



**Discussion Paper**

**COLLECTION OF HATE-RELATED DATA**

**NSW Police Service  
Information Technology Branch**

**February 1996**



*Computerised Operational Policing System*

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<b>1. INTRODUCTION</b>	

In late 1994, a request was sent from the Office of the Minister for Police and Emergency Services to the NSW Police service for statistics on crimes against ethnic minorities.

In attempting to respond to this request, it was apparent that there were no Service-wide procedures for collecting such information.

The State Commander requested the Data Management Committee to review the issue and to provide advice on "the updating of the Services's data bases to enable the collection of data on the basis of ethnicity and where appropriate, other associated factors which may assist in the identification of crime which is hate inspired."



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This paper examines the issues involved in enhancing existing Police computing systems or developing new facilities to collect hate related crime data. Opinions, advice and background documentation were provided by a number of Police Service staff, as listed in Attachment 2.

The identification of a hate-related aspect to a crime could enable Police to provide appropriate support to victims. It could signal the requirement for involvement of specialist officers in dealing with particular types of incidents. It could contribute useful information to assist investigation. And, most significantly, it could provide an improved understanding of incident patterns, supporting pro-active policing.

In summary, the paper recommends that the Computerised Operational Policing System (COPS) be enhanced to collect officer and victim perceptions of hate crime and that the enhancement be implemented with regard to three key issues:

### EDUCATION

Identification of hate crime is inherently difficult, so there should be an education programme which will teach officers how to identify hate related crime. In addition, formal training should be supplemented by COPS help screens which could remind officers about ways of identifying hate crime.

### PRIVACY

When Police record that an incident was motivated by prejudice to 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. There should, therefore, be restrictions on the way this information can be accessed, to ensure that a victim's right to privacy is not compromised.

### LOCAL NEEDS

At present, the NSW Police Service does not have any objective reliable indicators of the spread of hate crime across the State. It could be significant issue in some patrols and negligible in other patrols. Any collection of hate crime data will involve costs to train people how to gather the information, to supervise users to ensure that the information is gathered, and to actually record the information. For some Patrols, the costs could outweigh the benefits of the small amount of information recorded. Initially, therefore, it may be desirable to implement hate crime recording facilities in way that is tailored to individual patrol requirements, rather than making hate crime reporting mandatory across the Service.

It is also recommended that a Focus Group of Police Service personnel involved in the identification and analysis of hate-related crime, be convened to oversee the development of COPS hate crime recording facilities and to ensure that the following matters are addressed:

### WHO DOES THE FOLLOWING TASKS AND WHEN

Development of target group classifications.

Specification of rules for access to hate crime indicators recorded for an incident.

Because of privacy implications, notification to the Data Management Committee about the nature of this project, seeking their endorsement and guidance. Notification should outline privacy issues and safeguards.



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development of Patrol readiness plan

Development of evaluation procedures for pilot patrol

Development of procedures for eliciting information from victims, including the exact wording of questions, and notifications about how the information will be used.

Development of a formal training programme for Police, so that they understand the need for identifying hate related crime, how to recognise hate crime indicators and how to ask victims about their perception of hate motivations in an incident.

Review of work practices and updates to Commissioner's Instructions. Once a hate-related incident is identified, how should it be handled? For example, should procedures include notification to specialist officers, follow up support to victim, notification to external agencies?

Identification of statistical requirements. Who in the organisation needs to know about hate related crime and in what level of detail?



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### **2. HATE RELATED CRIME DEFINITION**

For the purposes of this project, the following definition has been adopted:

**An act of a criminal nature which is motivated either wholly or in part by prejudice based on race, ethnic or cultural background, religion, sexual orientation or political affiliation.**

The following points about the definition and their implications for data collection should be noted.

A hate motivation may lie behind many different types of offences, for example assault, property damage, intimidation, trespass, robbery. Therefore, the project definition contains no reference to particular types of offences. It should be possible to collect hate indicators for any incident category.

A hate crime may not necessarily have a direct victim belonging to a particular group, for example:

Graffiti sprayed on State Rail Authority (SRA) property inciting anti-Croatian violence could be seen as a hate related activity, even though the victim, the SRA, is not a Croatian organisation;

The victim may not actually belong to the hate-target group, for example, a hate motivated crime could be committed against a person perceived by the offender to be Croatian, when in fact the victim is not Croatian.

The project definition does not refer to a victim. It should be possible to collect a range of hate crime indicators, and not rely entirely on data about characteristics or perceptions of victims

It is difficult to assess the motivation for an actual criminal incident. The difficulty of nominating a motivation for a suspected incident would be far greater. Hate crime indicators for a suspected crime are likely to be poor quality. Therefore the project definition does not refer to suspected incidents. The Service should collect hate crime indicators for "accepted" criminal incidents only.

