

Responding to and Supporting Victims of Hate Crime Webinar

Question and Answers

What is Hate Crime?

James Williams

Question: How do you prove a hate crime?

Answer: Can be by use of body worn cameras or cameras in custody. In public – possibly from witnesses to behaviour, CCTV checking of online content/social media related to the incident. Sometimes may be related to press coverage of particular event. Interview of suspects will often express either hate or motivation.

Question: Why shouldn't a victim of hate crime not write their own personal statement?

Answer: Victims can write their own personal statement but it is best practise for the police officers who are trained in taking statements to complete these. There are only two ways that evidence can be produced in a court of law, firstly in a statement of evidence which has to be written a certain way. A statement of evidence is a description of events. What has been seen, heard, felt by the victim, or witness.

The second way evidence can be produced in court is as an exhibit. An exhibit is a physical item or electronic evidence that will be introduced to the court through a statement of evidence e.g. "I seized the knife which I exhibit as JR/1".

Whilst a victim personal statement can be written by the victim its important that its written correctly so that it can be submitted as evidence and the person writing it understands the legal implications.

It is important that the statements express the words and feelings of the victim and you should always ask the police officer to change the statement if it's not written in your words or does not convey what you are trying to get across.

Question: How do police, with hate crimes being 'low-level offences', ensure victims feel like they are being taken seriously?

Answer: When we say low level offences, we mean that in terms of sentencing not the harm the offence can cause. Think of offences in terms of the sentence that the offence would attract in court. Most hate crimes in Wiltshire are thankfully at the lower end of the sentencing scale they are public order act offences that attract lower end penalties. As you have seen from my presentation the harm that these offences have on the victim should not be under estimated and can be significant leading to victims feeling they have to change their behaviour/ routine and become hyper vigilant. It's important we take these offences seriously due to the harm they cause.

We have to manage the expectations of the victim in terms of what sentence the perpetrator could expect as a result of a conviction. It's important that a victim understands that sentencing

guidelines could mean that perpetrator may receive a fine and not given a custodial sentence from the outset.

If we do not manage that expectation, then victims may not understand why a court gave a sentence and believe that the perpetrator was not punished and lose trust in the police and criminal justice system and feel let down by the process when in fact the sentence was appropriate.

Question: When hate crimes are fuelled by alcohol etc, does this affect police's response?

Answer: Alcohol can often be a factor in crime. The police should deal with the victim and suspect but have to be mindful of achieving best evidence. If a victim or witness is under the influence of alcohol, police officers cannot take legal statements. They may quite rightly ask the victim or witnesses to make the statement at a later date when they are sober. The police officer then will make a judgement call on whether to arrest the offender at the time or wait for the victims statement of evidence and invite them for interview. Whether the behaviour of the suspect was due to alcohol is up to a court to decide. In most cases plying yourself with alcohol does not give you a defence. It is for the court to decide.

If you feel let down as a victim you can ask for a victims right to review where a Police Inspector not involved in the case will review the investigation.

What support is available through Horizon?

Julia Gay

Question: Can restorative justice be accessed by victims/ officers involved in non-police enforced criminal cases?

Answer: In short, the answer would be yes – however as with those who have reported to the police, there are some elements to consider. Both parties would need to consent to participate in a restorative process, with those who have caused the harmed or conflict understanding their role, and the impact this may have caused to the other party.