

Police Service of Northern Ireland

HQ Ref: CSB

PD 02/06

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

POLICY APPROVED BY:

CCF REF/OTHER	Chief Constables Forum - Ref: 72/05
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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 Association of Chief Police Officers (ACPO Definition). NB This includes incidents, which the police have no statutory power to deal with (other agencies may have eg Equality Commission). Examples of any other person may include the victim's neighbour, a family member, an elected representative or, the police officer receiving the initial report.

A Hate Crime is

Any hate incident, which constitutes a criminal offence, perceived by the victim or any other person as being motivated by prejudice or hate. A Hate Crime requires a full and comprehensive investigation with a view to maintaining the confidence of the victim and detecting and prosecuting the offender.

When an incident or crime has been reported to police by the victim or any other person that they perceive as being motivated by prejudice or hate, it will always be recorded and investigated as a hate incident or crime in accordance with this Policy.

Police officers cannot decide whether or not to record or investigate a hate incident or crime because there appears to be no evidence to support a perception. Police Officers will accept the perception-based view of the victim or any other person. This sends out a strong message that police will treat victims of hate crime seriously and will conduct thorough and objective investigations.

(b) The Police Service of Northern Ireland (PSNI) 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. 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. Evidence is not the test, the perception test relates to anyone including a police officer.**
- (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) Additionally 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’.
- (d) Additional information in relation to gathering evidence to support a conviction under the Criminal Justice (No 2) NI Order 2004 can be found at Appendix ‘C’.

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 - assault, written or verbal abuse, damage or graffiti to property and harassment are the most common type of incidents that victims suffer. Victims can on occasions become repeat victims and this adds to the obvious anxiety and fear of victims and can raise fear amongst the whole community from which the victim is from. It is recognised that low level hate incidents can lead to more serious type of incidents occurring and is vital that Hate Incidents are reported.
- (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 and reassurance measures have been taken to address this perception that may exist. All police officers have received diversity training and are bound by a Code of Ethics.
- (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. This will contribute to improving the confidence of victims and will encourage others to report incidents.**

(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 Minority Liaison Officers (HIMLOs) 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 HIMLO and provided with information relating to local statutory and voluntary support agencies;
- (e) Take reasonable/appropriate steps to identify and protect repeat victims;
- (f) Work in partnership with other statutory and non-statutory partner agencies to address areas of hate incidents prevention, reporting and response.
- (g) 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 (ECHR) 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 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 (DPPs), who in partnership can work to prevent hate incidents, raise awareness 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 PSNI 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 (IAG);
- (xvi) Police Service Disability Independent Advisory Group (IAG);
- (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.
- (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) Feedback on this Policy is welcomed and 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.