



## POLICE SERVICE of NORTHERN IRELAND

### COMMUNITY INVOLVEMENT BRANCH

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Ms. Karen Jardine  
OFMDFM  
Community Relations Unit  
Room A5:25, Castle Buildings  
Stormont  
Belfast, BT4 3SG

Please reply to: Inspector R F Dempsey

Reference:

Date:

CRU RECEIVED  
02 JUN 2003  
OFMDFM  
29 May, 2003

Dear Ms. Jardine

#### Re: Sectarian Crime/ Incident consultation

Further to our meeting of 2 April 2003 I have enclosed a draft copy of the proposed Hate Crime definitions, including that for Sectarian crimes / incidents.

The Police Service intend to use these definitions for statistical recording and include them in a Hate Crime Policy.

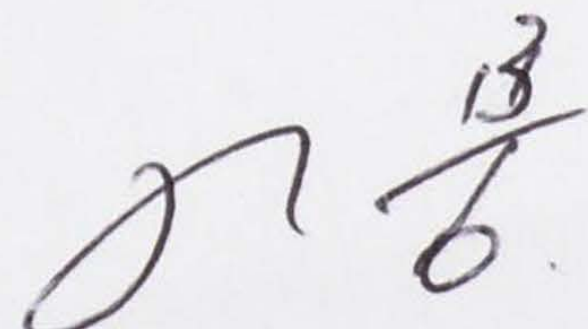
In order to address any concerns in respect of third party reporting we will implement procedures to ensure that where an incident is perceived to be a hate crime by some other person we will record this including the details of that person. The Police will then be in a position to quantify the number of reports by third party and the details of that party.

I would be grateful for your thoughts in respect of this matter.

Yours sincerely

  
R F DEMPSEY  
INSPECTOR

Karen  
Jane letter went to Ken Foster who  
has volunteered to lead on the matter  
for the Department - please see his  
note & proposed draft reply below  
together with my not-terribly happy  
comments re the PSNI definition  
of sectarian incident d 12/6.

  
13/6



## HATE CRIME

'Hate crime is a crime where the perpetrator's prejudice against any identifiable group of people is a factor in determining who is victimised'

ACPO Hate Crime Manual section 2.1

### RACIST INCIDENT

***'Any incident which is perceived to be racist by the victim or any other person'***

(definition adopted from the Stephen Lawrence Report, recommendation 12)

The definition refers to incidents and therefore includes behaviour which may not normally be considered police business, in addition to crimes or offences.

#### **Racial Grounds means:**

Any of the following grounds, namely colour, race, nationality, ethnic or national origins. (Race Relations (NI) Order 1997)

#### **Racial Group means:**

A group of persons defined by reference to colour, race, nationality or ethnic or national origins and references to a person's racial group refer to any racial group into which he/she falls.

Racial Group includes the Irish Traveller community and does not include a group of persons defined by reference to religious belief or political opinion. (Race Relations (NI) Order 1997)

### HOMOPHOBIC INCIDENT

***'Any incident which is perceived to be homophobic by the victim or any other person'***

#### **A homophobic incident is:**

1. Any incident intended to have an impact on those perceived to be lesbians, gay men, bisexual or transgendered people.

### SECTARIAN INCIDENT

***'Any incident which is perceived to be sectarian by the victim or any other person'***

The definition refers to incidents and therefore includes behaviour which may not normally be considered police business in addition to crimes and offences.

#### **Sectarian means:**

Any incident/crime involving an element of religious motivation.



**FROM: DENIS RITCHIE**  
**12<sup>TH</sup> JUNE 2003**

**KEN FRASER**

**PSNI DEFINITION OF SECTARIAN INCIDENT**

1. Thanks for your draft yesterday.
2. Having regard to the phobia about the "other side", which is common in Northern Ireland, I also have reservations regarding third party reporting – just how far does this go in terms of the proximity to the incident? Further, while understanding the reasoning, I do not accept that Northern Ireland needs to be uniform with Great Britain, nor that the definition of sectarian in Northern Ireland's particular circumstances should be necessarily consistent with racist and homophobic definitions.
3. I would also suggest that in a Northern Ireland context, sectarian can mean political as well as religious, cf. NI Act Section 75(2).
4. Happy to discuss.

Denis Ritchie

**DENIS RITCHIE**  
**Head of Community Relations**  
**☎ 23460**



From: Ken Fraser on 10/06/2003 11:49

To: Mary Bunting/OFMDFM/DFP@DFP, Gerry Mulligan/OFMDFM/DFP@DFP, Jim Breen/OFMDFM/DFP@DFP, Michael Harkin/OFMDFM/DFP@DFP, Vincent Gribbin/OFMDFM/DFP@DFP, Denis Ritchie/OFMDFM/DFP@DFP, Pauline Millar/OFMDFM/DFP@DFP, Alan McClelland/OFMDFM/DFP@DFP, Hilary Harbinson/OFMDFM/DFP@DFP

cc:

Subject: PSNI CONSULTATION ON DEFINITIONS OF HATE CRIMES

Mary, Gerry, Hilary, Dennis, Pauline, Vincent, Michael, Jim

PSNI have been tasked by the Policing Board with collecting data on sectarian incidents. To prepare this, they set up a small group to discuss possible definitions - Jim, Vincent and I attended the meeting (which also had PSNI and NIO reps as well as Neil Jarman). The meeting did not come to any real conclusion and was marked in particular by a "hard cop" v "soft cop" split, where the operational side were clearly not at all happy with the idea that there should be third party reporting of sectarian incidents. It's not clear whether the group is intended to meet again.

