Recording Hate Crime: Technical solutions in a training vacuum

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Abstract
In Ireland, police record hate crime as part of their operational duties and their remit in collecting crime data. This article addresses the impact on the quality of official hate crime statistics of a technical change to the manner in which the hate element of a crime was recorded in Ireland in 2015. The primary data were collected via two research projects conducted in 2015 and 2017. Both projects addressed the treatment of hate crime in the criminal justice process in Ireland. This article draws on interviews with members of the police and employees of the national Garda Information Services Centre (GISC) conducted for these studies. While technical advancements were made in the recording of hate crime, by 2017 awareness of hate crime recording categories had not been mainstreamed among police officers and little support had been provided to them in interpreting the meaning of categorical labels. While technical training had begun to be rolled out, training on the substantive issues involved had not been mainstreamed and did not address the recording of discriminatory motivations. The technical changes to the police recording of hate crime in Ireland evidence a progressive ethos with respect to:
• Recording the hate element of a crime beyond the limits of legislation
• Identifying victims of hate crime
• Including a wide range of identities
However, in the absence of agreed definitions and training, the impact of this technical change will, we argue, be limited.

Keywords: Hate Crime, Crime Recording, Ireland
Introduction

In Ireland, hate crime is recorded by the police as part of their operational duties and as part of their remit in collecting crime data. Police recorded data is provided by the police to the Central Statistics Office (CSO) who are responsible for assessing the quality of the data, collating statistics, and disseminating information. This article addresses the impact on the quality of official hate crime statistics of a technical change to the manner in which the hate element of a crime was recorded in Ireland from 2015.

The primary data in which the findings presented herein are grounded were collected via two research projects. The fieldwork for the first project, Out of the Shadows: Legislating for Hate Crime in Ireland (Haynes et al. 2015), which was funded by the Irish Council for Civil Liberties, was conducted in 2015 and the fieldwork for the second project, Lifecycle of a Hate Crime (Haynes & Schweppe 2017b), funded by the European Commission, Directorate-General Justice Rights Equality and Citizenship Programme, was conducted in 2017. Both of these projects related to the treatment of hate crime in the criminal justice process in Ireland. This research draws on qualitative interviews with members of the national police force conducted for both studies. In both cases, we formally applied to the national police service, An Garda Síochána, to interview police officers, and received ethical approval for the research from our institution, the University of Limerick. The first period of fieldwork in 2015 resulted in interviews with 12 police officers, primarily members tasked with addressing the needs of ethnic and LGBT minorities, referred to as Ethnic Liaison Officers and LGBT Liaison Officers respectively. The second period of fieldwork in 2017 included interviews with 18 police officers. During the course of the second research project we also had the opportunity to interview five employees of the national Garda Information Services Centre (GISC) who accept, log, and review police generated crime incident reports.

What is a Hate Crime?

Given the absence of an agreed EU definition of hate crime, we acknowledge differences among Member States in the manner in which “hate crime” is interpreted. Internationally, the most widely shared definition of a hate crime is an offence which is known to the criminal law and is committed in a context that includes identity-based hostility. The Organisation for Security and Co-operation in Europe (OSCE) describe a hate crime as:

“... criminal acts committed with a bias motive. It is this motive that makes hate crimes different from other crimes. A hate crime is not one particular offence. It could be an act of intimidation, threats, property damage, assault, murder or any other criminal offence. The term “hate crime” or “bias crime”, therefore, describes a type of crime, rather than a specific offence within a penal code. A person may commit a hate crime in a country where there is no specific criminal sanction on account of bias or prejudice.” (OSCE/ODIHR 2009a)

This is the definition which we adopt in this article.

The Social Significance of Hate Crime

It is internationally accepted that hate crime has a more significant impact on its victims than ordinary crime (Iganski 2008). Direct impacts can range from physical injury to emotional and psychological harm.

