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HUDSON, Kyle and PATERSON, Craig <<http://orcid.org/0000-0002-7653-0206>>

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IMPLEMENTING POLICE-LED RESPONSES TO HATE CRIME: A CASE STUDY OF ONE ENGLISH NORTHERN TOWN

Kyle Hudson, Derby City Council, and Craig Paterson, The Helena Kennedy Centre for International Justice, Sheffield Hallam University

Abstract

Since the seminal 1999 Macpherson report, hate crime has become a barometer for contemporary police relations with vulnerable and marginalised communities. The need to understand hate has resulted in a demand for impartial law enforcement and skilled police officers who appreciate the nuances of hatred and its impact on vulnerable populations. However, whilst the police are increasingly expected to be active agents in the response to hate crime, they continue to be criticised for over-policing and under-protecting certain communities.

This paper examines the insights of key stakeholders involved in policing anti-Muslim hate crime in a northern town in England, gathered through in-depth semi-structured interviews with the region's police force and a third-sector agency. The paper unpacks what the policing of anti-Muslim hate crime entails, drawing upon the role of different agencies and providing lessons for the services involved in the current police-led model. Our results point to variability in understanding what constitutes anti-Muslim hate crime; challenges in understanding and responding to victims' needs with limited resources; and the need for a system which extends beyond a criminal justice response.

Keywords

Hate crime, victims, policing, Macpherson, training

Introduction

Although hate crime is a relatively new offence, acts of aggression and discrimination motivated by racial and religious prejudice have a long history in England and Wales (Bowling, 1999). Yet, it was not until the racist murder of Stephen Lawrence in 1993 and the ensuing Macpherson report (Macpherson, 1999) into the handling of the case that the complex and nuanced features of crime and policing problems faced by minority communities were brought into the spotlight. This paper explores these issues with a specific focus upon religious hate crime committed against Muslims. Although these offences continue to grow expeditiously (Home Office, 2018; Tell MAMA, 2018), evidence suggests that victims receive an unsatisfactory state response, which has a profound impact upon Muslim communities (Chakraborti and Hardy, 2017). Faced with experiences of over-policing and under-protection, these communities question the liberal juridical duties of criminal justice institutions and municipal agencies to provide equal protection and formal remedies (Paterson et al., 2018). It is in this context that the Macpherson report and the highly visible Stephen Lawrence case have provided drivers for reform for institutions perceived by many minority communities to be complicit in propagating ethno-religious power and privilege.

However, whilst previous research into the response to anti-Muslim hatred has focussed chiefly upon the public police, there has been scant investigation into the interplay between other agencies that supplement the work of sworn police officers, including non-governmental organisations and other municipal policing agents. Recognising the problems with the current police-led model, this paper unpacks what the policing of anti-Muslim hate crime entails and analyses the role and function of different agencies in providing recommendations for those services involved. Whilst affirming the need for effective leadership, governance and a range of core agencies that share common aims and objectives, this paper also points to variability in understandings of what constitutes anti-Muslim hate crime, challenges in understanding and responding to the needs of victims with limited resources, and the need for a system which extends understandings of hate crime beyond merely a criminal justice response.

The fieldwork for this study was carried out in 2017 by the lead researcher, who sought to understand the difficulties of policing anti-Muslim hate crime in an anonymised northern English town through the use of semi-structured interviews.

Insofar as the elision of hate crime and hate incidents is unhelpful (because not all hate incidents constitute a crime), the fieldwork identified a tendency of practitioners to conflate the concepts. However, we ought not to reinforce this here and will thus keep the concepts distinct. It is from this perspective that we adopt the College of Policing's (2014:4) definition of a religiously motivated hate crime as:

Any criminal offence which is perceived, by the victim or any other person, to be motivated by a hostility or prejudice based on a person's religion or perceived religion

We consider a hate incident as:

Any non-crime incident which is perceived, by the victim or any other person, to be motivated by a hostility or prejudice based on a person's religion or perceived religion (College of Policing, 2014:3).

Lastly, problems around the racialisation of Muslims (Moosavi, 2015) and the challenges surrounding the discerning of religiously motivated hate crime from its racially motivated counterpart meant that there was a tendency to refer to Muslims as a racial or ethnic collective during the fieldwork.

Triggers for change in England and Wales

Arguably, the United Kingdom (UK) has taken a lead role in the response to hate crime (Hall, 2013), especially in terms of the criminal justice response (Giannasi and Hall, 2016). By examining some examples of triggers for change, we can better situate our aspirations and identify the models and actions which may improve our response. We will briefly consider several key changes which have provided a model for improvement.

