

**Printed by:** JOHN1BRU  
**Mail:** prejudice-related launch  
**From:** JOHNSTON, BRUCE  
**To:** WHALAN, KIMBERLEY

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--- Received from NFO.JOHN1BRU 0 14/10/99 14:53

--- eceived from NMISC.MUKE1CHI 55157 14/10/99 11:51

Hi Bruce

COP's office has confirmed that he will launch the project on 22/10 as planned.

I have drafted a letter to Stepan from you (see attachment). It would be good if you could finalise it and have it faxed to him asap cos the launch is only a week away.

Charmain from COPS sent me some info that provided me with some food for thought (see attachments). I am hoping that you will field any curly questions related to the issues she has alerted us to. Would you like to address the launch? I guessed it, 'no' but if you change your mind, let me know.

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From Charmain this morning:

Chitrita,

Attached is the prejudice related crime item for the COPS Newsletter. It mentions Operational Programs in a few places, so you should have a look at it and let me know if you want any changes.

It has a section on questions we can expect from the field about what to record, why it is recorded and privacy issues. This is based on questions we have had from past Police focus groups for prejudice related crime. And also questions that came in from the field when the Aboriginality/Torres Strait Islander questions were introduced. Because of the FOI Act, Police tend to be very sensitive about being seen not to violate privacy principles, when asked to record information in COPS

I rang Dr John Gaudin at the Office of the Privacy Commissioner. He is the contact officer for privacy matters involving Police systems. Over the years we have had a lot of dealings with him on COPS recording and related issues.

He attended the hate/prejudice crime meetings in 1996 with Chris Puplick. As far as he is aware, there has been no contact with Police since 1996 about the collection of prejudice crime indicators.

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Printed: 10/14/99 6:05PM

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We have similar memories of the meetings. Chris Puplick wearing his Anti Discrimination Board hat was supportive of collecting prejudice related crime indicators, but he nevertheless had concerns about the way the information would be collected and used, in particular:

how Police would elicit information from victims about their perceptions of prejudice

Police informing victims about the fact that prejudice indicators would be recorded and how the information would be used

The reasons why Police Officers across the State would be able to view prejudice indicators (which, for victims could involve sensitive personal information) for any incident.

The issues were discussed, but never resolved as far as I know.

Your education and training package would address these issues, I would assume.

Attached for your information is an old discussion paper prepared by ITS for presentation to the inter-departmental meetings back in 96, which summarises a lot of the privacy and other issues considered at the time.

The privacy issues are not insurmountable or unanswerable, but you have to be prepared for them.

Regards from,

Charmain Boyakovsky

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----- 14/10/99 11:51 ----- Sent to -----
- [REDACTED] JOHNSTON, BRUCE MACQUARI
----- 14/10/99 14:53 ----- Sent to -----
-> NHR.WHAL1KIM WHALAN, KIMBERLEY REGION

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## Prejudice Related Crime Data Collection

### Background

The Prejudice Related Crime Data Collection Project is a response by the Police Service to community concerns about prejudice-related crime. As part of the project, COPS has been enhanced to collect new associated factors reflecting different types of prejudice and to collect comments about Police and victim perceptions of prejudice.

The introduction of prejudice related crime recording follows extensive consultation with key stakeholders representing the Police Service, Ethnic Affairs Commission, Privacy Commission and the Anti-Discrimination Board. It has also involved research on American FBI and British procedures for collecting and analysing prejudice crime indicators. The collection of prejudice crime indicators by NSW Police was initially trialed in 1992 as part of a study conducted in the Campbelltown, Cabramatta and Bankstown regions of Sydney. The study was a joint venture undertaken by the Human Rights and Equal Opportunity Commission and the NSW Police Service. More recently, in 1998, the collection of prejudice crime indicators in COPS was successfully trialed in the Newtown LAC.

Comprehensive information about the nature of prejudice crimes, the definitions of different types of prejudice, work practices for identifying prejudice, eliciting information from victims, victim support and privacy issues will be included in Police education and training packages which will be released later this year. In the meantime any questions on these issues should be directed to the Senior Programs Officer, Ethnic Affairs, Operational Programs Branch.

### COPS Changes

Two existing associated factors have been removed from the COPS associated factor screen. they are:

- Possible Homosexual Hate Crime – this category was too narrow and did not cover prejudice directed at other sexual preference groups
- Racial Related - the meaning of this category was not clear to Police and it was used to cover matters other than prejudice

These associated factors have been replaced by five new associated factors. They are

Sexual Preference Prejudice  
Racial/Ethnic Prejudice  
Religious Prejudice  
Political Prejudice  
Other Prejudice

When you record incidents involving offences against people, property or public order, you will see these items in the list of associated factors

8024: Incident successfully updated	
NSW POLICE	TRN COPS
13/10/1999 13:51	
NSWP:POLICE_USER	Update Incident
M3FC1TC6:OOBAB	
-----	
Associated Factor	
-----	
Sel	Description
-----	
( )	DOMESTIC VIOLENCE RELATED ( )
RELIGIOUS PREJUDICE	