“I was working with a mother last year whose son was abused by [a] neighbour physically, verbally, they suffered property damage – spray paint on the house. The child tried to kill himself twice. He poured detergent over his skin because he thought it would make him white.” (Employee of an Irish Civil Society Organisation) (Haynes et al. 2015).

Research increasingly supports the conclusion that there is a qualitative difference in the impact of hate crime as compared to non-hate motivated incidents. For instance, data from the Crime Survey for England and Wales (CSEW) showed that victims of hate crime were more likely than victims of crime overall to say they were emotionally affected by the incident (92 per cent and 81 per cent respectively) (Corcoran, et al 2015). Thirty six per cent of hate crime victims stated that they were “very much” affected compared with just 13 per cent of non-hate crime victims. The data also showed that twice as many hate crime victims suffer a loss of confidence or feelings of vulnerability after the incident compared with victims of non-hate crime (39 per cent and 17 per cent respectively). Hate crime victims were also more than twice as likely to experience fear, difficulty sleeping, anxiety or panic attacks or de-
pression compared with victims of overall CSEW crime” (Corcoran et al. 2015; Herek et al. 1999).

Hate crime not only impacts on its direct victims: the targeting of victims on the basis of their membership of a particular community “communicates to all members of that group that they are equally at risk and do not belong” (Haynes et al 2017a). As such, the terrorizing effect of hate crime goes beyond the individual to generate fear and anxiety among the broader community of which the victim is part; what the EU Agency for Fundamental Rights (2014) refers to as the “resonating nature of hate crime”, or what Perry and Alvi (2012) refer to as the “in terrorem” effect of hate crime. Hate crimes then can be perceived as “symbolic crimes” that operate as an exclusionary practice regulating marginalised groups in society (Perry 2003; Chakraborti & Garland 2015; Hall 2013; McDevitt et al. 2001).

The Importance of Hate Crime Statistics

In its implementation report on the EU Framework Decision on combating certain forms and expressions of racism and xenophobia by means of the criminal law, the European Commission specifically addressed the issue of data collection, asserting that States should produce “reliable, comparable and systematically collected data... in order to assess the level of prosecutions and sentences” (European Commission 2014). The publication of hate crime data benefits the wide range of non-state stakeholders who can use the data to inform their own interventions in respect to combating hate crime. More generally, the publication of hate crime statistics serves to raise public awareness of the reality of hate crime and of reporting and recording mechanisms. International organisations such as the European Commission against Racism and Intolerance (ECRI), the Committee on the Elimination of Racial Discrimination (CERD), the United Nations Human Rights Council (UN HRC) and the Organisation for Security and Co-operation in Europe (OSCE) look to data collection mechanisms as a means of promoting approximation of laws on hate crime (Perry 2015; Whine 2016):

“The argument for evidencing the nature and volume of hate crime has been repeatedly made by the OSCE and FRA. The European Commission against Racism and Intolerance (ECRI) has similarly focused on the need to collect data on ‘racist violence’ and the UN Human Rights Council and Committee on the Elimination of Racial Discrimination (CERD) have made similar calls” (Perry 2015, p.72).

The official recording of hate crime at the point of first contact with the criminal justice system is important for three key reasons. First, it supports the appropriate investigation and prosecution of the hate element. Second, it ensures that victims are directed to appropriate support services. Finally, it allows police forces to develop informed policy responses. The Subgroup on methodologies for recording and collecting hate crime data of the EU High Level Group on combating racism, xenophobia and other forms of intolerance asserts that, given the importance of data on hate crime:

“Appropriate mechanisms thus need to be in place to enable law enforcement officials to identify the potential bias motivation of an offence, and to record that information on file. Having such mechanisms in place would also help ensure that victims and witnesses can report hate crimes to law enforcement authorities with confidence.” (EU High Level Group on combating racism, xenophobia and other forms of intolerance 2017, p.4).

