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# **POLICING HATRED:**

The rise in bias motivated  
crime and how effective  
policing strategies can  
positively impact  
communities.

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*N.B.: In this paper the terms bias and hate and bias motivated crime and hate crime are used interchangeably. The term white supremacy/supremacist, unless otherwise stated, is used in its generalised meaning and not its specific ideological definition.*

## **INTRODUCTION:**

Before we discuss the topic of this paper it's important to understand what a hate crime is. So what is a hate crime? Although there are numerous definitions, dependant on where in the world you are, the definition of a hate crime generally contains the following three elements;

- ◆ is a *criminal offence*
- ◆ is *wholly or partially motivated by bias*
- ◆ is *directed towards a specified identity group*

Examples of current hate crime definitions include;

- ◆ *Hate Crime:* A hate crime is a criminal offense committed against persons, property or society that is motivated, in whole or in part, by an offender's bias against an individual's or a group's race, religion, ethnic/national origin, gender, age, disability or sexual orientation (Turner, 2011)
- ◆ *Hate Crime:* Any hate incident, which constitutes a criminal offence, perceived by the victim or any other person, as being motivated by prejudice or hate (Association of Chief Police Officers, 2005).

The difference between the two definitions is based on who perceives the bias. In the International Association of Chiefs of Police (IACP) definition it is based on the offender's bias which means that it is necessary to prove the offender's motivation was based on bias, whether wholly or partially. In the UK definition it is based on the perception of the victim or any other person. Both definitions have their pros and cons. The IACP definition leads to under identification as it's not always possible to determine the offenders motivation, whilst the UK definition leads to over identification as it's the victims/witness opinion and not based on evidence of the offender's motivation. The proposed New South Wales Police Force (NSWPF) definition was based on the IACP definition as I believe that to accurately identify an incident as a hate crime the offender's motivation must be determined.

In addition to the definition of hate crime another definition is important to understand and that is the term '*Hate Incident*'. A hate incident is defined as any incident that would constitute a hate crime but is not a criminal offence (Turner, 2011). An example would be verbal abuse directed at an individual or group where bias motivation was evident. It is important to understand this definition as hate incidents have the same potential as hate crimes to lead to public order incidents, have the same impact on the victim community and are as useful as hate crimes for analysis and mapping purposes.

As mentioned in the definitions, one of the elements is that the crime/incident must target a specified identity group, also referred to as 'Protected categories or groups'. Most hate crime definitions include the standard protected categories of;

- ◆ Race
- ◆ Religion
- ◆ Ethnic/National origin

Common additional categories include;

- ◆ Sexual Orientation
- ◆ Age
- ◆ Gender
- ◆ Disability

Having said this there is no limit to what identity group can be added as a protected category. Certain jurisdictions in the United States include categories such as class or economic status. In NSW the NSWPF collects data relating to ‘political prejudice’ and the proposed NSWPF hate crime definition included, race, religion, ethnic/national origin, sexual orientation, age gender, disability, political membership or affiliation, homelessness and environmental group membership, affiliations or beliefs. One important note regarding protected categories is that the categories themselves are general. For example the category, ‘Race’ does not specify which races are protected. This means that any race, including white/European racial classification, is protected.

The above point is important, as there is a misconception that hate crimes policing is designed to protect minorities only and this misconception is played on by right wing extremist groups. As a result of this misconception the term ‘*thought policing*’ is regularly bandied around when hate crime is discussed. Hate crimes policing is not about punishing people for what they think or believe, it’s about reducing the impact of bias motivated crime and violence and responding to the fears and concerns of the community. In a free and democratic society such as Australia, everyone has the right to think and believe in whatever they want. It is only when these beliefs directly impact on other members of the community through incitement of violence, violence or acts that intimidate or terrorise groups within the community should law enforcement become directly involved. In the words of Voltaire, “*I disapprove of what you say, but I will defend to the death your right to say it.*”

## **THE RISE IN BIAS MOTIVATED CRIMES:**

Crimes motivated by bias and hatred have been around since mankind first climbed out of the primordial ooze. Bias is a part of human nature; it’s common to all humans no matter what their race, religion or sexual orientation to be suspicious or fearful of ‘the other’ (the other being any group that is different).

