

SUMMARY

THEMATIC REVIEW OF
**POLICING
RACE HATE
CRIME**



HUMAN RIGHTS THEMATIC REVIEW: POLICING RACE HATE CRIME

In recognising that discrimination and abuse based on race is an issue of grave concern within Northern Ireland, the Northern Ireland Policing Board (the Board) through its Performance Committee (the Committee) undertook a human rights thematic review to examine the policing of race hate crime by the Police Service of Northern Ireland (PSNI).

PSNI defines ‘race hate crime’ according to the definition recommended by the Stephen Lawrence enquiry, namely “any incident which is perceived to be racist by the victim or any other person.” A racial group is defined as being a group of persons defined by reference to race, colour, nationality or ethnic or national origin and references to a person’s racial group refer to any racial group into which he or she falls. Racial group includes Irish Travellers.

The terms of reference for the thematic review required a consideration of the PSNI approach to policing with and for members of the community identified as being within a minority racial group and in particular its compliance with the Human Rights Act 1998¹ in, but not limited to:

- Identifying, recording and encouraging the reporting of race hate crimes;
- Supporting victims of race hate crime;
- Investigating race hate crimes and arresting and prosecuting the perpetrators;
- Effectiveness of the police use of powers to bring offenders before the court;

- Strategies to combat race hate crime;
- Supporting police officers and staff from minority ethnic communities; and
- Engaging with external partners and stakeholders.

Throughout the thematic review process the Committee, through its Human Rights Advisor Alyson Kilpatrick BL, engaged with relevant PSNI personnel and a wide range of stakeholders. The work culminated in a thematic report which outlines the key findings of the review and makes 14 recommendations for PSNI.

The Committee recognises that tackling racism is a wider societal issue that cannot be addressed by the PSNI alone, but police officers clearly have a critical role where racism manifests, or has the potential to manifest, in the form of hate incidents and hate crimes. Through the thematic review the Committee examined aspects of the police response to racist hate incidents and crimes, including prevention, detection, victim support and community engagement. While recommendations are made where it is believed improvement is required, the review also highlights the very good work that is taking place across the Police Service. This report is intended to support the police as they continue their efforts to tackle racist hate crime and to secure safer communities for the whole of Northern Ireland. During 2017/18 the Committee will seek a plan of action from PSNI and will monitor progress as to the implementation of the 14 recommendations.

This summary provides a high level overview of some of the issues identified in the thematic report and the recommendations made. The full report is available through the publications section of the Board’s website: www.nipolicingboard.org.uk

¹ The Human Rights Act 1998 requires the PSNI to uphold and protect the fundamental rights and freedoms of individuals that are enshrined in the European Convention on Human Rights and Fundamental Freedoms (ECHR). The Policing Board is required by the Police (Northern Ireland) Act 2000 to monitor the performance of the PSNI in complying with the Human Rights Act 1998.

BACKGROUND

Northern Ireland has become an increasingly diverse society comprising individuals from different racial, religious, political, socio-economic and familial backgrounds. Such diversity has enriched our society, economically and culturally. However according to the 2015 Northern Ireland Life and Times Survey, 18% of people surveyed would not willingly accept a person from a minority ethnic background as a resident living and working in Northern Ireland; 21% would not willingly accept them as a resident in the local area; 34% would not willingly accept them as a colleague at work; 47% would not willingly accept them as a close friend; and 53% would not willingly accept them as a relative by marrying a close family member. A similarly high proportion of people held negative views in respect of those from Eastern Europe.²

Crimes motivated by hostility or prejudice towards a person's core human identity can cause extreme hurt and distress beyond the hurt experienced from comparable crimes which are not motivated by such hostility or prejudice. Furthermore, hate crimes are 'signal crimes' or 'message crimes' that signal that the community of which the victim is a member is different and not accepted. Where hate crime occurs, there usually follows a sense of vulnerability and fear which resonates throughout the entire community. While the results of the Life and Times Survey do not mean that people holding such views are necessarily going to discriminate directly against certain racial groups or commit race hate crime, they are indicative of the social environment within which such crime flourishes.

LEGAL FRAMEWORK

International human rights standards require the state to refrain from violating individuals' rights but also require the state to take positive action to ensure that the rights of individuals are not violated by others. Notably the International Convention on the Elimination of All Forms of Racial Discrimination (CERD) imposes specific duties on Member States (including the United Kingdom) to bring an end to racial discrimination by all appropriate means, including by legislating to prohibit racist acts of violence and incitement to violence based on racism and ensuring that state agencies investigate and prosecute such acts.

