

**Hate Crime in Australia: An analysis of the views of police  
detainees**

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## **Ethics Approval**

Ethics approval was given by two ethics committees.

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## **Abstract**

While minimal research has been conducted on hate crimes in Australia compared with other popular criminology topics, there has been an increased research focus on this type of crime in recent decades. High profile incidents such as the Cronulla riots have helped raise the issue of hate crimes onto the public agenda. Unfortunately, such crimes can also bring with them moral panics created by the media, helping distort the extent of this type of crime in Australia. Focussing specifically on racial, ethnic and religious hate crimes of a violent nature this study aims to examine the extent of hate crime offences and motivations of police detainees in Australia. Perry's (2001) 'doing difference' framework is used along with aspects of structuralist criminology theory to help conceptualise these types of hate crime. Many criminological studies have tended to focus on victims of hate crimes as opposed to offenders. This study has taken advantage of the opportunity to make "offenders" the focus of the research. The sample group is comprised of detainees who are participants in the Australian Institute of Criminology's Drug Use Monitoring in Australia (DUMA) project. A series of questions surrounding hate crime offending, and to a lesser extent victimisation, were developed and asked of 965 detainees from around Australia. After a primary analysis of the data the results identified few offenders, yet a large proportion of detainees reported hate crime victimisation. While findings were unexpected, in that few hate crime offenders were recorded among a sample of police detainees, this study helps explore the topic of hate crime in Australia utilising a seldom used participant sample.



# Chapter One

## Introduction

For centuries now hate crimes have existed within our society, although only in the past few decades with a shift of norms within many societies have such crimes become visible, earning the attention they deserve. Despite legislation providing equality for minorities, attitudes of the majority do not always conform to such legislation. As with legislation, the topic of hate crimes has in recent decades emerged in the field of criminological research. Unfortunately, there is still a scarcity of Australian based research on hate crimes due to the topic being in its infancy and also as a result of the complex nature of hate crimes. The purpose of this research is to examine the extent of hate crime offences and motivations of police detainees in Australia, focussing specifically on racial, ethnic and religious hate crimes of a violent nature. In this study criminal histories of offenders from across Australia, who had recently been detained by police, will be examined. These criminal histories will identify three types of offender groups for analysis: “violent hate crime offenders”, “other violent offenders” and “non-violent offenders”. This contrasts with most research, which examines the victims of hate crimes, and this has in turn meant that the perpetrator as an actor has been largely ignored (Hall 2005 p.72). However, many of these perpetrators have also been victims and this will also be discussed.

The need to research the areas of racial, ethnic and religious hate crimes lies in the fact that little is known about the extent and nature of these types of hate crimes in Australia. This is a result of formal procedures used for identifying hate crimes not having been implemented by relevant law enforcement agencies. At present there are no formal procedures for police to record hate crime incidents, and as a result, there is also no formal data collected on hate crimes in Australia. This lack of recording procedures and data for hate crimes may, in fact, be a result of resources or timing rather than legislation. Something as basic as resources available to record and report the hate crimes could be responsible. On the other hand, they might be related to timing factors; for example, President Bush signed the bill for the Hate Crimes Act in April 1990 as a result of an apparent upsurge of ethno violence at the time (Perry 2001 p.7). Nevertheless, it has been found that

even when procedures for such identification are in place, as they are in countries such as the United States, limitations are still evident due to inaccurate interpretation, recording, and collection of information by police (Gerstenfeld 2004 p.55; Boyd, Berk & Hammer, 1996 p.821).

Despite there being little evidence of the frequency of hate crimes in Australia, some authors support the view that hate crimes are common enough to present a serious problem for Australia and that there is a need to address this problem (Morgan 2002 p.27). Other authors (Poynting et al. 2004) suggest that such arguments may be misguided and only a result of moral panic created by the media. They argue that the sensationalist stories generated by the Australian media might leave some in no doubt that there is now a 'race war' being waged in our communities, when in fact, there is not (Poynting et al. 2004).

As previously noted, many studies tend to focus on victims of hate crimes as opposed to offenders (Hall 2005 p.72). This may be due to the limited access to offenders to participate in such studies, including the possible reluctance of offenders to discuss such offending due to the public outrage it can cause. Authors such as Hall (2005 p.51), have generally agreed with Bowling & Phillips (2003) who propose that the emergence of disciplines such as Victimology, in the late 1970s and early 1980s, with an increased focus on victims, has had a large role to play in the lack of research, particularly hate crime research, involving offenders. A key advantage of this study is that it had the opportunity to make "offenders" the focus of the research. The sample group is comprised of offenders who are participants in the Australian Institute of Criminology's Drug Use Monitoring in Australia (DUMA) project, a project that has an unusually high response rate (85 percent).

The study will examine violent hate crimes other than those which result in homicide. Homicides are excluded for the following reasons: motive is often determined through investigation; there are a limited number in Australia each year, rarely exceeding 300 (Australian Bureau of Statistics 2009 p.11; Dearden 2009 p.7) and with only a fraction of all offenders captured in the DUMA sample each year, the data gained from homicide offenders would have been minimal at best. In any case, research using reliable national data (Mouzos & Thompson

2001) has already been conducted on homicides with hate crime motives. This study will examine other violent offences of “assault”, “sexual assault” and “robbery”. These offences will help shape the cohorts of “violent hate crime offenders” and “other violent offenders”, which will be analysed with reference to one another as well as being compared with a third cohort of “non-violent offenders”.

While there has been some research on racially motivated hate crimes, there has also been much research, particularly in Australia, on homophobic motivated hate crime. Hall (2005 p.66) notes that arguably the most comprehensive study of hate crime victimisation was the research undertaken by Herek, Cogan & Gillis (2002) on victims’ experiences of homophobic hate crime in the United States. In Australia, Mouzos & Thompson (2001 p.308) have highlighted that gay and lesbian activists have been drawing attention to homophobic violence since the 1980s. In 1994 the awarding of the Australian Violence Prevention Award to both the NSW Police Service and the NSW Lesbian and Gay Anti Violence Project, for their collaborative work in reducing this type of hate crime, signalled a turning point in the Australian response to homophobic hate crimes (Mouzos & Thompson 2001 p.308). As a result of this progress, much research has tended to focus on this area. In contrast, the focus of this thesis is hate crimes relating to race, ethnicity and religion. Also, in the past several years these elements of race, ethnicity and religion have become prominent issues, both domestically and internationally. Cases that contained these elements include domestically, The Skaf brothers’ rape cases and the Cronulla riots in Australia (events that will be discussed in more detail in the next chapter), and internationally, the events of ‘September 11<sup>th</sup>’ in the United States and the ‘War on Terror’ waged by the United States, which incorporated Western democracies around the world, including Australia<sup>1</sup>.

Hate crime research tends to focus on hate crimes against minorities only. Although statistics in the United States clearly suggest that members of minorities are most often the victims of hate crimes (United States Department of Justice 2004 p.6), it is still necessary to consider all victims of hate crimes, regardless of minority status. The reason for this approach includes recent events in Australia, such as the Skaf brothers’ rape cases, and the turmoil from both sides that erupted

as a result of the Cronulla riots, which involved members of Anglo-Australian groups attacking Lebanese Australians, and vice versa (ABC news 14<sup>th</sup> March 2006). Other authors have also suggested the need to examine cases of hate crimes committed by minority group offenders, with particular reference to the need to examine minority on minority hate crime offending (Perry 2001 p.119). Perry (2001 p.120) indicates that despite the cultural diversity of countries like the United States (similar to that of Australia), hate crime is often thought of in binary black/white terms. This type of thinking has meant that scholars have been slow to address aspects of hate crime such as minority on minority hate crimes (Perry 2001 p.120).

Another regrettable aspect of Australian hate crime research is the scarcity of literature and studies available. Much of the research on hate crimes is overseas based, particularly from the United States, which is to be expected considering legislation on hate crimes in the United States was enacted twenty years ago. This is also apparent with statistics on hate crimes, with data on crimes motivated by bias against race, religion, sexual orientation and ethnicity being gathered in the United States since 1990 (United States Department of Justice 2004 p.3). Despite what appears to be a wealth of data available in the United States, some authors, such as Perry (2001 p.4), believe that the information is not as useful as it might appear due to a number of caveats about the data, which will be examined in the next chapter. However, she (Perry 2001 p.4) does note that there are some small pockets of research (Levin & McDevitt 1993) that do enrich our knowledge of victims and perpetrators of hate crime. Much of the literature and research that will be considered in this study will be drawn from international material, although Australian based research will be referred to whenever possible.

The remaining chapters in this thesis will now be outlined. Chapter Two will discuss literature reviewed for this study. It will define, outline and examine what constitutes a hate crime, examining definitions from a variety of sources. A brief history of documented hate crimes and racism in general will be presented in order to highlight this historic and apparently entrenched behaviour within modern human society (Hall 2005 p.38; Jayasuriya 2002 p.40; Perry 2001 p.2). The various types of motives associated with hate crimes, and studies that have attempted to develop motivation typologies will be examined. Literature exploring

typologies of offenders and victims will also be discussed. Existing hate crime legislation in Australia will be highlighted providing some discussion around the issues relating to legislation. The role of police and media and the impact they have on the wider community will then be examined through an examination of recent events in Australia, such as the Cronulla riots.

Chapter Two will also outline the criminological perspective of Structuralist Criminology. Structuralist Criminology is relevant to many major themes associated with this study and arguably provides the best framework for examining hate crimes. It is primarily concerned with structures of power and how these structures are institutionalised through facets of society such as labour, power, sexuality and culture (Perry 2001 p.49). Perry (2001) has adopted this theory to examine hate crimes in the United States. Structuralist criminology conceptualises hate crimes in that hate motivated violence is used to sustain the privilege of the dominant group and to police boundaries between groups by reminding the 'other' of their (subordinate) place (Perry 2001 p.43).

Chapter Three describes the methodology of this study. The methodology is mostly quantitative, but some open ended questions were included in the structured questionnaire which formed the basic data collection instrument. Questions were based on offending histories and motivations for this offending. Some questions also specifically ask about hate crime victimisation. This chapter will further explore the questionnaire design, the questions utilised, and the rationale for their selection. The sample will involve 965 offenders included in the Australian Institute of Criminology's DUMA program. The questionnaire was attached as an addendum to the core survey, and was administered by trained professionals hired by the Australian Institute of Criminology to conduct interviews for the DUMA program. This chapter will also discuss the methods by which the results of the questionnaire were analysed and interpreted. Lastly, the ethical considerations and limitations for the study are considered.

Chapter Four is the first of three results chapters. This chapter will report on the basic descriptive results from the questionnaire. Characteristics of the sample will be described with specific focus on the different DUMA collection sites, socio-demographic information, type and frequency of offending in the past twelve

months as well as, “immediate trigger” motives for general offending will also be examined. This will be followed by the number of detainees who indicated hate crime (choice of target) motivations for their offending and lastly those who indicated that they had been victims of hate crime.

In Chapter Five, the second of the results chapters, motivations of hate crime offenders from the sample will be examined and attempts will be made to create a profile of these offenders. Two levels of motivation for hate crime offenders will be explored. The “choice of target” motivation will consider whether the hate crime offender was motivated by their victim’s race, ethnicity or religion. Examination of the “immediate trigger” motivation, which will use comparisons with other violent offenders, will explore motivations such as peer pressure, anger outbursts (denoting lack of planning) and revenge. This discussion of results pertaining to motivation will utilise studies from the literature chapter that focus on the motivations of hate crime offenders (e.g. Jacobs & Potter 1998; McDevitt, Levin & Bennett 2002). This chapter will also attempt to provide a profile of the offenders gathered from the study and will compare “violent hate crime offenders”, “other violent offenders”, and “non-violent offenders”.

Chapter Six, the final results chapter, will discuss those detainees, who indicated that they had been *victims* of hate crime. It will discuss the socio-demographics of the reported victims as well as their perceptions of the “choice of target” motivations for their victimisation (race, ethnicity or religion). Some further reporting of perceptions of motivations will be examined as some detainees provided greater detail in answers to an open response question. Lastly, a detailed analysis of hate crime victims will be reported using a multi-variate logistic regression model to indicate potential risk markers for hate crime victimisation.

Chapter Seven will summarise the findings of this research as well as presenting the conclusions in terms of the research aims. This includes conclusions surrounding the extent of hate crime offending and victimisation among police detainees in Australia. The motives for offending by those who indicated being offenders will be given some concluding thought as well. Some final reflection on the perceptions of detainees who were victimised will be considered as will the

potential risk markers identified for hate crime victimisation among this detainee sample. This chapter will also consider the limitations of the study as well as identifying the potential for future research in this area.

Overall, this thesis will examine the perceptions of hate crime from people in police custody and the extent of their experiences with this type of offence. There will be consideration given to the many components associated with the complex phenomenon of hate crimes while maintaining a focus on detainees. The roles of offenders, victims, the police and wider criminal justice system, the media and importantly the drivers for these offences on an individual motivation level will be considered. Moreover the impact of using a sample of detainees from pre-determined DUMA sites around Australia will also be considered and how this may have affected the findings of this study.



## Chapter Two

### Literature Review

#### Defining the concept of hate crime

There is a dearth of Australian based literature in the area of hate crimes and definitions of hate crime are often adopted from non-Australian literature. The term 'hate crime' was invented during the 1980s in the United States as journalists and policy advocates groped for new terminology to describe bigoted violence directed against Jews, African Americans and homosexuals (Green, McFalls & Smith 2001 p.480). Despite the term being coined some time ago, the area of hate crime still has many conceptual problems and it is difficult to construct an exhaustive definition of the term (Perry, 2001 p.8). This difficulty has led to a lack of original conceptual definitions for hate crime. Many studies rely on using incomplete or partially flawed conceptual definitions or legal definitions employed by governmental data collection agencies. Some studies rely on other methods, such as presenting several case studies, to help indicate the diversity of factors in a hate crime and the difficulty in presenting a reliable definition (Jeness & Broad 1997). Therefore, the following types of definitions are discussed to outline the problems associated with defining and conceptualising hate crimes and to help select a definition for this study.

The first definition, although a worthy starting point, has not been used due to its ambiguity. The brief manner in which hate crimes are defined here is not sufficiently comprehensive for what many authors consider to be a complex term:

Hate crimes are criminal offences motivated either entirely or in part by the fact or perception that a victim is different from the perpetrator. (Levin & McDevitt 1999, p.89)

Although not as detailed as some others, this definition, was an original conceptual definition developed by the authors. Many authors of hate crime studies simply rely on the legal definition such as that employed by the US government. The lack of definitions developed by academics and researchers alike was a major difficulty in selecting a definition for this study, with a reluctance to rely on legal definitions (for reasons later explained) to describe hate crimes.

The following definition is provided to demonstrate the difference between legal and conceptual definitions and to provide an example of what many studies use as the definition for the term 'hate crimes'. Hate crimes are legally defined in the United States as:

Criminal offences that are motivated, in whole or in part, by the offender's bias against a race, religion, sexual orientation, ethnicity/national origin, or disability and are committed against persons, property, or society. (United States Department of Justice 2008, p.1)

This legal definition recognises three motivational targets of hate crimes specifically being examined by this study: race; ethnicity and religion. However, this definition is still not suitable, as while it is quite thorough, it is thorough to the point where it becomes exclusionary. This exclusion occurs by listing specific groups of people that qualify as victims of hate crime, which in turn can exclude other victims who may not be members of these groups.

Existing legal and theoretical definitions of hate crimes generally specify various applicable target groups, forms of illegal conduct and types of motivation as characteristics of hate crime (Green, McFalls & Smith 2001 p.480). The following theoretical definition was not used for this study despite including some such elements:

Hate crimes, defined as criminal acts perpetrated against individuals or members of specific stigmatised groups, have the intent to express condemnation, hate, disapproval, dislike, or distrust for that group. (Herek 1989 quoted in Rayburn, Earlywine & Davison 2003, p.137)

Although a useful definition, it does have a considerable flaw. The mention of hate crimes as being perpetrated against 'specific stigmatised groups' would exclude the notion of hate crimes against 'non stigmatised groups'. This is despite many hate crimes taking place against members of Anglo<sup>2</sup> majorities, whether they are unprovoked or retaliation type hate crimes. Regardless, the diminished possibility for all people to be included as victims of hate crime is why this definition was not considered sufficiently inclusive for this study.

Other authors (Perry 2001; Hall 2005) have highlighted the problems associated with defining hate crimes for research purposes. As Perry (2001) notes, the main problem lies in the fact that crime, including hate crime, is relative and it is

historically and culturally contingent (Perry 2001 p.8). Hall (2005) highlights the problem associated with the breadth of what we conceive as hate crimes and how this, in turn, impacts on what we see as the extent to which hate crimes occur (Hall 2005 p.20):

If in our definition we insist that hate crimes must be wholly motivated by prejudice to the exclusion of all other factors then society will not experience many such offences. Few offences can be said to be motivated exclusively and solely by hate. Conversely if we are happy for our definition to require just the slightest hint of prejudice for an offence to be classified as a hate crime then the number of crimes could become astronomical. (Hall 2005 p.20)

Other authors, such as Bowling (1993), remind us that hate crimes, both as a category and a social phenomenon, are dynamic and in a state of constant movement and change, rather than static and fixed. Bowling (1993) believes that a number of elements need to be accounted for when we are attempting to define and conceptualise hate crimes, including all of the relevant actors involved in the process, historical context, and those social relationships which inform definitions of appropriate and inappropriate behaviour. Despite this, Perry (2001) states that it is possible to construct a conceptual definition of hate crimes that still accounts for these factors. Our understanding of hate crime is furthered by a definition that recognises the ways in which this particular category of violence facilitates the relative construction of identities, within a framework of specific relations of power (Perry 2001 p.9). Perry considers that Sheffield's (1995) definition of hate crime is one of the more fully developed as it addresses the importance of the political and social context that conditions hate crime and highlights the significance of entrenched hierarchies of identity as precursors to hate violence (Perry 2001 p.10). According to Sheffield, hate crime can be defined as violence:

motivated by social and political factors, bolstered by belief systems which [attempt to] legitimate such violence...It reveals that the personal is political; that such violence is not a series of isolated incidents but rather the consequence of a political culture which allocates rights, privileges and prestige according to [perceived] biological or social characteristics. (Sheffield 1995, p.438)

Despite Perry's endorsement of this definition it remains clear that there is no great consensus on what defines the concept of hate crime. Clearly defining, conceptualising and understanding hate crime is a complex task that is fraught with difficulties (Hall 2005 p.21).

Taking these previous definitions into consideration, this study will be embracing a definition that has avoided the limitations previously highlighted when defining what constitutes a hate crime. In this study hate crime will be defined as:

crime, most commonly violence motivated by prejudice, bias or hatred towards a particular group of which the victim is presumed to be a member. As such, hate crime is generally directed towards a class of people; the individual victim is rarely significant to the offender and is most commonly a stranger to him or her. (Mason 1993 quoted in Cunneen, Fraser & Tomsen 1997, p.1)

The focus on violent crimes in this definition makes it suitable for the purpose of this study. An important feature of this definition is the motivation by prejudice, bias or hatred towards a particular group. This avoids the selective grouping of who qualifies as a hate crime victim. Using the three different terms of prejudice, bias and hatred also addresses the overlapping terms that can be used in hate crime research to describe the motivation of the offender. The importance of this first sentence is that it describes a hate crime without narrowing the focus of the definition to a particular motivation or group of possible victims. The inclusion of the section describing where the victim is 'presumed' to be an offender is also important as it clearly emphasises how the individual victim is rarely significant to the hate crime offender. All of these elements help make this definition the preferable option for this study. However, while this definition has been chosen for its focus on violence and a lack of victim-offender relationship, the use of this definition necessarily risks excluding the consideration of 'low level' offences and those where a victim offender relationship is present. Factors discussed throughout this section help highlight that although no perfect definition exists for hate crimes this one is the most adequate for this study.

### **The history of hate crime**

It seems reasonable to suggest that negative human behaviour motivated by prejudice and hatred is as old as humankind itself (Hall 2005 p.38). Despite the perception that hate crimes are on the increase it may simply be that these crimes have, in recent years, been identified and are now being viewed separately from similar offences with different motives, and are being reported more often. Data from the current study will be used to examine the occurrence of hate motives among a sample of police detainees in contemporary Australia. The view that hate

crimes are more recognised now, leading to a perceived increase in these crimes must be understood in the context of global population movements. Many developed countries have experienced 'globalisation' and an increase in circulation of diverse people, the consequences of which can include the easy identification of minorities as scapegoats, and can therefore be linked to anti-foreigner violence (Green, McFalls & Smith 2001 p.4870). This type of shift to a global community could essentially help explain an increase in occurrence of hate crimes.

Most well known hate crimes occur in countries other than Australia, with some of the most spectacular and notable examples occurring in the United States of America. An example involves the hate crimes organized by the Ku Klux Klan (KKK) following the American civil war in the 19<sup>th</sup> Century, which, although modified in form, still continue today. The object of the KKK's hate is anyone who is not of Anglo-European descent and Protestant religion (Golden, Jackson & Crum, 1999). The typical victims of the KKK have been blacks and Jews, but gay men and lesbians have increasingly come under attack in recent decades (Lutz, 1987). The Klan membership growth was considerable until 1967 where, within a few years, memberships declined by as much as seventy-five percent (George & Wilcox 1996 p.367). This occurred mostly as a result of the civil rights movement for African Americans and as a result of the FBI putting pressure on the KKK and ensuring a number of members ended up in prison (Chalmers 1987). Where once membership numbers were in excess of 50,000 (in 1967), by 1973 numbers had dwindled to a mere 5,000. Although Klan membership numbers once again gradually increased (in 1982 there were an estimated 11,500), numbers have never reached the peak they did in 1967 (Chalmers 1987).

In Australia there has also been a history of hate, although not as well publicised or recognised as the example mentioned above. There has been an element of intolerance throughout Australia's history from competition over scarce resources in the early days of colonisation, predominantly of Anglo Australians against Indigenous Australians and early non-Anglo European migrants, up to the recent occurrence of hate crime incidents such as those in Cronulla in late 2005<sup>3</sup>. Australia has a long history of institutionalised racism that only entered the Australian public consciousness as recently as the 1970s (Jayasuriya 2002 p.40).

This long history of racism has been particularly directed against Aboriginal and Torres Strait Islander people: in the political system; the education system; the criminal justice system; and in the media (NSW Anti Discrimination Board 2003). Another example that demonstrates this institutionalised racism towards non-Caucasian Australians was the ‘White Australia policy’. The consensus among academic historians is that the White Australia policy made Australia the moral equivalent of South Africa under apartheid (Windschuttle 2005 p.129). This history of institutionalised racism also extends beyond Indigenous Australians, and can be seen in the title of an article in a newspaper, *The Bulletin*, in 1893, which is presented in a study by Hollinsworth (1998). This newspaper declared that ‘Australia for the White Man – with the cheap Chinamen, the cheap nigger, and the cheap European pauper to be absolutely excluded’ (Hollinsworth, 1998 p.103).

In contrast, in recent years there have also been a number of high profile hate crimes against members of the Anglo European majority, such as the Skaf rape cases in 2001. Bilal Skaf, one of the Skaf brothers, led a gang of young men in multiple pack rapes in Sydney in the weeks before the 2000 Olympics. Skaf contacted friends by mobile phone to organise the attacks. The rapes targeted Anglo European “Aussie” females despite some of the victims actually having Italian, Greek and Aboriginal backgrounds (*The Age* 17/09/2002)<sup>4</sup>. In August 2002, he was convicted on 21 counts of aggravated rape, including seven counts for which he was convicted as principal in the group attacks (Warner, 2004 p.349). In more recent times incidents continue to surface, with race hate videos such as the “Soldiers of Granville Boys” being released by Middle Eastern youths depicting and supporting hate crime offenders such as Bilal Skaf. Despite these counter examples, Australia is predominantly a place where racism against ethnic minorities and Indigenous Australians has been longstanding and at times virulent, public and violent (Cunneen, Fraser & Tomsen, 1997).

After the existence of a social problem is accepted, one way to chart its rise is through the process by which it gains legal recognition, which represents the ultimate official acceptance of the need to respond (Hall 2005 p.45). In the United States there are two main periods where this legal recognition began and authors have differing views of the importance of these two time periods. Authors such as

Levin (2002) have traced the history of hate crime legislation back to the end of the U.S. Civil War, whereas other authors, such as Jacobs and Potter (1998), suggest that hate crime legislation was born through the end of the Second World War and the civil rights movement that followed. Unlike the United States, Australia does not have such a defining period in the development of vilification laws. Whilst there were historical moments, such as the Indigenous Australians 1967 referendum, relevant racial discrimination legislation in Australia slowly progressed through the commonwealth and state channels (after being rejected more than once; Bailey 1990 p.181) rather than being a national event causing movement on a national stage.

Levin (2002) adopts the view that constitutional amendments that were a result of the civil war, particularly the attempt to abolish slavery and extend equal rights to all, were the birth of hate crime legislation, specifically the Thirteenth, Fourteenth and Fifteenth amendments to the U.S constitution. The Thirteenth amendment abolished slavery, and the Fourteenth conferred citizenship on all persons born or naturalised in the United States, thereby affording equal status, equal protection and civil rights to everyone. The fifteenth amendment extended the right to vote to all citizens, some of whom were previously denied it because of their race, colour or slave status. These amendments ultimately removed power from the states to discriminate against minority groups. They also provided the first steps in recognising that discrimination against minorities should not be accepted, and although many decades still lay before the development of hate crime legislation, it is this early recognition of minority rights that helped lay necessary foundations for such legislation.

Jacobs and Potter (1998) offer an alternative explanation to that provided by Levin, arguing that the civil rights movement was the catalyst for the emergence of hate crime laws some decades later. They argue this movement resulted in 'identity politics', which they refer to as a politics where individuals relate to each other as members of competing groups based on characteristics such as race, gender, religion and sexual orientation (Jacobs & Potter 1998). They state that the more disadvantaged a group was, the more advantageous it was to their cause against larger society. The current anti-hate crime movement is generated not by an epidemic of such violence but by heightened sensitivity to prejudice and by

society's emphasis on identity politics (Jacobs & Potter 1998). Other authors, such as Hall (2005 p.50), argue that in essence the emergence of hate crime as a contemporary social issue in the United States can be traced back to its constitution, and although the process stumbled several times along the way, the emergence of the civil rights movement played a key role in challenging attitudes and discrimination in numerous social spheres.

