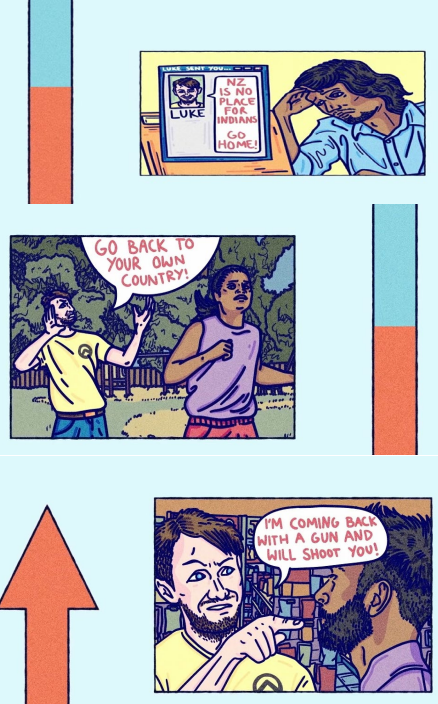



RECORD:

2) Patterns, escalations, and prosecutions video – 1.35 min

Script	Image
<p>Hate crime offending can start off as minor, or as a series of sub-threshold hate incidents. Consistent and accurate recording of the hate motivation behind these minor hate crime offences and sub-threshold hate incidents is important. Recording of possible hate-motivated behaviour, the escalations and patterns, develops trust and confidence in communities targeted by hate crime.</p>	<p>Officer to camera</p>
<p>It also means we can track any escalation of behaviour or patterns of offending, providing intel on matters of national security to help prevent offending that is violent and extremist.</p>	
<p>Accurate and consistent recording can provide important intel for Police vetting processes such as firearms licencing, when determining if someone is a 'fit and proper person'</p>	

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This helps ensure victims with a heightened vulnerability are safe and feel safe.

THIS HELPS ENSURE VICTIMS WITH A
HEIGHTENED VULNERABILITY ARE SAFE
AND FEEL SAFE

It is important to remember Aotearoa does not have specific hate crime legislation so how you record is critical for the later application of S9(1)(h) of the Sentencing Act and alternative resolution pathways.

- 9 Aggravating and mitigating factors**
- (1) In sentencing or otherwise dealing with an offender the court must take into account the following aggravating factors to the extent that they are applicable in the case:
- (a) that the offence involved actual or threatened violence or the actual or threatened use of a weapon;
 - (b) that the offence involved unlawful entry into, or unlawful presence in, a dwelling place;
 - (c) that the offence was committed while the offender was on bail or still subject to a sentence;
 - (ca) that the offence was a family violence offence (as defined in section 123A) committed—
 - (i) while the offender was subject to a protection order (as defined in section 8 of the Family Violence Act 2018, or that was made under section 123B of this Act); and
 - (ii) against a person who, in relation to the protection order, was a protected person (as so defined);
 - (d) the extent of any loss, damage, or harm resulting from the offence;
 - (e) particular cruelty in the commission of the offence;
 - (f) that the offender was abusing a position of trust or authority in relation to the victim;
 - (fa) that the victim was a constable, or a prison officer, acting in the course of his or her duty;
 - (fb) that the victim was an emergency health or fire services provider acting in the course of his or her duty at the scene of an emergency;
 - (g) that the victim was particularly vulnerable because of his or her age or health or because of any other factor known to the offender;
 - (h) that the offender committed the offence partly or wholly because of hostility towards a group of persons who have an enduring common characteristic such as race, colour, nationality, religion, gender identity, sexual orientation, age, or disability; and**
 - (i) the hostility is because of the common characteristic; and
 - (ii) the offender believed that the victim has that characteristic;



Sentencing Act 2002

Public Act 2002 No 9
Date of assent 5 May 2002
Commencement see section 2

We must record the language, symbols and actions that evidence the hate motivation so this aggravating factor can be taken into consideration by the judge at sentencing.



For more information on recording check out the **When to flag and how to record** micro-video.

TERARANGA
HATE-MOTIVATED CRIME
AND INCIDENTS

