



## **Human Rights Thematic Review: Policing with and for Transgender Individuals**

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### ***Update on PSNI implementation of recommendations***

An update report on PSNI implementation of recommendations made in the thematic review published by the Policing Board on 8 March 2012

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## THEMATIC REVIEW - OVERVIEW

*All human beings are born free and equal in dignity and rights. All human rights are universal, interdependent, indivisible and interrelated. Sexual orientation<sup>1</sup> and gender identity<sup>2</sup> are integral to every person's dignity and humanity and must not be the basis for discrimination or abuse.<sup>3</sup>*

The Human Rights Act 1998 requires the Police Service of Northern Ireland (PSNI), as a public authority, to uphold and protect the fundamental rights and freedoms of individuals that are enshrined in the European Convention on Human Rights and Fundamental Freedoms (ECHR). The Northern Ireland Policing Board has a statutory duty, under the Police (Northern Ireland) Act 2000, to monitor the performance of the PSNI in complying with the Human Rights Act 1998.

In recognising that discrimination and abuse based on gender identity remains prevalent in society, the Policing Board, through its Human Rights and Professional Standards Committee, commenced a human rights thematic review in 2010 which examined policing with and for people who identify as lesbian, gay, bisexual (LGB) and transgender.<sup>4</sup> The review was also intended to raise public awareness of the issues, particularly hate crime, and reinforce the message that prejudice, discrimination and intolerance must be rejected wherever it appears. The review was led by the Policing Board's Human Rights Advisor, Alyson Kilpatrick BL, and culminated in the publication of a

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<sup>1</sup> 'Sexual orientation' refers to each person's capacity for profound emotional, affectional and sexual attraction to, and intimate and sexual relations with, individuals of a different gender or the same gender or more than one gender.

<sup>2</sup> 'Gender identity' refers to each person's deeply felt internal and individual experience of gender, which may or may not correspond with the sex at birth, including the personal sense of the body (which may involve, if freely chosen, modification of bodily appearance or function by medical, surgical or other means) and other expressions of gender, including dress, speech and mannerisms.

<sup>3</sup> Extract from the introduction to the Yogyakarta Principles.

<sup>4</sup> 'Lesbian', 'gay' and 'bisexual' are terms which refer to a person's sexual orientation. 'Transgender' refers to a person's gender identity. A transgender person, just as a non-transgender person, has a sexual orientation which may be heterosexual, lesbian, gay or bisexual.

thematic report in March 2012.<sup>5</sup> Publication of the report, on 8 March 2012, signalled the beginning of a process of monitoring and review. Since then, the implementation of the thematic review recommendations (all of which were accepted by PSNI) has been monitored by the Performance Committee of the Policing Board.<sup>6</sup>

The approach of the thematic review was to use the community's experience of policing as the evidence against which PSNI policy and practice were measured. The Committee and the Human Rights Advisor have met with a broad range of individuals, groups, representatives from voluntary organisations and police officers. The extent to which people who had previously been isolated from access to services and discriminated against within society were prepared to discuss personal and sensitive issues, and the sophisticated analysis they applied to those issues, was truly impressive. The Committee and the Human Rights Advisor remain grateful to all those who contributed and have continued to contribute to the work of the Committee on these important issues.

Throughout the thematic review the Committee was particularly mindful to consider and report upon transgender issues under separate headings, albeit within the body of one report. However, in recognition of the fact that gender identity is in no way connected with or related to sexual orientation the Committee will hereafter report upon policing with and for transgender people separately. Furthermore, and in any event, to regard people simply as members of a homogenous group fails to afford them the dignity and respect for their identity to which they are entitled. All persons are unique and no individual can be defined purely by reference to their gender identity. The Committee was mindful of that throughout the thematic process and did not presume to speak on behalf of all transgender people. Rather, the thematic review identified some common vulnerabilities and policing issues

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<sup>5</sup> The *Human Rights Thematic Review: Policing with and for Lesbian, Gay, Bisexual and Transgender Individuals*, was published on 8 March 2012 and is available to download through the Northern Ireland Policing Board's website: [www.nipolicingboard.org.uk](http://www.nipolicingboard.org.uk)

<sup>6</sup> The Human Rights and Professional Standards Committee was re-established as the Performance Committee and works to the same terms of reference.

experienced by transgender people. The thematic review considered PSNI's engagement with transgender individuals across a range of circumstances: as members of the public generally; as victims of crime, including hate crime, domestic abuse and sexual violence; as suspects, including when in custody or when being stopped and searched; and as employees or potential employees.

One of the issues in which there have been significant developments since the publication of the thematic review is the police response to hate crime. By way of example, in 2012 PSNI established a review team to consider the reporting and detection of hate crime, with a particular focus on (i) access to services and communication; (ii) investigation and procedures; and (iii) training. That work is summarised in the Policing Board's *Human Rights Annual Report 2013*.<sup>7</sup> How that has influenced investigations, staffing, training and the Advocacy Service is detailed below.<sup>8</sup> While the review team's work has provided a clear structure outlining the roles and responsibilities of police officers and police staff regarding hate crime, PSNI must ensure that in practice all personnel are aware of their roles and that they are discharging their responsibilities effectively. A new Policy Document has also been issued and training has been rolled out across the service, which is very positive but PSNI should keep under review whether and to what extent those changes have impacted upon victims' experiences of the police response to hate crime and identify areas in which service could be improved.

It is recognised throughout the thematic review that the PSNI play only a part (albeit a critical part) in a victim's experience and works alongside partner agencies. The Department of Justice, for example, has a Hate Crime Delivery Group, which considers the criminal justice approach to tackling hate crime. Other agencies are also considering and refreshing their approaches. That is welcomed by the Committee as anecdotal reports of victims' experience

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<sup>7</sup> The *Human Rights Annual Report 2013*, was published on 25 March 2014 and is available to download through the Northern Ireland Policing Board's website: [www.nipolicingboard.org.uk](http://www.nipolicingboard.org.uk)

<sup>8</sup> Recommendation 3 – investigation of hate crime; Recommendations 7 and 8 – Advocacy Service; Recommendation 9 – specialist hate crime officers; Recommendations 11 – 13 – training.

suggest that a collaborative approach to addressing hate crime has not yet been achieved.