<input type="checkbox"/> PERSONAL VIOLENCE RELATED	<input type="checkbox"/>
<b>POLITICAL PREJUDICE</b>	
<input type="checkbox"/> ALCOHOL RELATED	<input type="checkbox"/> OTHER
<b>PREJUDICE</b>	
<input type="checkbox"/> DRUG RELATED	<input type="checkbox"/> FRAUD
RELATED	
<input type="checkbox"/> SEXUAL ABUSE RELATED	<input type="checkbox"/> GANG
RELATED	
<input type="checkbox"/> OLYMPIC RELATED	<input type="checkbox"/>
ORGANISED CRIME RELATED	
<input type="checkbox"/> CHILD ABUSE RELATED	<input type="checkbox"/> RURAL
CRIME RELATED	
<input type="checkbox"/> ELDER ABUSE RELATED	<input type="checkbox"/> IN
CUSTODY	
<input type="checkbox"/> SEXUAL PREFERENCE PREJUDICE	<input type="checkbox"/> NO
ASSOCIATED FACTOR	
<input type="checkbox"/> RACIAL/ETHNICITY PREJUDICE	

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Selections Complete ? ( N ) Y/N

Selecting any prejudice related associated factor will lead you to the following screen where you can record both the victim perception and the Police perception

NSW POLICE	TRN	COPS
13/10/1999	13:59	
NSWP:POLICE_USER	Possible Prejudice Related Crime	
M3FC1TC6:OOBAB		

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Do you consider the Offender's actions were prejudice related?

Victim/s      \*(            )  
 Officer/s     \*(            )

What type of prejudice was involved?

<input type="checkbox"/> Sexual Preference	<input type="checkbox"/> Religious
<input type="checkbox"/> Political	<input type="checkbox"/> Other
<input checked="" type="checkbox"/> Racial/Ethnicity	

Victim's Comments/Observations

(  
 )  
 (  
 )  
 (  
 ) +  
 And/Or  
 Officer's Comments/Observations

(  
 )  
 (  
 )  
 (  
 ) +

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## **Some Common Questions About Recording Of Prejudice Related Information In COPS**

### **What is the value this information? Is COPS asking Police to record more information for statistics?**

This is not a statistics gathering exercise. The identification of a prejudice-related aspect to a crime could enable Police to provide appropriate support to victims. It could signal the need for involvement of specialist officers to deal with particular types of incidents. It will contribute useful information to assist investigation. And, most significantly, it will provide an improved understanding of incident patterns, supporting pro-active policing to prevent or deter these types of crimes.

### **When Police record that an incident is motivated by prejudice towards a particular group, it can be inferred that the victim is either a member of or associated with that group. This is sensitive personal information, with the potential to be misused or misconstrued. Is it a violation of the victim's privacy to record this information in COPS?**

The victim in a prejudice related crime is not necessarily a member of the group being targeted. For example, graffiti sprayed on state Rail Authority (SRA) property inciting anti-Croatian violence could be seen as a prejudice crime, even though the victim, the SRA, is not a Croatian organisation. Or a prejudice motivated crime could be committed against a person perceived by the offender to belong to a particular group, when in fact the victim is not a member of that group.

The collection of this information is for legitimate law enforcement and crime prevention purposes. It has the support of community groups against which prejudice is often directed. As with any other information recorded in COPS, you have ethical obligations in handling information about possible prejudice. It should not be accessed or used by Police within the Service or disclosed externally without proper authorisation or lawful reason.

### **People involved in incidents can get access to what is recorded in COPS, by using the Freedom of Information Act. Some victims may be very sensitive about what is recorded about them. For example, a victim may object to an incident being recorded with a "sexual preference prejudice" associated factor because it implies that he is gay. Do I have any obligation to tell victims what will be recorded and how it will be used? Do I need their agreement, before I record prejudice-related associated factors in COPS?**

These issues involve balancing the sensitivity some victims may feel about the recording of prejudice details against the benefits to the wider community of Police having accurate information on patterns of prejudice-related crime. These issues have been discussed with the Office of the Privacy Commissioner and will be addressed in the education and training package which will be made available later this year.

### **Why do I have to record both Officer and victim perceptions of possible prejudice?**

One of the key lessons from the British approach to identifying prejudice-related incidents is that it is not always easy for Police to assess the motivation behind an incident. Officers may not have the experience, training or background knowledge to confidently make decisions about prejudice as the motive for an offence. Thus it is important to record and give weight to the victim's assessment as well as the Police reading of the situation.

### **What do I record if the victim and I have different opinions about the prejudice aspect of an incident? For example, an assault victim may believe he was targeted because of his race, the Police judgement could be that the victim was in the wrong place at the wrong time.**

Both judgements are important. If Police or the victim(s) believe the incident was motivated by prejudice, then the appropriate prejudice associated factor should be selected.

**What if there are several victims in an incident and they have different opinions about whether the incident has a prejudice aspect? For example a group of people could be attacked by a gang of thugs, one of the victims says they were attacked because of their ethnic group, the other victims have no opinion.**

If one or more of the victims believes the incident was prejudice-related, then the incident should be recorded with the appropriate prejudice associated factor.

**How do I find out the victim's perception of whether the incident involves prejudice? Is this a standard question I have to ask every victim in every incident? Do I only ask victims whom I think belong to common target groups? Or do I wait for the victim to volunteer an opinion?**

The way in which you elicit this information from victims will be covered in the education and training package which will be made available later this year

**Distinguishing between different types of prejudice can be tricky sometimes. For example, the targeting of people from some Eastern European groups could have aspects of racial/ethnic prejudice, political prejudice and religious prejudice. What am I supposed to record in COPS?**

If in doubt about the way a particular instance of prejudice should be categorised, contact the Operational Programs Branch for advice.