Aligning police practice with hate crime theory: the case for using risk assessments to improve police response to victims of hate

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Abstract

In England and Wales police forces have been urged to improve their response to victims. Despite this, many victims continue not to report to police and those that do, often report distrust and dissatisfaction with police response. Across the hate crime strands, victims have little confidence in the capacity of police to act empathetically, to respond to hate crime effectively, or to take hate crime victimization seriously. In this paper we argue that risk assessments represent a useful tool to bridge the gap between the reality of hate crime victimization and current practice. We suggest that risk assessments - tools designed to assess a victim's risk of potential future victimization, not only help the police to implement safeguarding, but can also provide a fuller understanding of the impact and harms of hate crime, so that police have a more holistic perspective. Use of risk assessment may ensure that victim perspectives remain at the centre of police response.

Introduction

In operational terms, in countries that legislate against 'hate crime', there is a common acceptance that it involves an 'aggravated form of offending.' In England and Wales, within law and policy, 'hate crime' has come to be defined as criminal behaviour motivated by 'bias', 'discrimination', and/or 'prejudice' against minority groups and communities. Hate crime is 'aggravated' in terms of the motivation and culpability of the offender. In justifying the criminalisation of hate crime, Schweppe (2021) points to the work of Quill:

> [we seek] to distinguish criminal conduct motivated by prejudices from criminal conduct motivated by lust, jealousy, greed, politics, and so forth. Unlike theft, burglary, or assault,

hate crime emphasizes the offender's attitudes, values, and character (Quill, 2010, pp. 181–188).

The discriminatory targeting of hate crime means that it has a more detrimental impact on the victim. Indeed, the central focus of hate crime scholarship has been on the unique experiences of hate crime victims (Iganski and Lagou, 2015). Many within the field have argued that hate crimes have uniquely harmful physical and psychological effects on individuals, and particularly harmful broader consequences for vulnerable communities (Boeckmann and Turpin-Petrosino, 2002), society at large and even for public confidence in the police (Iganski and Lagou, 2015). Despite having law and policy in England and Wales that purports to respond effectively to victims of hate, there continues to exist a gap between policy and practice (Walters et al., 2018), and existing theory on hate crime victimization (Chakraborti, 2016). The Macpherson inquiry into the murder of the black British teenager Stephen Lawrence in 1993 highlighted the necessity to recognize hate crime when it happens. Yet, police officers often fail to grasp the seriousness of hate crime (Trickett and Hamilton, 2016; Bryan and Trickett, 2021), meaning that an enhanced service is often not provided in practice (Bryan and Trickett, 2021). In this paper we argue that risk assessments represent a useful tool to bridge the gap between the reality of hate crime victimization as illustrated in the existing literature, and current practice in England and Wales. Risk assessment tools, designed to assess a victim's risk of potential future victimization, not only help police to implement safeguarding, but can also provide a fuller understanding of the impact and harms of hate crime, so that responding officers have a more holistic perspective, helping ensure that victim perspectives remain at the centre of police response and preventing police from substituting their own perspectives. Globally, the development of risk assessments for hate crime victims is still in its infancy. Given this, the following discussion makes an original and substantial contribution towards hate crime literature, by connecting practice with underpinning conceptual theory, and by informing police responses to hate crime victims both in the UK, and across the world.

In the first section, we outline the context for the recent rise in hate crime in England and Wales (Gov. UK., 2022). Hate crime is having increasing effects on numerous vulnerable communities in a broad range of ways and thus, underscores the importance of effective and meaningful police response. In the second section, we provide an overview of the legal and policing framework of hate crime in England and Wales, while examining the existing scholarship on hate crime victimization. Specifically, we explore the unique effects of hate crime on individual victims, victimized communities, and society at large. In the third section, we outline the gap between existing police practice and victim experiences of hate crime reporting. In the fourth section we describe the current use of risk assessments by police forces in England and Wales. We outline the theoretical and practical design and development of the hate crime risk assessment under discussion. We indicate how police hate crime risk assessments currently differ, explaining how their standardised use would improve victim response. We close by stating that although we believe that risk assessments can meaningfully improve the reporting process for victims, the success of this tool is highly dependent on the degree to which officers use it effectively in their daily work.

Background and context

Hate crimes have continued to rise over the last decade in England and Wales including during the Covid19 pandemic (Gov.UK., 2021a). In the year ending March 2022, there were 155,841 hate crimes recorded by the police, a 26 per cent increase compared with the previous year (Gov. UK., 2022). This was the biggest percentage increase since the year ending March 2017 (following the EU Referendum) when there was a 29 per cent rise.

Whilst rises in hate crime are due partly to awareness campaigns and improvements in recording, they are also reflective of genuine increases. Specific examples include race hate crime against members of the England football team following the 2020 Euro Championships (Lee, 2020) and targeted violence against people of East Asian decent 'blamed' for the Covid19 pandemic (BBC, 2021). Increases in on-line and off-line hate crime can be seen across all existing hate crime categories. Examples include rises in religious hate crime, particularly examples of Islamophobia and Anti-Semitism (Carr et. al., 2022), growth in transgender hate crime (Galop, nd) and crimes against disabled people (Gov. UK, 2022).

