

Police Service of Northern Ireland

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POLICY DIRECTIVE

POLICE RESPONSE TO HATE INCIDENTS

1. POLICY IDENTIFICATION

POLICY TITLE: Police Response to Hate Incidents

POLICY OWNERSHIP:

DEPARTMENT	Criminal Justice
BRANCH	Community Safety
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POLICY APPROVED BY:

CCF REF/OTHER	Chief Constables Forum - Ref: 72/05
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INDEX

Section	Subject	Page
1	Policy Identification Page	1
2	Policy Statement	3
2(2)	Identifying and Defining Hate Incidents	3
3	Introduction	4
3(2)	Aims and Objectives	5
3(3)	Legal Basis	5
4	Implications of the Policy	5
4(1)	Financial and Efficiency Implications	5
4(2)	Human Resources/Training	5
4(3)	Partnerships	5
4(4)	Risks	6
4(5)	Consultation	6
5	Human Rights/Equality/Integrity/Freedom of Information	7
6	Review	7
 Appendices		
Appendix 'A'	Defining Hate Incidents	8 -10

2. POLICY STATEMENTS

(1) (a) A Hate Incident is:

Any incident, which may or may not constitute a criminal offence, which is perceived by the victim or any other person, as being motivated by prejudice or hate (ACPO Definition).

(b) The Police Service of Northern Ireland will:

- (i) Work to combat all forms of hate incidents through prevention, protection and prosecution;
- (ii) Ensure that victims are supported and kept informed of the progress of their case;
- (iii) Work in partnership to tackle hate incidents;
- (iv) Empower police officers to effectively tackle hate incidents through training;
- (v) Proactively engage with relevant parties to increase confidence;
- (vi) Monitor the effectiveness of the Police Service response to hate incidents.
- (vii) Ensure that any discrimination and prejudice within the Police Service and by members of the Police Service is actively and firmly addressed.

(c) For data recording purposes the Police Service will record hate incidents where there is a **perception** on the part of the victim or any other person that the motivation for the prejudice or hate is based upon:

- (i) Race or ethnicity;
- (ii) Sexual orientation;
- (iii) Faith or religion (non-sectarian incidents);
- (iv) Faith/religion or political opinion (sectarian incidents);
- (v) Disability;
- (vi) Gender identity.

(d) **It must be clearly understood that to report a hate incident, evidence is not needed. Evidence is not the test. Perception on the part of anyone is all that is required. The perceived motivation will be recorded and investigated in addition to any (other) criminal offences, which are being investigated.**

(e) Not all hate incidents will include crimes. The recording, monitoring and support to victims outlined in this Policy will apply equally to hate incidents whether it constitutes a criminal offence or not.

(2) Identifying and Defining Hate Incidents

(a) The Police Service have adopted the definition for racially motivated incidents recommended by the Stephen Lawrence enquiry, namely:

'Any incident, which is perceived to be racist by the victim or any other person'

- (b) The Police Service will also use the principles of this definition to record the following hate incidents:
 - (i) Homophobic;
 - (ii) Faith/religion (non-sectarian);
 - (iii) Sectarian;
 - (iv) Disability;
 - (v) Transphobic.
- (c) Additional guidance on Defining Hate Incidents is available at Appendix 'A'.

3. INTRODUCTION

- (1) (a) Hate incidents can have a devastating effect on a victim and those who fear becoming victims. Incidents can take many forms - murder, assault, written or verbal abuse, damage or graffiti to property and harassment. Victims often experience repeated incidents with the consequences becoming more serious and more frequent the longer the incidents continue.
- (b) It is acknowledged that hate incidents are under reported to police for various reasons, including:
 - (i) Perception that the Police Service is institutionally racist;
 - (ii) Previous experience and/or a lack of confidence in the Police Service;
 - (iii) Perception that the police are not interested, that they cannot or will not take any action;
 - (iv) Language difficulties;
 - (v) Personal circumstances, family pressure, immigration status etc;
 - (vi) Fear of confidentiality and becoming exposed to further incidents.
- (c) Greater confidence, co-operation and increased reporting will be achieved if the Police Service deals effectively and professionally with hate incidents and continues to proactively build positive relationships with representatives and support organisations for minority and vulnerable groups.
- (d) Many statutory organisations, including the police, have been accused of being institutionally racist.
- (e) The Stephen Lawrence enquiry defined institutional racism as being:

'The collective failure of an organisation to provide an appropriate and professional service to people because of their colour, culture or ethnic origin. It can be seen or detected in processes, attitudes and behavior which amount to discrimination through unwitting prejudice, ignorance and thoughtlessness and racist stereotyping which disadvantage minority ethnic people'
- (f) The Police Service will therefore work to ensure that it identifies and addresses any existing or potential grounds for such accusations in respect of race, religion, disability, gender identity and homophobia.
- (g) **The Police Service must maintain a robust, proactive and effective response to tackling and preventing hate incidents, ensure that perpetrators are detected and prosecuted and work to secure the respect, trust and support of potential victims, groups and communities.**

(2) Aims and Objectives

The Police Service will:

- (a) Record, respond and investigate all reported hate incidents in a consistent, robust, proactive and effective manner;
- (b) Maintain specialist Hate Incident and Minorities Liaison Officers in every police district;
- (c) Ensure that every reported hate investigation is appropriately supervised;
- (d) Ensure that every victim of a hate incident is offered the assistance of a Police Service Hate Incident and Minorities Liaison Officer and provided with information relating to local statutory and voluntary support agencies;
- (e) Take reasonable/appropriate steps to identify and protect repeat victims;
- (f) Ensure that appropriate training is given on the application of this Policy.

(3) Legal Basis

- (a) Police officers have a statutory duty [Section 32 of the Police (NI) Act 2000] to:
 - (i) protect life and property;
 - (ii) preserve order;
 - (iii) prevent the commission of offences; and
 - (iv) where an offence has been committed, take measures to bring the offender to justice.
- (b) When carrying out these duties police officers shall protect human dignity and uphold the human rights of all persons as enshrined in the European Convention on Human Rights and International Human Rights Law.

4. IMPLICATIONS OF THE POLICY

The following implications were considered:

(1) Financial and Efficiency Implications

By fully implementing this Policy the Police Service will ensure that it deals with every reported hate incident appropriately, effectively and consistently.

(2) Human Resources/Training

- (a) All relevant police officers and police staff who will be involved in the delivery of this Policy must be trained to ensure that this Policy is clearly understood and consistently applied.
- (b) District Commanders must ensure that this Policy is included in the DCU District Training programme.

(3) Partnerships

The Police Service must continue to proactively establish new, and build on the existing, partnerships within groups and organisations who engage with minority and vulnerable groups, victims of hate incidents and those who work to support them, and with statutory agencies, including Community Safety and District Policing Partnerships, who in partnership can work to prevent hate incidents and support victims.

(4) Risks

- (a) This Policy must be consistently applied across every police district to ensure that every reported incident is investigated to the same standard and that every victim receives the same level of assistance and support.
- (b) By not fully implementing this Policy the Police Service of Northern Ireland will be failing in its duties and responsibilities under Section 32 of the Police (NI) Act, the Human Rights Act 1998 and Section 75 Northern Ireland Act 1998.

(5) Consultation

- (a) The following police officers/departments were consulted:

- (i) Crime Operations Department;
- (ii) District Commanders;
- (iii) Disabled Police Officers Association;
- (iv) Ethnic Minority Police Association;
- (v) Gay Police Association;
- (vi) Human Rights Legal Adviser;
- (vii) Training, Education and Development Branch.