Perhaps the most pertinent place to start is with the Universal Declaration of Human Rights (UN General Assembly, 1948), which has laid the foundation for current hate crime policy. It has underpinned binding declarations on the international, regional and domestic levels, which have provided a normative presupposition to protect individuals' rights and freedoms and ensure there is an equal service delivery to, and equal protection of, minority citizens. This is evident in the subsequent emergence of the Human Rights Act (HRA) 1998, which provides an added impetus to ensure the fulfilment of one's rights and freedoms without discrimination. Prior to this, research poignantly pointed out that acts of discrimination were commonplace across criminal justice institutions and municipal agencies, with a concurrent failure to offer effective protection and redress to minority groups (Bowling, 1999). Therefore, the HRA 1998 has rendered it incumbent upon British state agencies to provide remedies to anti-Muslim hatred and to protect citizens' rights and freedoms.

Of significant importance to the evolution of hate crime policing was the racist murder of Stephen Lawrence and the accompanying failures of the murder investigation. This seminal moment brought about the most significant changes to policing policy and practice in modern times (see Grieve, 2009; Hall, 2013; Giannasi and Hall, 2016). Sir William Macpherson's (1999) public inquiry into the matters arising from Stephen's death provided the catalyst for this change. Macpherson identified significant failings in the police response, concluding that the investigation was 'marred by a combination of professional incompetence, institutional racism and a failure of leadership by senior officers' (Macpherson, 1999:46.1). The inquiry subsequently put forward 70 recommendations to reform the police and improve police legitimacy within minority communities.

Crucially, building upon the Scarman report (1981), the scope of the inquiry went beyond the police and wider criminal justice system, with its remit and impact affecting municipal agencies and other institutions that are viewed to have a central role in policing hatred. It saw the response becoming underpinned by a multi-agency approach comprising the local

authority, probation, housing and education providers, which, in principle, share a strategic commitment to ensuring a more holistic response to hate crime and hate incidents. Through these agencies, the burgeoning issue of anti-Muslim prejudice has been brought into the spotlight and has led to increases in awareness and reporting. This is revealed in Home Office (2018) findings that show a 40% rise in religious hate crime, with 52% (2,965 offences) of these offences being committed against Muslims. When analysing racially motivated hate by religion, Muslims were also more likely to be a victim of racially motivated hate than any other group. Although these statistics are only reflective of those incidents brought to the police's attention, victim surveys indicate that there are 39,000 incidents of religiously motivated hate per year (Home Office, 2018).

Poignantly, one such reason for this statistical discrepancy is the dissatisfaction with the police response. The Crime Survey for England and Wales found that 51% of hate crime victims were very or fairly satisfied with the response, compared with 69% for non-hate-motivated offences. Similarly, 25% of victims were reported to be very dissatisfied, compared with 15% for non-hate offences (Home Office, 2018). Chakraborti et al. (2014) also found low satisfaction levels for victims of anti-Muslim hate crime.

These findings suggest the need for more bespoke and specialised policing services for victims of anti-Muslim hate crime. This means developing an approach that encompasses greater insights into its nuances to ensure that practitioners possess the necessary competencies to respond effectively (Chakraborti, 2018). Whilst this may seem an obvious point, too often practitioners are only learning about these nuances upon their encounter with a victim. However, if an individual's first interaction with the authorities is negative, it can lead to the perception that their needs are not taken seriously, a withdrawal of cooperation and victims not recommending services to others (Zempi, 2014; Chakraborti, 2018).

Progress since Macpherson

The Macpherson report has resulted in what Hall (1993:279) calls a 'third-order change', which is a fundamental change to the police mind-set and the public's expectation of what the police will deliver. However, rather than chronologically documenting the changes affecting the response to anti-Muslim hate crime or religious hatred more broadly, we will outline some pertinent and relevant changes that have occurred¹. This will be done over three separate sections: legislation, policy and culture.

Legislation

Legislating against hate has provided an impetus for the police and the wider criminal justice system to demonstrate that they take hate crimes seriously, can respond effectively and will be held accountable for their actions (Iganski, 1999). The legal framework provides several mechanisms to assist in tackling hate crime.

¹ See Hall et al. (2009) for a more sophisticated discussion of the legacies of the Stephen Lawrence Inquiry upon policing.