Ireland’s legislative and policing context

Ireland has a range of international obligations with respect to combating hate crime by means of the criminal law, but has not introduced any legislation designed for this express purpose. In particular, the 2008 EU Council Framework Decision on combating certain forms and expressions of racism and xenophobia by means of criminal law requires Member States, under Article 4, to “take the necessary measures to ensure that racist and xenophobic motivation is considered an aggravating circumstance or alternatively that such motivation may be taken into consideration by the courts in the determination of the penalties”. In a 2012 publication on hate crime in the EU, EUFRA noted specifically that data on hate crime in Ireland is “limited because criminal law does not define racist or related hate offences as specific offences, nor does it expressly provide for the taking into account of racist motivation as an aggravating factor…the 2008 Irish Crime Classification System…does not cover offences with a suspected hate motivation” (European Union Agency for Fundamental Rights 2012a, p. 37).
The Production of Official Statistics on Hate Crime in Ireland

It has been noted that the Republic of Ireland does not have hate crime laws. Despite this, An Garda Síochána surpassed the limits of legislation with respect to recording over a decade ago and have been proactive in facilitating the recording of what they refer to not as hate crime, but as crimes with a discriminatory motive, since 2002. The recording of discriminatory motives occurs at the point of logging crimes onto PULSE - the computer-based national incident recording system. In the main, crimes are recorded onto PULSE via a telephone exchange between the police officer attending the scene or to whom the crime has been reported, and call takers at the Garda Information Services Centre (GiSC) who take the police officer through the online reporting process and type in the details they provide.

GiSC was rolled out nationally in October 2006 with the objective of reducing the administrative workload of An Garda Síochána. The purpose of the system was to centralize the collection of data relating to criminal offences, providing Garda management the platform to inform policies and practices in this regard (NCC 2004). According to the Central Statistics Office in a report published in June 2015, the most common variables for recording a criminal offence included: the date and time of incident occurrence; date of incident report; incident type; detection status; date of birth of victims and suspected offenders (where applicable); narrative of incidents; location of incident; and the modus operandi (MO) of the crime (Central Statistics Office 2017).

In recording details for this latter category, there were a range of approximately 40 MOs, or crime motivations, available to gardaí on the incident details screen, including corruption, domestic violence, extortion, jealousy and monetary gain. From this alphabetized list, five MOs related to hate motivations from 2002 to 2015: racism, xenophobia, antisemitism, homophobia and sectarian.

Recording methodology prior to 2015
The recording of discriminatory motivations commenced in 2002 as a result of Garda HQ Directive No 188/2002, which established that racist motivations were to be captured on PULSE. The ‘perception test’ was utilised in this Directive: that is, where the victim or any other person perceived the crime to be racist, it should be recorded as such (discussed in detail later in this article). Recording was later extended to include categories for homophobia, antisemitism, sectarianism and xenophobia. The category of xenophobia quickly became defunct and the Central Statistics Office reports (Central Statistics Office 2017) that by 2006, no data was being recorded for xenophobic motivations. The category was discontinued from 2007 (Central Statistics Office 2017). This same year the 2002 Directive was replaced with Directive 04/2007 which retained the perception test, but did not expand reference to any category beyond racism.

Discriminatory motivations were available to select within the database relating to criminal offences only. Within that database, the categories were included on the incident details screen as five among an alphabetised list of more than 40 motivations, including corruption, domestic violence, extortion, jealousy, and monetary gain. Taylor notes in a 2010 discussion of how PULSE works:

“There is no mandatory field which must be completed at the recording stage to note whether an incident had a racist aspect. As a result a lot depends upon the victim’s reporting and insistence on identifying the racist aspect, and furthermore a lot depends on Garda discretion as to what is written into the narrative section of the PULSE recording system” (Taylor 2011, p.18).

Until 2015, while a motivation for the offence had to be selected, there was no compulsion on PULSE users to specifically address the question of whether a crime might have had a discriminatory motive specifically.