Hate-related activity could indicate prejudice based on many group characteristics. The project definition has been restricted to prejudice based on:

1. race, ethnicity or cultural background
2. religion
3. sexual orientation
4. political affiliation

Prejudice towards age, disability and sex have been excluded, because of the difficulty of finding objective indicators of such prejudice. The inclusion of prejudice against political affiliations has been suggested as a means for monitoring hate crimes carried out by or against extremist political groups. At this stage the suggestion has been accepted, but the practical difficulty of defining what exactly "political affiliation" is and how to evaluate information about it, is acknowledged.

Some other definitions which have been used within the NSW Police Service and by other organisations are set out in Attachment 3.



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### **3. EXAMPLE COLLECTION PROCEDURES**

#### **3.1 UNITED STATE OF AMERICA, BIAS REPORTING**

In "Hate Crime, Report On The Current Collection of Prejudice Related Data", Constable First Class B. Scanlon and S. Thompson, NSW Police Service, have provided a description of FBI procedures for collecting bias data.

Their document points out that in the United states of America, the Hate Crimes Statistics Act authorises the Attorney General is to acquire data about crimes that "manifest evidence of prejudice based on race, religion, sexual orientation or ethnicity". The FBI is responsible for actually collecting data from State Police agencies and then analysing and publishing the data.

The data recorded about a hate crime incident for inclusion in national statistics are:

- offence type eg murder
- location type eg residence
- religious bias motivation eg anti-Catholic
- racial bias motivation eg anti-black
- ethnicity bias motivation eg anti-Arab
- sexual bias motivation eg anti-male homosexual
- number and type of victim eg individual or business
- number of offenders
- suspected offenders race eg white, black

The FBI provides training materials about the nature of bias crime. The FBI also provides guidelines for agencies to handle hate crime investigation and data collection, it recommends a two-tier approach:

the officer on the scene of an incident, makes an initial determination that bias motivation is suspected

a second officer or unit with more expertise in bias matters makes the final determination of whether a hate crime has actually occurred. If so then the incident is included in the national collection as a bias-motivated crime

A significant feature of the FBI procedures is that although victim perceptions are taken into account, the onus for deciding if an incident is hate-related rests with Police who must assess the incident by standard criteria to determine bias. Documentation of the standard criteria and training about them is therefore a very important part of the FBI procedures.

FBI Training materials set out the factors that should be considered by reporting officer and the reviewing officer to determine if there are enough objective indicators to justify classifying an incident as hate-related. A copy of these factors is found in Attachment 4.

#### **3.2 BRITISH DATA COLLECTION**

"Hate Crime, Report On The Current Collection of Prejudice Related Data" also contains a description of British procedures for collecting bias data.



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In England, Scotland and Wales, all police agencies have collected statistics on racial incidents since 1987. All persons reporting a crime or incident are asked whether they consider that the incident may have been motivated by prejudice. The attending Police Officer must also make an assessment, based on all available information known about the incident, whether or not the incident was motivated by prejudice. Both assessments are recorded on a standard crime incident report, and are given equal weight.

Data on "homophobic" incidents have been collected on a trial basis in a number of areas. When a crime report sheet is completed, if the incident appears to the victim or any other person including reporting or investigating officers to be motivated by animosity towards lesbians or gay men, then the crime sheet is marked "HOMOPHOBIC". The trial procedures recommend that for purposes of confidentiality, such references are deleted when reports are forwarded to a central point for statistical analysis.

The British approach to identifying prejudice-related incidents is based on the notion that it is a difficult matter to assess the motivation behind an incident. Police Officers may not always have the experience, training, background knowledge or perceptiveness to confidently make such decisions. Thus it is important to record and give weight to the victim's assessment.

### **3.3 NSW COMMUNITY RELATIONS STRATEGY (CRS) STUDY**

In 1992, the Community Relations strategy (CRS) Data Collection Pilot Study was undertaken as a joint venture between Human Rights and Equal Opportunity Commission and the NSW Police Service. The objective was to develop a data base model for use by Police in the collection of information on racist violence intimidation and harassment. The study was conducted in 3 metropolitan regions of Sydney, Campbelltown, Cabramatta and Bankstown, over the period 1 June to 30 September 1992.

The study considered both the British and US models for data collection, and adopted the British model of seeking both victim and Police assessment of whether prejudice was a motivating factor in an incident. Police Officers at the nominated patrols were instructed to seek information on all incidents to determine whether the victim considered that any form of prejudice was a factor in the motivation of the offender. Victims were then asked to identify the form of prejudice from a list including race, ethnicity or cultural background, sex (gender), religion, sexual preference (gay or lesbian) or other prejudice. Officers were also required to provide the same information from their own readings of the situation. The victim and police officer's perceptions were each to be entered on the standard Crime Information Report.

