

ANNEXURE 7



HATE CRIME AWARENESS

Online Training

Learning Outcomes

Understanding Hate Crime & Hate Incidents

Recording Hate Crimes & Hate Incidents

Understanding Relevant Legislation

Supporting Victims of Hate Crimes

Knowledge Summary

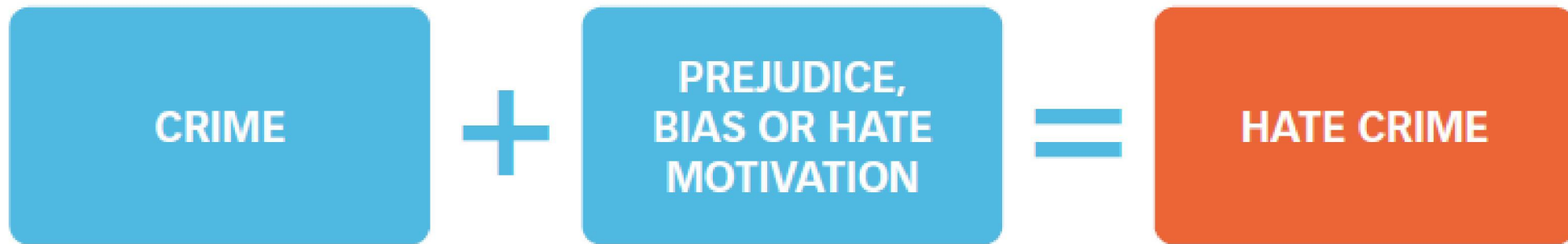
Further Information & Resources



MODULE 1

Understanding Hate Crime and Hate Incidents

What is Hate Crime?



What is Hate Crime?

The NSW Police Force (NSWPF) uses the following definition of hate crime.

HATE CRIME DEFINITION

A crime motivated by hate, prejudice or bias towards people because of their identity or perceived difference.

For example, Race, Religion or Faith, Ethnic/National Origin, Sex or Gender, LGBTIQ+, Mental or Physical Disability, Political, Homelessness, Age (Discrimination) or HIV/AIDS Status.

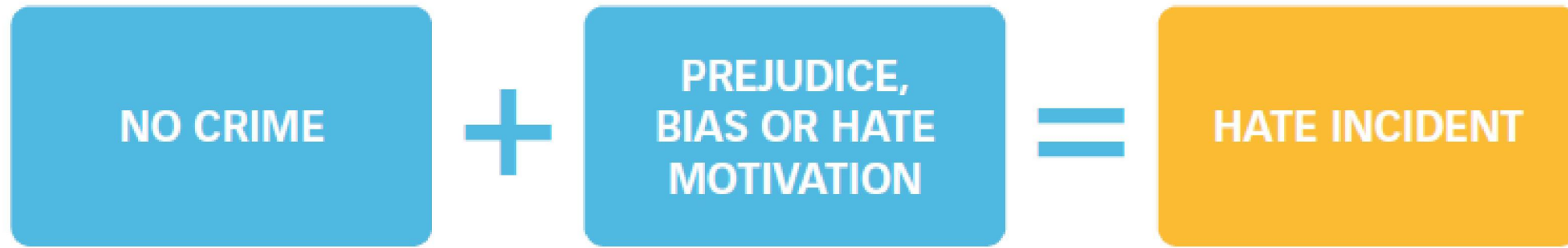
What is Hate Crime?

Hate crimes are about differences; perceived or actual. They are committed because of 'who' the victim is, or 'what' the victim appears to be that motivates the offender to commit the crime. There can also be a ripple effect of fear on the community who share the same characteristics as the victim.

The characteristic or 'difference' can be actual or perceived. If the person believes the victim is gay (whether or not they are) and assaults them because of that belief, it is a hate crime. The person does not have to be a stranger. If a father commits a crime against their child because the child is transgender, that is a hate crime.



What is a Hate Incident?