*“Bias thrives on stereotypes, on shallow images of the “other” that portray individuals different than ourselves as strange, hideous, or dangerous. It is no wonder that in a world driven by the fury of political polemics and*

*sophisticated propaganda that hate crimes should be so universal a phenomenon.” (Harnishmacher & Kelly, 1998)*

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Since 9/11 there appears to be a withdrawal of nations from ‘the other’, immigration issues have been placed centre stage both locally and internationally. ‘The other’ is identified more and more both by society and by the media and all of this has laid the ground work for a rise in extremist activity (all categories) and as a consequence in society. In addition to the apparent paranoia about ‘the other’, modern technology is shrinking the world and allowing once isolated groups to have access to a larger audience, technology is reducing the need for direct human interaction, thus making it harder to really know ‘the other’ and the populations of developing nations are wanting what the rest of the world has. All of this is a recipe for an increase in bias motivated crimes.

*“The global village is deteriorating at a rapid pace, and in the children of the world the result is rage. It is the rage I saw in the eyes of the teenage Interahamwe militiamen in Rwanda, it is rage I sensed in the hearts of the children in Sierra Leone, it is rage I felt in the crowds of ordinary citizens in Rwanda and it is rage that resulted in September 11. Human beings who have no rights, no security, no future, no hope and no means to survive are a desperate group who will do desperate things to take what they believe they need or deserve.” (Dallaire, 2003)*

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There is an inherent difficulty in determining an empirical increase in bias motivated crimes and that is underreporting and under recording. It is a well acknowledged fact that hate crimes are under reported for a multitude of reasons. A Northeastern University study reported that less than five percent of all hate crime victims reported the incidents to law enforcement and only one third told any school official (Levin & McDevitt, 2002) When this is taken into account with the fact that police in general struggle to identify let alone record bias motivated incidents, it is clear that establishing the true number of hate crimes is very difficult indeed. From my time as the NSWPF Hate Crime Coordinator, I have seen the difficulty that police face in correctly identifying and recording bias motivated incidents. Approximately 40%<sup>1</sup> of all incidents in 2008 flagged with a bias motivated indicator (prejudice related associated factor) were not in fact a bias motivated incident. This is not to say that there was an over identification of incidents. It is important to remember that on average only 5% of incidents are reported to law enforcement. What this data shows is the difficulty that police have in identifying what a bias motivated incident is. The number of incidents that were reported but not flagged as having a bias motivation is not able to be determined due to the sheer volume of reports made. In addition to these unidentified incidents the number of incidents that were not reported to police is not able to be determined.

Given the difficulty in empirically proving a rise in bias motivated incidents, how do you determine that there has been a rise in bias motivated incidents? Before getting into specifics

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<sup>1</sup> NSW Police Force Hate Crime Coordinator Statistics – January to December 2008

of indicators used to identify a rise in bias motivated crimes it is important to look at hate crimes as what they are. Hate crimes are not just a criminal act but they are a response to social climate. As stated previously mistrust of 'the other' has been around as long as mankind, but throughout history the issue of hate crimes is linked to times of social distress and economic uncertainty (Kelly & Maghan, 1998). Since 9/11 the world has faced the global financial crisis (which the effects are stilling being felt today) and viral outbreaks such as swine flu. When the focus on immigration issues is added to the mix the current global environment is ripe for the advancement of extremist ideologies and the distrust of 'the other' whether it is based in race, religion, sexual orientation or any other vulnerable group. This phenomenon is best summed up by Kelly and Maghan, 1998 when they state, "...that in times of social distress and economic uncertainty, tensions between groups becomes acute and find expression in hate crimes; and that the burden of guilt of these cannot be attributed to or blamed on entire groups of people. While individuals must ultimately bear the responsibility for their own behaviour and criminal acts, the context and social climate in which these occur is quite relevant to their understanding."