The study report concluded that the pilot was a practical demonstration "that the collection of information on the incidence of perceived hate crimes is a procedurally simple matter which could readily be incorporated into existing systems with appropriate training and supervision."

### **3.4 OTHER AUSTRALIAN HATE CRIME DATA COLLECTION PRACTICES**

The National Crime Statistics Unit (NSCU) of the Australian Bureau of Statistics operates under the auspices of the Australian Police Ministers' Council and is responsible for co-ordinating the production and publication of national crime statistics.

In 1994 the NSCU was requested by the Federal Race Discrimination Commissioner, to develop a strategy for a national collection of the incidence of perceived hate crimes. It was the NSCU's conclusion that the national



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collection of hate crime data would not be feasible, because of the lack of comparable data across different Police jurisdictions. It also considered that because of the subjective judgements involved in assessing the motives behind incidents, the development of national data definition standards and counting rules for hate related incidents would be a difficult exercise.

The NSCU has noted that only 3 of the 8 Australian Police jurisdictions collect and data on hate crimes. The only consistent element across the jurisdictions is racial appearance of offender and/or victim. Jurisdictions collecting this information felt that data quality is generally poor. The following table summarises hate crime indicators collected by Australian Police jurisdictions.

**TABLE: COMPARISON OF HATE CRIME DATA INDICATORS COLLECTED BY POLICE JURISDICTIONS**

ITEM	QUEENSLAND	SOUTH AUSTRALIA	VICTORIA
Racial incident	yes		
victim racial appearance	yes	yes	yes
offender racial appearance	yes	yes	yes
victim ethnicity		yes	
offender ethnicity		yes	

In summary, there are no national data definitions to guide agencies in collecting hate crime indicators. Other States do not appear to have successful data collection procedures, from which NSW could learn.

#### **4. NSW COMPUTERISED OPERATIONAL POLICING SYSTEM (COPS)**

In April 1994, the NSW Police Service commenced use of the Computerised Operational Policing System (COPS). COPS is a comprehensive computer data base system which allow NSW Police to enter, analyse and access incident information and intelligence across the Service.

COPS allows the user to nominate one or more ASSOCIATED FACTORS for an incident. The recording of ASSOCIATED FACTOR is the first Service-wide attempt at collecting data about the underlying causes of incidents.

The current list of associated factors include two hate-related entries:

POSSIBLE HOMOSEXUAL HATE CRIME  
RACIAL RELATED





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According to the Police Executive Information Service, of the 535,714 crime incidents recorded in 1994:

55 were flagged as POSSIBLE HOMOSEXUAL HATE CRIME  
74 were flagged as RACIAL RELATED

The Community Relations strategy (CRS) Data Collection Pilot Study conducted in 3 metropolitan regions of Sydney, Campbelltown, Cabramatta and Bankstown, over the period 1 June to 30 September 1992 tabulated hate-related crime as approximately 3% to 8% of incidents included in the survey. By comparison, the proportion of incidents reported in 1994 COPS data as hate-related is negligible.

The under-reporting is attributed in part to the hard to use layout of the COPS screens which capture ASSOCIATED FACTORS. However, it may well be that users are reluctant to nominate associated factors due to what they perceive as the subjective nature of the decision and a natural caution about stereotyping parties involved in an incident. At present, there is no Service wide training about the nature of hate related crime and how to identify it.

### **5. IDENTIFICATION OF INCIDENTS MOTIVATED BY HATE**

It is not easy for a Police Officer to judge whether an incident has been motivated by prejudice. The FBI training materials in Attachment 4 set out the many indicators that may need to be considered by an Officer trying to assess whether an incident is hate motivated. When investigating an incident, there could often be difficulties in drawing conclusions from these indicators.

For some incidents, there could be definite indicators that an act is hate-related, for example an incident could involve malicious damage to a Croatian meeting hall including anti-Croatian graffiti.

In other acts, the indicators may be inconclusive. For example, a shop is the subject of malicious damage. The owner is Croatian. Was the damage a deliberate act of hate towards Croatians. Or was the shop selected by the offender for other reasons?

An incident itself may not have obvious hate indicators. However something may be known to the victim or have happened in the past, for example threatening phone calls, which indicates a hate motive.

Similarly, a person may be assaulted near a gay venue. By itself, the location could indicate that prejudice against gay people who frequent the venue; alternatively, it could indicate that the location itself provides conditions for crime, regardless of the type of people who are found at the location.