Data 2006-2014
The table below presents Irish official statistics on the numbers of crimes recorded as having a discriminatory motivation for the period 2006-2014.
As we can see, the number of crimes recorded as having a racist motivation peaked in 2007, with 210 such crimes reported, dropping to a low of 93 such crimes across 2012-2014. Crimes recorded with a homophobic motivation peaked in 2009 with 32 such crimes, falling to only 13 in 2014. The number of crimes recorded with an antisemitic motivation reached a high of 12 in 2010. Figures for sectarian crime peaked in 2007.

It has been widely acknowledged both by members of An Garda Síochána and by civil society organisations that the figures presented here were an underrepresentation of the number of crimes with discriminatory motives occurring in Ireland. Members of An Garda Síochána to whom we spoke in the course of our 2015 research fully accepted that police-recorded data represents a significant undercount of hate crime occurring in Ireland (Haynes et al 2015). Gurchand Singh, the Head of Analysis, observed that the official figures:

“… are not a reflection of the trends, extent, depth of hate crime in Ireland… [we cannot] assume that all incidents are reported to us. The challenge is knowing what [the] proportion of incidents reported to us are ….” (Haynes et al 2015).

**PULSE 6.8 and the “Technical Solution”**

The 2014 Garda Inspectorate Crime Investigation Report recommended that An Garda Síochána ensure that all crimes containing elements of hate or discrimination were flagged on PULSE, and advised for the creation of clear modus operandi features on PULSE that would allow the accurate recording of the nine strands of the Diversity Strategy. In November 2015, in anticipation of the Victims’ Directive, a new way of recording crimes with a “discriminatory motive” was introduced, which made changes to both the recording categories and the recording process. As part of an update called PULSE 6.8, the five pre-existing recording categories were replaced. In November 2015, An Garda Síochána began recording eleven categories of discriminatory motives which were generated to reflect the police service’s strands of diversity, in collaboration with the Garda Racial and Intercultural Diversity Office: Ageism, anti-disability, anti-Muslim, anti-Roma, antisemitism, anti-Traveller, gender related, homophobia, racism, sectarianism, and transphobia.

This was a significant change, providing for the recognition of hate motivations towards quite a comprehensive range of commonly targeted groups. On a critical note, neither religion, nor a lack of religion or belief, were included as discrete recording categories, therefore there is no marker to identify religiously aggrivated crimes that are not antisemitic or anti-Muslim. Nonetheless, the expansion of the range of recording categories under PULSE 6.8 reflects Perry’s (2001) assertion that we need to recognise the historically and culturally contingent character of hate crimes. Thus, the sectarian and anti-Traveller categories would not necessarily be as relevant in other jurisdictions, but allow for the recording of important local manifestations of hate in Ireland (see O’Connell 1997; see Carr 2015).

Possibly an equally significant methodological change is that made to the process of recording. PULSE 6.8 has altered the location of the discriminatory motive recording categories within the incident recording system for criminal offences. First, it has introduced a discrete question on discriminatory motives, rather than requiring that the user locate the eleven categories within a general motivations question. Second, the new discrete question on discriminatory motives is located in a dialogue box on the Victim Needs Assessment screen, which requires gardaí to indicate where the victim requires an individual needs assessment as a result of, for example, their status as a child, a person with a disability, a repeat victim, a victim of domestic violence, or the presence of a discriminatory motive. The question on discriminatory motives offers the person logging the report a choice of the eleven discriminatory motives, plus an option which indicates that no discriminatory motive was present; one of these twelve options must be selected. Further, selecting an indica-

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1. The Garda on the scene checks PULSE to ascertain whether the victim is a repeat victim.
tor of a discriminatory motive on the Incident Details screen automatically populates the discriminatory motives markers on the Victim Needs Assessment screen. Equally, selecting a discriminatory motive on the Victim Needs Assessment screen automatically populates the wider-ranging motives tab on the Incident Details screen.