In determining there has been a rise in bias motivated incidents I have utilised a number indicators. The first is the media. Utilising the media as an indicator has inherent risks, primarily media bias in conjunction with the possible politicising of hate crimes. However taking these risks into to consideration the media is still a good barometer in assessing the increase in bias motivated crimes. Reviewing local, national and international media sources there has been an apparent increase in the number of stories reported in a three year period (2008 to 2011). In addition to the increase in numbers of stories there appears to be an increase in the severity of incidents. Examples of media reports on bias motivated incidents include;

- Jewish groups concerned at dramatic rise in attacks (Benns, 2009)
- Right Wing Genie Out of the Bottle (Jensen, 2009)
- No place for race hatred (Sunday Herald Sun, 2009)
- Police investigate Sydney gay bashing (Bibby, 2010)
- German police raid largest neo-Nazi group (Associated Press, 2010)
- Activists' showdown at Villawood's gates (Kontominas, 2010)
- Alleged Combat 18 members in court over mosque shooting (Robinson, 2010)
- Assyrian monuments desecrated (Frost & Matheson, 2010)
- 'White Wolves' get 23 years' jail over hate-motivated killings (Associated Press, 2010)
- Youth charged over attack on wheelchair-bound Canadian at Sydney station (Kwek & Welch, 2010)
- Australians like Ku Klux Klan, says former Klan leader (Kene, 2011)
- Far-Right Student Group Building Ties to Right-Wing European Extremists (Schlatter, 2011)
- Oklahoma City Bombing Anniversary: Disturbing Parallels to Today's Climate (Beirich, 2011)
- Possible Terror Attack on MLK Parade in Spokane Thwarted (Morlin, 2011)
- Victorian neo-Nazi used as medic in Afghanistan (Staff Reporter, 2011)

Media reports alone do not substantiate the rise in bias motivated incidents, but they do show that bias motivated incidents are being reported more frequently than they have been in the past, especially in local and national media sources.

Another indicator is data on the activities of Organised Hate Groups (OHG) collected and analysed by monitoring groups like the Southern Poverty Law Centre (SPLC) and the Anti Defamation League (ADL), both based in the United States (US). Between 2000 and 2008 the number of hate groups has risen in the United States by 54% (Potok, *Rage on the Right: The Year in Hate and Extremism*, 2010) and in 2010 for the first time since the SPLC started to count groups in the 1980's, hate groups broke the 1000 mark with 1002 active groups identified, up from 932 in 2009 (Potok, *The Year in Hate & Extremism*, 2011). Although OHG have a role in bias motivated crimes, it is estimated that only 10%-15% of all hate crimes involve organised hate groups or their members (Levin & McDevitt, *Hate Crimes: The Rising Tide of Bigotry and Bloodshed*, 1993) (Perry, 2001), the remainder being committed by person with no links or association to OHG. This does not diminish the influence of these groups and that the rise in these groups does not correlate with the increase in bias crimes. OHG have an important role ideologically and their presence and growth is a reflection of society, therefore their growth indirectly supports the argument that there has been an increase in bias crimes. What does US data have to do with Australia you ask? When it comes to OHG, you have to look at them as a global entity not just a local one. White supremacist groups have a pan Aryan ideology, which is all white nations are one. Information I have received from former members of OHG confirm that Australian groups have regular contact with international groups and both receive and give funding, support and assistance to these groups. Monitoring conducted of local white supremacist groups and websites has identified an increase in new members especially in the last 12 – 18 months, when the immigration issue became a hot button issue. Due to the limited knowledge of groups and the dynamic nature of OHG in Australia it is not possible to say if there has been a corresponding growth in groups as seen in the US, the United Kingdom and Europe, but there has been a definite increase in members to current active groups and just like with the international growth in OHG the local growth reflects a withdrawing from the other and reduction in tolerance which leads to bias motivated offences.