Alongside these developments, political and ecological developments including immigration and forced migration due to armed conflict, climate change, global pandemics including Covid-19, labour shortages, poverty, and technological change have made society more diverse and complex. Simultaneously, austerity measures have impacted on police forces at a time when cuts to other services have increased demand on the police as the 24-hour emergency provider (Avon and Somerset Police Federation, nd). In the midst of a policing and hate crime crisis these factors do not bode well for police forces already struggling to provide an effective service to hate crime victims.

High attrition rates in hate crime mean that many incidents remain unreported (Allen and Zayed, 2022) and that few cases result in actual prosecutions (Full Fact, 2018) or increased sentences (Gov. UK, 2022). People often fail to report through not recognising what a hate crime is, or through fear of reprisals, but perhaps the biggest obstacle is distrust of police and dissatisfaction with the institution (Wong and Christmann, 2008). A recurring theme amongst non-reporting victims is the fear of not 'being taken seriously' or being blamed by police for what has occurred (Chakraborti, 2018). Unfortunately, recent policing scandals including allegations of institutionalised racism, homophobia and misogyny will have done little to help rebuild trust in police especially among hate crime victims (Casey, 2023).

It follows that the importance of the police providing an effective service for hate crime victims cannot be understated. The HMICFRS 2018 hate crime inspection report stated that 'officers often have one chance' to get it right (HMICFRS, 2018). In the same report, the design of the 2016 risk assessment of Nottinghamshire Police, under discussion in this article, was provided as a good example of secondary risk assessment for hate crime. We will now explain how risk assessment tools can help to provide an improved service, better aligned with victimisation experiences and needs, according to hate crime literature and theoretical definitions. Before a discussion of the empirical data, the following section draws on hate crime literature to explain the experience of hate crime and how this informed the development of the hate crime risk assessment, under discussion.

Hate crime victimization, hate crime laws and police policy

There is no specific offence of hate crime in England and Wales[1], rather any crime can be prosecuted as a hate crime if there is actual evidence that the offender has either demonstrated or been motivated by hostility based on race, religion, disability, sexual orientation or transgender identity; for which aggravated sentencing is available [2](The Crown Prosecution Service, nd). Hate crime laws and recording practices are meant to reflect the theoretical and practical underpinning of hate crime, as previously outlined. Hate crime scholars have long argued that hate crime has profound and unique effects (Perry, 2009) on direct victims (Iganski and Lagou, 2014), victimized communities (Paterson et al., 2014), society at large and even on perceptions and confidence in police (Hardy et al., 2014). Physical assaults are often more violent and have long lasting traumatic effects (Paterson et al., 2014). Victims often also feel significant emotional effects including fear, anxiety, anger, sadness, depression, and shame, leading to strained relationships and conflicts with family members, friends, and community (Funnell, 2015). Individuals may feel the need to move to another area (Benier, 2017) or may invest in their own security by purchasing self defense equipment, installing cameras, and security system at times at great financial cost (Macdonald et. al., 2023; Headly, 2020).

Hate crime also has significant community level effects, including spreading fear within the community, causing members to feel less safe and secure, leading to an increase in feelings of marginalization and social exclusion, and a decrease in the quality of life (Perry and Alvi, 2012; Lumsden et. al., 2019). In addition to these effects, hate crime can also encourage further acts of prejudice and discrimination against already marginalised groups. In these ways, hate crime can decrease both 'community cohesion' and 'community safety' (Perry, 2014). Furthermore, ineffective response to victims can reduce community confidence in the police, increase community frustration with the police, and increase perceptions that the police do not take hate crime seriously or do not care about the community in question[3]. When hate crimes go unpunished or under-prosecuted, it discredits the legal system and law enforcement agencies, leading to further mistrust and social unrest (Williams and Tregidga, 2014; Hall, 2009).

The Victim's Code sets out a minimum standard for services that must be provided to victims of crime by organisations (referred to as service providers) in England and Wales (Gov. UK, 2021b). This requires the police to offer enhanced rights to 'vulnerable victims' including those who are intimidated and, where the victim's social and cultural background, ethnic origin, religious beliefs or political opinions are relevant; hate crime victims are likely to fall into this category.

Until recently in England and Wales, police officers were also obliged to record non-crime hate incidents, which a victim believed was based on someone's prejudice towards them because of their race, religion, sexual orientation, disability or because they are transgender (Nottinghamshire Police, nd) and to offer a service to victims, including referral to Third Party organisations (True Vision, nd).

