

Request for information

1. *The number of hate crime incidents recorded by the police between the years between 1997 and 2022 inclusive, broken down into annual statistics*
2. *The number of these incidents that included (1) violent acts, (2) fatal or non-fatal acts and (3) hate speech and discrimination*
3. *The number of these incidents that were (1) prosecuted and (2) led to sentencing*
4. *Any data which notes the type of victims of these incidents, bearing in mind the national definition of hate crime.*
5. *Would you have any available statistical data that you can share on the number and types of cases where sentencing has been enhanced under s 9, ideally over the last 20 years? If not, is this because this type of data has been/is not officially collated, which seems to be one of the main critiques in some of the literature you have flagged up on national hate crime data collection processes?*
6. *If the official collation processes for s 9 sentence enhancement have changed following recommendations in the RCol report, in what way is this the case, how and when were they implemented, and is there any available statistical data that you are able to share following their implementation (number, type of cases, outcomes etc?)*

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.

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.

The Hate Crime data within Police's recording system - the National Intelligence Application (NIA) - can be counted using different recording measures. An 'Occurrence'

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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, we have ‘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 overleaf 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.

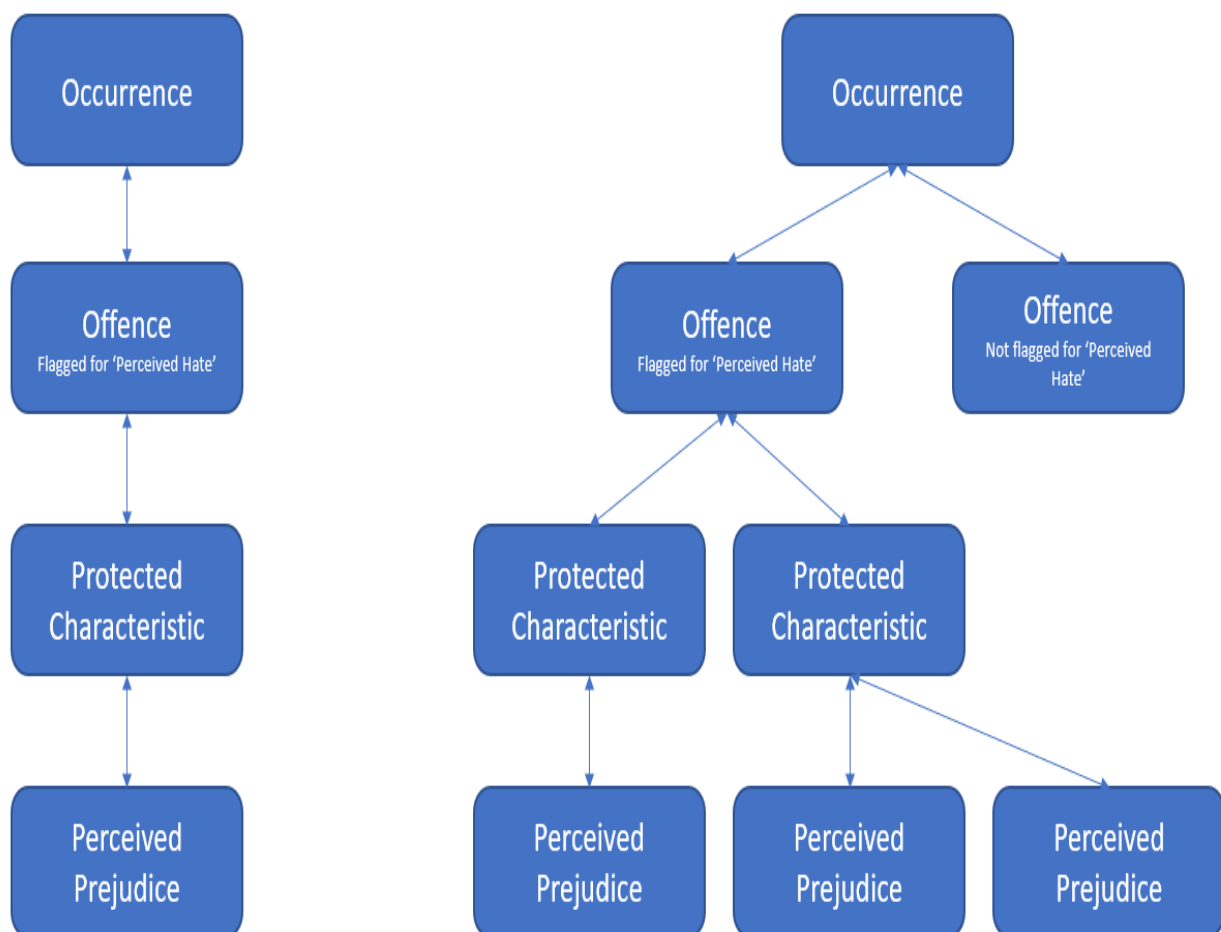


Figure 1. Recording of offences with perceived prejudice

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.

We have accordingly provided the requested data from August 2019 and have also included data available to 30 June 2023.

This data is current as of 25 July 2023. The data is drawn from provisional operational Police data and is subject to change.

As reporting and recording of hate crime and hate incidents is relatively new in New Zealand, the initial increase between 2019 and 2023 shown in these 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 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.

1. *The number of hate crime incidents recorded by the police between the years between 1997 and 2022 inclusive, broken down into annual statistics.*

Count of NIA occurrences with at least one offence flagged for 'Perceived Hate' by year reported

Year	Count
2019	1274
2020	2410
2021	3182
2022	4199
2023 (until 30 June)	2307

Hate crimes are not specific 'standalone' offences. Where we record an offence and identify 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.