Since 9/11 in NSW we have seen two major public order incidents with direct links to bias motivated crimes. The first occurred in December 2005 at Cronulla and effectively continued for five days (from 11<sup>th</sup> December to 15<sup>th</sup> December). The Cronulla Riot or Civil Uprising (if you take the white nationalist view) was a direct result of simmering racial tensions between the white/European locals and members of the Middle Eastern community. These tensions had been simmering just below the surface for several years prior but the trigger was the assault of life savers at Cronulla. The second occurred in June 2009 at Harris Park, a suburb near Parramatta. This incident was triggered by attacks on members of the Indian Community which the Indian community perceived to be racially motivated. This incident went for three days and involved a march on Parramatta Police Station by members of the Indian community. Whilst the Cronulla riot was acknowledged as being racially motivated the public order incident at Harris Park was never officially acknowledged as having racial

motivations. Analysis conducted by me whilst the Hate Crime Coordinator of the six months prior to the public order incident identified suspected bias motivated incidents leading up to June. These two events are the first time that protracted public order incidents based on a bias motivation have occurred in NSW in recent history.

In addition to the above public order incidents a number of religious bias motivated community protests have occurred since 9/11 in NSW. The proposed development of Islamic schools in communities in the South West of Sydney lead to a number of well publicised community protests against the developments. These included proposed Islamic schools at Bass Hill, Camden, Hoxton Park and Austral. It has to be noted that the primary objections to these schools were based on legitimate planning and traffic issues, however these legitimate objections were overshadowed by a small minority, including OHG and their members, who effectively hijacked the issue with the assistance of the media. Although these protests never became public order incidents they had the potential too and although there was no violence they damaged community relations both locally and generally. Again this series of events (which all happened in a relatively short space of time) was the first time in recent history in NSW that religious bias motivations were a primary issue in local government issues.

### **STRATEGIES FOR LAW ENFORCEMENT TO ADDRESS BIAS MOTIVATED CRIMES:**

Before I address strategies that law enforcement agencies can utilise to address bias motivated crimes and in turn positively influence the community an important point must be made. The first step in developing an effective response to bias motivated crimes is that the existence of hate crimes must be acknowledged and not denied or down played.

*“Talking about prejudice and discrimination, related to race, gender, sexual orientation, and the like, can be an exercise in anxiety for many people, to the point where many practice ‘active avoidance’ (Lawrence and Tatum, 1997) or ‘colour muteness’ (Pollock, 2001) in order to avoid talking about these topics. Silence, however, doesn’t rid discrimination but makes it invisible and allows it to continue to escalate undetected until it results in very public acts of hate incidents and hate crimes.” (Friedman, Hurh, Manganelli, & Wessler, 2009)*

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From personal experience, there appears to be reluctance by law enforcement agencies and governments to acknowledge crimes may be or are motivated by bias. The reasons for this reluctance are many and range from political pressures to a lack of understanding of what hate crimes are and their impact (a crime is just a crime after all). The reluctance to acknowledge the existence of bias motivated crimes in society does nothing more than undermine the integrity of governments and law enforcement agencies and increase the chasm that may exist between law enforcement agencies and individual community groups. Denying the concerns and fears of community groups, whether real or not, does not give that community comfort and certainly does not build trust, all it does it make that community mistrustful of police and has the real potential to increase the risk of public order incidents as

the community believes it must protect itself as the police won't, or in the worse case increase the risk posed by terrorism, either through recruitment to terrorist causes or through direct attacks. Linked to this reluctance to acknowledge bias motivated incidents is the downplaying of incidents. Like the straight out denial, downplaying has the same damaging impact on police and community relations and has the same real risk of increased public order or terrorism related incidents.