Despite having a long history of hate motivated violence and creating various pieces of anti-discrimination legislation over several decades, the focus on hate crimes in Britain is much more recent (Hall 2005 p.50). Crimes motivated by racial prejudice in Britain have a long history, yet official recognition of the problem can be traced back to as recently as the late 1970s and early 1980s (Solomos 1989; Hall 2005). Solomos (1989) states that with the reassertion of the importance of patriotism and nationalism in the late 1970s and 1980s in British political culture, it is perhaps not surprising that during the 1980s racial attacks and related phenomena became a major social issue. Ultimately, the prevailing political culture, on the one hand turned a blind eye to hate crimes, especially racist ones, while on the other, creating a moral panic about black working class crime. This was demonstrated by the lack of response by the government and police to these racist hate crimes which contrasts with the amplification of black crime that occurred during this decade. Other authors, such as Bowling and Phillips (2003), have noted that, despite evidence to the contrary, the Thatcher government (1979-1990) persistently denied any racist content of much violence which occurred and attempted to downplay its impact on visible ethnic minority communities.

Possibly the key moment in raising awareness of the social issue of racially motivated attacks in Britain was the Stephen Lawrence murder in 1993<sup>5</sup>. It was not until 3<sup>rd</sup> January 2012 that two men were convicted of his murder. According to Sir William Macpherson's report (1999) this was due to a police investigation that was flawed, incompetent and showed police institutional racism. The Stephen Lawrence enquiry gave rise to a number of changes in Britain and the issue of race was placed firmly at the top of the political agenda (Hall 2005 p.52). Eventually, in 1998 the Crime and Disorder Act was passed by the newly elected Labour government. Since then the Criminal Justice Act 2003 has been introduced

which allows for homophobia and disability (mental and physical) bias to be taken into account as aggravating factors at sentencing, but stops short of making them specific offences in the same way that the Crime and Disorder Act 1998 does for offences relating to race and religion (Hall 2005 p.124). The overviews provided by these authors have traced the steps back to key moments in American and British history that propelled the social issue of hate crimes to the forefront of the political and social agendas. There appears to be a lack of such a defining moment in Australia in recent decades, with racial vilification laws being put in place in response to increasing concern about racial division.

### **The impact of hate crimes**

The effect of hate crimes is argued by many authors as being two fold in that it does not merely impact on the individual victim alone but also impacts negatively on the targeted social group (Johnson 1991; Rayburn & Davison 2002). Described as the “contagion effect” the negative impact of a stressor is not limited to a single person but penetrates an entire social network (Rayburn & Davison 2002 p.432). The immediate impacts on the individual though, apart from being victimised, are reports of lower levels of self esteem, more loneliness, psychological distress, fear of crime, greater perceived vulnerability, poorer mental health, alcohol abuse and suicidal feelings (Saucier et al. 2006 p.892). For the targeted social group, Rayburn and Davison (2002) describe hate crimes as having the ability to generate a source of psychosocial stress within the victim’s community and society at large. Some authors (Aneshensel 1992, 1996; Rayburn & Davison 2002) specifically state that hate crimes have the ability to create a less positive environment for all citizens, in addition to victims, and exert negative effects on people’s mental health. Other authors (Herek, Gillis & Cogan 2009 p.945; Perry 2001 p.1; Hall 2005 p.66) agree that hate crimes have a level of severity attached to them that is unrivalled by most other forms of crime, whether the impact be on the individual or on the targeted social group.

Described by some empirical research, the twofold effect that hate crimes have on individual victims and targeted social groups is now also being recognised by the criminal justice system. An example of such a case originates from the Oregon Supreme Court (*State v Plowman 1992*) where there was the ruling that a hate crime creates harm to society distinct from and greater than the harm caused by

the assault alone (Rayburn & Davison 2002 p.434). Such crimes – because they are directed not only toward the victim but, in essence, toward an entire group of which the victim is perceived to be a member – invite imitation, retaliation, and insecurity on the part of persons in the group to which the victim was perceived by the assailants to belong (Rayburn & Davison 2002 p.434). The fact that both researchers and the courts recognise elements of hate crimes such as the ‘twofold’ effect, helps identify the damage that hate crimes can cause to both individuals and targeted social groups.

A decade earlier, Weinstein (1992) argued along similar lines. He argued that there can be as many as five differing effects of hate crimes, apart from the actual offence itself. He argues that hate crimes (1) are especially morally reprehensible; (2) have a societal consensus that such crimes are particularly deplorable; (3) when racially motivated are often more damaging to the victim than the same violent act lacking racial motivation; (4) can often have an *in terrorem* (threatening or intimidating) effect on members of the victim’s community; and (5) involve a degree of violence that has an especially pernicious effect on society as a whole (Weinstein 1992 p.15). Weinstein’s categories of effects although more in number, would show similarities with the two fold model if some categories were collapsed. As effects 1, 2, 4 and 5 could all be argued to affect the society or community as a whole, whereas effect 3 concerns the damage it does to the individual.

Weinstein (1992) makes a similar argument to that posed by Rayburn & Davison (2002) on the point that hate crimes have more than a singular impact, and not only impact on the individual victim but can also cause further violence through retaliation from targeted social groups. He argues that hate crimes are more disruptive to society and its cohesion than other types of offences. What starts as an isolated racially motivated attack on one student at the local high school can all too easily escalate into a major fracas that involves dozens of students, and poisons the atmosphere at school for months to come (Weinstein 1992 p.14). He continues by stating that a fight between two male students, fighting for the affection of a girl for example, is not as likely to have such prolonged and widespread ramifications. Racial tensions lie just beneath the surface of much

daily interaction in American society – a tension that can become paralysing when exacerbated by overt racial violence (Weinstein 1992). The same analysis could easily be applied to Australian society with incidents leading up to, during, and after the Cronulla Riots being a relevant example. For example, the Anglo-Australian mob directed their anger towards people perceived to be Middle Eastern males after alleged incidents of assault and intimidation by this sub group along the beach and towards two lifesavers. This demonstrates how similar racial tensions lie just beneath the surface of much daily interaction in Australia and one incident of assault can cause this to rise to the surface.

Rayburn & Davison (2002) suggest the rationale behind tougher punishment for hate crime perpetrators is partially based on the view that hate crimes provoke retaliatory crimes and incite community unrest. Hate crimes can essentially cause members of a victimised community to behave in an aggressive manner towards members of the same community as the hate crime offenders. Rayburn & Davison's (2002) research suggested that hate crimes encourage future violence more than non hate crimes. As previously mentioned, these findings are used by proponents of hate crime legislation to support their arguments. These proponents suggest that hate crimes are disruptive to the social fabric of our society and contribute to a dangerous spiral of violence that may have negative consequences for the physical and mental health of both victims and bystanders (Rayburn & Davison 2002 p.444).

### **Are hate crimes on the rise?**

All available evidence points to a perceived upsurge in the incidence of hate crime and hate speech in Australia. One of the last times this level of public racism was evident was during the 1980s (Cunneen, Fraser & Tomsen, 1997). However, most of the available evidence is not empirical, and much of this evidence reaches public consumption through media outlets rather than academic sources. This upsurge of hate crimes may actually be a result of changing perceptions and classifications of certain behaviours as hate crimes rather than an actual increase in that type of behaviour. Over the last decade there have been a series of events, which have been subject to much media coverage and public debate in Australia – ethnic crime gangs, race rapes, invasion of asylum-seeking 'boat people', the terrorist attacks in the USA on 11<sup>th</sup> September 2001 and the terrorist bomb blasts

in Bali in October 2002 (Poynting et al. 2004 p.6). These high profile incidents have added to moral panic and to the perception that hate crimes are on the rise. They have been sensationalised by the tabloid press, talkback radio and opportunist politicians, with a subsequent increase in reports of racial attacks in public places across Australia (Poynting et al, 2004).

This is illustrated by the race riots in Cronulla in Sydney, 2005 where,

On 11 December 2005, images from Australia, a country rarely the focus of world media, flashed around the globe in a way that was reminiscent of the Tampa crisis in 2001. They made an ugly picture: a violent, frenzied mob of 5,000 white Australians, fuelled by alcohol, attacking anyone of Middle Eastern appearance that they could find near Sydney's Cronulla beach. (Poynting 2006 p.85)

At one stage a total of 94 arrests and 249 charges had been laid by police, further demonstrating the large numbers involved. Despite all of these events, there is still a lack of empirical evidence to suggest that hate crimes are actually on the rise. Rather, due to recent events, they may simply be more newsworthy and are therefore brought to our attention more quickly if possible hate motives are present in an offence (Golden et al. 1999).

A purpose of this study is to examine the motivations for hate crimes in Australia as well as the rate of occurrence among a sample population, as official statistics do not exist. Information on crimes against minority ethnic groups is almost entirely anecdotal and generally gathered from news reports; none of the Australian police services publish any information on the subject (Australian Institute of Criminology 2002). Even with the introduction of officially recorded police statistics on hate crime, without solid empirical evidence it is impossible to suggest that hate crimes are more prominent now than ten years ago.

In the United States, uncertainty about the rate of change in the frequency of hate crimes, like that of many crimes, is a product of the police recording system. After the introduction of the U.S. Hate Crime Statistics Act of 1990, federal law enforcement agencies introduced a data collection system. The type of data captured by the collection system include: the type of bias serving as the motivating factor; the nature of the offence; and the characteristics of victims and offenders (U.S. Department of Justice, 1998). Despite formalising the data

collecting process, there are still flaws in using this data as an accurate measure of hate crimes. This is due to the number of personalised interpretations of what constitutes a hate crime, and the individual discretion (in recording and classifying) given to people involved at all levels of the criminal justice system.

One level in the criminal justice system where this can occur is when a responding police officer has to decide whether a crime should be classified as a hate crime. The responding officer may not interpret or report the crime as hate motivated (Gerstenfeld 2004 p.55). The ability of the police to categorise the offence correctly is indeed one reason why any official source of hate crime statistics should be treated as a guide only. Unfortunately, the role of the police is critical in collecting accurate data and this can go awry in several ways. Franklin (2002) notes, that when police attempt to determine whether or not a crime is a hate crime, inconsistent procedures are often employed. Saucier et al. (2006 p.894) describe this in greater detail in that, police may disagree with the notion of hate crimes, some may resent the extra effort required for investigating a hate crime, and some may seek alternative motives that would discount it as a hate crime. Therefore, at the very first stage of recording (police statistics) it is evident that, for a variety of reasons, some hate crimes may not be recorded as hate crimes. However, it must also be recognised that police must make several decisions when confronted with an incident and the decision-making processes of police are not limited to decisions about hate crimes. Regardless this subjective element to classifying an offence as hate motivated makes it quite difficult to measure the true extent of hate crimes in the United States.

While the majority of hate crimes are committed against individuals, many are also committed against institutions, such as synagogues, cemeteries, and community centres. In such an attack the incident will usually be recorded against a single victim, whereas in reality all those who visit or belong to this institution, could be considered victim of that crime, a fact not reflected in the official numbers (Gerstenfeld 2004 p.142). In addition, the actual frequency of incidents is important, although details of incidents can be just as relevant. If increases in numbers of recorded incidents occur, it is important to know against whom so that explanations as to why increases are occurring can be further explored. An example of these 'detail' issues involves the confusion over crimes against

Muslims and Arabs. Some states within the United States were recording these under the category of *'other ethnicity'* (e.g. California), whereas Illinois was recording offences against such people as *'Arab'* for category of ethnicity and *'Muslim'* for the religious category (Gerstenfeld 2004 p.142). Trying to then compare statistics between different states is virtually impossible as there is no ability in the Californian statistics to distinguish *'Arab'* and *'Muslim'* from one another or other subgroups included in the broad *'other ethnicity'* category. Such recording and interpretation differences add to the complexities of hate crime data even when officially recorded, leaving the answer to the question of whether or not hate crimes are on the rise within reach, yet still unknown.

In recent times there has also been a change in the attitudes of the public towards some minority groups in Australia. This change in attitude can lead to extra recognition, which may assist the view that hate crimes are on the rise, as when prejudice occurs against these minorities it is no longer ignored. While there is still a long way to go for Australian society to have true equality between Indigenous Australians and the Caucasian majority there has been a change in attitudes in recent decades. This change in attitude is evident in major events such as the 1987 Royal Commission into Aboriginal Deaths in Custody (Bucke & Wadham 2009 p.78); the apology to the Stolen Generation by Prime Minister Rudd in 2008; and multiple government initiatives especially in education to bridge the gap with Indigenous Australians (such as the Australian Indigenous Education Foundation Scholarship; Focus School Next Steps and the Indigenous Youth Leadership Program) (Department of Education, Employment and Workplace Relations 2012). These changes in attitudes can now make the public take more notice and respond accordingly when prejudice or hate crimes are committed against minorities such as Indigenous Australians.

Although hate crimes surrounding sexual orientation are not being examined in this study, they stand as another example of how the changing attitudes of the public and this extra recognition may lead to the view that hate crimes are increasing. A study conducted by Rayburn & Davison (2002) with students from the University of Southern California (USC) found that people were willing to intervene and help victims of anti-gay hate crimes. What was even more surprising was that people were more likely to express intentions to help hate

crime victims than non hate crime victims. However, Rayburn & Davison (2002) did note that this contradicts much of the literature, particularly in relation to anti-gay hate crimes. Despite this, there may be some indication of the changing patterns in societal attitudes as some decades ago willingness to help gay victims of hate crimes would have been less common. To further demonstrate this view the study also found people who did not condone homosexual behaviour and who believed it to have contributed to the victim's plight, were still sympathetic in recognising that there was nothing else the victim could do to avoid the situation (Rayburn & Davison 2002 p.443). These changing societal beliefs and extra recognition of hate crimes may be leading some to the belief that hate crimes are indeed increasing simply because they are now more aware of them.

### **Motives and hate crimes**

Unfortunately, motives for hate crimes are not as transparent as with some other criminal offences: financial gain is not present, drug abuse is not relevant and often the motives are on a much more personal level. In the most horrendous hate crime cases, bias intent [motivation] may be obvious; in less severe incidents, however, detecting and identifying bias motivation becomes more complex (McDevitt et al. 2002 p.304). To further complicate matters, one individual's motivation for hate crimes will not be identical to those of another individual (Golden et al. 1999). However by exploring the notion of prejudice further we can start to break down some of the complexities associated with hate crime motivations. Most definitions of hate crime do not refer to hate as the causal factor but rather the definitions refer to prejudice, bias or 'isms' (Hall 2005 p.9). Hall (2005 p.9) further states that this is significant because prejudice is a far more expansive concept than hate, covering many varieties of human emotion.

The concept of prejudice therefore warrants some consideration to better understand hate crime motives. It has been argued that some form of prejudice on the part of an offender motivates all crimes against any victim (Hall 2005), as practically everyone holds some prejudiced values, beliefs and attitudes (Jacobs & Potter 1998 p.16). However, clearly not every crime is a hate crime otherwise the concept would just be synonymous with crime in general (Jacobs & Potter 1998 cited in Hall 2005 p.10). Jacobs and Potter (1998) further argue that this indicates then that some prejudices must necessarily be socially and officially less

acceptable than others (Hall 2005 p.10). They therefore pose the key question of which prejudices turn ordinary crimes into hate crimes (Hall 2005 p.10)? This line of discussion continues by describing how prejudices therefore can be against people who are rich or poor for example and that the more we look for prejudice the more we will find (Hall 2005). Ultimately, a decision must be made to identify and select the prejudices that should be challenged in order to create the distinction between crime and hate crime, or essentially which groups are we going to protect (Hall 2005)? Hall (2005 p.11) rightly indicates that the very notion of recognising and listing categories of prejudice is problematic and fraught with difficulties. The exclusion of some groups may give the impression that their victimisation is of less importance than those included on the 'list' (Hall 2005 p.12).

Motivations for hate crime can also be understood through considering both 'prejudice' and 'discrimination' (Hall 2005). There is a difference between the two terms, with prejudice described as a:

type of attitude towards members of a social group, while discrimination is the behaviour or action arising from that attitude and directed towards members of a social group (Hall 2005 p.23).

Baron and Byrne (1994) describe discrimination as prejudice in action (Hall 2005 p.23). All forms of discrimination can have serious consequences for its victims as they can result in differential treatment, exclusion from services and provisions and can extend to aggression and violence (Hall 2005 p.23).

One study presented by Valentine and McDonald (2004) used in-depth focus groups to develop a deeper understanding of the factors that cause and sustain prejudice against minority groups (Hall 2005 p.32). The results of the research indicated five types of prejudice characterised by different levels of social acceptability and by varying forms of justification (Hall 2005 p.32). The first category is 'unintentional prejudice' which includes attitudes or behaviours that while unwitting still demonstrate ignorance of diversity on the part of the holder (Hall 2005 p.32). The second category 'cathartic prejudice' is characterised by views that are recognised as being less positive about minority groups and socially unacceptable, but crucially that are in some way justified by the holder in order to render them acceptable (Hall 2005 p.32). The third category is known as

'benevolent prejudice' and is defined as the expression of positive views about minority groups that may in reality produce negative or discriminatory consequences (Hall 2005 p.32). This might involve stereotypes that are not intended to offend but may be negatively received such as labelling disabled people as vulnerable or helpless (Hall 2005). The fourth category is 'banal prejudice' and this type of prejudice is evident towards all minority groups with examples of less positive attitudes that may be intentional or unintentional (Hall 2005 p.32). The final category of prejudice is 'aggressive prejudice' which is defined as open and explicit animosity that is often backed up by the threat of violence (Hall 2005 p.32). This last category of prejudice is obviously the most relevant to this study on violent hate crimes.

Some studies like those discussed above have developed typologies of prejudice, which when combined with discrimination can form hate crimes. Other research has attempted to develop a typology of motives specifically for hate crime offenders. Levin and McDevitt (1993) examined case files of the Boston Police Department from 1991 to 1992, finding that offender motivations could be divided into three classifications: thrill-seeking crimes, reactive crimes and mission crimes. Later work that built upon the initial typology of hate crime offenders found that the thrill-seeking motive was the most common, accounting for two thirds of the total (McDevitt et al. 2002 p.307). This type of offender was simply the young person, often in a small group, who was bored and simply looking for 'some fun'. In almost all of these cases (91%), the offenders left their own neighbourhood and purposely sought out a victim somewhere else, such as at a gay bar, a temple in another part of town, or in a minority neighbourhood (McDevitt et al. 2002 p.307). McDevitt et al. (2002 p.307) also argue that it is important to stress that their targets are not selected randomly but are chosen because the offender perceives the victim as somehow different and a socially condoned 'other'.

Other researchers from the United States, such as Byers and Crider (2002), have also suggested that the thrill-seeking motive appears to be a common motive amongst hate crime offenders. Although a smaller study than the one previously mentioned, this study was useful as it was conducted with the offenders as opposed to information being derived from a case file. The study involved the

interviewing of eight young male prisoners in the United States, who had committed hate crime offences against Amish people. The researchers found that generating excitement and alleviating boredom were common explanations given by the offenders for their behaviour (Gerstenfeld 2004 p.73).

Another study conducted by Franklin (2000) from the United States also found the thrill-seeking motive to be a prominent motive amongst hate crime offenders. Four hundred and eighty-four community college students were surveyed about their attitudes and behaviours towards gays and lesbians with one in ten students surveyed having admitted physical violence or threats against presumed homosexuals (Franklin 2000 p.339). Franklin (2000 p.347) found that there were four main motives behind committing these offences and ranked them in order of importance: 1) peer dynamics, 2) anti-gay ideology, 3) thrill-seeking; and 4) self defence. Both Franklin's peer dynamics (due to its association with youth) and thrill-seeking factors would fall under Levin and McDevitt's thrill-seeking category (Gerstenfeld 2004 p.74). All of these studies found that the motive of thrill-seeking for hate crimes does not involve an offender with a particularly strong hatred of the victim involved (Gerstenfeld 2004 p.74). Although still considered a hate crime, this first apparent motive does not have the extreme level of bigotry usually associated with the concepts of hate crimes. This type of motive is worth keeping in mind as offenders may not consider these offences to be motivated by hate but more by boredom and thrill-seeking. Offences like these are classified by law as hate crimes but may not necessarily be crimes motivated entirely by hate.

Reactive motive, or as it was later known, "the defensive motive", was the second hate crime motive described by Levin and McDevitt (1993). This motive often involves the offender reacting to what they feel was an intrusion into their territory by an outsider. It is often associated with neighbourhoods of one prominent ethnic or religious group being 'invaded' by a small number of minority outsiders. This type of motive accounted for one quarter of the total in McDevitt et al.'s (2002) study. Defensive offenders differed from thrill-seeking crime offenders in that they usually did not leave their own neighbourhoods to seek out the victims; instead, the victims happened upon them (Gerstenfeld 2004 p.74). The events at Cronulla beach in December 2005 are an example of this type

of hate crime motive, in that any person of Middle Eastern appearance who was in Cronulla at the time was attacked by a large mob of White-Caucasian locals after a group of Lebanese males assaulted two surf life savers on Cronulla beach (Kendrick 2006 p.1; Poynting 2006).

The motive of the mission hate crime was the third, and rarest type of motive discovered in Levin and McDevitt's (1993) study. These forms of hate crimes are usually the most brutal, with no regard for the victims as human beings, and there was only one example from this study. In a mission hate crime, the offender is often acting alone and is seeking to rid the world of a particular kind of people whom the offender views as evil (Gerstenfeld 2004 p.75). Crimes committed by members of organisations such as the KKK are also likely to fit this motivation type. Offenders who commit mission hate crimes, are usually deeply troubled and sometimes even psychotic. They see others as having perpetrated some sort of conspiracy against them and desire revenge (Levin & McDevitt, 1993). Considering these types of hate crimes are not as common (as they once were with the KKK) and are considerably more brutal, the psychological factor underlying the actions of a mission hate crime offender may be inherently different from those of hate crime offenders with other motives. It should be noted that these psychological factors will also differ depending on the type of society in which this motive operates, as the psychological factor motivating the KKK members would differ greatly from a single individual operating under the mission motive for hate crime.

In 2002, McDevitt (et al.) re-examined the original Levin and McDevitt (1993) data which led them to the conclusion that a fourth motive could be defined. This is known as the retaliatory motive and accounted for eight per cent of the total Boston case files (Gerstenfeld 2004 p.76). Retaliatory motives occur when a person hears a report or rumour of a hate incident against his or her own group and takes revenge by committing a crime against a member of the alleged offending group (Gerstenfeld 2004 p.76). Despite the development of this new motive it can at times overlap with another motive. To demonstrate, the Cronulla beach incident was previously mentioned as being a reactively motivated hate crime, but it may also be easily viewed as containing retaliatory motives for the bashing of the two surf life savers on the beach (Kendrick 2006 p.1; Poynting

2006; ABC 11<sup>th</sup> December 2005). Therefore, despite its clear distinction from other motives, the Cronulla beach example indicates the problems inherent with applying hate crime motivation typologies, especially when more than one motive may be present.

Gerstenfeld (2004) makes a similar point in questioning the validity of these models of motives. Although such motive categories are supported in part by Franklin's (2000) and Byers and Crider's (2002) research, the robustness of this typology is unclear. It is based on data from only one city, and the data is more than a decade old (Gerstenfeld 2004 p.76). Despite this, Gerstenfeld (2004) recognises McDevitt et al.'s typology of hate crime offenders as one of the most comprehensive.

While some researchers have generated motivation typologies based on examining hate crimes, authors such as Polk (1994) have explored the notion of masculine conflict including where race and ethnicity become part of this conflict. Polk (1994) highlights a number of violent incidents in Victoria (ending in death for some victims) where racial and ethnic overtones were present (Polk 1994). These incidents vary in nature from one male being ejected from a pub after being involved in an incident where he was allegedly being called a 'wog' and subsequently returned to the scene of this prejudice armed with a shotgun in order to make the offenders 'apologise' and in turn defend his masculinity. This man was subsequently murdered with his own shotgun when he was overpowered by his initial attackers. This demonstrates that while there were racial overtones it was in fact the victim defending his masculinity which resulted in the homicide (Polk 1994 p.72).

In another incident presented by Polk (1994 p.73) there appears to be no planning and very little tangible motivation behind the violence. Applying the concept of Levin & McDevitt's (1993) reactive motive however can help interpret part of this particular incident. This incident involves a group of Vietnamese youths who were buying alcohol from a local pub and food from a local pizza shop. The youths buying the pizza were verbally abused by a group of what they described as 'Western' males in a car driving past. The Western males then alighted from the car and continued the verbal attack and threats of violence. One of the

Vietnamese youths retrieved the other friends buying alcohol from the pub. As these other Vietnamese males arrived a further group of 'Western' males came out of the pub and a general fight broke out between two groups. During this fight one of the Vietnamese youths subsequently died after being beaten while trying to flee the scene (Polk 1994). What was notable in this case was that there appears to be no obvious motive for why the initial incident developed. However, the concept of the reactive motive (Levin & McDevitt 1993) does help develop a better understanding of why the unrelated group of Western males possibly came out of the pub to be involved in the melee. Although more prominent in the first case, both cases still demonstrate that some violent incidents with racial and ethnic elements may have as much to do with males defending their masculinity as they do with hate motivations.

Other commentators on the motives of hate crime offenders adopt a bleaker outlook for researchers when trying to categorise motives. A study by Boyd, Berk & Hammer (1996), interviewed a number of U.S. police officers on their perceptions of when crime should be recorded as a hate crime. Many of the police found it problematic when having to decide whether a crime actually constituted a hate crime. A substantive concern, especially at the street level of policing, centred on the difficulty of determining motive (Boyd et al., 1996 p.821). This, again, highlights the nature of hate crimes in not always neatly fitting into a category where they can be labelled a hate crime, and where the underlying motive can be clearly defined. It also further emphasises the point made earlier in this chapter that the subjective element of police classifying an offence as hate motivated makes it difficult to use official hate crime statistics (US) as anything other than a guide. The issue for the precise recording of hate crime data involves the conceptualisation and classification of hate crime by the police. This issue is more an empirical one and further research needs to be conducted to expand on the work done by Boyd et al. over a decade ago, in order to explore the extent of this problem.

Although the aim of this study is to examine hate crimes (other than homicide) of a racial, ethnic and religious nature it is still useful to look at studies of hate crime against gay and lesbian victims to assist with theorisation. Comstock (1991) compared gay and lesbian hate crimes in the United States to national violence

statistics, and discovered that they usually involved recreational motives for some offenders (thrill-seeking, peer dynamics) (Mouzos & Thompson, 2001). There is also suggestion that homophobic hate crimes in Australia committed by males can be the result of heterosexual males protecting their position in society and also to denote disapproval towards homosexual identity politics and lifestyles (Tomsen & Mason 1997; Tomsen & Mason 2001; Tomsen 2006). The desire to defend one's place in a social order that disapproves of homosexuality and the belief that homosexuals are unimportant to society was another motive described in Comstock's study (Mouzos & Thompson, 2001). This motive has similar characteristics to the mission motive, which was described as rare, in the Levin & McDevitt (1993) study. Although not the most common motive listed, this 'mission' orientated motive was not as rare in Comstock's American study, indicating that some motives may be more common when focussing on one type of victim group.

