Enhancing punishment or repairing harms? Perceptions of sentencing hate crimes amongst members of a commonly targeted victim group

Walters, Mark A, Paterson, Jenny L and Brown, Rupert (2020) Enhancing punishment or repairing harms? Perceptions of sentencing hate crimes amongst members of a commonly targeted victim group. The British Journal of Criminology. ISSN 0007-0955

This version is available from Sussex Research Online: http://sro.sussex.ac.uk/id/eprint/92882/

This document is made available in accordance with publisher policies and may differ from the published version or from the version of record. If you wish to cite this item you are advised to consult the publisher’s version. Please see the URL above for details on accessing the published version.

Copyright and reuse:
Sussex Research Online is a digital repository of the research output of the University.

Copyright and all moral rights to the version of the paper presented here belong to the individual author(s) and/or other copyright owners. To the extent reasonable and practicable, the material made available in SRO has been checked for eligibility before being made available.

Copies of full text items generally can be reproduced, displayed or performed and given to third parties in any format or medium for personal research or study, educational, or not-for-profit purposes without prior permission or charge, provided that the authors, title and full bibliographic details are credited, a hyperlink and/or URL is given for the original metadata page and the content is not changed in any way.
Enhancing Punishment or Repairing Harms? Perceptions of Sentencing Hate Crimes Amongst Members of a Commonly Targeted Victim Group

Mark A. Walters, Jenny L. Paterson, and Rupert Brown

Introduction

Hate crime legislation is now the cornerstone of most Western governments’ strategies to tackle hate-motivated offences (Schweppe et al. 2018; Goodall and Walters 2019). The primary aim of these laws is to enhance sentences for hate crimes in an attempt to recognise the severity of offences and to deter offending (Lawrence 1999). During 2018/19 in England and Wales there were 12,828 hate crime prosecutions resulting in 10,817 convictions (CPS 2019). Almost three quarters of convictions included an announced and recorded sentence uplift (CPS 2019). No other country in the world records more convictions and punishment enhancements for hate-based offences than England and Wales.

The English and Welsh criminal justice system’s focus on applying penalty enhancing hate crime laws has left little room within what has become a growing policy domain to advocate the use of alternative justice mechanisms such as restorative justice (henceforth RJ). Often positioned as antithetical to a punitive approach to crime, RJ focuses its attention on reparation by bringing stakeholders of a crime together via dialogical processes in order to collectively explore how harm can be repaired (Zehr 1990). Restorative justice practices are now used to address the causes and consequences of crime during all stages of the criminal process; though they are not yet available or implemented consistently (CJJI 2012; Daly 2016). Such has been the popularity of RJ as a measure for supporting the needs of both victims and perpetrators of
harm, that the *Code of Practice for Victims of Crime* specifically states that *all* victims are ‘entitled to receive information on Restorative Justice from the police or other organisation that delivers Restorative Justice services… including how you could take part’ (Ministry of Justice 2015: 35).

Despite the proliferation of restorative practices throughout the justice system, its application for hate crime has been proactively restricted. This is due mainly to resistance amongst certain statutory agencies to its use. For example, the Crown Prosecution Service states specifically in their legal guidance on conditional cautions (a partly restorative out of court disposal) that their use is ‘excluded’ for hate crime offences (CPS nd). Doubts about its use have also been emphasised in the UK Parliament, with the Justice Committee’s report on Restorative Justice stating that it had been brought to their attention that its use for hate crime was ‘doubtful’ and potentially ‘controversial’ (House of Commons 2016). It is perhaps unsurprising then that the UK Government’s Action Plan on tackling hate crime fails to even mention RJ under its detailed sections on ‘preventing hate crime’, ‘responding to hate crime in our communities’ or ‘improving support for victims of hate crime’ (Home Office 2016).

This policy resistance to RJ for hate crime is particularly noteworthy given the available empirical data on its use suggests that it may be one way in which the criminal justice system can more effectively address both the causes and consequences of hate and hostility (Walters 2014). Moreover, although hate crime legislation was applied successfully in over 7,000 cases between 2018/19, many tens of thousands of cases resulted in no justice outcome at all (Walters *et al*. 2018). There are myriad reasons for the ‘justice gap’ for hate crime, not least the legal and procedural issues faced by prosecutors (Walters *et al*. 2018; Owusu-Bempah 2019). However, there are also missed opportunities to deal with such crimes where it is not considered
in the public interest to pursue criminal prosecutions, and importantly in the many cases where victims withdraw from conventional processes, or where they chose not to engage at all to avoid the risk of secondary victimisation.iii Many other victims do not wish to report an incident due to a lack of trust or confidence that the police will treat them fairly and respectfully (Home Office et al. 2013).

In determining whether RJ should be more widely offered as a justice mechanism for hate crime it is important to understand how communities who are commonly targeted by hate crime perceive its use for such offences. Perceptions amongst minority communities are particularly significant as most ‘protected groups’ will have experienced a history of targeted victimisation (often committed by state authorities), leaving groups feeling particularly vulnerable to abuse and lacking trust in state institutions to protect them (Bowling 1998; Home Office 2018).

This article uses both survey and experimental methodologies to examine both the perceptions of hate crime laws that enhance penalties and the use of restorative justice interventions that seek to repair harms, amongst one particular protected group (the LGBT+ community). The aim is not to examine the level of support for all types of justice responses for hate crime, but to explore in detail people’s perceptions of punitive verses restorative approaches to addressing such offences. Implications for policy are discussed.

**Responding to hate crime: penalty enhancements versus restorative responses**

Hate crime laws typically oblige judges to treat the hate motivation of an offence as an aggravating factor at sentencing. Other laws create substantive offences that specifically criminalise offences as ‘aggravated’ crimes. Hate crime laws have been defended most
persuasively as a form of retributive justice that recognises the seriousness of such offences as they are likely to ‘hurt more’ (Iganski 2001). This assertion is well evidenced empirically with numerous studies finding that victims of hate crime are more likely to involve aggravated forms of violence resulting in injury and victims are also more likely to experience emotional traumas such as anxiety, anger, depression and feelings of shame (e.g. Corcoran et al. 2015; Herek et al. 1999; Iganski and Lagou 2015). Studies have also shown how hate crimes can cause heightened levels of fear, anxiety, anger and feelings of shame in other victim group members, which have been linked to behavioural changes such as individuals modifying the way they dress, how they look, and even what locales within their community they are prepared to visit (Paterson et al. 2019a; 2019b).