Another key development since publication of the thematic review is the quality of engagement with transgender individuals and groups: PSNI has built upon its existing relationships and developed new relationships. Those individuals have also contributed their expertise to training and in particular have provided a unique insight for police officers and police staff on victims' experience of dealing with the police. PSNI has supported publicly a number of initiatives, for example, an LGB and Transgender 'App' for young people in June 2014<sup>9</sup> and the launch of the Trans Manifesto<sup>10</sup> in Parliament Buildings in July 2014. PSNI has also attended events such as the annual Transgender Day of Remembrance. PSNI attends the Northern Ireland Trans\* Forum (a forum of statutory and voluntary sector organisations who come together on a quarterly basis to discuss issues that affect transgender individuals and their families and friends). Such public support is critically important and is welcomed. Furthermore, a transgender organisation is represented on the Policing Board/PSNI Strategic Consultative Group, which was established by the Policing Board and PSNI in 2013. It comprises representatives from various sectors<sup>11</sup> to provide advice and expertise to the Board and the PSNI on cross cutting issues of interest.

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<sup>9</sup> <http://www.transgenderni.com/LGBT-Youth-App-9530.html>

<sup>10</sup> <http://www.transgenderni.com/Branches/Youthnet/Transgender%20NI/Files/Documents/Trans%20Manifesto%20pdf.pdf>

<sup>11</sup> The Group consists of representatives from the youth, older persons, LGB, transgender, ethnic minority, women's and disability sectors.

## PSNI IMPLEMENTATION OF RECOMMENDATIONS

### Transgender Protocol

#### Recommendation 1

**The PSNI should, in consultation with its LGB & transgender Independent Advisory Group (IAG), finalise its draft protocol providing guidance and the procedures to be followed for dealing with a transgender person when, for example, conducting a search or dealing with documents. Thereafter, that protocol should be disseminated across the PSNI. The protocol should be shared with the Policing Board within 3 months of the publication of the thematic review.**

To ensure that transgender people are treated with dignity and respect for example in police custody or while being searched, the thematic review suggested that police officers and police staff would benefit from an easily accessible protocol which clarifies both the legal framework within which they are operating and the correct procedures to be followed. PSNI accepted the recommendation and has produced guidance for police officers and staff on dealing with the transgender community. The guidance document sets out relevant background information, including terminology, legislation and some common concerns of the transgender community as regards encounters with the police. It contains guidance on the use of appropriate language and terminology and includes sections on dealing with transgender people who are victims and witnesses of crime; offenders or suspected offenders; searching; strip and intimate searching; detention; and police advice or assistance on other matters. The common theme running throughout the guidance is that whatever the nature of the encounter, police officers/staff should at all times treat transgender individuals fairly and professionally, with dignity, sensitivity and compassion.

The guidance document is available to all police officers and staff through the PSNI's intranet. The intranet also provides links to other relevant information including guidance on name changing; Association of Chief Police Officers (ACPO) guidance on the Gender Recognition Act 2004; the Policing Board's thematic review; and the Institute of Conflict Research report *The Luck of the Draw*.<sup>12</sup>

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<sup>12</sup> *"The Luck of the Draw" A Report on the Experiences of Transgender Individuals Reporting Hate Incidents in Northern Ireland*, R.S. McBride and U. Hansson, Institute for Conflict Research, May 2010.



PSNI was unable to consult with its LGB & transgender Independent Advisory Group (IAG) as it was suspended shortly after the thematic review was published pending a review of the way in which PSNI engaged with stakeholders across a range of sectors at a strategic level.<sup>13</sup> Feedback on the guidance was instead sought from the LGB&T Advocate and members of the Trans Forum. Engagement with transgender individuals and organisations informs PSNI's understanding of the issues and in turn informs PSNI policies, guidance documents, training and operational practice. Therefore, mechanisms for effective engagement led by Transgender people must be maintained.

## **Hate Crime**

### **Recommendation 2**

**The PSNI should develop a hate crime partnership for each policing District. The PSNI should consider whether the Foyle Protocol should be the starting point for consideration or whether there is a more effective model which can be adopted. The PSNI should report to the Policing Board within 6 months of the publication of the thematic review on the progress made to establish effective hate crime partnerships.**

The Foyle Protocol was a document endorsed by PSNI, Derry District Policing Partnership and Derry Community Safety Partnership. It was designed to tackle homophobic attacks, fear of attack, suicide, self-harm and the incidence of domestic violence between same gender couples in the Derry City Council area and also to develop a greater understanding and acceptance of the LGB community in general. The Committee was convinced that each policing District would benefit from having its own local hate crime protocol to include not just homophobia but all strands of hate crime, including transphobic crime. The Foyle Protocol was considered to be an excellent starting point for Districts. In response to the thematic review recommendation, PSNI's Policing with the Community (PwC) Branch conducted a scoping exercise amongst all eight policing Districts. The Foyle Protocol was forwarded to all Service Delivery Superintendents for Districts to consider its principles and to respond to PwC Branch outlining the partnership arrangements that were in place, or would be put in place, within their District.

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<sup>13</sup> As a consequence of this review, the Strategic Consultative Group (SCG) (as to which, see page 4 above) was formed in 2013. The LGB&T IAG was not reconstituted, with a LGB representative and a transgender representative instead being invited to sit on the SCG.