This change suggests that information on discriminatory motives is sought for the purposes of victim support rather than investigation, a position which is supported by research interviewees who confirm that the selection of the marker shapes neither the investigation nor prosecution of a crime; however, the eleven discriminatory motives are ostensibly more visible under 6.8 than they were previously. The visibility of the question is copper fastened by its mandatory status: under PULSE 6.8 all users logging incidents by phone with GISC (the civilian service tasked with populating the crime incident database) are asked to complete the Victim Needs Assessment screen and must address the question of whether or not the crime had a discriminatory motive. Given that the 2017 Report of the Expert Group on Crime Statistics (Department of Justice 2017) asserts that every addition of mandatory data involves “legal, administrative and technical implications”, the compulsory nature of the question on discriminatory motives indicates a commitment to fulfilling the State’s obligations under the Victims’ Directive to identify victims of hate crimes in order to provide them with access to appropriate supports.

The number of crimes recorded as having a discriminatory motive increased dramatically following the introduction of this technical innovation: from 114 in 2014 to 308 in 2016:

| Table 3: Crimes recorded as associated with a discriminatory motivation 2016 * |
|---------------------------------|-----------------|
| Ageism                          | 38              |
| Anti-Disability                 | 12              |
| Anti-Muslim                     | 13              |
| Anti-Roma *                     |                 |
| Antisemitism *                  |                 |
| Anti-Traveller                  | 25              |
| Gender-related                  | 31              |
| Homophobia                      | 28              |
| Racism                          | 152             |
| Sectarianism *                  |                 |
| Transphobia *                   |                 |
| Total                           | 308             |

One of the challenges to the reliable recording of crimes with a discriminatory motive is police awareness of the recording categories. Having spoken to ELO/LGBT officers about their awareness of the pre-PULSE 6.8 recording categories in 2015 (see Haynes et al 2015), in 2017 we spoke both to members of An Garda Síochána and civilians working as call takers (Incident Creation Representatives) in the Garda Information Services Centre who log reports to PULSE on behalf of the police (see Haynes and Schweppe 2017).

In an earlier study, in interviews with gardaí conducted in 2012, Clarke (2013) found that officers differed in their understanding of recording procedures for racist crime – and that most did not know the definition of racism used by the service, or even that the service was required to record the numbers of racist crimes. Our 2015 research found that, pre-PULSE 6.8, police were broadly aware of the racist discriminatory motive.

However, while all of the interviewees in our research in 2015 were aware that it was possible to record a crime as racially motivated using the drop down motivations menu, there was less consistency in awareness of the other available prejudice-related categories (Haynes et al 2015). Few garda interviewees mentioned the category of antisemitic motivations. None mentioned sectarian motivations. While there were generally high levels of awareness of the potential for homophobic

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* Indicates that there were between 1 and 3 crimes recorded in this category, but that the number of cases did not meet the Central Statistics Office’s minimum frequency rules for the purposes of reporting. The CSO was not in a position to disaggregate by offence type.
crime, one ELO/LGBT officer was unaware that it was possible to record a homophobic motivation on PULSE.

“I interviewed: Do you know if you can record a homophobic motivation?”
Interviewee: No. Definitely not.
Interviewer: You can’t?”
Interviewee: Could you flag it as homophobic? … apart from the narrative? I don’t think you can.” (Garda)

We raised the question of how bias-related motivations such as transphobia and disablism which are not available through the motivations menu on PULSE might be recorded. Responses varied; some interviewees suggested that they would use the menu entry for homophobia in flagging transphobic motivations:

“I interviewed: What about transphobic now? Interviewee: We have to record it under homophobic because there is no other place for it. The workaround at the moment … is to include transphobia in the narrative.” (Garda)

Others suggested that they would just note the motivation in the narrative section of the report. In one case the garda interviewee was unable to say how they might record either a transphobic or a homophobic motivation.

Although the Garda Inspectorate (2014) report Crime Investigation refers to the existence of an organisational definition of both racist and homophobic incidents, An Garda Síochána interviewees referred only to an organisational definition of racist incidents.

“I interviewed: Is there a definition of homophobic crime in An Garda Síochána? Interviewee: No.” (Garda)

While we saw earlier that some ELO/LGBT officers worked on ensuring that transphobic motivations were recorded, others had no understanding of the concept as we can see here from this participant.