The received wisdom that hate crimes hurt more and are therefore deserving of enhanced punishment has resulted in many thousands of offenders receiving extended (prison) sentences (see e.g. CPS 2019). Yet research has also shown that most reported hate crimes drop out of the criminal justice process, leaving the vast majority of victims without any form of justice at all. Research by Walters et al. (2018) suggests that there is a vast ‘justice gap’ for hate crime (approximately 96 per cent), while for certain types of offences involving disability hostility the rate is as high as 99.8 per cent. In other words, just 0.2 of reported disability hate crime resulted in a criminal conviction and a declared uplift under the sentencing provisions (Walters et al. 2018: 965).

Notwithstanding these figures, the advocation of alternative justice measures to (partly) fill the justice gap has remained in the shadows of hate crime policy and research. This is despite the fact that in 2014 the Law Commission for England and Wales reported that consultees to their hate crime law reform consultation had stressed that any reform of the legislative
framework for hate crime needed to extend beyond sentencing uplifts to include RJ practices (Law Commission 2014: 47, 58 and 68).

RJ practices generally employ inclusive forms of dialogue between stakeholders of a crime in order to more fully comprehend its causes and consequences (Zehr 1990). Victims, perpetrators and their supporters come together to determine how the affected parties can best resolve the harms that the incident/s has caused (Marshall 1999). There is much empirical research on RJ that has evidenced its potential effectiveness at improving victim satisfaction, reducing violent recidivism and reducing the administrative costs of justice, when compared with conventional justice processes (see e.g. Shapland et al. 2007; 2008). The only medium-sized study that has examined the application of RJ for hate crime used a qualitative approach involving observations of meetings in various locations in England and interviews with complainant victims and RJ practitioners that had facilitated hate crime cases (Walters 2014). In general, the results were positive showing that the majority of interviewees found that the restorative process had directly improved their emotional well-being. Most participants indicated that their levels of anger, anxiety and fear were reduced directly after participating in the process. The research also found that 17 out of 19 cases of on-going hate crime incidents ceased directly after the restorative process was completed (Walters 2014: Ch 4).vi

Given these findings and the large body of research on RJ more generally, the policy position against the use of RJ for hate crime appears to lack evidential grounding. This gives rise to the question: is this refusal to officially advocate the use of RJ for hate crime based on the belief that victim groups do not support its application and/or prefer the use of enhanced sentencing?

Public attitudes towards punitive sentencing and alternative sanctions
Research on public attitudes towards sentencing has tended to show that, superficially, people are punitively minded towards criminals (Roberts and Hough 2002). Support for punitive sentencing is likely to be affected by a multitude of personal variables including age, gender, tabloid versus broad sheet newspaper readership, education level, and health (see e.g. Hough et al. 2009; Hough et al. 2013). Perhaps unsurprisingly, research has suggested that people tend to support more punitive sanctions the greater the seriousness of the offence, with the potential for inflicting more harm and victim vulnerability weighing heavily on people’s perceptions (Hough et al. 2009).

Key to our studies (outlined below) is that research on levels of punitiveness has also been linked to emotions, including fear of crime (Dowler 2003) and feelings of anger (Johnson 2009). The link between anger and punitiveness is empirically supported by Johnson’s (2009) US study which found that anger was the third strongest predictor of punitiveness, after perceived racial bias and individual failings. Johnson concludes that ‘the angrier [people] are about crime, the more likely they are to support harsh criminal justice policies.’ Yet it is not clear why anger is elicited in the first place and what its relationship might be with other emotions such as anxiety and perceptions of threat.

While anger may predict punitiveness amongst the public, it is the perceived threat of being a victim of crime that has received the most attention by researchers. It has been claimed that those who are particularly fearful of crime will view the world as a more dangerous place, and that in order to feel greater personal security they will lend greater support to tough measures to tackle crime (Dowler 2003). However, findings on the link between fear and punitiveness have been mixed, with some studies showing that the fear of crime is positively correlated with
punitiveness (e.g. Dowler 2003), while other have found minimal or no effect (e.g. Tyler and Boeckmann 1997). Of particular relevance to this study is that research in the US has found that fear of crime is a significant predictor of Black people’s punitive attitudes, but not for white people (see e.g. Cohn et al. 1991; Johnson 2006). ‘Crime salience’ (exposure to crime and victimisation) is disproportionately experienced by Black citizens, which is then connected to increased punitiveness (Cohn et al. 1991).\(^\text{vii}\) Johnson (2006: 3) explains that ‘[t]o the extent that punitive attitudes are a rational and instrumental response to crime, it is reasonable to expect that those who are exposed to higher rates of crime and disorder, who are fearful of crime, and who have been victims will be more punitive than their respective counterparts.’

There is some limited research on the perceptions of hate crime legislation and sentencing amongst commonly targeted groups.\(^\text{viii}\) Mellgren’s (2016) survey of over 2,000 university students’ perceptions of hate crime laws in Sweden found most support for penalty enhancements amongst ‘sexual minority groups’ and ‘transgender groups’, with students with ‘foreign/minority group’ backgrounds and those with ‘another religion/worldview than Christianity or Atheism’ also being more supportive compared to majority group members. Mellgren found that the predicted probability of agreeing with penalty enhancement for hate crime was positively related to perceived risk of hate crime victimization across all groups. Those with previous hate victimization experiences were also more likely to agree with enhanced punishment. However, Mellgren’s participants were not asked why they agreed or disagreed with the statement that penalties should be enhanced, nor did the author include any mediational analyses to specifically test the association between experiences of hate crime, fear of victimisation, and support for penalty enhancements. Thus, the reasons behind why victim groups support penalty enhancements – or their comparative support for alternative sanctions – are still unclear.
Support for restorative interventions

Although a general punitive attitude is likely to arise amongst those who feel most threatened, there are nonetheless reasons to believe victim groups will be open to restorative measures. Despite the persistent view amongst policy makers that the general public are ‘tough-minded’, experimental studies have tended to suggest that people are not excessively punitive but instead are often uninformed about sentencing and the extent to which imprisonment is used (Hough and Roberts 1998). A second salient theme in the literature is that while individuals appear punitively minded at face value, this tends to change once more background details of individual cases are revealed and further information about alternative sanctions are provided. For instance, Hough et al. (2009) examined the effects of aggravating and mitigating factors on the public by presenting six scenarios to focus groups, including one involving actual bodily harm with homophobic motivation. The researchers found that a clear majority of participants deemed homophobia to be a significant aggravating factor, yet in this particular scenario most still did not think this ‘necessarily warranted custody’ (Hough et al. 2009: 23).