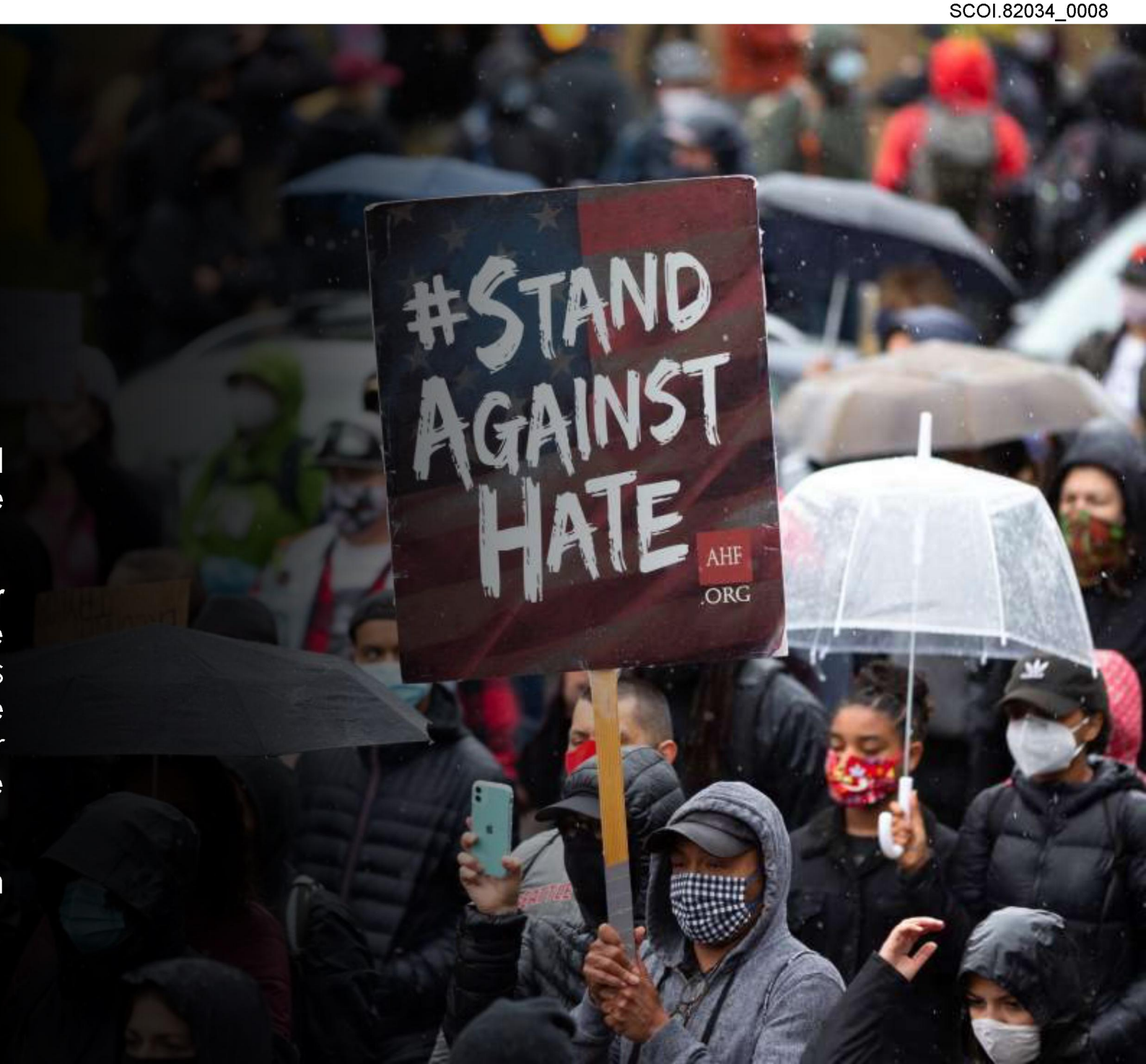
An incident that is not a crime, but still motivated by prejudice, bias or hate, is a hate incident.

What is a Hate Incident?

An incident that is **not a crime**, but still motivated by prejudice, bias or hate is a hate incident.

Recording hate incidents is vital for intelligence purposes because, hate incidents can indicate behaviours prior to escalation (e.g. verbal abuse before it escalates to violence or stating hateful views online before escalation to radicalisation).

Hate incidents can also assist in highlighting hotspots.





What is Hate Speech?

Hate speech is any kind of communication, verbal or written, that attacks, threatens, intimidates, incites violence or stirs up hatred towards people because of their identify or perceived difference. Hate speech can be a hate crime or a hate incident depending on where it occurs, who is targeted and the language used.

Hate speech can be an indicator of behaviour prior to escalation, potentially to real world violence. It is important that police record incidents of hate speech so that the EHCU can monitor this.

Hate speech can occur online. **As hate speech increases online, hate crimes may increase offline.**

NSW has legislation than can make public hate speech a criminal offence which we will cover later in the course.

Hate Crime, Hate Speech & Terrorism

Hate Crime, Hate Speech and Terrorism

Most hate crimes/hate incidents will not lead to radicalisation or terrorism; however, there are links between hate speech, hate crimes, radicalisation and terrorism.