Having considered the responses, PwC Branch has reported that of the eight Districts, four (A, F, G and H)<sup>14</sup> have formal partnerships in place and the other four (B, C, D and E)<sup>15</sup> have informal links with community organisations who assist with individuals and communities experiencing hate crime, via referrals and engagement, on an ongoing basis. Three Districts (A, F and G) carried out their own internal review to make their formal partnerships more effective. PSNI advises that in addition to engagement with relevant organisations through District partnerships, contributions from community organisations can also take place through District training sessions. Having considered the arrangements across the Districts, PSNI is satisfied that the formal and informal partnership arrangements are working effectively. It therefore does not consider it necessary to develop a standard partnership protocol for roll out across the Districts. What is unclear is the extent to which transgender individuals or organisations were involved in the process. If they were not, they should be. The Committee will consider whether the reassurance provided by PSNI is satisfactory or whether further action is required.

### **Recommendation 3**

**As part of its evaluation of HIMLO duties as per Recommendation 9 of the thematic review, PSNI should consider whether establishing Hate Crime Investigators within each District would provide a more effective way of preventing, identifying and dealing with incidents of hate crime. The findings should be included in the evaluation report that is to be prepared in a format that can be shared amongst stakeholders. If PSNI consider some model other than the establishment of Hate Crime Investigators to be more appropriate, that should be explained in the evaluation report.**

In B District (East Belfast and South Belfast) there were two dedicated Hate Crime Investigators whose role it was to ensure that the investigation of hate crime in the District was progressed to a standard that sustained the confidence and support of the victim and the community, with a particular emphasis on the objective of maximising detections.<sup>16</sup> No review however had been carried out of the effectiveness of the Hate Crime Investigators

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<sup>14</sup> A District (North and West Belfast), F District (Cookstown, Dungannon & South Tyrone, Fermanagh and Omagh), G District (Foyle, Limavady, Magherafelt and Strabane) and H District (Ballymena, Ballymoney, Coleraine, Larne and Moyle).

<sup>15</sup> B District (East and South Belfast), C District (Ards, Castlereagh, Down and North Down), D District (Antrim, Carrickfergus, Lisburn and Newtownabbey) and E District (Armagh, Banbridge, Craigavon, and Newry & Mourne).

<sup>16</sup> 'Detected crime' is a term that describes offences which have been 'cleared up' by the police. Since April 2013 police record 'outcomes' rather than 'detections' – see footnote 19 below.

nor had a comparative analysis of the role of Hate Incident Minority Liaison Officer (HIMLO) despite such review being recommended in a 2009 report published by the Rainbow Project.<sup>17</sup>

As outlined below, the evaluation of HIMLO duties as required by Recommendation 9 of the thematic review resulted in PSNI replacing the HIMLO structure with Hate and Signal Crime Officers (HSCOs). HSCOs are Sergeants based within Neighbourhood Policing Units who are responsible for reviewing hate crime in their area and providing advice and support to Investigating Officers. Within each District, two Sergeants have been appointed as the Lead Hate and Signal Crime Officer for their District (LHSCO).

PSNI has built into its hate crime policy a requirement (as to which see Recommendation 10 below) that the officer responsible for investigating a hate crime (usually a response officer) must develop an investigation strategy in consultation with the Neighbourhood HSCO and Criminal Investigation Department (CID). HSCOs must review the investigation after 10 days and Neighbourhood Inspectors must review the investigation after 30 days. Investigative responsibilities, and the importance of gathering evidence to prove the hate element of an offence, has been stressed through the hate crime training which has been rolled out to frontline officers across all PSNI Districts. In addition to attending this training, the HSCOs and LHSCOs have all been required to attend a five day investigation training course to assist in raising their awareness of investigative tools and techniques. PSNI believes that this approach will deliver better results for victims, ensure better consistency across Districts and is more sustainable than appointing dedicated Hate Crime Investigators. That will be kept under review by the Performance Committee and reported upon in due course.

#### **Recommendation 4**

**The Policing Plan<sup>18</sup> should include a specific target for increasing the detection rate<sup>19</sup> of transphobic hate crime.<sup>20</sup>**

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<sup>17</sup> Recommendation 3 of *Through Our Eyes*, John O'Doherty, June 2009.

<sup>18</sup> Policing Plans are a tool through which the Policing Board holds the PSNI to account. The Plan is prepared by the Chief Constable, agreed by the Board and endorsed by the Minister of Justice. The Plan sets out performance indicators and measures for the PSNI and takes a strategic view of policing in Northern Ireland over a three year period. The Plan also contains shorter term targets and measures for the PSNI.

<sup>19</sup> 'Detected crime' is a term that describes offences which have been 'cleared up' by the police. The Home Office revised its approach to the recording of detected crime in April 2013 and police now record crime 'outcomes' rather than detections. For an outcome to be claimed the police must have identified a suspect and dealt with them by means of one of the following outcomes: charge, summons, caution, discretionary

The detection rate in the financial year 2010/2011 was 27.3% for all types of recorded crime. The detection rate of 12.5% for transphobic motivated crime during the period was therefore significantly below average. Moreover, between 2006/2007 and 2010/2011 there were 32 crimes recorded with a transphobic motivation and of those only 2 were detected. That represented an average detection rate for transphobic crime over the 5 year period of 6.25%.<sup>21</sup> Recommendation 4 was aimed at improving that however it has not been implemented.

### Reported transphobic incidents and crimes<sup>22</sup>

	<b><u>Transphobic Incidents recorded</u></b>	<b><u>Transphobic Crimes recorded</u></b>	<b><u>Outcomes</u></b> <sup>23</sup>
<b>2011/2012</b>	4	3	0
<b>2012/2013</b>	15	6	0
<b>2013/2014</b>	23	8	2

It is widely accepted that transphobic hate crime is under-reported. Accordingly, the fact that the number of reports has increased does not mean that more hate incidents/crimes are occurring: it may mean victims are more willing to report due to an increased awareness of hate crime, greater confidence in the police and/or third party support. The increase in reporting may also be attributable to police officers more readily identifying and recording incidents and crime as being hate motivated. If those factors have resulted in an increased rate of reporting, that is very encouraging but if transphobic hate crime has increased that is a cause for concern. The PSNI must equip itself with the information required in order to assess the reason(s) for the increase and consider what further action is required both to increase reporting further and to combat transphobic hate crime.

