

# Sexual Orientation 01

## Report

Around 1:39am, the OFFENDER and a friend were walking on an Auckland street when they came across the two VICTIMS standing on the street. The OFFENDER approached the two men and punched the first VICTIM behind his left ear and his nose, then kicked him in his right shoulder, before punching the second VICTIM twice in his left ear and the right side of his jaw. The first VICTIM attempted to flee, but the OFFENDER chased him out onto the main road and threw the first VICTIM on the ground. When the first VICTIM stood up, the OFFENDER pushed him against a wall and continued to punch him.

Resulting from the attack, the first VICTIM suffered a fractured nose and cuts on his back, while the second VICTIM had injuries to his face, lip, and jaw. The second VICTIM states that he is okay physically following the attack, but that it will take a while to recover from the shock.

During the weekend, Auckland's Pride march and festival event 'Big Gay Out' occurred, both which celebrate the diversity of New Zealand's LGBTQIA+ community. While punching the first VICTIM, the OFFENDER yelled 'Fag' and 'Homos'. The SECOND victim stated that 'The actions of the OFFENDER were intended to make us feel like we didn't belong and that we were wrong in living our lives in the way that we were.'

## Recognise

What is the **offence** and **offence code**, if any?

Is this hate motivated? If so, what is the **prejudicial motivation**?

## Record

What **flags**, if any, should apply to this event?

What **information** would you record? (Language, symbols, and actions)

Why is it important to record this offence **accurately**?

## Respond

What is an appropriate response that will **reduce the harm** caused to the victim?

What aspects of the **victim's life experience** should inform your response?

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## Report - facilitator copy

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Recognise Questions	Recognise Answers
What is the offence and offence code, if any?	<b>Offence:</b> Injures Intent to Injure/Reckless Disregard (Manually) (1426) and Assaults With Intent To Injure (Manually) (1523)
Is this hate motivated? If so, what is the prejudicial motivation?	Yes, perceived as hate motivated by the VICTIMS.  Motivated by prejudice against VICTIMS because of their sexual orientation.
Record Questions	Record Answers
What flags, if any, should apply to this event?	Perceived Hate as 'Contributing Factor' <b>Hate type:</b> Sexual Orientation <b>Perceived prejudice:</b> Gay or Lesbian
What information would you record? (Language, symbols, and actions)	<b>Specific Language:</b> <ul style="list-style-type: none"> <li>'Homo' and 'Fag'</li> </ul> <b>Actions:</b> <ul style="list-style-type: none"> <li>First victim was punched in the face and kicked in his right shoulder, and thrown against a wall</li> <li>Second victim was punched in his face</li> <li>We record the detail of language and/or symbols and/or actions of an offender to <b>evidence the hate motivation.</b></li> <li>Evidence of the hate motivation means this aggravating factor can be taken into consideration by the judge at sentencing - <b>Sentencing Act 2002 s9(1)(h).</b></li> <li>Evidence of the hate motivation is <b>required to proceed</b> to other alternative resolution pathways.</li> </ul>

Why is it important to record this offence accurately?	<p><b>Accurate and consistent recording can:</b></p> <ul style="list-style-type: none"> <li>• provide important intel for Police vetting processes such as <b>firearms licencing</b>, when determining if someone is a 'fit and proper person'.</li> <li>• track any <b>escalation</b> of behaviour or patterns of offending.</li> <li>• provide intel on matters of <b>national security</b> to help prevent offending that is violent and extremist.</li> <li>• <b>develop trust and confidence</b> in communities targeted by hate crime.</li> </ul>
Respond Questions	Respond Answers
What is an appropriate response that will reduce the harm caused to the victim?	<p>Your response can <b>reduce or inflame</b> the harm caused to the victim. In responding we need to talk about <b>what we can do</b>, not what we can't.</p> <p><b>We can</b></p> <ol style="list-style-type: none"> <li>1. verbally <b>acknowledge</b> the harm caused to the victim.</li> <li>2. let them know additional <b>process</b> for their complaint.</li> <li>3. let them know that their complaint is taken seriously and that it will be <b>recorded</b>.</li> <li>4. offer them a <b>referral</b> to a support agency, such as victim support.</li> </ol>
What aspects of the victim's life experience should inform your response?	<ul style="list-style-type: none"> <li>• Experiencing daily <b>prejudice, persecution</b> and <b>micro-aggressions</b> can cause harm to the person, their whānau, and their communities.</li> <li>• Victims of hate crime and hate incidents are <b>not chosen at random</b>; victims are selected because of a protected characteristic they have or are perceived to have.</li> <li>• Victims of hate crime and hate incidents have a <b>greater vulnerability</b> and increased emotional impact than with comparable crimes.</li> <li>• This results in <b>increased levels of fear and anxiety</b> amongst their wider community.</li> <li>• Often victims have <b>international experience</b> that informs their fear, such as violent attacks against members of their community overseas.</li> </ul>