C. E. Mills et al., 'Extreme Hatred: revisiting the Hate Crime and Terrorism Relationship to Determine Whether they are 'Close Cousins' or 'Distant Relatives'. Crime & Delinquency, 63/10 2017, 11

All Police

Officers play a vital role in preventing radicalisation, acts of violence and terrorism in NSW. Every officer monitoring and reporting early acts of hate speech and hate crimes/incidents can assist in the prevention and disruptions of these crimes.





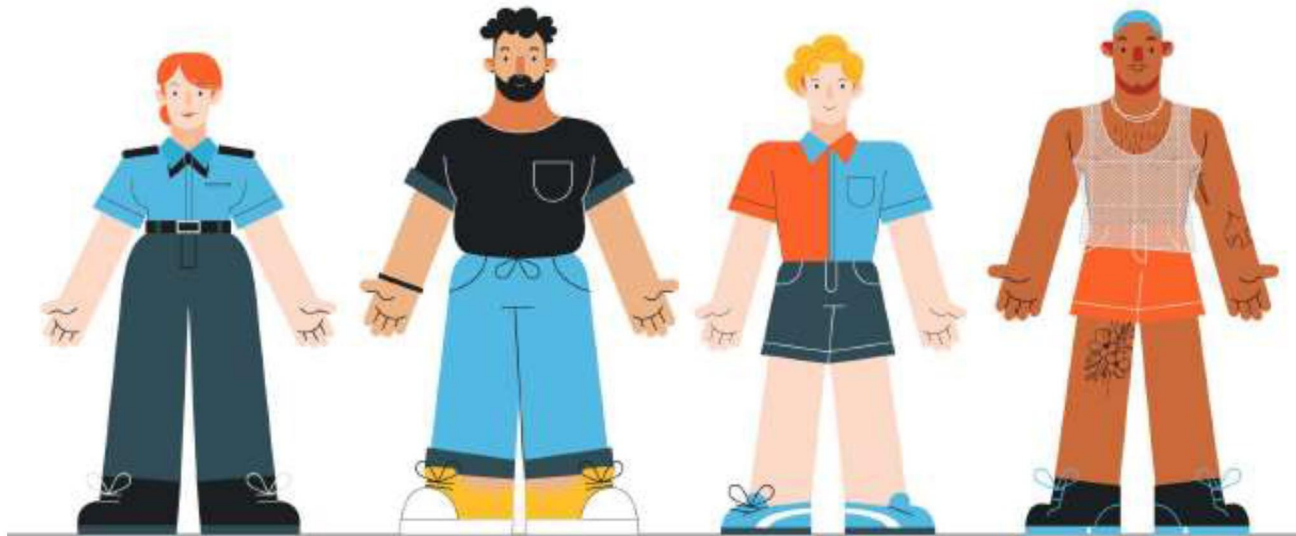
MODULE 2

Recording Hate Crime and Hate Incidents

Recording Hate Crimes

The recording of hate crimes/incidents is vital for intelligence gathering. Hate crimes/incidents can indicate behaviours prior to escalation (e.g. verbal abuse before it escalates to violence or stating hateful views online before escalation to radicalisation). Hate crimes/incidents can also assist in highlighting hotspots.

Accurate reporting and recording of all hate crimes/incidents will give the NSWPF a clearer picture of hate crime hotspots and changing or escalating behaviours. Once an incident has been flagged as **'Hate Crime Related'** it will be assessed by the EHCU and given a classification.



NSWPF Hate Crime Categories

Officers can flag reports with the Associated Factor of **HATE CRIME RELATED** on COPs which are suspected of being a hate crime with the following Qualifying Factors:

- Race
- Religion or Faith
- Ethnic/National Origin
- Sex or Gender
- LGBTIQ+
- Mental or Physical Disability
- Political
- Homelessness
- Age (Discrimination)
- HIV/AIDS Status



Indicators of Hate Crimes

When attending any incident, consider the following types of indicators. If you detect any of these, they may indicate a hate crime and should be flagged as **'Hate Crime Related'** on COPs.

The presence of a hate crime indicator or a combination of indicators support the inference that a hate crime has been committed.