### **Racially motivated hate crimes**

Three types of hate crimes are being examined in this thesis, including racially motivated hate crimes. Defining concepts of race and racism, particularly in the context of criminology, poses a complicated problem, as race should have no place in modern criminology whereas racism is highly relevant, particularly in this context. This is because race was originally a scientific construct used to denote a scientifically recognised biological difference between people (Gerstenfeld 2004 p.121). The theory was originally proposed in the 18<sup>th</sup> century that the human species could be divided into several separate races, based on skin colour and geographic origin (Gerstenfeld 2004 p.121). Unfortunately, even in the early and mid 20<sup>th</sup> century this theory was still being widely embraced (Gerstenfeld 2004 p.121). Race has since been debunked as a valid biological construct, which suggests notions of superiority or inferiority among different races (Keyzer 2006 p.5). Therefore 'race' is often now considered by scholars to be a political or social construct (McNamara 2002 p.9), rather than a biological one. In contrast, the phenomenon of 'racism' is undeniable as observed through social behaviour and the study of racism has a relevant place in the field of criminology (McNamara 2002 p.9). The notion of racism is not new and researchers such as Katz and Braly (1933) examined the issue some 75 years ago (cited in Gerstenfeld 2004 p.79). Racism can be defined as asserting the superiority of one's own 'race'

over others (Essed & Goldberg 2002 p.82). Moreover, as Gerstenfeld (2004 p.79) argues, it can also involve people associating a range of negative traits with particular groups. The fact that racism in Australia has long been a problem of more than passing significance has been noted by a number of anti-racism specific agencies and other non-government agencies over the past decade (Forrest & Dunn, 2006). In this section, racially motivated hate crimes will be compared with hate crimes motivated by other factors.

Authors such as Sibbitt (1997) theorise the manner in which race hate crimes develop. Their theories fit with the examples discussed throughout this chapter. Sibbitt (1997) argues that the first of these theories involves the racist behaviour underlying crime in general, in that the psychological and contextual factors that facilitate anti-social and criminal behaviour in general will also facilitate racist behaviour (Sibbitt 1997). The second theory, which will be given greater consideration, involves hate crimes based on race as a logical progression from the underlying racism in society as a whole. Hall (2005) describes the argument as:

In this sense, then, prejudice is felt by a community towards a minority group, perhaps fuelled by perceptions of strain, but there is a context in which a minority of that majority will cross the line and express their prejudice in some physical form, in this case through harassment and violence. (Hall 2005 p.80)

Ultimately, this minority of the majority is acting out criminally what the rest of the community are feeling, but refrain from acting out. For incidents such as ‘the Cronulla riot’ though, the minority (and perhaps some organised hate group involvement), on this occasion appeared able to gather those who normally refrain from acting in this manner. It has been mentioned (Poynting 2006; Kabir 2007) that the media ‘beat up’ in particular, the tabloid newspaper the *Daily Telegraph* and talk back radio personalities Steve Price (2UE) and Alan Jones (2GB) provoked anti-Arab and anti-Islamic sentiments during the riot. Kabir (2007) also notes that in 2006 New South Wales Police confirmed that the 2GB talkback radio program between 5-9<sup>th</sup> December 2005 incited the Cronulla riots that occurred from 11-13<sup>th</sup> December 2005 through sensational comments against Lebanese-Australians. ABC’s Media Watch reported that 2GB talkback host Alan Jones on 7 December said on air:

It seems the police and the council are impotent here. All rhetoric, no action. My suggestion is to invite one of the biker gangs to be present in numbers at Cronulla railway station when these Lebanese thugs arrive...It'd be worth the price of admission to watch these cowards scurry back onto the train for the return trip to their lairs...Australians old and new shouldn't have to put up with this scum (Kabir 2007).

Four days later about 5,000 young Australians converged on Cronulla beach chanting anti-Arab and anti-Islamic rhetoric and subsequently starting what is now referred to as the Cronulla riots (Kabir 2007). Whether there was some organised hate group involvement or the media were responsible it does seem that a minority was able to instigate this incident and gather those who normally refrain from such behaviour. The same argument may be applied for minority groups such as Lebanese youths, whose retaliation to the events at Cronulla, according to media reports, the next day involved a group of Lebanese-Australians at Punchbowl Park. This group armed with guns, machetes, baseball bats and knives launched a reprisal attack by smashing shops and cars and threatening anyone who attempted to intervene (Poynting 2006 p.90). In addition to this there was also the stabbing of one man and the vandalising of over 100 cars in the suburb of Maroubra (Kabir 2007) and these incidents did not seem to be restricted to a small minority of Lebanese-Australian offenders.

As recently as January 2007, further examples of this underlying racism in society as a whole surfaced again as another incident continued to be a popular topic reported by the media. This incident involved a race hate video discovered in early 2007 known as "Soldiers of Granville". The video boasts about the Cronulla revenge attacks, glorifies gang rapist Bilal Skaf, making light of the infamous south-western Sydney gang rapes which he led (McIlveen, 2007). This type of racially motivated incident and the media coverage it receives continues to keep such racially motivated crimes in the minds of people across Australia. Due to academic and common use of the terms, the lines between 'race', 'ethnicity', and to some extent 'religion', are often blurred either by the media or through the incident containing multiple motivations. This can be demonstrated through three descriptive terms used for people of 'Middle Eastern descent', with this term referring to race, whilst 'Muslim' is used to describe elements of culture, and ethnicity including dress as well as religion, while 'Islam' refers to religion. All three of these words may often be used to describe people involved in one

incident (as people can embody all three things), which can make motivation classification problematic, particularly when this is a result of reporting through a media prism dominated by people of non Middle Eastern descent. Some examples, whether conceptual or empirical, demonstrate how these lines are blurred through either media misconception or the incident containing combinations of these hate motivations.

### **Ethnically motivated hate crimes**

It is important to distinguish, clearly (when possible), between racially motivated hate crimes and ethnically motivated hate crimes, as these two motivations have different wide ranging effects on the targeted social groups. Unfortunately, this is not easily accomplished as ethnicity is indeed a complex concept (McGoldrick, Giordano & Garcia-Petro 2005 p.7). It becomes even more complex when distinguishing between public or popular (more general adaptation which can sometimes include physical features) and academic (more specific, clear attempts to keep attributes of race and ethnicity separate) uses of the term. This makes finding an agreed definition difficult, particularly when some studies use the terms interchangeably. While race and ethnicity are separate, overlapping concepts, they are often used synonymously (Bhopal & Donaldson 1998 p.1303). For the purposes of this study a more academic definition will be used, with 'race' being described as the perceived physical attributes of the victim or offender (e.g. skin colour or facial appearance) whereas 'ethnicity' will refer to those attributes that are visible but are only obvious because of the person's cultural background, displayed through elements such as clothing and language. In recent years, through political rhetoric, media attention and public discourse, there has been the emergence of a new racism – a form of racial differentiation which distinguishes between groups of people not on the basis of visible racial characteristics but on the basis of actual or perceived cultural beliefs and values (NSW Anti Discrimination Board 2003). Hate crimes in recent times have not always been motivated by race, but now include those motivated by the type of clothing worn, or the way someone may sound when they speak.

In Australia there is much confusion at the moment when differentiating between hate crimes based on race, ethnicity and religion. This is primarily because perceptions of ethnicity often include elements of race and religion (McGoldrick

et al. 2005 p.2) and therefore many incidents of hate crime can encompass all three categories. Details of hate crimes involving White-Caucasian Australians and Australians of Middle Eastern backgrounds are often blurred through media reports, in that no consistent distinction occurs between race (Middle Eastern appearance), ethnicity (items of appearance, social values, norms of behaviour) and religion (Islam). Examples of this blurring can be found in most media stories, even ones that are from an organisation affiliated with the minority group. In one story from *IslamOnline* (13<sup>th</sup> September 2001) descriptions are presented, of attacks on 'Arabs' (which could signify race and skin colour) in Australia. The authors specifically mention the items of clothing 'hijab' or 'tudung', (signifying ethnicity in type of clothing worn) and focus on abusive attacks on Mosques (which could signify a religiously based hate crime). There is little wonder that, when attempting to use media reports of hate crimes in Australia, one has difficulty attempting to classify those attacks as hate crimes based on one of the following: race, ethnicity or religion. Often a mixture of these factors is present.

Much hate crime in Australia surrounding ethnicity, in recent times, has involved Middle Eastern Australians, who are easily targeted due to the types of clothing worn, particularly in the case of women. During the first Gulf War in 1990 many Australians of a Muslim and/or Arab background were subject to physical attacks and abuse (Collins 2007 p.13). Specifically, women who were wearing the hijab, experienced harassment from people in passing cars and also reported having their hijab pulled or torn on different occasions (Collins 2007 p.13). These types of hate crimes that single out the victims as a result of their ethnicity have continued to occur, with incidents such as the September 11 attacks re-igniting this type of hate crime. A story in the newspaper *The Age* on September 11<sup>th</sup> 2006 by Farah Farouque, as a comment on life for Muslim people in Melbourne five years after the attack on the United States details hate crime incidents based on ethnicity. It describes how one female who converted to Islam just months before the September 11<sup>th</sup> attacks found the extra scrutiny and racist comments for wearing a hijab difficult to cope with, and eventually stopped wearing it. The story also duly notes that more than any other marker of being a Muslim, the hijab leaves Muslim women open to being targets and has caused considerable controversy and angst, with some politicians calling for them to be banned from schools. Similar to Muslim women, Australians of the Sikh religion often experience similar types of

attacks during these same periods (Collins 2007 p.13) as a result of being mistaken for Muslims. Despite hate crimes that involve an ethnic element being difficult to distinguish from those involving race and religion there have been examples of such offences in Australia. Ethnically motivated hate crimes have a devastating impact on victims as symbols of their ethnicity which are important to their identity often leave them vulnerable to victimisation.

### **Religiously motivated hate crimes**

Before examining hate crimes motivated by religious bigotry in Australia a brief insight into religious hate crimes will be provided. Although there are a number of religious hate organisations in the United States they do not originate from any one particular religion, as in some cases the religion is fundamentalist Christianity (the Westboro Baptist Church), radical Judaism (the Jewish Defence League) or Islam (the Nation of Islam) (Gerstenfeld 2004 p.123). Some authors note that one particular religious background that is important in defining many hate organisations is 'Christian identity' (Perry 2001 p.143; Gerstenfeld 2004 p.123). This factor is important as it assists in developing a common antipathy for the same groups, particularly those people of a Jewish background. Christian identity is attractive to white supremacists, for example, because it puts a theological seal of approval on their ideas (Gerstenfeld 2004 p.123). Therefore, not surprisingly, it is religion itself that drives the motivation for some hate crimes both in the United States and in Australia.

Although the majority of highly publicised hate incidents in Australia recently have involved the religion of Islam (Collins 2007 p.2), religious hate crime involving Jewish victims will be considered first. Hate crimes involving Jewish victims obviously have a more deep seated past and have generated more extensive casualties than any other type of religious hate crimes (Gerstenfeld 2004 p.124; Hall 2005 p.111). In recent times, hate crimes involving Jewish people in the United States tend to focus on their property, such as synagogues and cemeteries (Perry 2001 p.18) more than personal violence against Jewish people themselves (Gerstenfeld 2004 p.156). Although this study is primarily concerned with interpersonal crimes, such as 'assault' and 'sexual assault', some attention needs to be given to attacks on property, including vandalism and property destruction.

The Executive Council of Australian Jewry claimed in November 2000, that the incidence of violent attacks against Jewish people in Australia was higher in October 2000 than any other month in the previous ten years (Carmody 2000). It should be noted that little research into hate crimes against Jews has been undertaken by academics (in the United States or Australia) and the majority of the small amount of work that has been undertaken is done by advocacy groups (Gerstenfeld 2004 p.156). In Australia there have been some well publicised incidents of religious hate crimes targeted against Jews. Most of these have been notable due to their links with organised hate groups, such as the Australian Nationalists Movement (ANM). Jack Van Tongeren is the leader of the Australian Nationalists Movement which is a racist far right group which publicly admits to its anti-Semitism and admiration of Adolf Hitler (Greason 1997 p.202). Van Tongeren, has often been in the media, being released from prison in 2002 and then being sought by police two years later for a variety of reasons, including an alleged plot to harm then West Australian Attorney General Jim McGinty (*Sydney Morning Herald* 7<sup>th</sup> August 2004). During the same period other members of the ANM were arrested for several anti-Jewish graffiti incidents in Perth (Weber 2004; Carmody 2002). Specifically, they caused damage to several buildings including a synagogue and spray painted swastikas and other anti-Semitic brandings on buildings, fences and bus shelters (*Sydney Morning Herald* 7<sup>th</sup> August 2004).

In addition to the incidents involving the Australian Nationalists Movement, there was another incident of hate crime against a Jewish man in Melbourne in 2006, which was also highly publicised. The incident involved a Jewish man in traditional Jewish dress, including a Shabbat hat and a yarmulke (skull cap worn by Jewish men) walking in Caulfield when a mini bus full of footballers drove past and some of the players yelled racist abuse. After approaches by the victim to speak to the driver of the bus he subsequently had both hats grabbed off his head and was punched in the face. The victim was certain he was attacked because of his faith (Cunningham 2006). The Executive Council of Australian Jewry commented that it was the fifth unprovoked assault on a Jewish person in Victoria so far that year (Cunningham 2006). In the United States Anti-Semitic hate crimes still occur, although anti-Jewish feelings and stereotypes have gradually been

declining (Gerstenfeld 2004 p.153). However, Perry (2001 p.19) does note that not long before this in the 1990s, while there was a decline in Anti-Semitic property crimes (e.g. vandalism on synagogues), crimes against the person were increasing through most of that decade.

Other forms of religious hate crimes that have occurred in Australia recently, involve the religion of Islam and attacks on Mosques with staff often receiving phone and mail threats (Collins 2007 p.13). In *The Age* (17 October 2002) it was reported that a mosque in Melbourne was firebombed after being vandalised, a school vandalised and a Muslim cleric's home vandalised in Sydney, in response to the attacks on Westerners that occurred in Bali. This incident signified that religious hate crimes do occur in Australia and do not always require the presence of an organised hate group. It is an example of retaliatory hate crime motivation as described earlier by McDevitt (et al. 2002). Mosques were also constantly viewed as targets in relation to the incidents that occurred around the Cronulla riots (Poynting 2006), with, at one point, there being twenty police cars surrounding a Sydney mosque in order to protect it from any kind of attacks (Brown, Silkstone & Nicholson 2005).

### **Typology of offenders**

Some authors (Craig 2002) feel that the value of constructing a profile of hate crime offenders is debatable due to the extent to which perpetrators are increasingly associated with a variety of backgrounds and motives (Craig 2002 p.97). Craig (2002) makes a valid argument, but by combining results of several studies and sources, a picture of 'the more common' offender type can still be devised. This offender (in the United States) is typically young, white and male; does not come from an especially impoverished background; has little or no previous contact with the criminal justice system; and does not belong to an organised hate group (Gerstenfeld, 2004; Craig, 2002; Nolan, Akiyama and Berhanu 2002; US Department of Justice 2002). Nolan, Akiyama and Berhanu (2002) reported that in 1999 in the United States more than 68% of reported hate crime offenders were white, with the FBI reporting a similar figure in 2001 (67.5%). Although nearly all hate crime offenders (95%) have no hate group affiliation they do not often act alone (Gerstenfeld, 2004 p.72). Levin (1993) states that more than half of hate crimes involve multiple offenders, whereas only

about one quarter of ordinary violent crimes do. Despite these findings, it is important to observe Craig's (2002) warning that it is unwise to draw too rigid a profile of the typical hate crime offender (Gerstenfeld, 2004 p.72).

While this study is concerned with racial, ethnic and religious hate crimes it is worth examining the offender profiles for other hate crimes to examine what has been established in these studies. Mouzos and Thompson (2001) noted some similar offender characteristics to those in the typical offender profile above, in their study of gay and lesbian hate-related homicides in Australia. In comparison with other homicides in Australia from 1989 to 1999, the offenders of gay hate-related homicides were three times more likely to be aged 15 to 17 compared to offenders in other homicides (29.5% versus 8.4%). Approximately 39% of gay hate-related offenders were aged between 18 to 24 years, five per cent higher than offenders of other homicides. In addition to this, the offenders in gay hate-related homicides were also more likely to be of White-Caucasian appearance (93.2% versus 68.3%), unemployed (81.8% versus 47.9%) and unmarried (77.3% versus 63.7%). This study highlights similar offender characteristics to those identified in American studies with a heavy youth involvement (McDevitt et al. 2002) and a dominant Caucasian element (US Department of Justice official statistics).

Rayburn & Davison (2002) also discussed attributes of people likely to increase their chances of becoming hate crime offenders, specifically anti-gay hate crime offenders. From their study they discovered that the presence of anger prone personality tendencies in anti-gay people may slightly exacerbate their negative response to gay people. According to Rayburn & Davison (2002 p.444) crime prevention efforts need to focus on this combination of anti-gay sentiment and anger prone personality.

One study conducted by Sibbitt (1997) in the U.K. was able to develop interesting and useful offender typologies. Sibbitt (1997 p.78) believed that hate crime offenders spanned all age ranges, from young children to aged pensioners, and involved both sexes, often acting in groups. She noted that 'older people' are particularly important in providing a framework that shapes hate-based attitudes within a family or community. This group of hate crime offenders severely affected her second group of offenders known as 'the people next door' (Sibbitt

1997 p.78). She describes these offenders as adults, who have grown up listening to the views of their elders and in turn racialise their own problems and insecurities, for example, unemployment and housing (Sibbitt 1997 p.78). She further explains that this type of offender engages in hate behaviour when they perceive biased allocation of desired resources to minority groups or as retaliation for a perceived misdemeanour by someone from a minority group (Sibbitt 1997 p.78). The 'problem family' is the next offender group Sibbitt (1997) describes and these offenders experience a number of problems (health, aggression, persecution and rejection by society) and their racist offending forms part of this wider anti-social behaviour. Sibbitt (1997) then has three remaining categories to which she allocates age groups to describe the type of offender. The offender groups are labelled '15-18' year olds, '11-14' year olds and '4-10' year olds (Sibbitt 1997 p.79). These 15-18 year old offenders can be described as: exhibiting anti-social behaviour; subject to the views of their elders; involved in abusive and threatening behaviour. The 11-14 year old offenders and 4-10 year old offenders are similar and both can be described as: growing up where racist attitudes are common and regularly expressed by individuals and larger groups; characterised by low self esteem; prone to bullying; (Sibbitt 1997 p.79). This study shows the effects of peer and/or family group members on the socialisation of young people about members of different social groups.

### **Typology of victims**

The demographics of the victims of hate crimes vary considerably depending on the specific situation and circumstance. As Hall and Whitaker (1999) note, victims may be of any age, racial group, gender or sexual orientation. They argue that, while a young black man may be the victim of a hate crime, he, in turn, can be the perpetrator of a hate crime against a Korean or a white middle class man. Selecting a victim lies primarily in his or her symbolic value as a group member, not in the person's own individual characteristics or identity (Hall & Whitaker, 1999). While Hall and Whitaker make a valid point, examination of officially recorded hate crime victim data provides the opportunity to make some basic victim descriptions. Not only are basic victim descriptions available for examination, but the probability of victimisation for certain groups can also be assessed.

Currently, in Australia there are no officially recorded statistics on hate crimes. Despite this there have been a number of studies examining hate crimes and some studies have indicated increases in the extent of anti-Muslim or 'Islamophobic' hate crime, racial vilification and discrimination (Poynting 2002; Poynting et al. 2004; Poynting & Perry 2007). In addition to these studies there have been a number of high profile incidents occur in Australia in recent years, and these incidents can provide some idea as to the type of people that are targeted. While it has been mentioned that racism against ethnic minorities and Indigenous Australians has been longstanding (Cunneen et al. 1997) recent events have not limited victimisation to minorities alone. One of these most notable recent events was the Cronulla Riots. The Cronulla riots were a series of racially motivated mob confrontations which originated in and around Cronulla (a suburb in Sydney) on 11<sup>th</sup> December 2005. The mob was directing its anger towards people perceived to be Middle Eastern males after reported incidents of assault and intimidation by this sub group along the beach and towards two lifesavers. Soon after the riot, ethnically motivated violent incidents occurred in several other Sydney suburbs (*Sydney Morning Herald* 11<sup>th</sup> December 2005). In the following days there were a number of reprisal attacks by young Middle Eastern males which involved the stabbing of one man and the vandalising of over 100 cars in the suburb of Maroubra (Kabir 2007). Therefore the Cronulla Riots involved victims of hate crime from both an ethnic minority (Middle Eastern Australians) and the ethnic majority (Caucasian Australians). However, as mentioned above, historically prejudice against ethnic minorities and Indigenous Australians has been much more evident.

While no official statistics are gathered in Australia, there are statistics gathered by the U.S. Department of Justice and these statistics can be used to consider the types of victims associated with hate crimes in a country similar to Australia. Through the use of these statistics, Gerstenfeld (2004 p.143) states that in every jurisdiction in the United States for which this data is available, the most common victims of hate crimes are African Americans. According to official FBI data, more than one in three victims of hate crimes were black, despite the African American population only accounting for approximately 13% of the total population of the United States. This data is also consistent with state data from California, Colorado, Illinois and Texas for 2001 (Gerstenfeld, 1998 p.143).

Gerstenfeld (2004 p.143) does note that some caution is needed when interpreting such data. Despite discrepancies between the FBI and state data, Jews appear to be the second most common victims of hate crime in the United States. Although Caucasians were the third most targeted victims of hate crimes, unlike blacks and Jews, they are victims of hate crimes at a disproportionately low rate. This data contradicts claims of many white supremacy groups that Caucasians are more often the victims of hate crimes than members of minorities (Gerstenfeld, 2004 p.144).

As was mentioned in the previous section on offender typology, it is worth considering profiles of victims from sexual orientated hate crimes to examine whether any conclusive typologies have been established from this victim group. Mouzos and Thompson (2001) concluded some quite specific results for gay and lesbian hate related homicide victims in Australia. They state that male victims of gay hate related homicides were more likely to fall in the older age groups (35 years and above) representing 68.9% of gay victims (Total n=29) (Mouzos & Thompson 2001 p.319). Interestingly, the vast majority of homosexual hate-related victims of homicide are Caucasian (93.1%); (Mouzos & Thompson 2001 p.319). This may be due to Caucasians representing the majority population in Australia and therefore likely representing the majority of homosexuals.

Recording victims of hate crimes in official data is difficult, and these statistics should always be approached with caution. A variety of factors make it difficult to determine who the true victims of hate crimes are and the most important of these factors is the significant under-reporting of the crimes themselves (Gerstenfeld, 2004 p.141). It is also difficult to confirm whether some groups under report more than others, despite members of certain groups being particularly unlikely to report a hate crime. Some reasons suggested by Gerstenfeld (2004 p.142) include: poor relations with the police; they are inhibited by cultural or linguistic factors; or because they are among people who are the most voiceless in society. The dark figure in the reporting of hate crimes highlights the need to approach data on hate crime victims with caution.

Another problem is the difficulty in recording characteristics of hate crime victims even when the crimes are reported. Agencies differ in how they record

information, and counting rules may be inconsistent (Gerstenfeld, 2004 p.142). In addition, agencies may have trouble determining the social group of the victim because human individuals do not always fit neatly into predetermined categories (Gerstenfeld, 2004 p.142). This is a problem that would be associated with many other crime victim statistics; however with hate crimes the victim's social group is usually fundamental to understanding why the offence occurred. Despite there being official statistics on hate crime victims in the United States, researchers in the field have cautioned against using them as accurate sources of information, for the reasons mentioned above.

With no official hate crime data existing in Australia it makes it difficult to draw too many conclusions on a victim typology. Even when there is official data the barriers faced with regard to factors such as under-reporting make the data a basic guide rather than a definitive tool. The implications of this lack of knowledge regarding the extent and typology of hate crime victims is the difficulty in establishing who is most at risk. While there is some research available, such as that of Mouzos & Thompson (2001), there are limitations to this type of study in that it can only focus on homicide and does not capture less serious offences that are more prone to going unreported by disadvantaged groups (Gerstenfeld 2004). While a lack of comprehensive data or information makes it difficult to develop anything even close to a definitive victim typology, certain theoretical perspectives can provide some insight into hate crime and one such perspective will now be discussed.

### **Structuralist criminology and hate crime**

Structuralist Criminology is a branch of Critical Criminology that provides a useful framework for studying hate crimes through its consideration of factors largely ignored by other theories. Structuralist criminology is primarily concerned with structures of power and how these structures are seen to be institutionalised. Although the ethnic majority benefit from these structures of power, it is generally a minority in the upper classes that has the ability to shape and mould these power structures. These structural relations are organised along both horizontal and vertical lines. However, structural relations organised along the vertical lines of power are of greatest interest to criminologists (Hagan 1988 p.1) and in particular this study. These power relations are also subject to change and it is this change in

power relations over time that is of interest to the structuralist theory (Hagan 1988 p.2). Perry (2001 p.49) indicates that these structures of power are unequally allocated along hierarchies shaped by dimensions such as race, class and gender. Perry (2001 p.49) further notes that these relations of difference are sorted and constructed in and through the overarching institutions of labour, power, sexuality and culture. These four institutions help to understand the *doing difference* framework developed by Perry (2001) that will be used to examine hate crimes in the course of this study. While Perry's framework demonstrates elements of structuralist criminological analysis it is also situated within the theoretical framework identified by Messerschmidt (1993) as structured action theory (as cited in Perry 2001). This framework and these four institutions will be referred to throughout this section and the remainder of this chapter in relation to the hierarchies that form power structures in countries such as Australia and the United States.