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disposal, penalty notice for disorder, having the offence taken into consideration at court and indictable only offences where no action was taken against the offender (died before proceedings or PPS did not prosecute). A more detailed explanation of the way in which police record crime outcomes is available through PSNI's *User Guide to Police Recorded Crime Statistics in Northern Ireland*, August 2014: [http://www.psni.police.uk/user\\_guide.pdf](http://www.psni.police.uk/user_guide.pdf)

<sup>20</sup> The Recommendation also required the Policing Plan to include a specific target for increasing the detection rate of homophobic hate crime as it was also low. An update in respect of this is included in the separate LGB update report.

<sup>21</sup> *Police Recorded Crime in Northern Ireland 2010/11*, PSNI, May 2011 and *Trends in Hate Motivated Incidents and Crime Recorded by the Police in Northern Ireland 2004/05 – 2010/11*, PSNI, July 2011.

<sup>22</sup> *Trends in Hate Motivated Incidents and Crime Recorded by the Police in Northern Ireland 2004/05 – 2013/14*, PSNI, July 2014.

<sup>23</sup> See footnote 19 above.

While there has been an improvement in the outcome rate for transphobic crime in the past year with two outcomes in 2013/2014 compared to zero in previous years, it remains the case that of 49 transphobic crimes recorded by the PSNI in the past eight years, there has been an outcome in respect of only four. Since the thematic review recommendation was made, the Policing Plan has not included a specific target for the outcome rates of transphobic crime, the rationale being the comparatively low number of transphobic crimes recorded by PSNI each year. Recommendation 4 of the thematic review has therefore not been implemented. However, the Policing Plan 2015-2016 does require the PSNI to increase the number of reports of all types of hate crime by 3% by encouraging victims to report. It is worth restating that the number of crimes should not in itself dictate whether a target is imposed and certainly does not represent the devastating impact of *any* crime on the individual and the wider community. Whether a target should be included in forthcoming Policing Plans should be reconsidered.

#### **Recommendation 5**

**The PSNI should circulate to all officers and staff an unambiguous statement reminding officers and staff of their obligations under PSNI policy to accept without challenge the view of a victim or any other person that the crime was motivated by hate on one of the defined grounds.**

PSNI policy dictates that any incident or crime should be recorded as a hate incident or hate crime where it is perceived by the victim or any other person as being motivated by prejudice or hate based upon grounds of gender identity (transphobia), sexual orientation (homophobia), disability, race, faith/religion (non-sectarian) or faith/religion/political opinion (sectarian). As set out in PSNI policy, police officers have no discretion but to record and investigate a hate incident or crime: even if the officer believes at first instance that there is no evidence to support the perception. Police officers must accept the perception-based view of the victim or any other person. A number of contributors to the thematic review reported that they had some difficulty persuading a police officer that it was a hate crime. That should not happen. It is not for the victim to persuade the police – the police must accept the victim's or any other person's assessment of the motivation for the crime.

PSNI accepted Recommendation 5 and shortly after the thematic review was published, an email was sent to all police officers and police staff reminding them of the requirement that they accept without challenge the view of the victim or any other person that the crime

was motivated by hate on one of the defined grounds. That message has been reinforced further by hate crime training, which has been rolled out to frontline officers across all PSNI Districts. Furthermore, training delivered to call handler Inspectors includes the same important direction. PSNI's new hate crime policy (discussed below in relation to Recommendation 10) also restates the principle: "When an incident or crime has been reported to police by the victim or by any other person that they perceive as being motivated by prejudice or hate, it will always be recorded and investigated as a hate incident or crime in accordance with this Service Procedure. PSNI policy is to accept without challenge the view of a victim or any other person that the crime was motivated by hate on one of the defined grounds. Police officers cannot decide whether or not to record or investigate a hate incident or crime because there appears to be no evidence to support a perception. This sends out a strong message that police will treat victims of hate crime seriously and will conduct thorough and objective investigations."

Evidence from some stakeholders however suggests that call-handlers in particular may require further training on and/or reminding of the principle. It is therefore important that PSNI continues to monitor the response to victims of hate crime by police officers, station enquiry assistants and call-handlers to ensure that any misunderstanding or misapplication of PSNI policy is addressed.

## **Recommendation 6**

**PSNI should analyse the effectiveness of the online reporting initiative, using empirical evidence, and report to the Policing Board within 6 months of the publication of this thematic review. The analysis should involve LGB and transgender stakeholders to consider whether the reporting mechanism is effective or could be improved.**

Hate incidents and crimes can be reported online at the PSNI website. Online reporting is an important initiative because it enables a victim or some other person on the victim's behalf to report from a place of safety and to provide details which may be challenging to discuss in a meeting. The online reporting mechanism is only effective, however, if it is managed well and resourced adequately. When the thematic review was published there was no post-implementation analysis of the online reporting initiative but the Committee believed that such analysis would provide evidence of whether the initiative was effective and, if not, what the failings were. PSNI accepted Recommendation 6 of the thematic

review and advised the Board, in 2012, that since the online reporting system was introduced in 2005 there had been on average one online report of hate crime each week.<sup>24</sup> While there was a small number of reports made from outside the jurisdiction the online reporting system was considered by PSNI to be an effective tool for encouraging the reporting of hate crime. During 2012, PSNI worked to increase awareness of the online system by increasing the number of external partners' websites which provided a link from 6 to 25, including the website [www.transgenderni.com](http://www.transgenderni.com) . Since then PSNI has provided additional support to victims reporting transphobic hate crime by rolling out the LGB&T Advocacy service (detailed below in relation to Recommendation 7). The Advocate provides an avenue for third party reporting and offers advice and support to victims. That has been a very welcome initiative.