Roberts and Hough’s (2013) study into the sentencing of rioters after the 2011 London Riots also found that those surveyed preferred less severe sentences for offenders than did the courts during this period. Of particular significance was that a majority of those surveyed thought that a non-custodial restorative process for non-violent rioting offences was an appropriate response. The authors conclude that their findings support the trend demonstrating a ‘strong public support for restorative justice responses to offending’, though this is tempered with the statement that this is the case ‘when the restorative alternative is made salient and when the
offending does not involve crimes of violence’ (our emphasis added, Roberts and Hough 2013: 252-253).

To our knowledge there are no quantitative studies that have looked at the levels of support for restorative measures for hate crime. Some qualitative research studies have suggested that direct victims of hate crime are more concerned with prevention and education than they are with enhanced punishment. For example, Williams and Tregidga’s (2013) study of hate crime victims in Wales found that victims of hate crime often wanted the justice system to help educate perpetrators about the impacts of hate and prejudice in order to prevent future incidents from occurring. During interviews they found that ‘victims’ overriding desire [was] for the hate incidents to stop happening to them…’ (Williams and Tregidga 2013: 16). A number of factors were highlighted by victims as helping to prevent incidents from reoccurring, including RJ (see also Chakraborti et al. 2014; Walters 2014).

**Theoretical framework**

The extant literature suggests that perceived threats (especially the risk of hate-motivated victimisation) and feelings of anger are likely to be correlated with punitive attitudes amongst targeted groups for hate crime. These two themes are in line with our previous research that has shown that perceptions of threat and feelings of anger play a particularly salient role in understanding the emotional and behavioural impacts of anti-LGBT hate crimes (Paterson et al. 2019a; 2019b). In Paterson et al. (2019a; 2019b) and Walters et al. (2020) we draw on Intergroup Emotions Theory (IET: Mackie et al. 2009) to explain how anti-LGBT hate crimes are perceived as an attack on the ‘LGBT identity’ as a whole. IET posits that when individuals share important group memberships, they often define themselves as group members to such
an extent that what happens to the group is felt and reacted to as if it is happening to them as individuals. Hate crimes which directly attack someone’s identity serve as a message to all individuals who share their characteristic that they are not welcome in society (Perry and Alvi 2012). IET further proposes that the group-based threat posed by hate crimes provokes certain group-based emotional responses (most prominently anger and anxiety) in fellow group members that, in turn, elicit proactive and avoidant behaviours respectively (Paterson et al. 2019b). These indirect impacts of hate crime can be acute. Previous research has shown that other victim group members are likely to experience heightened levels of anxiety and anger, which result in certain proactive and avoidant behaviours similar to those who have been directly targeted (Paterson et al. 2019a; 2019b). It is these threats to safety and identity and the emotional reactions thereafter, especially anger, that we predict will likely result in high levels of support for punitive responses to hate crime. Harsher punishments are likely to assist in bringing about a greater sense of security amongst targeted groups and a strong message to society that expressions of prejudice against their group identity are not to be tolerated.5

However, as noted above, the literature also reveals that on learning more about the facts of a case and its outcomes, individuals may become less punitively minded, and qualitative research indicates that many individuals would like to see greater emphasis on restorative solutions to tackling hate crime. We predict that reading case details involving restorative outcomes will be perceived by individuals as having a more positive impact on victims and offenders, resulting in reduced feelings of anger and anxiety.

Study 1

Data and Methodology
Sampling strategy and participants

This study used a cross-sectional online survey with LGBT+ participants. As there are no reliable estimates of the LGBT+ population, a random probability sample is not possible; instead, convenience sampling was employed to recruit participants who identified as LGBT. Using links shared on social media by LGBT organisations (e.g., Stonewall, Galop, etc.) this strategy enabled the recruitment of 589 participants who identified as LGBT+ who were living in Britain (gender (tick box or self-defined): 354 male, 165 female, 59 trans, 5 gender queer, 1 non-binary, 1 intersex, and 4 unspecified. Sexual orientation (self-defined): 330 gay, 91 lesbian, 81 bisexual, 32 queer, 17 pansexual, 15 straight, 8 asexual, 7 homosexual, and 8 unspecified. Age: range 18 to 78 years, mean 35 (SD = 13.38). Ethnicity: White (n = 494), with 26 people identifying as mixed/multiple ethnicity, 13 as Asian, 5 as Black, and 51 unspecified).

Measures

Direct experiences of hate crime: five items in which participants indicated how many times in the past three years they had been a victim of verbal abuse, online abuse, vandalism, physical assault, and physical assault with a weapon that occurred ‘because the attacker(s) were (partly) motivated by a prejudice against LGBT people’. Responses were then dichotomised so that 1 = no experiences and 2 = any experience and an average of the five items was created (α = .51).

Indirect experiences were similarly assessed but the items referred to participants’ knowledge of other people having been a victim of anti-LGBT hate motivated attacks in the past three years. Again, the responses were dichotomised and averaged across the five crimes (α = .68).
The perceived threat posed by hate crimes: nine items amended from Cottrell and Neuberg (2005) on a 1 (Strongly disagree) to 7 (Strongly agree) scale, including ‘I believe anti-LGBT hate crimes pose a real threat to…’ ‘my physical safety’, ‘the rights of LGBT people in the UK’, and ‘my freedom to be “out and open” about my sexual orientation’ (α = .89).

Emotions towards hate crime: participants were asked to ‘imagine that you find out that an LGBT person, who you did not personally know, was physically assaulted in an anti-LGBT hate crime in the town where you live. To what extent would you feel the following emotions…’. Anger with four items: ‘angry’, ‘annoyed’, ‘outraged’, and ‘appalled’ (α = .76). Anxiety with three items: ‘anxious’, ‘afraid’ and ‘alarmed’ (α = .87). All items used a 1 (Not at all) to 7 (Very much so) scale;

Attitudes towards enhanced sentences and restorative justice interventions: For enhanced sentences (ES), participants read:

‘As hate crimes are a special category of crime, hate crime offenders can receive enhanced sentences (e.g., a longer jail term)’.

For the more unfamiliar restorative justice (RJ) term, they read:

‘An alternative arrangement for hate crime offenders is to participate in a restorative justice intervention. Restorative Justice gives the victim a chance to directly tell the offender how their criminal behaviour has affected them and to ask the offender questions. It also gives the offender a chance to:}
• admit what they have done and understand the impact it has had on victim(s) and other people
• make up for it in some way (e.g., written apologies, community service, financial payments)
• work to change their behaviour.’