Recently the College of Policing published guidance to help police to manage reports of non-crime incidents. stating they should not be recorded where they are trivial, irrational, or if

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[1] There are, however, examples of offences that are hate crime, including racial or religiously aggravated offences, under S29 – 32 of the Crime and Disorder Act 1998.
[2] S66 of the Sentencing Act 2020.

there is no basis to conclude that an incident was motivated by hostility *or* that the incident relates to individuals who are commenting in a legitimate debate. These changes are likely to have an impact on the recording of hate crime incidents. Previously, a record was made of any reported hate crime or incident, in Nottinghamshire Police, and a hate crime risk assessment was completed, whereas now, a non-crime incident must 'present a real risk of significant harm to individuals or groups with a particular characteristic, and/or a real risk that a future criminal offence may be committed against individuals or groups with a particular characteristic' (Gov UK, 2023). Whilst this requires the police to make a professional judgement on the merits of the incident at an early stage, hate crime risk assessments will continue to assist, both in filtering those cases that do not meet this threshold, whilst continuing to guide officers on the future progression of those cases that do.

The gap between hate crime laws and policing policies

Notwithstanding hate crime law and policies, attrition remains high, as does distrust and dissatisfaction with policing. Across the different hate crime strands of race, religion, sexuality, transgender and disability, research evidence indicates low rates of reporting and distrust of police, and poor policing experiences including allegations of 'secondary victimization' (Hardy et al., 2014; Paterson et al., 2018).

Research suggests that across the hate crime strands, victims often had little confidence in the capacity of police to act empathetically or effectively (James, 2014; Donnelly, 2002; Quarmby, 2013; Feldman and Littler, 2014). Where hate crime is reported it is more likely to be to third party organizations rather than the police; indeed, third party reporting centers through the voluntary sector have been expanded in response to poor rates of hate crime victim reporting to police.

In contrast to police figures, the findings from the combined Crime Survey for England and Wales consistently demonstrate a gap between police statistics and that of the survey; for example, in 2011/12 and 2012/13 combined figures on the extent of hate crime, estimate that on average there are around 278,000 hate crimes each year highlighting the importance of working to tackle under-reporting. It needs to be acknowledged that these are rough estimates due to the different methodologies and time periods involved (Home Office, 2013).

The gap between reported hate crime and prosecutions is also very wide. FOI figures for the Metropolitan Police have revealed a drop in police action of 13% for all categories of hate crime over a five-year-period from 2011 to 2015 despite a 72% rise in that period (Davenport and Robbins, 2016). Literature on hate crime victims across the different strands includes poor policing experiences and allegations of 'secondary victimization'.

In previous articles, the authors have argued that despite police forces suggesting that they take 'hate crime seriously', officers are sometimes prone to downplay the hate crime or incident suggesting that it is not really serious, not really hate crime or is not part of the policing remit (Bryan and Trickett 2021). The result can be that whilst police officers appear to follow procedure, in reality they often do not appear to appreciate the victim's perspective, or at least do not give the appearance of having done so to victims. Indeed, the most common factor behind distrust and dissatisfaction in policing – particularly with regards to hate crime - is 'not being

taken seriously'. To be taken seriously, victims need to have their experiences acknowledged including verification of the impact of the hate crime on themselves, their friends/families and their communities, to acknowledge the risks and keep them safe, to get the behaviour to stop, to keep them informed, and to involve them in decisions about courses of action.

Yet, there are numerous barriers to providing good police service to hate crime victims. Firstly, in comparison to other types of crime that the police respond to, some examples of hate crime might not appear very serious and viewed through a police lens may not appear as hate crime, or even crime at all, which can inform policing responses to hate crime victims. To understand the nature of hate victimisation, it is often necessary to understand the context of the crime or incident against the historical backdrop of the victim's experience (of racism or homophobia for example). Yet, police officers often have far less experience responding to hate crime than they do of responding to other types of crime, meaning hate crime might be in danger of falling off the radar.[3] Moreover, police hate crime training for in-service officers is often driven by austerity with limited opportunities for exposure to and engagement with minority groups affected nor to reflect on policing practices in response to such victims. These factors can contribute to officers tending to focus on the individual crime or incident without contextualising it within the victim's history and/or experience of policing. Many minority groups affected by hate crime have a history of discrimination and distrust of police which may serve to frame their victim experience (Hardy et al., 2014).