Determining if a incident is hate-related involves looking at a number of indicators, the hate-related aspect may not become apparent until the investigation is completed and the offender caught. Often, indicators may be inconclusive. An incident may not, initially, be considered as hate related, however if a pattern of similar or related incidents emerge, then the earlier incident could be reclassified as hate-related.

The implications of these difficulties for recording of hate crime data indicators are:

Police officers must be properly educated to recognise hate related crime. Without a training program in place, the basis on which users are making decisions (and supervisors are verifying decisions) would be



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unknown, this would mean that the quality of hate crime indicators would be unreliable.

Because of the inherent difficulty of identifying incident causes, a computer recording system should include some form of help text or guidance or prompts about factors to be considered.

It should be possible to update incident details as more information becomes available over the course of an investigation.

Also, it is important to note that the NSW Police Service does not have any objective reliable indicators of the spread of hate crime across the State. It could be significant issue in some patrols and negligible in other patrols. Any collection of hate crime data will involve costs to train people how to gather the information, to supervise users to ensure that the information is gathered, and to actually record the information. For some Patrols, the costs could outweigh the benefits of the small amount of information recorded. It may therefore be desirable to implement hate crime recording facilities in way that is tailored to individual patrol requirements.

### **6. ETHICAL ASPECT OF COLLECTION OF HATE-RELATED DATA**

It is one of the cornerstones of current Police incident recording is that incident details recorded by one unit will be available for enquiry or updating by authorised officers through out the Police Service. This is because it is impossible to determine where information about a particular event will come to light. An event may occur in one patrol, be reported by the victim in another patrol, witnesses may come forward and be interviewed in yet another patrol. Investigating officers will need access to incidents involving a similar modus operandi, regardless of where the incidents occurred and which unit investigated them.

Recording of hate-related data poses a special problem. A hypothetical Joe Bloggs could be a victim in an incident that was classified as "homosexual prejudice related". If this information were to be available to every authorised Police user, there is a risk that the next time Joe Bloggs is encountered, an officer may view the information, stereotype Joe Bloggs as homosexual and perhaps treat Joe differently to how he would have been treated had that background information not been seen.

Although the information may not directly say Joe Bloggs is a homosexual, a Police user could:

Misinterpret the information. If the user sees the name "Joe Bloggs" and a term such as "homosexual prejudice related" in the same incident, they could jump to the conclusion that the system is saying that Joe Bloggs is a homosexual.

Reason that if Joe Bloggs was the victim of a crime motivated by homosexual prejudice and offender thought he was a homosexual, then most probably Joe Bloggs is a homosexual.

The staff of the Police Service are representative of the community. The positive aspect of this is that Police have empathy with, and understanding of the community they serve. The negative aspect is that among Police staff, there may be some of the same prejudices that occur in the community. Thus if a computer system indicates that Joe Bloggs could be a member of a particular group, there is a risk that Police may deal with Joe Bloggs in a prejudiced or negative way, when he is encountered again.

Ideally information about an incident should be available to any authorised user in any unit. Confidential personal



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background information should be stored as part of the incident. This is necessary so that investigators can have a full picture of an incident and so that statistics correlating confidential details with other not so confidential details in the incident can be produced.

At the same time the sensitive details should be created, secured and accessed as follows:

Allow the user to create sensitive details as part of a complete and accurate account of an incident.

The creating officer or verifying officer would be able to view or update sensitive details.

Specialist officers who have a legitimate requirement to view particular types of incidents, would be able to enquire on, and view sensitive information within an incident. For example, a Gay Liaison Officer for a Unit could select for viewing, all incidents in which the victim considers the incident was gay-hate related.

Statistical programs would be able to access the information for purposes of calculating and reporting incident counts.

Enquiring officers would be able to view details of the incident and all parties connected to the incident. They would not however be able to view sensitive details.

If the incident became the subject of a case, then officers attached to the case would have access to sensitive information linked to the incident. Officers investigating the incident would have a legitimate reason to view all information recorded in the incident.

## **7. THE SURVEY ALTERNATIVE**

Given that there are difficulties in recognising hate crime and collecting and securing data about hate crime, it has been suggested that the Police Service look at the alternative of anonymous surveys.

The findings of surveys, conducted by recognised statistical agencies, would certainly provide valuable information to the Police service about overall incidence of hate related crime and intimidation in the community. However the Police Service is not attempting to analyse the nature of all hate related activity in the community. Rather its objective is to understand the patterns in the offences which have been reported to Police and which the community expects Police to deal with. Through understanding of offence patterns, Police are better able to devise appropriate strategies to prevent future occurrences of those crimes.