- (b) The following voluntary and statutory agencies were also consulted:

- (i) Ballymena Community Forum;
- (ii) Belfast Islamic Centre;
- (iii) Belfast Jewish Community;
- (iv) British Irish Rights Watch;
- (v) Business in the Community;
- (vi) Chinese Welfare Association;
- (vii) Coalition on Sexual Orientation;
- (viii) Committee on the Administration of Justice;
- (ix) Community Relations Council;
- (x) Equality Commission;
- (xi) NIO, Community Safety Unit;
- (xii) Northern Ireland Council for Ethnic Minorities;
- (xiii) Northern Ireland Policing Board;
- (xiv) Mediation Northern Ireland;

- (xv) Police Service Multi Cultural Independent Advisory Group;
- (xvi) Police Service Disability Independent Advisory Group;
- (xvii) Race Equality Unit, OFMDFM;
- (xviii) Victim Support;
- (xix) Wah Hep Chinese Association.

5. HUMAN RIGHTS/EQUALITY/INTEGRITY/FREEDOM OF INFORMATION

- (1) Police officers must be aware that when dealing with hate incidents the following Human Rights are potentially engaged:
 - (a) Right to life (Article 2 ECHR);
 - (b) Prohibition on inhuman and degrading treatment (Article 3 ECHR);
 - (c) Right to respect for family and private life (Article 8 ECHR);
 - (d) Right to freedom of thought, conscience and religion (Article 9 ECHR);
 - (e) Prohibition of discrimination (Article 14 ECHR);
 - (f) Freedom of expression (Article 10 ECHR).
- (2) There is a duty on police to respond diligently and effectively to all hate crimes and incidents. Police actions that engage human rights should be lawful, necessary and proportionate to the legitimate aims of preventing crime or protecting the rights and freedoms of others.
- (3) This Policy is deemed to be Human Rights compliant; it has been screened for Section 75 considerations and meets integrity standards.
- (4) Sections 1 - 6 of this Policy will be publicly available on the Police Service website.

6. REVIEW

- (1) This Policy will be reviewed annually. The first review will take place on or before 21 March 2007.
- (2) The review will be undertaken by Community Safety Branch, Headquarters. In carrying out this review Community Safety Branch will proactively seek the views of key partners and relevant service providers.
- (3) Any feedback should be forwarded to the Head of Community Safety Branch, 42 Montgomery Road, Belfast, BT6 9LD or by email to community.safety@psni.pnn.police.uk.

DEFINING HATE INCIDENTS

It must be clearly understood that to report or record an incident as a hate incident evidence is not needed. Evidence is not the test. Perception on the part of anyone is all that is required. The perceived motivation will be recorded and investigated in addition to any (other) criminal offences, which are being investigated.

See also ACPO Hate Manual – Section 2.

1. RACIST INCIDENTS

- (1) The Police Service commenced recording racist incidents in 1997.
- (2) A racist incident is defined as:

‘Any incident which is **perceived** to be racial by the victim or any other person’.
- (3) A racial group can be defined as:

‘A group of persons defined by reference to race, colour, nationality or ethnic or national origins and references to a person’s racial group refer to any racial group into which he/she falls’.
- (4) Racial group includes the Irish Traveller community and does not include a group of persons defined by reference to religious belief or political opinion [Race Relations (NI) Order 1997].
- (5) Racist incidents can happen anywhere, for example, in public houses or clubs, takeaways or restaurants, public transport, sporting events, shopping trips or they can be part of a sustained campaign of continuous harassment and victimisation by neighbours, customers, extremist groups and even family members.
- (6) Crimes can sometimes be a combination of these things – harassment by neighbours, name calling directed at children, attacks by organised gangs on an individual, home or business.
- (7) The impact on victims is different for each individual, but many experience similar problems. Victims can feel extremely isolated and fearful of going out or even staying at home.
- (8) The impact of one or two incidents on a particular group or individual can cause confusion and fear of further incidents within the wider minority ethnic community causing them to feel victimised and vulnerable to further attack.

