reassured when proposals for a separate Scrutiny Panel were explained – they felt governance arrangements should include IAG members.

On a positive note, as with other groups, members also felt that the proposal would increase reporting because victims were very scared of going to court.

- **Birmingham North IAG**

Birmingham North IAG was fully in favour of the proposal and felt it was a common sense approach.

- **Birmingham South IAG**

Birmingham South IAG also supported the proposal. One Jewish member who, together with her son had been a victim of Hate Crime, felt that RJ should be available to anyone who wanted it (as her son would have liked) but not be obligatory as other victims may not want it.

A doctor spoke in favour of the proposed RCT approach.

- **Birmingham East IAG**

This was a very diverse meeting and included the Birmingham lead for 'Tell Mama'.

The meeting supported the proposal and felt it showed that WMP was taking positive steps to reduce Hate Crime.

- **Al Mahdi Institute – The Centre for Intra Muslim Studies**

This was a joint Shia / Shi'ite conference on Islamophobia which WMP were invited to attend in order to talk about the Conditional Caution proposal.

The conference supported the proposal and felt that it showed WMP was trying to be innovative in the way it tackled Hate Crime.

The panel offered help to develop the intervention and stated that previous work had shown that a restorative approach where offenders were brought into contact with their victims was effective.

- **Hate Crime Consultation Focus Group –held at WMP HQ**

Attendees included representatives from 'BRAP', (a BME advocate / support group), Birmingham Progressive Synagogue, The Sikh Helpline, Rights and Equalities Sandwell

The group were in favour of the proposal – again felt this was a long overdue development. They were interested in the 'motivational interviewing' approach, offered to help to design intervention and asked to be kept informed.

3. Conclusion

Consultation has been held both internally and externally, with a wide range of people from different backgrounds and race of religion. All the feedback received has been positive once the proposals have been explained.

Community consultation regarding the
use of conditional cautions and
restorative justice as potential responses
to hate crime.

William Bergstroem
WILL.A.BERGSTROEM@GMAIL.COM
07437293905

Table of contents

1. Aims of the report	2
2. The consultation	2
2.1. Aims	2
2.2. Ethical considerations	2
2.3. Demographics	3
2.4. Responses	5
3. Key findings	12
4. Main risks and concerns	13
5. Recommendations	13
6. References	14

1. Aims of the report

The aim of this report is to summarize the main findings of a community consultation in the form of a survey, gauging community views regarding the potential use of conditional cautions and restorative justice (RJ) as responses to hate crime (raw data available upon request). The report will provide a brief overview of the consultation itself in order to evaluate the applicability and reliability of the consultation. Key findings will be highlighted and main risks and concerns on the part of the participants identified. All this will culminate in a final recommendation regarding the continuation of the pilot proposal to use conditional cautions in some cases of hate crime, and some considerations as to the specific aspects of the pilot.

2. The Consultation

2.1. Aims

The aim of the consultation was to reliably gain an insight into community attitudes towards the potential use of conditional cautions and restorative justice as responses to hate crime. This was done in response to the proposed pilot to be carried out by Hampshire Constabulary, West Midlands Police and Avon and Somerset Constabulary as tasked by the Director of Public Prosecutions. The consultation was primarily aimed at establishing whether such a pilot were considered desirable by the community and any concerns regarding the use of conditional cautions and RJ for hate crime. A subset of the questions were directed at the specific aspects of how such a pilot should be set up.

2.2. Ethical considerations

A vital consideration in this report is that it be based on ethically sound research. As such, the survey was produced and disseminated with consideration of the basic ethical considerations involved in primary research, drawing on ideas for both qualitative and quantitative research. Some of the main ethical guidelines relevant to this consultation are the idea of informed consent, right to withdraw, anonymity, confidentiality, data maintenance and storage and the sensitive nature of the questions (Bulmer, 2001; Webster, Lewis & Brown, 2014).

Informed consent – the aims of the consultation were clearly outlined, with links to further descriptors regarding the meanings of key terms. Participants were informed of the further

guidelines which were considered in the survey (outlined below) and the details of how their responses would be used.

Right to withdraw – participants were informed that they had the right to withdraw their participation at any point during the survey and that they were free to skip questions.

Anonymity – participants were assured that their responses would be kept anonymous and that no one would be given information which could be used to identify them. This was reiterated in the second section of the survey, which asked for certain details about the participants for demographic purposes.

Confidentiality, data maintenance and storage – the data is stored and maintained by the researcher. No data will be shared or disclosed which could in any way infringe on the ethical guidelines.

Sensitive nature of questions – hate crime can be a highly sensitive topic, and many of the questions asked could be considered quite private information. Therefore the above guidelines were clearly explained and the opportunity was given to skip any questions or sections.

2.3. Demographics

The survey was circulated among partners and organizations representing groups from the five protected groups under hate crime legislation. Four key group networks were used to disseminate the survey, including police partners, the OPCC network, local council networks and the University of Portsmouth. In total 298 responses were received. Based on academic sources it was acknowledged that the lower sample size inherently increases the error margin of the survey (De Vaus, 2002). Considering the purposes of the initial consultation, this was deemed acceptable as the quality of the consultation was prioritized over sample size, and therefore the decision that the survey did not require re-circulation was made (Lenth, 2001).

The age range of the participants was between 16 and 93 years old. Based on the 5 protected groups in hate crime legislation, 32% of respondents identified as belonging to one or more of those groups (see Figure 1).

Do you identify as belonging to any of the following groups (racial or religious minority, LGBT+, disabled)?