As Perry's (2001) overarching institutions of labour, power, sexuality and culture will be referred to throughout this section, defining these concepts or describing how Perry (2001) applies them is necessary. The concept of labour can be defined as worker's exchanging their labour power in return for wages, status and other job rewards (Kalleberg & Sorensen 1979 p.351). For Perry (2001 p.50), the concept of labour is used to analyse prevailing structures of inequality. Perry (2001 p.49) states that "because categorical differences between groups are seen to be accompanied by differences in capacities, there are also dramatic discrepancies in the place and treatment of groups in the context of labour". Essentially, by limiting education and training opportunities for minorities, adequate paying jobs can then be withheld on the premise that these minorities are incapable of filling them (Phar 1995 p.483). Therefore, by limiting the opportunities for education, and consequently restricting employment options to a range of relatively powerless positions, the powerful use the overarching institution of labour to maintain minorities in their subordinate position (Perry 2001).

The second overarching institution introduced by Perry (2001) is power. Power can be defined as encompassing "the ability to impose a definition of the situation, to set terms in which events are understood and issues discussed, to formulate

ideas and define morality, in short, to assert hegemony” (Connell 1995 p.107). Power is a broad concept and consists in the ability to set the terms of discourse and action, and impose a particular type of order (Perry 2001 p.50). However, the importance of power as a cornerstone of the politics of difference goes beyond purely economic concerns (Perry 2001 p.50). Consequently, the institution of power might be conceptualised in economic, social, political or cultural terms. As a result of being able to manifest itself in such a range of locations, power becomes an important structural feature of the relations within and between groups (Perry 2001 p.50). Perry (2001) indicates that power can be backed by force, but is much more successful in its role when exercised through legitimate means (e.g. law enforcement). These means could include ‘demonising the other’ through the media (and the role of culture here will be explained below) then having law enforcement take ‘control’ of the situation and this ‘other’. Importantly, it should be remembered, as Perry (2001 p.51) reminds us, that Foucault stressed that each form of power contains its own corresponding forms of resistance. The relations of power and resistance can be viewed as relations of struggle and hence why there is a concomitant notion of resistance, for example the struggle of crime contains the resistance illegality (Flynn 1998 p.142). In the struggle between groups in society the domination (ethnic, social, religious) of the ruling group is resisted by some minority groups.

Sexuality is the third concept and overarching institution presented by Perry (2001 p.51) and is seen as another major axis upon which structural patterns of inequality can be found. Each culture can be characterised by a series of definitions of appropriate and inappropriate sexual forms (Perry 2001 p.51). Messerschmidt (1993 p.73) notes that these definitions provide permissions, prohibitions, limits and possibilities with regards to partners, activities and objects of sexuality. This helps give rise to marginalising certain behaviours and identities at best, and stigmatising and demonising them at worst (Perry 2001). Ultimately, whatever is outside the definition or norm is considered deviant and in the end subordinate on the hierarchy of sexuality (Perry 2001).

The fourth and final overarching institution described by Perry (2001) is culture. Similar to sexuality, cultural artefacts and practices intersect with other structural patterns that give rise to relations of inequality. Culture is a crucial component in

the construction of structural patterns of inequality (Perry 2001). It is informed by, and in turn informs, other structures such as power and sexuality and it is within culture that we find the meanings, the significance and the roles assigned to self and other (Perry 2001 p.51). Culture is a vast complex concept, encompassing political discourse, ideological constructs, media representations and religious dogma (Perry 2001 p.51). Using these ‘tools’ culture acts to disseminate and normalise particular representations of groups in ways that help reinforce hierarchical structures (Perry 2001 p.52). Perry continues to describe the institution of culture by concluding that these particular representations of groups “are institutionalised in ideologies and stereotypes of racial or gender inferiority, in laws that marginalise or exclude particular groups and individuals, in media depictions that demonise the other” (Perry 2001 p.52). Overall, culture remains one of the most important of the four overarching institutions as it takes up the content of the other three institutions and gives them tangible substance (Perry 2001).

Now that these four overarching institutions have been presented, some time needs to be given to consider the notion of *doing difference* developed by Perry (2001), and how this helps inform the framework she developed that will also be used for this study. Although Perry’s (2001) discussion concerns the United States, it could easily be applied to Australia’s multicultural society. Rather than being melting pots and hubs for blended multicultural societies, Perry (2001 p.46) states that nations such as the United States are grounded in deeply embedded notions of difference that have been used to justify and construct intersecting hierarchies along lines of sexuality, race, gender and class. In other words, difference has been socially constructed, but in ever changing ways over time (Perry 2001 p.46). Therefore, Structuralist criminology maintains the idea that power structures denoting the order of the powerful in society, through to those with the least power, (and the power relations that inform these groups) are intersected along lines of sexuality, race, gender and class. These power structures are sorted and constructed through overarching institutions of labour, power, sexuality and culture (Hagan 1988; Perry 2001), which are controlled by a minority of the powerful. Within these overarching institutions, smaller institutions, such as education and employment (labour), the media and politics (culture) and law enforcement and the judicial system (power) exist.

To ensure the framework for this study is clear, from this point forward, the overarching institution of '*power*' described by (Perry 2001) will be referred to as '*control*' as used by Hagan (1988). Similar to Perry's (2001) use of the term '*power*', Hagan (1988) uses the term '*control*' in a broad sense and refers to agencies and smaller institutions that can be conceptualised in economic, social, political or cultural terms including the criminal justice system and government. Despite the framework developed by Perry (2001) being the main framework adopted for this study it is preferred to use the term '*control*' to discuss the same institution. The term '*control*' has been chosen to help avoid confusion when discussing '*power structures*' in society and how these are influenced by *labour, sexuality, culture and control (Perry's power)*. Discussing power structures in reference to the institution of power can bring with it confusion that is best circumvented.

Now that the key concepts to be used in this study have been introduced, the way in which this study will use structuralist criminology as a framework can be explained. This study is adopting a framework known as the *doing difference* framework developed Perry (2001) to explain how hate crimes can occur as a result of power structures. This framework explains that hate crimes occur as a result of people engaging in a process of forming their identity, which is done through the confines of structures and institutions such as the media. In doing so – to the extent that we conform to normative conceptions of identity – we reinforce the structural order (Perry 2001 p.55). However, not all people follow this pattern, and frequently people construct their identity and image through their gender, race or sexuality in a way that challenges or threatens socio-cultural arrangements (Perry 2001 p.55). People step out of line, cross sacred boundaries, or 'forget their place'. It is in this context that hate crime can often emerge as a means of responding to these threats. Perry (2001 p.55) argues that the tensions between hegemonic<sup>6</sup> and counter-hegemonic actors may culminate in violent efforts to reassert the dominance of the former and realign the position of the latter. Nevertheless, Perry (2005 p.228) also notes that minority on minority hate crimes can still fit in this framework as hierarchical conflict can still exist. Inter-ethnic violence between subordinate groups becomes 'a field of possibilities' for transcending race and class discrimination (Messerschmidt 1993 p.103).

However, one form of hate crime not considered or given credence by Perry (2001) is minority on majority hate crime (Hall 2005). This study will incorporate this type of hate crime into the framework by considering hate crime motives and offender typologies discussed earlier in this chapter. Minority against majority hate crimes occur either as a reactionary hate crime through the retaliatory motive (McDevitt et al. 2002), or through the 'problem family' offender typology where offenders experience a number of problems (health, aggression, persecution and rejection by society) and take out their constructed racist views on their oppressors (Sibbitt 1997). Therefore Perry's (2001) doing difference framework, which uses the principles of Structuralist criminological theory will be used to explore hate crimes and how they come to take place as a result of power structures and their effects on the roles of all actors (people and institutions) involved in these crimes.

Iganski (2008 p.12) suggests that Perry (2001) has very aptly conceptualised the process of 'hate crime' as 'doing difference'. In his study he indicates that the notions of difference are characterised by negative, deviant, inferior evaluations of the 'other' relative to the dominant norm and they serve to legitimise acts of violence against the 'other' (Iganski 2008 p.12). Iganski (2008) continues by reinforcing that the actions of hate crime offenders not only act out notions of difference, they also reconstruct the prevailing structures of oppression and reinforce the boundaries of difference. Each hate crime is another building block in the structural edifice of bigotry that in turn provides the context for the offender's actions (Iganski 2008 p.12). These sentiments that inform hate crime offending are woven into the structural fabric of society (Iganski 2008). Iganski (2008) provides general support for the application of Perry's *doing difference* framework, however he also highlights the role of the active hate crime offender and the rest of the community to which this offender belongs. He argues that those communities from which the perpetrators are drawn arguably share a collective responsibility for the offenders' acts (Iganski 2008 p.11). Those who offend might be different from the others in the respect that they act on their attitudes whereas others do not, but hate crime offenders are not that different from others in terms of the particular values and attitudes that they share (Iganski 2008 p.11). Part of Iganski's (2008) argument for this view is that the majority of hate crimes are

committed by ordinary people in the context of their everyday lives as opposed to out-and-out bigots who are members of organised hate groups who exercise their extreme hatred in pre-meditated violent attacks. Sibbitt (1997) suggests that there is a 'reciprocal relationship' between the racist attitudes of perpetrators and the wider communities from which offenders are drawn, and offenders see this as legitimising their actions. While the wider community shapes and legitimises the perpetrator's racism, the offender in turn serves the community in a vicarious manner by taking its collective views to their logical conclusion and acting them out (Sibbitt 1997 p.101).

As mentioned above, Iganski (2008 p.12) suggests that hate crime reconstructs the prevailing structures of oppression and reinforces the boundaries of difference, a notion that helps explain the plight of Indigenous Australians. One structure of oppression that has historically reinforced these boundaries of difference has been the criminal justice system, or more specifically the institution of policing. Even long after colonial times Indigenous Australians face day-to-day discrimination, racism and violence which continue to be employed as strategies for the maintenance of a law and order which sees the massive criminalisation of Indigenous people through the formal process of the criminal justice system (Cunneen 2001 p.8). Cunneen (2001) adopts the term 'neocolonialism' to merge the current continuities of policing in the colonial period with the political changes that occurred to Indigenous Australians in citizenship, equality and the rule of law. This term draws attention to the 'deep colonising' effects of criminalisation and the practices embedded in policing (Cunneen 2001 p.8). In relation to Structuralist Criminology Cunneen (2001 p.8) describes this deep colonising as the individual, social and economic effects of high levels of Indigenous juvenile criminalisation that almost ensures exclusion from social participation. There is social disruption to the family and community as well as economic effects on the family and young person as he or she is removed from any of the few employment opportunities that may exist (Cunneen 2001 p.9). This exclusion from social participation through the institution of the criminal justice system is a manner in which the notions of difference are reinforced, and how the prevailing structures of oppression reinforce the boundaries of difference.

While police and the criminal justice system have social and economic effects on Indigenous Australians to reinforce boundaries of difference there is also the creation of a new generation of Indigenous people constructed as criminal as a result of policing (Cunneen 2001 p.9). Young Indigenous people proceed into adulthood with a criminal record which ensures increased police surveillance; more punitive intervention by the courts; use of imprisonment resulting in the criminalisation and exclusion of another generation of Indigenous people (Cunneen 2001 p.9). High levels of criminalisation and imprisonment point to a country where the relationship between the state and its Indigenous minority is still overwhelmingly structured on neo-colonial basis of exclusion and dominance (Cunneen 2001 p.9). This focus by the criminal justice system on Indigenous people essentially keeps them outside the ruling majority and does help reinforce notions of difference by criminalising this minority. Ultimately as Ignaski (2008) suggests these structurally reinforce notions of difference and serve to legitimise acts of violence against the 'other' (Iganski 2008 p.12), specifically in the form of hate crime.

Hagan (1988 p.1) notes, that to perpetrate a crime (in this case a hate crime) is to exert power over others. This exertion of power is discussed by Polk (1994 p.204), particularly in relation to male violence against women, where this violence is an expression of male power used to reproduce and maintain male status and authority. However, this expression of power can take the form of a more dominant group exerting power over another group when they feel their place in the hierarchy is being threatened. An example of this occurred in Galveston, Texas in 1981, where a large population of Vietnamese fishermen started working in the town. This made other local fisherman feel threatened, as they viewed the practices of the Vietnamese as unfair competition. The Ku Klux Klan was invited to help and what followed was a several month campaign of hate crimes including property damage, intimidation and violence against the Vietnamese fishermen (Gerstenfeld, 2004 p.75).

In another context, there have been recent hate crimes and exertion of power (such as the Cronulla Riots) directed at people with a Lebanese and Muslim background in Australia. This is a result of the racialisation of some crimes, such as rape, by a select few offenders, and ethnic gang related crime reported by the media. In

particular, the war against Lebanese gangs has been instrumental in this regard. This war on Lebanese gangs was a result of different incidents but has widely been seen to have begun with the shooting at the Lakemba police station (the building was fired upon), which as suggested by Poynting et al. (2004), was declared to 'be an act of war' (Poynting et al. 2004 p.55). Over the next several years the metaphor of war was used several times by the media to describe the policing of Lebanese gangs (Poynting et al. 2004 p.55). This 'war' has led to hate crimes being committed against people of this background as a response to the perception that they are creating certain crime problems. However, this 'war' also helped justify incidents of hate crime where the ethnic minority (Lebanese or Muslim Australians) were deliberately targeting people perceived to be ethnic majority members (Caucasian Australians).

These two reactions to the crime war on Lebanese gangs can be conceptualised using Sibbitt's (1997) typology of hate crime offenders, with specific reference to the 'problem family' category, where offenders experience a number of problems (health, aggression, persecution and rejection by society). Their racist offending forms part of wider anti-social behaviour, which has likely played a role in hate crimes, a notable example being rapes of 'Aussie' women that have been committed by males of Lebanese, Pakistani and Middle Eastern backgrounds. These ethnic 'problem families' could be described using Perry's (2001) framework as being low on the hierarchy and powerless members of society intersected along the lines of race. The over arching institutions keeping these ethnic problem families in 'their place' are control, most notably through the police and criminal justice system, along with labour (lack of education and employment opportunities) and culture, where negative media representations of their ethnic group dominate. When news first broke in the tabloid media about a number of sexual assaults that had allegedly been committed by men of Middle Eastern appearance against women perceived to be Caucasian Australians, a moral panic and racialisation of crime began to develop. The ethnic dimension of these brutal attacks changed into something with much wider and more dire consequences, producing a spiral of hysteria and hyperbole in which reports of the number of alleged assaults rapidly escalated (Poynting, Noble, Tabar & Collins, 2004).

This type of criminalisation of race by institutions of the powerful, such as the tabloid media, can potentially spark hate crimes that may not otherwise occur. There were further rape trials with similar overtones (Regina v MAK; Regina v RS; Regina v MSK; Regina v MRK; Regina v MMK [\[2003\] NSWSC 849](#); REGINA v MSK, REGINA v MAK, REGINA v MMK [\[2006\] NSWSC 237](#); Regina v MSK Regina v MAK Regina v MRK Regina v MMK [\[2004\] NSWSC 319](#) revised - 30/04/2004)<sup>7</sup> all of which contained highly inflammatory components. These rape cases involved four Pakistani brothers as the offenders where the differences in cultures were suggested by the defence as explanation for the offending. It is difficult to pinpoint a particular motive although some aspects of the crimes indicate either a mission type or retaliatory type motive. However, these motives cannot be conclusively identified from media reports. For example, some mission motive tendencies can be seen in the way the offenders justified the sexual attacks and believed the victims did not deserve to be treated with respect because of the promiscuous way that they dressed. Likewise, these crimes also contained some suggestion of retaliatory motive in response to the general and deliberate targeting of Muslims by the media and police in response to ‘the war’ against the Lebanese in Sydney (Poynting et al. 2004) at the time. Inflammatory ingredients such as these crimes all contributed to the occurrence of incidents like the riot at Cronulla beach and subsequent revenge attacks during December 2005, where a number of violent hate crimes involving offenders and victims from both Caucasian and Middle Eastern backgrounds ensued.

The descriptions of events above, detail how when power structures of oppression exist, as they do in Australia, any general shifts in the structures or resistance from minority groups can threaten the status quo of the majority, especially at a local community level. If there are newsworthy crimes that reflect badly on one of these oppressed minorities, the majority can once again feel threatened and feel something must be done to combat this crime problem. Institutions dominated by the powerful, such as the media, can play an influential role in forcing governments to make significant changes to the legal system or legislation (Hagan 1985). Hagan (1985 p.90) has highlighted how powerful the media were in influencing legislative changes in the areas of alcohol, drugs and prostitution (in the U.S.A). The powerful therefore can use these institutions to create these moral panics to influence change. A moral panic is a period during which a particular

social threat, whether it be a condition, a crime or a social group, is identified and subject to public debate and sustained media coverage (Cohen 1973 cited in Poynting et al 2004 p.11). A number of social actors including politicians, journalists, experts and a range of moral entrepreneurs, articulate and evaluate the social threat and its consequences for moral and social order, and offer solutions which may form the basis of governmental responses to the condition (Poynting et al 2004 p.11).

One moral panic involved the threat of the Middle Eastern male and involved high profile cases such as Bilal Skaf, a heinous gang rapist who initially received a record 55 year prison sentence for his crimes after considerable media coverage of the case, along with large public outcry. The rape cases of the four Pakistani brothers mentioned above saw legislation introduced by the New South Wales Government during their case so that the accused could not personally cross-examine the victim, again after much public outcry and media attention<sup>8</sup>. Despite these crimes being of a most heinous nature and much of the public outcry being somewhat warranted, the discussion of them was embedded in a racial discourse. If it had not been embedded in this discourse, the same legal and legislative changes may never have occurred. This threat, as raised by Hage (1998), is further emphasised by the fear that the control over the national space that has been taken for granted in the past has now been lost to this 'unruly other' (cited in Kendrick 2006 p.6). Here the example of the Cronulla riots is relevant. In the end, all of this moral panic can lead to violent hate crimes with varying motives, depending on the stage of the moral panic. It is important to stress that hate crimes and moral panic, as discussed here are complex, multi-layered social phenomena, whose explanation is not immediately apparent (Poynting et al. 2004 p.22). The panic is not simply about Muslims per se, but a whole raft of issues and concerns, which largely emanate from within Australian society, but which are projected onto external groups or internal marginal ones (Poynting et al. 2004 p.22). This was also the case with the anxiety expressed towards refugees and terrorists during the period following 'the race rapes' panic (Poynting et al. 2004 p.22).

Criminology has yet to come to terms with the phenomenon which has become known as hate crime (Perry 2001 p.46). Despite this, Perry (2001) feels that the structuralist theory is useful as a corrective to the tendencies of many theories to

neglect the political dimensions of crime (Perry 2001 p.41). She believes that hate crime must be understood as one among an array of mechanisms by which deeply ingrained sets of power relationships are maintained (Perry 2001 p.46). As mentioned previously, notions of difference have been used to justify and construct intersecting hierarchies along lines of sexuality, race, gender and class, including constructions that have reinforced parallel practices of exclusion and marginalisation (Perry 2001 p.46). The secret to the success of socially constructed divisions is that they have become naturalised and hegemonic, to the extent that they appear natural; they are taken for granted (Perry 2001 p.46). Solomos (1989) argues that in Britain such difference is justified not as silently but naturally through the media and channels of communication. Black people in Britain were increasingly portrayed through the media (in the early 1980s) and other channels of communication as an enemy from within and a threat to the cultural and political values of the nation (Solomos 1989). Similar to Australia in recent years, those at the top of the power structure in Britain at the time (members of the white majority during the 1980s) could use cultural institutions, such as the media, to portray black people in Britain (who were causing much social unrest by resisting the taken for granted power structures) as a threat to the 'rest' of the nation. Ultimately, the concept of a moral panic is useful here, where the actions of a few minority group members are generalised as characteristic of all members of that minority group.

The theory of hate crime as a tool, discussed by Perry (2001) and Hall (2005), describes how perpetrators attempt to reaffirm their perceived dominance when subordinate groups attempt to 'better their lot' and threaten the 'natural' relations of superiority and inferiority within society (Perry 2001 p.56). However, Hall (2005 p.78) points out some oversights in this theory in that it masks a number of complexities associated with individual offences, offenders and, indeed, victims. Effectively, he highlights several problems. The first is, if hate crime is used to sustain the privilege of the dominant group, then the implication appears to be that members of a dominant group can only ever be offenders, and conversely that members of minority groups can only ever be victims. The second is to suggest that every hate crime is always about maintaining power, which is arguably too simplistic. Power can be expressed in various ways and to differing degrees so that no two motivations for hate offences can ever be said to be truly identical

(Hall 2005 p.79). This is reinforced through the findings of previous researchers (Golden et al. 1999) and the development of various motivational categories through different studies (Levin & McDevitt 1993; Franklin 2002; Byers & Crider 2002; McDevitt et al. 2002). Despite these flaws raised by Hall (2005), Perry (2001) believes perspectives associated with Critical Criminology consider factors such as these power relations and dominant structures that other theories simply ignore. To further address these issues the framework being adopted in this study has been expanded to consider minority on majority hate crimes.

Other authors use Perry's (2001) theories to help explain support from the dominant majority for certain hate crime incidents. Poynting's (2006) paper on the 2005 Cronulla riots highlights that the day after the riots, two thirds of callers to radio station 2GB (an often controversial talk back radio station due to radio hosts such as Alan Jones) supported what happened at the riots. Poynting (2006) argues that to understand how this support might have occurred, it is worth considering Perry's (2001) comments on hate crime involving the state and the permission to hate. Perry (2001 p.179), remarks that by using state structures for ethnically targeted operations, such as those on ethnic crime gangs, this form of state harassment provides a model for the ethnic majority to hate targeted minorities. Perry (2001 p.179) believes that the state provides the model and permission for people to hate. Therefore, this is why Poynting (2006) believes that the reaction to the Cronulla riots is not surprising, considering the models and permission the state has provided for hating Middle Eastern minorities.

It is worth exploring the 'permission to hate' further and the links with structural power imbalances. Poynting and Perry (2007 p.161) describe how state practices, policy and rhetoric have often provided the formal framework within which hate crime – as an informal mechanism of control – emerges. Practices within the state, at an individual and institutional level, which stigmatise, demonise or marginalise traditionally oppressed groups, legitimate the mistreatment of these same groups on the street (Poynting and Perry 2007 p.161). Poynting and Perry (2007 p.161) note that the role of the state in legitimating hate crime is inextricably linked to its role in the politics of identity making and in the construction of difference. Poynting and Perry (2007) further indicate that domination, which is embedded in the structural institutions of the media and the labour force applies to the

construction of hierarchies of race and ethnicity as much as it does to class. Therefore the notion of the permission to hate is an important concept for this study due to its focus on racial, ethnic and religious hate crimes while using structuralist theory and Perry's (2001) doing difference framework to examine these types of crimes.

Hagan (1988 p.96) argues that the powerful are capable of using institutions such as the legal system (institutions of control) to disadvantage certain minorities or those further down the power structure. This is suggested in his research where drug offences are singled out as a crime for which race is an element affecting the severity of sentences that can be distributed, particularly with black or African American figureheads in drug syndicates or 'big dealers'. This was emphasised in Hagan's research where a former Assistant US Attorney noted that the world of drugs is not only racially but also ethnically stratified (Hagan 1988 p.96).

For an Australian example of this situation consider the Cronulla riots once more. After the moral panic and negative reactions to the Cronulla riots from both the Middle Eastern minorities and the larger white Australian majority, some clear discrepancies started to arise through state structures. As Poynting (2006 p.90) notes a young Lebanese Australian male was sentenced to three months in prison for burning the Australian flag, an act the symbolism of which meant the emotional injury was amplified, according to the sentencing magistrate. At around the same period a young Caucasian male was arrested in a car found to contain numerous weapons, including riot helmets, a knife, and a drum of petrol; and in his room a handgun (unlicensed), smoke grenades, capsicum spray and mace were discovered and a computer with internet links to white supremacist groups. Despite all this, he was still granted bail. This was also despite the fact the New South Wales government had reversed the presumption of bail in riot cases (Poynting 2006 p.90). However, Poynting (2006) does not indicate whether this Caucasian male was eventually sentenced after his trial.

The two events described above portray how power structures shaped by dimensions such as race can be impacted by institutions under the control of those high in the power structure hierarchy (Perry 2001). The Lebanese male, who burnt the flag, represents a clear danger to the social order (benefiting those high in the

power structure) of the country, resulting in this problem being dealt with by means of a prison sentence. The white youth, on the other hand, did not pose a threat to the social order of the powerful and this ‘threat’ did not have to be dealt with in the same manner. Hagan (1988 p.8), among other authors (Kleck 1981; LaFree 1980), provides another perspective on the discrepancy between cases such as these two, again considering the actions of the powerful are influenced by race. He notes that some offences are often ‘intra-racial’, such as homicide and assault, and when these involve a black (or Middle Eastern) offender and victim, the less powerful positions of the non-white victims often combine with paternalistic attitudes of white authorities to justify lenient treatment of the offenders. In contrast, when rape is more ‘inter-racial’ with, for example, black (or Middle Eastern) offenders violating the high sexual property value of white victims combined with the challenge to the prevailing racial order and racial fears of white authorities, severe penalty can be justified (Hagan 1988 p.8). Referring back to the case mentioned above with the flag burning by the Lebanese male, he committed a crime that had inter-racial qualities. He burned the flag that belongs to the Australian people (especially the White-Caucasian majority) all along the power hierarchy and therefore those higher on this structure were going to ensure this penalty was made to be severe. Using the concept of social inequality (e.g. power differentials) from structuralist criminological theory, it is possible to explain the official reactions to these two cases.

## **Legislation in Australia**

### *Outlining the legislation*

Whilst there is much variation in the different types of hate crime laws that exist around the world, generally, Mason (2009) argues that they fall into three categories: ‘*Substantive offence model*’ this model includes a diverse range of provisions that criminalise conduct that promotes, incites or is motivated by prejudice or group hate. This model also provides the ability to elevate a civil matter to a criminal offence in certain circumstances (e.g. serious vilification laws in New South Wales, Queensland, South Australia and Australian Capital Territory); ‘*Penalty enhancement model*’ those that impose a structured system of increased penalties for hate crimes (this is probably the most common model and has been enacted in Western Australia, the UK and many states in the US); and ‘*Sentence aggravation model*’ those that specify group hatred or prejudice as an

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aggravating factor at sentencing (e.g. New South Wales) (Mason 2008 p.187; Mason 2009 p.329). There are examples of all three types in Australia at present (see Figure 1) and some jurisdictions have models that can be classified into more than one of the three categories. However, it should be recognised that hate crime laws in Australia are largely subsumed into anti-discrimination/racial vilification laws. The main differences between the general criminal laws and the anti-discrimination/racial vilification laws is that the latter of these elevates the civil wrong of vilification to a criminal offence in certain circumstances (Mason 2010 p.7) where as the former is already considered a criminal offence. Serious vilification occurs if an offender incites hatred, serious contempt or severe ridicule towards a specified group by threatening physical harm or inciting other to do so (Mason 2010 p.7).