Following these descriptions, participants indicated their agreement to the same six items for both options on a 1 (Strongly disagree) to 7 (Strongly agree) scale: ‘should be used for offenders of hate crime’, ‘help offenders understand the impacts of their hate-motivated actions’, ‘help reduce reoffending’, ‘recognise the severe impact that incidents have on victims and LGBT communities’, ‘help victims to better recover from their experience of hate crime’, and ‘give victims a greater say over how their victimisation is addressed’.

Participants were also forced to choose their preference for RJ or ES by answering the following question, ‘If you had to choose between an enhanced sentence or a restorative justice intervention for offenders of hate crimes, which one would you choose?’

Analytical strategy

We first examine participants’ preference for the sentencing options by comparing the percentage of participants who preferred RJ to ES. Using bivariate correlations, we then examine how the experiences of and emotions towards hate crime are associated with the preferences and attitudes towards both RJ and ES. Following this, we use a repeated measures ANOVA to directly compare participants’ responses towards RJ and ES on the six attitudinal measures.
Finally, we test our data against a path model derived from our theoretical framework. Path models specify the direction in which variables are associated and allow for tests of mediation (where a predictor variable influences an outcome variable because it influences one or more intermediary variables) (MacKinnon and Fairchild 2009). While the path model uses correlational data (and thus cannot imply causation), it can test predicted directionality by assessing the fit of the data to the a priori theoretical model (Kelloway, 2015). Drawing on IET (Mackie et al. 2009), our model proposes that hate crime experiences increase threat perceptions which, in turn, increase feelings of anger and anxiety, which are then positively associated with attitudes towards ES and RJ. Akin to multiple regression, the analysis shows the associations between the variables, controlling for the influence of other variables, along with the statistical significance of the associations. The overall fit of the data to the model is assessed using Hu and Bentler’s (1999) criteria in which good fit is shown by fit indices: SRMR < .08, and both TLI and CFI > .95. If the data support the model, estimation of the hypothesised mediational pathways are tested using the ‘model indirect’ command, 5000 bootstrap resamples, and 95% confidence intervals in the statistical software Mplus, as suggested by Kelloway (2015). This command produces separate indirect effects (also known as mediational effects) for each specified pathway from the predictors (i.e., hate crimes experiences) to the outcomes (i.e., attitudes towards RJ and ES) via the proposed mediators (i.e., threat and emotions). Using bootstrap resamples and their associated confidence intervals is said to be particularly apt for data in which the sampling distribution is unknown, as in the case of the LGBT+ population, as it does not rely on parametric distributional assumptions (Hayes and Preacher 2010). If the indirect effect and confidence intervals do not contain zero, the pathway is considered to be statistically significant.
Results

There was an overall preference for RJ (61% RJ vs. 39% ES) when faced with a forced choice between the two options. However, Table 1 (variable 18) shows that participants who had more direct and indirect experiences of hate crime, and those who felt more threatened, angrier, and more anxious about hate crimes were more likely to choose ES in the forced choice format. Looking at the specific items relating to the use of enhanced sentencing (variables 12-17, Table 1) shows that having more direct and indirect experiences of hate crime were related to greater support for half of the items assessed. Meanwhile, threat, anger, and anxiety, were positively correlated with greater support for all items referring to ES. Notably, and in contrast to support for ES, only anger was significantly and positively correlated with the specific items relating to the use of RJ (variables 6-11, Table 1); neither experiences of hate crime, nor feelings of threat or anxiety were associated with support for any of the RJ items.

[insert Table 1 here]

Attitudes towards ES and RJ interventions were compared in a repeated measures ANOVA (see Figure 1). The ANOVA revealed a main effect of criminal justice intervention (ES vs. RJ: $F(1,588) = 7.47, p = .006, \eta^2 = .01$), a main effect of the items ($F(6,3528) = 70.06, p < .001, \eta^2 = .11$), and, of most interest, a significant interaction: $F(6,3528) = 35.50, p < .001, \eta^2 = .06$. Pairwise comparisons showed significant differences on all items (all $ps < .037$): RJ was perceived to be better at reducing reoffending, helping offenders understand the harms they caused, helping victims, and giving victims a greater say. Nevertheless, for the question ‘should be used for offenders of hate crime’ there was a greater level of agreement for ES compared with RJ. Enhanced punishment was also perceived to recognise the severe impacts of hate crime more than RJ.

[insert Figure 1 here]

Path model
We then used Mplus (Muthén and Muthén 2019) to test whether direct and indirect experiences of hate crime would lead to greater perceptions of threat which, in turn, would increase participants’ anger and anxiety towards hate crime, which ultimately would lead to greater support for ES. In the path model, we covaried measures of hate crime experiences together, the emotions together, the items referring to RJ together, and the items referring to ES together. Model indices suggested a good fit: \( \chi^2(40) = 75.86, p < .001, \) CFI = .99, TLI = .98, SRMR = .03 (Hu and Bentler, 1999). Figure 2 illustrates only the significant paths of the model and shows that both direct and indirect experiences of hate crimes predicted greater perceptions of threat which elicited stronger emotional reactions (anger and anxiety) to hate crime. However, in contrast to the simple correlations reported earlier, once the path model accounted for other variances, anger did not predict support for any of the RJ items (hence they are not shown in the Figure), nor did anxiety predict agreement with the ES measures. Instead, only feelings of anger positively predicted support for all the ES measures.

[Insert Figure 2 here]

Using the indirect command and 95% confidence intervals (CIs) in Mplus, both direct and indirect experiences of hate crime were shown to be positively related to agreement of all the ES measures, via the threat and anger mediational pathway (all 12 indirect effects: \( bs > .008 \) CIs: .002/.017) which suggests that experiences of hate crime, both direct and indirect, increase perceptions of threat to the group which, in turn, make members feel more angry and so more supportive of punitive measures.

**Study 2**

**Rationale**
Study 2 expanded upon the correlational findings of Study 1 by using experimental methods to address further questions surrounding the use of RJ in relation to hate crimes. In Study 1, we showed that participants preferred ES to RJ when they had direct and indirect experiences of hate crime which made them feel more threatened and subsequently more angry. While these antecedents of support for sentencing options are important to understand, we also wanted to understand the consequences of learning about these different sentencing options. Specifically, while participants may, in principle, prefer RJ or ES, it is imperative to understand individuals’ reactions to these justice outcomes once they have actually been determined in a specific case scenario. For example, are participants more satisfied with an ES or an RJ intervention and is this satisfaction related to how the justice outcome is perceived to benefit the victim and/or perpetrator?