Recent developments progressed by stakeholders on the reporting of transphobic hate crime include a new 'App' developed by Youthnet and Cara-Friend which provides instant access to the online reporting facility and the re-launch of the Unite Against Hate campaign by the Centre for Democracy and Peace Building in partnership with Victim Support NI. The campaign raises awareness of hate crime among the general public, addresses the under-reporting of hate crime and promotes the benefits of diversity among people in Northern Ireland. The campaign's website encourages people to report hate crime and provides details of how to do so, including a link to the online reporting system.

### **Recommendation 7**

**The PSNI should ensure that all victims who report any homophobic or transphobic hate crime which has been committed in the Belfast Area are provided with contact details for the LGB&T Advocacy Service.**

PSNI had been involved in the development and funding of an LGB&T Advocacy Service in B District (East Belfast and South Belfast). The Service was launched in June 2010 and was facilitated by the Rainbow Project in partnership with the PSNI, the Northern Ireland Housing Executive (NIHE) and the Belfast City Council Good Relations Unit. The Advocacy Service was set up to work with LGB and Transgender people in areas such as hate crime, domestic abuse and homelessness.

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<sup>24</sup> N.B. this figure of one online report of hate crime a week was not broken down into hate crime category so the number of transphobic crimes reported online is not known to the Board.

PSNI accepted Recommendation 7 of the thematic review and has circulated details of the Advocacy Service, which now extends across the whole of Northern Ireland, to all police officers and police staff. Details of the service are also accessible at the hate crime section of the PSNI intranet and in the PSNI hate crime policy document. Importantly, all first responders are required to advise victims about the Advocacy Service. The Advocate is provided with a weekly list of all homophobic and transphobic crimes together with contact details of the investigating officer. The Advocate cannot approach a victim directly unless he or she has given consent but the Advocate can ask investigating officers to contact victims and seek such consent. Victim Support NI also provides a co-ordination role for the Advocacy Service by which a victim referred to Victim Support who has not availed of the Advocacy Service is advised of it and encouraged to avail of its services. The Advocates meet with PSNI Policing with the Community Branch every month to discuss any issues arising, including referrals and the level of contact with victims.

### **Recommendation 8**

**PSNI should evaluate the implementation of the LGB&T Advocacy Service according to terms of reference agreed with the Policing Board. PSNI should report to the Board on the findings of the evaluation within 6 months of the publication of this thematic review.**

Feedback from stakeholders in respect of the LGB&T Advocacy Service in B District (East Belfast and South Belfast) had been extremely positive. The Committee therefore suggested through Recommendation 8 that PSNI should evaluate formally the effectiveness of the Advocacy Service and, assuming the evaluation was positive, to make a long-term commitment to continuing the Service. Although terms of reference for the review were not agreed with the Policing Board, the Board's Human Rights Advisor was kept informed throughout the hate crime review conducted by PSNI (detailed below in relation to Recommendation 9). Acknowledging that the Advocate plays a key role in supporting victims and increasing reporting, PSNI decided to continue funding the Advocate and to extend the Advocate's role to cover the whole of Northern Ireland. A more structured referral pathway co-ordinated by Victim Support has also been developed. Victim Support's co-ordination role relates not only to the LGB&T Advocate, but also to a Disability Advocate and two Bi-Lingual Advocates funded by PSNI.



It has been suggested by some stakeholders and the Performance Committee agrees, that LGB and transgender victims should have separate Advocates to recognise that transgender is every bit as distinct from LGB as other categories which do have their own Advocate. While funding arrangements may mean that this is not possible in the short term,<sup>25</sup> PSNI should consider the benefits and feasibility of having a separate advocate for transgender victims when they are next securing funding arrangements.

### **Recommendation 9**

**PSNI should evaluate HIMLO duties, as currently performed by Neighbourhood Officers. The evaluation should be conducted in consultation with relevant stakeholders, including PSNI's Independent Advisory Groups and the Policing Board's LGB&T Reference Group. An evaluation report, which includes an analysis of HIMLO duties, the number of officers assuming the role of HIMLO and the training plan relevant to those officers, should be provided to the Policing Board within 6 months of the publication of this thematic review.**

PSNI developed the role of Hate Incident Minority Liaison Officers (HIMLOs) to provide support to victims of hate incidents and crimes and to provide guidance to operational officers investigating hate crime. Until April 2010, HIMLO duties were performed by Sergeants in each of the District Community Safety Teams. However, following a review, HIMLO duties were transferred to Sergeants within Neighbourhood Policing Teams.

PSNI's rationale for placing HIMLO duties with neighbourhood officers was that it would make hate crime the responsibility of the whole neighbourhood team rather than particular individuals *i.e.* that it would mainstream the PSNI response. However, evidence provided during the thematic review suggested otherwise; that expertise, experience and relationships built through local partnership working were lost in the absence of a dedicated role. A complaint from many stakeholders, in addition to their concern about the effectiveness of the new arrangements, was that PSNI did not consult relevant stakeholders prior to the decision being taken. Furthermore, stakeholders were unable to identify the HIMLOs within each Neighbourhood Team and they were confused as to his or her duties.

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<sup>25</sup> PSNI and the Department of Justice have provided funding for the existing Hate Crime advocacy services for 2015/2016. Arrangements for future funding have not yet been confirmed.

PSNI accepted Recommendation 9 of the thematic review and incorporated the review of the HIMLO role into a wider review of hate crime. Throughout that review, PSNI consulted with a Hate and Signal Crime community group which consisted of stakeholders representing minority groups. There was one representative on the community group representing both LGB and transgender people, which was a missed opportunity and failed to recognise the difference between the two categories. Since 2012 however PSNI's links with organisations specifically representing the transgender community have strengthened, which should ensure that future work will include representation from separate LGB and transgender representatives. The Performance Committee will keep that under review.

