

Request for Information

'Intersectionality data' including –

Perceived prejudice data	Offender demography data
Occurrence ID	Occurrence ID
Perceived hate type	Ethnicity
Perceived prejudice	Sex
ANZOC Division description	Age groups sub-division

**** Plus separate count of unique offender IDs by ANZOC division for cleared offence.**

Response

Background

References in this response to 'Police' refer to New Zealand Police. Police's working definition of 'Hate Crime' is *"any offence which is perceived, by the victim or any other person, to be motivated, wholly or in part, by a hostility or prejudice based on a person's particular characteristic, such as race, religion, sexual orientation, gender/transgender identity, disability, or age."* The particular characteristics referred to in the definition are commonly referred to as 'Protected Characteristics'.

Police is guided by the Sentencing Act 2002 s9(1)(h) which outlines the 'aggravating factors' for any offence that is motivated (partly or wholly) by hostility towards a group of persons who share protected ('common enduring') characteristics. Hate crimes are not specific 'standalone' offences. Where Police records an offence and identifies that hate or prejudice formed part or whole of the motivation behind the offence, this file is 'flagged' as a hate crime. Any recorded offence can be flagged for having a 'Perceived Hate' as a contributing factor. Offences flagged by Police are not necessarily consequently charged for or identified by the court as meeting the threshold of a hate crime.


Police's working definition of hate incident is any non-criminal incident, which is perceived, by the person impacted, or any other person, to be motivated, wholly or in part, by a hostility or prejudice based on a person's particular characteristic, such as race, religion, sexual orientation, gender/transgender identity, disability or age.

In the absence of specific legislative definitions, Police has developed 'working definitions' in relation to hate crime, hate incidents and hate speech. Police uses the term working definitions as these are adopted, from a broad landscape of definitions and terminology across agencies and communities within Aotearoa and internationally, for Police's specific operational purposes. By adopting working definitions rather than a single established and authoritative definition, Police's definitions can evolve if required to reflect changes in the legislative framework, Police operational or agency advancements and societal progress around wider responses to hate.

The Police working definition of hate crime is perception based. This means that if Police, a victim, a witness or any third party perceives that an offence is motivated by hate then it must be recorded and flagged for 'perceived hate'. Unless there is immediate evidence to the contrary, the perception is recorded, and any further investigation carried out or subsequent court proceedings (with consideration of s9(1)(h) of the Sentencing Act 2002) may determine whether hate is confirmed as the motivation for the offence.

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The hate crime data within Police's recording system - the National Intelligence Application (NIA) - can be counted using different recording measures. An 'Occurrence' is our core measure and relates to a report to Police, or by Police, that has occurred in the same place, at the same time.

At the time of reporting, Police may identify a potential hate motive – using a 'Perceived Hate' system flag (referred to as a 'Contributing Factor') applied at the offence level. An Occurrence may have one or multiple offences (crimes) dependent on what happened to reflect the offences found by Police, and one or more Offences could be flagged as 'Perceived Hate', dependent on whether Police's definition for a hate crime applies.

For each offence flagged as 'Perceived Hate,' Police requires the capture of the Protected Characteristic targeted. Where the circumstances of an offence indicate that multiple Protected Characteristics were targeted, Police can record multiple Protected Characteristics against each Offence.

Finally, as a subcategory of Protected Characteristic, there is a Perceived Prejudice, which provides more granular data about the identity/person targeted by that offence. Again, as with Protected Characteristics there can multiple Perceived Prejudices identified as being targeted within the same offence.

Figure 1 presents a visual example of Police's recording options. Both scenarios identified would be categorised as hate crimes. On the left is an occurrence with only one hate flagged offence reported, targeting a single Protected Characteristic, and a single Perceived Prejudice. On the right is one occurrence with two offences, only one having been flagged as Perceived Hate. However, that offence reveals more than one Protected Characteristic was targeted, and one of the Protected Characteristics identified multiple Perceived Prejudices.