*Figure 1: Overview of hate crime legislation in Australia*

<b>Jurisdiction</b>	<b>Statute</b>	<b>Main sections</b>
New South Wales	<i>Anti-Discrimination Act 1977</i>	20B-20D
	<i>Crimes (Sentencing Procedure) Act 1999</i>	21A
Western Australia	<i>Criminal Code Act Compilation Act 1913</i>	77-80J
Northern Territory	<i>Sentencing Act 1995</i>	6A
ACT	<i>Discrimination Act 1991</i>	66-67
Commonwealth	<i>Criminal Code Act 1995</i>	80.2
	<i>Racial Discrimination Act 1975</i>	18C-18D
South Australia	<i>Racial Vilification Act 1996</i>	3-6
Queensland	<i>Anti-Discrimination Act 1991</i>	124A & 131A
Victoria	<i>Racial and Religious Tolerance Act 2001</i>	7-12 & 24-25
	<i>Sentencing Act 1991</i>	5

Source: McNamara 2002; Updated with AUSTLII 2009; Australian Hate Crime Network 2011.

Although similar in many respects the subtle differences between *racial vilification* and *hate crime* need to be considered by defining racial vilification before the terms are used interchangeably. However, it needs to be acknowledged that legal definitions of hate crime were avoided in the discussion at the beginning of this chapter, but in the case of racial vilification, legal definitions are more applicable. This is largely a result of racial vilification being used more

commonly as a legal term. Racial vilification has been defined by the Australian Human Rights and Equal Opportunity Commission's National Inquiry into Racist Violence as:

The use of words, writing, images or behaviour to stir up hatred in others against a group or groups of people identified by race, colour, descent, or national or ethnic origin. (as quoted in McNamara 2002 p.10)

The definition adopted by the Australian Law Reform Commission in its report on *Multiculturalism and the Law* more accurately captures the breadth of the term racial vilification:

Incitement to racist hatred or hostility, or racial vilification, encompasses words, whether speech or writing, and actions and gestures that promote hatred, hostility, contempt or serious ridicule of a person or group of persons on the ground of colour, race, ethnic or national background. (as quoted in McNamara 2002 p.10)

Although Australian racial vilification laws are heavily concerned with the incitement element of hate crimes where verbal or written gestures (e.g. graffiti) are used, they are just as concerned with the actions (violence) committed as a result of hatred. Therefore for ease of discussion the generic reference to 'hate crime' laws will continue to be used.

Since 2004 Western Australia has had the most extensive hate crime laws in Australia, which include substantive offences and sentence enhancement provisions (Mason 2008 p.187). However, the Western Australian laws only apply to race whereas sentencing provisions in New South Wales apply to religion, race, ethnicity, language, sexual orientation, age and disability (Mason 2008 p.187). Most Australian states, including New South Wales, Victoria, Queensland, South Australia and the Australian Capital Territory have also created a criminal offence of 'serious vilification' under anti-discrimination law (in addition to the civil wrong of vilification) (Mason 2008 p.187). Despite there being some similarities between legislation in many of these jurisdictions, the various statutes provide for a diverse range of approaches to the regulation of racial vilification and hate crime generally (McNamara 2002 p.6). Two respects in which the various pieces of legislation differ (without factoring in the differences in Western Australian law) are: that there is considerable variation in the breadth of coverage, that is, in the definition of what sort of conduct is prohibited or rendered unlawful; and that the

statutes vary in terms of the regulatory mechanism adopted for enforcement of the standard established by the legislation (McNamara 2002 p.6). Overall, Australia faces similar challenges to the United States in that jurisdictions vary considerably in terms of what and how the respective hate crime laws operate in the different criminal justice systems.

One rare example of when the Australian laws came into practice involved the first person in Western Australia who was prosecuted under these laws in June 2006. The defendant was an Indigenous teenage girl (Higgins & Buckley-Carr 2006). As white males are often the prime offenders in the US, this case provides a particular contrast due to the offender's gender and race. The offender assaulted a young Caucasian female and allegedly called her a 'white slut'. As discussed throughout this section, the verbal name calling constituted the offence under the anti-vilification laws. If the offender in this case were an adult, she could have faced up to five years in prison. Fortunately, upon receiving a plea of 'guilty' the court dismissed the racial vilification charges on the grounds they should be reserved for severe offences, not name calling (Johnson 2006: 6939).

#### *Proponents and critics of legislation*

In recent years, there have been a number of commentators on the problems associated with the hate crime legislation, particularly the penalty enhancement model of hate crime legislation. Morgan (2002) is one author, who has criticised this model of hate crime law and raised the inherent flaws it possesses. The identification of specific groups as victims of crimes which may qualify as hate crimes under the penalty enhancement model is the approach Morgan's (2002) critique of these laws takes. She does note that most opposition to this type of hate crime legislation however takes one or more of the following approaches:

- 1) the inherent problems involved in establishing the *mens rea* of the offender;
- 2) arguing that singling out hate as a motivation which deserves special punishment is discriminatory and ignores, for example, the pernicious social consequences flowing from crimes motivated by other emotions, such as jealousy or greed, and;

- 3) that enhanced penalties for hate crimes are undermining the democratic right to equality before the law for offenders.  
(Morgan 2002 p27)

The first of these critical approaches concern the problems involved with establishing *mens rea* of the offender. In almost all recorded hate crimes, the victims cited remarks from the offender(s) as evidence for classifying the offence as a hate crime (Harlow 2005) and establishing *mens rea*. Without this verbal evidence establishing a *mens rea* for hate can prove difficult when enhanced penalties are a possibility.

To counter criticisms associated with the problems in establishing the *mens rea* there are instances where no verbal statements are required, such as with the Burge drive-by shooting case (Gartrell 20<sup>th</sup> December 2006). This incident (see case *Burge & Anor -v- The State of Western Australia* [2006] WASC 171) occurred in Australia in 2000 and would most likely be eligible for hate crime status according to US hate crime laws. Burge used a shotgun to fire a single shot at a group of Indigenous Australians, who were gathered in a park, although it was, according to Burge, 'a prank gone wrong,' there were clear racial motives attached to the shooting, in that the shotgun was fired only because they were Indigenous Australians. In this case Burge did not yell out racist comments before firing his weapon, and no verbal statement was required to determine the racial elements of the crime.

Anti-vilification laws in Australia, have also met with controversy over the years due to the perception that they breach the right of freedom of speech. The implied freedom of political communication that exists in Australia extends much further than simple political discourse (Fisher 2006). Justice Kirby of the High Court of Australia emphasised this when remarking on a case (*Roberts v Bass*) by stating,

“that the implied freedom of political communication extends its shields to offensive, subversive and even outrageous speech and that this is a measure, as well as a test, of our commitment to the cardinal principle that, in an open and democratic society, freedom of speech or political communication should be uninhibited” (Fisher 2006 p.21).

This view, although not in the context of a hate crime case, still supports critics of such laws who argue that such a regulation is a breach of our freedom (Fisher 2006).

Racial vilification is unlawful in most states and territories in Australia (Fisher 2006 p.21). There is much argument over benefit or detriment of anti-vilification laws to Australia echoed by authors such as Morgan (2002) and Mason (2008). Morgan's arguments have already been presented throughout this chapter, including her concerns surrounding legislation that excludes particular victim groups. Mason (2009 p.326) has a different opinion from Morgan (2002) and indicates that by including some groups, such as paedophiles, this can actually stall the social justice goals of hate crime legislation.

Mason (2009 p.329), as noted earlier in this chapter, describes hate crime legislation in Australia as being classified into three sub-categories: penalty enhancement model; sentence aggravation model; and substantive offence model. Mason (2009) has one of the most developed critiques of Australian hate crime legislation and highlights issues with its current status in various jurisdictions. An important criticism by Mason (2009) surrounds the substantive offence model, the most prominent model in Australia. Mason (2009 p.331) indicates that this model in the Australian context has a cumbersome prosecution process, partly as a result of it being situated within discrimination law. She elaborates further by commenting that in New South Wales the police play no formal role in investigating serious vilification, instead referral is made to the Director of Public Prosecutions via the President of the Anti-Discrimination Board. This problem is clearly evident in the fact that at the time of writing this article Mason (2009 p.331) noted that there had never been a conviction for serious vilification in Australia, let alone a prosecution.

There are further points raised by Australian proponents, such as those raised by Mason (2009), that have not been substantially considered or discussed in the American literature presented in this chapter. Peter Wertheim (a former president of the NSW Jewish Board of Deputies and a Sydney lawyer) on the ABC's radio show *The Law Report* (24/09/2002) and Associate Professor Luke McNamara (2002) are two Australians who raise points not considered in the American debate. Wertheim highlights the simple premise that freedom of speech is indeed sacred but it is not an unlimited right. He further explains that there are laws against defamation, just as there are laws against perjury and laws against

shouting “Fire” in a crowded cinema (when there is none). He states that these laws have also been around a very long time and that such laws were developed in response to social needs. These points highlight the fact that although critics of Australia’s anti-vilification laws argue they breach our rights of free speech, the fact is there are already several forms of speech regulation in place within Australian law.

There have been critical comments made by some authors, such as Factor (2002) that all anti-vilification and hate crime laws accomplish is to push racism and racist views underground. An interesting comment by McNamara (2002) is that this is probably the best place for racism to be, that this is a place where it is likely to cause the least harm. McNamara (2002) continues by stating:

The distinction here I guess is one between aiming to reduce the harm associated with racism, that is, to reduce the likelihood that individuals will experience discrimination or violence or exclusion on the basis of their racial or ethnic identity, and on the other hand, hoping to change people’s attitudes or beliefs about race and racism. The latter is an enormously difficult thing to do, and I would be the first person to say there are significant limitations on the capacity of legislation to achieve that. But I think if it can be established that laws have a role to play in reducing the level of harm associated with expressions of racism, then they are serving a useful purpose, irrespective of whether or not we can see a connection between those laws and ultimately changing broader social attitudes, because there will be other forces set alongside these laws I hope will contribute to the change in our social attitude. (McNamara 2002)

McNamara (2002) however admits that although addressing racism at its roots would be the ideal option, effectively putting this into practice is an incredibly difficult thing to accomplish.

### **Policing of hate crimes**

Although the role of police and hate crimes has been touched on earlier in this chapter, direct consideration of the role police play in monitoring, solving and reducing hate crimes needs consideration. Over the past two decades there have been a number of reforms made within Australian policing agencies. The changes, which the New South Wales Police Force has made in order to improve police-minority relations, will be used as an example. Chan’s (1997) research, which examines the dynamics of change and resistance within a police organisation

when reforms were introduced to improve relations between police and minorities, will be considered. Her research involved a case study based on three sources of data: a survey of police officers by means of questionnaire; semi-structured interviews with key informants; and a content analysis of a large number of official documents (Chan 1997 p.5). A great deal of structural change has occurred at the administrative, educational and operational levels in order to promote positive change in the police culture (Chan 1997 p.220). Unfortunately, as focus shifted away from the top levels of the organisation, the picture became much less positive as there was little change in attitude among the lower ranks (Chan 1997 p.220). In the mid 1990s police attitudes towards visible minorities was varied, but the majority of police felt that police officers were generally not prejudiced (Chan 1997 p.220). These positive views and attitudes towards the success of the reform were generally voiced by higher ranking police, whereas the views of reform at the lower levels were somewhat unknown (Chan 1997).

Unfortunately, over the next decade there were a number of high profile racialised events in NSW including the shooting of Lakemba police station followed by a crackdown on ethnic gangs, the Bilal Skaf rape cases, the TJ Hickey death in Redfern (and subsequent riot) and the Cronulla riots. Incidents such as these may have reduced the impact of the reform to promote positive change in the police culture. In addition to the media's prejudice and moral panic concerning ethnic minorities these factors placed police in a delicate situation among visible minority groups within the Australian public. The wider impact of these incidents is a subsequent growing distrust between the police and young ethnic minorities. The more of these incidents that take place the more difficult it is to repair relations between the police and young ethnic minorities and only further builds on a creeping level of mistrust that already existed (Poynting et al. 2004 p.218).

Police have always had to overcome a level of mistrust from marginalised minority groups if they are to be effective in policing hate crimes. Research in Australia and abroad has documented a significant degree of mistrust of the police among gay and lesbian hate crime victims (Rayburn et al. 2003 p.1211). Other authors, such as Comstock (1991), noted that many gay and lesbian hate crime victims, who decline to file a police report, often experience or perceive the police to be anti-gay. This kind of reluctance is not surprising considering the abundance

of research (Landrine & Klonoff 1996; Landrine et al. 1995; Utsey & Ponterotto 1996 & Thompson 1996) that has been conducted which highlights prejudice and negativity in the general community, which stigmatised groups such as Jews, homosexuals and African Americans (in the United States) often face from the wider community on a regular basis. Therefore, fear of encountering negative reactions from police, that they may often already experience generally, is why certain minority hate crime victims may be reluctant to report their victimisation to police.

Bayley (2002 p.83) argues that in order to stem hate crimes, police need to contribute to creating an environment that lessens the likelihood of hatred in interpersonal violence from occurring. He argues that this is not implausible and can be achieved by police, backed by government, by being fair, effective and open in all their activities. He recognises that police cannot be expected to develop programs that will eradicate prejudice directly and that they will also have great difficulty in overcoming their own learnt biases (Bayley 2002 p.84). Despite this, he supports the idea that police can contribute to minimising hate crimes through contribution to multicultural comity by increasing the trust people feel in living together through setting a positive example (Bayley 2002 p.84). Ultimately, by being fair, effective, accountable, and open, police can demonstrate that membership in the polity is beneficial, regardless of race, ethnicity, language, religion, gender or nationality (Bayley 2002 p.90).

Even if the issue of police minority relations is not under consideration and procedures exist for recording hate crime, there can still remain procedural concerns at the policing level. A violent offence of assault, sexual assault and robbery, even when hate motivated, may not be interpreted as such by the responding officer. One responding officer may interpret police guidelines relating to the identification of hate crimes differently from another officer (Gerstenfeld 2004). Therefore, the hate motivated element of the crime has the potential to go unrecorded. The ability to measure the extent of hate crimes then becomes quite difficult.

Ultimately, issues with recording hate crimes can be seen as three tiered: problems in identifying hate crimes; problems in assessing motive; and problems

with police decision making processes when assessing whether a crime is a hate crime (Gerstenfeld 1992 cited in Berk, Boyd & Hammer 1996). The type of violent offences identified by this study, are reported frequently each year in Australia, with more than 175,000 recorded assaults in 2007 (AIC, 2009). Therefore, even with an organised recording procedure for hate crimes the likelihood of under-reporting or incorrect reporting remains high. Many authors have commented on how law enforcement statistics can be used as an approximation of the prevalence of hate crimes, but they ultimately rely on the willingness of the hate crime victim to report the offence to police (Herek 1989; Herek Cogan & Gillis 2002; Kuehelne & Sullivan 2001 cited in Saucier et al. 2006 p.891) and the ability and willingness of police to categorise the crime as a hate crime (Berk, Boyd & Hammer 1996 cited in Saucier et al. 2006 p.891).

### **The media and hate crimes**

The media play an integral role in reporting, monitoring and shaping views around hate crime and, although they have already been discussed throughout this chapter in relation to other matters, some explicit discussion needs to be provided on this topic. In one U.K. study the role of the media was found to be crucial in the development of prejudice among the participants of the study (Hall 2005 p.33). The media provided much of the material that these participants use to justify their beliefs, and these media stories are frequently held to be accurate and independent thereby corroborating the individuals view (Hall 2005 p.33). In recent years the existence of hate crimes has become much more evident to the public due to the high level of media attention received by some crimes which incorporate a racialised element to the offence. Even before the highly publicised events containing racial overtones, the media have often been criticised for developing prejudice within the community. In Australia, specifically, during the first Gulf War the role of the media in precipitating vilification and violence cannot be underestimated (Fraser et al. 1997). The type of reporting by the media during this Gulf War generated much racism towards the various Muslim communities and was the first stage in moral panics generated by the media in relation to these minority groups.

In Australia, the print and television strands of media have often generated much of the public prejudice and moral panics aimed at specific minorities, although at

times, and this has already been highlighted in this chapter, talkback radio has been just as effective. During the Gulf War, talkback radio hosts, such as John Laws and Alan Jones, who have also been heavily criticised for their stances on crimes containing racialised elements, were engaging in, and promoting racist commentary about the Gulf War crisis (Fraser et al. 1997). In the UK context, Hall (2005 p.33) comments that the media provide much of the material that individuals use to justify their beliefs and these media stories are presumed to always be accurate and independent. With the above comments in mind, it is little surprise that with a number of high profile cases in recent years involving racial overtones, the media has had little trouble in generating a moral panic and, worse, a widespread public prejudice against certain minorities, such as Muslims. In addition to this, rather than helping us to understand conflicts or explore complexities in a multicultural society, much of this news fuels notions of 'nationalism' and 'otherness', which are at the heart of populist racism (NSW Anti Discrimination Board 2003).

Even before the Skaf brothers rape cases and the September 11<sup>th</sup> attacks on the United States by Al-Qaeda, the media were already assisting to develop moral panics against the Muslim communities with the fear of the rise of ethnic Muslim gangs. However, as discussed earlier (Poynting et al. 2004 p.22), the media are not solely the cause of layered complex phenomena such as moral panic. After a period of police pressure and negative media reports surrounding young males from minority ethnic groups (including Lebanese) in areas such as Bankstown, Punchbowl and Lakemba, in late 1998, the catalyst for the anti-Muslim prejudice in Australia, which has been discussed throughout this chapter, occurred when there was a shooting of Lakemba police station in November 1998 (Collins et al. 2000 p.1). Graham Richardson of 2GB talkback radio was quoted as saying that it was 'about time police got stuck into these people' (Collins et al. 2000 p.42). The shooting also generated the use of the term 'un-Australian', which has been used in many similar contexts since then. This could be viewed as the beginning of the anti-'Muslim gang' discourse in the Australian media.

Although the September 11<sup>th</sup> terrorist attacks on the United States were a monumental event in generating prejudice in the Western world against Muslims, in examining the Australian context, more focus will be given to the Skaf

brother's rape cases. This is due to the closer alignment these rape cases have with hate crimes perpetrated against individuals as opposed to a whole nation of people or government. The Skaf rape cases were notorious not only in New South Wales but all across Australia, and coupled with the sentencing that was attached to the crimes and the lack of remorse by the defendants, these rape cases led to a media frenzy. These cases generated hundreds of news articles giving saturation coverage to the trials and issues that were associated with them, along with scores of opinion columns, editorials, letters to the editor, radio talkback discussions, television news and current affairs items (Poynting et al. 2004 p.116). Bilal Skaf was sentenced to a total of 55 years to serve at least forty of those years (Warner, 2004 p.349). This case reignited the topic of hate crimes in Australia, in relation to race, ethnicity and religion. This renewed focus has been a result of a combination of factors, including political implications (immigration issues), interest from the general public and the media, with all media outlets responsible for the attention these crimes have received, even after the cases have been finalised.

The 2005 Cronulla riots provide another example of the power of the media in relation to exposure of hate crimes and also in their ability to shape government policy with respect to related matters. As Poynting (2006) points out, after the beating of the lifesavers at Cronulla, the *Daily Telegraph* newspaper, embarked on one of its common and classic morally outraged campaigns and demanded a tough crackdown on 'hooligans' like the Middle Eastern assailants. The Labor government of New South Wales responded to this tabloid crime fear campaign with the expected aggressive stance on law and order that this particular government had taken over the prior decade. Premier Morris Iemma proposed a twenty-five year maximum gaol sentence for assaults on life savers (Poynting 2006). These incidents help highlight the important role the media, and to a lesser extent, politicians play in monitoring, reporting and sometimes generating racial violence in Australia.

## **Conclusion**

The literature presented in this chapter provides an overview of hate crimes in Western countries such as Australia and the United States. The term hate crime and the various attempts at defining it by numerous academics (Herek 1989;

Mason 1993; Sheffield 1995; Levin & McDevitt 1999) and the occasional government research body (U.S Department of Justice 2008) were presented first. This initial exercise immediately sets the scene for discussion of the complexity, and to some extent, ambiguity of what constitutes hate crime and the multifaceted nature of this type of crime. The difficulty with defining the concept of hate crime extends from a long history and diverse nature of hate crimes in Australia and similar countries, such as the United States. Authors such as Lutz (1987) and George & Wilcox (1996) highlight the long historical plight of hate crime victims through examination of organised hate groups, such as the Ku Klux Klan in the United States during the 19<sup>th</sup> and 20<sup>th</sup> century. In Australia, although not as well known or documented as some of the American examples, authors such as Hollinsworth (1998) establish that racism and hate crimes were evident in Australia as far back as the 19<sup>th</sup> century, and this is not factoring in the treatment of Indigenous Australians by early settlers. Whether in recent years or decades ago, the impact of hate crimes and the effect they can have on a community, particularly one dominated by negative views of a victim's race, ethnicity or religion was also explored in this chapter. Many authors raised the issue of hate crimes being particularly destructive to both the individual and the community at large (Johnson 1991; Aneshensel 1992, 1996; Rayburn & Davison 2002; Saucier et al. 2006).

This chapter examined the motives behind hate crime offending by considering the few studies that had attempted to develop a typology of motives. Whilst several studies have attempted to develop motivation typologies, McDevitt et al.'s (2002) is possibly the most comprehensive. They developed a typology with four main motive types including: thrill-seeking motive; defensive motive; retaliatory motive and; mission motive (McDevitt et al. 2002 p.311). The differences and often similarities among the three types of hate crimes (racial, ethnic and religious) being examined here were then considered. What was confirmed was that ethnicity is a complex concept (McGoldrick, Giordano & Garcia-Petro 2005 p.7) that is often combined with both race and religion when hate crimes are being reported by the media or discussed by academics.

Not only was a typology of motivations explored in this chapter, but so were typologies of hate crime offenders and victims. Some authors warned that

offenders came from a diverse range of backgrounds, making it difficult to develop any meaningful typology (Craig 2002). Despite this, using results gained from several studies, a preliminary offender typology was described as being young, white and male, coming from an impoverished background, having little contact with the criminal justice system and, importantly, not belonging to an organised hate group (Gerstenfeld, 2004; Craig, 2002; Nolan, Akiyama and Berhanu 2002; US Department of Justice 2002). However, while not the norm, there was considerable literature in this chapter to also confirm that hate crimes include attacks by minority on minority group members and minority on majority group members. For the victim typology, no specific themes were noted, with Hall & Whitaker (1999) indicating that victims of hate crimes may be of any age, racial group, gender or sexual orientation. Hate crime statistics were examined from the United States and these had to be viewed with caution, like all crime statistics, as a result of the challenges that exist in recording them accurately. For example, factors such as over and under representation of certain groups, whether categorised on racial, ethnic or another identifying criterion had to be considered (Perry 2001).

The body of theories to be used in this study, relate to structuralist criminology, and were explored and discussed in connection with hate crimes. The power structures that exist in Australia, according to structuralist criminology, are intersected by factors such as race, class and gender, and shaped by four main overarching institutional bodies: labour (education and employment opportunities); control or power (government, legal and criminal justice system including police and prisons); culture (media and politics) and sexuality in order to maintain social order and keep the powerful at the top of this hierarchy (Perry 2001; Hagan 1988). Examples of these power structures were explored using race and how certain racial minorities were at times seen to be a 'problem'. This type of problem was referred to using several cases from both Australia and the United States. How legislation, along with institutions, such as the media and the criminal justice system, were used to control this problem and maintain the social order were also discussed. Overall, structuralist criminology, and in particular Perry's (2001) *Doing Difference* framework made it possible to define and examine hate crimes in a manner which other theories cannot.

Relevant hate crime/vilification legislation was discussed, with the three main models in Australia described by Mason (2009 p.329): penalty enhancement model; sentence aggravation model; and substantive offence model. The common issues arising from these different models were focussed on including the differences and discrepancies between jurisdictions (Mason 2008; McNamara 2002; Morgan 2002; Lawrence 1999) and how this can make clear discussions about hate crime laws difficult and cumbersome. The arguments from supporters and critics of these models and relevant legislation were then raised with cases from Australia referred to in order to provide some practical examples.

The role police play in relation to policing hate crimes and their relationships with ethnic minority communities was examined. For police the ever constant challenge of gaining the confidence of certain minority groups who are susceptible to hate crime victimisation (gay & lesbian, racial and ethnic minorities) is important to ensure that no hate crimes go unreported (Rayburn et al. 2003; Landrine & Klonoff 1996; Utsey & Ponterotto 1996 & Thompson 1996; Landrine et al. 1995). Unfortunately the information provided throughout this chapter from Indigenous disadvantage and the role of the criminal justice system (Cunneen 2001) to the 'war on Lebanese crime gangs' (Poynting et al. 2004) indicates that it is an ongoing challenge for police to maintain the groups' confidence. In addition to this the problems police have in identifying and recording hate crime, compounded with poor relations with some ethnic minorities has important implications. These implications include an under-reporting of hate crime leading to a lack of knowledge regarding the extent and typology of hate crime victims. This in turn makes it difficult to establish who is most at risk.

The role the media plays is just as important as that of the police but with, unfortunately, a much more negative impact. Some authors stated that negative stereotypes and biases of participants in their studies had been developed by the media (Hall 2005; Fraser et al. 1997). More concerning are the moral panics the media have the ability to help generate regarding certain ethnic minorities (Poynting et al. 2004) with examples being considered throughout this chapter. These examples include those relating to Middle Eastern Australian males and range from the Lakemba police shooting to the Skaf brothers rape cases where the

media have successfully used these events to create a moral panic about this ethnic minority. This then leads to prejudice from both the ethnic minority and the dominant majority which ultimately escalates to incidents such as the Cronulla riots, which then the media use to create even wider moral panic. The implications of the role of the media include the impact on any positive efforts made by police, but most importantly creating attitudes among some social groups, the most vocal of which can then influence the government. Overall the negative role that the media plays with regards to prejudice and hate crime in Australia cannot be overstated.



## **Chapter Three**

### **Methodology**

In this chapter the methodology utilised in this study will be discussed. First, a brief description of the study and the reasoning behind the choices that helped shape the research will be given. The methodological rationale for the questionnaire (essentially a survey attached as an addendum to the DUMA study) will be examined in detail, as will the sample used, along with the techniques adopted in analysing the data. Finally, the ethical considerations of the study and its limitations will be discussed.