During its evaluation of the HIMLO role, PSNI acknowledged that from April 2010 meaningful training was not delivered to neighbourhood officers performing the HIMLO role. PSNI recognised the negative impact that must have had on minority groups. As a result, in 2012, PSNI decided in consultation with stakeholders to appoint Sergeants based within Neighbourhood Policing Units as Hate and Signal Crime Officers (HSCOs). The HSCOs replaced HIMLOs. HSCOs are responsible for reviewing hate crime in their areas and providing advice and support to Investigating Officers. Within each District, two Sergeants have been appointed as the Lead Hate and Signal Crime Officer for their District (LHSCO). The contact details for each LHSCO have been circulated to minority groups, stakeholders and hate crime Advocates. LHSCOs are supposed to meet every few months however there appears to have been considerably longer periods during which no meetings have taken place. That should be addressed as the meetings provide a very important opportunity to discuss issues arising within Districts, to receive organisational information for HSCOs and to meet with and receive training from external partners. External partners attending the LHSCO meetings include minority support advocates, Victim Support, the Northern Ireland Human Rights Commission, the Policing Board and other key groups representing the various hate crime strands (including a representative from a transgender organisation).

The HSCOs and LHSCOs have now received hate crime training tailored to assist them in fulfilling their new role. They are required to attend a five day investigation training course to assist in raising their awareness of investigative tools and techniques. The role and responsibilities of the HSCOs and LHSCOs is defined within the new hate crime policy (detailed below in relation to Recommendation 10).

## **Recommendation 10**

**Once the evaluation as per Recommendation 9 has been completed, the PSNI should consider whether the PSNI policy *Police Response to Hate Incidents* requires amendment.**

PSNI accepted this recommendation and in December 2012 a new PSNI Service Procedure *Police Response to Hate Incidents* was published. The new Service Procedure replaced the existing PSNI hate crime policy document and it defines more clearly the roles and responsibilities of frontline officers responding to hate crime, of HSCOs and also of supervisors. The Service Procedure was revised further in 2013 to set out the role and responsibility of Area Commanders in monitoring and taking 'ownership' of all hate crimes and incidents in their area of command. The amended policy also sets out clear procedures that must be followed to identify and respond to repeat victims of hate crime.

PSNI consulted with stakeholders when drafting the new Service Procedure and the final document has been shared with stakeholders. The Service Procedure is available for the public to view on the PSNI website, and can be found under 'Freedom of Information - Publications by Category - Policies and Service Procedures'.

Police officers and police staff may access the Service Procedure through *PoliceNet* (the PSNI intranet), which is a helpful tool. A number of other guidance documents and links to useful information are available in the hate crime section of *PoliceNet*, which includes a Hate and Signal Crime Handbook and Hate Crime Videos, the latter of which contain footage of victims discussing their experience of hate crime and the police response to it.

## **Training**

### **Recommendation 11<sup>26</sup>**

**The PSNI should develop as part of its integrated training strategy, a transgender training strand for police officers and staff. In developing this strand PSNI should take advantage of the expertise available from stakeholders. A copy of the proposed training strands should be provided to the Policing Board within 12 months of the**

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<sup>26</sup> The Recommendation also required PSNI to develop a LGB training strand. An update in respect of this is included in the separate LGB thematic update report.

**publication of this thematic review. They should be produced in a format that can be circulated amongst stakeholders.**

A defined training strategy with clear objectives can only be implemented effectively following a thorough training needs analysis. The Committee believed that a thorough training needs analysis was required, in association with local transgender stakeholders, to ensure that training delivered by and with members of the transgender community resulted in more efficient and effective targeting of training. As part of the 2012 hate crime review (referred to above in relation to Recommendation 9), the review team considered the training delivered to frontline police officers. A two day hate crime training course was designed and delivered to District Trainers in January 2013. The course included training on human rights (delivered by the Northern Ireland Human Rights Commission) and on each of the six composite strands of hate crime, including awareness raising training in relation to transgender issues (delivered by the voluntary family support group Support Acceptance Information and Learning – SAIL). The Public Prosecution Service (PPS) also provided an input on the prosecution of hate crime. Trainers were updated on the recent changes to the way in which PSNI respond to and investigate hate crime, with key aspects of the new hate crime Service Procedure highlighted. The rationale behind delivering the course to PSNI Trainers was to enable them to incorporate their learning into the design and delivery of hate crime training which was to be rolled out across all Districts for frontline police officers. It also introduced Trainers to individuals within the community and voluntary sector with expertise and capacity to deliver training on the composite strands of hate crime. Trainers were encouraged to engage with those individuals and, where possible, utilise their services at District level. Whether the Trainers have availed of such opportunities is less well known, but stakeholders spoken to during the course of this follow up review have confirmed that they remain willing to assist PSNI with training where possible and resource permitting.

A new period of recruitment of police officers commenced in 2013 and a new student officer course was designed within which training on hate crime was included. That contains a short input on the composite strands of hate crime (approximately 15 minutes each) from hate crime Advocates. Furthermore, the PSNI Human Rights Training Advisor has carried out a comprehensive review of training in respect of this recommendation and Recommendation 12 below which considers not just hate crime training, but also other training areas where specific issues may arise, for example, equality and diversity training,

crime training and domestic abuse training. That review has identified a number of areas in which training can be improved and the PSNI Training Advisor has committed to pursuing those in the coming months. The Performance Committee looks forward to assessing progress and will report further in due course.