Moreover, each unit in the Police Service has an obligation to its local community to understand the nature of offences which happen locally. That understanding can only be derived from comprehensive Police Service incident statistics. Hate crime indicators in Police data will be used to develop strategies for local intervention and crime prevention and to identify particular incidents for attention by specialist officers, such as gay or ethnic liaison officers.

## **8. PROPOSAL FOR NSW POLICE DATA COLLECTION**

### **8.1 INTRODUCTION**

When an incident comes to Police attention, it should be possible to record:



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was incident motivated by prejudice

if so, prejudice towards which group

The logical place to record hate crime indicators is in COPS. All incidents which come to Police attention should be recorded in COPS. From an operational perspective, it is desirable to record, in one place, all information known about an incident which is then subject to standard verification, access, archiving and auditing rules.

Also, COPS integrates recording of event and Police action recording. Thus, once a recording officer indicates that an incident is hate-related, the system could also be enhanced to automatically disseminate a message about hate crime incidents to a specialist Officer such as a Gay Liaison Officer, Ethnic Group Liaison Officer for further investigation and/or follow up with the victim and hate target group.

COPS has facilities to display "help text" screens which could be used to remind officers about the nature of hate crime and hate crime indicators which could be considered when investigating different aspects of an incident.

A number of options for enhancing COPS to collect and store hate related data have been considered. The rejected options are summarised in Attachment 5. The remainder of this section sets out the preferred option.

### **8.2 VICTIM PERCEPTION AND POLICE PERCEPTION**

Given that the objective indicators of hate crime could be many, varied and subtle, it would be difficult to develop a system to collect them all in a structured way and analyse them.

The simpler alternative is to record the victim's perception of whether the incident was hate related or not, in line with both the British and the 1992 Community Relations Strategy (CRS) Data Collection Pilot Study approach to hate crime recording.

The victim's perception would be very valuable data, it would be used for the compilation of hate crime statistics. It would also indicate to an investigating officer that the victim has background knowledge which would assist them in the investigation, without necessarily recording that information in the COPS system.

When dealing with an offence, it is envisaged that Police would ask the victim(s) a question to the effect:

"do you consider that the offence was motivated by prejudice towards a particular group? If so, what group?"

The Police Service recognises that this is a very sensitive question. For that reason, the attending officer would:

make it clear to the victim that they are not obliged to answer the question; and

explain the reason for asking the question and explain what will be done with the information.

When recording the incident in COPS, the reporting officer would be asked:

whether or not any victim in the incident felt the act was motivated by prejudice;

if so, prejudice to which group;



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Police perception of whether or not the act was motivated by prejudice; and  
if so, prejudice towards which group.

As more information becomes available about the incident through investigation or charging of the offender, then it would be possible to update both victim and Police hate crime perceptions.

In this approach, the onus for identifying an incident as hate-related does not rest entirely with the recording officer.

The recording of officer and victim perception, is the preferred option for implementation. It is technically simple. It would not involve the collection of a lot of information, but by recording the victim's perception as well as the officer's perception - the Police Service should be better able to identify hate-related incident patterns. Technically it should not be difficult to restrict access to sensitive data on hate crime perceptions to particular functions, such as:

- generation of statistics;
- users attached to a case investigation of the incident; or
- specialist officers such as ethnic or gay liaison officers.

Technically, it should also be possible to restrict recording of the hate crime indicator component of an information report to particular patrols. In this way, recording would be mandatory for those patrols which have a commitment to identifying and analysing hate crime patterns. But it would not be a recording burden in those units where identification of hate crime is not a priority, or where hate crime identification training had been delivered.

The following pages set out examples of the screens that could be used to collect hate crime indicators.



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**8.3 EXAMPLE SCREENS**

NSW POLICE	DEV	COPS
01/08/1995 15:51		
NSWP:BOYD_CHARMA		
Create Incident General Details		M7CC31F1:00BAA
Incident Type : ASSAULT		Ref No : E 760
<p>Victim(s) Consider Incident          Hate Related?      *(    )                      Group    *(                      )</p> <p>Police Consider Incident          Hate Related?      *(    )                      Group    *(                      )</p>		
Fastpath (            ) PF5=Show PF keys		EVE999M1
SB: LUA	ITB2    33	

When the user creates an incident, they will be presented with an initial screen for collecting victim and user hate crime perceptions.