The European Convention on Human Rights (ECHR) protects human rights and fundamental freedoms in Europe. Amongst the rights enshrined in the ECHR is the right to life (Article 2), the prohibition of torture, inhuman or degrading treatment (Article 3), the right to respect for private and family life (Article 8), freedom of thought, conscience and religion (Article 9) and the prohibition of discrimination in the enjoyment of ECHR rights (Article 14). The European Court of Human Rights has interpreted such rights as imposing a wide range of obligations on Member States in relation to hate crime. For example, the criminal justice system must be able to identify and punish racist motivated crime appropriately, investigations must be prompt and effective, all reasonable steps must be taken to unmask any racist motive and state agencies investigating crime must be impartial in their assessment of the evidence.

² Northern Ireland Life and Times Survey 2015: Attitudes to Minority Ethnic People, ARK, December 2015.

The Human Rights Act 1998 requires all public authorities in the United Kingdom to act compatibly with ECHR rights. This means that the PSNI, as a public authority, must ensure that all of its policies, practices and procedures are compatible. Police officers are duty bound, by section 32 of the Police (Northern Ireland) Act 2000, to protect life and property; to preserve order; to prevent the commission of offences; and, where an offence has been committed, to take measures to bring an offender to justice. When discharging these duties police must do so in a manner that protects, respects and upholds the human rights of all members of the public.

The Race Relations (Northern Ireland) Order 1997 makes it unlawful to discriminate on racial grounds in relation to employment, education or in the provision of goods, facilities or services to the public. Furthermore section 75 of the Northern Ireland Act 1998 imposes positive duties upon public authorities, including the PSNI, to promote equality of opportunity between persons of different religious belief, political opinion, racial group, age, marital status, sexual orientation, sex, between persons with a disability and persons without and between persons with dependants and persons without. It also requires that public authorities have regard to the desirability of promoting good relations between persons of different religious belief, political opinion, and racial group.

As regards the criminal law, there is no specific offence or statutory definition of “hate crime” or “racism” in Northern Ireland. The crime element of hate incidents often derives from the fact that there has been, for example, criminal damage contrary to the Criminal Damage (Northern Ireland) Order 1977, an assault contrary to the Offences Against

the Person Act 1861, harassment contrary to the Protection from Harassment (Northern Ireland) Order 1997 or offensive letters, emails, social media posts etc. contrary to the Malicious Communications (Northern Ireland) Order 1988. A range of offences exist within the Public Order (Northern Ireland) Order 1987 relating to acts intended to or likely to stir up hatred or arouse fear in respect of a group of persons defined by reference to their colour, race, nationality (including citizenship) or ethnic or national origins.

While no specific offence of “hate crime” or “racism” exists, the Criminal Justice (No.2) (Northern Ireland) Order 2004 enables a sentence to be increased where it is proven that the base offence for which a person has been convicted was motivated by racial hostility or where the offender demonstrated racial hostility either at the time of committing the offence or immediately before or after it.

There is a distinction between the information required to record race hate crime (known as the perception test) and the evidence required to prosecute under the 2004 Order. Where the victim or any other person perceives a crime to be motivated on grounds of race, it will be recorded and investigated as a racist hate crime by the PSNI. However the Public Prosecution Service (PPS) must prove beyond all reasonable doubt firstly that the defendant has committed the base offence, and secondly that the offence was motivated by racial hostility or that the offender demonstrated racial hostility. Therefore while police officers must accept and record the victim’s perception of the incident, they must also gather robust evidence to enable the hate element of the offence to be pursued by the PPS.

STATISTICS

PSNI records and publishes statistics on all reported hate incidents³ and hate crimes⁴ where there is a perception on the part of the victim or any other person that the motivation for the prejudice or hate towards the injured party is based upon race or ethnicity. The statistics reveal that a race hate incident is reported to PSNI on average every seven hours, with 1,221 incidents reported in 2015/16, within which there were 853 crimes recorded by PSNI.⁵

These figures do not reveal the full extent of racist hate incidents and crimes occurring in Northern Ireland as not all victims will report. Under-reporting, which is attributed to a variety of reasons, is a real issue which must be addressed. One thing that will undoubtedly encourage more victims to report is the successful prosecution of perpetrators. The outcome rate⁶ for racist hate crime in 2015/16 was 19%. When broken down according to crime type, it can be seen that the outcome rate for racist violence against the person offences in 2015/16 was 28% which is considerably higher than the outcome rate for racist theft and criminal damage offences which was only 6%. The thematic review reiterates that the police must focus on improving the outcome rate for racist hate crime and highlights the impact

of crimes involving theft and criminal damage; the intimidation such crimes may inflict must not be under-estimated.

