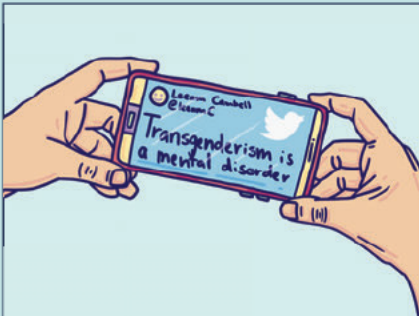


CRIMINAL + NON-CRIMINAL HATE SPEECH



Hate Speech

- Hate speech can be criminal or non-criminal.
- It is broadly understood as any communication (such as speech or writing) that attacks an individual or group based on a protected characteristic, such as ethnicity, faith, sexual orientation, gender identity, disability, or age.

Criminal Hate Speech

Criminal hate speech is *either*:

- An identified hate motivation (aggravating factor) to a general offence such as Intimidation, Offensive Language, or Harmful Digital Communication.
- or*
- Inciting Racial Disharmony*. This is a separate offence under Section 131 of the Human Rights Act.

**This is about the offender's intention to make other people hostile towards the victim's race or ethnicity.*

Non-Criminal Hate Speech

- Is any communication (such as speech or writing) that causes harm but doesn't reach the threshold of a criminal offence.
- Non-criminal hate speech is an 'awful but lawful' hate incident and is common online.
- Record it. This helps track patterns and any escalation of criminal behaviour.

Hate speech as a General Hate Crime

Circumstances	Police actions
<p>The INFRMT reported that a man merged unsafely in front of him in heavy traffic, so he followed him. The two pulled over and they got into a heated argument. The man hit the INFRMT's car bonnet, leaving a dent. The INFRMT went to the Police station to report what happened.</p> <p>After speaking with the INFRMT, Police called the man to hear his version of events. He stated that during the argument the INFRMT called him a 'nigger', which provoked him to hit the bonnet.</p>	<p>Offending Language (3548)</p> <p>Flagged for perceived hate.</p> <p>Police spoke to the INFRMT and advised that he would be going through a Te Pae Oranga process. The INFRMT was angry, stating 'this is just another example of the Māori's getting away with it.' Police advised that they would end the conversation if he continued to make racist remarks.</p> <p>The INFRMT was warned for Offending Language (3548), but not charged.</p>
<p>The VICTIM filed a 105 Online report stating that he was walking with his whānau out of an Islamic Centre after prayer. As they walked towards their car, a woman drove past and yelled 'Do not bomb us!'</p>	<p>Insulting Language (3545)</p> <p>Flagged for perceived hate.</p> <p>CCTV was reviewed but the quality was not high enough to read the vehicle registration plates. Police updated the VICTIM, and they were satisfied with the Police effort and understood that no further action was available.</p> <p>The offence was closed as 'No further lines of enquiry.'</p>
<p>The VICTIM filed a 105 Online report, stating that a man (SUSPECT) harassed her and another woman at a bus stop. The VICTIM stated that the SUSPECT began pacing in front of her, talking loudly and harassing her in a 'mocking' tone of voice.</p> <p>The VICTIM and the woman who was sat next to her are both Asian. The SUSPECT said 'Fucking Asians, they're so ugly, they're so ugly I don't even know how anyone can even look at their ugly faces' and 'They're so small like little monkeys' and continued to rant about how 'pretty women' should look.</p>	<p>Insulting Language (3545)</p> <p>Flagged for perceived hate.</p> <p>CCTV footage obtained doesn't show the VICTIM or the alleged SUSPECT. Police exhausted all lines of enquiry and did not locate the suspect. Police spoke to the VICTIM. They stated that they didn't want any further Police action; they just wanted it recorded.</p> <p>The offence was closed as 'No further line of enquiry.'</p>
<p>The INFRMT reported a male who had been standing on the corner of a busy CBD intersection, with a microphone, stating that people must follow Jesus or they will go to hell. The INFRMT (a witness) reported that the male also spoke about sexual immorality, saying 'women's bodies are made for men' which the INFRMT perceived as a homophobic remark.</p> <p>A second witness reported that the male directed his homophobic comments towards a same-sex couple who walked past him, yelling over his microphone that they are going to go to hell. He was also reported to have made comments about women's bodies, specifically people that show skin.</p>	<p>Insulting Language (3545)</p> <p>Flagged for perceived hate.</p> <p>This event was coded based on details initially reported to Police by the witnesses (as required by Police recording policy). This was initially a language offence based on the witnesses' statements. Police located and spoke to the man who denied saying anything that was accused.</p> <p>As the man denied what was reported, and what he said while in the presence of Police was not in the 'insulting language' area, attending Police deemed that the male did not commit an offence and took no further action.</p>
<p>The VICTIM reported that she caught her neighbour (SUSPECT) taking avocados from her avocado tree at the back of her property. She asked the SUSPECT to not take them, and the SUSPECT replied with verbal abuse. When approached by the VICTIM, the SUSPECT replied, 'Go back to your fucking country, this isn't your land' and 'people like you are the reason that their houses get burned down.' The SUSPECT is Māori and the VICTIM is Fijian-Indian.</p>	<p>Obscene language (3541)</p> <p>Flagged for perceived hate.</p> <p>Police attended and spoke to the SUSPECT. She admitted making comments about the VICTIM's race out of frustration. She believed they should be able to take the avocados as the tree goes over the fence. The SUSPECT stated that her kids were picking the avocados and the VICTIM 'lost it' at them and told them off. She said the comments wouldn't happen again.</p> <p>Police took no further action and closed the offence as 'Police discretion'.</p>