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NSW POLICE 01/08/1995 15:51 NSWP:BOYD_CHARMA	DEV	COPS														
Create Incident General Details		M7CC3TF1.00BAA														
Incident Type : ASSAULT		Ref No : E 760														
<p>Help Browse Victim(s) Perception</p> <hr/> <table> <thead> <tr> <th>Sel</th> <th>Description</th> </tr> </thead> <tbody> <tr> <td>A</td> <td>DECLINED TO ANSWER</td> </tr> <tr> <td>B</td> <td>DON'T KNOW</td> </tr> <tr> <td>C</td> <td>NO</td> </tr> <tr> <td>D</td> <td>NOT ASKED</td> </tr> <tr> <td>E</td> <td>UNABLE TO ANSWER</td> </tr> <tr> <td>F</td> <td>YES</td> </tr> </tbody> </table> <hr/> <p>Enter Sel Letter Or Position Cursor            Select ( )            Start From ( )</p>			Sel	Description	A	DECLINED TO ANSWER	B	DON'T KNOW	C	NO	D	NOT ASKED	E	UNABLE TO ANSWER	F	YES
Sel	Description															
A	DECLINED TO ANSWER															
B	DON'T KNOW															
C	NO															
D	NOT ASKED															
E	UNABLE TO ANSWER															
F	YES															
Victim(s) Consider Incident Hate Related?           *( ? )																
Police Consider Incident Hate Related?           *(    )																
Fastpath (    ) PF5=Show PF keys		EVE999M1														
SB: LUA	ITB2 33															

If the user enters a "?" for "Victim(s) Consider Incident Hate Related" a window will pop up with possible responses, from which the user must select one entry. Possible responses cover:

Victim declined to answer.

Victim does not know if incident was hate related.

Victim perception is "no", incident was not hate related.

Victim has not yet been asked for their perception, for example victim may have been too distressed or injured to discuss the matter.



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Victim unable to answer the question because of communication or language difficulties.

Perception of at least one victim is "yes", incident was hate related.





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NSW POLICE 01/08/1995 15:51 NSWP:BOYD_CHARMA	DEV	COPS
Create Incident General Details		M7CC3TF1:00BAA
Incident Type : ASSAULT		RefNo : E 760
Help Browse Hate Crime Target Group		
Sel Description		
Victim(s) Consider Incident Hate Related? *( YES )	<input type="checkbox"/> ABORIGINAL <input type="checkbox"/> CHINESE <input type="checkbox"/> CROATIAN <input type="checkbox"/> HOMOSEXUAL	
Police Consider Incident Hate Related? *( )	<input type="checkbox"/> JEWISH <input type="checkbox"/> MAORI <input type="checkbox"/> MUSLIM <input type="checkbox"/> OTHER RELIGION <input type="checkbox"/> SOUTH EAST ASIAN <input type="checkbox"/> VIETNAMESE	
Selections Complete ? ( ) Y/N		
Start From ( )		
Fastpath ( ) PF5=Show PF keys SB: LUA ITB2 33		EVE999M1

If the user selects "YES" for victim perception of hate crime, then the system will display a pop up window asking the user to select one or more target groups.

It should be noted that the entries in the above target group list are example entries only to illustrate how the pop up window would work. The group list would be researched and defined as part of the implementation of hate crime recording facilities.

Also, although the target groups are displayed as a single list combining ethnic, religious etc. groups, when statistics are generated these groups can be aggregated into more general categories, for example "ethnic background" or "religion".



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NSW POLICE 01/08/1995 15:51 NSWP:BOYD_CHARMA	DEV	COPS
Create Incident General Details		M7CC3TF1:00BAA
Incident Type : ASSAULT		RefNo : E 760
Victim(s) Consider Incident Hate Related?	*( YES )	Group *( ABORIGINAL )
Police Consider Incident Hate Related?	*( YES )	Group *( )
Fastpath ( ) PF5=Show PF keys SB: LUA	ITB2 33	EVE999M1

Once the victim perception has been recorded, then the user can then enter the Police perception.

Over time, perceptions could change. Initially, Police may not consider that an incident was hate-motivated. After investigation of the incident and/or charging of the offender more information about the circumstances surrounding the incident could come to light. Officers working on a case or charge would be able to update the Police perception information on this screen.

Similarly, when Police attend an incident it may not be possible for them to put questions to the victim. At a later stage, after talking to the victim, Police could would update victim perception from "NOT ASKED" to "NO", for example.