***“... In spite of the fact that some of the neighbours reported the incident to police, these hate incidents were dismissed as mere pranks. It is one thing to classify racially motivated incidents, no matter how loathsome, as nonprosecutable offences, but it is another to tell the community under attack that they are harmless acts committed for fun.” (Lim, 2009)***

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When I first started developing the role of Hate Crime Coordinator for the NSWPF, colleagues in the United States advised me that bosses would not welcome with open arms the concept for one simple fact, an effective hate crimes response will increase the number of reports received and affect clearance rates. Having received this advice I was then told the important thing to understand about hate crimes was that statistics mean nothing as one hate crime/incident is as bad as 1000, as one hate crime/incident has the potential to trigger a major public order incident (as evidenced by the Cronulla Riots). I have taken this advice to heart and truly believe that although statistics have their place and purpose, when it comes to bias motivated incidents you cannot be scared of statistics. It is true; if you get the response right you will see an increase in reports, as communities who were once mistrustful of police and did not report crimes will be more willing to report as they develop trust. An increase in reports should be looked at as good thing, as most statisticians and mathematicians will agree that the more data you have the better the analysis and the better you can discern patterns which leads to the better allocation and deployment of resources.

***“Levin & McDevitt (2002) also argue that collecting statistics on bias incidents is important since they serve as an early warning for the community and local officials of potential hot spots of racial tensions. “ (Lim, 2009)***

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Having addressed the uncomfortable issue of acknowledgement of bias motivated crimes, let's address the issue of strategies that will positively impact on communities. The first is training. Training is vital and without it you don't stand a chance of getting the response right. Once again through personal experience I have seen how difficult it is for police to identify bias motivated crimes. Hate crimes are not black and white, excuse the pun, they are grey and they don't always stand out straight away. One of the indicators of hate crimes is language, but what if the offender did not speak to the victim? Does this mean it's not a hate crime as no epithets were spoken? Generally police will easily identify a bias motivated crime if language was a factor, but take that away and the ability to identify reduces greatly. To address this it is vital to train police, and especially first responders in what to look for and how to identify a suspected bias motivated incident. Due to the nature of hate crime, officers can face situations where the identification is not always easy or immediately

achievable and they need to be trained in how deal with this. In addition to training first responders in the identification of bias motivated crimes, it is also vitally important that investigators are trained in the investigation of bias motivated crimes. An effective response to hate crimes requires that reports are investigated thoroughly. This means that investigators need to at least know the basics of hate crime investigations and what investigative approaches are available and most suited. How individual law enforcement agencies setup their investigative approach will be dependent on the agencies size, resources and makeup and it is not in the purview of this paper to go into details on the different approaches and the pros and cons of each. Finally it is important that the senior management of the agency receive awareness training in relation hate crimes. This training should be designed to make the respective managers aware of what a hate crime is, why it's important to their individual commands and the organisation as a whole and the benefits an effective response will have again for their individual commands and the organisation as a whole.

Only after police are trained, and again I stress the importance of training first responders and investigators, should the community be targeted for an awareness campaign. I have seen firsthand the negative results when the community is encouraged to report bias motivated crimes but police are not yet trained or aware. Community awareness is important, it is one of the first steps to addressing the concerns of the community and showing them that the respective law enforcement agency is taking their concerns seriously and is attempting to address these concerns. There are many options available in relation to an awareness campaign but again it is not the purview of this paper to go into details on the best methods for community awareness campaigns. Having said this any awareness campaign should identify how reports can be made, the steps of the investigation and possible outcomes and finally be transparent, that is acknowledge that the respective agency won't always get it right but they are committed to responding to the issue.

Intelligence is vital, especially when responding to issues or incidents regarding OHG and as such, a well developed intelligence gathering system is an important strategy. OHG, especially with white supremacist groups, are dynamic by nature, forming, splitting, merging or disbanding in a short period of time, and as such is vital to keep up to date on new groups. The 2010 Hate Directory lists approximately 1700 OHG websites, forums, chat rooms or blogs (Franklin, 2010). As well as the sheer volume of groups and associated websites, another factor to consider, again primarily for the white supremacist community is the concept of Pan Aryanism. Briefly this concept is the belief that there are no individual nations, the white race is one no matter where it is in the world. This concept means that groups and individuals in Australian communicate with and support groups in New Zealand, the United States, Canada, Europe, South Africa and the United Kingdom. As such it is not realistic to expect law enforcement agencies in a state or country to be on top of groups in another state or country. To aid in the response to hate crimes and not just the activity of OHG, a system of sharing information between law enforcement agencies and security services is a necessity. Through the timely sharing of information it is possible for law enforcement agencies to stay on top, if not ahead, of hate crimes, especially those involving OHG.