There was one data collection method used: a questionnaire with forty-five questions was administered to 965 respondents. The chosen methodology was designed to gather data in nine major locations across Australia to identify offenders' motives for offending, with a focus on hate motivations. The questionnaire was attached to the core survey from the Australian Institute of Criminology's Drug Use Monitoring in Australia (DUMA) program. Therefore, many research considerations, such as the sites chosen to administer the questionnaire and personnel to administer it, were already predetermined by the DUMA program. Those able to participate in the questionnaire were also predetermined by the type of detainee arrested by police. For example the type of participant was always more likely to be male; over 18 years of age (only two DUMA sites interview juveniles); and a reflection of the overall demographics of the location where the DUMA site was situated (which will be considered in this chapter). Through this process, a sample of detainees from nine major police stations and watch houses across Australia was accessed.

The questionnaire being used provides quantitative data taken across a two month time frame (early July to early September 2006). The opportunity to access a large sample of offenders (normally a difficult group to reach) made this research method the most effective. Champion (1993 p.57) notes that decisions about selecting the best research design must be made by considering the weaknesses and strengths of each design relative to the others. As the number of recorded violent offences ranges well into the tens of thousands each year in Australia

(Australian Bureau of Statistics 2004), the use of this research method is beneficial compared to other methods because of the large quantity of data it is likely to produce.

The chosen methodology will be used, “*to identify and assess the extent of hate crime offenders (and their motivations) among Australian detainees*”. Hate crimes, where offenders select their victims according to their race, ethnicity and/or religious backgrounds, are the focus of this study. While this research had been planned before December 2005 it is worth highlighting the impact key incidents such as the Cronulla Riots may have had on this research methodologically. Cronulla is particularly worth noting for multiple reasons: Cronulla contained violent hate crimes based on victim’s race, ethnicity and religion; DUMA sites such as Bankstown in Sydney contain large proportions of Middle Eastern Australians; and above all this key incident may influence some of the findings.

There were other reasons for choosing the DUMA survey methodology. These included the strength of the DUMA program, which is a well recognised, reliable research program and one of only a handful of Australian studies that currently gathers data from criminal offenders. Additionally, the DUMA program is a well designed, long term project that will facilitate the best possible response rate among participants as well as minimising any possible errors or unforeseen issues that may have arisen in a less established research project. The majority of hate crime studies have focussed on *victims* as the research participants due largely to the difficulty involved in accessing offenders as participants. In light of this gap in the literature, a further strength of this study is its *offender* focus, although offenders as *victims* will also be studied.

## **Questionnaire methodology**

### *Questionnaire design*

The questionnaire used (see Appendix 1) was devised specifically for the study, and was not an adaptation of a validated, standardised questionnaire. It incorporated a combination of ‘fixed response and open-ended items’. The questionnaire was attached as an addendum to the Drug Use Monitoring in

Australia (DUMA) core questionnaire used by the Australian Institute of Criminology to obtain data on a number of issues relating to drug use, including the relationship between drug use and crime in Australia (Mouzos & Smith 2006).

The addendum was designed in a similar fashion to other sections of the core DUMA questionnaire, using a grid design (see Appendix 1 for layout of addendum). There were 18 questions relevant to this study asked from the DUMA core questionnaire (see Appendix 6). There were a possible 41 questions relevant to this study asked in the addendum, depending on the answers provided. In total there was a possible 59 questions that could be asked in relation to this study. The aim of the design and wording of questions in the addendum were to elicit data on offenders' motivations in property crime, robbery and violent crime. Every effort was made to ensure the questions were unbiased, unambiguous, not excessively long, nor leading (Miller & Whitehead 1996). The addendum was essentially split into three columns for the majority of questions. These were labelled 'property crime', 'robbery' and 'violent crime'. In Part one of the addenda the first row of questions asked the respondent if they had committed the relevant offence for each column in the past twelve months. This was essentially the check question for the survey. If the respondent answered 'no' to all three columns they were then directed to skip to part five of the addendum. The next question was only asked for offence columns where 'yes' was indicated in question one regarding the original three offence categories (property offences, robbery, and violent offences). In this question the frequency with which the offender had committed the offences was asked (five options are provided, ranging from less than once a month to once or more per day). The third question asked required the detainee to specify which of the offences listed they committed most often. This question was not asked for the robbery column as 'robbery' was the only offence included in this column. The offences included in the property category were stealing/shoplifting, break and enter, motor vehicle theft, fraud, trading in stolen goods and property damage. The offences included in the violent category were assault and sexual assault.

Part two of the addendum (see Appendix 1) asked the detainees sixteen questions about their reasons for committing the offences (there were a possible 21 questions that could be asked that were relevant to this study – F through to L).

Each question utilised a four point Likert scale in order to identify the most important reasons for committing the crimes. The responses used in the scale were (0) Not at all; (1) A little; (2) Quite a bit; (3) A lot. The questions ranged from motives not the focus of this study, in that they were associated with needing money for drug related and non-drug related purposes; to others that were more applicable, including peer and emotion related motives, such as 'You lost your temper' and 'You were urged to do it by your friends'. Goldstein's (1985) classification of drugs-violence connections informed the choice of some drug related motives to be included. The Psychopharmacological (violence due to the direct acute effects of the drug on the user) and Economic-compulsive (violence committed instrumentally to generate money to purchase drugs) classifications were specifically influential in this regard. Motives identified in the hate crime literature were used in the formulation of the DUMA addendum. Levin & McDevitt (1993), Franklin (2000) and Byers & Cryder's (2002) work on the thrill-seeking motive for hate crimes signified the need for questions about motives relating to young offenders and 'boredom', including motives such as 'urged by friends' and 'did it for kicks', to also be included. Due to the nature of the questionnaire being focussed on two different areas (drug use and hate crimes), both hate crime authors and drugs and crime nexus authors, such as Goldstein (1985), were used to develop the motives included in part two of the addendum.

Part three of the addendum was much more focussed on drug related motives than any other part and was the Psychopharmacological classification developed by Goldstein (1985). The effects of the specific drugs taken were explored to determine what effect they had on the detainee and what role they played in the detainee committing the offence.

Part four was the main part of the addendum related to this study and contained a possible 12 questions of relevance. If detainees had committed a property crime, robbery or violent crime, they were asked if they committed these crimes based on the victim's physical appearance (i.e. Black, White, Asian, Arabic), the victim's culture (the way they dress, speak, act), the victim's religion, the victim's sexual orientation (homosexual, lesbian, bisexual) or, less relevant to this study, because the victim was high on illicit drugs or drunk on alcohol. If the detainee indicated

that they committed the offence based on any of the first four motives they were then asked to specify the physical appearance, culture, religion or sexual orientation of their victim. The question was given serious consideration through consultations with other researchers at the Australian Institute of Criminology and by piloting the addendum for a four day period at the Brisbane collection site. It was one of the most important questions in the survey. Although this study is primarily concerned with violent crimes, the implications of the results about any possible hate motives from the property crime category were also reported.

The final part of the addendum was one also related to this study (containing only a possible maximum of three questions) and involved *victimisation* of the detainee over their lifetime on the basis of hate motives. This was thought to be an important part to include for the following reasons:

- 1) Although the primary focus of this study is on offenders, it would be negligent not to have information on victimisation when information could be elicited from detainees as offenders and/or victims. Also, the opportunity to identify those who had been both offenders and victims is important in detecting any suggestions of retaliatory motivated hate crimes (McDevitt et al. 2002).
- 2) To ensure that some relevant information was gathered from all detainees, as not all detainees would have offended in the previous twelve months, which then immediately excludes them from answering any other questions in this addendum. Although the majority of detainees had been or were in the process of being charged and processed they had not yet been found guilty and sentenced by the courts and therefore may not have actually committed any offences. Also, some detainees may have been detained but not charged, such as intoxicated detainees being held under the relevant intoxication acts for each jurisdiction.
- 3) The perceived problems associated with people, specifically detainees, being truthful about their offending, was another reason why it was thought to be useful to have questions relating to victimisation. The detainees may be more willing to answer questions about victimisation than about offending.

Two questions were asked about victimisation, both verbal and physical, (of a family member or themselves) over the respondent's lifetime. If victimisation was indicated respondents were then also asked to specify why they thought they had been victimised. This longer time period for victimisation was chosen, along with family inclusion, in order to help gauge any cycle of violence that might exist. Other studies have shown a strong cycle of victimisation and violence in general among criminal offenders who have experienced violence as children and in early adulthood (Crime and Misconduct Commission 2007). Although this may differ for hate crimes it was worth exploring considering the dynamics of the retaliatory hate crime motive developed by McDevitt et al. (2002).

Questions from the core questionnaire (see Appendix 6 for descriptions of these questions) have also been used in this study. These questions relate to the socio-demographics of the detainees, including gender, age, education and employment status. Some other questions on drug and alcohol dependence, and violent criminal histories, were also included in this study in order to help explain whether any hate crime motives could be co-explained by intoxication or tendencies for general violent behaviour. These were the only questions used from the core questionnaire.

### *Sampling*

The sample for this study included 965 respondents from a possible 1,067 detainees from the nine sites around Australia: Bankstown and Parramatta in New South Wales; Brisbane and Southport in Queensland; Adelaide and Elizabeth in South Australia; East Perth in Western Australia; Footscray in Victoria and Darwin in the Northern Territory. The response rate of 90%, demonstrates the benefits of attaching the questions for this study to a well established research program like DUMA. This response rate was even higher than the 85% standard response rate that DUMA often achieves.

The locations where the respondents were interviewed are either police stations or police watch houses and can vary greatly depending on the site. These DUMA sites are also all very different in demographic profile and require some further examination to establish the differences between the nine sites. This examination is important as the demographics of these DUMA sites may influence some of the

results obtained. Some key demographics relevant to hate crime will be presented from the nine DUMA sites including population; Indigenous status; born in Australia; only English spoken at home; median age; weekly median individual income; and weekly median rent. These figures will provide a picture of the general wealth of the DUMA site, employment prospects, age breakdown and importantly the ethnic diversity of each site.

**Table 1: Australian Bureau of Statistics (ABS) Demographic profile of DUMA sites<sup>abcd</sup>**

Site	Population	Indigenous Status	Born Australia	Only English spoken at home	Median Age	Median Income	Median rent
Adelaide (SA)	1,105,841	12,461	781,447	889,589	38	447	165
Bankstown (NSW)	170,489	1,123	96,675	74,199	35	372	220
Brisbane (Qld)	956,128	12,938	664,325	763,062	34	556	240
East Perth (WA)	1,445,077	21,327	889,329	1,155,256	36	513	180
Elizabeth (SA) <sup>e</sup>	-	-	-	-	-	-	-
Parramatta (NSW)	148,324	1,200	76,704	72,311	34	443	227
Southport (Qld)	472,280	5,676	313,706	397,022	37	476	260
Darwin (NT)	105,990	10,260	74,982	81,407	32	682	200
Footscray (Vic)	11,401	47	4,512	4,367	33	352	160

a) a) ABS LGA Community Profiles were used for Bankstown; Brisbane; Gold Coast (Southport); Parramatta

b) ABS Statistical Division Community Profiles were used for Adelaide and Darwin

c) ABS Major Statistical Division Community Profile was used for Perth

d) ABS State Suburb Community Profile was used for Footscray

e) Elizabeth profile was combined with Adelaide due to close proximity

Source: Australian Bureau of Statistics 2006 Census Collection – Community Profiles [computer file]

The above demographics provide some important information for the results chapters however first some explanation regarding the demographic data is required. While ABS data was the obvious source for this profile breakdown the DUMA sites do not always match up perfectly with the area classifications employed by the ABS. For this reason the site of Elizabeth<sup>9</sup> was merged with Adelaide as the two sites are relatively close and receive some population overlap (i.e. some detainees in Elizabeth will be from Adelaide and vice versa). In

addition to this some wider population demographics were selected (e.g. Perth) as this watch house in Perth services the wider city of Perth as opposed to the smaller suburb known as East Perth.

Regarding some of the specific demographic profiles, Darwin had the highest proportion of the population identifying as Indigenous (9.7%) and no other sites had more than two per cent Indigenous population. The sites located in the larger cities of Sydney and Melbourne had greater ethnic diversity present. All three sites had less than 60 per cent of their population born in Australia with Footscray (40%) having the lowest proportion, followed by Parramatta (52%) then Bankstown (57%). Again these same three sites were the only sites to have considerable proportions of their population speak a language other than English at home. In all three sites more than half of the population spoke another language at home with this being most common at Footscray (62%), followed by Bankstown (56%) then Parramatta (51%).

Considering demographics for age, income and cost of living there were clear distinctions between the DUMA locations again. The sites of Adelaide (including Elizabeth) and Southport (Gold Coast) had the oldest median age (38 years and 37 years old respectively). Darwin had the youngest median age of 32 years old. Weekly median income was considerably lower in Footscray (\$352) and Bankstown (\$372), the same two sites that had the highest proportion of ethnic diversity. However, weekly median rent prices, an indicator of cost of living, was lowest in Footscray (\$160) closely followed by Adelaide (\$165). These demographics provide some interesting points for consideration in the results chapters including:

- The high proportion of Indigenous people from Darwin that may impact the DUMA sample;
- The high proportions of Immigrants from Footscray, Bankstown and Parramatta that may impact the DUMA sample and;
- The lower income population from Footscray and Bankstown that may be included in the DUMA sample.

It is worth highlighting here that the populations in these four DUMA sites are typical of police property (Reiner 2009). Specifically, Indigenous and Immigrant populations are more likely to come into disproportionate contact with the police

and therefore to be included in a sample of police detainees. However, participant numbers from the DUMA sites of Footscray, Bankstown and Parramatta are often small as they operate out of police stations as opposed to large watch houses. Therefore, while the concept of police property will be further explored in the results chapters, no further detailed breakdown of DUMA sites will be conducted due to some locations regularly having small samples.

Participants for the DUMA program are selected according to a multi-step process. Detainees, who have recently been arrested and charged, remanded, or held at the police station as part of due process (e.g. held under the relevant intoxication acts for each jurisdiction), are approached by police. The majority of detainees are those who have just been arrested and charged and, after the formal police procedures have been completed, police inform the detainee that someone wishes to speak to them.

Police officers only mention that someone wishes to speak to the detainee, they are not meant to provide any further details. Detainees are only approached if they can be considered suitable. This decision is usually made by the police, but can also involve a co-operative decision making process between police and interviewer. There are a range of reasons that detainees may be considered as unsuitable. These include: those not available due to watch house constraints; those in the process of being taken to court; those in the process of being released; those, who have a medical condition preventing them from participating; those, who are too violent, and therefore a security risk; those who are too intoxicated; those who have limited English language skills; and those who were booked over 48 hours ago (this is due to the dissipating level of drugs in the detainee's urine after 48 hours has elapsed). At no time are police meant to inform the detainee of the purpose of the research or of its general focus. This information is left to the trained interviewer to explain to the detainee. Although police may ultimately decide whether someone is or is not suitable to participate in DUMA, interviewers generally have developed a strong rapport with police and therefore also have some influence on deciding the suitability of a detainee.

Interviewing conditions vary by location and some locations allow for more flexible conditions for interviewing, with potentially more dangerous detainees being able to be interviewed. This also means the potential sample sizes at some

sites can be larger because at these slightly more dangerous (potentially at least) detainees can be interviewed. For example, the Brisbane site, which is the Brisbane city watch house, involves the interviewer and the detainee being separated by a clear transparent divider providing more flexibility regarding interviewer safety with possibly violent detainees. Other sites, such as Parramatta, are more restricted in facilities. The Parramatta site is the Parramatta police station, which is much smaller than any watch house, and here the interviewer sits at a table with the detainee to conduct the interview. Conditions at locations such as this mean interviewer safety is more problematic, limiting suitable participants. These location differences make the Brisbane sample of detainees differ not only in size from other sites, but also to have included more potentially violent detainees than sites where interviewer safety is more problematic.

Only subjects that are considered suitable for the Australian Institute of Criminology's DUMA project were chosen. As previously mentioned, detainees may be unsuitable for a range of reasons, including being too violent or aggressive. For this particular study, as for some elements of the main DUMA study, it is unfortunate that overly violent and aggressive detainees were unable to be interviewed as they may be the sample which could provide the most useful data, but interviewer safety is paramount.

To further compound this situation, criminological research has shown consistently that many people, who are victims of crime (property and violent), do not report those crimes to the police (Johnson 2005) and that clearance rates on some crimes are very low. As a result, offenders, who are detained by police, are a subset of the total population of offenders (Makkai 2001). This is particularly true for sexual assault offenders (an offence that experiences some of the lowest reporting rates), who comprise one of the offence categories of interest in this study.

The other factor, which must be considered about this particular sample, is that these detainees were in the first stages of the judicial system. Most had been arrested and charged, some were on remand, and some had been recently sentenced, whilst a small percentage had been issued with interim orders or had not been charged, but had simply been detained for questioning. Therefore, many

of these detainees were offenders in the eyes of law enforcement, but may not have actually been found guilty by the courts. When considering this sample of offenders, it should be kept under consideration that some of the detainees may not have been guilty of the offence for which they had been charged. Despite some of the limitations identified in the selection of this sample, it is presently the only study on hate crimes to be conducted in Australia that utilises detainees as the sample group and its attachment to the DUMA research has meant that a significant sample size was able to be accessed.

#### *Administering the Questionnaire*

The Australian Institute of Criminology employs five different consultancy companies to administer the questionnaire face-to-face. For this study the same protocol had to be adhered to as for the DUMA study as the interviewers used by the AIC have been trained to interview the detainees and already have a rapport with the police officers at each site. Interviewers undertake training prior to any data collection period in order to further develop their skills both in general and specific areas. These regular training days allow interviewers time to train for any new questions or addenda that will be used in the following collection period. Utilising this system results in a high response rate (Champion, 1993).

The questionnaire used as part of this study was administered by a total of five consultancy companies (NSW (1); WA (1); Qld (1); NT (1) & SA/Vic (1)) over an eight week time period (9<sup>th</sup> July – 3<sup>rd</sup> September 2006). It was administered in the first four weeks in some sites, whilst in other sites it was administered in the last four weeks of the period. The Victorian site was the only site that was collected during the middle four weeks. This was done because the same consultancy company that conducted interviews in both South Australian sites also conducted the interviews at the Melbourne DUMA site.

Once a detainee was approached by police and identified as suitable for interview, the detainee was then taken to a secure interview room by an interviewer and told about the research. The information statement (see Appendix 2) included details such as:

“The Australian Institute of Criminology is conducting some government funded research about drugs and crime. The

research wants to get the views of people who have been brought into the criminal justice system, which is why we would like to interview people who are here at the police station”.

It also included the key statements that the information cannot be linked back to the detainee and that the urine sample provided cannot be used for DNA extraction. These statements were important as some detainees can be reluctant to provide urine specimens or participate in the research at all, due to fears of DNA sampling. On this point, the information statement read as follows:

“After we ask you a few questions, we would like to get a urine sample from you. The urine specimens are sent to a laboratory not connected with the police and will be destroyed immediately after the tests have been conducted. THIS INFORMATION CAN NEVER BE LINKED TO YOU. The urine sample cannot and will not be used for DNA extraction. The published results of the research will not include any information about particular individuals who have helped us with this research.”

If the detainee agreed to participate in the research the interview was conducted in a DUMA designated location. Bankstown police station, for example, has an interview room for police matters, which DUMA interviewers are able to utilise. This provides privacy for both the interviewer and detainee, whilst police monitor the room using closed circuit television and interviewers are also fitted with a distress alarm for safety purposes (no interviewer has had to use the distress alarm to date).

Although this method of research was chosen as the most suitable, there were still a number of possible flaws that had to be overcome in order to make the questionnaire successful. As noted by Miller & Whitehead (1996), an issue in survey research is the accuracy and honesty, or validity, of self-report data. Specifically, when considering the validity of self-report data from offenders, Miller & Whitehead (1996) note several possible problems, including: wanting to cover up their criminal acts; fear of reprisals from authorities; questioning the assurances given by the data collectors that the questionnaire is anonymous and confidential; suspecting that the data collector is somehow actually working for the authorities. Despite the concern about reliable answers from offenders, only a small percentage of detainees have ever been recorded as unreliable or lying during previous DUMA surveys. There is a question asking interviewers their impression of reliability and honesty regarding the detainee's responses. This method and the years of experience held by many of these interviewers assist in

making this check procedure as reliable as possible. Interviewers in the DUMA program have reported the impression that, as respondents have the option to stop the interview or not answer any questions they do not wish to answer, many detainees appear to simply not answer questions rather than falsify information. In addition to these validity checks, the detainee does not have to undertake the survey in the first instance and there is never any pressure on them to do so. This voluntary participation helps rule out unreliable answers from detainees, who might falsify information if forced into participating in the DUMA study.

Another concern with this type of research is whether the detainee feels comfortable with providing answers regarding their offending. There is the possibility of receiving a poor response rate due to offenders not wanting to answer questions of a sensitive nature, which is also another reason for avoiding signed consent (see Israel & Hay 2006). The respondent has only to be sensitive on the matter asked about for withholding to occur (Belson 1986 p.19). The addendum was structured to make the offender feel as comfortable as possible, with further reinforcement of aspects such as the assurance of confidentiality and that no information would be used against them in any legal manner and that the questions were not being asked about the offence for which they were currently being detained. An important element to the addendum, with respect to the respondent and the AIC, was that it maintained some orientation towards the themes of drugs and drug use. This had to be done to ensure the AIC would benefit from this addendum (a condition of access) and to ensure that the theme of the addendum was sufficiently consistent with the main questionnaire, in order to keep respondents content to continue.

Although further reassurance of anonymity and confidentiality was given to the detainee (after the main questionnaire and before starting the addendum), the manner in which the first question in the addendum was structured is still crucial. Many detainees who do not fully complete the core questionnaire (of their own choosing) do so due to factors such as being too upset regarding their current charge or the nature of the questions being asked. This is why the first question of the addendum asked the respondent to disregard their current charge and asked about any other offences they may have committed in the past twelve months. The aim of this question is to put the respondent at ease, and also reduce the concern

when asking about motives for a current charge. This also avoided the pitfall of having the respondent state that he/she is innocent and had not committed any offence. The question was also specific about the phrase 'offences committed' to ensure that the respondent did not simply count the times he/she was arrested, but also asked for those offences for which he/she was not. This check question generates the sample of detainees, who were then asked about the motives behind their offending. Only those who answered 'yes' proceeded to parts two, three and four. All respondents were asked to answer part five.

Efforts were made to improve the quality of responses in the addendum for this study, through minimising the number of incomplete questionnaires. The DUMA program has generally been effective in the past with a total of 3,786 questionnaires being undertaken in 2005 and only three percent being incomplete (Australian Institute of Criminology 2006). Unfortunately, there are some problems with this type of methodology (self report offender questionnaires) that are unavoidable. In self report offender questionnaires there will unfortunately always be the unavoidable problem of offender accounts of committing crime being a self-focussed and self-interested perception of events, involving a subtle process of excusing the criminal behaviour (Indermaur 1995). In addition, the DUMA core questionnaire asks a number of questions that raise similar concerns, but fortunately have no great impact on the overall response rate. These questions relate to delicate issues such as mental health, trading sex for drugs or working in the sex industry as the main source of income and also about the detainee's supplier of drugs, including how they contact their supplier, among other sensitive questions. The questions about the detainee's supplier of drugs and where he/she obtains them are quite sensitive, yet the response rates for the questions still remain relatively high. The fact that detainees are prepared to respond to these questions helped quell any concerns about detainees not wanting to respond to questions relating to their motives.

Once the interview has been conducted, the detainee is asked if he/she is willing to provide a urine sample. If the detainee agrees to provide a urine sample, he/she is escorted by police to a bathroom. Some locations have better bathroom facilities than others and therefore have better response rates from detainees in this regard. If a urine sample is not provided (the detainee is reluctant to provide

one or is unable to produce), the respondent's answers are still used. The urine sample is important to the overall DUMA project, as the tests conducted for various drug types validate the self reported drug use. However, for the purpose of this study the urine sample is not vital. Once a urine sample has been collected, and the detainee is returned to his/her cell, the interviewer accesses police records to complete the front page of the questionnaire. This information includes charge details, date of birth, gender and other descriptive information.

Before questionnaires are sent to the Australian Institute of Criminology for data processing and analysis a checking process is conducted by the consultancy companies in order to minimise any recording errors in the questionnaires. Urine samples from all locations are then sent to the Pacific Laboratory Medicine Services (PaLMS) toxicology laboratory in Sydney. Once the questionnaires arrive at the AIC, processes of coding and entering the data begin. Data is initially coded, where needed, before being sent to an outsourced company for data entry.

When the data arrives back at the AIC it is then 'cleaned'. Cleaning the data involves several processes, including more sophisticated cleaning steps known as 'logic checks' where a computer program checks the data for any anomalies that might exist. Each site undergoes these processes individually and again collectively when the jurisdictional data sets are merged into the one larger data set at a later date. After these cleaning processes the data is then available to be manipulated through the generation of new variables and testing of the data using statistical models, such as logistic regression. The answers to the questions in the addendum used for this study also went through these processes.

### **Analysis and results interpretation**

The method of analysis for the data collection involved a number of stages. After the data has been collected, coded, entered and cleaned using the standard DUMA procedure, analysis by the researcher was undertaken. The statistical software package known as "Stata" was used to assist in the analysis of the data. Basic descriptive statistics were initially produced to provide key descriptive information about respondents, such as age and gender, as well as baseline frequencies for respondents committing hate crime. Responses were then further analysed, focussing on the offender profile and motivations, and violent hate

crime offenders with 'other' violent offenders and non-violent offenders. This comparison was done by cross tabulating key variables with one another, including gender, age, education, history of offending, history of violence, motivations behind committing the hate crime, and whether or not the offender had been a victim of a hate crime. Reported motivations for offending were examined carefully and compared with previous research explored in the literature.

In addition to this, in-depth examination was conducted on data from those respondents, who reported being a victim of a hate crime. Hate crime victims were compared with non-victims using key socio-demographics, similar to those used for the offender analysis. The reasons for victimisation were then explored using the more detailed responses from the open ended question, which asked the detainee why they think they were targeted (race, ethnicity and/or religious background). After analysis of the responses a more detailed analysis of detainees who were hate crime victims was undertaken (described below).

An extra component of analysis was conducted using Stata, to run a multi-variate logistic regression. The regression model focused on hate crime victims compared with non victims. The model was used to examine the risk markers for hate crime victimisation among this sample of police detainees. A risk marker, or risk indicator, is simply an attribute associated with an increased probability of occurrence of the detainee being a hate crime victim. A logistic regression is a useful way of describing the relationship between one or more risk factors and an outcome, in this case, the outcome being hate crime victimisation. Risk markers incorporated to examine any connection with victimization, included gender, age, ethnicity, race, employment status and violent offending history.