A second aim of Study 2 was to test the UK Parliament’s assumption that RJ would be particularly ‘controversial’ in hate crime cases (House of Commons, 2016). To do so, we introduce a non-hate crime condition allowing the comparison of support for RJ (and prison sentences) in both hate crime and non-hate crime scenarios.

**Data & Methods**

**Sampling strategy and participants**

Assuming a medium effect size ($f = .25$) and 80% power, G*power suggested a total sample of 128 (Faul, Erdfelder, Lang, and Buchner 2007). One hundred and fifty-four participants were recruited for the online experiment named ‘Crime & Justice’ from posts on various social media outlets (e.g., LGBT+ groups on Facebook and Twitter). Of these participants, 120 self-
identified as LGBT+ (gender: M 64, F 46, 5 trans, 2 trans male, 1 genderfluid, 1 male and female, and 1 intersex. Sexual orientation: 64 gay, 23 lesbian, 21 bisexual, 4 queer, 3 straight, and 1 each transvestite, bisexual queer, gay queer, gay queer asexual, lesbian queer, straight lesbian asexual, and straight queer. Mean age was 38 years, $SD = 13.29$, range 15-87).

**Procedure**

After giving consent, participants were randomly directed to read one of four ostensibly genuine newspaper articles which described how a man had punched another man in the face in an unprovoked attack resulting in bruising to the victim’s eye. The articles differed on only two factors: whether it was described as a hate crime or not, and whether the attacker received a twelve-week prison sentence\textsuperscript{xiii} (*Prison*) or met the victim in a restorative justice conference resulting in an apology and unpaid community work (*RJ*: see Figures 3 and 4 for examples).

This resulted in the following cell sizes:

- 44 participants in $RJ + Hate$ condition;
- 27 in $RJ + Non$-hate condition;
- 29 in $Prison + Hate$ condition;
- 20\textsuperscript{iv} in $Prison + Non$-hate condition.

[Insert Figures 3 and 4 here]

After reading about the crime, participants then completed the measures.

**Measures**

To ensure participants had read the experimental articles attentively, two manipulation checks asked what type of crime the attacker committed and what sentencing arrangement the attacker received.
Depending on the article they read, participants responded to items which assessed the extent to which they believed the prison sentence or restorative justice intervention had an effect on the offender and an effect on the victim. For each item the question stem was “To what extent do you feel the prison sentence [the use of restorative justice] will…”, with responses being measured on a 1 (Strongly agree) to 7 (Strongly disagree) scale.

Five items consisted of the effect on the offender scale and included: ‘Deter the offender from committing similar crimes in the future’, ‘Make the offender learn from his mistakes’, ‘Help the offender understand the harms that he has caused’, ‘Protect others from being attacked by the offender’, and ‘Allow the offender to make amends for what he has done’ (α = .94). The statements of ‘Punish the attacker’ and ‘Make the offender bitter and revengeful’ did not load well (< .35) and so were dropped from further analysis.

Six items assessed the effect on the victim and included: ‘Satisfy the victim’, ‘Make the victim feel safer’, ‘Help the victim to recover from the crime’, ‘Make the victim feel that they are involved in the justice process’, ‘Bring closure to the victim (i.e., help the victim put the crime behind them)’ and ‘Leave the victim feeling that justice has been served’ (α = .88). The statement of ‘Anger the victim’ did not load well (< .40) and so was dropped.

Next, participants reported their emotional reactions toward the sentencing arrangement used on a 1 (Not at all) to 7 (Extremely) scale with the stem question: ‘To what extent do the following words describe how you felt when you read that the offender was given a 12 week prison sentence [participated in a restorative justice intervention]?’ Anger was measured using three items (‘Angry’, ‘Outraged’, and ‘Appalled’, α = .96) as was Sadness (‘Depressed’,...
'Despairing', and ‘Sad’, $\alpha = .86$), and *Satisfaction* (‘Content’, ‘Happy’, and ‘Satisfied’, $\alpha = .91$).

**Analytical strategy**

We first examine the manipulation checks to ensure participants clearly understood the articles they were assigned and thus were responding to the appropriate primes. Following this, a MANOVA and subsequent univariate ANOVAs tested whether there were differences in participants’ emotional reactions and evaluations of the impacts on the perpetrator and victim depending on what article they read. These analyses examine whether the outcomes are affected when (1) RJ is used vs. a prison sentence, (2) when it is described as a hate crime vs. non-hate crime, and (3) if there is an interaction between the two variables.

As in Study 1, a path model tests the prediction that the use of RJ elicits more positive emotions than when the perpetrator is sentenced to prison because RJ is perceived to be more beneficial for both the attacker and the victim. These mediational analyses again use the indirect command in Mplus, using 5000 bootstrap samples, and 95% CIs (Kelloway, 2015) and the overall model fit was assessed using Hu and Bentler’s (1999) criteria.

**Results**

Analysis of the manipulation checks confirmed that participants mostly correctly understood the material contained in the articles and so all 120 participants were included in the analyses below.
A 2 (Motivation: Hate vs. Non-hate) x 2 (Sentencing arrangement: RJ vs. Prison) between participants MANOVA was conducted on all the dependent variables. Pilai’s Trace revealed an overall significant main effect for sentencing arrangement ($F(5,112) = 8.45, p < .001, \eta^2 = .27$) but not for the motivation condition ($F(5,112) = 0.19, p = .97, \eta^2 = .01$) nor for the interaction ($F(5,112) = 0.55, p = .74, \eta^2 = .02$), thus indicating that the motivation of the crime (hate vs. non-hate) did not moderate responses to the sentencing arrangement. Examining the univariate ANOVAs showed that, regardless of the motivation for the crime, RJ was considered to have a more positive effect on the attacker ($F(1,116) = 30.79, p < .001, \eta^2 = .21$) and the victim ($F(1,116) = 20.11, p < .001, \eta^2 = .15$) than the prison sentence. RJ also evoked less anger ($F(1,116) = 12.03, p = .001, \eta^2 = .09$) and sadness ($F(1,116) = 15.40, p < .001, \eta^2 = .12$), and participants were marginally more satisfied with the RJ arrangement than the prison sentence ($F(1,116) = 3.78, p = .054, \eta^2 = .03$) (see Figure 5).

