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POLICING THE THREAT: 'IMPLIED HATE CRIME', HOMOPHOBIA AND BEHAVIOUR CHANGE

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Abstract

This research is based on focus groups with gay men in the Black Country, an area of the West Midlands and examines the extent to which the men change their behaviour to avoid being identified as gay. Frequently, behaviour change was not in response to direct or overt threats, but instead, in response to perceived or implied threats. The way in which this limits personal freedoms and feelings of community safety should be regarded as a key element of hate crime. The men in the focus groups also recognised clear geographical dimensions to this implied hate crime, with certain areas being identified as hostile. Problematically, relying solely on quantitative data to inform patterns of hate crime is therefore limited as it (i) fails to include perceptions, (ii) fails to recognise that certain areas are avoided because of perceived threats, and (iii) fails to recognise under-reporting. A strategic response to hate crime must involve being more proactive and a multi-agency approach, with this article identifying how this research led to a sustainable and strategic response.

Keywords

Hate crime; homophobia; qualitative; fear of crime; behaviour change.

Introduction

These findings are based on research with gay men in the Black Country in the West Midlands. Comprising the boroughs of Dudley, Sandwell and Walsall as well as the city of Wolverhampton, the Black Country lies to the west of Birmingham and was once part of Britain's industrial heartland. Economic changes have seen decline in industrial employment and the area now has higher than average levels of unemployment and poverty.

Whilst homophobia and hate crime include a range of overt actions, the research found that implied or perceived threats have significant influence on the behaviour of men within the gay community. Consequently, this paper starts by arguing that perceived threats towards the gay community should also be understood within the remit of hate crime. Additionally, it is important to recognise a root cause is homophobia, a social problem that should be addressed through strategic actions aimed at crime prevention rather than crime control. This is not to diminish the importance of improving reporting and conviction rates for such crimes, but instead to work in parallel with a range of partners to tackle causes of hate crime at source. Leaving solutions solely to the police and criminal justice agencies will continue a reactive model of waiting for an offence to be committed before using prosecution as the only route to deal with the issue.

In the post-Macpherson era of policing hate crime (Chakraborti, 2009) attention has increasingly focussed on experiences of the victim to understand the impacts of hate crime. From this context, this research examines the impact of prejudice when there is a less overt or implied threat of hate crime, which can be defined as a commonly held perception that being identifiable as gay would lead to hate crime. The research concludes that subsequent changes in behaviour and avoidance of particular areas constitute social control that should be understood and addressed as hate crime. To date, the implied threat of hate crime and consequent changes in behaviour have been the focus of very little research and limited attempts to develop solutions. Importantly, the findings do not locate perceived threats of hate crime within existing fear of crime debates, where there is a clear distinction from likelihood of crime. Instead, the findings recognise that gay men experience real and tangible threats of hate crime and the need to address this threat as well as the extent to which hate crime is unreported and frequently unpunished.

The research found that gay men in the Black Country regularly change their behaviour to avoid being identified as gay for fear of hate crime. Interestingly, far from a blanket response amongst gay men, there is awareness of this being geographically specific, with certain town centres and neighbourhoods being particularly hostile. The significance of this research is that current understandings of hate crime are based on two key assumptions; firstly that hate crime is measured through quantitative methods and secondly, that addressing hate crime is a linear response to specific actions.

By linear, it is meant that policing hate crime starts from the point when an offence is committed and progresses through sequential stages characterised by the 'case flow through system' (Home Office, ONS & Ministry of Justice, 2013). For hate crime, this

includes reporting, investigation, police action, court proceedings and potential punishment, with each of these stages being dependent on the outcome of the previous stage. To date, there is limited research on the limitations of this linear approach (Browne et al., 2011), and little research recognising geographical dimensions to hate crime.

Context

Criminal justice providers currently define "hate crime" as being "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 sexual orientation or perceived sexual orientation" (Guasp et al., 2013: 5). Furthermore, Guasp et al. (2013: 5) recognise "hate incidents" 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 sexual orientation or perceived sexual orientation". As such, there is some presumption that hate crime should include perception, that it concerns curtailing people's freedoms and that addressing hate crime should focus on restoring these freedoms (Dick, 2009).