### **Ethical considerations**

All ethical considerations have been dealt with by the Australian Institute of Criminology, as the DUMA program is a well established and recognised national project. Through advisory steering committees it has close involvement with high ranking police and government officials as well as highly regarded academics in each jurisdiction. The Australian Institute of Criminology also has its own ethics committee (comprised of people from outside the organisation) and any study,

questionnaire or addendum must be approved by the ethics committee before being allowed to proceed (see Appendix 5). The Australian Institute of Criminology Ethics Committee approved the addendum, allowing it to be used as part of this study. The Charles Sturt University Ethics in Human Research Committee also approved the study and the addendum.

Nevertheless, there were some ethical considerations worth highlighting. These concerns though are presented here to the extent that they affect the research only. The Australian Institute of Criminology Ethics Committee approved the main DUMA questionnaire twelve years ago. The research designers addressed the following issues to the satisfaction of the ethics committee. The first of these ethical considerations is that no written consent is obtained from the participant, only verbal consent is required. The reason no written consent is collected is to ensure the confidentiality and anonymity of the detainee by not collecting identifying features (Israel & Hay 2006 p.68). It also helps put the detainee at ease, making them more willing to provide answers to otherwise sensitive questions. These sensitive questions are the other ethical concern for this study. Some questions relating to income derived from prostitution, questions about drug dependency and questions relating to the detainee's suppliers of drugs may be viewed as questions that raise ethical concerns. Fortunately, for the purpose of this study these questions were part of the core questionnaire and had no impact on this study. It should also be recognised that both the Australian Institute of Criminology Ethics Committee and Charles Sturt University Ethics in Human Research Committee were satisfied that relevant ethical issues have been addressed in/by the research design for this study.

### **Limitations of this study**

Some of the limitations of this study have been discussed throughout this chapter. They included the necessary exclusion of some (violent) detainees to ensure the safety of the interviewers. Other detainees were deemed unsuitable and not interviewed for a variety of reasons associated with the requirements of the DUMA research. Unfortunately, a number of these detainees would have been of interest, particularly those who were too violent, as they would have been prime targets for this study with its focus on a particular form of violent crime (hate crime). This issue, though, is one faced by the overall DUMA program and is

unavoidable due to a 'duty of care' to the detainee, interviewer safety and watch house or police station constraints. These were the main limitations of this research, and are boundaries set by the Australian Institute of Criminology for the benefit of the DUMA program. They had to be adhered to as a condition of access to the sample. The standard size of DUMA addendums and the number of questions allowed also constrained what could be asked and explored. Finally, as with all questionnaire surveys, the reliability of the responses gathered from the detainees was another possible limitation associated with this study. Despite these limitations, the opportunity provided by the Australian Institute of Criminology and the DUMA program for this research to be undertaken far outweighed any of the limitations.

A further limitation associated with this study was that the data collected is representative of only a fraction of the offending population in Australia. Despite the large sample size, it represents only a small proportion of all offenders in the country every year, let alone those passing through the selected police stations and watch houses every year (as DUMA is only conducted for a total of 16 weeks each year). In addition DUMA sites in larger cities of Sydney & Melbourne operate out of police stations as opposed to watch houses where smaller numbers of detainees are available to participate in the study. Essentially, this study employs a 'snapshot' sample of offenders in Australia, and, generalisations involving the offender population and their offending behaviour are then drawn from this snapshot sample. If a different data collection period was selected to run the study, different results might have been obtained. Any generalisations made must be considered with this data limitation in mind. The constraint on this project, in that it is utilising the DUMA project, meant that no further collection periods could be arranged, which may have offered different results than those that were obtained. Therefore despite the large sample size it is difficult to generalize the characteristics of an offender population from this sample. Nevertheless, with a sample size of 965 respondents taken from all mainland states and the Northern Territory, a substantial body of data is available for an exploratory study.

A final limitation worth considering is that in instances where complex analysis was not possible the general demographics of those individuals will reflect the

type of people most usually targeted by police activity. These results will be discussed in the following chapters. However, it must be recognized here that there were instances where complex analysis within the sample was not possible. Therefore these results will simply be the product of a sample effectively provided by that of police activity. While this is a clear limitation of the study it does not greatly undermine the overall results obtained. In some instances complex analysis was possible and despite the type of sample provided by standard police activity, this complex analysis is able to counter this limitation.

## **Conclusion**

This chapter provided an overview of the research methodology used for this study that will help identify and assess the extent of hate crime offenders (and their motivations) among Australian detainees. A description of how the questionnaire was attached as an addendum to the Australian Institute of Criminology's DUMA core questionnaire was also provided. This was followed with details about the questionnaire design, such as the number and types of questions being asked, and the type of information that each of the five parts of the addendum was attempting to capture. Some explanations behind the inclusion of some questions, such as those on victimisation were also provided. Sampling details of the methodology were then provided, including the site locations around Australia where the questionnaire was administered and the procedures involved in selecting the participants. Factors impacting on the sampling procedure such as the varying interviewing conditions were also highlighted.

Important processes for administering the questionnaires were presented next, including descriptions of the information sheet. Concerns surrounding the sensitive nature of some of the questions were also discussed, and the methods adopted to help counteract this issue such as ensuring the detainee was aware that any information they provided could not be used against them in any legal matters. The procedures involving the questionnaires being sent to the AIC and undergoing data entry and data cleaning processes were then described. The methods of analysis and interpretation were outlined including the use of the statistical software package known as Stata. Ethical considerations such as the sensitive nature of the questions being asked were then presented as well as how these concerns were addressed using appropriate ethics committees. Lastly the

limitations of this study were mentioned, such as how the most violent detainees had to be excluded from participation to abide by safety protocols despite the fact that this type of detainee would have been the ideal participant for a study examining hate crime. However, the chapter concludes with an important mention of how the sample size and geographical coverage of the study across Australia is a substantial body of data for an introductory study.

## Chapter Four

### Results

#### Overview

In this chapter some descriptive statistics based on results from the questionnaire will be presented. These results will include the overall sample size and responses from detainees in each of the nine DUMA sites. Results will be reported according to the order of questions in the questionnaire. Bivariate and multivariate analysis will be presented and discussed in later chapters.

#### Location & socio-demographics of sample

After the DUMA data was collected, coded, entered and cleaned, analysis was undertaken on the results for the third 2006 quarter (DUMA is collected on a quarterly basis every year). The target sample of 1,000 adult respondents was almost reached with a total of 965 adult respondents participating in the motives questionnaire (addendum to the DUMA core questionnaire). Of these, the largest sub-sample of respondents was interviewed in Brisbane (188) (see table 2) and the smallest sub-sample in Parramatta (43). Not all questions from the motives addendum were relevant to hate crimes and therefore to this study. Only those questions asked for the purpose of this study will be examined.

**Table 2: Respondents who participated, by site location.**

Site	Number	Percent
Adelaide (SA)	133	13.8
Bankstown (NSW)	77	8.0
Brisbane (Qld)	188	19.6
East Perth (WA)	148	15.3
Elizabeth (SA)	163	16.9
Parramatta (NSW)	43	4.5
Southport (Qld)	107	11.1
Darwin (NT)	55	5.7
Footscray (Vic)	50	5.2
<b>Total</b>	<b>965</b>	<b>100</b>

Source: Australian Institute of Criminology DUMA Collection 2006 [computer file]

The majority of the detainees who participated in the questionnaire were male (85%) which is consistent with the results regularly obtained from the overall DUMA program with 84 percent of the DUMA sample in 2007 being male

(Mouzos et al. 2007). The mean age of the sample of detainees was 31 years, with many of the detainees either being over 36 years of age (27%) or between the ages of 21 and 25 years (24%; see Table 3). However, considering the disparity in range covered by each of these two age groups (21-25 accounts for a scope of only five years) it is possible to conclude that much of the DUMA sample consisted of young males.

**Table 3: Respondents who participated, by age and gender.**

	Number		Percent	
	Male	Female	Male	Female
Under 17	8	3	1	2
18-20	106	20	13	14
21-25	199	29	24	20
26-30	146	26	18	18
31-35	141	29	17	20
36 +	217	41	27	28
<b>Total</b>	<b>817</b>	<b>148</b>	<b>100</b>	<b>100</b>

Source: Australian Institute of Criminology DUMA Collection 2006 [computer file]

### **Type of offending**

Although the main focus of this study is on violent crimes, the basic frequencies or descriptive results from questions about property offences will be presented for comparison. Respondents who reported committing a violent offence, robbery or property offence in the past twelve months completed questions on hate crimes and this group will be the focus of the following results reported. There were 353 respondents, who reported committing a crime in any one of these three offence categories in the preceding twelve months. Bearing in mind that respondents may have committed an offence in more than one of the three categories, the distribution of offenders among the three categories was: 138 violent offenders, 27 robbery offenders, and 264 property offenders. Reflecting trends from the DUMA study (see Mouzos et al. 2007), a large proportion of offenders reported committing property offences. In 2006, results from the overall DUMA sample included 28 percent of detainees being charged with committing a property offence at the time of undertaking the questionnaire, 28 percent indicated being

charged with a property offence in the prior 12 months (Mouzos et al. 2007), and for this study 25 percent reported committing a property offence in the prior 12 months (including offences not detected by the police). Within each offence category respondents reported committing a range of offences (see Table 4). Assault was the most common violent offence committed (97%) with stealing/shoplifting being the most common property offence (41%).

**Table 4: Offences<sup>a</sup> committed in the past 12 months<sup>b</sup>.**

Offence type <sup>c</sup>	Number	Proportion of offence category (percent)	Proportion of sample (percent)	2006 DUMA comparison <sup>d</sup> (percent)
<b>Violent Offences</b>				
Assault	132	97	37	38
Sex offences	4	3	1	1
Total Violent	136	100	38	39
<b>Robbery</b>	27	100	8	6
<b>Property Offences</b>				
Motor vehicle theft	20	8	6	2
Break and Enter	30	11	8	14
Stealing/ shoplifting	108	41	30	25
Fraud	18	7	5	4
Possess stolen goods	34	13	10	6
Property damage	53	20	15	5
Total Property	263	100	74	56
<b>All Offenders (n)</b>	<b>355</b>		<b>355</b>	<b>1,268</b>

a) Offenders could indicate more than one offence type

b) Does not include an offence they might be currently detained for

c) Includes offences committed but not detected by police

d) 2006 DUMA sample refers to offences charged within the past 12 months and is based on most serious offence

Source: Australian Institute of Criminology DUMA Collection 2006 [computer file]

### Frequency of offending

After reporting the type of offences that respondents indicated they had committed, it is necessary to examine the frequency of their offending (see Table 5). Violent offenders reported committing their offences less frequently than property or robbery offenders. For the offence of **assault** a majority of respondents (86%) reported that they were committing the offence ‘less than once a month’, whilst eight percent were offending ‘about once a month’ and five percent ‘about once a week’. The offence of **sexual assault** had few cases

reported and all offenders reported having committed the offence ‘less than once a month’ (this being the least frequent option – see Appendix 1).

**Table 5: Reported frequency of offending<sup>a</sup>, by offence type (percent).**

	Less than once a month	About once a month	About once a week	Two or three times a week	Once a day or more	Total Number (N)
<b>Violent offences</b>						
Assault	86	8	5	1	1	(131)
Sex offences	100	0	0	0	0	(3)
<b>Robbery</b>	59	11	15	11	4	(27)
<b>Property offences</b>						
Motor vehicle theft	55	15	10	10	10	(20)
Break and enter	57	13	7	13	10	(30)
Stealing/ shoplifting	34	13	22	20	11	(107)
Fraud	44	39	6	11	0	(18)
Possess stolen goods	24	24	18	26	9	(34)
Property damage	87	8	2	4	0	(53)

a) Excludes cases where frequency of offending was not specified

Source: Australian Institute of Criminology DUMA Collection 2006 [computer file]

For respondents, who reported committing **robbery** offences, the frequency of offending was similar to that for property offenders. It should be noted that robbery figures were small and should be treated with some caution. The majority of robbery offenders reported committing the offence ‘less than once a month’ (59%). Only four percent reported committing these offences ‘once a day or more’. Eleven percent of respondents reported committing robbery ‘about once a month’ and the same percentage ‘two or three times a week’, whilst 15 percent reported offending ‘about once a week’.

Those respondents, who committed general **property** offences, were likely to report that they committed these offences less than once a month (48%). Few respondents reported committing these offences daily with only 8 percent reporting ‘once a day or more’. The other categories were somewhat evenly dispersed with 15 percent reporting ‘about once a month’; 14 percent reporting ‘about once a week’ and; 15 percent indicating that they commit property offences ‘two or three times a week’.

For specific **property** offences (see Table 5), respondents who committed shoplifting or stealing, were more likely to be offending more frequently, with more than half (53%) indicating that they offended at least once a week. Those respondents **possessing stolen goods** were also likely to offend more frequently. The offences of **fraud** and **property damage** were far less likely to be committed frequently. The offences of **Motor vehicle theft** and **break and enter** were likely to be committed with some frequency, with approximately one third of the sample reporting these offences being carried out at least once a week.

### Motives for offending

For this study there were numerous questions designed to gather data about trigger motives for offending by respondents (see Table 6). Many questions regarding motivations were needed in order to be thorough. As Golden et al. (1999) point out, one individual's motivations for hate crimes will not be exactly the same as those of another individual. Motives not linked to hate and therefore this study will not be reported.

**Table 6: Trigger motivation for offending, by offence type (percent)<sup>a</sup>.**

	Violent	Robbery	Property
Did it for kicks/ enjoy the rush	15	40	32
Group of friends do this kind of thing	17	36	25
Lost your temper	78	48	30
Looking for revenge/ pay back	33	32	15
Urged to do it by friends	13	40	14
Bored looking for something to do	10	32	17

Source: Australian Institute of Criminology DUMA Collection 2006 [computer file]

a) Figures will not sum to 100 as respondents could answer more than one trigger motivation and offence type

Some motives featured far more prominently as reasons for violent offending than others. Seventy-eight percent of respondents who reported committing violent offences, reported that 'losing their temper' was at least partially to blame for committing their offence and 39 percent reported this as being the main reason for their offending. Another motive that featured prominently was the motive of 'revenge or payback'. Thirty-four percent of violent offenders indicated that this partially explained their offending, whilst 16 percent indicated it was the main motive for their violent offending. Although not technically a motive and rather more of an immediate cause for committing the offence it is still worth examining those who committed their offences on impulse. Two thirds of respondents (67%)

indicated that they were ‘acting on the spur of the moment/ didn’t plan [it]’ committing their violent offences. Although these impulsive reasons cannot be closely attributed to any hate crime motivation typologies discussed in this study (at least not as closely as those motivations mentioned previously), there is some hate crime connection with the ‘revenge or payback’ motive. The ‘revenge or payback’ motive, as broad as it is, is the same as the ‘retaliatory’ hate crime motivation developed by McDevitt et al. (2002 p.307) (p.23 of this study).

For all violent offenders, there were some motives that were slightly less common than others, with 15 percent of offenders responding affirmatively to the question that they committed violent offences ‘for kicks’ or because they ‘enjoyed the rush’. Similar figures were reported for those violent offenders, who reported that they committed the offence because ‘this was the type of thing their group of friends did’ (17%). Thirteen percent of violent offenders reported a peer pressure motive, in that they were ‘urged by their friends’ to commit the offence. Ten percent reported committing the offence because ‘they were bored or looking for something to do’. These slightly less common motives, although reported by smaller numbers of offenders, remain important in shaping discussion around hate crime motivations.

Despite many motives in Table 6 not usually being associated with robbery (they are not related to financial gain), the offence of robbery will still be examined. Surprisingly, the motives discussed in the table below were recognised as reasons for committing robbery by respondents more often than might be expected. The motive of ‘did it for kicks/ enjoy the rush’ was indicated as motivation for committing robbery 40 percent of the time compared with; ‘your group of friends do this kind of thing’ (36%); ‘lost your temper’ (48%); ‘looking for revenge/ payback’ (32%); ‘urged to do it by friends’ (40%) and; ‘bored/ looking for something to do’ (32%). The explanation of ‘acting on the spur of the moment/ didn’t plan it’ was indicated by 60 percent of robbery respondents as being a basis for their offending.

As with robbery, the motives relevant to this study are not entirely applicable to some property offences. Most property offenders indicated that these motives were not related to their offending. Again the only exception was for the

explanation of ‘acting on the spur of the moment/ did not plan it’, where only 39 percent indicated this explanation was not applicable for their offending. Thirty percent indicated this as a ‘main’ cause for their property offending, again suggesting that many of these offences are most likely opportunistic.

### **Hate crime offenders & victims**

This study did not identify a high number of hate crime offenders, particularly violent hate crime offenders. This may be a result of a number of methodological factors that were out of the control of the researcher. One of these methodological factors involves police detainees being fearful of potentially incriminating themselves. While measures are taken to ensure the detainees are aware that the information they provide cannot be used against them in any legal proceedings, this fear of incrimination is always a possible reason for the small number of self-reporting hate crime offenders. Results from the study indicated that there were a total of 12 offenders classified as committing hate crimes among this sample of detainees (*one detainee committed property, robbery and violent hate crimes and has been counted three times in Table 7*). There were six **violent assault hate crime** offenders, four being male and two female and the two **robbery hate crime** offenders were both male. For hate crime property offenders there were three males and three females.

**Table 7: Hate crime offenders<sup>a</sup> (number).**

	Male	Female	Total
Violent (Assault)	4	2	6
Robbery	2	0	2
Property	3	3	6

a) Offenders could be more than one type of hate crime offender  
Source: Australian Institute of Criminology DUMA Collection 2006 [computer file]

Although there were few hate crime offenders recorded in this study, by contrast many detainees reported hate crime victimisation. Reported motives for victimisation will be discussed in chapter 6. Overall there were 278 victims of verbal abuse constituting a hate attack and there were 191 victims of a violent

**Table 8: Hate crime victims (number).**

	Male	Female	Total
Verbal	230	48	278
Physical	162	29	191

Source: Australian Institute of Criminology DUMA Collection 2006 [computer file]

physical hate crime. Two hundred and thirty males reported verbal attacks as did 48 female victims. One hundred and sixty-two males reported being a victim of a violent hate crime as did 29 females.

Some discussion is warranted regarding the implications for the overall aims of the thesis as a result of this low sample of self-confessed offenders. The first implication involves the ability to conduct any further complex analysis. With such a small sample to use, any analysis will be more restricted, in the case of this thesis a case study of each of the offenders. This also means that more focus will be given to detainees self-reporting victimisation as a result of the large sample numbers obtained in this regard. Importantly though it also opens the avenue for further examination of why there may have been a large discrepancy between self-reported offending and victimisation. This examination will consider whether these samples may have stemmed from the methodology employed or if there are other factors involved. Overall, while there will still be focus given to the sample of hate crime offenders and the motivations behind their offending, equal focus will now be given to the victim sample along with why this large disparity between the offender and victim samples may have occurred.

## **Conclusion**

In this chapter it has been established that a very small number of the offenders sampled admitted to committing a hate crime. However, a much larger sample said they (or a close member of their family) had been victims of hate crimes. While this will impact on the overall aims of the thesis, this disparity itself will also be further examined.

Some other results from this initial analysis include a large sample size being obtained with 965 respondents. The largest sub-samples of participants came from Brisbane (Qld), Elizabeth (SA) and Perth (WA). A sample of 138 violent offenders was identified and they mostly reported committing their offences infrequently. The most common motive indicated by violent offenders was 'losing their temper'. From this sample of 138 violent offenders only six indicated any hate motives for their crimes. In contrast, a total of 191 detainees from the total sample identified themselves as victims of violent hate crimes.



## Chapter Five

### Hate Crime Offender Profile & Motivations

#### Overview

In this chapter more detailed analysis will be conducted on the hate crime offenders identified in the study. A comparison of socio-demographics, violent histories and motives between violent *'hate crime offenders'*, *'other violent offenders'* and *'non-violent offenders'* will be undertaken. In addition, the violent hate crime offenders will be examined in depth to attempt to construct a profile or offender typology from the study. Motivation typologies and offender typologies from the literature chapter will be used to analyse the data.

As the focus of this study is hate crimes involving the violent offences of assault, sexual assault and robbery, the following analysis will no longer distinguish between robbery and other violent offences when discussing *'violent offences'*. Both the categories of *'violent hate crime'* and *'other violent offenders'* include robbery. The following comparisons need to also be considered with caution due to the low number of self reported violent hate crime offenders.

#### Socio demographics of offenders

##### *Gender & Age*

Concerning gender, there were some slight differences between *'violent hate crime offenders'*, *'other violent offenders'* and *'non-violent offenders'*. Those respondents who admitted to committing violent hate offences were less likely to be male, with 71 percent of this type of offender being male compared with 88 percent of other violent offenders and 84 percent of non-violent offenders.

Violent hate crimes and other violent offences were more likely to involve younger offenders than self reported non-violent offences. Fifty-seven percent of *violent hate crime offenders* were aged twenty-five and younger compared with 50 percent of *other violent offenders* and only 35 percent of *non-violent offenders*. The mean age for *violent hate crime offenders* was 28 years compared with 27.2 years for *other violent offenders* and 31.2 years for *non-violent offenders*. The mean age for violent hate crime offenders was somewhat skewed with two

offenders aged in their late thirties. The fact that the majority of offenders were aged less than 25 years tends to support the findings of several studies on hate crimes, which suggest the majority of hate crime offenders are young adults (Hall 2005 p.85; McDevitt et al. 2002 p.307). However, as noted above, there were some violent hate crime offenders who were much older, which indicates some support for work by Sibbitt (1997 p.77) that states perpetrators of racist offences span all ages, from young children to old age pensioners, and involve both sexes (so offenders are young, old, male and female). Despite findings such as this, most studies do agree that younger male adults are responsible for most hate crimes. Overall, *non-violent offenders* were more likely to be older than *violent hate crime* and *other violent offenders*.

<b>Table 9: Violent hate crime offenders, other violent offenders and non-violent offenders, by age and gender (percent).</b>			
	<b>Violent hate crime</b>	<b>Other violent</b>	<b>Non violent</b>
	<b>N=7</b>	<b>N=141</b>	<b>N=813</b>
Male	71	88	84
Female	19	12	16
<b>Total</b>	<b>100</b>	<b>100</b>	<b>100</b>
Under 17	0	5	< 1
18-20	14	23	11
21-25	43	22	24
26-30	0	18	18
31-35	14	18	18
36 +	29	15	29
<b>Total</b>	<b>100</b>	<b>100</b>	<b>100</b>

Source: Australian Institute of Criminology DUMA Collection 2006 [computer file]

### *Ethnicity*

The ethnicity of hate crime offenders is important to any hate crime study, although it must be noted that this information is self-reported and therefore ultimately ethnicity is how the offender identifies his/herself (see Table 10; *ethnicity is also how the appropriate question is framed in the DUMA study but may be considered by some detainees as race, not ethnicity*). The study identified only one Anglo-Australian as a *hate crime offender*. This was in comparison to 51

percent of *other violent offenders* and 58 percent of *non-violent offenders*. This completely contrasts with results from almost every other study available for hate crimes, although Perry (2002 p.74) does remind us that this factor should also be taken with a grain of salt as the majority of offenders are not identified. Despite this, Nolan, Akiyama & Berhanu (2002 p.148) indicate that the majority of known offenders are white, with statistics from the United States demonstrating that over two-thirds (68%) of recorded hate crime offenders in 1999 were of Anglo-American ethnic background. In this study, five of the seven *hate crime offenders* were Indigenous (71%), as were 26 percent of *other violent offenders*, but only 16 percent of *non violent offenders*. It is also worth considering that one in eight violent Indigenous Australian offenders from this sample reported having committed hate crimes. The only other significant ethnicities worth considering were ‘English’ and ‘Armenian’ offenders. Self-identified English offenders represented seven percent of both *other violent* and *non-violent offenders*, but did not represent any *violent hate crime offenders*, whereas the self-identified Armenian offender was the remaining violent hate crime offender not previously identified. These initial findings are interesting and will be discussed further. Caution should be taken when considering results involving Indigenous

**Table 10: Violent hate crime offenders, other violent offenders and non-violent offenders, by self identified ethnicity (percent)<sup>a</sup>.**

	Violent hate crime	Other violent	Non violent
	%	%	%
Anglo Australian	14	51	58
Indigenous Australian	71	26	16
English (British)	0	7	7
Lebanese	0	3	2
Vietnamese	0	1	2
<b>Total N</b>	<b>7</b>	<b>141</b>	<b>813</b>

a) Percentages will not sum to 100 as not all ethnicities are included in this table. One hate crime offender was Armenian background and has been excluded from this table.

Source: Australian Institute of Criminology DUMA Collection 2006 [computer file]

Australians for several reasons. Such reasons include the over-representation of Indigenous Australians in the Australian criminal justice system, and the fact that the DUMA project operates in some locations, such as Darwin, which have a high Indigenous population. In addition, there is anecdotal evidence from experienced

DUMA interviewers that the Indigenous detainees tend to be more open and honest about their drug use and offending history. This essentially leads to questions of: were non-Indigenous detainees not disclosing all details about any hate crime offences they had committed in the past 12 months; were non-Indigenous detainees more able to identify racism and hate motivation as unacceptable topics to admit offending; or were non-Indigenous detainees not seeing aspects of their own motivation as inherently hate motivated? Despite the above caveats, this type of result is supported by comments made by Craig (2002) when discussing his hesitancy in compiling any kind of offender typology, particularly the young white male typology, as hate crime perpetrators are increasingly associated with a variety of backgrounds and motives (Craig 2002 p.97).

Four of the five *hate crime offenders* targeting their victims based on their ‘race’ were Indigenous (the other was Armenian). Interestingly, these Indigenous offenders came from Brisbane, East Perth, Elizabeth and Darwin. Only the Armenian hate crime offender was from Sydney and none were from Melbourne. Considering recent events (2009-2010) with reported attacks on Indian students being focussed in these two cities, the lack of *hate crime offenders* from these locations (Indigenous or not) only raises further issues about the reliability of some answers from non-Indigenous detainees. Of the four offenders, who committed violent hate crimes based on ‘ethnicity’, three were Indigenous and one was Anglo-Australian. These offenders were either from East Perth or Darwin. The one hate crime offender committing violent offences due to ‘religion’ was Indigenous and was from East Perth.