291 responses

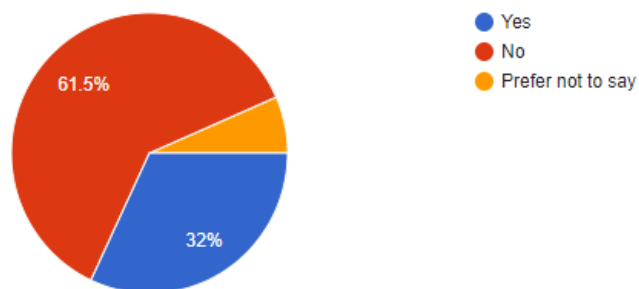


Figure 1. Responses regarding the belonging to one or more of the protected groups under hate crime legislation.

Responses included membership in various religious and ethnic minorities, LGBT+ group membership, including related to sexual orientation as well as transgender identity, and people identifying as having a disability.

As shown in Figure 2, 30.8% of respondents reported having been the victim of hate crime. Of these, 29.1% stated that they had reported the hate crime to the police or a third party (Figure 3).

Have you ever been the victim of a hate crime?

292 responses

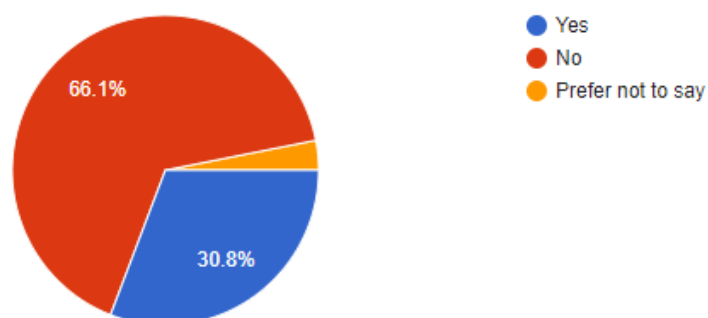


Figure 2. Responses regarding prior hate crime victimization.

If yes, did you report it to the police or a third party?

141 responses

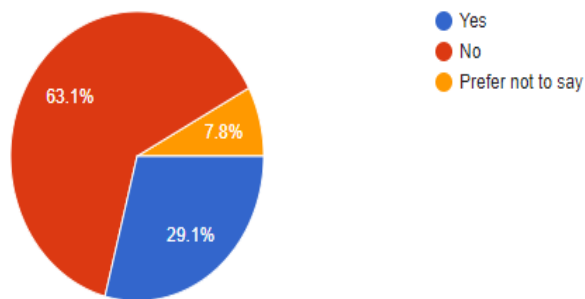


Figure 3. Responses as to the reporting of prior hate crime victimization.

2.4. Responses

Figure 4 shows the responses to the question whether the option of a conditional caution or RJ would have affected participants' decision to report the hate crime they experienced.

Would the option of a conditional caution or restorative justice have affected your decision to report the hate crime?

184 responses

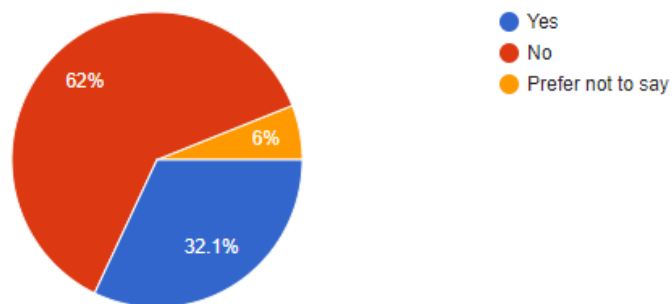


Figure 4. Responses whether the option of a conditional caution or RJ would have affected the decision to report the hate crime.

The main explanations given for the answers included:

Positively affected:

- The belief that more would have been done, or that it could be more formal than a simple caution. Expecting that it could have an impact on the offending behaviour; prevent future offending.
- The expectation that a victim would be more likely to report if they were actively involved in the subsequent process; felt that they had some power; having their feelings acknowledged.
- Seen as an effective alternative to court proceedings which could be difficult for some victims. Better than a 'no further action' outcome.

Negatively affected:

- The view that conditional cautions and RJ are unacceptable in cases of hate crime, or not proportionate to the harm caused; not a strong enough deterrent.
- The belief that victims are unlikely to be aware of the option.
- A distrust in the police; fear of not being taken seriously.
- The fear of being 'outed'; fear of backlash.
- A greater focus on education rather than punitive measures.

In general, respondents were largely positive to the running of the pilot, as demonstrated in Figures 5-6.

Do you think conditional cautions should be an option in responding to hate crime?

296 responses

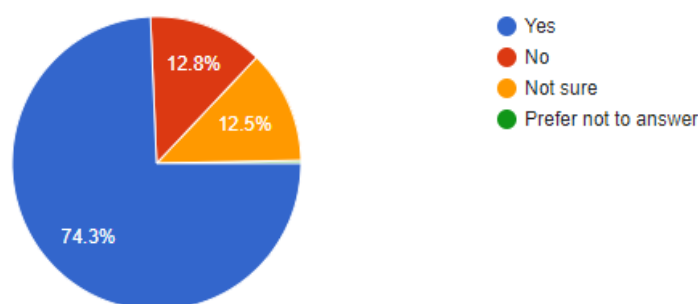


Figure 5. Responses showing participants' perception of whether conditional cautions should be an option in cases of hate crime.

To what extent do you agree that conditional cautions and restorative justice could be appropriate responses to hate crime?



