



Hate Crime Policy

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Alternative Formats

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Document Control Sheet

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0.5	July 2012	Feedback from meeting with Equality Manager, Community Service Area Manager and Policy Officer and meetings.
0.6	August 2012	Discussion at Operations meeting
0.7	August 2012	7 th Draft
0.8	November	Changes to action plan

Introduction

The Probation Board for Northern Ireland recognises that hate crime and behaviours motivated by prejudice can have a devastating effect on victims and those who fear becoming victims.

PBNI seek to make a significant contribution to delivering equality and good relations in Northern Ireland and are committed to the Department of Justice Community Safety Strategy aim of building safer, shared and confident communities.

The policy seeks to raise awareness of issues and sets out PBNI's approach in relation to offending motivated by hate.

1. Policy Statement

PBNI will engage purposefully with offenders in relation to offences routed in prejudice and hate, always prioritising public protection and victims' interests. PBNI is committed to dealing effectively with Hate Crime through the provision of skilled analysis in pre-sentence assessment and evidence based effective interventions in supervision. PBNI is committed to challenging and changing offenders' behaviour and to reducing the number of victims. PBNI value diversity and difference and treat people with respect.

2. Definitions

For the purposes of this policy PBNI will be guided by the following definitions: A Hate Crime is defined within the Criminal Justice (No. 2) (N.I.) Order 2004 as 'offences aggravated by hostility'. These are offences prosecuted at court where there is sufficient evidence before the court that the offence was aggravated by hostility either at the time of the offence or immediately before or after its commission, where the offender demonstrates hostility to the victim based on the victims membership of a racial, religious or sexual orientation group or disability. Such offences attract a higher penalty.

The Public Order (N.I.) Order 1987 also criminalises stirring up hatred. Currently the PPS and other Criminal Justice Agencies use the following definition of hate crime 'Any incident which constitutes a criminal offence perceived by the victim, or any other person, to be motivated by prejudice or hate towards a person's race, religion, sexual orientation or disability'.

This promotes the perception based approach – as set out in the Macpherson report (1999) and is known as the 'Lawrence' or 'Macpherson' definition. This means that if an offence is perceived by the any other person to be motivated by hate or prejudice towards a person's race, religion, sexual orientation or disability then it is a hate crime.

For the purpose of this definition the following approach is adopted to the different terms used.

Race

A racist hate crime is any crime which is perceived to be racist by the victim or any other person, that is, perceived to be based upon prejudice towards or hatred of the race or the victim, or so perceived by the victim, or any other person. A racial group includes a group of persons defined by reference to race, colour, nationality or their ethnic or national origin. Whilst including the many national origins now represented in Northern Ireland, the term also includes national origins in common usage in the United Kingdom namely, Irish, English, Scottish and Welsh. References to a person's racial group refer to any racial group into which he or she falls. Racial group includes the Irish Traveller community, and the Roma Traveller Community.

Religion

A faith/religious hate crime is defined as any crime 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.

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 includes Christians, Muslims, Hindus, Sikhs and different sects within a religion. It also includes people who hold no religious belief at all.

This category includes "sectarian" hate crime, that is a crime which is perceived to be sectarian by the victim or any other person. The term sectarian is almost exclusively used in Northern Ireland to describe incidents of bigoted dislike or hatred of members of different religious or political groups. It is broadly accepted that within the Northern Ireland context an individual or group is often perceived to be Catholic or Protestant, Nationalist or Unionist, or Loyalist or Republican.

Sexual Orientation

A homophobic hate crime is defined as any crime which is perceived to be homophobic by the victim or any other person. Homophobia can be defined as prejudice towards, or hatred of lesbian, gay, or bisexual people, or a fear of their lifestyle, culture or characteristics.

Disability

A disability related hate crime is any crime 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. Disability is defined by Article 2(5) of the Criminal Justice (No.2) Order 2004 as any physical or mental impairment. This differs from the definition in the Disability Discrimination Act 1995.

PBNI recognise that only a small number of offenders are convicted of 'offences aggravated by hostility'. However it is likely that the motivation for involvement in other offences is linked to prejudicial attitudes and bias.

3. Policy Aims

- PBNI will use the knowledge, understanding and skill base of the organisation to assess and challenge attitudes and behaviours rooted in prejudice.
- PBNI will challenge attitude or behaviours which do not support good relations.
- PBNI will challenge those whose offending may be aggravated by bias or prejudice.