A reoccurring consequence, therefore, is that victim satisfaction with the police is lower for hate crime than for overall crime. Based on the 2012 – 2013 and 2014 – 2015 surveys, 52% of hate crime victims were very or fairly satisfied with the handling of their case, a lower proportion than for victims of CSEW overall where 73% were very satisfied or fairly satisfied (Gov UK, 2015). These combined surveys show that victims of hate crime were less likely to think that the police had treated them fairly or with respect, compared with victims of CSEW crime overall. For example, in 59 per cent of hate crime incidents, the victims thought the police treated them fairly compared with 81% of incidents of CSEW overall. Victims of hate crime were also more likely than victims of CSEW crime overall to say that they were emotionally affected by the incident (92% and 81% respectively) and more likely to be very much affected (36% and 13%); and this trend is consistent over time. More than twice as many hate crime victims said they had suffered a loss of confidence or had felt vulnerable after the incident (39%) compared with CSEW crime overall (17%). Hate crime victims were also more than twice as likely to experience fear, difficulty sleeping, anxiety or panic attacks or depression compared with other crime victims. In terms of worry about future attacks overall, 11 per cent of adults were 'very worried' about being subject to a physical attack because of their skin colour, ethnic group or religion. Unsurprisingly, as with other perception questions, this was much higher amongst adults from Asian ethnic backgrounds (16%) or Black and minority ethnic backgrounds (13%) than among white adults (2%). This compares with 5% of adults overall who were 'very worried' about being a victim of *any* crime (Gov UK, 2015).

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[3] It is important to note that within both the city and more rural environments of the two police forces under consideration, officers dealt with far less hate crime than other types of offending. Hate crime was perceived to be more of a problem in the city given the multi-cultural environment than in the rural force; albeit hate crimes regularly occurred.

How risk assessments work by centering victim vulnerability

During the remainder of this article, the authors will explain how the use of hate crime risk assessments (RAs) can help officers better align their service with the theoretical concepts of hate crime and the underpinning philosophy of hate crime laws and recording practices, whilst tailoring their response to individual victims' experiences and needs. RAs achieve this by capturing the impact on the victim and wider community whilst identifying existing and future risks to safety and security. Indeed, the issue of safeguarding of hate crime victims and their communities has been seriously underplayed in policing both in England and Wales, and arguably across the globe.

Before discussing the design of the Nottinghamshire Risk assessment, [4]it is important to distinguish between secondary and primary risk assessment. An example of the former is the control room RA (THRIVE) in England and Wales where an initial risk assessment[5] is completed with victims when they first call the police, to determine the immediate risk and to inform priority of response (College of Policing, 2021a). In contrast, secondary risk assessment enables forces to consider the level and nature of risk to the victim in far more detail. In England and Wales, secondary risk assessment tools have been used by police departments to determine the potential of further harm to a victim or complainant in an incident brought to police attention, particularly in domestic violence (College of Policing, 2021b). Here, risk assessments may assess multiple types and levels of risk including the risk of repeated victimization, escalation of violence, risk of violence to close contacts such as children, family members or other relatives, or the threat or presence of weapons. Additionally, risk assessments also assess factors relevant to the victim such as availability of family or other support, financial status, prior history of victimization, immigrant status and other relevant factors that may increase vulnerability. Risk assessments may also consider patterns of behaviour that may bring a perpetrator into contact with a victim or the geographical proximity between offender and perpetrator home addresses or work locations. The DASH domestic violence example in relation to domestic abuse, stalking, harassment, and honour-based violence, is perhaps the best-known example of police risk assessment in England and Wales (College of Policing, 2021b). This tool enables officers to evaluate the nature of any previous victimisation, the likelihood of it happening again and/or potential escalation into serious physical violence.

The design of the DASH tool, involving a collaboration between police and a university academic, was based on extensive homicide intelligence used to evaluate potential risk of death or serious injury and includes, for example, previous examples of physical violence (against partner and/or children, other family members), examples of controlling behaviour and threats or use of violence against pets (Robinson et. al., 2016).

Given the benefits of risk assessments, in the context of domestic violence, the potential of these tools to better address the unique effects of hate crime victimization has been seriously underplayed. Before explaining why hate crime risk assessment tools are warranted owing to the unique nature of hate crime victimisation and impact as outlined earlier, we will firstly explain the theoretical and practical development of the Nottinghamshire Police 2016 hate crime risk

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[4] To access this risk assessment email loretta.trickett@ntu.ac.uk

assessment model. The need to produce a bespoke hate crime risk assessment for Nottinghamshire Police, was informed by an empirical project designed to address a significant gap in the hate crime literature by providing a police-informed account of responding to hate crime. The research aims were to explore police experiences of hate crime response, whilst also evaluating training and hate crime risk assessment tools, through police perspectives. The qualitative study involved in-depth interviews with 34 police officers of different ranks including response officers, beat managers and police community support officers (PCSOs). A key finding was that police officers felt that the hybrid anti-social behaviour and hate crime risk assessment in use by the force at that time, was both confusing and inadequate in responding to hate crime and recommendations for improvements were made (see Trickett and Hamilton, 2016). This is important given that the HMICFRS inspection in 2018 found a huge variety in forces' use of hate crime risk assessment with some forces having no hate crime risk assessment, some having a hybrid anti-social behaviour model, and others have a specific hate crime risk assessment.

