

### **Bias Crimes Identification Guidelines**

- 1) Would the incident have occurred if the offender and victim were from the same group?
- 2) Would the incident have escalated or become violent if the persons involved were not from different groups?
- 3) Is the victim interchangeable?

### **Bias Crimes Indicators**

#### 1) Differences

- Immutable characteristic differences between victim and POI's e.g., racial, ethnic/national origin, sexual orientation, etc.
- Victim is a member of a group which is outnumbered by members of another group in the area where the incident occurred
- Victim was engaged in activities promoting his/her group
- Incident coincided with a holiday or date of particular significance to the victim or POI's group
- Victim, although not a member of the targeted group is a member a member of an advocacy group that supports the victim, or the victim was in company of a member of the targeted group
- Historical animosity exists between the victim's group and the POI's group

#### 2) Comments, written statements, gestures

- Bias related comments, written statements or gestures were made by the POI
- Comments and gestures can occur before, during and after the incident
- Victims may not be aware of the significance of gestures made

#### 3) Drawings, markings, symbols, tattoos and graffiti

- Bias related drawings, markings, symbols or graffiti were left at the scene or were seen on the POI
- Before discounting symbols, ensure that you understand the meaning of the symbol

#### 4) Organised Hate Groups (OHG)

- Objects or items that represent the work of an OHG were left at the scene, e.g. business cards, flyers, burning cross
- An OHG claimed responsibility
- There are indications that an OHG was involved or active in the area
- MO is similar to known MO of an OHG

#### 5) Previous existence of bias crime incidents

- Victim was visiting a location where previous bias crimes had been committed against members of the victim's group
- Several incidents occurred in the same area and the victims were members of the same group
- Victim has received previous harassing mail, email, social media posts or phone calls or has been the victim of verbal abuse based on his/her affiliation with a targeted group
- Recent bias incidents or crimes may have sparked retaliatory bias crime

#### 6) Victim/witness perception

- Victims and/or witnesses perceive that the incident was motivated by bias

#### 7) Motive of offender

- POI was previously involved in similar incident or is a member/associates with members of an OHG
- The victim was in company of or married to a member of the targeted group
- The victim was perceived to be breaking from traditional conventions or working non traditional employment
- The POI has a history of previous crimes with similar MO and involving other victims of the same group

#### 8) Location of the incident

- The victim was in or near an area or place commonly associated with or frequented by members of a particular group e.g. beat
- The location of an incident has specific significance to the victim or POI group e.g. cemetery, religious building, historical landmark, etc

9) Lack of Motive

- No clear economic or other motive for the incident exists

10) Level of violence

- The level of violence and injuries sustained by the victim/s is greater than would be expected for a crime of that type
- Weapons of opportunity are used in the incident
- The number of POI's is greater than the number of victims and all POI's take an active role in the assault

NB: Indicator 1 – 9 taken from the 'Responding to hate Crime – A multidisciplinary Curriculum for Law Enforcement & Victim Assistance Professionals. National Centre for Hate Crime Prevention, United States Department of Justice Office for Victims of Crime, 2000.

Indicator 10 developed by NSWPF Bias Crimes based on research and cases.