4. Principles

- PBNI supports a vision for Northern Ireland in which equality, human rights, mutual trust and respect are core values and everyone can realise their full potential and live free from fear and prejudice.
- PBNI will continue to establish new and build on existing partnerships to develop awareness of those minority or vulnerable groups who may suffer as victims of hate crime in order to support them, prevent hate incidents and raise awareness.
- PBNI believes that everyone should be treated fairly regardless of race, ethnic origin, age, gender, religious beliefs, sexual orientation, disability, dependence, marital status or political opinion. PBNI will embrace diversity and will provide a safe and supportive environment for staff, victims and offenders from all backgrounds.
- PBNI believes that people have the capacity to change for the better; some people need help to do so.
- PBNI holds offenders responsible for their actions and, where possible, they should make good the harm they have done.
- PBNI are committed to the Department of Justice Community Safety Strategy to build safer shared and confident communities.

5. Strategic Action Plan

This policy is supported by a Strategic Action Plan, presented in Annex 1.

6. Responsibilities

When completing a report for the court the report writer will be expected to identify specifically any violence which is assessed as being motivated by hate or prejudice. As a result, although a case may not be prosecuted as a hate crime, PBNI staff will be required to document any hate related issues in PSRs, even though it may not be the charge before the court.(Best Practice Framework incorporating NI standards)

Where an offender has been convicted of an offence motivated or perceived to be motivated by bias or prejudice, PBNI staff should ensure that interventions are completed on the unacceptability of these attitudes/behaviours and promote alternative positive models of thinking and behaviour.

PBNI's Victim Information Scheme will apply a partnership approach to ensure that victims benefit from a range of support organisations.

PBNI have convened an internal Good Relations group, this includes supporting, monitoring and evaluating this policy.

7. Training

- Existing operational staff will be trained in the revised policy.
- Hate Crime will be included in induction training for all staff.
- On-going training and support will be available at team level through staff supervision arrangements

8. Linkages

This policy is linked to:

PBNI Best Practice Framework (Offending Behaviour Analysis, 3c3.12)

Bullying and Harassment Policy

Victims Policy

Risk of Serious Harm Policy

PBNI Equality Scheme

PPANI manual

9. Monitoring and Evaluation

The operation of the policy will be monitored through staff supervision and may be subject to inspection. Evaluation of the operation of the policy may

be carried out on behalf of the Good Relations Group and/or Assistant Director.

10. Review

This Policy will be reviewed 3 years from date of approval.

Interim reviews may also be prompted by feedback, challenge or identified best practice.

11. Queries, Contacts and Advice

For internal queries these should in the first instance be directed to the Line Manager. External queries should be directed to the Policy Officer, who will refer them to the most appropriate member of staff for resolution.

Feedback relating to this Policy should be addressed to the Policy Officer in the first instance.

12. Complaints

External complaints will be dealt with in accordance with the Board's Complaints Policy, Guidance and Procedures.

Internal complaints may be raised through normal management or supervision arrangements or under the Board's Grievance Policy and Procedures.

13. Breach of Policy Provision

Breach of the Board's Policy and Procedures by employees may merit consideration under the Board's Disciplinary Policy.

PBNI Hate Crime Strategic Action Plan			
Strategic Statement	Actions	Lead Responsibility	Timescale
PBNI will commence training to relevant staff raising awareness of hate crime and to better enable them to challenge inappropriate language and behaviours.	<i>Training programme to be set in place</i>	AD Belfast	March 2013
PBNI will develop specific interventions to challenge offending behaviour motivated by bias or prejudice.	A Hate Crime programme to be developed or alternative suitable specific intervention for offenders convicted of Hate Crimes	Head of Psychology	March 2014
PBNI will work in partnership with others to deliver specific evidence based and appropriate interventions.	PBNI to develop partnership approach to delivering specific interventions to offenders involved in interface violence.	AD Belfast	<i>Sept 2013</i>
PBNI will support initiatives which encourage good relations	<i>Further initiatives to be identified to encourage good relations.</i>	DD Equality Manager	Ongoing

PBNI's commitment to challenging hate crime will be reflected in the 2013-14 Business Plan.	<i>To be considered in discussions on 2013/14 Business plan.</i>	Head of Business Planning	March 2013
PBNI will identify and maintain a database of offenders convicted of hate crime offences.	<i>AD Urban to meet with S&R to agree methodology</i>	Head of Business Planning	April 2013
PBNI are committed to using research and evidence-based effective practice to inform our work in this area	<i>New policies, procedures or interventions are underpinned by up to date research and evidence</i>	AD Belfast	On-going