The Public Prosecution Service (PPS) compiles and publishes annually a hate crime statistical bulletin. The number of files passed to PPS by PSNI involving race hate crime is considerably lower than the number of hate crimes recorded by the police each year. The number of hate crime cases received which are then prosecuted or for which there is a diversionary outcome is lower again. In 2015/16 there were 3 defendants convicted in the Crown Court and 104 defendants convicted in the Magistrates' and Youth courts for at least one offence deemed to have been 'aggravated by hostility' on the grounds of race.⁷

The statistics required to track individual cases from first report to final outcome, including to conviction or acquittal, are not recorded and kept centrally unlike in England and Wales. The Committee understands that the PSNI are not custodians of all of the requisite information and that the PSNI, PPS and Court Service need to work together to produce such information but wishes to encourage greater joint working to enable a proper assessment to be undertaken.

3 A hate incident is defined by PSNI as being, "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."

4 A hate crime is defined by PSNI as being, "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."

5 *Incidents and Crimes with a Hate Motivation Recorded by the Police in Northern Ireland: Quarterly Update to 31 March 2016*, PSNI, May 2016.

6 An outcome can be counted where a crime has been 'cleared up' by the police on the grounds that there has been a charge/summons, a caution (adult and juvenile), a discretionary disposal or a penalty notice for disorder issued; or where no action was taken against the offender but on grounds such as the offender died before proceedings, the PPS directed no prosecution or the offender was below the age of criminal responsibility.

7 *Statistical Bulletin on Cases Involving Hate Crime 2015-16*, PPS, July 2016. Cases deemed to have been 'aggravated by hostility' will be dealt with in accordance with the Criminal Justice (No.2) (Northern Ireland) Order 2004.

Recommendation

1

The PSNI should liaise with the Department of Justice to consider a ‘case flow through system’ mechanism for tracking hate crime prosecutions.

There must be a commitment across the criminal justice system to improving the recording of hate crimes and to developing a better understanding of the issue by strengthening the evidence base so that a more robust picture can be built up of the types of hate crimes that are occurring, the victims who are affected and offenders’ motivations. Without data collection and analysis it will be impossible to examine the true level of hate crime reporting and patterns of offending. Without that examination the PSNI and other criminal justice agencies will be less able to focus their resources appropriately.

POLICE POLICY AND PRACTICE

In 2015 PSNI put in place a new, tailored policing structure for hate incidents and crimes to ensure that it remained a strategic priority and consist across all 11 policing Districts. That structure comprises Gold, Silver and seven Bronze Commanders. There is a Chief Inspector in each policing District who takes the lead within that District for hate crime, at least one Lead Hate and Signal Crime Officer and a number of Hate and Signal Crime Officers based on an assessment of need within District. Commanders meet regularly in various forums and Chief Inspectors report back regularly to the Silver Commander. District Commanders are accountable to the Gold and Silver Commanders to demonstrate that local need is being met.

The Performance Committee believes this new approach has been effective and has begun to

drive improvements in victim support, investigative standards and the collection of analytical information. The restructuring did encounter some “teething problems” with contributors to the thematic review expressing dissatisfaction that there was not an identified single point of contact within the PSNI at neighbourhood level, which they believed was contributing to a reduction in engagement. In April 2016, however, the PSNI reconsidered the number of HSCOs within Districts and decided that a greater number ought to be recruited. Towards the end of the thematic review (late 2016) some stakeholders did say they had noticed an improvement and were hopeful that as the new structures bedded down there would be an increase in the engagement undertaken by the PSNI. It is hoped that a single point of contact will be identified within each policing area. Those officers can thereafter maintain contact with and receive calls from those representing minority groups.

In addition to the new Command structure, PSNI introduced a new risk assessment process which runs concurrently with the investigation process and must be completed in respect of each victim. This has been welcomed by stakeholders as its central focus is the victim. Each completed risk assessment is reviewed by a supervisor - Sergeant if low risk, Inspector if medium or high risk. Where the case is high risk the action plan in respect of the victim is reviewed at Daily Management Meetings and a lead Senior Risk Officer is appointed.

