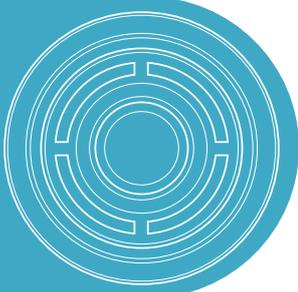


# HATE CRIME

AN INSPECTION OF THE CRIMINAL  
JUSTICE SYSTEM'S RESPONSE TO  
HATE CRIME IN NORTHERN IRELAND

December 2017





## **HATE CRIME**

### AN INSPECTION OF THE CRIMINAL JUSTICE SYSTEM'S RESPONSE TO HATE CRIME IN NORTHERN IRELAND

Laid before the Northern Ireland Assembly under Section 49(2) of the Justice (Northern Ireland) Act 2002 (as amended by paragraph 7(2) of Schedule 13 to The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010) by the Department of Justice.

December 2017





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## List of abbreviations

<b>ACC</b>	Assistant Chief Constable
<b>CJI</b>	Criminal Justice Inspection Northern Ireland
<b>CJS</b>	Criminal Justice System
<b>DoJ</b>	Department of Justice
<b>HCDG</b>	Hate Crime Delivery Group
<b>HO CR</b>	Home Office Counting Rules
<b>HSCO</b>	Hate and Signal Crime Officer
<b>ICOS</b>	Integrated Court Operating System
<b>LGB&amp;T</b>	Lesbian, Gay, Bisexual and Transgender
<b>NCRS</b>	National Crime Recording Standard
<b>NGO</b>	Non-Governmental Organisation
<b>NICTS</b>	Northern Ireland Courts and Tribunals Service
<b>NIPB</b>	Northern Ireland Policing Board
<b>NIPS</b>	Northern Ireland Prison Service
<b>NPT</b>	Neighbourhood Policing Teams
<b>NSIR</b>	National Standard for Incident Recording
<b>PBNI</b>	Probation Board for Northern Ireland
<b>PPS</b>	Public Prosecution Service for Northern Ireland
<b>PSNI</b>	Police Service of Northern Ireland
<b>RoI</b>	Republic of Ireland
<b>T: BUC</b>	Together: Building United Communities
<b>UK</b>	United Kingdom
<b>VRAM</b>	Vulnerability Risk Assessment Matrix
<b>YJA</b>	Youth Justice Agency



# Chief Inspector's Foreword

At particular times in our history we have struggled to deal with difference and our troubled past has left a legacy of hurt, intolerance and mistrust which some still wrestle with. Our society is changing and we, our children and grandchildren are exposed through education and lived experiences to a world that demands greater tolerance, equality and justice. Throughout Northern Ireland we can see the contribution and benefits that migration has brought, to every facet of life: not just to our healthcare, education, agriculture, factory production, or hospitality industry.

We must never underestimate the moral responsibility that our political leadership has in articulating the vision of a Northern Ireland that celebrates and protects diversity and embraces the richness that difference can bring to our lives. Leaders must always speak in unambiguous and unequivocal terms, in supporting through actions those who are marginalised or threatened both in their homes and in public space. But words alone are not enough if they are not accompanied by clear actions that demonstrate and reinforce our societal vision.

The law is intended as a deterrent and through its application, the ultimate protection that the state can provide. Yet the recurring message

from the majority of victims of hate crime is that they simply want the intolerance to stop and perpetrators to understand the consequences of their actions and behaviours.

This report concludes that the level of hate crimes occurring in Northern Ireland remains stubbornly high, despite the progress that has been made by the criminal justice agencies. And when under reporting is considered alongside those incidents which fall below the threshold for prosecution, the situation becomes more glaring.

The lack of a consistent approach by first responders who engage with victims is also unacceptable to victims and should be addressed. I accept that this is very much work



in progress which would be aided by a review of existing legislation and the consideration of statutory offences similar to those already existing in England and Wales.

We have made a small number of strategic and operational recommendations to support the work of the criminal justice agencies and to provide effective cross-departmental governance in tackling the underlying enabling factors of hate crime. This issue demands a Whole of Government approach and should be a priority for any future Executive if this scourge is to be eliminated from our society.

This inspection was conducted by William Priestley and Stevie Wilson with considerable support from our intern from Ulster University Ka Ka Tsang. My sincere thanks to all who have contributed to their work.

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**Brendan McGuigan**  
**Chief Inspector of Criminal Justice**  
**in Northern Ireland**

December 2017

Criminal Justice Inspection  
Northern Ireland  
*a better justice system for all*





# Executive summary

## Introduction

In Northern Ireland during 2016, there were over eight hate incidents reported to the police every single day. These equated to almost six (5.94) recorded<sup>1</sup> hate crimes. When population is considered, this figure is higher than the equivalent rate in England and Wales (5.47)<sup>2</sup>. Hate incidents are greatly underreported so the true rate of incidents perpetrated against people because they are perceived to be different in some way is much higher.

Turning attitudes into behaviour, such as violence, based on skin colour, sexual identity, age, religion, nationality and other features used to label people is plainly wrong but not uncommon. This report looked into how hate crime in Northern Ireland was dealt with across the justice system. The statistics used to illustrate the report were those outlining hate crime reported during the 2015-16 financial year.

## Findings

The prevalence and impacts of hate crime cannot be dealt with by the criminal justice system in isolation. Organisations within the system had worked together to align approaches and apply standard definitions in an effort to ensure a

seamless service to victims. The *Unite against Hate* project and the Hate Crime Delivery Group (HCDG) had been instrumental in sharing practices across and beyond the criminal justice system itself. Organisations should ensure their continued support of these groups by committing staff at the appropriate level to attend group meetings.