### **Recommendation 12<sup>27</sup>**

**The PSNI Police College should develop, consistently with the PSNI Corporate Plan, a transgender skills assessment of the organisation. Within that assessment, the training received by officers and members of staff should be reviewed. Each officer and member of staff should maintain an individual skills profile, which is monitored by the Police College. As officers and members of staff assume additional or different duties, their profile should be reviewed to ensure that relevant training has been received or is to be received.**

PSNI maintains records of training and as officers or staff move roles, their new job descriptions should detail the skills and training they require. As outlined above in relation to Recommendation 11, awareness-raising of transphobia is included within the hate crime training package delivered to all new police officers and existing frontline officers. PSNI has advised that all officers and staff are also required to complete Equality and Diversity e-learning training packages which include transgender awareness-raising. The review of training carried out by the PSNI Human Rights Training Advisor (outlined above in relation to Recommendation 11) identified that while there is a great deal of work to communicate appropriate knowledge (e.g. relevant policies, protocols and legislation) and attitudes (e.g. dignity, courtesy and respect), there is always scope for improvement. She has identified areas in which training can be improved and has committed to pursuing those in the coming months. Furthermore, PSNI has recently advised (August 2014) that a new Equality Training Plan is to be developed by PSNI's Policing with the Community Branch and it will specifically consider transgender awareness-raising.

### **Recommendation 13**

**As part of its evaluation of HIMLO duties as per Recommendation 9 of this thematic review, the PSNI should review the post-training analysis of the equality and diversity training delivered to officers who are to assume HIMLO duties. Included**

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<sup>27</sup> The Recommendation also required PSNI to develop a LGB skills assessment of the organisation. An update in respect of this is included in the separate LGB thematic update report.

**within the evaluation report to be provided to the Policing Board should be details of the steps to be taken to address officers' concerns.**

Most new Sergeants and Constables with HIMLO duties had, at the time of the thematic review, received a bespoke three day training programme on hate crime delivered by an external consultant. Feedback on the training raised a number of matters which required further attention hence Recommendation 13 was made. However the HIMLO role was subsequently replaced by the Hate and Signal Crime Officers (HSCO) role and as part of the 2012 hate crime review (referred to above in relation to Recommendation 9), the review team considered the training delivered to the newly appointed HSCOs and Lead HSCOs (LHSCOs). In addition to receiving the hate crime training that was rolled out across all Districts (detailed above in relation to Recommendation 11), the HSCOs and LHSCOs have also been required to attend a five day investigation training course to assist in raising their awareness of investigative tools and techniques. Feedback on the training will be sought from the LHSCOs and reported upon in due course.

## **Domestic Abuse**

### **Recommendation 14**

**When PSNI Policy Directive PD 09/08 *Police Response to Domestic Incidents* is next reviewed, included within it should be an overview of issues that may be faced by victims of domestic abuse who are transgender and guidance on how officers should treat transgender victims.**

Domestic abuse is a serious and endemic problem in Northern Ireland which has a devastating impact upon victims, their children and other family members. There are many misunderstandings and myths about the nature of domestic abuse. Inaccurate stereotypes can make reporting abuse all the more difficult for victims. Research has indicated that transgender individuals experience domestic abuse frequently but report it rarely.

PSNI has a robust policy for responding to domestic abuse with a number of domestic abuse officers who are trained specifically to deal with the many and varied aspects of domestic abuse and work in partnership with other agencies. At the time of the thematic review the PSNI domestic abuse policy contained no specific guidance on issues that may be faced by transgender victims. PSNI accepted the recommendation to include such

guidance. The officer responsible for drafting the domestic abuse policy met with a number of transgender support organisations to discuss the issues faced by transgender victims of domestic abuse. Following those discussions guidance was drafted, in 2012, for inclusion in the policy. However, the drafting of that guidance coincided with a widespread internal review of PSNI Public Protection Units.

That review is very likely to suggest more general (as well as specific) amendments to the domestic abuse policy. It was therefore decided to wait for the conclusion of that review before the policy was amended and reissued with the transgender guidance included. The Performance Committee accepted that rationale but noted that the remit of the Public Protection Unit review had been enlarged and would take a considerable period of time to conclude. The Committee therefore encouraged the PSNI to consider another interim measure to ensure that guidance on transgender issues in the context of domestic abuse was issued to police officers and police staff. In response PSNI has issued an email to officers to provide them with guidance when responding to domestic incidents involving transgender victims and to remind them of the particular needs and sensitivities that such victims may have.

## **Recruitment to PSNI**

### **Recommendation 15<sup>28</sup>**

**When providing its first progress report to the Policing Board on its Equality, Diversity and Good Relations Strategy, the PSNI should include information on any specific actions taken to encourage applications from transgender people.**

The PSNI Equality, Diversity and Good Relations Strategy 2012-2017 seeks to ensure that equality, diversity and good relations are mainstreamed into all PSNI practices and procedures. PSNI is required to provide the Policing Board with periodical updates in relation to progress in implementing the strategy. PSNI provided an update to the Board's Resources Committee on the Equality, Diversity and Good Relations Strategy in August 2013. At the meeting there was discussion about outreach measures to encourage applications from all under-represented groups. Prior to the commencement of the recruitment exercise for new student officers in September 2013, PSNI made contact with

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<sup>28</sup> The Recommendation also required PSNI to demonstrate how it had encouraged applications from LGB people. An update in respect of this is included in the separate LGB thematic update report.

a transgender support organisation to ask them to encourage members of the transgender community to apply. It is anticipated that by maintaining a good working relationship with transgender organisations and keeping them informed as to future recruitment campaigns, transgender individuals may feel able to apply to PSNI in the future.

### **Recommendation 16**

**PSNI should amend its Equal Opportunities Policy, PD 04/06, to include explicit reference to the fact that it will not discriminate against, or treat anyone less favourably, on the ground of gender identity. That Policy should contain a definition of 'gender identity'. PSNI should also consider amending its Equal Opportunities Statement and welcoming statement on all future job vacancies so that where gender is referred to it includes "or gender identity." For example, that PSNI welcomes job applications from all suitably qualified persons regardless of their gender or gender identity.**

PSNI Equal Opportunities Policy stated that it welcomed job applications from all suitably qualified candidates irrespective of factors such as sex or sexual orientation. This is an unambiguous statement for which the PSNI should be commended. However, that policy contains no explicit reference to its commitment to avoid discrimination on the ground of 'gender identity'. Whilst sex discrimination in law includes discrimination based on gender reassignment, it does not include discrimination against transgender people who have not transitioned under medical supervision. The Committee believed that for clarity, it would be helpful if PSNI made clear in all equal opportunities documentation that it would not discriminate on the ground of gender identity. PSNI accepted Recommendation 16 and, in 2012, its Equal Opportunities Guidance (which replaced Policy document PD 04/06) and Equal Opportunities Statement was amended to include explicit reference to the fact that it will not discriminate against, or treat anyone less favourably, on the ground of gender identity or gender reassignment; that bullying, discrimination, victimisation or harassment on such grounds will not be tolerated; and that PSNI welcomes applications from all suitably qualified candidates irrespective of gender reassignment or gender identity.