An effective hate crimes response is a key ingredient to any community engagement program. As stated previously, if the fears and concerns of a community are addressed, that community is much more likely to assist and support law enforcement agencies. An example of the benefits of this is from an incident a colleague in the United States told me. There was a homicide within the Indian community in his jurisdiction; this incident was not a bias crime. Once the homicide investigators finished at the scene, their first phone call was to my colleague who was the Bias Crimes Coordinator. During the past year there had been a number of bias motivated incidents where members of the Indian community had been victims. Through the investigation and response to these incidents my colleague had developed a rapport with the community. The homicide investigators were aware of this and through contacting my colleague he was able to put them in contact with community members who could assist the investigation. Through the assistance of the community the offender was identified and arrested and charged. Without the response the department had established for bias motivated crimes and the community engagement done around hate crimes there is a strong possibility that the investigation would have taken considerably longer and may not have been able to be solved as the community would not have been as willing to assist. It needs to be stressed that a hate crime response is not the be all and end all of a community engagement strategy, but it is an important component.

A strategy that generally is not used in Australia is a legislative response to bias motivated crimes. At the time of writing, Western Australia is the only state in Australia that has dedicated hate crimes legislation. The Western Australia legislation relates solely to racially motivated offences and consists of both penalty enhancing offences as well dedicated hate crime offences. Most other states and territories in Australia have anti-discrimination legislation but generally an offence committed under this type of legislation is not a criminal offence. It is accepted that legislation alone will not stop and realistically won't reduce the number of bias motivated offences that are committed, however legislation that is dedicated to bias motivated offences sends a powerful message to society that crimes motivated by bias are not acceptable by society.

*“The punishment of hate crimes alone will not end bigotry in our society. That great goal requires the work of not only the criminal justice system but of all aspects of civil life, public and private. Criminal punishment is indeed a crude tool and a blunt instrument. But our inability to solve the entire problem should not dissuade us from dealing with parts of the problem. If we are to be staunch defenders of the right to be the same or different in a diverse society, we cannot desist from this task.” - Statement by Frederick Lawrence, dean and Robert Kramer, Research Professor of Law, George Washington University Law School, before the Committee on the Judiciary, House of Representatives Subcommittee on Crime, Terrorism & Homeland Security, April 17, 2007 (Lieberman & Freeman, 2009)*

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It is not for me to say what type of legislation is appropriate for individual jurisdictions, be it penalty enhancing, dedicated or civil, but legislation is an important part in any hate crime response strategy.

Linked to legislative strategy is the strategy of alternative responses to hate crimes. Research shows that the majority of hate crime offenders are mostly young males and often juveniles (Levin & McDevitt, 2002). The question that needs to be asked is what is the benefit in sentencing young offenders to an environment that is capable of turning someone without deep seated bias motivations into someone who does and who when released is a true believer? This same concept applies to adult offenders as well. As stated previously only 10%-15% of hate crimes are committed by OHG and their members, the remainder are committed by normal everyday persons. Again is the risk of turning someone into a true believer really worth it? To this end a number of jurisdictions around the world have established programs designed to address the core issue of bias in offenders. The aims and purpose of these approaches vary greatly depending on what the aim is and in which jurisdiction they are in. Two approaches that are worthy of mention are diversion programs (primarily aimed at juvenile offenders) and civil injunctions. Diversion programs are designed as an alternative to gaol, they are generally intensive programs involving psychological assessment and assistance as well as interaction with the victim community. The general aim of these programs is to re-humanize the victim community to the offender. Civil injunctions, which are currently used in 10 states in the United States (Cole, 2009), allow protection for victimised communities and their members from offenders. In Massachusetts, civil injunctions are enforced for periods up to 10 years, and if the offender breaches the injunction they face a prison sentence (up to 10 years if actual bodily harm is incurred) (Cole, 2009). The benefit of civil injunctions is that there is a lower burden of proof as they are civil matters, offenders generally accept the injunction as an alternative to prison, and there is a low reoffending rate for persons on injunctions. As stated in the previous paragraph hate crime legislation is an important tool as it draws a clear line of the sand for all to see. Having said that, the use of alternate responses is just as vital as the aim of any hate crime response should be to deter re-offending rather than expose persons to an environment where their biases may become more deeply entrenched.

