

ANNEXURE A

NSWP/D/2001/148753

Issue

Establishment of a Hate Crime Unit within the NSWPS.

Background

In October 2001, Dr Eric Heller-Wagner submitted a memorandum regarding the rationale for establishing a Hate Crime Unit within the NSW Police Service. Commander Dave Madden referred this memorandum to the Information and Intelligence Centre for comment due to the issues relating to intelligence, collection and dissemination of information on hate crimes.

Inspector Patrick Stafford of the IIC has provided a briefing regarding the role of the IIC in dealing with terrorism and politically motivated violence. The IIC picks up some matters relating to hate crime, but not all incidents, due to its focus on politically motivated violence.

Further comment has been provided by Superintendent Chris Clark following his trip to the Vancouver Police Department. Superintendent Clark refers to the associated factor screen in COPS that is currently used by the NSWPS to record data on prejudice-motivated crime. Although the issue of hate crimes is an important one for NSW Police Service, in his view, management of this need not be vested in a central unit such as the one proposed by Dr. Eric Heller-Wagner. He has referred the issue for further comment from Organisational Policy & Development due to its critical role in crime prevention.

The NSW Police Service has had a long-standing commitment to addressing prejudice-related crime. In October 1995, the NSW Minister for Police announced the establishment of the Hate Crimes Data Collection Project. A committee consisting of key stakeholders representing the Police Service, then Ethnic Affairs Commission, Privacy Commission and the Anti-Discrimination Board considered a plan of action.

In 1995 alterations were made to the COPS system to allow the recording of prejudice related crimes via the associated factor field, as referred to by Superintendent Chris Clark in his response. In 1998, these changes were modified and formalized with a pilot conducted in Newtown LAC. In July 1998, an evaluation report was prepared by Newtown LAC and submitted to the Commissioner of Police, Minister of Police and the Premier of NSW. The report recommended that following the successful trial of the data collection project in Newtown, changes to COPS be implemented statewide via a public launch of the project.

In October 1999, Commissioner Ryan and Mr. Stepan Kerkyasharian, Chair of the Ethnic Affairs Commission, jointly launched the new computer screens to collect data on hate/prejudice motivated crimes in NSW. At the launch, Commissioner Ryan indicated that status reports on the data collection system would be issued at six-month intervals.

A comprehensive education and information strategy was to be coordinated together with the finalization of a training package entitled *Dealing with Racist Violence*. This training package has been in a developmental phase for a considerable period of time, and began as a joint project of the Human Rights and Equal Opportunities Commission and the NSW Police Academy, with Ms Liz de Rome, of LdeR Consulting, as the author.

Comment

There is a long history of examining strategies to deal with prejudice related crime in the NSW Police Service. The need to establish accuracy in assessing the level of racist violence and whether increases or decreases in extent are occurring, was a precursor to the Hate Crimes Data Collection Project of 1995.

The establishment of a specialist unit, such as the one proposed by Dr Heller-Wagner, is one strategy on the continuum of proactive responses to addressing the problem of prejudice related crimes. Monitoring prejudice related crime statistics, providing training for police on addressing prejudice related crime effectively, raising community awareness about this issue, and the provision of special support services and counseling for victims of such crimes, are other complementary measures.

The Policy and Programs Unit is of the view that the priority for the NSW Police Service at present, is to consolidate its position on accurate data collection in conjunction with a comprehensive training program for police. In order to develop preventative community policing strategies, there needs to be a means of information retrieval that is readily accessible and appropriate for intelligence purposes. Superintendent Clark states that technological improvements could assist Crime Management Units (CMUs) within LACs to better understand the issue of hate crimes. He also highlights difficulties in retrieving COPS records based on associated factors.

Dr Heller-Wagner has rightly pointed out that many non-English speaking background people endure levels of harassment that may fall below the threshold of judicial gravity. Further, the underreporting of hate crimes has also been the experience of monitoring agencies in the US and Britain. Due to its role and involvement at the interface between police and communities, the Policy & Programs Unit has its finger on the pulse of community concerns such as the ones highlighted above. This clearly indicates the need for a community information strategy aimed at encouraging victims to report incidents. The use of local community consultative mechanisms and community liaison officers is integral to any such community information strategy. Indeed as Superintendent Chris Clark states, the work of various specialist liaison officers attached to CMUs in LACs is an important part of local policing and addressing community concerns.

Since October 1999, no status reports have been released on the prejudice related crime data collection system due to logistical issues relating to the analysis and interpretation of the data. The Policy & Programs Unit is of the view that following the release of a minimum of two six-monthly status reports on the trends observed by analyzing the data, the proposal for the establishment of a Hate Crime Unit should be re-examined. The Policy & Programs Unit further agrees with Dr Heller-Wagner that a multi-agency approach on this issue would be appropriate. The possibility of a collaborative venture with such bodies as the Institute of Criminology, the Bureau of Crime Statistics and the Anti Discrimination Board should be examined at the point of reconsideration of the need for a specialised unit.

Recommendation

That the NSW Police Service focus on the following tasks as an immediate priority:

- Accurate recording of data on prejudice related crime
- A meeting to progress the issue of analysis and interpretation of the data collected, including exploring better ways of retrieving COPS records based on associated

factors - this can be facilitated by the Policy & Programs Unit, and would involve representatives of Education Services, IIC and other relevant stakeholders

- Release of six-monthly reports based on the data analysis
- Coordination of a comprehensive information and education strategy including the finalization and launch of the training package *Dealing with Racist Violence*

Following the trends observed from at least two six-monthly reports the issue of establishing a multi-agency Hate Crime Unit should be re-examined.

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