Indicators of Hate Crime

Indicator	Example(s) and Questions to Consider
Gestures	<p>Were any gestures noted? For example, did the person indicate violence by drawing the hand or fingers across the throat?</p> <p>The '23' hand symbol is for the letter 'W' (23rd letter of the alphabet) and is shorthand for White or White Power (23/16).</p> <div data-bbox="1905 421 2481 654"> </div>
Nature of Language	<p>Did the offender use racial, homophobic, religious or other abusive or hateful language?</p> <div data-bbox="1905 739 2481 1018"> </div>
Hate Group Association	<p>Is there any evidence the offender is part of a hate group, such as the National Socialist Network or Proud Boys?</p> <div data-bbox="1905 1129 2481 1366"> </div>

Indicators of Hate Crime

Indicator

Example(s) and Questions to Consider

Symbols, Tattoos & Graffiti

Are there any symbols, tattoos or graffiti? These could be on an offender's clothing, or on nearby walls.

The lightning bolt tattoos on the left are the 'SS Bolts' and a common white supremacist/neo-Nazi symbol. They are from the Schutzstaffel (SS) of Nazi Germany.

The circle and cross graffiti is a white supremacist version of the Celtic Cross. '1488' is a reference to the 14 words and 8th letter of the alphabet, H. The 14 words are "We must secure the existence of our people and a future for white children" and the 88 is for Heil Hitler.



Location of the Incident

Is the location known to be frequented by certain groups or does the location hold significance or importance to certain groups? For example, a significant religious site or memorial or a location known to be frequented by the LGBTIQ+ community.



Indicators of Hate Crime

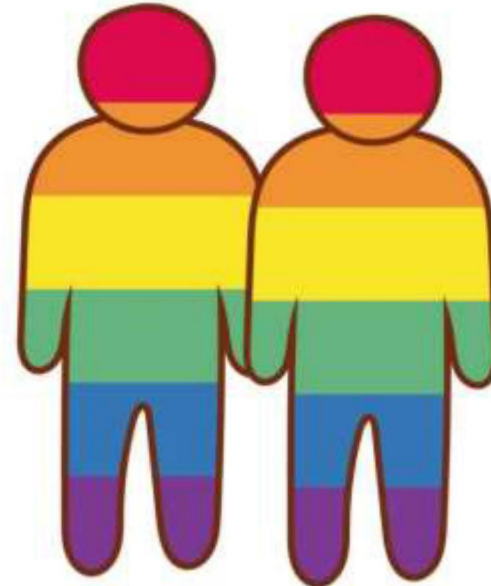
Indicator	Example(s) and Questions to Consider
Victim/Witness Perception	Did the victim or witness perceive the incident to be driven by hate or prejudice? What made them feel unsafe?
Escalation of Violence	Has the violence increased because of the offender's hatred for a certain group? An example could be violent abusive language used in online messages about women, which could indicate the poster is an incel (involuntary celibate). Incels are a growing group of men who express extreme resentment towards women, in some cases leading to violence and murder.
Timing	Has there been a recent world event (such as the Christchurch Massacre or Black Lives Matter movement) that preceded or could have impacted the incident? Is the time of year significant to a specific group, such as religious festivals, Mardi Gras or run up to an election period?
Unprovoked	Is there no other clear reason for the incident? Did it happen suddenly and without warning?

Hate Crime Scenario

A female couple are holding hands walking in a laneway in the Sydney CBD.

A group of young males walk towards the couple, loudly yelling “Oi! You dykes holding hands!” and proceed to push one of the females without provocation.

The group of males continue to yell aggressively at the couple who call out to passers-by to call the police.



Knowledge Check

Which Associated Factor which could be used to flag the Hate Crime Scenario:

- Hate Crime Related: LGBTIQ+
- Hate Crime Related: Sex or Gender
- No Associated Factor
- Personal Violence Related and Hate Crime Related: LGBTIQ+

Hate Incident Scenario

A woman of Middle Eastern appearance wearing a hijab (headscarf) is walking down the street.

A white male walks past her and shouts “You should go back to your own country!”

The woman is shaken by the abuse, but ignores him and walks on.

Later that day she goes into her local police station and reports the incident.



Knowledge Check

What is the correct way to enter this incident in COPS?

- a) No need to enter into COPS as it is not a police matter
- b) Created an Event with the Associated Factor 'Hate Crime Related'
- c) Create an Information Report with the Associated Factor 'Hate Crime Related'
- d) Create an Event with the Associated Factor 'Hate Crime Related' and the Qualifying Factor 'Ethnic/National Origin'





MODULE 3

Understanding Relevant Legislation

Hate as a Motivating Factor

For many hate crimes, prejudice, bias or hate is the motivating factor to another criminal offence, such as assault, robbery or malicious damage.

Crimes (Sentencing Procedure) Act 1999 (NSW) - Section 21A(2)(h) outlines the aggravating factors to be taken into account in determining the appropriate sentence for an offence. The aggravating factors specific to hate crime include:

“the offence was motivated by hatred for or prejudice against a group of people to which the offender believed the victim belonged (such as people of a particular religion, racial or ethnic origin, language, sexual orientation or age, or having a particular disability).”