## **THE BENEFITS OF EFFECTIVE HATE CRIME STRATEGIES:**

Up to this point I have discussed the rise in bias motivated crimes and strategies that can be implemented to address the issue, but what are the benefits and to whom? Before I address this question an important point must be made and that is it will take time to see the benefits. If strategies are implemented you cannot expect results instantaneously, in some cases the benefits will take several years to appear. In Australia the concept of hate crimes, especially for law enforcement, is relatively new and although we can speed up the process by learning from other jurisdictions that have been addressing the issue for decades, it is still going to take time for the benefits to be seen. This delay in the benefits does not mean that it is not worth addressing the issue as the sooner a response is implemented the sooner the benefits will be seen.

An effective hate crimes response will benefit both the community and law enforcement agencies through the strengthening of community relationships and the increased support that communities can offer to policing activities. Strengthened community support and relationships can assist law enforcement agencies in a number of ways. The first is in criminal investigations, ranging from minor to serious incidents. A community that feels that law enforcement is taking their concerns seriously, including hate crimes, will be more willing to assist police investigations as they develop trust in their local police and police in general. One of the reasons why communities and their members are reluctant to assist police is a lack of trust. This lack of trust can eventuate from a range of reasons including, fear of police (cultural) to a belief that police won't assist them. Through developing an effective hate crimes response, police are showing the community that they are interested in the fears and concerns of the community. Through the interactions of a hate crimes response, police and the community will engage and start to understand each other a little better and over time this will increase trust which in turn will increase the willingness of the community to assist in police investigations.

Terrorism is a major issue facing law enforcement globally. An effective hate crime response can be beneficial in responding to terrorism related issues. As stated above an effective hate crime response can increase the willingness of communities to assist in investigations, including terrorism related investigation. In addition communities will be more willing to supply information regarding possible terrorist threats within their communities. One major advantage in regards to terrorism that an effective hate crimes response offers is in the reduction of the risk in the radicalization of community members. Generally victims of hate crimes will respond in one of two ways. The first is to put distance between themselves and their community. If the victim is attacked because they are a member of community group, they may think that by distancing themselves from that community they will reduce the risk of being targeted for being a member of that community. This response is extremely stressful on the individual as they effectively cut themselves off from their support networks. The other option that is open to the individual is to withdraw deeper within their own community, cutting of ties to the outside world. The thought process here is that by withdrawing deeper into the community they are effectively shielding themselves from the threat as they are not as exposed. This option greatly increases the risk of radicalization.

*“The politics of Muslim émigrés are a good example. Cut off from the country of their parents and treated as foreigners in the country of their birth, the young sometimes seek an identity in the religion that is then a means of defining and stigmatising them. The consequences that result, including separatist agitation for schools, privileges in dress, language use, and religious practice in public life, emerge in the atmosphere of confrontation.”*  
(Harnishmacher & Kelly, 1998)

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As the individual withdraws, the moderating influence of the general society is impeded and eventually stopped, and with repeat victimization the individual is open to the idea that the only way to protect them is to strike back at the community that the offenders are associated

with. In addition once an individual is cut off from moderating influences, they are more likely to accept the ideology of their new group to ensure they remain within the group, again increasing the risk of radicalization.

*“Law enforcement professionals must convey that, as part of a fair and compassionate government, they also share the interest of communities. They must respond aggressively to hate crime and discrimination against any ethnic population. By upholding and enhancing the community’s trust, law enforcement can counter the spread of this extremist ideology.” (Dyer, McCoy, Rodriguez, & Van Duyn, 2007).*

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As well as assisting in general criminal and terrorism investigations, an effective hate crime response can assist in increasing intelligence that law enforcement agencies receive from the community. As discussed above, a hate crimes response builds trust with the community and through this the community will be more willing to supply information. In conjunction with the increased information gathering, community policing initiatives have a better chance of working and the community being actively involved in them, again as the hate crime response will assist with the building of the communities’ confidence and trust in police.