PSNI’s hate crime policy, known as a “Service Procedure”, provides guidance to police officers and staff across the service, including in supervisory roles, on their roles and responsibilities in relation to hate crime. The Service Procedure makes clear that any incident or crime perceived to be motivated by prejudice or hate by the victim or by any other

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person must be recorded as a hate incident or crime and that officers must accept this view without challenge. The Service Procedure was recently revised and aims to provide succinct guidance on the investigation of hate crime. It contains fewer context notes however within the body of the Procedure than the previous version and it was sent out to police officers attached to an email in advance of any training being delivered. The Committee does not believe that is an appropriate means of informing officers of important changes to police policy or equipping them to deal with hate crime. However the thematic report notes that training has now been provided.

REPORTING AND RECORDING HATE CRIME

Hate crime may be reported to the PSNI via telephone, online or through third parties such as the Hate Crime Advocacy Service.⁸ Despite the range of reporting methods, hate crime remains under-reported. The reasons for under-reporting are many and varied and are explored in more detail in the full thematic review report. A specific frustration expressed by contributors to the thematic review was that agencies, including the police, often offered little in response to persistent abuse sometimes simply advising the victim to move out of the area. The Committee believe more could and should be done. In any event, many victims experience difficulty in finding alternative accommodation. Although schemes such as the Hate Incident Practical Action (HIPA) Scheme and Supporting Tenancies for People from Ethnic Minority Backgrounds (STEM) may offer some support to victims in their homes, a number of people who engaged during the course of the thematic review were unaware of the existence of such schemes. Furthermore, a number of police

officers were also unaware of the services available to which victims could be referred (despite these being highlighted in the Service Procedure).

The Performance Committee suggests that the PSNI reconsiders its early intervention to offer support, advice and protection. In particular, the PSNI should reconsider how to sign-post victims to and work with the Northern Ireland Housing Executive.

Recommendation

2

The PSNI should consider how it engages with the Northern Ireland Housing Executive to enable early intervention on behalf of victims of hate crime for whom the advice is to move from the home. Thereafter, the PSNI should report to the Performance Committee within 6 months of the publication of this thematic review.

Recording hate crime is a separate issue to the reporting of hate crime but they are interrelated. As noted above, PSNI policy requires police officers to readily accept and record the perception of the victim or other person of the hate element of an offence. If police do not record the hate element, none of the protections in place for victims of hate crime (e.g. the risk assessment process outlined above and supervisory requirements) can be put in place. It was reported by a number of contributors to the thematic review that they have been frustrated by police officers seeming to query or refusing to accept that there was a hate motivation. While this may relate to only a minority of officers, it is disappointing given that this issue has been highlighted previously by the Board and a number of other organisations.

⁸ The Hate Crime Advocacy Service provides specialist Advocates within independent community organisations who can assist victims of hate crime to access services, provide support, guidance and be the voice of the victim.

Recommendation

3

The PSNI should forthwith review the understanding of officers with regard to the perception test for hate incidents and crimes. Thereafter, the PSNI should take all necessary steps to ensure that officers accept without question the perception of the victim or any other relevant person that the incident or crime was aggravated by hostility.

KEEPING IN TOUCH WITH VICTIMS

The Committee received feedback during the course of the thematic review from a number of victims of crime that they have been frustrated and disappointed at the failure of police officers to keep them updated about the progress of their case. Respondents to a 2015/16 victim satisfaction survey of 92 victims of hate crime in Northern Ireland were asked, among other things, whether they were “kept fully informed of what efforts were being made to apprehend someone for the crime”. 22% of all respondents strongly agreed, 37% agreed, 23% disagreed and 13% strongly disagreed.⁹ In other words, over half of all respondents were satisfied but just over a third of all respondents were dissatisfied with the extent to which they were kept fully informed of police efforts.

The European Union Victims Directive establishes minimum standards on the rights, support and protection of victims of crime, including information that victims must be provided with by the various

agencies involved in the criminal justice system.¹⁰

These requirements have been incorporated into the statutory Northern Ireland Victim Charter, which is intended to give effect to the Victims Directive.¹¹ The Charter provides a range of entitlements in respect of updates on the police investigation and entitles the victim to receive the information translated into a language they understand if they do not understand or speak English.