We will now go through common offences where hate could be a Motivating Factor.

Telecommunications or Postal Offences

Consider the offences below when hate speech is committed on social media platforms and when these communications are not made publicly for example a racially offensive private message on Instagram.



Criminal Code Act 1995 (Commonwealth)

- Section 471.12 – Using a postal or similar service to menace, harass or cause offence
- Section 474.15 – Using a carriage service to make a threat
- Section 474.17 – Using a carriage service to menace, harass or cause offence.



Telecommunications or Postal Offences

The 'cause offence' provisions in these laws require a very high threshold to be reached for a communication to be deemed offensive in the eyes of the law. Vulgar abuse or offensive language is not enough. It must cause offence of a kind that would cause true outrage and serious offence. **Most hate motivated communications would likely meet the required threshold for 'offensive'.**



Conduct or Language Offences

The following sections of the Summary Offences Act 1988 can be considered for offensive conduct or language.

Summary Offences Act 1988 (NSW)

- Section 4 - Offensive conduct
- Section 4A - Offensive language
- Personal Violence Offences



Crimes (Domestic & Personal Violence) Act 2007 (NSW)

- Section 13 - Stalking or intimidation with intent to cause fear of physical or mental harm

The intimidation offence may be particularly relevant if hate speech, or conduct motivated by hate, escalates into the actual physical or mental intimidation of a person.

Other Offences for Consideration

Crimes Act 1900 (NSW)

- Section 31 - Documents containing threats (including a 'document' as defined in Interpretation Act 1987 (NSW) S.21 Meanings of commonly used words and expressions)

Crimes Prevention Act 1916 (NSW)

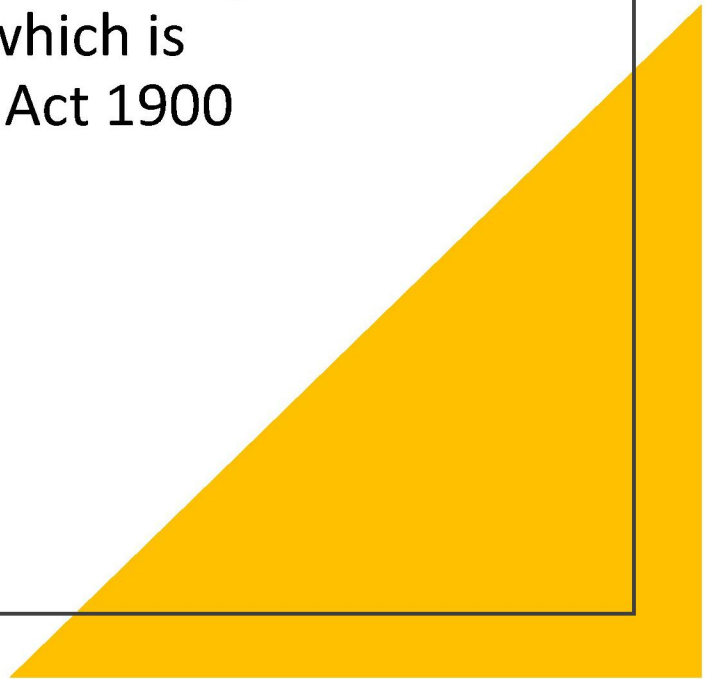
- Section 2 - Inciting to crimes
- Section 3 - Printing or publishing writing inciting to crimes

Summary Offence Act 1988 (NSW)

- Section 8 - Damaging or desecrating protected places



NSW has specific legislation dealing with public hate speech, which is section 93Z of the Crimes Act 1900 (NSW).



Public Hate Speech – s. 93Z

Crimes Act 1900 (NSW)

Section 93Z - 'Offence of publicly threatening or inciting violence on the grounds of race, religion, sexual orientation, gender identity, or intersex or HIV/AIDS status'.

Police must consider the motivation of the offender. **Police must prove that the victim was primarily targeted because they belonged to one of the stated categories and not for some other reason.** For example, after a road rage incident, the offender stands on the road and issues a threat of violence towards the victim using derogatory remarks about the other driver's ethnicity. Consider whether the primary reason for the threat of violence was the road incident or the ethnicity of the other driver.

Prosecutions MUST NOT be commenced without the approval of the Director of Public Prosecutions (DPP).

93Z - THREE QUESTIONS TO CONSIDER BEFORE THE DPP

1

Is the incident occurring in a public space?