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NSW POLICE 01/08/1995 15:51 NSWP:BOYD_CHARMA	DEV	COPS
Create Incident General Details		M7CC3TF1:00BAA
<p><b>Help</b>                      <b>Field: POLICE PERCEPTION OF HATE CRIME</b></p> <p><b>Description:</b> This field records an officer's evaluation of whether or not an incident was motivated either wholly or in part by based on race, ethnic or cultural background, religion, sexual orientation or political affiliation.</p> <p><b>Guidelines:</b> In coming to a decision, you should consider the following factors.</p> <p>Is one or more victims a member of a target racial, religious, ethnic or sexual orientation group?</p> <p>Were the offender(s) and victim(s) of different racial, religious, ethnic or sexual orientation groups?</p> <p>Would the incident have taken place if the offender(s) and the victim(s) were of the same racial, religious, ethnic or entation group?</p> <p>Were bias comments made by the offender?</p> <p>Were bias drawings, markings, graffiti left at scene?</p> <p>Did incident coincide with date of significance to a racial, religious, ethnic or sexual orientation group?</p>		
SB: LUA                      ITB2    33		PF3 = Exit PF7 = Scroll up PF8 = Scroll down page 1 of 5

The user has the option to display "help" text for any COPS screen or for any field for which they are expected to provide a value. The screen above is an example of the type of explanatory material that could be displayed to the user who requests help for the "police consider incident hate related?" question.

The text in the above screen is based American FBI training materials and is used as an example only. When hate crime recording facilities are developed, the hate crime specialists would draft appropriate help text.



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**ATTACHMENT 1 BIBLIOGRAPHY**

Constable First Class B. Scanlon and S. Thompson, NSW Police Service "Hate Crime, Report On The Current Collection of Prejudice Related Data"

J. Levin and J McDermott "Hate Crimes, The Rising Tide Of Bloodshed And Bigotry"

N. Taylor Editor "Bias Crime, The Law Enforcement Response"

L. de Rome "Monitoring Hate Crimes, A Report on the Community Relations Strategy data Project", prepared for the Human Rights and Equal Opportunity Commission February 1993



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**ATTACHMENT 2 PERSONS WHO PROVIDED ADVICE AND BACKGROUND INFORMATION**

Sergeant D. Timms, Maroubra Patrol

Sergeant J. Thommeny, South West Region

Constable First Class B. Scanlon

Senior Constable L. Watson, Ethnic Liaison Officer, Community Safety Development Branch

C. Chan, Senior Ethnic Affairs Policy Officer, Community Safety Development Officer

S. Thompson, Gay Liaison Officer, Community Safety Development Branch

J. Baldwin, Police Service Statistician




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### **ATTACHMENT 3 DEFINITIONS OF HATE RELATED CRIME/ACTIVITY**

It is necessary for the Police Service to adopt a standard definition of "hate related crime" before it can determine when and how to collect hate crime indicators.

Some definitions which have been used both within the NSW Police Service and other organisations have been considered.

"Hate related crime is defined as a criminal offence committed upon a person or institution which is directly motivated by that person's or institution's ethnic, religious, sexual or political affiliation."

**Professional Responsibility Branch, NSW Police Service in letter to Ethnic Affairs Commission  
27.3.95**

"A criminal offence committed against a person or property, involving acts or threats of violence or harassment directed at an individual or group and motivated totally or partly by hostility to their real or perceived race, ethnic background, national origin, religious belief, sex, age, disability or sexual orientation."

**"Hate Crime, Report On The Current Collection of Prejudice Related Data", paper by Constable  
First Class B. Scanlon and S. Thompson, NSW Police Service**

"Crimes that manifest evidence of prejudice based on race, religion, sexual orientation or ethnicity."

**The United States of America 1990 Hate Crime Statistics Act**

"An act which appears to be motivated or perceived to be motivated by the victim to be based on race, religion or ethnic background"

**Maryland State Police Data collection procedures quoted in N. Taylor Editor "Bias Crime, The  
Law Enforcement Response"**

"A specific act of violence, intimidation or harassment carried out against an individual, group or organisation (or their property) on the basis of race, colour, descent or national or ethnic origins and/or support for non-racist policies."

**Human Rights and Equal Opportunity Commission, for the purpose of the National Inquiry into  
Racist Violence 1989**

"Any criminal act coupled with overt actions motivated by bigotry and bias including, but not limited to, a threatened, attempted, or a completed overt act motivated at least in part, by racial, religious, ethnic, handicap, or sexual orientation prejudice, or which deprives another person of his/her constitutional rights by threats, intimidation, or coercion, or which seeks to interfere with or disrupt a persons exercise of constitutional rights through harassment or intimidation"

**Massachusetts General Laws, chapter 22,section 16**



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"A Bias Incident is defined as a suspected or confirmed offence or unlawful act which occurs to a person, private property, or public property on the basis of race, colour, creed, ethnicity, religious or sexual orientation. An offence is Bias based if the motive for the commission of the offence or unlawful act is racial, religious, ethnic or sexual oriented in nature."