Racially and religiously aggravated offences

The post-Lawrence agenda led to racially and religiously aggravated offences becoming specific offences under the Crime and Disorder Act 1998. The legislation purports that if an offence of assault, criminal damage, harassment or public order is motivated by hostility or shown to demonstrate hostility then it can be treated as a hate crime. Whilst these offences may not *prima facie* seem the most serious, they are the most commonly experienced by victims, with deleterious repercussions for the individual and the collective (Home Office, 2018). As such, research has revealed that the introduction of this legislation has been welcomed (Giannasi and Hall, 2016).

Further, the legal framework requires several specific offences to always be considered a hate crime. These include the Football (Offences) Act 1991, which proscribes indecent or racist chanting at a football match, and the Public Order Act 1986, which prohibits the use of threatening words or behaviour and the display of any written material that is threatening and intends to stir up religious hatred.

Sentencing enhancements

The Criminal Justice Act 2003 provides the ability to enhance the sentencing of hate crime offenders. Walters et al.'s (2017) empirical study found this legal provision to be posited upon the tenets of retribution and deterrence. Chief amongst these justifications is the idea that hate crimes are more serious than their non-hate counterparts in terms of the offenders' *mens rea* and culpability. This is supported by the idea that hate crimes hurt more and thus are worthy of more stringent penalties (Iganski, 2001). The second aim of sentencing posits that penalty enhancement can eradicate hate crime by deterring repeat offenders (direct deterrence) and by deterring the wider community from partaking in such actions (indirect deterrence). However, in practice this theory is unsubstantiated, for there is a consistent rise in anti-Muslim hatred (Home Office, 2018) and there are high levels of recidivism amongst hate crime offenders (Jolliffe and Farrington, 2019).

Positive duties on agencies

The Equality Act 2010 has imposed a positive duty on public bodies to consider issues such as hate crime. Amongst other duties, section 149 requires agencies to have due regard to the need to eliminate discrimination and victimisation, and to foster good relations between those who share protected characteristics and those who do not. In principle, these obligations facilitate the development of effective policy-making within multi-agency partnerships, and decision-making that is oriented around local or regional needs.

Policy

The Stephen Lawrence Inquiry reified that meaningful change is incumbent upon the implementation of effective shared strategies and policies. This led to the development of policy documents which outline strategic goals and operational guidance for criminal justice professionals and government departments (Giannasi and Hall, 2016). The *Hate Crime Operational Guidance* (College of Policing, 2014) provides one example of such developments.

One interesting feature of the guidance relates to its provision of an operational definition of religious hate crime, which is used by practitioners both inside and outside the criminal justice system. It requires a hate crime to be identified in a manner consistent with Macpherson's recommendation, thereby overshadowing the discretionary powers of the police to decide what a hate crime is by prioritising the victim's perception. Since the conceptualisation of hate crime has important ramifications for the response (Jacobs and Potter, 1998:27), by prioritising the victim's perception and allowing the response to be developed within a multi-agency framework, responses can be devoid from institutional and cultural values.

This partnership working should not be limited to institutions. Contemporary policing philosophies require the police and the community to work more closely together to solve problems (Somerville, 2009). Rosenbaum (2002) identifies several benefits of this partnership activity, which include strengthening community organisations and improving the public's participation in crime-reduction initiatives. Thus, by creating localised partnerships, the police can make connections with third-sector organisations in many areas of the response. These policies and strategic goals are reinforced through the UK's hate crime action plan (HM Government, 2018), which lays out commendable aims for prevention and for victim support. Problematically, however, the action plan fails to outline how these aims will be achieved or evaluated in order to determine best practice (Chakraborti and Hardy, 2017). This suggests that the onus of deciding what works and for whom is upon state agencies.

It is also sometimes unclear where responsibility for coordinating these activities rests. In some regions, the responsibility rests with dedicated hate crime officers, whereas elsewhere it is with modern slavery practitioners who have insufficient capacity or capability to deal with hate crime.

Insofar as policy provides the necessary framework for change, it is culture that provides the levers to develop practice. It is this subject matter that we will turn to next.

Culture

Since Macpherson (1999) brandished the police as institutionally racist, there has been a positive cultural shift in the police, which has resulted in a multitude of complex legacies. One of these legacies is a change to police training, which serves as both an illustration and a tool of cultural change (Clements and Jones, 2009). Contemporary policing strategies seek to embed communities and their concerns at the centre of service provision in order to help communities recognise the multiple purposes of the police role.