This could include social media, public transport or the internet. Anywhere that is publicly accessible to people.

2

Is the person/group threatening or inciting (encouraging) violence?

For example, someone shouts at a same sex couple holding hands 'I'm gonna bash you poofers', or graffiti in a car park says 'Kill all Jews'.

3

Is this threat of violence because of race, religion, LGBTIQ+ status, gender identity or HIV/AIDS status?

If this threat of violence is because of other factors, such as age, disability, or homeless status, it is still a hate crime, it's just not covered under 93Z. See Appendix B for further legislation the person could be charged under.

DPP

If you have answered YES to all three questions you must get approval from the DPP. Submit a full brief of evidence for the 93Z charge to the DPP via the Operational Legal Services Command(OLSC). If you have any questions please contact [REDACTED]

Please Note: If the offender has committed a substantive offence (such as assault or intimidation) and you believe the elements of the 93Z offence have arisen out of the same conduct as the substantive offence, then proceed with charging for the substantive offence and email the OLSC: [REDACTED] to obtain further advice regarding 93Z.

Public Hate Speech – s. 93ZA

Crimes Act 1900 (NSW)









Section 93ZA - 'A person who, by public act, displays a Nazi symbol is guilty of an offence'.

Exemption can be granted by order of the President of the Anti-Discrimination Board if they are satisfied the public act is to be done reasonably or in good faith for:

- (i) academic, artistic, scientific or research purposes in the public interest or
- (ii) other purposes in the public interest, including discussion or debate about and expositions of any act or matter.

The public display of a swastika symbol in connection with Buddhism, Hinduism or Jainism does not constitute an offence under the legislation

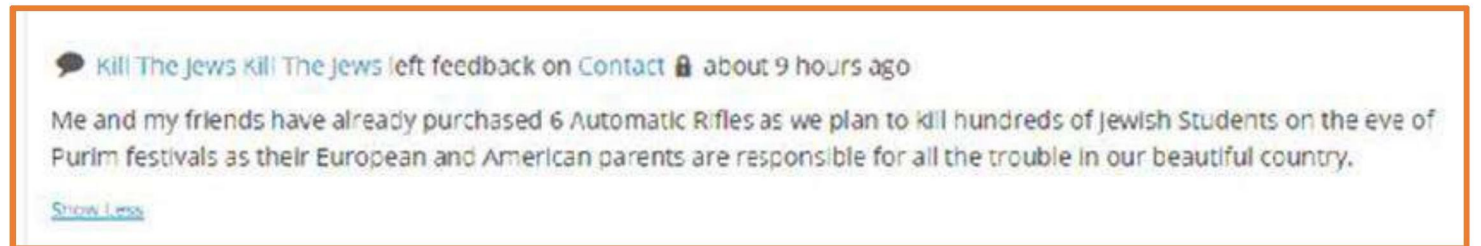
Examples of Nazi Symbols

Symbol	Context
	<p>Nazi flag/swastika (Hakenkreuz)</p> <p>Adolf Hitler adopted the swastika as the primary symbol of the Nazi party in 1920.</p>
	<p>Sun wheel (Sonnenrad)/black sun/Schwarz Sonne. The sonnenrad was appropriated by Nazi Germany, which has led to modern day white supremacists to use it as a hate symbol.</p>
	<p>"Totenkopf" is German for "death's head" or skull and typically refers to a skull-and-crossbones image. During the Nazi era, Hitler's Schutzstaffel (SS) adopted one particular Totenkopf image as a symbol.</p>
	<p>The SS Bolts are a common white supremacist/neo-Nazi symbol derived from Schutzstaffel (SS) of Nazi Germany.</p>
	<p>88 is a white supremacist numerical code for "Heil Hitler." H is the eighth letter of the alphabet, so 88 = HH = Heil Hitler.</p>
	<p>Crossed Grenades. The crossed grenade emblem signifies the Waffen SS unit most commonly known, after its commander, as the "Dirlewanger Brigade". As result, modern-day neo-Nazis regard Dirlwagner as a hero.</p>
	<p>Sturmabteilung. The Sturmabteilung symbol is the emblem of Hitler's brownshirted stormtroopers.</p>
	<p><u>Reichsadler</u>/Nazi Eagle/Nazi War Eagle</p> <p>The Nazi Eagle is a symbol developed by the Nazi Party in Germany in the 1920s.</p>

Examples of Nazi Symbols

Knowledge Check

An offender posts the following message to a public chat forum:



What makes this a 93Z offence?

- a) It incites violence against a protected category.
- b) It is on a public forum and it incites violence against a protected category.
- c) It is on a public forum.
- d) It is not a 93Z offence.