**New Jersey Bill 1062**



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**ATTACHMENT 4 AMERICAN FBI HATE CRIME CRITERIA**





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### **ATTACHMENT 5 COPS DATA COLLECTION OPTIONS CONSIDERED BY NSW POLICE**

#### **COPS OPTION, CONTINUE TO RECORD ASSOCIATED FACTOR**

This option would involve improving existing ASSOCIATED FACTOR data collection screens by making them compulsory and easier to use. And in the case of an ASSOCIATED FACTOR of "prejudice", providing facilities on the screen to record the group towards which the prejudice was directed.

Using the ASSOCIATED FACTORS screen, for example, a user could record the fact that an incident is ETHNIC PREJUDICE RELATED and the target group is CROATIANS.

The technical cost of this option is low, but the education cost would be high.

For this approach to be successful, it would have to be accompanied by a Police Service wide training programme so that all users recording or verifying incident accounts were familiar with the hate crime concept and the factors which would indicate its presence in an incident.

Even if users are trained, they are still making subjective decisions. The quality of the data would be suspect because there may be nothing else in the incident description to back up the user's judgement that the incident was hate related.

The improvement of COPS ASSOCIATED FACTOR recording, is not recommended for implementation, other than as a short term measure.

#### **COPS OPTION, AUTOMATED FBI-TYPE CHECKLIST**

Under this option, COPS is not a passive repository for the user's decision. It would actively assist the user to come to a decision.

When the user creates or updates a COPS incident report, the system could display a list of hate crime indicator questions similar to those set out in the American FBI training materials. In this way, if the user has not been trained to recognise hate crimes or has not dealt with hate crimes before, the list would be a good reminder about things to consider when investigating different aspects of an incident.

The user would work through all the questions, answering yes or no to each question.

The system would examine the user's responses and then suggest its own conclusions for the user to accept or reject.

By this approach, the system acts as an on-the-spot hate crime expert who questions the user about the incident and then says "From what you have told me, I conclude that the incident is/ is not hate related. Now that you have thought about it, what is your judgement?"

Technically, it would be straight forward to develop facilities to display a simple checklist of questions and then evaluate the user's responses.

This option does not rely on Police users being trained to recognise hate crime incidents, before they can reliably



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record hate crime indicators.

To be effective, the system would have to ask a large number of questions which would cover all hate crime situations that Police are likely to encounter. Thus, the system would impose a high recording burden on users. For the majority of incidents entered into COPS, the user would simply select "no" for question after question on hate crime checklist screens.

The high reporting burden makes the questionnaire option unacceptable.

### **COPS OPTION, OBJECTIVE HATE CRIME INDICATORS**

In this option, the system would not explicitly collect hate crime indicators for an incident. Rather the emphasis is to collect as much objective, descriptive information as possible about the incident and collect it in a format which makes it useful for investigation, identifying offenders and understanding incident patterns. The system then examines the incident details to determine if it should prompt the user to confirm whether or not the incident is hate related.

Different COPS information components could be considered for expansion to include hate crime indicators, such as:

Victim perception of hate motivation.

Group to which victim may believe hate was directed.

Language or comments used by the offender during the incident.

Nature of any graffiti that might accompany the incident.

Motive which the offender may state when they are apprehended and interviewed.

Community events or dates which might have significance to particular groups, for example, political anniversaries, religious festivals.

Significance of an incident location to a particular group.

When user has finished creating or updating an incident account, then the system would prompt the user to nominate ASSOCIATED FACTORS, including "possible hate crime" for the incident. Before indicating their own judgement, the user would be able to review any hate crime indicators already recorded for the incident, ie. victim(s) perceptions, modus operandi or offender(s) motive.

The technical cost of this option is high. There would be costs:

to enhance existing incident information components, eg. LOCATION; and

to develop programs to look for and display to user possible hate crime indicators and request user confirmation that incident is hate related or not.



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The Police training costs would be low. System could collect objective indicators and make "intelligent" suggestions to assist users to come to a decision about whether an act was hate-related or not. It would not rely entirely on the user's judgement.

The option of attempting to collect objective indicators of hate crime, is not recommended because of its costs, technical difficulties and privacy implications. Specific difficulties are:

The notion of recording objective indicators rather than subjective judgements is attractive, but in practice the indicators could be many, varied and subtle. The system may not be able to account for them all. So for many incidents, Police might well simply rely on their own perception and the victim's perception that the incident was hate related or not.

The system would impose a large information gathering and recording burden on users. The information may not always be relevant or useful.

By scattering hate-related details through an incident description, it would be technically difficult to "hide" that information from ad hoc event enquiries. It would also be technically difficult to limit collection of hate-related indicators to Patrols that have an interest in analysing hate-related incident patterns.