The design of the Nottinghamshire Police 2016 model was produced through a collaboration between the force's hate crime manager and Nottingham Trent University. It was informed by theoretical concepts of hate crime, namely that hate crimes are argued to 'hurt more' than non-hate offences due to victims being targeted for an aspect of their identity (Iganski, 2001). One of the leading theorists on hate crime, Perry (2001) defines hate crime as acts of violence and intimation directed at marginalised communities, which involve a process of 'doing difference' wherein the perpetrator through expressing hostility to the victim is signalling to them and the wider community from which they are drawn that they are 'inferior' and 'do not belong.' In this sense victims are interchangeable as members of a particular community or group, the 'in terrorem' effect of hate crime (Perry and Alvi, 2012, p. 57) is to create fear, hostility and suspicion in the wider group or community. Drawing on the work of Sheffield, Perry points to how hate crime is:

> bolstered by belief systems (which attempt to) legitimate such violence … it reveals that the personal is political; that such violence is not to be seen as a series of isolated incidents, but rather the consequences of a political culture which allocates rights, privileges and prestige according to biological or social characteristics" (Sheffield, 1995: 438)

In addition to the aforementioned theoretical concepts of hate crime, the Nottinghamshire Police risk assessment design was informed by the wide range of empirical evidence which lent support to these theoretical concepts, as already discussed, including greater impact on individuals, communities and society, as well as evidence of lack of faith in police, together with policing intelligence on hate crime manifestations including political developments, at a local, national and international level.

In contrast to DASH risk assessment (domestic violence, stalking and honour-based violence), hate crime risk assessment is informed by a wider range of evidence, given the more varied nature of hate crime offending. As stated earlier, the DASH model is largely based on the threat of death or serious violence, indicated by previous examples of violence within that context, including 'red flags' based on homicide and serous injury data. In contrast, whilst there will sometimes be a threat of death or serious violence for hate crime victims, the evidence for this may not lie in previous examples of violence. Indeed, the range of hate crimes involves a

continuum of violence, with murder at the most serious end and racist/homophobic taunts at the other – albeit the latter may result in the former. Moreover, hate crimes are committed by both known persons and total strangers and examples of both can result in death. An example of racist hate crime in action was the murder of Stephen Lawrence, killed in a random attack by strangers whilst waiting at a bus stop. This case indicates that it is imperative for the police to grasp the significance of hate within such examples at the outset; indeed, it was the failure by the police to grasp that Stephen's murder was also a racist hate crime that contributed in large part to the subsequent flawed investigation.

Hate crime risk assessment must assess the wide range of manifestations, influences and impacts of hate crime. For example, hate crime risk assessment needs to accommodate how prejudice can spread quickly. The need for the police to have a greater appreciation of how racism and other forms of prejudice develop requires them to consider the significance of local, national, and international events on individuals and communities. Examples can be seen in how coverage of terrorism and immigration in the media, often leads to spikes in hate crimes against ethnic and/or religious communities (BBC News, 2013). A pertinent case of right-wing extremist hate crime is provided by the murder of Mohammed Saleem, an 82-year-old grandfather, returning home from a Mosque in Birmingham, by a post-graduate student, newly arrived in the UK, who immediately began targeting mosques for bombings (The Guardian, 2013). Particular examples of Islamophobia in Nottingham prior to the risk assessment development had involved assaults on Muslim taxi drivers and Muslim women, attacks on mosques and also on Muslim graves (University of Nottingham, nd.). Other more recent examples of national and international government and media effects have arguably been seen in increased tensions around immigration, including increases in hate crimes during Brexit, and recent attacks on hotels, housing asylum seekers and refugees. (Townsend, 2023). It is vital, therefore, that police understand the wider local, national, and international picture, to understand how hate crimes might play out in local settings.

In addition to identifying hate crime when it occurs, and appreciating potential implications of national and international events, a further issue is that the negative impacts of hate may not always be appreciated by officers, particularly where no obvious crime is committed. Yet even verbal examples of hate incidents, whether on-line or in person, can often have highly detrimental effects not only for individual victims, but also for communities and wider society. Hate crimes or incidents, whether committed by strangers or individuals known to the victim; can take place in any environment or situation; and can lead to deep feelings of hopelessness and despair, sometimes resulting in self-harm by victims, even in one-off examples. This means that although the police may view hate incidents as 'low level' they can quickly escalate to more serious offences, or the accumulation of their impact can become more serious over time. This is because, more usually, repeat victimisation is evident, both in terms of an offender targeting different victims on the basis of an aspect of their identity (race/ethnicity, religion, sexuality, transgender or disability) – or an offender known to the victim repeatedly targeting them, sometimes someone they know in their neighbourhood, place of work/school/college or on social media. It was the failure to link different incidents within the cases of Fiona Pilkington and Bijan Ebrahimi we argue, which led to the police failing to implement safeguards, which may have prevented their subsequent deaths. Both of these cases helped inform the design of the Nottinghamshire model. Ensuring that hate crime is properly recognised, and that effective risk identification and safeguarding are in place when it is, are therefore essential to safeguard

victims, which may also help improve victim satisfaction and to increase public confidence in policing.