[Insert Figure 5 here]

Path model

Using 5000 bootstraps and 95% CIs in Mplus (Muthén and Muthén 2019), we tested whether RJ (vs. prison sentence) would be perceived to be more beneficial to the victim and the attacker, and whether these perceived benefits, in turn, would predict more positive emotions towards the sentencing arrangement (less anger, less sadness, and more satisfaction), all controlling for the motivation of the crime (hate vs. non-hate). Variables at the same level were covaried. The data fit the model well: $\chi^2(6) = 11.06, p = .09, \text{CFI} = .99, \text{TLI} = .96, \text{SRMR} = .03$. Figure 6 presents only the significant paths and shows that RJ was deemed to have more positive effects on both the attacker and the victim which, in turn, led to less anger and sadness along with more satisfaction about the use of RJ compared to the prison sentence.

[Insert Figure 6 here]
The model ‘indirect’ command further showed that the perceived effects on the victim significantly mediated from motivation to anger ($\beta = -0.15$, CIs: $-0.30/-0.04$), sadness ($\beta = -0.14$, CIs: $-0.27/-0.05$), and satisfaction ($\beta = 0.14$, CIs: $0.06/0.24$). The perceived effects on the attacker were also a significant mediator to sadness ($\beta = -0.13$, CIs: $-0.25/-0.02$) and satisfaction ($\beta = 0.19$, CIs: $0.09/0.30$), but not anger ($\beta = -0.10$, CIs: $-0.23/0.02$). Together these suggest that RJ, compared to enhanced prison sentences, was viewed more positively because it was seen as more beneficial to both the victim and the attacker.

**Discussion**

The results from Study 1 revealed that, on average, there was a greater level of agreement that enhanced sentencing should be used for hate crime than there was for restorative justice. There was also more average support for the assertion that ES recognises the severe impacts of hate crimes. These findings support the general aim of hate crime laws as a form of retributive justice and they concur with other international studies that show a general level of support for ES for hate crimes amongst the general public (e.g. Johnson and Byers 2003) and targeted groups (Mellgren 2016). Adding to the literature is our use of quantitative methods that have allowed us to assess why LGBT+ people support ES for hate crimes. Here we found that both direct and indirect experiences of hate crime were associated with feeling threatened which, in turn, was correlated with feeling angry, and this anger predicted more punitive sentencing attitudes.

Further findings from Study 1 revealed significant support for restorative justice, greater than we had originally anticipated. In fact, such was the overall support for RJ, that when pushed to make a choice between ES and RJ, most respondents preferred the restorative solution. This
finding concurred with Hough et al.’s (2009: 23) finding that homophobic violence did not necessarily warrant custody in the mind of the public. The study suggests that RJ is not viewed as an easy option amongst victim groups that fails to take hate crime seriously but is considered as an appropriate justice intervention.

Why then were there such high levels of support for RJ? Study 2 revealed that RJ is viewed to have more positive outcomes for victims (such as aiding recovery and giving victims a greater say over matters) and for offenders (such as reducing reoffending, and increasing perpetrators’ understanding of the effects of hate incidents). This suggests that, while hate crimes elicit feelings of anger which predict support for a punitive response, when offered further details of alternative reparative measures, individuals are likely to prefer these measures to resolving hate-based violence. This study is the first to provide experimental research that shows victim group members perceived RJ as more beneficial to victims and offenders compared with ES measures. It supports the findings from previous qualitative studies that have suggested that victims of hate crime want to see more justice measures that tackle the underlying causes of hate crime and help repair the harms it causes (Williams and Tregidga 2013).

Study 2 also found that those reading the RJ outcome felt less angry and less sad about the case’s sentencing outcome. This finding may have particular significance to any government aiming to reduce the impacts of hate crime, for it suggests that the common feelings of anger and anxiety that hate crime victims (and other community members) frequently experience (including after reporting incidents to the authorities, Walters (2014)) may be (partly) alleviated by the knowledge that the criminal justice system has implemented a restorative intervention. Indeed, our findings also suggest that, contrary to popular belief amongst policy makers, the implementation of a restorative intervention may in fact increase satisfaction in the criminal
justice system amongst certain groups. Given that our previous studies have shown that those who have direct and indirect experiences of hate crime have a more negative view of the police and less confidence in the Crown Prosecution Service (Walters et al. 2017a), such a finding may be relevant to authorities wanting to improve the confidence of victim groups in the justice system. It is also worth highlighting that when we compared respondents’ views for the RJ cases involving hate crime and non-hate crimes there was no difference in levels of support. This again suggests that LGBT+ people are satisfied with the use of RJ for all types of crime.

The findings in relation to attitudes towards RJ for hate crime do not necessarily mean that LGBT+ people do not support ES once learning more about RJ. Rather it suggests that punitive attitudes may not necessarily be absolute or unchangeable, especially when presented with more facts about alternative justice mechanisms.

**Limitations**

While the conclusions of the paper fit with previous theorising and are supported by two different studies utilising two different designs (correlational and experimental), caution must be given to the generalisability of the findings, primarily due to issues surrounding the sampling of participants. Notably, because the exact size of the LGBT+ population is unknown, representative sampling techniques are not feasible and so, like others in this area, our studies relied on convenience sampling. In addition, as Study 1 was advertised as an LGBT hate crime study, participants self-selected to participate which may have biased the results. We limited this self-selection bias in Study 2 by concealing the true nature of study (i.e., we did not mention LGBT or hate crime).
Finally, due to the complexity in defining restorative justice, our definition of this intervention in Study 1 was lengthier and more descriptive than that of an ES. This was because it is less understood generally by members of the public compared with punishment and imprisonment. However, providing a more detailed definition may conceivably have affected respondent perceptions when comparing the two approaches to achieving justice. In reducing this potential bias, Study 2 provided case details of approximately the same length with both scenarios also stating the general aims of each justice outcome.

Conclusion

Whether public opinion is relevant to sentencing practices is a contested issue. Roberts and Hough (2013) emphasise that public opinion is most relevant to determining the limits of sentencing practices: they reflect that ‘[i]f practices drift too far from the community on whose behalf offenders are censured, there will be a loss of perceived legitimacy, and support for the sentencing process’ (Roberts and Hough 2013: 235). This is particularly relevant in the context of hate crime where sentencing practices can have significant impacts on victim groups’ levels of trust in law enforcement agencies and on their willingness to report crimes to the police. The (re)building of trust between state and community is key to challenging the problem of hate and hostility in society. Where there is greater confidence that incidents will be treated seriously by the criminal justice system and sanctioned accordingly, victims will likely feel more confident to report incidents (Grattet and Jenness 2008; Walfield et al. 2017).xvi

Our findings that restorative interventions were met with approval by a sample of the LGBT+ community concurs with other studies that have found support for such responses to serious forms of criminality (Roberts and Hough 2013). Although in this study we cannot be certain
of whether a restorative response to hate crime will be more effective at preventing hate crime, we can provide empirical evidence that suggests that one commonly targeted community is likely to be generally supportive of such measures; showing a slight but nonetheless significant preference for restorative solutions when compared with an enhanced punishment involving a short term of imprisonment.