Additional training and national implementation is underway to enable consistent and accurate data recording and trend analysis of occurrences of hate reported to Police. Police takes occurrences motivated by hate seriously and is committed to upskilling of staff and system and process improvements to provide improved reporting channels, recording capability and response.

2. *The number of these incidents that included (1) violent acts, (2) fatal or non-fatal acts and (3) hate speech and discrimination.*

2(1) Count of NIA occurrences with at least one violent* offence flagged for 'Perceived Hate' by year reported

Year	Count
2019	732
2020	1445
2021	1907
2022	2466
2023 (up until 30 June)	1466

*Violent is defined as any offence in the ANZSOC categories: Abduction, Harassment and Other Offences against a Person, Acts Intended to cause Injury, Homicide and Related Offences, Robbery, Extortion and Related Offences, and Sexual Assault and Related Offences.

2(2) Fatal or non-fatal acts

There has been one fatal hate crime recorded from August 2019 to date which took place in 2022.

2(3) Hate speech and discrimination

In the absence of specific legislative definitions, Police has developed 'working definitions' in relation to hate crime, hate incidents and hate speech. Police use 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 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.

As a Police operational definition, 'hate speech' against somebody is broadly understood as speech or writing, that attacks or threatens a particular group of people based on certain, protected characteristics, such as race, religion, sexual orientation, gender or transgender identity, age or disability. Hate speech, the use of hateful language, is not a specific offence and as a concept does not criminalise new behaviours (i.e., where an offender's conduct/expression fits the elements of an existing offence, it is a crime - where it does not, it is not). Accordingly, there is no specific or separate data for 'hate speech or discrimination' within Police.

3. There is a specific hate speech offence for inciting racial disharmony in section 131(1) of the Human Rights Act 1993. *The number of these incidents that were (1) prosecuted and (2) led to sentencing*

Police does not hold the information/data in relation to (1) and (2) above.

Police can confirm that since the hate crime flag was introduced to recording systems in 2019, 1163 offenders have been charged for Offences that were flagged for 'Perceived Hate'.

Please note: As outlined earlier in this response, hate crime is not a standalone offence. Therefore the 1163 offenders charged for offences that were flagged by Police as having an "aggravating factor" does not necessarily imply that the offence they were consequently charged for was identified by the court as meeting the threshold of a hate crime.