MODULE 4

Supporting Victims of Hate Crime

Victims of Hate Crime

Victims of hate crimes and hate incidents are targeted for who they are. These are crimes and incidents that attack the person's identity and therefore can have a greater and longer lasting impact than other crime types. Fear of repeat victimisation is typical, as the victim cannot change their identity.

Victims of hate crime are more than twice as likely to experience fear, loss of confidence or feeling vulnerable, anxiety or panic attacks, depression and difficulty sleeping compared to other victims of crime.

The community that shares the same characteristics as the victim can feel the same fear as the victim and fear of reprisals. It is therefore important to engage with communities as well as victims.



**The Rise Memorial,
Marks Park, Tamarama**

Barriers to Victims Reporting


Studies indicate **less than one in four victims have reported their hate crime to the police** and over 75% of victims would not report verbal abuse.

Barriers for victims reporting may include:

- Fear that reporting the incident might make the situation worse
- Humiliation or shame about being a victimised
- Fear they won't be treated seriously
- Unsure if what they experienced amounted to a hate crime
- Fear of a negative reaction from the police
- Cultural or language barriers.
- Fear of coming out to the police as LGBTIQ+

Reporting Services

STANDARD POLICE REPORTING CHANNELS

- **Triple Zero (000)** to report emergencies.
 - **Police Assistance Line (PAL) 131 444** for non-life-threatening matters and crimes that are not a critical emergency.
 - **Crime Stoppers 1800 333 000**
 - **NSW Police Force Community Portal**
 - **Local police station**
- 

Alternative Resource Options

- **Australian Human Rights Commission**



**Australian
Human Rights
Commission**

everyone, everywhere, everyday

- **eSafety Commissioner**



**eSafety
Commissioner**

- **Anti-Discrimination NSW**



**Anti-Discrimination
New South Wales**

There are many community specific agencies victims can also report through. Details of these agencies can be found on the internet.



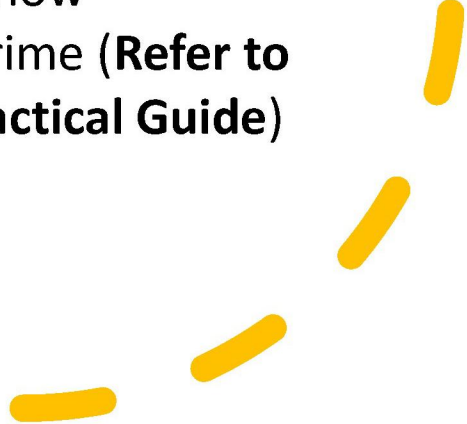


Supporting Victims

Given the barriers victims have already overcome to report a hate crime/incident to the police and the vulnerable and traumatised position many victims will be in, **it is vital to consider their safety and mental wellbeing when they are reporting.**

The Charter of Victims' Rights (*Victims Rights and Support Act 2013*) details the rights of a victim.

Supporting Victims

- Give them a safe environment when they are reporting
 - Encourage them to tell their story in their own words
 - Listen to the whole story from an open-mind position without judgement
 - Use translators if needed
 - Ask if they have family or friends who can support them
 - Offer them choices and information, such as details of support services or contact with an appropriate liaison officer
 - Tell them what will happen next, their rights and the criminal process in simple terms
 - Use appropriate language and pronouns to show acknowledgment and respect to victims of crime (**Refer to NSWPF Inclusive Language Guidelines: A Practical Guide**)
- 

Liaison Officers

There are a range of liaison officers who can assist with building relationships with communities who are more vulnerable to hate crimes. Further details can be found on the intranet.

- **Aboriginal Community Liaison Officers (ACLOs)**
- **Aged Crime Prevention Officers (ACPOs)** - not only work with older people, but also those with disabilities and people experiencing homelessness.
- **Crime Prevention Officers (CPOs)**
- **GLLOs (LGBTIQ+ Liaison Officers)**
- **Multicultural Community Liaison Officers (MCLOs)**
- **Youth Engagement – Youth Officers (YO), School Liaison Police (SLP) & Youth Case Managers**



Knowledge Check

Which of the following are three main alternative reporting channels for victims of hate crimes/incidents?