This positive shift requires police forces to 'deliver services which recognise the different experiences, perceptions and needs of a diverse society' (Macpherson, 1999:45.24). Wheller et al.'s (2013) randomised control trial of practical communication skills training for officers of Greater Manchester Police exemplifies this. They found that movement away from didactic training that seldom provided an overhaul of officers' tact led to an improvement in their attitudes and behaviours and, ultimately, in victims' perceptions of the service. Beyond the development of bespoke hate crime training packages, some forces

have employed dedicated hate crime personnel. Chakraborti and Hardy (2016) found this to be effective in Hertfordshire, where dedicated officers organise the appropriate support for victims and work with partner organisations to coordinate proactive and responsive hate crime work at the local level.

However, whilst police culture has adapted to these new demands, research continues to show an occupational culture that problematises certain communities and views them as an issue to be circumvented rather than worked with (Myhill and Bradford, 2013). This problematisation has seen specific communities become reified as policing objects and is evidenced in the over-representation of stop and search amongst Muslims which has resulted in their misrecognition (Hargreaves, 2018). Thus, progress in improved responses to hate crime exists alongside the sustained negative stereotypes which underpin the targeted victimisation.

This discussion demonstrates that an effective response to anti-Muslim hate crime is incumbent upon appropriate legislation, strategic commitment, effective policy and a positive culture to affect change. Whilst policies such as the College of Policing hate crime manual signal the strategic prioritisation of hate crime and provide operational guidance, the policing of anti-Muslim hate crime remains a challenging and complex task.

Methods

This qualitative case study is underpinned by an interpretivist epistemology. Data was collected through field notes and four one-to-one semi-structured interviews with experts working in the region's police force and with a third-sector agency that works in the region to combat anti-Muslim hatred. Interviewees from the police consisted of their hate crime lead, the hate crime coordinator and a lead supervisor. The fourth participant was the lead partnership officer of the third-sector agency. All interviews were audio-recorded and thematically analysed using NVivo software to enable the synthesis of key findings. The data was transcribed verbatim to maintain trustworthiness, and coded using thematic and process-based codes.

The interviewees were approached through snowball sampling, and all signed consent forms and informed that their personal details would be kept confidential. By interviewing experts who represented the (re)solutions and decision-making framework (Bogner et al., 2009), profound data was captured that was rich in process-related knowledge. However, it was acknowledged from the outset that the study drew upon a small sample size, that it is not reflective of the larger body of people who work in the police service or third-sector agencies, and that the findings are not generalisable to all of policing.

The third-sector interviewee also referred to a range of internal documents, such as one of their project's terms of reference, to help convey what they understood by anti-Muslim hate crime.

Findings

This section outlines the challenges in responding to the threat of hate crime. The discussion is split into three sections: understanding, training and response. In this section, the hate crime lead is referred to as N1, the hate crime coordinator as N2 and the lead supervisor as N3. The lead partnership officer of the third-sector agency is referred to as N4.

Understanding

The demand for impartial law enforcement and skilled police officers who understand the nuances of hatred has become the cornerstone of an effective police response. However, the nebulous concept of hate has resulted in difficulties with labelling and identifying acts that are motivated by prejudice. This challenge is exacerbated by the different definitions of anti-Muslim hatred that exist. The police service defines hate crime as:

Any criminal offence which is perceived, by the victim or any other person, to be motivated by a hostility or prejudice based on a person's religion or perceived religion (College of Policing, 2014:4).

However, the third-sector agency in this study used a different definition of Islamophobic hate:

Any malicious act aimed at Muslims, their material property or Islamic organisations and where there is evidence that the act has anti-Muslim motivation or content, or that the victim was targeted because of their Muslim identity. This also includes incidents where the victim was perceived to be a Muslim.