294 responses

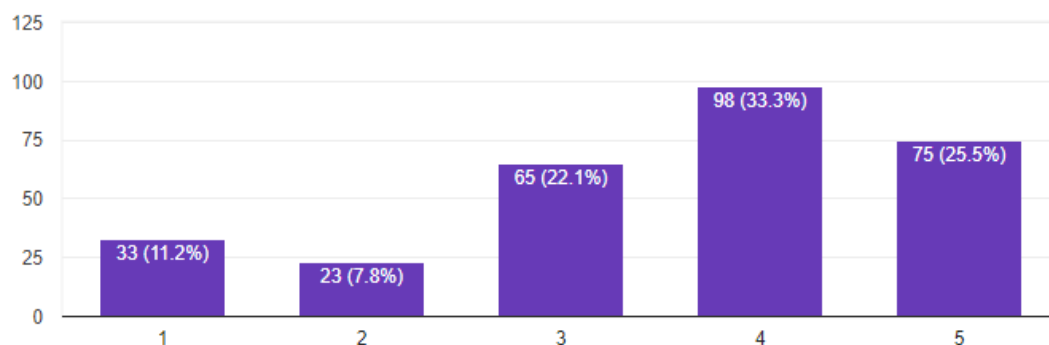


Figure 6. Responses showing extent to which participants considered conditional cautions and RJ to be appropriate to hate crime, 1 being strongly disagree and 5 strongly agree.

Some of the key explanations for these answers included:

- A reassuring process for the victim in which the victim is involved in the process.
- Could be an effective alternative to court proceedings.
- An effective deterrent to the offender while also educating the offender on the harm caused by their actions.
- Could promote greater focus on mandatory education rather than pure punishment.
- Could improve community cohesion.

In a situational question giving an example of a hate crime, the majority of respondents chose conditional caution to be the most appropriate response (Figure 7).

Situational question: A 21 year old drunk man verbally assaults a woman wearing a hijab. The offender has no previous convictions and no known history of hate related behaviour. Following arrest in interview he takes responsibility for his actions. Which of the following outcomes would you agree with most?

295 responses

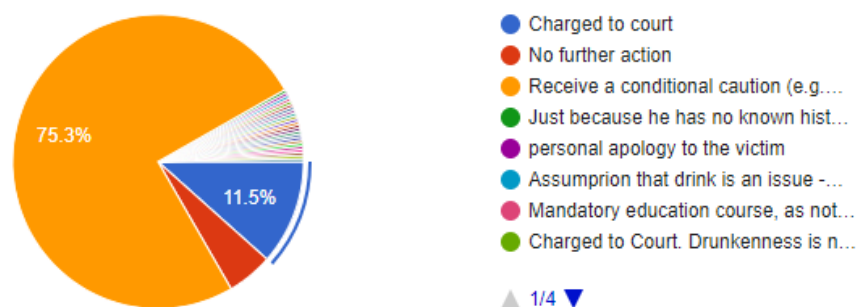


Figure 7. Responses of most appropriate outcomes for an example of a hate crime.

The next two questions were victim-oriented, and asked how likely a victim would be to report a hate crime if the likely outcome were a conditional caution (Figure 8). The majority of responses were in the middle.

How likely do you think a victim would be to report a hate crime if the likely outcome would be a conditional caution?

293 responses

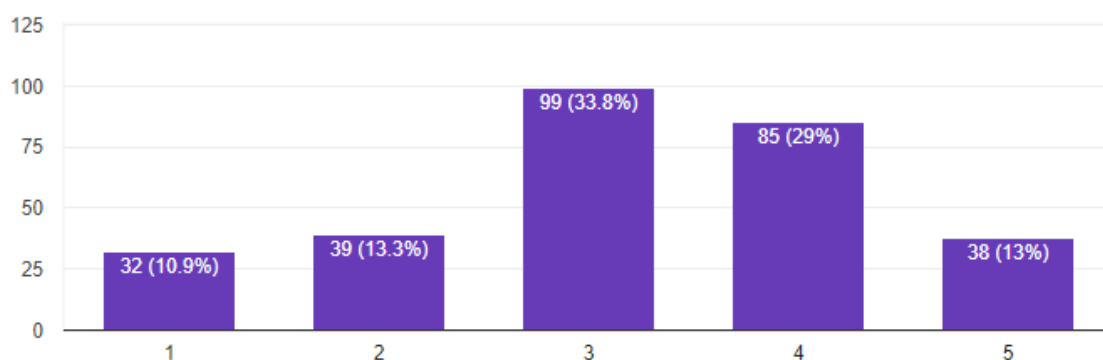


Figure 8. Responses showing perception of likelihood of reporting hate crime with the likely outcome of a conditional caution, 1 being not likely to report and 5 likely to report.

Participants were then asked to think of any reasons the option of a conditional caution may discourage a victim to report a hate crime. The most common responses were:

- Conditional caution perceived to be an insufficient response.
- Fear of reprisals or escalation.
- Lack of trust in the police.

With regards to the issuing of conditional cautions, participants were asked under what circumstances they considered it to be acceptable for the police to use conditional cautions or restorative justice options without the consent of the victim. The main responses were:

- Under no circumstances.
- When deemed appropriate or necessary by the police or other organization.
- When there is a level of risk to the victim or a risk of escalation or re-offending.
- If the solution was targeted at the community rather than the specific victim.

Responses regarding the participants' agreement that a conditional caution could prevent re-offending can be linked to the role of education as an important factor to prevent hate crime, and can be seen in Figure 9.

To what extent do you agree that a conditional caution could prevent an offender from re-offending?