We argue that a comprehensive hate crime risk assessment, such as the Nottinghamshire model, can capture all of the aforementioned nuances in both the nature and impact of hate crime offending. In theoretical terms, these include the underpinning philosophy of 'enhanced' seriousness of hate crime offences, as reflected in law through the availability of enhanced sentences, namely i) that hate crimes involve targeting a victim for an aspect of their identity and so, are both targeted and 'more personal' than random offending, ii) victims are targeted on the basis of their perceived membership of a particular ethnic, religious or other social group demonstrating hostility towards the group in question, iii) that due to factors i) and ii) hate crimes are considered to have a more detrimental impact on the victim than non-hate offences and also, potentially on the wider community of the victim. Hate crimes may also have two further detrimental and wider effects, accounted for in the risk assessments under discussion here, namely iv) hate crime actions and messages may have a divisive effect in society and v) hate crimes can have a negative impact on the reputation of the police force, if appropriate actions are not forthcoming.

As a practical method to capture the multi-faceted nature of hate crime demonstrated in theory and in national and local policing intelligence, outlined above, the Nottinghamshire hate crime risk assessment asks 27 questions of victims divided into four sections which are based on: information about the incident reported; information about the perpetrator; questions about previous victimisation and information about impact. At the end of the RA the completing staff member answers four diagnostic questions about current harm, risk of harm through repeat victimisation, community cohesion (designed to tap into local, national or international aggravating factors) and confidence in Nottinghamshire Police. Once the officer has completed the compulsory questions on the risk assessment with the victim, the officer then uses their professional judgment to provide an overall level of risk of standard, medium or high. The risk assessment is subsequently reviewed by a supervisor and a final assessment of overall risk is endorsed; this rating defines further levels of safeguarding activity in the case beyond investigation – providing a clear of example of how risk assessment must be matched by risk management working with partner agencies. The original risk assessment is kept under review in the Medium, and High categories. In the standard category, a subsequent follow up would be scheduled to take place to ensure there was no change. Officers will consider any new intelligence in making that decision. The HMICFRS highlighted the 2016 Nottinghamshire hate crime risk assessment, as a good example of secondary risk assessment and risk management' (HMICFRS, 2018).

We will now turn to a discussion of how enhanced or secondary hate risk assessments not only enable forces to consider in more detail the level and nature of the risk to the victim, including any previous victimisation and the likelihood of it happening again or becoming more serious, as traditionally understood. As a preliminary step in this practice, they also help officers to consider the wider implications and components of hate crime. For ease of explanation, these points will be examined in reverse order.

Addressing hate crime victimization through risk assessments

<u>i) aligning hate crime philosophy with practice by helping officers to view hate crimes
holistically and appreciate the victim 'experience'</u>

In order to provide an effective service and to keep victims safe, officers must firstly appreciate
how hate crimes are actually experienced by victims and the wider societal factors surrounding
them. Officers need to see them as more than the discrete actions of bigoted individuals directed
at particular targets. Indeed, in order to understand potential risks to victims, communities and
wider society from hate crime, officers need to understand both direct and indirect impact
through a theoretical lens.

By providing a holistic set of questions based on actual examples of hate crime, informed both
by research with victims, and also by national and local policing intelligence, hate crime RA can
guide officers towards the key topics to address, directing officers to focus on the 'harms of hate'
in terms of both direct impact on victims and indirect impact on wider communities. By doing
so, RA also helps officers to understand the philosophy behind increased sentences for hate
crime.

In order to understand this unique and multifaceted theoretical context, risk assessments can
help officers to see the 'bigger picture' of hate crime both for individual victims and
communities. It can also help officers to understand that individual actions of perpetrators and
experiences of hate crime victims are both linked to wider societal factors. Risk assessments can
therefore encourage police to understand hate crimes as 'signal' crimes which attempt to send a
'message' to the victim and/or their perceived community that they are 'different', 'inferior' and
'unwanted;' providing a wider historical context for the experiences of individual victims and
communities (Perry, 2002). Members of minority social groups are frequently viewed as
potential victims for hate crime for a variety of historical and current reasons, because the
offender/s sees them as socially subordinate; often a view that has become reinforced through
use of inferior/deviant labels within media and politics. In this way, offenders suggest the
individual/group are deserving of hostility in an attempt to demonstrate/reinforce social
subordination.

Therefore, the targeting of a particular victim or community requires police officers being able to
understand the connections between individual examples of hate crime and the wider society
within which they are enacted. As hate crime theorists indicate, whilst hate crime is an
oppressive practice in itself; it is contextualized within structural patterns of oppression,
subjugation, and inequality. It does not therefore occur in a social or cultural vacuum but must be
understood as a situated, dynamic process linked to wider patterns of exploitation,
marginalization, and powerlessness. Individual acts of hate crime are embedded in wider
structural and cultural contexts within which different societal groups interact (Bowling, 1993).