The participants in the research acknowledged that different definitions are problematic for both the public and the institutions tasked with partnership responses to anti-Muslim hatred:

It's hard for two organisations to work together on the same issue whilst having different understandings and definitions. It is quite contradictory and ineffective. There needs to be a common definition to dispel discrepancies.
(N3)

Different understandings of hate also exist within institutions, leading to inconsistent judgement as to whether 'enough' prejudice has been shown to constitute as hate:

It's very subjective. It's hard because how do we unmask motives of hate... what is hate? Because not only do officers have different understandings of religious hatred or racial hatred, but one person's hate is maybe another's freedom of speech and the person doing nothing wrong. (N1)

... Section 5² in my view, and again it's subjective, if it becomes threatening so it becomes abusive and there is swearing, kind of derogatory language then I would deem that to be abusive... if it goes into the world of saying 'You f'n whatever' then for me it most definitely hits the tipping point and goes into the world of 'that's a crime'. (N1)

Understandings of prejudice have important implications for the response. Seemingly, reported offences are prone to a *prima facie* test of 'Does this look like hate?' whereby officers decide upon the legitimacy and acceptability of prejudices. Indeed, whilst any report of hate should be recorded as such, the translation of policy into practice is subject to officers' occupational and cultural values (Grimshaw and Jefferson, 1987; Hall, 2013):

Today there was a hate crime event which was attended by police officers and others. When the facilitator asked for opinions on anti-Muslim hate crime, one officer claimed some victims 'just play the race card' (Field diary)

Insofar as this could be understood as the police not regarding some offences as seriously as they should, it is also important to recognise that there are occasions when despite two offenders being equally culpable, one offender may claim that their victimisation was due to religious intent in order to sway the investigation. In the former case, this may be evidenced in the negation of anti-Muslim hatred for racial hatred:

I understand racial hate crime because that has been around for years... but religious is newer and that's where many officers struggle a bit to navigate and prove, so many try [to] pin down the racial over the religious due to it being easier to recognise. (N3)

I was concerned we was higher on race but under on religion, well it might be because I'm looking at that data and they have taken out a couple that actually we have a victim saying 'It's because I'm Muslim', but the cop thinks 'Well actually there is a bit of race as well' which means you have two factors which are not being replicated... and they are saying 'Well this is the most important one therefore we do X' (N1)

Research suggests that a failure to respond to the highlighted issue is central to victim dissatisfaction (Chakraborti et al., 2014). This is confirmed by N4:

I know one of our frustrations is very often we have an incident which is clearly Islamophobic but is being treated as a racial hate crime by the police.

However, this dissatisfaction should not be simply understood as the police's lack of understanding of anti-Muslim prejudice, as it also demonstrates the challenges of discerning between racially and religiously motivated hate incidents.

² The participant is referring to section 5 of the Public Order Act 1986.

Training

Noting these gaps in understanding and the need to improve the response, participants were asked about their experiences of training. They noted that e-learning through the National Centre for Applied Learning Technology had become commonplace. However, there were conflicting perspectives between 'street cops' and 'management cops' (Reuss-Ianni, 1983) regarding its usefulness. For senior leaders, this training was:

Good for time and availability and getting it out there. (N1)

However, for street cops, it was:

Useless... You can't remember most stuff... I mean if you are busy you may not even read the content properly, you'll just scan through it just to say 'Yep, I've done it'. (N3)

It's not most ideal, training is better with human input. (N2)

Thus, for street cops training was viewed as a tokenistic exercise which failed to achieve its goals in terms of the impact upon officers' attitudes or tact:

It does little for really getting into the changing motivations, dynamics and nitty-gritty of anti-Muslim hate crime (N2)

It won't impress upon you the questions to ask, consideration of the environment it's occurring in, how to properly handle victims, changes in language and the nature of Islamophobia (N3)

These concerns are echoed by Her Majesty's Inspectorate of Constabulary (2014), which notes the inadequacy of e-learning in tackling knowledge, behaviour and attitudinal issues. This appears to enable the response to hate to be inconsistent and value-laden.

That's the problem. Because we don't have training it maintains that subjectiveness of what hate crime is. (N3)

In my experience, a lack of training in any area of religious hate crime, not just anti-Muslim, means challenges arise and misunderstandings become rife. I feel this is part of the dissatisfaction with the police... (N2)

Participants referred to Macpherson's (1999) recommendation of conducting face-to-face training within a multi-agency framework to enhance engagement with activists and victims. In these environments, stakeholders can share their experiences to make training more applicable to practitioners and to share mutual understandings:

There might be an incident in another part of the country or even world where they [the partner] can go, this is how it's happening, and this is how it might affect religious hate crime here... although information sharing between forces has improved, we only know what gets reported to us and so

we can miss how Islamophobia is changing. This means we are not capturing and punishing all acts of hatred because we're not equipped with the knowledge. (N2)

Here, the participant is referring to an andragogical approach to training which improves the applicability and retention of material (Trickett and Hamilton, 2016). However, concerns were raised that an andragogical approach should not become a platform for non-police staff to unconstructively criticise the police:

I attended an Islamophobia event today which was organised by the Home Office and included the police, partners, the local authority and community members. I was speaking with community members and a police officer who recognised the current challenges of tackling anti-Muslim hate crime. They discussed the need for a better bottom-up approach, which included the involvement of activists and victims within training. (Field diary)

Response

Without sufficient understanding of anti-Muslim prejudice, the coordination and delivery of a response is susceptible to de-prioritisation and inconsistency. Participants referred to a tension between the police and Muslim communities, who felt that responses did not work for victims, which led to negative perceptions of the police:

Many in the community have their own views and opinions on the police, usually negative, and being able to change that is very difficult... (N2)

Negative perceptions stop reporting. Often people will think we will just dismiss their case and not deal with it properly or go off the bad stuff other people have told them and not report. (N1)

The third-sector agency identified this as a structural issue, whereby formal responses did not address victims' interests or reconcile any associated harms. If we are to acknowledge that hate crimes and incidents purposefully target an individual, then, contrary to the prevailing idea of crimes being committed against the state, we must better recognise personal victimisation and ensure that the response is victim-oriented (Paterson and Williams, 2018).

Further, participants noted that inappropriate interventions could be compounded by slow responses and the prioritisation of other crimes. All of the participants were cognisant of this and aware of the perceptions of over-policing and under-protecting Muslim communities:

If you're a victim of anti-Muslim hate crime and our response is long, not only are we deemed ineffective, but confidence diminishes. Pick no bones about it, if it's a report of some type of crime committed by a Muslim, say some form of extremism or stirring up hatred, our response would be much quicker I think than when it is something upon them. (N3)

Arguably, this juxtaposition of victims waiting for long periods whilst their fellow community members are over-policed can be explained by a culture which prioritises crime-fighting ahead of the needs of victims. Whilst responding to serious incidents may be culturally interpreted as 'real police work' (Bowling, 1999), the cumulative effect of 'low level' victimisation has a profound impact upon individuals and communities, which contradicts the victimological discourse in policing. This circumvention of need continues through the criminal justice process, with a long time frame to court appearances and consequential high victim attrition rates:

... So that's difficult for victims isn't it, so by that point when it gets to trial it might be a year old, for the victim it's like, 'My god, what's the point?' sort of thing so there is a real issue around victim attrition (N1)

Inadequate resources were perceived to be a cause of many of these difficulties:

I've been a police officer for 14 years and never seen anything so stretched... I don't want to make excuses for that being why I and we are not achieving as well as we could, but I can't deny that has a big input... If somebody reports something and a month, two months later nothing is happening, people get frustrated, people think 'Oh what's the point in reporting things to the police?' (N2)

Thus, participants viewed their community safety partners as critical to building capability and capacity to undertake preventative and responsive work:

... you then have what we call school officers, these are allocated to a network of schools and they will work with the schools around cyber bullying, online hate crime, ASB... So it is up to individual schools to take on some of the messaging, and actually it's not a police responsibility, it's a community responsibility under Community Safety Partnerships but the police are active in that and innovative; we run activities in Town X and every Year 6 [pupil] goes into the police training school to do loads of stuff and hate crime is included. (N1)

This preventative stance forms an important aspect of operationalising hate crime policy in police practice (Trickett and Hamilton, 2016).

The findings have shown that victims require a stake in shaping the response to their victimisation. This means ensuring that hate crimes do not become the possession of the state and detach victims from their experiences (Christie, 1977). The findings support the data from victim satisfaction surveys, which suggests that there is an absence of alignment between traditional policing responses to hate crime and victims' needs.

Overcoming challenges: implementing good practice

This final substantive section outlines mechanisms for enhancing agency responses to hate crime. These include the development of multi-agency approaches tasked with addressing individual and community harms, in addition to an andragogical approach to training and education that can support victim-centred approaches.

Towards the restoration of harm

With the preceding discussion suggesting that an off-the-shelf policing response is insufficient to meet the needs of victims, it is important to explore other judicial and non-judicial options. Restorative policing approaches provide one potential alternative to better redress harm and address current rates of public dissatisfaction with the police response (Chakraborti et al., 2014; Walters, 2014; Clamp and Paterson, 2017). Restorative policing refers to a myriad of policing programmes, which include conferencing and mediation sessions facilitated by police officers, referrals of certain cases to specialist policing teams trained in restorative justice, and referrals of cases to restorative justice agencies outside the criminal justice system. These programmes seek to reconcile the harms caused by an offence by engaging its stakeholders (victim, offender and community) in a dialogical process. In this way, restorative justice is useful to combat the ‘small disorders’ which fall short of the pre-existing punitive threshold but are nonetheless cumulatively significant in shaping one’s lived experiences.