The Department of Justice (DoJ) approach to hate crime was contained within its Community Safety Strategy but there were no effective links to an overarching Northern Ireland Executive policy, such as 'Together: Building United Communities' (T:BUC) which would provide leadership at the highest level of government.

The legislative approach to hate crime was not directly comparable across the United Kingdom (UK). A review of hate crime legislation in Northern Ireland would establish whether changes are required. England and Wales had statutory hate crimes of assault and damage, enhanced sentencing powers and relevant public order offences. In Scotland, there was a statutory obligation for hate crime cases to be opened and recorded as such in court. Most reports of hate crime forwarded by the Police Service of Northern Ireland (PSNI) for prosecution decisions

1 Trends in Hate Motivated Incidents and Crimes recorded by the Police in Northern Ireland 2004-05 to 2015-16 Annual Bulletin published by the Police Service of Northern Ireland, 24 November 2016 available at <https://www.psnipolice.uk/globalassets/inside-the-psni/our-statistics/hate-motivation-statistics/hate-motivated-incidents-and-crimes-in-northern-ireland-2004-05-to-2015-16.pdf>

2 Hate Crime England and Wales 2015 to 2016, Home Office Statistical Bulletin 11/16, published 13 October 2016 available at <https://www.gov.uk/government/statistics/hate-crime-england-and-wales-2015-to-2016>



were in the 'aggravated by hostility' category with only a small number of the statutory public order hate crimes reported.

Most criminal justice organisations had developed hate crime strategies, supported by internal governance arrangements. However, the Northern Ireland Prison Service (NIPS) and Youth Justice Agency (YJA) did not have hate crime specific strategies.

Underreporting was acknowledged by the criminal justice organisations. Systems and process improvements by the police and prosecution service, outreach work and the support of hate crime advocates meant that knowledge among vulnerable communities of how and what to report had increased. However, not all potential victims engaged with support networks and victims spoken to by Inspectors identified many incidents which went unreported. This distorted the true picture of hate incidents and potentially impacted the effectiveness of police responses.

Interpreter services were readily available and there was no suggestion that the standard of interpreters was an issue. However, investigation of hate crime required precise legal and technical language. No specific work had been undertaken with interpreter services to enhance skills specific to translating for hate crime, which added to the already high number of substantial barriers facing victims.

The quality of hate crime files forwarded by the PSNI to the Public Prosecution Service for Northern Ireland (PPS) had been recognised as an area for improvement but enhanced measures to tackle this had not been operating long enough to assess their effectiveness at the time of inspection.

Court recording of instances of enhanced sentencing had improved. However, there remained a risk that in busy Magistrates' and Youth Courts, the recording of enhanced sentences would be missed. The number of perpetrators receiving prison sentences was low.

Support for victims of hate crime, following court cases rested mainly with the voluntary and community sector. Expansion of the hate crime advocacy service to include supporting victims at this stage would provide a more holistic service which may help improve future reporting rates.

The NIPS used a generalist approach, supported by its anti-bullying policy, to deal with incidents of hate crime. This made it difficult to determine the extent of hate crime being perpetrated within the prison environment. The Probation Board for Northern Ireland (PBNI) had established a programme, *Accepting Differences*, following a pilot scheme. Numbers undertaking the programme were low, but Inspectors regarded the development as a positive one, challenging offenders' stereotypical attitudes and behaviour.

Victims' views on how offenders were dealt with were generally based on their wish for the offending behaviour to be stopped. Victims were focused on the prevention of further instances of hate crime and favoured restorative approaches, such as education on the benefits of cultural and other differences. Inspectors believe that this will only be achieved when a hate crime strategy, becomes an integral part of an overall Northern Ireland Executive social cohesion strategy, robustly led and monitored using outcome based accountability measures.



# Recommendations

## Strategic recommendations

1

The Department of Justice (DoJ) should as soon as possible conduct a review of the existing legislative response to hate crime to provide clarity. Any review should include consideration of the statutory aggravated offences model that already exists in England and Wales (paragraph 2.7).

2

The Northern Ireland Prison Service (NIPS) should immediately develop and implement a hate crime strategy (paragraph 2.35).

3

To provide effective cross-departmental governance in tackling the underlying, enabling factors of hate crime the DoJ should, as soon as possible, directly link its Hate Crime Strategy contained in the Community Safety Strategy to Together: Building United Communities (T:BUC) or any future Northern Ireland Executive Cohesion, Sharing and Integration policy or its equivalent. Outcome based accountability measures with which to monitor the effectiveness of these strategies should be developed, consulted on and agreed.

## Operational recommendations

1

Criminal justice organisations should include in their forward planning continued and consistent involvement in the Hate Crime Delivery Group (HCDG) by having contingency arrangements in place to deal with staff turnover, and vesting hate crime responsibilities in roles rather than relying on the personal commitment of some highly motivated staff (paragraph 2.16).

2

The Police Service of Northern Ireland (PSNI) should use hate crime specific scenarios when training officers on interviewing victims and witnesses to improve their understanding of the barriers faced and how these may be overcome in pursuit of achieving best evidence (paragraph 3.24).



# Recommendations

3

The PSNI and the PPS should continue to closely monitor hate crime file quality and work together to ensure that where evidence from victims and witnesses is available, it is collected and presented effectively (paragraph 3.31).

4

The NIPS should immediately develop policy specific to hate crime, including every aspect of prison life such as resettlement, and should implement, monitor and report on its effectiveness (paragraph 4.2).

5

The PPS should include within its published figures on hate crime, an analysis of the hate crimes reported to it by the PSNI by way of offence classification with regard to decisions issued, reasons for no prosecution and court outcome (paragraph 4.8).



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