“I interviewed: What about transphobic crimes? Interviewee: Transphobic crimes? Tell me what a transphobic crime is?” (Garda)

Awareness of recording categories post-PULSE 6.8

Following the introduction of a discrete and mandatory question on discriminatory motives in November 2015 as part of the PULSE 6.8 update, GISC call takers interviewed in 2017 for this research unanimously agreed that they initially listed all eleven discriminatory motives available each time a report was made. Over time, however, this practice faded out they explained, with some call takers prompting officers where they perceived a particular discriminatory motive to be relevant to the incident details, and others asking an open question on whether any discriminatory motives were present in the case:

“I don’t list it anymore. I just ask if there’s any discriminatory motives.” (GISC Employee)

Gardai interviewed in 2017 displayed little awareness of the recording categories when we asked them to recall the categories of discriminatory motive available:

“I interviewed: Do you recall what the categories are? Interviewee: I don’t … I can’t recall, no.” (Garda)

We then prompted participants by asking if they were aware of the presence of particular discriminatory motives available. Again, participants evidenced very low levels of awareness of specific categories:

“I interviewed: Is there an anti-Traveller motivation that’s possible on PULSE? Interviewee: I’ll have to check that and come back to you.” (Garda)

“I interviewed: Were you aware for example that anti-disability is listed as a discriminatory motive? Interviewee: No.” (Garda)

Indeed, the only individuals with a comprehensive knowledge of the available recording categories worked primarily with victims and in the Garda Racial and Intercultural Diversity Office.

Training and Policies

Awareness of a suitable range of recording categories is valuable but not enough by itself. Our 2015 research noted that, with the exception of the brief HQ Directives which govern the recording of discriminatory motives in Ireland, there was no other documentation detailing recording protocols, nor any training on the subject (Haynes et al 2015). An Garda Síochána began delivering diversity training to specialist officers since 2002 through the Garda and Racial Intercultural Office (GRIDO) with the assistance of representatives of minority groups (McInerney 2017), but this training is not mainstreamed nor, according to interviewees, does
it specifically address the recording of discriminatory motives.

In 2017, we found that training had been provided to alert members of the service to the introduction of new screens and questions in PULSE 6.8, although it appeared that not all members had had access to this training over a year following the rollout of the update (Haynes and Schweppe 2017):

“In theory they were supposed to know about all the changes that come through. But with all the cutbacks and everything a lot of them weren’t getting their CPD (continuous professional development).” (GISC employee)

“I can’t think of any specific training.” (Garda)

Interviewees unanimously agreed that neither civilian call takers nor police officers had had access to either training or documentation on protocols for recording a discriminatory motive specifically, for example the circumstances under which a discriminatory motive should be recorded (see section below on the perception test) or the definitions of the various constructs referenced in the recording categories to be used.

“I went into [PULSE] recently, the tab for … an injured party for a person and I just went in and it was all these different tabs. I filled them out … you’re asking me what they are, I don’t know. … Like no doubt I was given an e-mail. But they get lost.” (Garda)

In the absence of institutional definitions, both police officers and call takers had to rely on common sense understandings and individualised interpretations of the constructs referenced.

“I went into [PULSE] recently, the tab for … an injured party for a person and I just went in and it was all these different tabs. I filled them out … you’re asking me what they are, I don’t know. … Like no doubt I was given an e-mail. But they get lost.” (Garda)

Interviewer: So you didn’t get any training in terms of this is what transphobia is or?
Interviewee: No, I think it’s just taken you’d know yourself which sounds a bit weak really.” (Garda)

Consequently, both groups evidenced variation and uncertainty in interpreting recording categories. These issues are exemplified in the following excerpts from interviews with police officers in which they discuss their understanding of the recording category “gender-related”:

“I don’t know whether it comes down to transsexual?” (Garda)

“I presume it’s LGBT?” (Garda)

“… if you have a female present and there is abuse hurled at her.” (Garda)

“A crime against someone because a suspected offender doesn’t like a female or a male.” (Garda)

In discussing such challenges, a senior officer emphasized that:

“Training is more effective than guidelines” (Garda)

Prior to any such training, however, detailed protocols for the recording of discriminatory motives are required, including agreed definitions of the eleven recording categories.

