

Anti-Semitic hate crime and restorative justice

Hate crime is on the rise, prompting the government to publish an updated Hate Crime Action Plan in July. Among other things, the Action Plan aims to ‘improve support for victims’ and the RJC is exploring what role restorative justice can play in achieving this. This article focuses on a particular case in Manchester, where the police used restorative justice in response to a hate crime incident.

The post-Brexit increase in hate crime has received a great deal of media coverage in recent months. It is not a new problem, obviously, and even before Brexit its prevalence seemed to be growing. At the very least, more cases were coming to the attention of the police – in 2014-15 there were 52,528 hate crimes recorded by the police, an increase of 18% on the previous year. The Crime Survey for England and Wales suggests that many more go unreported, with an estimated 222,000 hate crimes taking place annually.

Given the scale of the problem, getting the response right is essential. A key part of this can and should be restorative justice. This can make a real difference for both the victim and the offender, as a recent case in Manchester demonstrates.

In March 2016 two men drove through Prestwich, an area of Manchester with a large Jewish population, shouting aggressive anti-Semitic abuse at passers-by. The offenders were caught by the police, who then traced two of the victims. One of them, Rabbi Amir Ellituv was driving through Prestwich at the time. He witnessed some of the abuse and was able to take a picture of the car and email it to the police. He said: “The car was found more or less straightaway, and the two men were interviewed under caution. The local community was pleased to hear how seriously the police were taking the incident.”

Rabbi Ellituv continued: “The police presented me with two options. I could go to court, or a restorative justice process could be followed, where the offenders would have to face up to the impact of what they had done.

“I felt that the offenders needed to understand the true impact of their actions and to become better examples to their own children and friends, so I opted to try restorative justice.”

The investigation was led by police constable Neil Cheslett, who contacted Devorah, a second victim of the two men that day. Devorah moved to the UK from the US nine years ago, and has experienced anti-Semitic abuse regularly. She said: “I’ve had kids outside school bark at me for reasons relating to my being Jewish, and recently I witnessed Nazi salutes during local Hanukkah celebrations. When I tell my family in America about what I’ve experienced, they can’t believe what I have been subjected to in the UK.”

Devorah was on her way to pick her children up from school, and was passing a local synagogue when the car pulled up beside her. “The passenger leant his entire upper body out of the window and screamed directly into my ear,” she said. “It was so unbelievably loud that my ear hurt for hours afterwards.

“What was worse, the guy had the most enormous smile on his face, like what he’d done had been the biggest achievement in his life. I found it sad and pitiful that anyone could do such a thing and actually take pleasure from it. I also felt violated, as the man had invaded my personal space.

“PC Cheslett explained to me what restorative justice was and what it could offer in my situation, and that going through court would most likely have just led to a slap on the wrist for the offenders. I also sought advice from a

friend who was a criminal lawyer, who supported the idea that restorative justice could be the best way forward.”

For Devorah, preventing further attacks from taking place in the future was a key reason for taking part in restorative justice. She said: “I wanted to be able to walk safely in the streets without fear. It was not a case of me getting revenge, but to educate the men involved, as what they had done stemmed from ignorance.”

Greater Manchester Police are the first force in the UK to hold the Restorative Service Quality Mark, and restorative justice is firmly embedded within their culture. Police sergeant Steve Wightman-Love was brought in to co-manage the restorative justice process with PC Cheslett.

In addition to the police, both victims were also supported by the Community Security Trust (CST), a charity that protects British Jews from anti-Semitism and related threats and that has worked with Greater Manchester Police to make restorative justice available in cases involving anti-Semitic hate crime. Steve said: “Unfortunately, a lot of people from the local Jewish community are forced to put up with verbal abuse and don’t always report it.”

Neil added: “Devorah was apprehensive about the court process, which was



why we recommended she consider restorative justice as part of an out of court disposal. She was also reluctant to give a police statement and took advice from friends and family over the matter. Rabbi Ellituv also took advice from the CST, and was happy to be part of the restorative process.”