293 responses

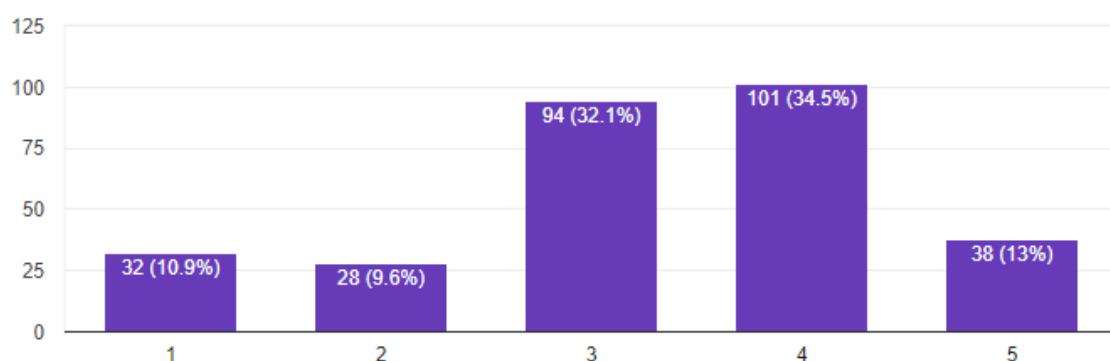


Figure 9. Responses showing perception of likelihood of reporting hate crime with the likely outcome of a conditional caution, 1 being strongly disagree and 5 strongly agree.

questions aimed to gauge participant trust in the police,

CPS and supporting agencies in their delivery of conditional cautions and RJ for hate crime offenses. In general, slightly more trust was demonstrated towards the police, as shown in Figures 10-12

To what extent would you trust the police to appropriately apply conditional cautions and restorative justice options to cases of hate crime?



294 responses

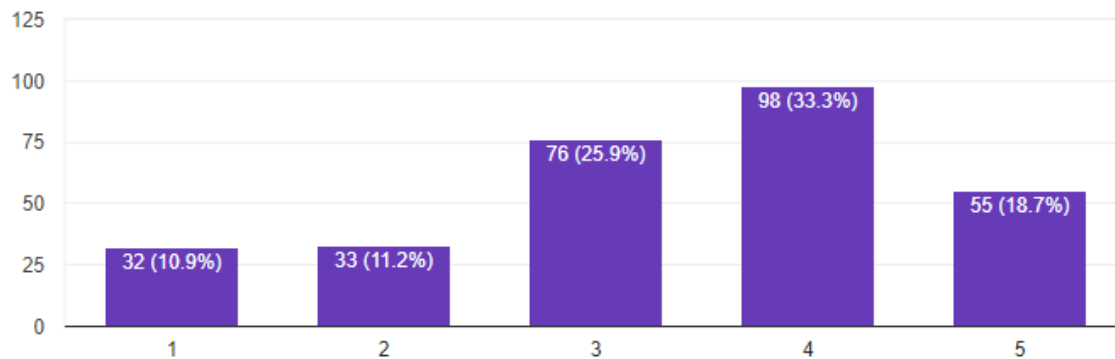


Figure 10. Responses regarding trust in the police to apply conditional cautions and RJ in cases of hate crime, 1 being strongly distrust and 5 strongly trust.

To what extent would you trust the Crown Prosecution Service to appropriately apply conditional cautions and restorative justice options to cases of hate crime?



291 responses

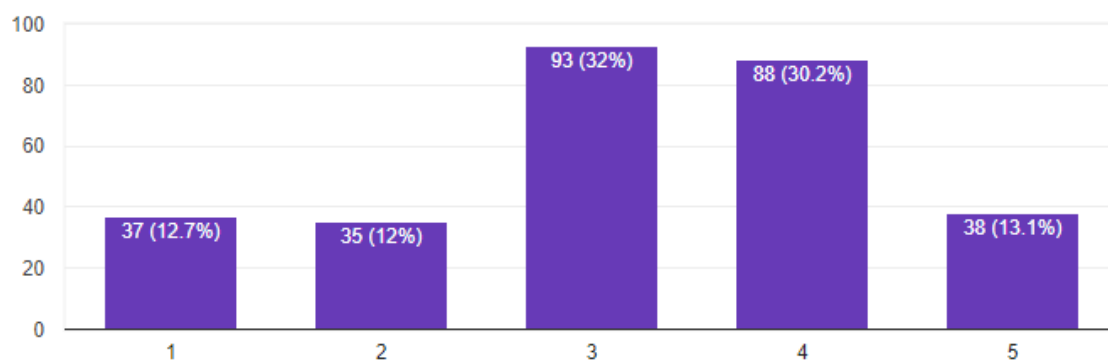


Figure 11. Responses regarding trust in the CPS to apply conditional cautions and RJ in cases of hate crime, 1 being strongly distrust and 5 strongly trust.

To what extent would you trust agencies who support police to appropriately apply conditional cautions and restorative justice options to cases of hate crime?



288 responses

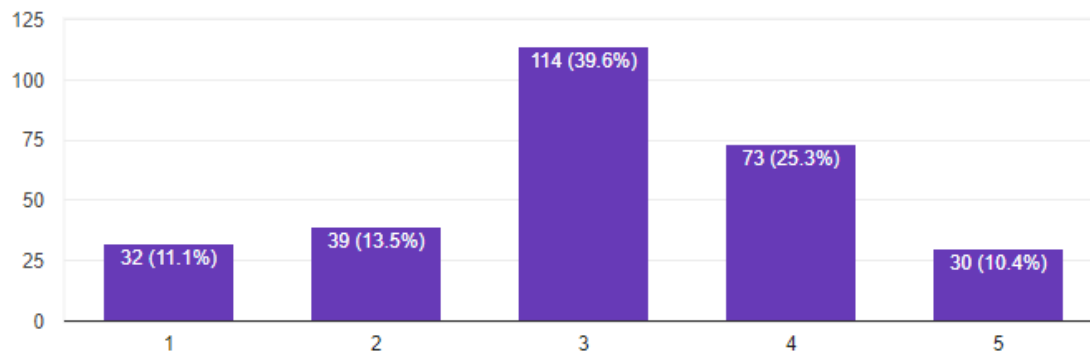


Figure 12. Responses regarding trust in supporting agencies to apply conditional cautions and RJ in cases of hate crime, 1 being strongly distrust and 5 strongly trust.