Stonewall's Gay British Crime Survey 2013 (Guasp et al., 2013) identifies the extent to which the lesbian, gay, bisexual and transgender (LGBT) community has experienced hate crime and incidents. Whilst Stonewall finds little progress in the last five years, GALOP, London's LGBT charity, believe hate crime is reducing at a faster rate than other forms of crime (Antjoule, 2013). Disputing Antjoule's findings, government data shows a 22% increase in 'sexual orientation' motivated hate crime between 2013/14 and 2014/15, with 5,597 incidents reported to the police in 2014/15. Behind these differences however is recognition that most people are not reporting hate crime (Mayor of London, nd; Home Office, 2014; College of Policing, 2014a; 2014b), with 57% of homophobic hate crime not being reported (Antjoule, 2013) and fewer than 10% of reports resulting in conviction (Guasp et al., 2013). Government statistics show an even bleaker picture with 'more than three-quarters of victims [of homophobic hate crime] not reporting what they had experienced to the police and two-thirds did not report it to anyone' (Home Office et al., 2013: 26). Consequently, the data not only fails to show the full extent of hate crime, but also how hate crime is understood and experienced in a subjective manner.

Despite quantitative data having a degree of trust when informing policy on hate crime, it has limitations that need to be borne in mind (Chakraborti & Garland, 2012). Research and evidence on homophobic hate crime across many organisations, despite some notable exceptions (Chakraborti & Garland, 2012), remains based mainly on quantitative data (Guasp et al., 2013; Antjoule, 2013; Home Office, ONS & Ministry of Justice, 2013; Dick, 2009; Creese & Lader, 2014). Existing evidence linking hate crime to behaviour change shows that 26% of LGBT people alter their behaviour to avoid public recognition as being gay, with this being more pronounced amongst men (Guasp et al., 2013). This figure is likely to be an underestimation (Chakraborti et al., 2014). This has prompted debate regarding people's experiences of reporting hate crime and 'the harm [hate crime] causes to victims and wider communities' (Law Commission, 2014).

Current debate regarding hate crime, increasingly recognises its position within contemporary policing (Chakraborti, 2009; McLaughlin, 2002), with the Police and Crime

Commissioners and criminal justice providers seeking ways to address hate crime more effectively (HM Government, 2012). The result is increased awareness of hate crime amongst officers and increased numbers of people prosecuted for hate crime (Creese & Lader, 2014; Home Office, ONS & Ministry of Justice, 2013; HM Government, 2012; West Midlands Police, 2014a; 2014b; College of Policing, 2014a; 2014b; CPS, 2007). However, there remain difficulties in addressing a social problem through a legalistic framework (Chakraborti & Garland, 2012; Hall, 2012) where there are low levels of trust by victims in the police (Chakraborti, 2009; Browne et al., 2011).

Looking at relations between social problems and legal interventions, this research with gay men in the Black Country identifies the starting point of a crime being committed as being problematic if people are intimidated into behaviour change or avoiding certain geographical areas. Currently, behaviour change and avoidance prevents hate crimes occurring, but this represents social control that should be addressed. In this context, people changing their behaviour or avoiding certain geographies are equally victims of hate crime 'attitudes and behaviour' (HM Government, 2014). Therefore, by recognising a subjective element to hate crime within perceptions of threat and community safety, this research challenges the government's analysis of hate crime (Home Office, Office for National Statistics and Ministry of Justice, 2013) and their recommendations of changes in service delivery (Law Commission, 2014).

Focus group respondents in this research initially stated they would not change their behaviour. However, this may be seen as an aspirational answer, with focus group discussions leading to a majority of people subsequently saying they regularly change their behaviour based on perceptions of implied threat. With this in mind, not only is it possible to question the validity of the 26% figure, it is also important to understand hate crime as a form of unspoken intimidation leading behaviour change and should be understood as a key aspect of community safety and social control (Perry, 2001).

Methodology

The research was prompted by anecdotal evidence from a number of gay men, which highlighted that certain geographical areas in the Black Country were perceived as being hostile or unsafe. Interestingly, the men held independent yet similar understandings of where it was safe to be openly gay and where there was most chance of hostility. As a consequence, the men would change their behaviour or avoid specific places.