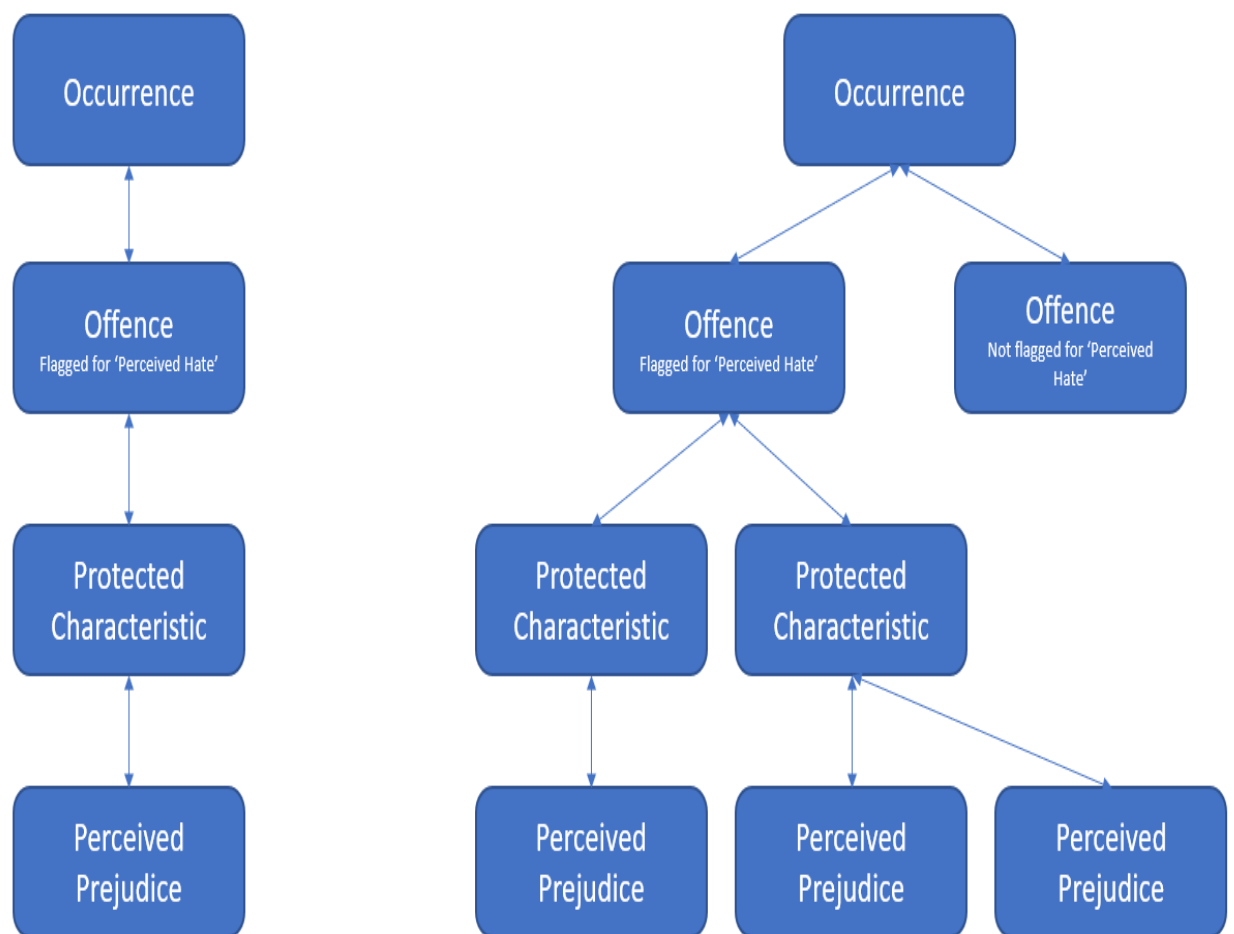



Figure 1. Recording of offences with perceived prejudice

Requested information

Please note that the Police system's capability to specifically flag records of hate (more commonly known as hate crimes) has been available since August 2019 following the terrorist attack on Christchurch masjidian on 15 March 2019.

Police's definition of hate crime is detailed in the background section above. Police captures groups/identities targeted as 'Perceived Prejudices' which are specific sub-categories (sub-Types) to our six Protected Characteristic (Type) groupings. Capability to record at this level was added to NIA in July 2022, and the Hate Crime Quality Assurance Team (HCQAT) back-captured the data to 1 January 2022. Consequently, the data provided only goes back to 1 January 2022, as it does not exist prior to that.

It is important to recognise that the Perceived Prejudice figures (which include perceived hate crime and perceived hate incidents) do not align directly with offence-level or occurrence-level data previously reported. This is because each hate crime offence can target more than one protected characteristic, and likewise, within each protected characteristic more than one Perceived Prejudice can be targeted. For example, one



offence may target both Race/Ethnicity – Middle Eastern and Religion/Faith – Muslim/Islam. That single offence would be counted twice, once in the Middle Eastern category, and once in the Muslim/Islam category.

The offender demography data includes offenders linked to offences flagged for hate since inception. Offender demographics are only recorded where Police record a proceeding against a person, they are not recorded for non-resolved offences nor incidents.

This data is current as of 13 September 2023. The data is drawn from provisional operational Police data and is subject to change. The attached spreadsheet provides the requested data to show 'Intersectionality data' including:

- **Tab one:** Perceived prejudice data including perceived hate motivated crime and perceived hate motivated incidents
- **Tab two:** Offender demography
- **Tab three:** Types of hate motivated offences data.

The occurrence IDs in each tab have been replaced with sequential (non-identifiable) numbers to meet privacy obligations. The sequential numbers do not correlate to the equivalent number in each tab for the same purpose.

The duplicate sequential numbers within Tab one show an occurrence where more than one 'hate type' is recorded. Duplicate sequential numbers in Tab two show where the same offender has been subject to more than one clearance.

As reporting and recording of hate crime and hate incidents is relatively new in New Zealand, initial increase between 2019 and 2023 in headline numbers should not primarily be read as an increase in the overall level of hate crime and hate incidents in New Zealand, but rather as the increased awareness, improved reporting and recording of these crimes and incidents. It will be several years until the underlying level of hate crime and hate incidents in New Zealand becomes clear through the data.

As Police works to mitigate the likelihood of hate incidences over time, there may be a reduction on the number of reported incidences. Population growth and the social context may mean that reporting does not dramatically reduce; the objective will be to limit and contain recurrence.

Police is committed to the continued development of reporting capabilities and to providing more detailed data to communities when able to do so. These developments can include work by the Hate Crime Quality Assurance Team to audit, update and improve historical data. As capabilities advance, further detailed data will be available.