

Reported in the Star Observer: 1990 had 38 gay-related beatings reported to the Surry Hills and Kings Cross police in one month alone.

Anatomy of a moral panic: the wave of gay homicides in Sydney

- a crime wave depends on reliable data
- a moral panic depends on trumped up facts
- like an urban legend a moral panic joins up a plausible explanation with plausible data
- a moral panic is fed by moral entrepreneurs (on this case Tomsen, Thompson and Acorn as well as a pliant mass media
- needs to be distinguished from a social problem as well as a crime wave
- and the underlying phenomenon that may well be backed up by crime reports or records, in this case violent assaults on gays in beat locations

HAD defence.

What impact does this have if any on classification? If it is the sole or primary basis on which a person raises the fact of the victim's status as a homosexual (even if in a derogatory way) it is problematic, because the suggestion of bias is part of the defense

"He came on to me I felt threatened he's a poofster"

Notes from meeting

- was there or not bias crime?
- fact that there was elevated violence towards LGBT community
-

AIC PAPER

Started with list of 88.

BOCsar versus acon

Police don't know the status of the victim until later so they don't know enough to be biased in the way that is postulated by the makers of the list.

ACON's view of the list? Because it is not a good thing to hang your hat on.

Scott Johnston back before the coroner court using the list as part of the evidence. List is used to reverse the onus and to say that the police have to prove that the list isn't bias.

Reverse onus, onus on making a statement (prove that aliens don't exist –logical fallacy).

Jeff Steer is to be consulted regarding the tool.

More notes

1. The list of cases developed by Sue Thompson and Tomsen does not have a known relationship with the number of gay bias homicides during the period that the cases were collected. Even where the AIC report attempted to place the list against a total

of relevant homicides, the selection criteria for the list makes it impossible to draw a conclusion between the investigation of gay bias homicides and non-gay bias homicides.

2. The list is currently being relied upon in the Scott Johnston case before the court. Police and academics believe that the use of this list for evidentiary purposes in front of the court is unfortunate, for the above reason.
3. The bias crime instrument used by the police is not supported by an evaluation of the instrument and its values, to our knowledge. For instance, it was agreed that tattoos or marking was not a factor in any of the cases. It was also agreed that the relative value of each of the factors was unknown, and they were used by the police as “indicative”.
4. The police found my definition to match up with necessary requisites and are keen to see the development of a more useful instrument. This definition is as follows:
Bias Crime: an act that
 - a. expresses a categorical *animus* (directed at a person or group on the basis of his/her perceived *identification* with a *vulnerable group*)
 - b. intentionally, by way of criminal predation on the basis of that categorical animus, causes harm to that person or group
 - c. is mitigated or aggravated by an offender’s contemporaneous associations that are linked by a commitment of denunciatory non-identification with the vulnerable person or group
5. We found (as below) that (x cases) did not clearly identify the victim with a vulnerable group or with the group that is the object of this investigation (gays). The academic researchers also did not find in many cases (x cases) that the violent act expressed an animus toward that group. We found only a few cases that suggested that the offender may have an association with others linked by a commitment to a denunciation of a targeted group. Many other cases may have involved post-hoc explanations of actions that may have expressed a gender or sexual identity conflict on the part of the offender.
6. The cultural indicators of bias have changed over time. Societal acceptance of the gay lifestyle has changed markedly between 1977 (the included first case) and 1999 (the last cases). Given that the definition of bias is responsive to cultural context, it is not appropriate to assume that police attribution of bias is not also cultural adaptive. That adaptation may lag behind the interpretation of the most progressive segments of society, but it is responsive.
7. The legal landscape has changed over time. The viability of the HAD is predicated on the legal standing of homosexuality. Relevant changes to the law are.... This means that statements indicative of bias must be separated from the establishment of grounds for a defense, and it is not always clear from the record of the cases that this separation has occurred.
8. Police team members of Parrabell have categorised as SBC cases where there is *evidence* that may support a court case that the crime was a bias crime. Academics have categorized as II cases where there the evidence that may support a court case is ambiguous and requires further probing (to provide further information that the file or file summary is unable to provide). The detectives noted that Intel officers may use a different threshold.

9. Police team members have deemed that cases of HAD, or where paedophile-bias or revenge is suspected, the categorisation should be SBC. Academic team members have placed these sub-categorisations under II.
10. Regarding how HAD may be a measure of defense strategy, academic team members queried the inclusion of the case under SBC where the only evidence cited was an isolated bias statement that was connected to any other indicators of bias, including motive, other than the act of the violence.
11. Academic team members also did not agree amongst themselves that a factor of excessive violence could be an indicator, given that revenge and anti-paedophile animus may have been triggers, and that anti-paedophile bias was to be distinguished from anti-gay bias.
12. This accounts for the main difference in counting between police and academics.
13. It was agreed that many if not the majority of the cases involved offenders who had a *bias toward their own incipient identity* (my words). These offenders were possibly reacting against their perceived vulnerability to a sexual identity challenge. Whilst this may be the bedrock for all bias, it may be perceived on a continuum that involves more or less reflexivity and supporting gestures (like the involvement of others in the reactive (criminal) action).
14. The academics subcategorized the cases into clusters as follows in terms of the identification of the victim with a target of bias (gay, paedophile, no bias), level of predation or animus (proactive, reactive), and the offender's denunciatory non-identifications with the vulnerable group (which provides a context of offender support as an isolated or organised event) as aggravating or mitigating.

Categorical animus (gay – paedophile-revenge)

↓ Level of intentionality of harm (proactive - reactive)

↓ Association (denunciatory - not found)

a. Yes – anti-gay bias ↓

i. High - Proactive

1. Yes-aggravating

Indicators may involve two or three offenders acting together linked by bias, likely not isolated occurrence

2. No-mitigating

Indicators may show solitary offender, possibly isolated occurrence.

ii. Low - Reactive

1. Yes-aggravating

Indicators suggestive of conflict of motives

2. No-mitigating

HAD is possible

b. Yes- anti-paedophile-revenge bias

i. High - Proactive

1. Yes-aggravating

Indicators may involve two or three offenders acting together linked by bias, likely not isolated occurrence

2. No-mitigating

Indicator of PTSD likely present, other trigger

ii. Low - Reactive

1. Yes-aggravating

Suggest possibly stimulated by complex motives

2. No-mitigating

HAD is possible

c. No = no bias

d. Insufficient information