The research took this anecdotal evidence and investigated the extent to which it reflected gay men's wider experiences in the Black Country. Starting from a position that homophobic hate crime can be understood not only in objective terms, but also through perceptions and experiences, the research used a qualitative methodology. As seen, the majority of current research on homophobic hate crime is quantitative in its nature (Guasp et al., 2013; Antjoule, 2013; Mayor of London, nd; Home Office, 2014; College of Policing, 2014a; 2014b), which, whilst being important in terms of identifying some extent and geography of hate crime, focuses on offenders and criminal justice responses rather than crime prevention and a comprehensive approach to addressing the problem.

With these aims in mind, the research included focus groups with 29 gay men in partnership with a local voluntary sector organisation supporting the gay community in the Black Country. In terms of the age profile of those attending the focus groups, one focus group took place with the 'older gay men's group', and another focus group was organised around a young people's group with participants ranging from late teens to early twenties. Finally, there was a focus group open to anyone, meaning that all ages were covered within the research. Whilst the majority of attendees were white, there were some black and Asian attendees, though possibly not representative of the size of these communities in the Black Country. Importantly, all were either from the Black Country or had lived within or near to the Black Country for a long time and had a good knowledge and experience of the region.

For ethical reasons, the research has been anonymised and this paper does not mention specific locations or neighbourhoods. Whilst not wanting to stigmatise certain areas, it is not necessary to name places of which most readers will have no knowledge. As mentioned, the research was carried out in partnership with a voluntary sector organisation supporting the gay community within the Black Country and the research was funded with money originating from the West Midlands Police and Crime Commissioner's Office and allocated by the Voluntary Sector Council. There were no conditions with the research funding and there was freedom to plan the research as appropriate.

Managers within the voluntary sector organisation were involved in planning the research and recruited men to take part in the focus groups through the organisation's existing networks such as social media and newsletters. The focus groups were open to all wishing to attend. For some, this coincided with regular lunchtime social events at the organisation; for the young men, the focus group was organised as part of a social day that included other activities. Focus groups were based within the organisation's own venue as this was a safe and familiar location for those involved. In addition, there were interviews with workers at the organisation, discussion at a voluntary sector forum and further discussions at the local board of the West Midlands Police and Crime Commissioner; all of these contributions were coded and analysed in context of the focus group findings.

In the context of quantitative data that dominates much of the discussions on hate crime, this research represents a relatively small sample of people in a specific geographical location. Consequently, there is no explicit attempt to generalise, and the geography of hate crime makes this further problematic. However, the quality of feedback from those involved that recognises the interplay of criminal justice and social actions has been pivotal. Through the use of this qualitative information, it has been possible to develop a way forward that represents a clear step in addressing hate crime.

Findings and discussion

When asked within the focus groups about behaviour change to avoid being identified as being gay in certain locations, the men's initial response was that they would not change their behaviour. Respondents started with a belief that "*we don't mince down the road or anything*" and a belief that there was nothing to change. However, this initial sentiment

quickly changed with recognition that people do change behaviour and that this is linked to certain spaces. One person started by commenting that *"if you went to [the local] bus station and you had a copy of Gay Times, would you feel comfortable reading your copy of Gay Times? Would you?"*; he was supported by people in the focus group.

This led to discussions regarding identity and geography, with a typical belief that *"I'm sort of conscious of certain surroundings...you could be singled out for being different and I think that being gay is one of those differences"*. For younger people, this feeling was more pronounced, with most agreeing that they change behaviour, stating *"It's just not worth the attention that it draws because it might just be 'looks' but it might be worse, there's no way to tell"*. Importantly, these responses raise questions about the point at which someone becomes a victim of hate crime.

Further discussions revealed a clear perception of geographical patterns to implied threat, with a common experience being *"walking through [the local] town centre and someone in a camp voice has asked for my number... I know he was taking the piss."* Conversation identified a belief that this leads to a lack of openness in certain places, making being gay a *"very underground theme"* in these places. This potentially *"underground"* nature was not by choice of those within the LGBT community, but because of the implied nature of threats; by choice, people wanted to be open regarding their sexuality.

