Access to Justice: Hate Crime and Restorative Justice

Using Restorative Justice to support people affected by hate crime

Lucy Jaffé, Director
About Why me?

Champions the cause for greater access for victims of crime to Restorative Justice throughout England and Wales through policy, campaigning and communications.

Restorative Justice gives the right to everyone who has suffered as a result of crime to have their chance to talk about what happened.
Background

- Hate crime on the rise
- People affected by hate crime report feeling more traumatised than victims of other crimes
- People are 52% less likely to be satisfied by police handling compared to 73%
- Prosecutions for hate crime are decreasing.
- Repeat victimisation is more common
Need for creative responses

- Urgency to address the harm caused by hate
- Recognition by people that hate is unacceptable
- Low reporting and trust in justice
- Lack of recovery options for people affected

- Insights and learning for wider criminal and restorative justice sector about how to address this issue
Restorative Justice and Hate Crime

- Addresses the impact of harm caused by hate
- People take back control by telling their story and having their voice heard
- People get their questions answered and face their fears by meeting the harmer
- Brings people’s suffering into focus and breaks down prejudice and understand impact
- Provides a positive way forward
Reasons for taking part

“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.”

“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.”

- Victim of anti-Semitic hate crime
Testimony

“I was able to get a sense of closure by confronting the bus driver in a respectful manner and asking him to take responsibility for his actions. If there is any chance for the bus driver to consider the implications of his actions and possibly even revise his homophobic views, I believe the RJ conference could have provided a starting point… that would not have been reached had we gone down the punitive route” - John’s story
Testimony

“Coincidentally, we were wearing virtually identical clothes. We both had brown boots, jeans and a puffer jacket on. I pointed this out to Lee, and I think this struck a chord with him. I just happened to have a slightly different belief system to him” - Daniel’s story
Lucy: Hi Ann-Marie, it's lovely that you're talking to me today in Cleveland.
Recent research

Mark Walters’ work:

- Restorative Justice could improve the emotional wellbeing of hate crime victims
- People want to see desistance

Recent study: 3000 Muslim and LGBT people, 60% said they would prefer Restorative Justice to a longer prison sentence for people who commit hate crime
Policy Landscape

- **Victim Code of Practice (2015)**

If the offender is an adult, you are entitled to receive information on Restorative Justice from the police or other organisation that delivers Restorative Justice services for victims in your area, including how you could take part.

- **Home Office Action Plan 2018**

Restorative options should be explored - need for an evidence base - 3 projects to test.

- **Crown Prosecution Service**

CPS guidance: “conditional cautions are generally inappropriate in hate crime cases, and can only be given in exceptional circumstances with the authority of a CPS prosecutor.”
Access to Justice project

- **Build knowledge** to identify the particular needs and barriers for groups affected by hate crime
- **Produce knowledge** and practical guidance for professionals on how Restorative Justice can be made accessible for people affected
- **Work with** Lancashire, Cambridgeshire and Avon & Somerset Restorative Justice Services, and in Lambeth, Southwark and on LGBT+ hate crime
Access to Justice findings

- **Leadership, Policy and Strategy** – Policing and Crime Plan, PCC strategy, regular reviews, resourcing and support for these workstreams:

- **Community Partnerships** – Understanding the needs of local communities and people with protected characteristics, engagement, communication

- **People and Process** – Clear referral routes, ISA, training and awareness

- **Monitoring** – Be on top of data, use it to identify crime type, numbers, and identity of victims, report to leadership
Why me? best practice and policy – published 18th November 2019

Available to download https://why-me.org/evidence/
Thank you

www.why-me.org