Explanations included:

- Distrust in these agencies.
- A fear of insufficient training on the individual level.
- Perception of 'institutional racism' and other biases.
- A view that a multi-agency response would be most appropriate.
- A fear that conditional cautions may be used inappropriately as a quick solution due to high workload and lack of resources.
- Lack of community engagement by these agencies.

55% of participants responded that they would prefer the police to take the lead for conditional cautions and RJ (Figure 13).

Would you prefer conditional cautions and restorative justice outcomes to be lead by the police or other organisations?

289 responses

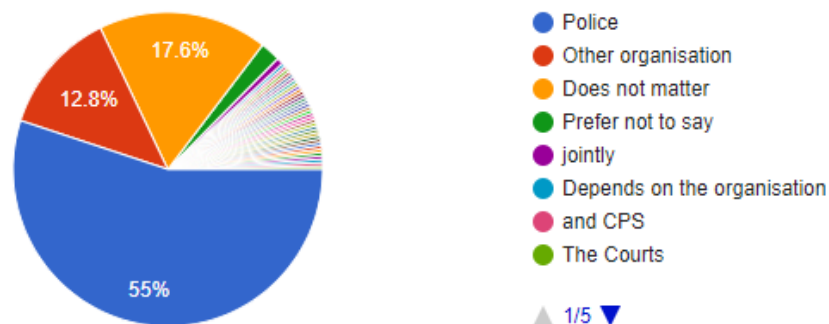


Figure 13. Responses showing preference for who should take lead for conditional cautions and RJ.

3. Key findings

The following have been identified as the key findings of the consultation:

- The large majority of respondents were positive towards the introduction of conditional cautions and RJ as a potential response to hate crime.
- Many responders saw these outcomes as effective alternatives to court proceedings and a way to promote education as a response to hate crime rather than pure punishment.
- More trust was demonstrated towards the police in delivering the outcomes, with a preference for the police to take the lead in the process.
- The importance for a clear and transparent process was emphasized, involving multi-agency partnerships and a focus on victim involvement.

4. Main risks and concerns

The main risks and concerns identified from the responses are the following:

- Conditional cautions and RJ may be inappropriately used as a quick solution due to high workloads and a lack of resources.

- Many perceive these outcomes to be disproportionate to the harm caused and to be ineffective in preventing re-offending.
- The training of those involved in the process is of vital importance.
- A lack of awareness by victims as to the options available may reduce effectiveness of conditional cautions and RJ.
- Distrust in the police and other agencies was expressed, including the role of 'institutional' biases and a lack of community engagement.

5. Recommendations

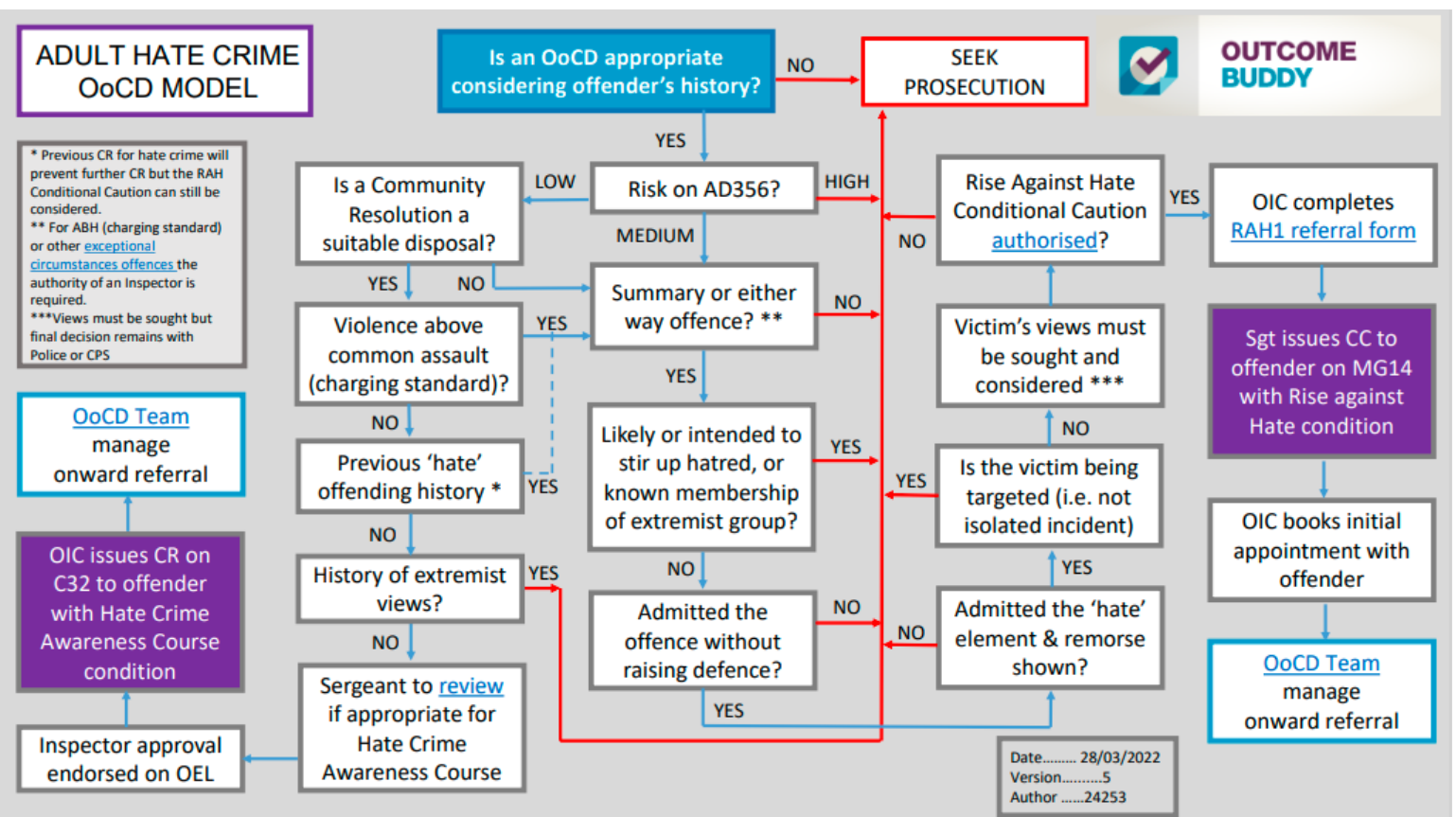
Based on the findings of this report, the following recommendations are made:

- Based on the findings of this report, the recommendation is made to progress with the pilot to use conditional cautions and RJ as a potential response to hate crime.
- Responses have clearly expressed the importance for education to play a large part in the outcomes.
- A clear and transparent victim-focused process should be prioritized.
- Greater community engagement on behalf of the police and other agencies is necessary to reduce distrust and a perception of bias among communities.
- A carefully considered communication strategy for effective engagement across partners and with communities on the options, process and outcomes of conditional cautions and RJ is vital, based on the circulation of positive outcomes.

6. References

- Bulmer, M. (2001). The Ethics of Social Research. In N. Gilbert (Ed.), *Researching Social Life* (2nd ed.) (pp. 45-57). London: SAGE Publications.
- De Vaus, D. (2002). *Surveys in Social Research* (5th ed.). Oxon: Routledge.
- Lenth, R. V. (2001). Some Practical Guidelines for Effective Sample Size Determination. *The American Statistician*, 55(3), 187-193.
- Webster, S., Lewis, J., & Brown, A. (2014). Ethical Considerations in Qualitative Research. In J. Ritchie, J. Lewis, C. McNaughton Nicholls, & R. Ormston (Eds.), *Qualitative Research Practice: A Guide for Social Science Students and Researchers* (2nd ed.) (pp. 77-110). Los Angeles: SAGE Publications.

Appendix 3: Hampshire Constabulary Adult Hate Crime OoCD model



Appendix 4: Perspective referral form



Pre-condition, Eligibility and Referral Checklist for Hate Crime Perpetrators

This checklist is formed from the guidance issued by the MOJ, CPS and the NPCC (covering offence types, level of risk, appropriate conditions, use of RJ and CRs etc.) Please only refer if all conditions are met.

Offender Name		Police Force	
Offence Date		Officer	
Crime Number			

Y/N	Conditions
	The offence is not one which is indictable only.
	The offence does not involve conduct likely to stir up hatred, or intended to stir up hatred, towards other groups.
	The offender has made a full admission and has not raised the possibility of a defence.
	The offender has admitted the 'hate element' of the offence; i.e. that: - at the time of committing the offence or immediately before or afterwards s/he demonstrated hostility to the victim based upon their race, religion, sexual orientation, transgender identity or disability and/or - the offence was motivated (wholly or partly) by hostility towards persons of a particular race, religion, or sexual orientation, or who are transgender or who have a disability.
	The offender shows genuine remorse.
	The offender has no previous hate crime history, or links to any other relevant offending behaviour which indicates that an out of court disposal would be ineffective.
	The offender is not a known member of an extremist organisation.
	The offender has not committed a serious offence. (<i>Consider the likely penalty if the matter went to court. Where the circumstances of the offence indicate an immediate custodial sentence /high level community order is the appropriate sentence then an out of court disposal should not be offered.</i>)
	The victim does not appear to be a targeted victim either in terms of protected characteristics (e.g. a disability which makes the victim vulnerable) and/or in terms of repeated incidents.
	The express wishes of the victim are met by dealing with the matter out of court after the victim has been provided with a full explanation of all options and their consequences.

Referral Information

Offender DOB:	
Race/ Ethnicity (Self-defined):	
Mobile Number:	
Email Address:	

Diversity/ Accessibility Issues:	
---	--

Appointment arranged		
Appointment date for 1-2-1 assessment	Booked via website	YES/NO
Date and Time booked:		

Incident/Circumstances		
This incident is being recorded as a hate crime, briefly outline the details of this incident.		
Was the victim known to the perpetrator?	If yes provide details:	
Has the victim indicated they would be interested in engaging with Restorative Justice?		
What is the impact on the victim?	Victim appears not concerned.	
	Victim in fear	
	Normal life affected	
Risk contributors		
Has social media/cyber bullying played any part in what has happened to victim?		
Were other people involved in the incident?		
Do you think that this incident is or could be a reaction to other incidents or events? elsewhere? (retaliatory factor)		
Aggravating factors		
Are there any drug or alcohol issues?		
Any mental/Physical issues		

Critical Date:	
-----------------------	--

Referrer (if different from the officer):	Officer:
--	-----------------

Appendix 5: Perspective risk assessment form



Perspective – Risk Assessment

NAME OF PERSON BEING REFERRED:	
Referrer and Police Location:	
DOB:	
RACE / ETHNICITY:	
MOBILE PHONE NUMBER:	

REFERRAL INFORMATION

Incident/Circumstances	
This incident is being recorded as a hate crime, outline the details of this incident.	Offence details as provided on referral form. Offenders' version - What led up to the incident? What happened? Ask the perpetrator to describe from their view what happened. Explore their thoughts and feelings at the time of the incident?