The PSNI policy on hate crime contains a requirement that victims are provided with an update following their report within 10 days. There is not, however, any provision requiring the proactive management of updates to victims.

Recommendation

4

The PSNI should include within Service Procedure 01/16 an obligation on relevant officers to contact victims of hate crime regularly and in any event on the happening of prescribed events so as to ensure compliance with the EU Victims’ Directive and Northern Ireland Victim Charter.

PROTECTION OF VICTIMS

In February 2016 Her Majesty’s Inspectorate of Constabulary (HMIC) carried out an inspection in relation to how efficiently PSNI makes best use of its resources and how effective PSNI is at protecting vulnerable persons from harm and at supporting victims.¹² In particular the inspection focussed on the police response to domestic abuse, missing persons and child sexual exploitation.

⁹ *Good Practice Plus Project Toolkit*, September 2016, c/o NICEM.

¹⁰ *Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime*, European Parliament and the Council of the European Union, October 2012.

¹¹ *Victim Charter: A Charter for Victims of Crime*, Department of Justice, September 2015.

¹² *PEEL: Police Efficiency. An inspection of the PSNI 1 – 5 February 2016*, HMIC, August 2016 and *PEEL: Police Effectiveness (Vulnerability). An inspection of the PSNI 1 – 5 February 2016*, HMIC, August 2016.

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The inspection findings were published in August 2016. HMIC was satisfied that the PSNI makes the protection of vulnerable people a clear priority and police officers and staff understand and share that commitment. However HMIC's overall assessment was that the PSNI response "requires improvement" and a number of Areas for Improvement were identified recommending further action for PSNI. One of the issues noted by HMIC was that the PSNI's access to technology, which can assist in the protection of people and the reduction of crime, was limited. One example given was the absence of any electronic means of recording the data captured on risk assessment and management forms for domestic violence.

Recommendation

5

While addressing the technology gap identified by HMIC in the data capture of risk assessment forms for domestic abuse the PSNI should include risk assessment forms for hate crime.

BRINGING A CASE TO COURT

The steps taken by a police officer responding to a hate crime are central to ensuring the success or failure of any subsequent prosecution. In addition to ensuring the safety of the victim and securing his or her confidence to proceed, it is incumbent upon the police that case files reach the PPS with sufficient information clearly set out to identify and prove the hostility element of the offence. Key evidence can be lost (irretrievably) if not collected and recorded expeditiously. The PSNI has begun to roll out body worn video to all frontline officers across Northern Ireland.

The use of body worn video by police officers responding to hate incidents and crimes should contribute to an increase in the positive outcome rate for hate crime as it enables a contemporaneous and compelling account of the victim to be recorded and may result in a greater number of early guilty pleas.

In November 2015 the Criminal Justice Inspection Northern Ireland (CJINI) published an inspection report which called for greater collaboration between the PSNI and the PPS to address significant failings in the preparation of case files generally.¹³ The recommendations made by CJINI are being taken forward by PSNI through its "Working Together" project. The project is a root and branch review of case file preparation, the purpose of which is to identify failings and ensure excellence in the future preparation of case files. In particular, the project will develop PSNI/PPS agreed standards of file quality which will include measures to address timeliness.

Recommendation

6

As part of the Working Together project the PSNI should include the recording and flagging of hate crime on case files.

An issue which arose during the thematic review was the failure of the police recording system, NICHE, to link victims and offenders so that repeat victimisation was not being picked up or passed on to the PPS. It is anticipated that will be addressed in the Working Together Project referred to above.

¹³ *An Inspection of the Quality and Timeliness of Police Files (Incorporating Disclosure) Submitted to the Public Prosecution Service for Northern Ireland, CJINI, 26 November 2015.*

A court dealing with an offence involving hostility may on an application being made to it by the PPS allow a witness to give evidence with the help of special measures legislation (e.g. giving video recorded evidence or evidence via live link). While the application for any special measures will be made by the prosecutor it is often based upon evidence provided by the investigating police officer or a doctor. Police officers have the advantage of having dealt with the victims and witnesses and getting to know them. The earlier a decision is taken to apply for special measures the more effective it is likely to be in reassuring the victims and witnesses to continue with the criminal justice process.

Recommendation

7

In PSNI Service Procedure 01/16 and thereafter in all training delivered on hate crime the range of special measures available for vulnerable and intimidated victims of and witnesses to hate crime should be explained. The importance of the early identification of appropriate measures, which should be communicated to the PPS at the earliest opportunity, should be emphasised.