One such example can be seen in household hate crime among social renters (Home Office, 2018). Research suggests that whilst the police regard these offences as minor disputes to be dealt with by the council, housing providers are downplaying the significance of the offence to the detriment of victims (Bowling, 1999; Netto and Abazie, 2012; Victims’ Commissioner for England and Wales, 2019). On the other hand, Walters (2014) found that using community mediation successfully reconciled relationships and repaired harms, which led to the majority of participants being ‘very satisfied’ or ‘satisfied’ with the intervention. However, to develop a successful restorative policing approach, a multi-agency partnership, which is established on several broad guiding principles, must be considered.

One such principle is the selection of appropriate partners whose buy-in and support is coordinated from a strategic level to ensure their continual engagement (Clamp and Paterson, 2017). Partners are likely to include a range of criminal justice agencies, such as the Police and Crime Commissioner, the police service, probation services and youth offending teams. However, noting the complexities of anti-Muslim hatred, local authorities, faith institutions, local community groups and specialist restorative justice providers should also be considered.

Membership of the partnership should be regularly reviewed to ensure that the stakeholders who are engaged are appropriate for enhancing the partnership’s functions. Selecting such partners as local authority personnel and community groups enables agencies to respond to the broader spectrum of offences that may otherwise not receive a response from the police. As such, the police role adapts to oversee the delivery of justice but without necessarily committing front-line resources (Paterson and Best, 2016).

Balancing the aims and goals of the partnership against the aims and objectives of individual agencies is another primary concern to ensure their engagement. These aims and goals must be clearly understood by the partnership and any external stakeholders, allowing practitioners to understand the purpose of the partnership and the restorative interventions. By getting the partners right and ensuring that organisations' missions and priorities align, it is possible to reconceptualise the goals of policing and ensure that interventions work for the victim, the offender and wider society (Shapland et al., 2011; Chakraborti et al., 2014; Walters, 2014). To this end, interventions can be distanced from government-imposed targets that frame the way in which statutory organisations are expected to respond (Macpherson, 1999). The police are thus unable to view certain incidents as 'soft crimes' that are unworthy of their institutionally framed approach to law enforcement.

Partners must also understand for whom restorative justice is applicable and under what circumstances. The UK government's hate crime action plan (HM Government, 2018) has already established support for restorative policing initiatives across the country, but the low levels of referrals remain a challenge. Again, this seems to be indicative of a poor understanding of when referrals can be made and an absence of awareness amongst professionals of the role of partnerships (Bright, 2017). Instead, when cases do occur the importance of addressing anti-Muslim hate crimes is reflected in the severity of the punishment that can be administered, rather than the more nuanced need to address the problem before it escalates, and reconcile the harms caused.

Training and education reform

The findings suggest that didactic training ceases to advance some of the core proficiencies needed by personnel responding to hate crime. This is echoed in the extant literature, leading researchers to suggest that Knowles's (1990) andragogy – a theory of adult learning – is well situated for police training and a useful approach to facilitating the learning needed for community-oriented policing (McCoy, 2006). This is supported by Charles (2000:73), who posits that andragogy teaches officers 'how to think critically, conceptually, and creatively when confronted with situations needing analysis and when developing solutions'. To do so, andragogy affirms that the learning environment should move away from e-learning or lecture-based styles, which require memorisation within passive learners, to one that is learner-centred and incorporates a range of actors into the learning process.

The tenets of Knowles's (1990) andragogy posit that adult learners:

1. are self-directed;
2. have an extensive range of experiences to share and learn from;
3. are motivated to learn by something they need to know or to perform more effectively;

4. are problem-centred or task-centred; and
5. are internally motivated.

The evidence from this study suggests that current pedagogy does not translate into street-level policing or provide the associated soft skill-sets and proficiencies, such as emotional intelligence, critical thinking, problem-solving, decision-making and communication. Research suggests that training can be enhanced with an andragogical approach that encourages officers to become 'active learners' (Birzer and Tannehill, 2001; Birzer, 2003; Vodde, 2012). Within the context of hate crime, this can be achieved by incorporating victims and activists into the delivery of face-to-face training. Herein, contextual education, rather than training, overcomes the uncritical absorption of pre-defined knowledge and skills. Instead, officers are required to critically reflect on previous practice and seek different solutions to problems (McCoy, 2006).

