

Printed by: MUKE1CHI
 Mail: Hate Crime Unit
 From: HELLER-WAGNER, ERIC
 To: 4 recipients

--- Received from NSWP.HELL1ERI (02) 9285-3094 26/09/01 12:20

HATE CRIME UNIT

About a month ago I was contacted by a detective in a murder investigation in relation to some racist comments on the walls of the crime scene. The detective wanted to know if the specific words used were peculiar or common; whether there was a database of racist terminology used in Australia; whether particular phrases or terms are used by particular hate groups.

As far as I know there is no such database. I assume that if the IIC or the PSG had such a database the detective would have accessed those sources. Maybe the AFP or ASIO has such information. I referred the detective to the B'nai B'rith Anti-Defamation Commission in Melbourne, which monitors and conducts research on far-right groups in Australia.

However, the detective's inquiry did suggest to me the need for a designated Hate Crime Unit to collect intelligence data and to aid investigation of prejudice-related crime. The events in the USA and the resultant backlash against people who appear to be from the Middle East provide further support for such a unit. The service-wide memo of 13 September by Mr. Madden is evidence of police awareness of the intensity of the situation.

The Toronto Metropolitan Police in Canada have a Hate Crime Unit consisting of 2 detectives and 1 analyst. Each of the 17 operational police divisions has a Hate Crime Coordinator. These Hate Crime Coordinators are responsible for investigating the majority of the hate crime occurrences within their division. The Hate Crime Unit provides analysis, coordination, training and investigative assistance to the divisional Hate Crime Coordinators. This unit works within a clear legislative framework.

Research elsewhere in the world and anecdotal evidence within the NSWPS indicates that police perceive much of the racial harassment, often subtle and daily, which some people of NESB must endure as falling below a certain threshold of judicial gravity, and thus within the category of nuisance and social incivilities. These behaviours are perceived by many police as regrettable occurrences, but the police believe that they can do little about them. This points to the legislative and cultural weakness of anti-discrimination laws in NSW.

A 1992 study in the UK noted that police use an "operational" definition of crime counting only those incidents which, (1) could be punished by courts; (2) are felt to merit attention of the criminal justice system; and (3) meet organisational demands for reasonable evidence.

Another study noted that much of the conduct and behaviour that victimises, and then deters many groups from going out in public is not technically a crime. Brantingham & Brantingham stated: "Civilians see 'crime' as behaviour they find objectionable, regardless of its legal status. Yet the police are held responsible for controlling LEGALLY objectionable behaviour and may, themselves, be guilty of misconduct if they seek to control legal but otherwise obnoxious forms of behaviour."

The establishment of a permanent, designated Hate Crime Unit would

Printed: 26/09/01 12:59PM

create pressure for legislative review and reform of anti-discrimination laws in NSW. The City of Boston in the USA has legislation, which, among other things, requires racist graffiti to be removed within 24 hours of its report. The Boston Police also have a hate crime unit. There are ample examples of legislation throughout the world that takes hate crime seriously.

A measure of a civilised society is the manner in which it treats its most vulnerable members. NESB people, particularly those of "Middle Eastern" appearance are presently very vulnerable.

If the NSW Police Service is serious about building better relationships with the NESB community in general and the Arab community, in particular, there needs to be some firm, direct action which takes hate crime seriously.

There are also a host of positive, workable examples of police and refugee migrant communities working together in the USA. Many of these projects have increased the visibility of police on the street in areas of high migrant populations, and thus could be considered for use in the project recently announced by Deputy Commissioner Moroney.

(There is also the possibility of a multiagency approach using the JIRT model of investigating child abuse with DOCS and applying it to hate crime with the ADB.)

By establishing and ACTIVELY PROMOTING a Hate Crime Unit the NSWPS would:

1. Send an important message to the community that racial harassment is unacceptable and will be pursued.
2. Take the concerns of the NESB community seriously and this would eventually result in more assistance from that community with police inquiries.
3. Increase police visibility by addressing community concerns previously ignored by the police.
4. Place State Parliament on notice to provide adequate hate crime legislation.

Respectfully submitted,

Dr. Eric Heller-Wagner
Level 3
Sydney Police Centre
151-241 Goulburn Street
Surry Hills NSW 2010

TEL: 02 9285-3094
FAX: 02 9285-3536

email: [REDACTED]

```

---- 26/09/01 12:20 ---- Sent to -----
-> NSW.P.MADD1DAV          MADDEN, DAVID          FIELD OP
-> NSW.P.ODEL1GAR          O'DELL, GARY           SOP
-> NSW.P.MUKER1CHI         MUKERJEE, CHITRITA    POL&PROG
-> NSW.P.KATS1ART          KATSOGIANNIS, ARTHUR  FLEMINGT

```