Risk contributors	
Has social media/cyber bullying played any part in what has happened to victim?	YES/NO If yes, please provide details:
Were other people involved in the incident?	YES/NO If yes, please provide details:
Do you think that this incident is or could be a reaction to other incidents or events elsewhere? (Retaliatory factor)	YES/NO If yes, please provide details:
Perpetrator views/motivation	
What is the perpetrator's view of the impact on the victim?	Please provide details

Is the perpetrator motivated to address his/her behaviour?	YES/NO Please provide details
--	--------------------------------------

Are there any drug or alcohol issues?	YES/NO Details
Any mental/Physical issues	YES/NO Details

MAIN RISK FACTORS

Risk likelihood x Victim impact		Rating Score	Levels
Risk scoring = Probability of risk x impact	Very Unlikely x Victim not concerned	1	low
	Unlikely x Victim in fear	4	Medium
	Possible + Normal life affected	9	High – unsuitable
Risk likelihood x community impact		Rating score	Levels
Risk scoring = Probability of risk x other victim groups targeted	Very Unlikely x Victim groups not concerned	1	low
	Unlikely x victim groups/communities in fear	4	Medium – unsuitable
	Possible + life affected	9	High - unsuitable
Final score	Risk likelihood x victim impact + victim group/community impact =		

		Minor	Appreciable	Major	Total Rating
		1	2	3	
Possible	3	Medium High	High	High	High (12-18)
unlikely	2	Low Medium	Medium	Medium	Medium (4-12)
Very unlikely	1	Low	Low	Low	(1-3)

RISK ASSESSMENT		
LOW	MEDIUM	HIGH

The statements below look at areas in the offenders life that might (or might have) change with the intervention. There are 10 areas, each supported with a scale of 1-5.

Further information is available to help Practitioners complete this with the service user, including further information about the areas and what they mean. This can be found via the Impact and Outcomes strategy, named “HCOS Guidance.”

1 = Stuck, the offender can’t see what they did wrong or thinks they had no choice.

2 = Starting, they are open to hearing others views, but still don’t really understand the impact of their behaviour

3 = Accepting help, the offender acknowledges the offending behaviour and is motivated to change

4 = Discovery, the offender learns new ways of thinking and behaving. They recognise the impact of their behaviour and strive towards change.

5 = Being Respectful, the offender takes responsibility for their actions, demonstrates respectful behaviour towards all.

Offender Name:

Date:

Police Force:

Please tick one box only

		1	2	3	4	5
1	Motivation and Engagement					
2	Self-Awareness					
3	Morals					
4	Beliefs and Values					
5	Understanding Emotions					
6	Empathy					
7	Victim Awareness					
8	Behaviour					
9	External Support (alcohol, drugs, mental health etc)					
10	The Future					

GOALS FOR INTERVENTION – to be completed at session 1

Completed by RISE group work practitioner:

e.g.

- To explore my thoughts and beliefs towards black and minoritised ethnic groups and marginalised communities.
- To understand the impact of my behaviour on the victims
- To learn ways to deal with my emotions in stressful situations.

SUMMARY

Key issues that should be focussed on in the group setting (this should be completed at the end of the session after talking through the Hate Crime Wheel). Challenge, note it to address later

What were your intentions?

What did you hope to achieve from this incident?

Note any beliefs stated during this session– e.g., hatred towards xxx

Note any statements made - “I don’t like them because they are different! They need to go back to their country!”

Note their comments on the Hate crime wheel and any sections they could relate to

Summarise -

PRINT NAME	
ROLE	
DATE	

HATE CRIME WHEEL



Appendix 6: Perspective post group form



Perspective POST group

Offender Name:

Completion date:

Police Force:

Summary of engagement

1= Stuck, the offender can't see what they did wrong or thinks they had no choice.

2 = Starting, they are open to hearing others views, but still don't really understand the impact of their behaviour

3 = Accepting help, the offender acknowledges the offending behaviour and is motivated to change

4 = Discovery, the offender learns new ways of thinking and behaving. They recognise the impact of their behaviour and strive towards change.

5 = Being Respectful, the offender takes responsibility for their actions, demonstrates respectful behaviour towards all.

PRE GROUP SCORES -

Please tick one box only

		1	2	3	4	5
1	Motivation and Engagement					
2	Self-Awareness					
3	Morals					
4	Beliefs and Values					
5	Understanding Emotions					
6	Empathy					
7	Victim Awareness					
8	Behaviour					
9	External Support (alcohol, drugs, mental health etc)					
10	The Future					

POST GROUP

Please tick one box only

		1	2	3	4	5
1	Motivation and Engagement					
2	Self-Awareness					
3	Morals					

4	Beliefs and Values					
5	Understanding Emotions					
6	Empathy					
7	Victim Awareness					
8	Behaviour					
9	External Support (alcohol, drugs, mental health etc)					

Facilitator Name

Date

Appendix 7: Perspective Participation leaflet

SUITABILITY

Perspective is suitable for:

- Offenders aged 18+
- Those arrested for an offence involving hate crime. Typical offences include anti-social behaviour, breach of the peace, or malicious communications.
- Offenders who demonstrated hostility to the victim based upon their race, religion, sexual orientation, transgender identity or disability and/or the offence was motivated (wholly or partly) by hostility towards persons of a particular race, religion, or sexual orientation, or who are transgender or who have a disability.