These findings have implications for policy and practice. As noted in the introduction, the use of RJ practices for hate crime remains proactively limited. This is despite the Code of Practice for Victims of Crime 2015 in England and Wales stating that all victims are entitled to receive information about RJ and how they can take part (Ministry of Justice 2015: 35). In order to adhere to this commitment, the government must revise its Hate Crime Action Plan to ensure greater access to restorative justice in all areas of the country. The College of Policing and Crown Prosecution Service guidance on tackling hate crime should also specifically state that RJ should be accessible to victims in relevant cases – especially where there is voluntary agreement amongst stakeholders to participate and a risk assessment that safeguards victims against re-victimisation is carried out (Walters 2014). To specifically exclude stakeholders of hate crime offences from accessing RJ is to deny the rights of hate crime victims.

This is not to suggest that RJ should replace the ES framework for hate crime. Our findings do not conclusively show that RJ will always be a preferred justice mechanism. Punishment remains the cornerstone of the criminal justice system and criminal penalties must be set that recognise the severity of hate crimes. Given this, it is perhaps unsurprising that there was greater average support for ES for hate crimes. The ES framework also remains an important means of ensuring that hate crimes are taken seriously by the criminal justice system. Hate motivated offences are officially recorded and statistically monitored, and criminal justice
resources are deployed accordingly because of the existence of hate crime laws. This was clearly supported by our sample of LGBT+ people. It is, though, also clear that RJ, as an alternative justice mechanism, should be more readily available to address hate crimes. This research suggests that if this was made more systematic, the levels of satisfaction with the criminal justice system amongst targeted groups may well increase.

**Funding**

This work was supported by the Leverhulme Trust (grant number RPG-2013-027).
References


Criminal Justice Joint Inspection, Facing Up To Offending: Use of restorative justice in the criminal justice system, HMIC.


Goodall, K. and Walters, M. (2019), Legislating to Address Hate Crimes against the LGBT Community in the Commonwealth. Human Dignity Trust.


Hayes, A. F., and Preacher, K. J. (2010). Quantifying and testing indirect effects in simple mediation models when the constituent paths are nonlinear. Multivariate Behavioral Research, 45(4), 627-660.


Table 1

Study 1. Means, standard deviations and correlations

|                  | 1.  | 2.  | 3.  | 4.  | 5.  | 6.  | 7.  | 8.  | 9.  | 10. | 11. | 12. | 13. | 14. | 15. | 16. | 17. | 18. |
|------------------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|
| 1. Direct experiences | -   |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |
| 2. Indirect experiences | .48*** | -   |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |
| 3. Threat         | .36*** | .31*** | -   |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |
| 4. Anger          | .11** | .06 | .30*** | -   |     |     |     |     |     |     |     |     |     |     |     |     |     |     |
| 5. Anxiety        | .22*** | .14*** | .58*** | .42*** | -   |     |     |     |     |     |     |     |     |     |     |     |     |     |
| 6. RJ to be used for hate crime | -.03 | -.06 | -.03 | .10* | .02 | -   |     |     |     |     |     |     |     |     |     |     |     |     |
| 7. RJ helps offenders understand | .01 | -.02 | .02 | .10* | .08* | .76*** | -   |     |     |     |     |     |     |     |     |     |     |     |
| 8. RJ reduces reoffending | -.05 | -.02 | -.03 | .05 | .07 | .66*** | .82*** | -   |     |     |     |     |     |     |     |     |     |     |
| 9. RJ recognises severe impacts | -.01 | -.02 | .01 | .10* | .06 | .72*** | .82*** | .81*** | -   |     |     |     |     |     |     |     |     |     |
| 10. RJ helps victims recover | -.05 | -.04 | -.01 | .09* | -.02 | .68*** | .72*** | .73*** | .76*** | -   |     |     |     |     |     |     |     |     |
| 11. RJ gives victims greater say | -.01 | -.04 | .05 | .11** | .06 | .67*** | .72*** | .65*** | .72*** | .77*** | -   |     |     |     |     |     |     |     |
| 12. ES to be used for hate crime | .15*** | .15*** | .30*** | .25*** | .19*** | -.03 | -.05 | -.09* | -.03 | -.05 | .01 | -   |     |     |     |     |     |     |     |
| 13. ES helps | .09* | .04 | .15*** | .18*** | .14** | .17*** | .24*** | .19*** | .27*** | .19*** | .16*** | .40*** | -  
|---|---|---|---|---|---|---|---|---|---|---|---|---|---  
| offenders understand |  
| 14.ES reduces | .04 | .01 | .16*** | .17*** | .14** | .09* | .17*** | .22*** | .23*** | .16*** | .14** | .39*** | .74*** | -  
| reoffending |  
| 15.ES recognises | .04 | .10* | .16*** | .16*** | .13** | .06 | .15*** | .18*** | .23*** | .17*** | .13** | .48*** | .60*** | .59*** | -  
| severe impacts |  
| 16. ES helps victims | .02 | .06 | .20*** | .22*** | .13** | .04 | .15*** | .21*** | .23*** | .23*** | .18*** | .37*** | .49*** | .58*** | .57*** | -  
| recover |  
| 17. ES gives victims | .11** | .09* | .24*** | .24*** | .17*** | .05 | .12** | .14** | .21*** | .20*** | .24*** | .39*** | .50*** | .55*** | .55*** | .76*** | -  
| greater say |  
| 18. ES (1) vs. RJ (2) | -.16*** | -.18*** | -.13** | -.09* | -.08* | .42*** | .40*** | .40*** | .36*** | .34*** | .34*** | -.33*** | -.11* | -.21*** | -.16*** | -.18*** | -.18*** | -  
| forced choice |  
|  
| $M \text{ (SD)}$ | 1.24 | 1.48 | 4.73 | 6.12 | 5.05 | 5.34 | 5.45 | 4.90 | 5.26 | 5.12 | 5.32 | 5.52 | 5.01 | 4.49 | 5.49 | 4.89 | 4.80 | 1.61  
| (0.22) | (0.30) | (1.25) | (1.01) | (1.55) | (1.57) | (1.51) | (1.68) | (1.63) | (1.63) | (1.56) | (1.48) | (1.91) | (1.91) | (1.62) | (1.82) | (1.78) | (0.49)  

**Note.** RJ = restorative justice; ES = Enhanced sentence. ***$p < .001$; **$p < .01$; *$p < .05$.  

35
Figure 1.

Study 1. Mean responses to attitudes towards enhanced sentences and restorative justice interventions

** *** $p < .001$, ** $p < .01$, * $p < .05$. 

*** $p < .001$, ** $p < .01$, * $p < .05$. 

- Should be used for hate crime
- Recognises severe impacts
- Reduces reoffending
- Helps offenders understand
- Helps victims recover
- Gives victims greater say

- Restorative Justice
- Enhanced sentence
Figure 2.
Study 1. Significant standardized paths in tested model.