Non-Criminal Hate Speech (awful but lawful hate incidents)

In the following events, no offence criteria were met. The comments/writing made are opinions, and although they are awful, they are lawful and fall into the category of 'freedom of expression'.

Circumstances	Police actions
<p>Police attended a Family Harm event where a mother and daughter were reported to have had a verbal argument because the mother strongly disagrees with her daughter's marriage to her husband. The mother is Christian and disagrees with her daughter's relationship to a Muslim man, despite the couple being married for 5 years.</p> <p>When Police arrived, the mother repeated several times to Police that her daughter married a 'Muslim guy against the family's wishes' and believes that he is brainwashing the family against her. The mother commented that her daughter's husband is a terrorist who is obsessed with gaining his gun license.</p>	<p>Recorded as a 21.</p> <p>Flagged for perceived hate.</p> <p>Attending officers recognised that the SUSPECT may need mental health assistance, however, she was unwilling to engage.</p> <p>The daughter believes her mother is overreacting and trying to destroy her relationship. Police brought the SUSPECT to the Police Station, and she was later picked up by her daughter.</p>
<p>The INFRMT reported through 105 Online that they saw a bumper sticker on a car that stated, 'Dead queers don't spread aids.' The INFRMT perceived this as a threat to the Rainbow Community and gave details of the truck.</p>	<p>Recorded as a 21</p> <p>Flagged for perceived hate.</p> <p>Police contacted the registered owner of the vehicle, however, when notified that it was Police, he was dismissive and terminated the call.</p> <p>As the bumper sticker does not contain a threat, it does not meet the criteria for an offence and therefore Police could not allocate resources to follow up further.</p> <p>To provide future intel, this car could have been tagged with a QVR (Query Vehicle Registration).</p>
<p>An INFRMT contacted Police and stated he saw people doing graffiti in a known public space. Attending Police noted chalk on the walls that state pro-trans chalk writing such as 'trans women are women,' 'protect trans kids' and 'love yourself.' Attending Police took no further action.</p> <p>The INFRMT then posted photos of the graffiti on Facebook, stating 'look at this crap defacing our beloved space that somebody has looked after for 60 days' and 'where are the Karens and Peters bleating about it.' The '60 days' comment refers to anti-mandate protests that had been occurring in this public space.</p> <p>The INFRMT then stated that he is going to go down and 'do something about it.' The INFRMT proceeded to rub out the pro-trans chalk, replacing the writing with 'Woman = Adult Human Female' and 'End the mandates, end the madness.'</p>	<p>Recorded as a 21.</p> <p>Flagged for perceived hate.</p> <p>This incident did not meet the threshold of an offence, such as Graffiti (5135) as chalk is removable and therefore does not constitute graffiti.</p>
<p>The INFRMT, the principal of a primary school, contacted Police to report that a parent informed the school that they will not bring their child to school today, as they believe the school's 'Opposites Day' is 'promoting children to become gay and lesbian'</p> <p>The father requested a meeting with the principal, then posted on Facebook, stating that the school is promoting a 'gender day,' calling the school 'fucking disgusting cunts' and stating, 'shame on you.' This post has gained some traction with parents, but not all agree.</p>	<p>Recorded as a 21.</p> <p>Flagged for perceived hate.</p> <p>This event did not meet the threshold of an offence as no individual was directly targeted, no threats were made, and the opinions shared were general.</p>
<p>A man visited a Police station to report a conversation with his landlord. The man is moving out of his house and couldn't accommodate a request from his landlord, so the landlord called him. During the call, the landlord became racist, threatening to get immigration involved and have the man removed from New Zealand.</p>	<p>Recorded as a 21</p> <p>Flagged for perceived hate.</p> <p>The man was given advice to contact the Tenancy Tribunal. Nil further Police action was required or taken.</p>