2. HOMOPHOBIC INCIDENTS (SEXUAL ORIENTATION)

- (1) Homophobic incident recording commenced on 1 July 2000.
- (2) A Homophobic incident is defined as:

‘Any incident which is perceived to be homophobic by the victim or any other person’.
- (3) Homophobia can be defined as:

‘A fear or dislike directed towards lesbian, gay or bisexual people, or a fear or dislike directed towards their perceived lifestyle, culture or characteristics’.
- (4) Sexual orientation can be defined as an individual's preference for a particular sex (be it the opposite or the same), or an individual's view of his/her own sexuality.

- (5) Homophobic incidents are rarely reported to police and even fewer, result in prosecution. Victims or witnesses may believe that they will become the subject of a police investigation themselves or that they will be treated disrespectfully because of their sexual orientation.
- (6) Collectively people who are lesbian, gay, bisexual may be referred to as members of the LGB community.

ACPO Hate Manual – Section 15.9 (LGBT Issues) refers .

3. TRANSPHOBIC INCIDENTS

- (1) A Transphobic Incident is defined as:

‘Any incident which is perceived to be transphobic by the victim or any other person’.
- (2) Gender should not be confused with sexual orientation. A transsexual is a person who has a ‘gender dysphoria’ or dissatisfaction with his or her birth gender.
- (3) Transsexuals may be lesbian, gay, bisexual or heterosexual and may or may not consider an incident perpetrated against them to be homophobic.

ACPO Hate Manual – Section 15.10 (Transgender Issues) .

4. FAITH/RELIGIOUS INCIDENTS

- (1) A Faith/Religious incident is defined as:

‘Any incident which is perceived to be based upon prejudice towards or hatred of the faith of the victim or so perceived by the victim or any other person’.
- (2) A faith or religious group can be defined as:

‘A group of persons defined by reference to religious belief or lack of religious belief. This would include Christians, Muslims, Hindus, Jews, Sikhs and different sects within a religion. It also includes people who hold no religious belief at all’.
- (3) The Police Service will not record incidents which are perceived to be sectarian under this category.
- (4) There has been a considerable increase in incidents against perceived Muslims, both locally and globally, since the 11th September 2001 attacks on the World Trade Centre in New York and the July terrorist attacks in London.

ACPO Hate Manual – Section 15.6 refers.

5. SECTARIAN INCIDENTS

- (1) A sectarian incident is defined as:

‘Any incident which is perceived to be sectarian by the victim or any other person’.
- (2) The term ‘sectarian’, whilst not clearly defined, is a term almost exclusively used in Northern Ireland to describe incidents of bigoted dislike or hatred of members of a different religious or political group.
- (3) It is broadly accepted that within the Northern Ireland context an individual or group must be perceived to be:
 - (a) Catholic or Protestant;
 - (b) Nationalist or Unionist;

(c) Loyalist or Republican.

- (4) Whilst sectarian incidents manifest themselves in the same way that racial, homophobic and other hate incidents occur, the number of incidents and the impact is more evident in Northern Ireland. Sectarian incidents often involve loss of life, serious injury and extensive damage to property.

6. DISABILITY (OR DISABLIST)

- (1) A Disability related incident is defined as:

‘Any incident which is perceived to be based upon prejudice towards or hatred of the victim because of their disability or so perceived by the victim or any other person’.

- (2) Disability can be defined as:

‘Any physical or mental impairment which has substantial and long-term adverse effect on a person’s ability to carry out normal day to day activities’.

- (3) There is no reliable information or data available on the extent of hate incidents perpetrated against individuals with physical or mental impairment in Northern Ireland.

- (4) Local information, however, suggests that:

(a) 1 person in 5 is disabled and 1 family in 4 is effected by disability;

(b) 75% of older people have some form of disability, though many would not consider themselves to be so; and

(c) As many as 30,000 people have been injured and rendered disabled as a direct result of the ‘Troubles’.

ACPO Hate Manual – Section 15.8 refers .