From a feeling that *"we have to be a bit more discreet"* and that *"you don't rub it [your sexuality] in people's faces for a start off"*, it became clear that there was a degree of disquiet about the need for people to change their behaviour to hide their sexuality. One person questioned *"why shouldn't you be allowed to hold your partner's hand? But someone would take that as rubbing it in someone's face"*. This was followed by a number of experiences such as a gay couple who lived locally who had to move out of the area having *"tried to modify themselves but people knew they were gay, local people wouldn't accept it. I think it depends on the type of place."* As well as being a general agreement that *"that's very much like the [particular] estate"*; this was further supported by experiences of focus group members, whose friends had left the locality because of local attitudes. One young person commented that *"I was mugged while holding hands with my partner so I don't do that anymore"*.

Importantly, whilst focus group discussions included examples of specific crimes, these contributed towards broader perceptions of implied threats and social control. This was supported by another person, who commented that he would not be openly gay in particular neighbourhoods, with a belief that anyone acting in such a manner would *"probably be approached and beaten up...I don't know why, I don't know what it is about [this particular place]"*. About half said that their belief was based on experience of being threatened or verbally abused, whilst the other half said they changed their behaviour due to fear of potential consequences. Importantly, this recognises that the understanding of hate crime is not always based on a tangible threat. The typical response was *"there is an impression that if you are a gay man you are an easy target...that's just the mentality over here"*, *"so you may be mugged or beaten up because you are identified as being vulnerable"*. Many of the focus group participants had previously been victims of physical assault, all were very clear that they were assaulted because they were gay.

Having reflected on their experiences, there was consensus that changing behaviour was second nature and not consciously considered. One member summarised this point when commenting that *"I think you get to a stage where you've adapted your behaviour that much that you don't even realise that you've adapted your behaviour"*, the group agreed, with a typical response being that *"you go into denial"*. Conversation developed to show that without thinking about it explicitly, people make decisions to *"alleviate stress that might be brought to yourself"* and to avoid potential conflict. This does not mean that people wanted to behave in any outlandish or extreme manner, as one person put it, *"there are certain things that you will do without realising that you done it because you've conditioned yourself to behave in that manner."* The focus groups therefore revealed that people regularly and in an ongoing manner change their behaviour to avoid being identifiable as gay.

There was a feeling within the focus groups that not only instances of criminal acts, but also the implied threat led to behaviour change and created a vicious circle where the invisibility of the gay community fuelled the implied threat. Understanding this implied threat within a broader social context, one focus group member summarised that whilst *"you can't put your finger on it"* many other *"minority groups"* have been targeted in the past.

Talking about the areas with perceived high levels of implied threat, focus group members pointed out that the specific neighbourhoods had in the past returned British National Party councillors and the town centre has been a focus for far right marches, such as the British National Party, the English Defence League and others.

Awareness of otherness within community safety continued with the group believing that *"a person who is prejudiced against gays enough to want to hurt them, there's a good possibility that that person is prejudiced against a good number of other people as well"*. Contextualising hate crime within a broad agenda of prejudice, the focus groups highlighted that tackling hate crime on its own will not succeed unless it is part of a comprehensive strategy to tackle prejudice.

Importantly, the research came at a time when many of those involved in the focus groups had low levels of confidence in the police to address hate crime coupled with a belief that hate crime was a broader social problem. Not only were there examples of hate crimes being recorded as not being hate crime assaults, there was also a belief that perpetrators would not be caught as they were unknown to the victim and that it could also lead to further intimidation of assaults. Whilst this highlights that relations between the LGBT community and the police could be strengthened, the recognition of a social context for hate crime identifies that more than the police alone will be required to address the issue of implied threats.

One of the most striking aspects of the findings is that whilst current understandings of hate crime portray it in a very overt manner, for many people it is a more nuanced and covert set of social relations. If, as seen in this research, this covert element to hate crime leads to social control, and that social control through hate crime needs to be addressed

in a victim-centred approach, then it is clear (de facto) that the covert and implied threat needs to be addressed.

At the heart of such discussions is the way in which covert or implied threats of hate crime can actually be policed. With hate crime being addressed by the police and the criminal justice system in a legalistic and reactive manner, it is unlikely that implied threat, which will require a more proactive response, will be addressed. Reflecting on the goals of this research, there exist fundamental disjoins between using the police and criminal justice system to address, in a legalistic manner, a problem that is fundamentally social in its nature.

