

Hate Crime Policy Consultation Report - February 2013

Organisation	Consultation Comments	PBNI Response
Frances Donaghy	<p>I think the document is clear, reads well and clearly sets out the actions necessary for its implementation.</p> <p>I have one suggestion to make; page 5 should also mention transphobic hate crime.</p> <p>This is my own consideration of the policy rather than an official YJA response</p>	<p>Thank you for your comments, please see the comments below from NIACRO ref transphobic hate crime</p>
NIACRO	<p>The most up to date categorisation of hate crime is that used by the PSNI. These are; sectarian, race, homophobic, faith, disability and transgender. Transgender has no legal status in Northern Ireland with regard to hate crime – it is usually described as part of sexual orientation. When people report an incident of a sectarian nature as Catholic/Protestant this is usually located as sectarian as opposed to faith.</p> <p>Although not directly part of this consultation NIACRO would support the principle underpinning McPherson that people should be permitted and encouraged to report hate crime as they see it in the first instance. It is of course up to the Criminal Justice System to determine whether or not an actual crime has been committed and, currently, if the crime has been motivated by hate.</p> <p>The Challenge Hate Crime project makes the point in its various recommendations that there is confusion and misinformation across the criminal justice sector in particular, and other sectors referred to earlier in general. Quite clearly if we are to successfully address the impact of hate crime we need to be focussed on its origins and manifestations. We can then develop a skill set that can address and implement practice.</p> <p>Whilst the policy aims and principles are to be welcomed, much work will be required in order to achieve the policy aims and embed the principles.</p>	<p>Comments are noted – PSNI’s Hate Crime Policy has been reviewed as part of this policy development.</p> <p>Noted and agreed</p> <p>Noted and agreed</p> <p>Agreed – An implementation plan will be agreed to include policy training, general hate crime awareness training and the development of specific interventions.</p>

	<p>Currently, alleged perpetrators of hate crime and their legal representatives are reluctant to admit that their offences were motivated by hatred or hostility because of the consequent enhanced sentencing. Should PBNI “document any hate related issues in PSRs” referenced under “Responsibilities” on Page 6, this may be subject to legal challenge and a level of proof will have to be provided. It is for this reason that NIACRO is arguing for a review of current legislation.</p> <p>With regard to training, from the perspective of the Challenge Hate Crime experience, NIACRO recommends that training needs to be specialised and not generic, given the complexity and factors referred to above.</p> <p>NIACRO would welcome further discussion with regard to the recommendations referenced explicitly and implicitly within the consultation.</p>	<p>PBNI agree offenders are reluctant to disclose hate related motivation due to enhanced sentencing tariffs.</p> <p>PBNI agree, however we seek to raise the organisations overall awareness of hate crime and this new policy before moving toward specific specialist training.</p> <p>PBNI welcome the opportunity to discuss the recommendations contained within this policy.</p>
<p>Public Prosecution Service</p>	<p>Thank you for sharing the PBNI draft Hate Crime Policy with PPS for consultation.</p> <p>We welcome the approach taken in the policy, which adopts the definitions as set out in the PPS Hate Crime Policy, and reflects the consistency in approach now taken across the criminal justice system in relation to Hate Crime.</p> <p>As requested, we make a few minor points for consideration and refinement of the policy, and trust these are of assistance:</p> <ol style="list-style-type: none"> 1. At page 2, we suggest changing the terminology of ' ethnic-minority language' to 'another language'. 2. At page 4, Para 2 under the heading 'Definitions', The second sentence begins: ' A Hate Crime is defined within the Criminal Justice (No.2) (NI) Order 2004 as" <p>We would suggest that it is more appropriate to state: "While there is no statutory definition of Hate Crime, the Criminal Justice (No.2) (NI) Order 2004 defines 'offences aggravated by hostility'. These are a subset of hate crimes where there is sufficient evidence available to</p>	<p>Noted</p> <p>Agreed and changed</p> <p>Agreed – Policy has been updated with this wording.</p>

	<p>the court to prove the hostility element beyond reasonable doubt.</p> <p>As stated above, whilst there is no statutory definition of Hate Crime, the criminal justice agencies adopt the Lawrence definition of Hate Crime, which is perception based, This is 'an offence which is perceived by the victim or any other person to be motivated by hate or prejudice towards a person's race, religion, sexual orientation or disability'.</p> <p>We think it is important to make the clear distinction between the Lawrence definition of hate crime which is perception based (ie there may not be evidence available, but it is still a hate crime); and the definitions of 'offences aggravated by hostility' provided by the 2004 Order. It is this lack of clarity between the definitions that causes misinterpretation of the available statistics.</p> <p>3. At page 7, Para 6, heading 'Responsibilities', we consider it would be helpful to state how the report writer will identify any violence assessed as being motivated by hate or prejudice, as it is unlikely an offender will identify this. Also it may not necessarily be 'violence', as words spoken or written, such as graffiti would be sufficient to bring an offence within the definitions. It would be helpful if this was clarified so that relevant offences are not missed.</p>	<p>Noted and agreed</p> <p>Noted – The procedural elements around presenting this information before the court will be addressed in training and guidance given to probation staff.</p>
Lord Chief Justices Office	We have read it with interest but have no comment to make other than to indicate our support of the work you are doing in this area. Good luck with your consultation.	Comments are noted with thanks