In this sense hate crimes are political, informed by the broader, cultural, and political
arrangements which allocate rights, privileges and prestige according to biological or social
characteristics (Sheffield, 1995). Such contexts are crucial to understanding the formation of
different group memberships informing understandings of insider/outsider or 'us' versus 'them'
that often result in hate crimes. Individual instances of hate crimes involve exercises of power
where individuals/groups assert their superiority over members of subordinate groups they have
defined as 'other'. Thus, individual acts of hate crime often involve perpetrators attempting to

reaffirm their own dominant identities and their access to resources and privilege, whilst at the same time limiting the opportunities of victims to express their own needs (HMICFRS, 2018).

Widening the lens of hate crime, through comprehensive risk assessments, can help officers appreciate that they cannot understand individual acts of racism, for example, without understanding the historical background of the victim, within an overall context of structural discrimination. Use of comprehensive risk assessments can help officers to comprehend the underpinning philosophy behind the recording of hate crime and why, following the Macpherson report in England and Wales, hate crime recording practices are based on victim perceptions. The Macpherson public inquiry found that institutional racism in the Metropolitan Police Service contributed to an incompetent investigation and service to Stephen's family and an overall failure to identify racist victimization (Macpherson, 1999). This is the reason why it is not for the police to determine what amounts to hate crime including racism, religious hostility, sexism, homophobia, transphobia or disablism – it is for the victim themselves. It remains to be seen what difference the change to recording of non-crime hate incidents, which will now require more subjective evaluation from police, will have on the recording of incidents.

Through this connection to theory, society and history, RA also assists police officers to understand why hate crimes are highly likely to have indirect effects on the families and communities of the victim (Iganski, 2008). Because hate crimes are argued to be 'message crimes;' operating within structural and political contexts of discrimination and oppression, they serve to increase the sense of vulnerability and fearfulness, not only of individual victims, but also of the communities from which they are drawn (Perry, 2002). Without question, police officers must understand how hate crime enhances the sense of vulnerability and fearfulness of affected communities having corrosive and destabilising effects. These extend still further as hate crimes can also have a divisive effect on wider society, inciting hatred of particular individuals, and groups, whilst undermining societal cohesion (Perry, 2002). In order to understand this unique and multifaceted theoretical context, risk assessments can help officers to see the 'bigger picture' of hate crime both for individual victims and communities by contextualizing them within the wider society within which they are enacted.

Effective use of hate crime risk assessments based on a holistic picture of hate crime, can help officers to connect hate crime theory with their daily practice. It enables officers to appreciate that the individual experience of hate crime whether targeted at a person on the basis of their race, religion, sexuality, disability or transgender status, can only be effectively understood against the background of the person's/communities experiences of inequality, marginalization, discrimination and hostility. For these reasons RA can help officers to think about hate crime as involving a process connected to wider victim histories and structural factors.

This helps to show that RAs can be used to properly identify the nature of hate crime and impact, which is necessary for identification and management of risk, the use to which they have been more traditionally put. Yet, it also shows how over and above this, RA may be used to help police to think about supporting victims in a way that improves rather than undermines their trust in the police as an organization.

ii) RA as a safeguarding tool against repeat victimisation

A benefit of RAs is that they are designed to identify particular risks around hate crime most notably the risk of repeat victimisation. The consequence of police staff underestimating the impact of individual hate crimes or incidents and how they are linked is problematic; just as we have already seen, as is failing to connect them with wider social events/factors. A further issue is that police need to be alert to that fact that the seriousness of hate incidents in terms of their impact, can quickly escalate, or accumulate over time.

Two policing examples provide pertinent illustrations of the problems. The first example is provided by the Bijan Ehbrahimi case in Bristol where an Iranian man with learning disabilities was living alone on a housing estate in the city (Safer Bristol, nd). He got into difficulties with his neighbour after taking photographs of children damaging his garden. There was intelligence that local children had targeted him and his property for criminal damage on previous occasions and he was taking photos as evidence. Bijan made several calls to the police with the result being that he came to be considered as a 'nuisance'. Despite informing the police of threats made by his neighbour who had labelled him a 'paedophile' the complainant was himself arrested and then released back onto a housing estate where local feelings against him were running high. Within hours he was murdered by the said neighbour who then asked his friend to help him burn Bijan's body.

The second example involved Fiona Pilkington who lived on a housing estate in Leicester, with her two children, both of whom had learning disabilities (IPCC, 2009). The family were repeatedly targeted for abuse by local youths over a period of months involving anti-social behaviour, hate incidents and crimes. Despite numerous reports the police and the council did not appear to link many of the events or appreciate their accumulative impact on the family. Tragically Fiona ended up taking her own life and that of her disabled daughter as she felt 'unable to cope' with the on-going abuse.