“Interviewer: Did you get any guidance on what the different discriminatory motives mean?
Interviewee: Not really. They don’t really. It’s ageism and that’s it. It’s just one phrase. Doesn’t give specifics as to what that is. Or it could be racially motivated but it doesn’t specify anything else, it’s just racial. Do you know?” (GISC employee)

**Operationalization of the perception test**

The Garda HQ Directive No 04/2007 retained perception as the criterion for recording a racist discriminatory motive. This criterion was developed initially in England and Wales in the 1999 Macpherson Report, the product of an inquiry set up in the wake of the racist murder of Stephen Lawrence to examine the investigation of racially motivated crimes by London’s Metropolitan Police Service (MPS). In the UK, the Macpherson Report “has been identified as the most significant driver for the recognition of targeted victimisation” (Mason et al 2017). England and Wales’ College of Policing, in its 133 page long 2014 Hate Crime Operational Guidance, explains the perception test as follows:

“For recording purposes, the perception of the victim, or any other person … is the defining factor in determining whether an incident is a hate incident, or in recognising the hostility element of a hate crime. The victim does not have to justify or provide evidence of their belief, and police officers or staff should not directly challenge this perception. Evidence of the hostility is not required for an incident or crime to be recorded as a hate crime or hate incident … If the facts do not identify any recordable crime but the victim perceived it to be a hate crime, the circumstances should be record-
ed as a non-crime hate incident and not a hate crime.” (College of Policing 2014, p.6)

As noted above, the Macpherson definition of a hate crime or incident covers any incident which is perceived to be hate motivated “by the victim or any other person” (Macpherson 1999, 15-16). This is clearly a remarkably subjective definition – its purpose is to ensure effective and appropriate investigation. In Ireland, Garda HQ Directive No 04/2007 states that any incident which is perceived by “the victim or any other person” – for example the police officer, a witness, or a person acting on behalf of the victim – to have a racist motivation should be recorded as such.

Awareness of the perception test

In 2015 we had noted low levels of awareness of the relevance of the perception test to the recording of discriminatory motives in Ireland. In 2017, we found no evidence that awareness of the perception test had been mainstreamed. In this research, there were mixed understandings of the circumstances in which a discriminatory motive would be selected, with this garda stating that he would require evidence of a racist motive before the box would be ticked:

“Interviewee: So once you’re satisfied that the incident … or that the statement complies with what you believe to be a racially motivated incident well then that’s when you tick it.
Interviewer: So the person will say I think it’s racially motivated and then … do you need to verify that? Is that what you’re saying to me?
Interviewee: Yeah, it’s like an allegation of an assault. You can’t put someone down as being a suspected offender in an assault until you know the facts of the case. So that … that pretty much goes in line with that. Until you’re 100 per cent certain or satisfied … you know it’s your opinion as to what you’re hearing from that person. You believe its bona fide allegation so you tick it.” (Garda)

Two gardai described circumstances in which they would tick the box which approximated implementation of the perception test, but when we asked why they would take this approach, they responded that it was not because of any training, but rather, their own gut instinct.