Discretionary Disposals, now known as Community Resolutions, were not previously available for hate crimes but PSNI has reconsidered this. Community Resolution may now be used as a police disposal but only for one of a specified number of crimes with a hate motivation, a supervisor must authorise it, the risk assessment must be low, the victim must not be a repeat victim, the perpetrator must not be a repeat perpetrator and there must be no evidence of actual hostility. Community Resolution is subject to quality assurance and dip-sampling by the PPS.

Recommendation

8

As soon as practically possible the PSNI should ensure that officers receive training in the use of Community Resolution for hate crimes.

PERPETRATORS

If racist hate crime is to be tackled effectively so that targeted hostility ceases to affect people's lives the causes of and trends in hate crime must be analysed. The identity of perpetrators is not systematically collected or available for analysis. Such collection and analysis is important if any initiatives to prevent hate crime are to be targeted and effective.

Recommendation

9

The PSNI should analyse hate incidents and crimes recorded over the period 1 April 2016 to 31 March 2017 to identify any trends and patterns emerging of perpetrators and thereafter consider whether its strategy of communication and prevention is sufficiently targeted.

POLICING WITH THE COMMUNITY

Policing with the community depends upon meaningful engagement, community consent and accountability. It requires the policing service to be delivered in genuine partnership with the community including, perhaps most importantly, minority and vulnerable members of the community. Police officers must engage proactively with individuals and groups who are not traditionally represented on community stakeholder forums. The PSNI has established a number of positive initiatives for that purpose, a number of which are outlined in the thematic review report.

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A number of contributors to the thematic review identified barriers to reporting racist hate crime, including that there is little that can or will be done. They also reported that difficulty communicating with the police due to language barriers is a contributing factor, that some are unaware of how to report hate crime or what action police can take in response. There also appeared to be insufficient information on the help that is available.

Recommendation

10

The PSNI should explore with partners how to better engage with victims and potential victims of hate crime so that they are better informed of the services they are entitled to receive from the police and other agencies. The Policing Board can facilitate those discussions but in any event the PSNI should report to the Performance Committee within 12 months of the publication of this thematic review on the outcome of those discussions.

The PSNI alongside the DOJ funds a specialist Advocacy Service for victims of hate crime, in partnership with Victim Support NI. The Advocates offer support to victims and have a wealth of experience that transcends solely criminal justice to include housing, health, counselling, financial management and education. The Advocates report regularly to the PSNI, identifying good and bad practice, providing victim feedback, collecting statistics on hate crime, including by postcode of incidents, make recommendations and transcribe case studies. It is clear that victims value the service greatly and that it assists the PSNI in delivering its service.

The service however would be improved by the application of additional resources and secured funding streams. The Committee encourages those organisations funding and participating in the Advocacy Service to reconsider the strategic long-term focus applied to the service.

PREVENTING HATE CRIME

A good understanding of the problem profile of hate crime is essential if the police are to take meaningful steps. The PSNI has carried out research and has monitored hate crime across Northern Ireland to identify “hot spots” and links with significant places and/or events. It is recognised that reported hate crime is concentrated in urban areas (but not necessarily in areas of high density of black and minority ethnic people) particularly where social deprivation levels are high and there are spikes at certain times of the year and around certain events. The Performance Committee believes that race hate crime will not be addressed unless and until all agencies are able and willing to acknowledge and discuss the issues, including the reported threat from paramilitary groups targeting minority ethnic communities.

The PSNI monitors local media, social media, hate-promoting websites and political debates/decisions to ensure that police are aware of emerging risks but the Committee is not convinced that this is done routinely or with sufficient focus. A number of contributors to the thematic review expressed the view that there are lots of ad hoc projects and initiatives but they pop up and disappear again just when they are making progress.

Recommendation

11

The PSNI should develop and maintain a problem profile for hate crime across Northern Ireland which should be reviewed and monitored within local areas by local commanders. That problem profile should include key dates and events which may indicate the potential for signal incidents and should be developed in partnership with local communities.

TRAINING

Hate crime training should equip officers to investigate hate incidents and crime effectively, to understand the basis, context and special attributes of hate crime, ensure they are knowledgeable of the law relating to hate crime, contribute to crime prevention, encourage public cooperation with and respect for the police, build constructive ties with marginalised communities and ensure that in practice police protect and promote human rights and equality.

