



An Garda Síochána

Policy Document

Responding to Hate Crimes and Non-Crime Hate Incidents

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Policy Owner	Assistant Commissioner Roads Policing and Community Engagement

Purpose

An Garda Síochána is committed to protecting the safety, wellbeing and rights of all, particularly diverse, minority and marginalised communities and individuals. This Policy document outlines An Garda Síochána's approach to Hate Crime and Non-Crime Hate Incidents (*hereafter referred to as Hate Incidents*). Together with associated Procedures, it aims to support the delivery of the relevant strategic objectives contained in *An Garda Síochána Diversity and Integration Strategy 2019-2021* and subsequent strategies, namely:

- to encourage and facilitate reporting of all Hate Crimes and Hate Incidents
- to provide appropriate support to victims of Hate Crime during the reporting, investigation and prosecution phases
- to increase levels of reported Hate Crime
- to develop and issue Hate Crime Policy and Procedures
- to publish the Garda Hate Crime definition and Hate Incidents definition

Scope

This Policy and all associated documentation applies to members of An Garda Síochána and Garda staff. It also applies to Police Officers from the Police Service of Northern Ireland (PSNI) seconded to An Garda Síochána in accordance with Section 53, Garda Síochána Act 2005.

Policy Statement

Hate Crime causes significant social harm and has a profound impact on victims, communities and society as a whole. Acknowledging this, An Garda Síochána will implement an appropriate professional response, including a specific approach to reporting, recording, investigating and prosecuting Hate Crimes and Hate Incidents as appropriate.

An Garda Síochána acknowledges significant under-reporting of Hate Crime and is committed to working in partnership with all our stakeholders to enhance confidence and improve reporting. An Garda Síochána has adopted working definitions for Hate Crime and Hate Incidents. These are designed to guide decision-making and provide a framework from which procedures and guidelines have been derived.

Hate Crime

Any criminal offence which is perceived by the victim or any other person to, in whole or in part, be motivated by hostility or prejudice, based on actual or perceived age, disability, race, colour, nationality, ethnicity, religion, sexual orientation or gender.

Hate Incidents

Any Non-Crime Incident which is perceived by any person to, in whole or in part, be motivated by hostility or prejudice, based on actual or perceived age, disability, race, colour, nationality, ethnicity, religion, sexual orientation or gender.

These working definitions are subject to review, with the introduction of new legislation and any future policy changes.

Hate Crime is a message or signal crime. It sends a message, not alone to affected individuals and communities, but to the wider community, the media, Civil Society Organisations, NGOs and



internationally. In addition to causing fear and distress to victims, it can also lead to reprisal or escalation to violence within communities. The consequences of Hate Crime are damaging and much further reaching than individual victimisation. A prompt and thorough response and investigation can help to alleviate some of those concerns.

The definitions aim to assist in determining if a crime constitutes a Hate Crime, from the perspective of An Garda Síochána, any potential victims or society in general. Reports of Hate Crimes or Hate Incidents will be recorded and investigated as appropriate, where it is perceived that the perpetrator's hostility or prejudice against any person, community or institution is on the grounds of the victim's age, disability, race, colour, nationality, ethnicity, religion, sexual orientation or gender.

The perception of the victim or other relevant person is central to determining whether to record an incident as a Hate Crime or a Hate Incident. The perception test is the defining factor, no additional evidence is required at the reporting stage. Evidence of bias motives can be established by the investigating member as corroborating evidence.

Compliance

Compliance with this policy and associated procedures is mandatory for all members of An Garda Síochána and Garda staff.

Related Documents

- [An Garda Síochána Diversity and Integration Strategy 2019-2021](#)
- [Hate Crime Leaflet](#)
- [Prohibition of Incitement to Hatred Act 1989](#)
- [Irish Human Rights & Equality Act 2014 \(Section 42\)](#)
- [Criminal Justice \(Public Order\) Act 1994](#)
- [Victims of Crime Charter](#)
- [An Garda Síochána Victims Charter](#)
- [Bunreacht na hÉireann \(Constitution of Ireland\)](#)
- [Criminal Justice \(Victims of Crime\) Act 2017](#)
- [Code of Ethics for An Garda Síochána](#)
- [Garda Decision Making Model](#)
- [Migrant Integration Strategy 2017-2020](#)
- [National Disability and Inclusion Strategy 2017-2021](#)
- [National LGBTI+ Inclusion Strategy](#)
- [LGBTI+ National Youth Strategy 2018-2020](#)
- [National Traveller and Roma Inclusion Strategy 2017-2021](#)
- [An Garda Síochána Human Rights Strategy](#)

Legal & Human Rights Screening

This Policy has been legal and Human Rights screened in terms of the respective obligations placed on An Garda Síochána for the subject area concerned.

Human Rights Considerations



The vindication of Human Rights is a key policing objective, and is the very basis of policing. Garda Personnel play a vital role in ensuring that citizens may enjoy their rights to live free from violence, abuse and crime. Garda Personnel also help preserve an environment in which people can live free from fear and enjoy other rights and freedoms. Members carrying out their functions shall at all times respect a person's personal rights and his/her dignity as a human being and shall not subject any person to ill-treatment of any kind.

The proportionate use of powers is dependent upon decisions being made following consideration of the [Garda Decision Making Model](#) and ensures that Constitutional and Human Rights considerations are at the core of every decision made. This practice, in addition to the effective oversight of usage, which is guided by the nine standards of conduct and practice within the Garda Síochána Code of Ethics, will aim to uphold the Human Rights of all those affected by such use.

Consideration of all Human Rights in compliance with the organisation's Human Rights Framework is crucial while carrying out all responsibilities and duties in responding to Hate Crimes and Hate Incidents.

Ethical Standards & Commitments

Every person working in An Garda Síochána must observe and adhere to the standards and commitments set out in the [Code of Ethics](#) for An Garda Síochána and uphold and promote this Code throughout the organisation.

Policy & Procedure Review

This Policy and associated documents will be reviewed 12 months from the date of effect (or earlier, in the event of new legislation) and every three years thereafter.

Disclaimer

This document is not intended to, nor does it represent legal advice to be relied upon in respect of the subject matter contained herein. This document should not be used as a substitute for professional legal advice.