Robin Dempsey has now written with proposed definitions for racist, homophobic and sectarian incidents to all those who attended, seeking comments. Clearly the soft cop tendency has won out within the PSNI as the definition of sectarian incident conforms to the pattern set by McPherson for a racist incident.

I attach a draft response to the letter (I'll circulate this separately as I only have a hard copy). Pauline is still seeking input on the homophobic incident definition (particularly iro transgendered people).

I'd be happy to have any comments on what I propose to say BY COP ON THURSDAY, 12 JUNE. I'm copying it to CR because I'm aware that my response takes me on to their territory as well.

Ken Fraser



Robin Dempsey re Sectraianism.

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## The Office of the First Minister and Deputy First Minister

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To  
Inspector Robin Dempsey  
Community Involvement Unit  
PSNI  
(by e-mail)

Dear Robin

### **SECTARIAN CRIME / INCIDENT CONSULTATION**

Thank you for the opportunity to comment on the draft of your proposed hate crime definitions.

I am sure that it is right to have consistency between the definitions for racist, homophobic and sectarian incidents – including third party reporting. (I doubt whether the Policing Board would wear anything less – in the absence of very sound arguments as to why the definitions should be different.)

I understand the concerns of some people about the potential abuse of third party reporting. I suspect that the risk of abuse is similar to that faced by the Met when they adopted McPherson's original definition in respect of racist incidents and that your proposals for recording the details of the third party who reports the incident will greatly reduce the risk. Also, as people said at the meeting, recording an incident as sectarian does not necessarily imply validation by the PSNI. I see it as inevitable that there would need to be some sort of additional validation procedure (that the incident or crime was sectarian) for specific purposes e.g. applications for rehousing etc.

I'm sure that taking people's perceptions of the motivation of the perpetrator(s) seriously, and acting accordingly, will be a factor in building confidence and trust between the PSNI and members of both

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the majority communities.

As to the detail of the definitions, I have a few comments.

- I understand the reasoning behind the statement “*The definition refers to incidents and therefore includes behaviour which may not normally be considered police business, in addition to crimes or offences*”. I’m not sure it properly conveys what is intended here and may confuse officers or others or give them the wrong impression. Also the wording “not normally considered police business” begs the question: by whom? I would hope that the PSNI would see all racist/hate incidents (however defined) as their business – both crimes and non-crimes (to use the McPherson phrase). Perhaps you could use words along the lines of “which would not normally result in criminal proceedings [or “police action”].”
- While I appreciate that the second paragraph under racial group derives directly from Article 5 of the 1997 Order, I understand that case law in England has moved things on a bit. English courts have ruled that Jews and Sikhs are racial as well as religious groups, so I think that the second paragraph becomes problematic and may need rewording.
- As to sectarian incidents, the definition of sectarian offered in your paper is problematic – in particular the term “an element of religious motivation”. I think that this is a very loose definition: potentially it would capture an incident where e.g. an outraged Muslim smashed a sex shop window!

I come back to the point that I was seeking to make at the April meeting: “Sectarian”, in the context of Northern Ireland, relates to “inter-faith” incidents/crimes: i.e. incidents/crimes where a person or persons are targeted because of their membership of, adherence to, or identification with one of the two major Christian sects (or the presumption of the same by the perpetrator of the incident/crime). In short it relates primarily, if not exclusively, to interactions between Christians. “Sectarian” would be construed by virtually everyone as relating to Protestant/Catholic in the Northern Ireland context (and I would imagine that this is what interests the Policing Board. (Clearly, in a different context it would make sense to talk about e.g. Sunni and Shi’ite sectarianism).



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Given this, I think that it would make little sense to include incidents/crimes involving non-Christians within the scope of this particular category in any measurement/monitoring regime. Of course, it would be possible to cast your net rather wider and to gather information on all incidents/crimes that involve a religious component, with sectarianism being a sub-set (doubtless it would account for the vast majority of cases). (It is, of course, also arguable that sectarian incidents should be treated as a sub-set of racist incidents – but I don't think that that would be helpful in present circumstances.) I do think that it is important, however, to capture both the sectarian angle and incidents involving other faiths as separate categories.

So how to define a sectarian incident? I'm happy with the headline definition you propose. As to the sub-definition, I'd suggest "Any incident/crime intended to have an impact on someone because of their perceived membership of, adherence to or identification with the Catholic or Protestant communities."

I'd be happy to have a go at drafting a definition of religious hate crime too, if that would be helpful.

I hope that these rather obscure thoughts are of some use. I'll be happy to discuss them with you, if you would find that helpful.

Ken

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