

# Hate Crime Case Study

## Introduction:

This case study refers to an offence of Assault, initially recorded as Hate Crime. Joint work that was carried out by Restorative Cleveland and Victim Care and Advice Service (VCAS), after supporting Professionals recognised the potential suitability for a Restorative Justice (RJ) intervention to address the harm caused in this instance. As such, two referrals were received in respect of this case, one from VCAS and the other, from the perpetrator's responsible Offender Manager, within the Community Rehabilitation Company (CRC).

## Referral Background:

The victim had been referred to VCAS for support, following an Assault, with which he was struggling to cope. The victim had moved to Middlesbrough from his place of birth, Saudi Arabia, where being openly gay risked persecution and punishment by death. In the victim's own words, had he committed a murder his family would pay compensation to the victim's family and there would have been no further action. However, if he had been identified as homosexual, he would have been disowned by his family and killed. As such, he felt safe and able to be himself in Middlesbrough, where he had sought asylum.

Due to the negative connotations attached to his sexuality in Saudi Arabia, and following the assault in Middlesbrough (which he believed had been hate-related), the victim stated that once again, he felt unable to be himself when in the local community. This was due to concern that he may be further assaulted.

## RJ Intervention Preparation:

After a period of support provision and positive engagement with his Victim Care Officer, the victim began to express forgiveness towards the offender, who at the time remained a student of a local education provider. Whilst uncertain as to whether he would feel able to forgive the offender, he identified questions that he felt he needed answered. At this point, a joint visit was arranged between the victim, his Victim Care Officer and a member of the Restorative Cleveland Service, with the intention of discussing available RJ options.

Through liaison with both the offender and his responsible officer, it was evident that the offender was displaying remorse and a willingness to engage within a restorative process. An initial investigation was conducted by a Hate Crime Investigator, based within Cleveland Police, during which the offence was discussed as a Hate Crime and Assault. Subsequent Court discussions remained centred upon the perceived Hate element of the offence, however, during a later Newton Hearing the Judge accepted a plea to the assault alone. Nevertheless, it remained clear from the Victim Personal Statement (VPS) provided, that the victim believed the offence to have been a Homophobic, Hate-driven incident.

Communication in the assessments identified that other factors could have contributed to the incident, including possible misunderstandings on both sides, although at no point did the offender try to excuse his actions regarding the assault. This said, the offender described feeling shocked during the case, when the VPS was used by the Prosecution in relation to Hate/Homophobia. He continued to maintain the offence was not driven by hatred or homophobia, purporting how "it felt like four minutes of madness could have labelled and defined me for the rest of my life. I felt like they were describing me as something I am not, to be honest I felt aggrieved, as I felt I did not have the opportunity to let the victim know me and how sorry I was."

## The Impact of the Restorative Intervention:

Although the victim was initially open to a face to face meeting with the offender, due to his relocation to another area, this was no longer a feasible option. As such, a letter of explanation was alternatively agreed. Preparation for the completion of this restorative intervention with the offender included victim awareness sessions, incorporating use of the reported impacts of the offence, detailing the victim's feelings and background in needing to flee his country of birth, due to his sexuality.

Through his engagement within the preparatory victim awareness sessions, the offender recognised how the language he had used that night could be seen as provocative and unacceptable; which he acknowledged had not his intention. He described having asked the victim to "stop being so gay," a reference he stated that his peers used, to describe someone being "silly" or "idiotic." Nevertheless, on reflection of the work undertaken, the offender noted that "after hearing the full impacts and during the session on victim awareness, it highlighted the need for me to demonstrate I am not the person portrayed and want the opportunity to apologise and explain myself and speak man to man. To let him know I don't want my actions to affect his life."

When the alternative proposition of writing a letter of explanation was discussed with him, the offender noted how he felt "a little gutted, because from experience I know text can be miss read or taken out of context." As such, this demonstrated the importance of recognising that participants may wish to communicate via another medium, when considering all available options within an RJ process. The offender noted that he felt better able to get his point across face to face and that he was keen to be able to alleviate any fears or concerns, held by the victim. However, for the victim, given the geography now between them, he concluded that a letter would be also positive and enable him to understand and move on. This is where, as a RJ Practitioner, it is important to consider each participants needs and in simply following the process, the allocated Practitioner felt confident the offender could answer those.

In the context of the letter, the offender explained that he had not purposefully assaulted the victim, on account of his sexuality and explained the reason he had used the phrase, which had led the victim to feel he had been the victim of a hate crime. The offender acknowledged that he had called the victim 'gay,' however, he noted that to him this has several meanings and was not said, with specific reference to the victim's sexuality. To the victim, whose first language was not English, he only knew the one meaning of the term 'gay' and due to the persecution he had faced in Saudi Arabia, had understandably felt that he was being targeted regarding his sexuality. After receiving the letter, the victim felt satisfied that he had had his questions answered and able to forgive the offender, after receiving an apology from him. He advised that from having gone through the RJ process, he had "released the hate from his heart" and, as such, has now moved forward from this incident. For the offender, he felt more informed regarding his choice of words, especially in communication with someone he does not know.

Another salient point in this case was the potential impact upon the security of the offender's education placement. After disclosing the offence to the education provider, his place on the course was subsequently placed in jeopardy and discussions held as to whether or not he could remain as a student. With the victim's permission, a letter was sent to the education provider, advising of the RJ process that had taken place. As a result of this input, the offender had been permitted to continue with his further education; a recognised protective factor in reducing the likelihood of re-offending.

On reflection of the outcomes achieved from this Restorative Intervention, this case highlights how communication between those involved can promote healing, increased well-being and reduce the fear of crime. Education is clearly an important requisite for victims of Hate Crime and an RJ process, encapsulating the victim's voice at the heart of the process can contribute to meeting those needs. The process of communication can offer reintegration back into the community for both parties, truly repairing the harm caused by crime.