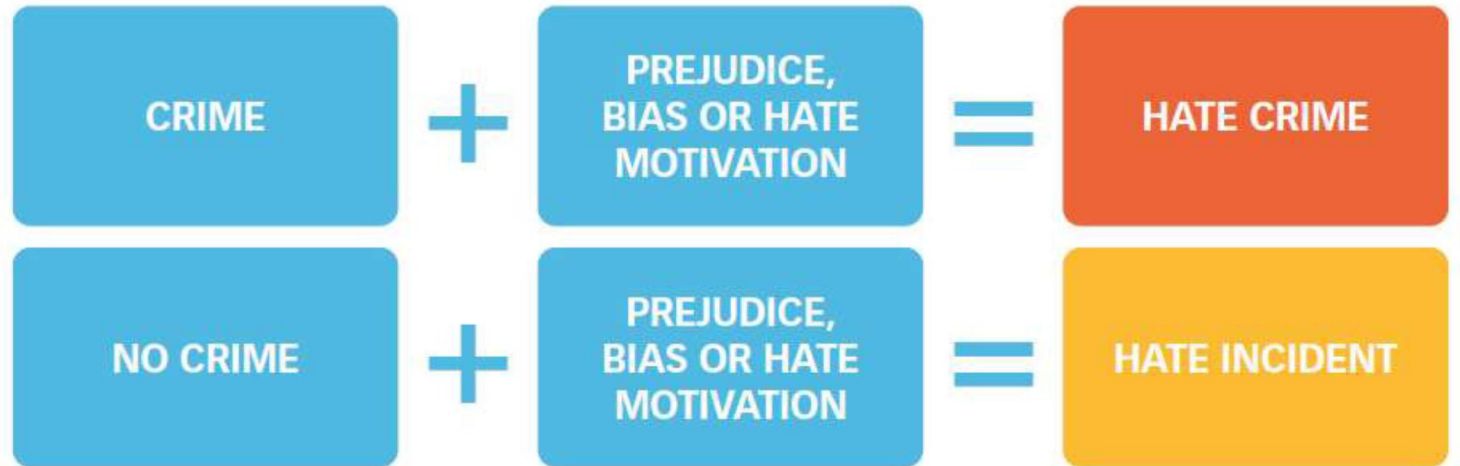
- a) Australian Human Rights Commission, e-safety Commissioner, Fair Trading NSW
- b) Australian Human Rights Commission, e-safety Commissioner, Anti-Discrimination NSW
- c) E-safety Commissioner, Anti-Discrimination NSW, Attorney Generals Department
- d) E-safety Commissioner, Anti-Discrimination NSW, Department of Communities & Justice





KNOWLEDGE SUMMARY

Knowledge Summary



HATE CRIME DEFINITION

A crime motivated by hate, prejudice or bias towards people because of their identity or perceived difference.

For example, Race, Religion or Faith, Ethnic/National Origin, Sex or Gender, LGBTIQ+, Mental or Physical Disability, Political, Homelessness, Age (Discrimination) or HIV/AIDS Status.

- **Hate Crimes and Hate Incidents must be recorded in COPS** so the NSWPF has a clearer picture of hate in NSW and can monitor incidents before they escalate.
- In COPS, **flag Hate Crimes and Hate Incidents with the Associated Factor 'Hate Crime Related'** and ideally a Qualifying Factor for the type of crime/incident (e.g. Race, Religion or Faith, LGBTIQ+ etc.)
- **93Z charges must have approval from the DPP prior to prosecution.**



FURTHER INFORMATION & RESOURCES

The Role of the Engagement & Hate Crime Unit (EHCU)

The EHCU offers support to police and the community in preventing, disrupting and responding to hate crimes and hate incidents. Through building rapport and trust with investigating officers and communities, the EHCU assists in the swift response to any hate crime/incident.

The EHCU can be consulted on all hate crimes/incidents and offers specialist advice to officers and the community. As subject matter experts, the EHCU monitors escalating behaviours, hate groups and hotspots to aid in the prevention and disruption of further incidents.

The EHCU assesses all incidents flagged in COPS as 'Hate Crime Related'.





You can contact the EHCU for general advice about hate crimes and hate incident either via email [REDACTED] or [REDACTED].

For after hours assessments, requests can be sent to [REDACTED] or [REDACTED].

OFFICIAL: Sensitive

HATE CRIME

Guidelines



NSW Police Force

Engagement & Hate Crime Unit
Counter Terrorism & Special Tactics Command

OFFICIAL: Sensitive

Further Information + Contact Details

Website:

https://www.police.nsw.gov.au/crime/hate_crimes

The Hate Crime Guidelines and additional information can be found on the intranet here:

https://intranet.police.nsw.gov.au/organisational_units2/specialist_support/counter_terrorism/operational_assessment_group?a=191316

For general advice about hate crimes and hate incidents,
email: [REDACTED]

For 93Z advice, email Police Prosecutions:
[REDACTED]