Direct experiences

Indirect experiences

ES should be used

ES helps offenders understand

ES reduces reoffending

ES recognises severe impact

ES helps victims recover

ES gives victims a greater say

***p < .001, **p < .01
χ²(40) = 75.86, p < .001, CFI = .99, TLI = .98, SRMR = .03
Figure 3.

Study 2. The prime for the *Hate – Prison* condition

**Hate crime attacker gets 12 weeks in prison**

By Laura Bower
Herald News

A man who punched his victim in the face in an unprovoked attack whilst shouting homophobic abuse at him has been sentenced to 12 weeks in prison.

Gary Turner, 22, called his victim “queer faggot scum” before punching him in the face resulting in bruising to the victim’s eye.

Turner was arrested by the police for committing the hate crime and was later prosecuted and sentenced in the magistrates’ court to 12 weeks imprisonment.

In delivering the sentence, District Judge Carter told the court that the punishment of 12 weeks imprisonment reflected the fact that the unprovoked attack was motivated by a hostility towards the victim’s sexual orientation.

Judge Carter added that the aim of the sentence was to send a strong message to the community that homophobic violence will not be tolerated.
Figure 4

Study 2. The prime for the *Hate – RJ* condition

---

**Hate crime attacker meets victim in restorative justice conference**

By Laura Bower

Herald News

A man who punched his victim in the face in an unprovoked attack whilst shouting homophobic abuse at him has met with his victim in what is called a restorative justice conference.

Gary Turner, 22, called his victim “queer faggot scum” before punching him in the face resulting in bruising to the victim’s eye.

Turner was arrested for committing the hate crime and was later asked by the police to participate in a restorative justice conference involving a direct meeting between him and the victim.

Mr John Carter, the restorative justice coordinator, told the Herald that the aim of restorative justice is to allow victims, offenders and their supporters to discuss ways in which the offender can repair some of the harms he has caused directly to the victim and the local community.

Mr Carter added that during the restorative justice meeting, Turner listened to his victim, apologised for his actions and agreed to undertake unpaid community work involving cleaning graffiti off a local Lesbian and Gay Community Centre as a way of paying something back to the community.
Figure 5.

Study 2. Means of the main effect of sentencing arrangement (RJ vs. Prison sentence)

***p < .001, †p = .054
Figure 6.  
*Study 2. Significant standardized paths in tested model*

Prison (1) vs. RJ (2) → Effect on victim → Anger
Non-hate (1) vs. Hate (2) → Effect on attacker → Sadness, Satisfaction

\[ \chi^2(6) = 11.06, p = .09, \text{CFI} = .99, \text{TLI} = .96, \text{SRMR} = .03 \]

***\( p < .001 \), **\( p < .01 \), *\( p < .05 \)
A search of all written and oral evidence submitted to the Committee found no reference to the use of RJ for hate crime as being controversial.

Crime Survey for England and Wales data estimates 184,000 hate crimes were committed each year between 2015/16-2017/18 (Home Office 2018).

Note that 25% of ‘non-convictions’ are due to ‘complainant reasons’, including witness retraction and non-attendance in court (CPS 2019).

The ‘justice gap’ for hate crime represents the number of cases that are estimated to be reported to the police but which do not result in conviction and application of hate crime legislation.

Note there are numerous issues that can affect the justice gap which may or may not be reducible by utilising alternative justice measures, including: the quality of evidence available to officers; retraction of witness statements; recording practices and investigation procedures; financial and logistical pressures within statutory agencies; cultural factors affecting jury decision making, etcetera.

Note that six of these cases only stopped after the facilitator included other local agencies within the restorative process.

Note that research also suggests that Black people are less likely to be punitive where individuals perceive the criminal justice system to be racially biased (Johnson 2006).

Research on attitudes towards hate crime laws amongst the general public have mostly shown support for enhanced sentencing for such crimes (Johnson and Byers 2003; Saucier et al. 2006; 2010; Cabledue et al. 2016). Those who have studied support for such laws have focused on moderating factors such as gender and race of victims (Saucier et al. 2006), age and level of education amongst respondents (Johnson and Byers 2003), and individual levels of prejudice (see, Rayburn et al. 2003; Saucier et al. 2010; Cabledue et al. 2016).

Though note that survey results showed that homophobic motivation was found to increase the percentage of those supporting custody (Hough et al. 2009: 45-46). Note also within the survey that 74% of respondents stated that crimes involving an attack where the victim is attacked for their religion or race either always (58%) or often (16%) increases the seriousness of the offence (Hough et al. 2009: 25).

Research in Australia suggests that hate crimes that go unpunished may result in increased levels of racism amongst the public (Sullivan et al. 2016).

‘Disgusted’ and ‘revolted’ were initially intended to be included in the Anger measure but on further reflection, disgust and revulsion are experienced as separate emotions from anger (Russell & Giner-Sorolla 2011) and so were omitted from this scale.

The length of imprisonment was determined to be a likely sentence based on information from the Sentencing Council’s guideline for assault (Sentencing Council 2011) and discussions with prosecutors and judges during a separate study (Walters et al. 2017b).

The uneven ns were a product of the random allocation to conditions and the subsequent exclusion of non-LGBT+ participants.

As in Study 1, ‘disgusted’ had initially been included in the Anger measure but was dropped before analysis because the literature suggests that it is distinct from anger.

Reporting is also impacted significantly by other factors such as general levels of trust and community perceptions of the police (see e.g. Paterson et al. 2018; Walfield et al. 2017), fears of being “outed” (Hardy and Chakraborti 2015) and previous experiences of hate crime (Paterson et al. 2018: 35).