Both of these cases led to high profile police investigations and disciplinary action against police officers. Whilst, unfortunately, we rarely hear about the many examples of hate crimes and incidents when the police 'get it right', the consequences of 'getting it wrong' can be critical both for victims and the force. In both examples, the police had failed in two significant ways, firstly in identifying the additional 'vulnerabilities' of the complainants, and secondly, in failing to understand the pattern of the incidents and connecting them together (Gov. UK, nd).

Ensuring effective risk identification and safeguarding are in place around hate crime is therefore essential to safeguard victims, but it can also help improve victim satisfaction and increase public confidence in policing. Hate Crime Risk Assessment can help ensure a standardised and consistent response is provided to all hate crime victims.

The design of the Nottinghamshire Police 2016 model, based on the existing hate crime literature and hate crime intelligence of the city police forces in question, provides an illustration of how risks around local, national and international events, and risks of escalation or accumulation of hate incidents can be captured.

As stated by the HMICFRS in 2018, a good risk assessment process can help to avoid such dramatic examples as what happened to Pilkington by helping forces to both identify and effectively manage the risks to victims (HMICFRS, 2018). By using a standard set of questions,

all officers are required to approach hate crimes in a similar way, and the RA offers a map through interactions with the victim (and multi-agency partners), ensuring that officers do not forget particular aspects of hate crime.

In 2018 the HMICFRS Inspection Report recommended the Nottinghamshire Police hate crime risk assessment as a comprehensive example of secondary risk assessment, clearly aligned with safeguarding measures, with oversight by senior officers, lauding the benefits of this practical policing tool to improve police service. The inspectorate explained secondary risk assessment to mean 'the process of estimation and regularly reviewing the likelihood and nature of a risk posed by a perpetrator/s to a particular victim, children or others' (HMICFRS, 2018). Whilst secondary risk assessment and risk management are often viewed as the same thing, the HMICFRS highlights how they are different parts of a continuum of keeping victims safe. In these ways, risk assessment provides a gateway to gathering information, assessing what the risks are to the victim, and attempting to quantify the likelihood of the risk occurring. Risk management is the process of identifying what safeguarding actions need to be taken to minimise or eradicate the risks to the victim.

The College of Policing Operational Guidance states the importance of risk assessment, and the need for forces to have some means of assessing hate crime risks but does not give definitive guidance as to the best model to use (College of Policing, nd). This lack of a national direction means that the type and level of service victims receive is highly variable.

We are in agreement with the HMICFRS that the Nottinghamshire Police 2016 Risk Assessment tool and process provides a good example of how risk assessments should be designed to help both identify and manage risks to victims. In this article, we have gone further in suggesting that that RA goes beyond identification and management of risk, by helping police officers to align policing practice with hate crime theory, by taking a more holistic view of hate crime and incidents, their antecedents, and their impact.

Conclusion

Risk assessments address a significant gap in both the existing hate crime literature and in police practice. The literature tells us that victims experience greater harms – physical, emotional, and psychological - from hate crime victimization and that those harms are also experienced by communities and society. Despite these realities, hate crime victims often report dissatisfaction with criminal justice responses and the service provided by police as compared to non- hate victims. Many claim that police and criminal justice responses are ineffective, and that many have little confidence that police actually take hate crime seriously. RAs help align the practical responses of police with the theory of hate crime victimization identified in the literature by treating hate crimes as aggravated offending, recognizing increased impacts on victims, communities and society and the associated risks around that, whilst also addressing safeguarding issues accordingly. They do this by asking questions that provide officers with a more holistic understanding of the experiences of hate crime victims to enable more effective police response.

Given the nature of hate crime victimization, it is essential to recognize hate crime early on and put in place safeguards to prevent further escalation and potential harm to individuals,

communities and society. What this requires is implementation of practical tools that allow police to: 1) recognize hate crime immediately; 2) recognize that hate crime can escalate quickly; 3) recognize the significance of local, national, and international events can lead to hate crime; and 4) recognize the potential damaging effects of hate crime on communities, society and even on public confidence in police. RAs attempt to capture the additional impact and potential risks that arise from hate crime, which inform the implementation of safeguards for individuals and communities.

Currently, police are provided with hate crime training that addresses relevant policies and procedures and the legal framework for hate crime but currently there is no standardized method in England and Wales that considers risk to victims. RAs could, therefore, significantly contribute to police response in this area.

While RAs have the potential of being useful tools to address hate crime victimization, the success of RAs will be dependent on how committed officers and police forces are to their use. Effective implementation of RAs not only requires adequate training for front line officers who complete the RA, but also oversight from more senior officers to ensure RAs are being completed properly. Coordinating RAs with associated safeguarding plans specific to the nature of the offence, is also key to ensuring the effective victim response. Most importantly however, the success of RAs will be determined by the extent to which police forces are effectively addressing hate crime, by enacting RA whilst also committing to shift elements of police culture that may present a barrier to that. Indeed, the recourse to the use of RA to invoke a more victim-centred, holistic hate crime response is one step in that direction.

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