Furthermore, for new recruits it is important that the training environment is opened up to non-police personnel in order to expose officers to different sources of information that reflect the needs of Muslim communities. Stanko and Hohl (2018) suggest that the current approach, which sees former operational police officers train new recruits, perpetuates pre-existing issues. This cyclical process can introduce bad habits, attitudes and behaviours through the cultural reinforcement of assumptions about 'the way we do things around here' (Schein, 2009).

Moreover, andragogy emphasises experiential techniques for learning that simulate reality. Knowles (1990:59) notes that these techniques tap into the learner's experiences, prioritising group discussions, problem-solving exercises, simulation exercises, role play and case studies over traditional transmittal techniques. Evidence suggests that by using such methods, training becomes more aligned with the reality of policing (McCoy, 2006; Peace, 2006). In this way, training begins to encompass the 'small disorders' that the police are expected to respond to, whilst providing a deeper understanding of the impact of prejudice on the everyday lived experiences of victims. This approach facilitates a reflection upon previous practice, requiring officers to explore alternative interventions before the offending escalates in seriousness.

The mode of assessment must also be learner-centred. Assessments should be performance-based and assess the demonstration of 'real world' capabilities. Several scholars suggest this approach to be effective because it incorporates complexity, choice and discretion, which reflects the reality of policing (Knowles, 1990; Rachal, 2002; Wheller et al., 2013). By introducing a Muslim facilitator, a view from the community can be provided at each juncture of the case, allowing the training environment to mirror the different voices in the community. However, the role of the 'expert trainer' should be designed with care, as external agencies may lack experience of policing contexts, which, in turn, can lead to participant disengagement (Mullaney and Trickett, 2018).

It is from this perspective that andragogy can overcome policing personnel's dissatisfaction with the current learning and assessment methodologies. Contrary to prevailing

behavioural ideas, which suggest that you can objectively measure behaviours (Birzer, 2003), police training needs to be participatory and recognise that behaviour and its consequences are not necessarily entwined, but are subject to the social environment and one's interpretation of context. Therefore, by adopting andragogy as a learning tool, the learning environment can become more reflective and interactive, facilitating a better understanding of what works for victims.

It may be of benefit, then, to consider such endeavours from an ecological perspective, which contends that one's interaction with the environment cannot be understood through a linear approach. Instead, we need to think more dynamically in our response to anti-Muslim hate crime and recognise its nuances. By including other stakeholders in the police response, we can further build capacity and capability and enhance community-oriented policing by improving the communities' stake in policing initiatives (Rosenbaum, 2002; McCoy, 2006; Somerville, 2009).

Conclusion

The policing of anti-Muslim hate crime is a complex task, and this paper has only begun the process of unpacking the various conceptual and procedural difficulties that propagate these complexities. Indeed, whilst it has provided some lessons for services involved in the policing process to better implement a robust police-led model, there are no straightforward solutions. However, one can argue that to overcome the doubts surrounding practitioners' responses, the solution does not lie in organisations' process-driven and prescriptive tick-box answers. Instead, it lies in more operationally efficient developments that build upon the positive steps we have seen since the Lawrence agenda.

One thing practitioners can take away is that strategic prioritisation alone will not change the way in which policing personnel conceptualise anti-Muslim hatred or their decision-making processes. Despite clear operational guidance on hate crime, the responses and decisions of practitioners are dependent upon how they conceptualise anti-Muslim hatred in each incident. Subsequently, responses can be shaped by the occupational and cultural values of officers, which do not necessarily reflect the lived experiences of people and the significance of the 'small disorders' that shape victims' lives.

Communities need localised crime-reduction initiatives that understand the dynamic nature of threats and harms, rather than top-down initiatives that reflect the state's interest – particularly where government policy may reinforce many of the prejudices that lead to Muslims being targeted. To this end, it is perhaps more valuable to have different yardsticks to measure success. Examples of these could include greater victim satisfaction, improved responses to 'low level' victimisation, improved reporting, and bespoke training and intervention packages. A further measurement may be the adoption of a shared working definition to better inform multi-agency partnerships and signal the seriousness with which anti-Muslim hatred is taken.

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