It is evident from the research that hate crime is symptomatic of prejudice and it is this prejudice that needs to be addressed if the implied threat of hate crime is to reduce. Specifically, this also needs to be targeted on areas where threats are perceived to be highest, which will necessitate new methodologies in understanding hate crime. In terms of precedence, there is a history of the police addressing fear of crime within particular groups and recognising the subjective nature of crime that prevents people from carrying out their lives fully. This is especially important in this context where underreporting of crime and lack of faith in the police have led to data on actual crime being inaccurate.

Making recommendations to tackle hate crime is difficult given that this involves addressing the outcomes of prejudice and socio-cultural values. However, a first step is to ensure that these values are not seen as being acceptable and that these issues are not seen as solely for the gay community and police to address. In doing so, this identifies hate crime as having broad social and economic impacts that are of interest to all of us. With this in mind, it is clearly important for there to be a range of partners involved beyond just victims and the police.

Based on the findings of this research, the West Midlands Police and Crime Commissioner's office has funded the voluntary sector organisation to employ an officer to develop a strategic response to the issues identified. Working with over 40 organisations from all sectors within the locality, the officer has trained 'hate crime champions' within each organisation who then have the skills to train others. This includes a diverse range of organisations including religious groups, students' unions, market traders, advice organisations, charities and many others that are likely to witness hate crime. The goal is that these organisations become aware of what they are observing and can offer support either as witnesses or reporting bodies. Not only does this broaden the range of partners involved, it recognises hate crime as a social and economic factor, as well as raising awareness for many who do not experience such threats and reduce the chances of such crimes being unnoticed. This work will run alongside increased awareness raising sessions in local schools.

Significantly, having more partners involved in recognising hate crime and its impacts will start to move hate crime away from being solely the responsibility of the criminal justice system. In doing so, this will take a step in moving towards a model of crime prevention rather than crime control, which is especially important at a time when policing numbers and capacity have been reduced. It is further important because whilst the focus group

respondents identified a feeling of being let down by the police, they also identified hate crime as being a broader social problem and this response goes some way towards addressing this social problem.

At a recent review and update event, attended by the Police and Crime Commissioner, the Leader of the Council and the local MP, there was a clear commitment to addressing hate crime. Not only has the council agreed to fly the rainbow flag for the first time, there is also discussion of how the model of training 'hate crime champions' can be extended to the whole of the West Midlands. Whilst not being a solution, these are encouraging steps and represent a model that is sustainable.

Conclusions

This article began by recognising the operational understanding of hate crime as being too narrow, and concludes by arguing that a broader understanding should be adopted to include the absence of fear and intimidation. In this respect, the research and subsequent activity is about crime prevention and crime management rather than solely 'crime control'. As such, instead of a sole focus on greater criminalisation, stronger punishments and more people going to court, this is about reducing the need for people to be punished whilst also being aware of the need to deal with those that do need punishment.

In conclusion, the research identifies the fact that fear of hate crime is leading to behaviour change and is more likely to influence people's lives than actual experiences of hate crime. Echoing the way in which the police and other partners have become increasingly aware of addressing fear of crime as much as actual crime, it can be concluded that the time is now right to address fear of hate crime as well as narrow definitions of hate crime based solely on actual attacks.

A goal of this research was to be able to inform strategic responses to perceptions of prejudice and hostility faced by the LGBT community, which ultimately leads to behaviour change. One of the interesting responses of both the 'Count Me In' report (Browne & Lim, 2008) and the work of Browne et al. (2011) is the recognition that traditional legalistic methods of addressing hate crime should be broadened to have a multi-agency approach to community safety. To this can be added a recognition that the legalistic framework for dealing with hate crime is not only reactive after the event and creates little or no necessity for pre-emptive approaches, but also that implied hate crime impacts on people's behaviour and feelings of community safety. This in effect makes them a victim of crime through intimidation and should be recognised more explicitly as a dimension of hate crime. Problematically, it also leads to under-reporting of hate crime, which in turn leads to a lack of resources; hate crime must be understood in qualitative as well as quantitative terms. Ultimately, the legalistic approach rests on a premise of being reactive and responsive to hate crime in a punitive manner rather than preventative in a community based manner.

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