Only those police officers who worked exclusively with victims and who had additional training on hate crime had any knowledge of the perception test. McInerney (2017) emphasises that full training for all officers in applying the Macpherson definition is essential. One individual who explicitly referred to the perception test had become aware of it through a course outside An Garda Síochána. A second, who undertook a training course delivered to all gardaí in the area, said to us that the trainer themselves was unaware of the circumstances in which an incident would be recorded as racist, and the garda had to instruct and correct the trainer on the perception test:

“Interviewee: So once you’re satisfied that the incident … or that the statement complies with what you believe to be a racially motivated incident well then that’s when you tick it.
Interviewer: So the person will say I think it’s racially motivated and then … do you need to verify that? Is that what you’re saying to me?
Interviewee: Yeah, it’s like an allegation of an assault. You can’t put someone down as being a suspected offender in an assault until you know the facts of the case. So that … that pretty much goes in line with that. Until you’re 100 per cent certain or satisfied … you know it’s your opinion as to what you’re hearing from that person. You believe its bona fide allegation so you tick it.” (Garda)

Whatever methodology is adopted, the absence of clear protocols regarding the circumstances under which a discriminatory motive should be recorded impacts the reliability of the data collected. It is clear that at present members of An Garda Síochána differ in their belief as to whether it is the victim, or the police officer’s perception, which determines recording, and more specifically, whether evidence is required. At present, victims cannot be certain of the protection proposed by the perception test against individual or institutional bias preventing the recording – and likely the investigation - of a hate element.

Conclusions

Ireland’s police can be commended for taking a proactive, expansive, and inclusive approach to recording hate crime. By requiring members to answer the question of whether a crime they are recording had a discriminatory motivation, those seeking to record a crime are at least theoretically required to consider whether there was a hate motivation to the crime. The technical changes introduced via PULSE 6.8 evidence a progressive ethos with respect to:

• Recording the hate element of a crime beyond the limits of legislation
• Including a wide range of identities
• Making consideration of the presence of a hate element compulsory

The innovation has achieved a substantial increase in the number of recorded crimes with a discriminatory motive. However, in the absence of agreed definitions and training, the impact of this technical change will, we believe, be limited.

The quality of crime statistics is impacted both by methodological shortfalls and human error. Indeed, the EU Sub-group on Methodologies for Recording and Collecting Hate Crime has dedicated the first two years of its labours to improving police recording practices (EU FRA 2017). In Ireland, police recorded hate crime data do not attain the standards of quality required by those jurisdictions to be accorded the status of national statistics. The Irish State has not made official statistics on police recorded hate crime publicly available since the end of 2016. The Central Statistics Office made the data cited in this article available to us on request to support our analysis. With specific reference to data on “discriminatory motivations” the Central Statistics Office in Ireland warns users:

“It is important to note that the levels of crime with a discriminatory motive recorded in Ireland are very low in comparison with figures in other jurisdictions.” (CSO 2017)

In the course of this research, we found significant shortfalls in police officers’ awareness and comprehension of hate crime recording categories. The findings of our qualitative fieldwork with police officers and incident creation representatives places important context on the operational impact of the jurisdiction’s “lists of bias indicators that police officers can use to identify the bias motivation underlying the reported offence” and “specific instructions, guidance or training on recording hate crime” recorded in the Subgroup on methodologies for recording and collecting hate crime data’s Improving the Recording of Hate Crime by Law Enforcement Authorities. While we recognise the advancement which the list of eleven discriminatory motivations available to Irish police represented, we conclude that, by 2017, awareness of the new recording categories had not been mainstreamed among gardaí and little support had been provided to them in interpreting the meaning of the categorical labels. While technical training on the use of the recording system had begun to be rolled out, training on the substantive issues involved had not been mainstreamed and the training that was available did not specifically address the recording of discriminatory motivations.

We conclude that progress achieved via pulse 6.8 could be furthered with policy and training to address:

• Agreed definitions of recorded categories
• Applicability and meaning of the perception test
• Awareness of categories

Such training should be delivered across the force as a whole to ensure there is a collective and shared understanding of hate crime among all stakeholders - police, VSOs, call takers and reviewers.

The importance of such interventions cannot be overstated. Our 2015 research found that the point of recording is the first, and potentially the most significant, point at which a hate element can be disappeared from the criminal justice process (Haynes et al 2015). This ‘filtering out’ is significant in its impact on the visibility of the hate element of crimes to the criminal justice system: Where a hate element is not recorded at the point of reporting, it is unlikely that it will be investigated and prosecuted.
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