Linked to the building of trust and confidence between the community and police is that an effective hate crimes response can reduce the risk of community tensions and the associated public order incidents. Two triggers for public order incidents is tension between the police and the community or tensions between two different groups within the community. In regards to the first, through the development of trust between police and the community the risk of tensions escalating to public order incidents is greatly reduced as the channels of communication are open. Similarly tensions between two different groups within the community reaching the level of a public order incidents can either be prevented or once initiated deescalated through the relationships that police have developed with both groups within the community. A hypothetical example is the Cronulla riots. If police had an established hate crimes response and through community engagement strategies leading up to the riot, it may have been possible for the subsequent revenge attacks to either have been prevented or significantly reduced through the use of community leaders. If the community leaders and the community in general trusted that police would deal appropriately with the offenders involved in the initial riot, they could have influenced their community to let police deal with it, and although tensions would remain high, the subsequent revenge attacks may have been avoided. If the revenge attacks occurred there would be a greater involvement by the community in identifying the offenders and this would have short circuited the ability of OHG to use the disparaging number of arrests between white/European community and the Middle Eastern community as a propaganda tool (which happened) and assisted in reducing tensions.

Finally an effective hate crime response leads to a positive public image of law enforcement and this in turn leads to a reduction in anti-police media and police complaints. Communities that trust and have faith in the ability of the police to protect them are much less likely to have a negative opinion of police. This reduced negativity reduces the likelihood of negative

police stories. If negative police stories happen (and they will) the impact is reduced on both police and the community and there is a reduced risk that all police will be tarred with the same brush. Police officers are human and will make mistakes and make bad calls, a hate crime response will not prevent this, however an effective response builds community confidence so when something negative does happen, the impact on all concerned is greatly reduced.

## **CONCLUSION:**

The aim of this paper was to highlight the increase in bias motivated crimes since 9/11 and how given this rise an effective police response can be beneficial to both the community and police. The current global environment is one which is conducive to bias motivated crimes. Economic pressures increase the risk of resentment and hostility towards ‘the other’. Immigration policy and associated issues are centre stage both nationally and internationally. All these issues plus local issues combine to create fear of ‘the other’ and this fear can be turned into violence towards different groups within the community. Similarly changing demographics of areas lead to fear based on change and this fear can be used as a justification to target other groups who are different. With the influence of media, politics and extremist ideology which is easy to find, it is easy to see how there is an increase in bias motivated crimes. This increase in bias motivated crimes has the potential to destabilise society. We have seen this in NSW on a number of occasions, including the Cronulla riots, the public order incident at Harris Park and the polarisation of communities over the development of Islamic schools. To meet the challenge posed by bias motivated crimes it is imperative that law enforcement agencies actively address the issue through policies, training and most importantly action. Positive action by law enforcement agencies will lead to positive actions by the community, and only through the combined actions of both community and policing can hate crimes be truly addressed.

*“Hate crimes are not a police problem. They’re a community problem. Hate crimes and hate activity only flourish in communities that allow them to flourish.” (Working Group, 2005)*

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Through effective strategies and with the support of the community, law enforcement agencies can reap the benefits. Effective strategies can improve the level of support that communities offer police and this improved support can have real benefits for police through greater cooperation in investigations, a reduction in tensions between police and the community, assistance with information gathering and less stress for frontline police who are no longer operating in a hostile environment. To achieve these benefits it’s vital that law enforcement agencies take the first step and acknowledge that we don’t live in a utopian society and that bias motivated crimes can and do occur. It is only through accepting that there is a problem can the problem be addressed and the situation improved.

*“It seems to me it’s always the evil we refuse to see that does us the greatest harm.” (Baer, 2002)*

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