Perspective is NOT suitable for:

- Those with a significant prior history of similar offences.

PERSPECTIVE

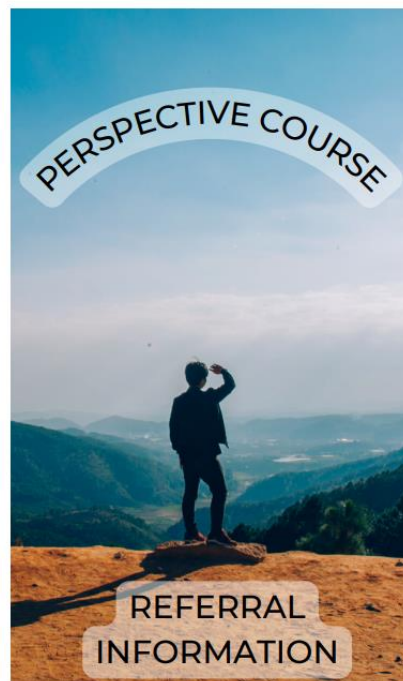
RISE delivers educational awareness programmes to reduce re-offending and transform the lives of individuals, families and communities.

For eligibility questions or further queries about the course content please contact Elaine Knibbs:

Elaine.Knibbs@risemutual.org
07932473137



PERSPECTIVE COURSE



WHAT IS PERSPECTIVE?

AN INTERVENTION INTENDED TO EDUCATE AND RAISE AWARENESS ON HATE CRIME.

- Perspective is designed to reduce the impact and frequency of hate crime by helping participants to develop an understanding and acceptance of others beliefs, cultures and values.
- The course is an initial individual session to engage and motivate the offender, followed by three group work sessions, run weekly. The course is run remotely.
- The course is delivered by a RISE Practitioner.
- If a participant is late to their session, they may be refused entry.

COURSE COST

Perspective is commissioned by Avon & Somerset Police and Hampshire and Isle of Wight Constabulary, meaning there is no course cost for the offender.

REFERRAL PROCESS

- RISE is delivering Perspective as an Out of Court Disposal (OCD).
- All referrals will be made via the OCD Team.
- The referral will be passed onto RISE, who will contact the offender to book a course date.
- RISE will update the OCD Team with course dates and compliance information.

SESSION DETAILS

Identity and Moral Reasoning - A 1:1 session where the participant is encouraged to self-reflect and focus on their identity.

Thoughts and Beliefs - A group session focusing on unconscious biases and the hierarchy of hate, analysing pre-printed beliefs and rigid thinking.

Emotions and Empathy - Recognising emotions and feelings, including four typologies of hate crime.

Alternative World Views - An exploration of alternative perceptions and challenging of prejudicial attitudes and risk areas



Appendix 8: Perspective victim leaflet

WHO ARE RISE?

RISE Mutual CIC is a community interest company that specialises in designing and delivering educational awareness courses.

- RISE offer a confidential service.
- RISE offer the opportunity to have an insight into the impact of your behaviour on others.
- RISE will support you to change inappropriate behaviour.
- You will not be expected to disclose personal information or discuss your offence.

PERSPECTIVE IS DELIVERED BY RISE MUTUAL IN PARTNERSHIP WITH AVON & SOMERSET POLICE AND HAMPSHIRE AND ISLE OF WIGHT CONSTABULARY.





WHAT IS PERSPECTIVE?

AN INTERVENTION INTENDED TO EDUCATE AND RAISE AWARENESS ON HATE CRIME.

Perspective is designed to reduce the impact and frequency of hate crime by helping participants to develop an understanding and acceptance of others beliefs, cultures and values.

The course consists of an individual session followed by three group sessions. This will be delivered by a RISE Practitioner and will be run remotely.

If you are late to your session, you may be refused entry.

"Very helpful and a lot of points to take away and put into action, which I have done already. It's really taught me a lot about myself and how to cope with pressure and be a different person."

Perspective participant, July 2022

WHAT TO EXPECT

You will be expected to attend and engage in the session.

As your referral is as a result of a Conditional Caution, if you do not attend, you may be prosecuted at court.



FAQs

I'm worried about the course. What is it?

RISE offer non-judgemental support and provision. This course will give you the opportunity to reflect on your actions, and practitioners will support you with strategies to ensure you do not end up in unwanted situations in the future.

I can't make my session. What should I do?

Please make every effort to attend the sessions. If there is a valid reason you cannot attend, contact bev.plunkett@risemutual.org via the contact details which will be provided in your referral letter. Please don't simply not turn up. There could be repercussions if you do not attend.

Why have I been referred?

You have been referred to this course as the Police have identified that you have committed an offence for which you are eligible for this course.

Will this cost me anything?

No, this course is commissioned by the Police, meaning there is no cost to you.

Who will be there?

This course is run independent of the Police. Others who have been referred to the course will be present, as well as those presenting the course.

SESSION CONTENT

Identity and Moral Reasoning - A 1:1 session where the participant is encouraged to self-reflect and focus on their identity.

Thoughts and Beliefs - A group session focusing on unconscious biases and the hierarchy of hate, analysing pre-printed beliefs and rigid thinking.

Emotions and Empathy - Recognising emotions and feelings, including four typologies of hate crime.

Alternative World Views - An exploration of alternative perceptions and challenging of prejudicial attitudes and risk areas