Devorah, in particular, found that the

abuse left her feeling vulnerable. She said: “I was very careful about telling my children about what had happened, as they have been subjected to anti-Semitic name-calling themselves.”

The offenders, while willing to take part in the restorative justice process, were still not fully facing up to what they had done. They were also reluctant to admit that their behaviour had been specifically anti-Semitic. Steve said: “[They] gave a silly explanation as to why the incident had occurred, suggesting that it had been linked to a recent Facebook video-pranking craze. The two men were of relatively good character, and it seemed that the event was an act of stupidity more than anything.”

In spite of being fully prepared by Steve and Neil for the conference, Devorah was surprised by her own reaction on the day. “To prepare for the meeting I repeated over and over in my head what I wanted to say, but I still felt very apprehensive going into the conference,” she said. “When I got into the room, that’s when it really hit me. I said to my husband: ‘I can’t believe I’m reacting like this,’ as my hands were shaking and my heart was pounding.

“When they arrived, though, I was relieved that they already seemed quite contrite and that they were taking the matter seriously. At first, I was afraid to look at them, as I was worried I would see evil in their faces. When I did look up though, they looked more like little kids that had got caught with their hand in the cookie jar. They were hunched over, and sliding down in their chairs.”

For the offenders, finding out that anti-Semitism was a common occurrence

for the two victims was shocking. Devorah said: “I couldn’t believe how two men who had children of their own could act in this way and I explained to them how ashamed I

would have felt if it was my children who had carried out the attack. Everything I said appeared to have a visible effect on them. It seemed that they thought they were coming to be shamed, but it wasn’t like that. Nobody was yelling at them.”

It was only when they were pressed by Rabbi Ellituv, however, that the two men admitted what they had done had been racist. Steve said: “The offenders were shy at first, but immediately apologetic when asked to talk. They both expressed very genuine apologies – much more genuine than some of the apologies we often receive as police officers.”

Hate crimes are known to have a greater impact on victims than other types of crime, being more likely to cause fear, anxiety and depression. For Devorah, being able to meet the offenders helped her to recover. She said: “My experience of restorative justice was wholly positive and everything I said was listened to. I feel like restorative justice injects a freshness into the system. I would definitely encourage it.”

Rabbi Ellituv also found the experience helpful, but he still has reservations: “Leaving the meeting, I felt positive but I wasn’t holding my breath. The true results will be seen over time. I just hope they won’t repeat this behaviour and that the conference had an impact on them.”

Representatives from the CST were present at the conference and contributed to the outcome agreement, an important part of making sure that the Jewish community were adequately represented. As part of any anti-hate crime strategy, it is essential that communities know that offending



Neil Cheslett



Steve Wightman-Love

behaviour is being taken seriously and that victims are getting the chance to have a say.

Steve said: “Devorah’s husband explained to us that some people within the Jewish community had warned him that the police would not have been able to deliver justice for what had happened. This really resonated with us. I think that the process inspired confidence in the community that the police really do care and will act in such cases.”

Devorah added: “I felt that the police were really on target and that they had my back the whole way through. From them, the two men clearly got the message that nothing like this would be tolerated by the police again and that they would get a criminal record on another occasion. It was really the police that led the meeting, and it really meant a lot to me how seriously they were taking the matter.”

The Home Office has recently published Action against Hate, a new hate crime action plan. It stresses the importance of preventing hate crime by challenging the beliefs and attitudes that can underlie such crimes and responding to hate crime in our communities with the aim of reducing the number of incidents. It also highlights the need to ensure that victims of hate crime have their voices heard. Restorative justice can play a central role in achieving all of these important goals and all police forces should ensure that they embed restorative justice within their response to hate crime. As Devorah and Rabbi Ellituv’s experiences show, this would give victims a voice while helping offenders to understand the consequences of their actions.