4. *Any data which notes the type of victims of these incidents, bearing in mind the national definition of hate crime.*

Count of offences targeting each Perceived Prejudice, 1 January 2022 - 30 June 2023

Protected Characteristic Targeted	Perceived Prejudice targeted	Count of offences targeting each Perceived Prejudice
Race/Ethnicity	African	147
Race/Ethnicity	American - North	33
Race/Ethnicity	American - South	35
Race/Ethnicity	Anti-Semitic	26
Race/Ethnicity	Asian	945
Race/Ethnicity	Australian	13
Race/Ethnicity	European	240
Race/Ethnicity	Māori	601
Race/Ethnicity	Middle Eastern	232
Race/Ethnicity	Not Recorded (Race/Ethnicity)	287
Race/Ethnicity	NZ European/Pakeha	459
Race/Ethnicity	Other (Race/Ethnicity)	53
Race/Ethnicity	Pasifika	265
Race/Ethnicity	People of Colour	636
Race/Ethnicity	South African	78
Race/Ethnicity	South Asian (Including Indian)	1663
Race/Ethnicity	Unknown (Race/Ethnicity)	540
Race/Ethnicity	White Supremacy	87
Disability	Not Recorded (Disability)	4
Disability	Physical	53
Disability	Psychological	81
Disability	Unknown (Disability)	21
Gender Identity	Another Gender	119
Gender Identity	Female	161
Gender Identity	Male	10
Gender Identity	Not Recorded (Gender Identity)	14
Gender Identity	Unknown (Gender Identity)	31
Religion/Faith	Buddhism	2
Religion/Faith	Christianity	31
Religion/Faith	Hinduism	14
Religion/Faith	Judaism	32
Religion/Faith	Muslim/Islam	239
Religion/Faith	Not Recorded (Religion/Faith)	28
Religion/Faith	Other (Religion/Faith)	20
Religion/Faith	Sikhism	15

Religion/Faith	Unknown (Religion/Faith)	24
Sexual orientation	Bisexual	7
Sexual orientation	Gay or Lesbian	652
Sexual orientation	Heterosexual or Straight	13
Sexual orientation	Not Recorded (Sexual Orientation)	36
Sexual orientation	Unknown (Sexual Orientation)	32

Police's definition of Hate Crime is detailed in the background section on page 1. 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 below 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 do not align directly with either the 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.

5. *Would you have any available statistical data that you can share on the number and types of cases where sentencing has been enhanced under s 9, ideally over the last 20 years? If not, is this because this type of data has been/is not officially collated, which seems to be one of the main critiques in some of the literature you have flagged up on national hate crime data collection processes?*


For the purpose of this response we interpret the reference to 's 9' as relating specifically to section 9(1)(h) Sentencing Act 2002. At present Police processes do not capture Court sentencing outcomes in relation to sentencing enhancement through application of section 9(1)(h) Sentencing Act.

Police does not hold this data. This information is more likely to sit with Ministry of Justice.

6. *If the official collation processes for s 9 sentence enhancement have changed following recommendations in the RCol report, in what way is this the case, how and when were they implemented, and is there any available statistical data that you are able to share following their implementation (number, type of cases, outcomes etc?)*

A tick box is being added to the POL250 National Prosecution File Cover Sheet to identify/highlight files where s9(1)(h) Sentencing Act 2002 could or may apply.

The POL258P (Report form to Prosecutions) includes the following guidance to staff:



‘If you are dealing with a Hate Crime offence, consider the application of section 9(1)(h) of the Sentencing Act 2002’.

The introduction of a structured field in NIA to facilitate recording of such cases is in progress.

At this stage the statistical data requested is not available. The information provided in this response is administrative data drawn from a dynamic operational database. It is subject to change as new data and information is continually recorded.

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 HCQAT to audit, update and improve historical data. As capabilities advance, further detailed data will be available.