## Internal Ethos and Support

### Recommendation 17

**Upon completion of the 2011 cultural audit, PSNI should provide the Policing Board's Human Rights Advisor with a copy of the full report prepared by the consultants tasked with analysing the audit findings. The PSNI should continue to provide to its LGB&T Independent Advisory Group and the Policing Board's LGB&T Reference Group a summary of the report and its findings.**

PSNI carries out a cultural audit every few years. In a cultural audit all police officers and staff are asked to complete a questionnaire to assist PSNI to understand the issues affecting employees and to chart progress against the PSNI Shared Future Strategy. The Policing Board's LGB&T Reference Group was keen to consider in detail the findings of that audit, particularly those relating to diversity. PSNI had provided the Policing Board with information on cultural audits carried out previously and in response to Recommendation 17, PSNI shared the full 2011 cultural audit report with the Board. PSNI was unable to provide the LGB&T Independent Advisory Group (IAG) or the LGB&T Reference Group with a summary of the cultural audit report as they were both suspended shortly after the thematic review was published.<sup>29</sup> The key findings of the audit were considered by the Board's Resources Committee and discussed with PSNI.

As the cultural audit was shared with the Policing Board on a confidential basis, the findings cannot be cited in this update report. The findings of the report were taken into account by PSNI when preparing the Equality, Diversity and Good Relations (EDGR) Strategy 2012 – 2017, a copy of which is publically available through the PSNI website.<sup>30</sup> Three themes can be identified, which are:

1. Identifying, addressing and reducing inequalities in service delivery and employment practice;
2. Evidencing equality and diversity across the Police Service; and
3. Improving the prevention and detection of Hate Crime and crimes which act as a "signal" to a community that they are at risk.

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<sup>29</sup> As a consequence of this review, the Strategic Consultative Group (SCG) (as to which, see page 4 above) was formed in 2013. The LGB&T IAG and LGB&T Reference Group were not reconstituted, with a LGB representative and a transgender representative instead being invited to sit on the SCG.

<sup>30</sup> [http://www.psni.police.uk/equality\\_diversity\\_good\\_relations\\_strategy.pdf](http://www.psni.police.uk/equality_diversity_good_relations_strategy.pdf)

The EDGR Strategy is supported by an action plan. Progress on the implementation of the EDGR Strategy and action plan is monitored by the Strategic Diversity Steering Group (on which a Board Member sits in an observer capacity). Periodic updates on progress are also made to the Policing Board's Resources Committee. The Performance Committee will continue to monitor PSNI's approach to reducing inequalities, promoting equality and diversity and improving the prevention and detection of hate crime.

### **Recommendation 18**

**The PSNI should consider what steps it takes or may take to ensure that lesbian, gay, bisexual and transgender officers or staff are supported within the PSNI and report on the results of that consideration to the Policing Board within 6 months of the publication of this thematic review. Within that report, PSNI should assess whether there has been any impact on the support available to officers and staff following the transfer of functions from Network Support Officers to Supervisors and Line Managers and include reference to whatever protections are in place to ensure equality and diversity is promoted in a practical and effective manner.**

In 2008, one full-time Network Support Officer was appointed to support within PSNI the development of the Gay Police Association (GPA). That role was intended to raise and establish the profile of lesbian, gay and bisexual police officers and to provide them with support in the workplace. Similarly, a Network Support Officer was appointed to support female officers within PSNI and a Network Support Officer was appointed to support the Ethnic Minority Police Association. All three posts were internal secondments rather than permanent posts. There was no dedicated support for transgender officers or staff.

In March 2010, PSNI decided to return all three Network Support Officers to 'frontline' duties. The discontinuation of the Network Support role has been a contentious issue. Representations were made during the course of the thematic review both from those who believed that the Network Support role should be reinstated, and from those who agreed with the decision to discontinue the role. What was apparent was that regardless of the job title, most believed that there should be someone to whom lesbian, gay and bisexual officers and staff could turn and also to whom transgender officers could turn. In response to Recommendation 18 PSNI advised the Policing Board that there was no information to suggest any adverse impact on minority staff groupings as a consequence of the decision

to discontinue the network support role and that PSNI had no intention of reinstating the network support role. However, PSNI has considered other ways in which staff from minority groupings can be supported and has incorporated into the Equality, Diversity and Good Relations Strategy 2012 – 2017 a measure to “develop internal support mechanisms to assist Staff Associations/Trade Unions in understanding and representing marginalised sections of the workforce.” Progress in implementing the measures contained within the Strategy is monitored through PSNI’s Strategic Diversity Steering Group (on which a Board Member sits in an observer capacity). The Steering Group is also attended by the Chair of the Minority Support Association (MSA).<sup>31</sup> PSNI has advised that it is currently developing and enhancing the scope and role of the MSA. The Board will monitor this through its Resources Committee which receives periodic updates on progress in implementing the Equality, Diversity and Good Relations Strategy.

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<sup>31</sup> The MSA currently consists of the Women’s Police Association (WPA), the Ethnic Minority Support (EMPA) and the Gay Police Association (GPA), all of whom have dedicated web pages within the internal Police Intranet system (Policenet) to actively promote the association and provide clear lines of communication and information.

## **FEEDBACK**

If you would like to provide the Policing Board with feedback on the issues discussed in this update report, please contact us at:

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