PSNI has reviewed its hate crime training in recent years to ensure that it is appropriate and sufficient to improve the response to hate crime across the PSNI and that it is delivered to all relevant officers and staff. Videos have recently been developed with the assistance of external partners and with input from victims of hate crime.¹⁴ As well as being used to raise awareness within the general public of hate crime they can also be a useful training tool for police. PSNI has also in the past brought other organisations in to assist in the delivery of training, including the Hate Crime Advocates. Such face to face training, which is extremely valuable and delivered by experts in the field,

contributes significantly to officers' understanding of the law and practice in responding to hate crime and should be continued.

Recommendation

12

Face to face hate crime training should be developed with partners, which enables in-depth consideration of the many complex issues surrounding hate crime and permits exploration and debate.

While hate crime training has been delivered to officers within their Districts, it was apparent throughout the thematic review that more work is required to equip officers and staff dealing with hate crime to identify the hate element of the crime, to accept the legitimacy of hate crime as a special category of offending, to understand the various legal powers and provisions relevant to hate crime and to understand the reason for the adoption of the perception test.

Recommendation

13

The PSNI should review the hate crime training delivered in 2016 and assess the effectiveness of that training including whether the lessons were delivered to the right officers in sufficient detail. The PSNI should satisfy itself that the training has delivered the outcomes intended and thereafter report to the Performance Committee on its findings.

As noted above, training is more likely to be effective if it is interactive and motivational. It should not be limited to technical skill and knowledge but should demonstrate the adverse impact that hate crime

¹⁴ As part of the #VOICES campaign.

has on society, address cultural differences and stereotypes and impress upon officers and staff the need to address hate crime specifically.

Recommendation

14

Hate crime training should continue to include specifically cultural diversity training, but that aspect of the training should be refreshed with the assistance of external experts to address cultural sensitivities and should include racism awareness.

RECRUITMENT

PSNI is an Equal Opportunities Employer. It maintains a focus on achieving compositional change within the organisation to ensure that the workforce is, at all grades and ranks, reflective of society. The PSNI Equality, Diversity and Good Relations Strategy 2012 – 2017 seeks to ensure that equality, diversity and good relations are mainstreamed into all PSNI practices and procedures. Within the Strategy the PSNI states that it will “continue to meet our legal obligations in relation to all other equality legislation and where opportune will exercise affirmative actions to address underrepresentation issues”. Specific actions include “delivery of programmes to encourage greater applications from underrepresented groups whose first language is not English”. While the commitment is clear, further work is required to make that a reality. The PSNI is actively considering how it can reach marginalised and underrepresented communities and will report to the Policing Board in due course.¹⁵ In doing so the PSNI should consider both elements of recruitment: the attraction of applications; and the treatment and support for officers and staff once recruited.

CONCLUSION

During the course of this thematic review the Committee realised that a range of measures, many of which are outside the remit or control of the police, are required to counter hate, intolerance and the offending behaviour that results from it. Those measures include legislation, awareness raising (including acknowledging and recognising without question the existence and impact of hate crime on victims and also on social cohesion), confrontation of racism and intolerance in public discourse, the successful social inclusion of minority groups, an increase in public trust in the police and criminal justice partners, improvements in the reporting, recording and investigation of hate crime, improvements in case file preparation, effective operational training for the police and other criminal justice partners and engagement which permits frank dialogue between and within communities. Ultimately, suggestions and recommendations in the thematic review will only make an impact upon the prevention and detection of hate crime if they are implemented as part of an overall strategy involving the police, other criminal justice agencies and civil society. Hate crime is not caused by policing and will not be combated by policing alone. The police however are central to any proposed strategy and must do all that can be done to combat hate crime and remove the conditions in which it can flourish. Therefore despite occasional criticism in the thematic review, the Performance Committee wishes to recognise the efforts of police and support them to make the further improvement that is necessary. The Committee intends, with the PSNI, to redouble efforts to ensure that victims of hate crime are protected and receive the quality of service to which they are entitled. No victim should ever be deterred from reporting because he or she thinks it is not worth it.

¹⁵ The Policing Board has a statutory obligation under the Police (Northern Ireland) Act 2000 to keep itself informed of the extent to which the membership of the police and police staff is representative of the community in Northern Ireland. It must assess the effectiveness of measures taken to secure that membership is representative.



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Document Title

Summary of the Northern Ireland Policing Board's
Human Rights Thematic Review: Policing Race
Hate Crime

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