#### *Other Socio-demographics*

Some other key socio-demographics were analysed in regards to violent and non violent offenders in order to gain a more detailed profile of violent hate crime offenders. *Violent hate crime offenders* were less likely to be single (43%) than *other violent offenders* (62%) and *non-violent offenders* (57%). Fifty-seven percent of *violent hate crime offenders* were in a de-facto relationship but none were married, separated or divorced, whereas 25 percent of *other violent offenders* were in a de-facto relationship, with four percent married and 10 percent separated or divorced. *Non-violent offenders* were least likely to be in a de-facto relationship

(21%) but were most likely to be married (8%), separated or divorced (14%) or widowed (less than 1%). These results fit the profile that *violent offenders* and *violent hate crime offenders* were generally younger than *non-violent detainees* (they were less likely to be in a committed relationship).

**Table 11: Violent hate crime offenders, other violent offenders and non-violent offenders, by marital status (percent).**

	Violent hate crime	Other violent	Non violent
Single	43	62	57
De Facto	57	25	21
Married	0	4	8
Separated/ Divorced	0	10	14
Widowed	0	0	< 1
<b>Total N</b>	<b>7</b>	<b>141</b>	<b>813</b>

Source: Australian Institute of Criminology DUMA Collection 2006 [computer file]

Many offenders interviewed in this study had quite a low level of education (see Table 12). Fifty-one percent of *other violent offenders* had an education of ‘Year 10 or less’ whilst 43 percent of *violent hate crime offenders* had this level of education as did 45 percent of *non-violent detainees*. Despite these trends of low education there were a number of offenders with a tertiary education background. The majority of these were *non-violent offenders*, with five percent having

**Table 12: Violent hate crime offenders, other violent offenders and non-violent offenders, by education (percent).**

	Violent hate crime	Other violent	Non violent
Year 10 or less	43	51	45
Still at school	0	1	0
Year 11 or 12	43	20	19
TAFE/University not complete	0	9	11
Complete TAFE	14	17	20
Complete Uni	0	1	5
<b>Total N</b>	<b>7</b>	<b>141</b>	<b>813</b>

Source: Australian Institute of Criminology DUMA Collection 2006 [computer file]

completed university and a further 20 percent having completed a TAFE course. This was compared with one percent of *other violent offenders* who had completed university and 17 percent who had completed TAFE. For *violent hate crime offenders* 14 percent had completed TAFE whilst none had completed any university education.

Regarding employment status more than half of *other violent offenders* were unemployed (55%) with similar figures reported for *hate crime offenders* (57%). A considerably smaller percentage of *non-violent offenders* were currently unemployed (42%). Thirty percent of *other violent offenders* and 29 percent (after rounding) of *hate crime offenders* indicated that they were employed at the time of the interview. This was again in contrast to 39% of *non-violent offenders*, who indicated that they were currently employed. Overall, violent offenders were much less likely to be currently employed in either part-time or full-time work.

**Table 13: Violent hate crime offenders, other violent offenders and non-violent offenders, by employment status (percent).**

	Violent hate crime	Other violent	Non violent
	%	%	%
Working Full time	14	18	29
Working Part time	14	12	10
Unemployed	57	55	42
Other <sup>a</sup>	14	15	19
<b>Total N</b>	<b>7</b>	<b>141</b>	<b>813</b>

a) Includes seasonal workers, home maker and full time students.

Source: Australian Institute of Criminology DUMA Collection 2006 [computer file]

In general, this small sample of *hate crime offenders* was less likely to be male than both *other violent offenders* and *non-violent offenders*, and was also more likely to be older than *other violent offenders* but younger than *non-violent offenders*. Other characteristics of *hate crime offenders* included them being more likely to be Indigenous, in a de facto relationship, and slightly more educated than other violent offenders, although just as likely to be unemployed.

## Violent History of hate crime offenders

The following section will examine the results for *violent hate crime offenders* compared with *other violent offenders* (Table 14). For this group of *other violent offenders* (based on self reported information), it was common for them to currently be detained for a violent offence (43%). Nineteen percent were currently detained for property offences and 15 percent for breach offences. It was highly likely that self reported *violent hate crime offenders* were being currently detained for violent offences (five of the seven).

**Table 14: Violent hate crime offenders and other violent offenders current charges and previous charges last 12 months (percent).**

	Violent hate crime	Other violent	Violent hate crime	Other violent
	Current		Previous (last 12 months)	
Violent offences	71	42	67	73
Property offences	14	19	33	8
Other offences	14	39	0	19
Total	100	100	100	100

Source: Australian Institute of Criminology DUMA Collection 2006 [computer file]

Regarding violent histories, similar patterns to those mentioned above appear again. '*Other violent offenders*', who had been arrested in the past twelve months (for any offence), were mostly arrested for violent offences (73%). Very few '*violent hate crime offenders*' had been arrested for any offence in the past twelve months until their current offence. Some studies conducted on offender typologies suggest the typical hate crime offender has had little or no contact with the criminal justice system when they enter as a hate crime offender (Gerstenfeld, 2004 p.72; Craig, 2002 p.97). Only three of the seven *violent hate crime offenders* were arrested for any offence in the previous twelve months (with two arrested for a violent offence), despite all self-reporting that they had committed violent hate crimes over the same time period. This is somewhat unsettling considering the nature of the offences involved because it indicates that few violent hate crime offenders were being detected for their offences. Originally this was believed to be a result of the low frequency with which the offences were being committed. However, two of the seven *violent hate crime offenders* reported committing their offences 'about once a month'. One explanation for this deficiency in detection has been touched on in the literature review and relates to the severe under-

reporting of hate crimes to police by the victims. This under-reporting may be a result of the victims belonging to sections of the community that have poor relations with the police, or there might be cultural or linguistic inhibitions (Gerstenfeld, 2004). Overall, this lack of detection of hate crime offenders is consistent with findings from previous studies (Gerstenfeld, 2004; Craig, 2002).

### **‘Choice of target’ motives for hate crime offending**

Detainees could respond to committing more than one offence type and more than one hate crime motivation. Of the violent respondents who confirmed hate motives, five were ‘assault offenders’, one was a robbery offender and one offender committed both assault and robbery hate crimes. None of the ‘sexual assault offenders’ indicated any hate motivation. Five of the seven violent ‘*hate crime offenders*’ reported committing their offences because of the physical appearance and/or skin colour of the victim involved. Unfortunately four of these five violent offenders declined to specify any details of their victim’s skin colour. The only detainee, who did so, specified the victim’s skin colour as ‘white’. Similar results were recorded for the same group of offenders, who reported committing offences because of the person’s culture (see Appendix 4 for details and how this concept was defined), with four of the same seven offenders indicating this motivation. No ‘*violent hate crime offenders*’ specified which cultures they were targeting. Only one of the seven violent hate crime offenders indicated the victim’s religion as being motivation for their offending, and again no details about which religion were provided. Interestingly, of these seven offenders, one reported committing his hate crimes for both racial and ethnic (culture) reasons, and another reported that her hate crimes were motivated by all three racial, ethnic and religious aspects of their victim.

As a comparison point, six ‘*property hate crime offenders*’ were committing stealing/theft, break and enter, motor vehicle theft (MVT) and, as expected, property damage offences. The last of these offences is the property crime usually associated with hate crimes. Small figures however were also reported for *property hate crime offenders*. Four *property hate crime offenders* reported that the person’s physical appearance was the reason for committing their property offence. One detainee specifically stated that the person being of Asian appearance was the grounds for their offending, whilst another stated the victim

being Caucasian ('white') was their reason. The same number (4) of *property hate crime offenders* reported that their victim's culture or perceived culture was the reason for their offending. Here one detainee stated that the accent (Italian) of the victim was why they committed the offence, while another commented on the dress of the victim as the motivation for their offending, but did not elaborate further on this. Only one *property hate crime offender* reported that the victim's religion was the motivating factor in their hate crime but did not specify which religion.

### **'Immediate trigger' motives for hate crime offenders**

Next the '*violent hate crime offenders*' are examined in conjunction with the trigger motives they indicated for their offending. For the four violent offenders (one did not answer this section), who committed hate crimes based on the *racial* appearance of their victim (see Table 15), the motivations of 'lost your temper' and explanation (as discussed in previous chapters this is more of an explanation/element surrounding the offending as opposed to a motivation) of 'acting on the spur of the moment/ didn't plan it' were a factor in explaining why they committed their offences. This indicates that these hate crimes were probably not premeditated. Despite this tendency, two of the five violent race hate offenders indicated that they were 'looking for revenge payback', which contradicts the impulsive explanation to some degree. Two offenders also indicated that they were 'bored/ looking for something to do'. Three motivations here are worth noting for discussion, the revenge, the impulsive and the boredom related motivations, as they can all be explained using concepts discussed earlier in this study.

The four offenders, who committed violent hate crimes based on the person's *ethnicity*, had similar motives to those targeting their victims based on their *racial* appearance. They all indicated that 'losing their temper' was a reason behind them committing their offence. All offenders also explained their offending to be influenced by acting 'on the spur of the moment or that they didn't plan' the offence, with three offenders indicating this as a major element in their offending. Similar to the cases where victims were targeted because of their *racial* appearance, these offences do not appear to be premeditated. Interestingly, one offender indicated that 'their group of friends do this kind of thing' as a reason for

their offending, which tends to indicate that their violent hate crimes, are somewhat normal to their lifestyle. One offender also indicated that she 'was bored or looking for something to do' as part of her explanation for committing these violent offences. Overall, these offenders appear to be selecting their victims and committing their offences at random, with the exception of the victim's race or ethnicity being a contributing factor.

The offenders described in this section thus far show signs of motivations that fit into two of the categories of hate crime offenders, which were developed by McDevitt et al. (2002 p.307). The first category is offenders, who were looking for 'revenge or payback', with these offenders displaying similar characteristics to the motivation type known as retaliatory. Retaliatory motives occur when a person hears a report or rumour of a hate incident against his or her own group and takes revenge by committing a crime against a member of the alleged offending group (Gerstenfeld 2004 p.76).

The second category, that is applicable to some of these hate crime offenders, is the 'thrill-seeking motive'. Offenders in this study, who indicated their offending was based on being bored and looking for something to do and that their group of friends do this kind of thing, could be argued to fit this motivation category. The thrill-seeking offender can best be defined as simply the young person, often in a small group, who was bored and simply looking for 'some fun' (McDevitt et al. 2002 p.307). Although other factors, such as age, need to be considered, an argument can be constructed that the actions of some hate crime offenders from this study may be explained by one or the other of these two types of motivation. It is possible that these offenders showing signs of premeditation were selecting their victims randomly, however this cannot be conclusively determined.

Concerning the lone offender who indicated committing violent hate crimes based on the victim's religion, there was very little gathered with which to explain her offending. She did indicate that 'losing her temper' and being 'bored looking for something to do' all had a small role to play in her offending. Despite this, no single motivation was identified as being the main reason behind her offending, which tends to indicate all three played roles in contributing to the crime. There

may also simply be no other motivation or explanation for her hate crime apart from the religion of the victim.

### Patterns in hate crime offenders

Due to the small number of respondents who reported being hate crime offenders, conducting more complex analysis by developing a logistic regression model to examine key attributes as originally planned was not feasible. The sample size of hate crime offenders was too small to conduct any legitimate analysis using any kind of statistical model. Table 15 provides basic offender profile information so that comparisons can be made, but no statistical testing has been conducted.

	<b>Offender 1</b>	<b>Offender 2</b>	<b>Offender 3</b>	<b>Offender 4</b>	<b>Offender 5</b>	<b>Offender 6</b>	<b>Offender 7</b>
Type of hate crime	Racial	Racial	Racial & ethnicity	Racial, ethnicity & religious	Ethnicity	Ethnicity	Racial
Gender	Female	Male	Male	Female	Male	Male	Male
Age	21	22	32	39	38	24	20
Marital Status	Single	Single	De Facto	De Facto	De Facto	De Facto	Single
Dependent Children	Yes	No	No	No	No	No	No
Employment	Home-maker	Part-time	Un-employed	Un-employed	Un-employed	Full-time	Un-employed
Education	Complete High School	Complete Tertiary	Complete High School	Yr 10 or less	Yr 10 or less	Yr 10 or less	Yr 10 or less
Violent History	Yes	No	No	No	No	No	Yes
Immediate trigger motive	Lost Temper	Urged by friends	Lost Temper	Bored	Friends do this	Lost temper	Missing (Did not answer)
Spur moment	Yes	No	Yes	Yes	No	Yes	No
Offender Ethnicity	Indigenous	Indigenous	Indigenous	Indigenous	Indigenous	Caucasian Australian	Armenian
Hate crime victim	Yes	No	Yes	Yes	No	No	Yes
Other information	Drug & Alcohol abuse	None	Alcohol abuse	Meth-amphetam ine addict	None	Alcohol Abuse	None

a) Five offenders committed only violent hate crimes while one offender committed robbery related hate crime and another offender committed both types of hate crimes.

Source: Australian Institute of Criminology DUMA collection 2006 [computer file]

The profile (Table 15) of the identified violent hate crime offenders from this study offers some interesting results, some of which are consistent with the

literature discussed in earlier chapters. First, the type of hate crime committed by these offenders was more likely to be targeting the victim's race. This type of hate crime is often documented as the most common with Nolan, Akiyama & Berhanu (2002 p.148) noting that in 1999 in the United States nearly 55 percent of all hate crimes occurred because of race. Within this category of hate crime, the two most predominant forms of anti-race crimes were anti-Black (69%) and anti-White (18%) (Nolan, Akiyama & Berhanu 2002 p.148). Although this option was provided for the detainees to answer most did not, with only one violent offender indicating this level of detail. The violent hate crime offender, who did specify the race of her victim, indicated she attacked them in particular because they were 'white'. The only other offenders to indicate the race of the victim were two 'property hate crime offenders', who indicated their victims were white and Asian respectively.

As gender and age have been raised earlier in this chapter, these two characteristics will only be discussed briefly. Five of the violent hate crime offenders identified in this study were male and two were female. To some extent this is not a surprising finding, considering violent offenders in general are more often male (Adams *et al* 2008). Perry (2001 p.30) mentions that although little information is available about hate crime offenders, what does exist appears to suggest the offenders are mostly young males. The age profile of the hate crime offenders identified in this study shows that the majority of offenders were young adults, although two offenders were in their late thirties. One study undertaken in the U.K. by Sibbitt (1997) indicated that offenders were likely to span all age groups, both genders, and that they tended to offend in groups. With respect to age and gender, results from this study tend to support Sibbitt's (1997) study in that both genders committed these offences, and age of offenders ranged from 20 to 39 years old.

Hall (2005 p.85), in his discussion of Sibbitt's (1997) findings, states that she may have only come across older hate crime offenders as a result of the methodology which she employed. Sibbitt's (1997) study on racial harassment and racial violence considered harassment type behaviour (verbal harassment, the expression of opinion and the influencing of others) as well as violent crimes. Findings from Sibbitt's study (1997) were that the older offenders were more likely to be

involved in verbal harassment, the expression of opinion and the influencing of others rather than the physical forms of offending. The older offenders from this study, in contrast, were clearly involved in the actual violent acts.

Although there is virtually no literature regarding offender's relationship status and/or whether offenders were living with dependent children, these profile categories will still be briefly noted. These categories can be compared with those used by Sibbitt (1997), which is one of the few available studies for comparison. In this study, four of the seven violent hate crime offenders were in de facto relationships, with the other three being single. Only one offender had dependent children living with them, and the four offenders in a de facto relationship had no dependent children. These four offenders could most likely be included in the 'people next door' category (Sibbitt 1997 p.78). This group of people are not exclusively 'a no children family' but less emphasis is placed on children in this category than other groups such as 'the problem family'. The 'people next door' category is described by Sibbitt (1997) as adults, who have grown up hearing their parents continually blame minorities. In this case, perhaps blaming members of the dominant culture for their family's ills and the country's ills is more likely (considering most offenders described in this study are Indigenous). Or as Biddle (2009 p.2) suggests, perhaps the cultural and social segregation of Indigenous people (even in urban areas) has led to a lack of interaction between Indigenous and non-Indigenous groups and has essentially led to a lack of social bonding which threatens social cohesion. Despite the dominant presence of Indigenous people in the sample of violent hate crime offenders, and the atypical structured location and cultural/historical influences which may be present in their lives, Sibbitt's offender typology will continue to be used to examine other characteristics of these offenders as it is the most appropriate typology available.

Similar to relationship status discussed above, there has been little research conducted about the employment and education status of violent hate crime offenders. Fortunately, Sibbitt's (1997) study has discussed employment and education. Sibbitt's (1997) concept of 'people next door' conceptualises their situation of unemployment, financial insecurity and insecurity about the future for themselves. This general insecurity commonly leads to their hateful actions towards 'others'. The offenders from this study were in the main not working

either part time or full time, with four of the seven offenders being unemployed and another being a full time homemaker. However, of the four offenders mentioned earlier who currently fit Sibbitt's typology (de facto relationship with no dependent children), two were unemployed and had low education (school certificate - year 10), the third had completed High School but was unemployed, while the fourth had full time employment but low education and therefore possible financial insecurity. The profiles of these four offenders continue to fit Sibbitt's (1997) hate crime offender typology. For the three remaining offenders who do not fit Sibbitt's (1997) 'people next door' offender typology as their relationship status was single, one also had both employment and a high level of education (tertiary).

One characteristic identified by Sibbitt (1997) in her hate crime offender typology however does not appear to be clearly relevant to the subjects in this study. This characteristic is the offender's violent history. Only two of the seven hate crime offenders identified in this study had a charge for a violent offence recorded in the previous twelve months. This is in contrast to Sibbitt's (1997 p.78) study that indicates male offenders from the 'people next door' category may already be involved in other criminal activity, where violence towards others is a normal part of their lifestyle. Despite only two of the offenders from this study being classified as having a violent history, others may simply not have been previously charged with a violent offence or may have been charged with such offences but not in the past twelve months. Therefore, despite the findings of this study not being consistent with other studies regarding violent histories, there are limitations to the results that make definitive comparisons difficult.

When examining the immediate trigger motives for detainees (the choice of target in this instance being racial/ethnic and/or religious hate), there is a mixed range of responses. Although detainees could indicate several immediate trigger motives as having some impact, only the most influential one will be considered. Regarding the most influential immediate trigger motive, three hate crime offenders in this study indicated that 'losing their temper' was the most important reason in explaining their violent offending. Only one offender indicated he was 'urged by friends' to commit the act, whilst another offender stated that she was 'bored and looking for something to do'. Finally, one offender indicated that he committed

the violent act ‘because his friends also do this kind of thing’. When considering the subsequent immediate trigger motives, there is some further overlap among the offenders. The explanation of acting on the ‘spur of the moment’ was recorded here by the same three offenders who previously indicated that ‘lost their temper’ was the most important immediate trigger motive. Attempting to define the type of hate crime offenders presented in this study is difficult as a result of these mixed responses. However, using categories developed by McDevitt et al. (2002 p.311) some typologies can be applied with partial success. Two of the three offenders, who ‘lost their temper’ and indicated ‘acting on the spur of the moment’, could likely fit into another motivation category described by McDevitt et al. (2002), the retaliatory motive. This is plausible as these two offenders also indicated revenge as an important motive and this was raised earlier in this chapter.

In contrast to the three offenders indicating a loss of temper, the offending of the other three detainees appears to stem from more inflammatory motives. The first offender, who identified ‘boredom’ as a motive for her offending, also indicated she had acted on the spur of the moment. In addition, the two male offenders who previously indicated that reasons for their offending involved being ‘urged by friends’ and ‘friends do this kind of thing’, offered absolutely no other motive behind their offending. Therefore, it is possible to conclude that these two offenders could be categorised as ‘thrill-seeking’ offenders, (McDevitt et al. 2002 p.311) particularly because of the sole immediate trigger motive involving considerable peer influence. However, it must be noted that one of these offenders was much older than is usually the profile for this type of hate crime perpetrator (38 years), and therefore contradicts the offender typology in this respect.

The race and ethnicity of the hate crime offenders discussed earlier in this chapter was unexpected. Much of the literature, which has been previously discussed, indicates that the majority of hate crime offenders are white males (Gerstenfeld, 2004; Craig, 2002; Nolan, Akiyama and Berhanu 2002; US Department of Justice 2002; Perry 2001). Results from this study had probably two white males (if the Armenian offender is classified as white) recording a violent hate crime offence, with the remaining five being Indigenous Australians. It is highly possible that these offenders are ‘retaliatory’ hate crime offenders as described by McDevitt et

al. (2002), particularly the two offenders referred to previously, who stated that revenge had a role to play in their hate crimes.

The number of Indigenous Australians recorded as hate crime offenders is a result that was unexpected, due principally to the proportion of offenders for which they accounted. This high proportion of Indigenous offenders could be a result of a multitude of reasons, many of which are unable to be measured by this study. One of these factors is the anecdotal evidence relayed from interviewers in the DUMA program that Indigenous detainees have a perceived tendency to tell the truth when asked many of the questions in the DUMA questionnaire. Alternatively, the number of Indigenous Australians recorded as hate crime offenders may not be the unexpected result, but, rather the lack of Caucasian males recorded as hate crime offenders is what is surprising. Regarding the DUMA questionnaire it is possible that unlike their Indigenous counterparts those Caucasian detainees are not as honest with their answers and therefore may have not disclosed some information regarding any hate crime offending. This may have had some bearing on these results.

Another factor that makes this result surprising is that many of the detainees, who indicate that they have been victims of hate crime are Caucasian (reported in the following chapter), yet for none of them to indicate any retaliatory offender typology characteristics (by committing hate crimes as a result of their victimisation) is questionable. Ultimately, the results from this part of the study do not fit typologies presented in earlier research. This may be a product of the sample, or it may be a consequence of the fact that other research examined is from overseas and this study is Australian. Therefore the difference in results could be partially accounted for by different social contexts and the different ways in which inequalities are played out in various situations in different countries. However, these findings do not necessarily refute the literature explored throughout this report.

It has been discussed that some methodological reasons could be the cause behind the over-representation of Indigenous detainees identified in this study. One limitation of this study which has been touched upon in the earlier methodology chapter is the causal effect of having a sample provided directly by the police. By

essentially providing a sample of 'police property' (Reiner 2009) it raises the questions of whether the hate crime offenders identified are in fact simply a representation of the overall sample. The small number of offenders identified has made any complex analysis impossible which would usually help address this limitation. Having a sample provided by police means Indigenous Australians are going to be over-represented regardless of the ethnicity breakdown for the remainder of the sample. Historically Indigenous Australians have been considered as 'police property' and disproportionately experienced the use and abuse of police powers; they also lack power in the major institutions of society (e.g. economics, politics, education, media) (Reiner 2009 p.230) and the use of these police powers to patrol Indigenous Australians has been accepted by wider society. Therefore it is not surprising that Indigenous Australians are over-represented in this sample and perhaps the number of Indigenous hate crime offenders identified is not the abnormality but the severe under-reporting by Caucasian Australians is what is more surprising.

Although detainees who have been hate crime victims will be explored in more depth in the following chapter, a brief examination will be provided here in relation to the hate crime offenders identified in this study. There were three offenders who did not indicate that they had ever been a victim of hate crime (offenders 2, 5 & 6). Of the offenders who had indicated victimisation, they all indicated being victims of physical hate crime and that they were targeted because of their race (Indigenous Australians & Armenian). This victimisation, at least for offenders 1 and 3 further adds to their type of offending possibly being of the 'retaliatory' category (McDevitt & Levin 2002), although this would need to be confirmed using a qualitative research method.

More qualitative information on each offender would have been desirable to confirm the motive for the offence. Three of the offenders were classified as having alcohol addictions and this alcohol abuse could have contributed to their offending, as it was these three offenders who identified immediate trigger motives of 'lost their temper' and the explanation of 'acted on the spur of the moment' in explanation of why they committed the offence. These actions may have been influenced by alcohol abuse at the time of the offence.

## **Conclusion**

The results examined in this chapter were used to explore the motivations and characteristics of the hate crime offenders identified in this study and explored the usefulness of typologies of hate crime offenders to explain them. The small number of hate crime offenders identified in this study limited the choice of meaningful comparisons. Despite this, some connections were made regarding the motivations of some offenders. The three categories (two motives and one a social classification offender typology) which were highlighted and considered as suitable for some of the offenders included the: thrill-seeking motive; the retaliatory motive (McDevitt et al. 2002); and the 'people next door' offender classification (Sibbitt 1997).

Based on the findings of the extent of hate crime offences in this study, the extent of hate crime offending among Australian detainees is not very alarming, although the findings from victims have yet to be discussed. This statement can be made as only seven violent hate crime offenders were identified from a sample of 965 detainees. This ratio of less than one percent of offenders approached being identified as violent hate crime offenders signifies that hate crimes of this nature may not be a significant problem in Australia. Where motivations can be accounted for from those hate crime offenders identified, they appear to be more likely to target victims based on race and ethnicity rather than religion with a variety of immediate trigger motives, including some that can be described as violent youth hate offending (thrill-seeking) and revenge oriented (retaliatory).

## Chapter Six

### Offender's Experience of Hate Crime Victimization

#### Overview

This chapter will examine those detainees, who reported being victims of hate crime at some stage in their life. It also refers to experience with hate crime victimisation and could include victimisation by close family members, however those who provided details mostly referred to their own victimisation. Both non-violent and violent (physical) hate crime victim figures will be reported before examining victims of violent hate crime in comparison with detainees who did not report victimisation (non-victims). A comparison between violent (physical) hate crime victims and non-victims using socio-demographics and motives for the victimisation of the former will be explored. Qualitative and quantitative data will be used to explore this comparison. Specifically, some motives will be derived from an open ended question and will provide more detail than has been previously reported in the study regarding motive. Furthermore, an in-depth analysis will be conducted using a logistic regression to examine risk markers for hate crime victimisation.

#### Hate crime victimisation

The results gathered indicate that a much higher proportion of respondents reported having been hate crime victims than have admitted to being offenders. Nearly one-third of respondents were quite likely at some point to have experienced **verbal** hate abuse (29%). When asked why they thought they were victimised (race/physical appearance, ethnicity/culture and religion), most reported this was likely to have occurred due to their race/physical appearance (51%), while 26 percent reported that it was a result of their ethnicity (the way they dress, speak or act) and only three percent reported it was a result of their religious beliefs. Nine percent reported that their victimisation was a result of a combination of these reasons. These categories were recoded from an open-ended response given by the victim, detailing their perceptions of the reasons that they were targeted. A reasonably large group of respondents (191 or 20%) reported that they had at some stage experienced **physical** assault which was hate based. Specifically, 22 percent of respondents stated their ethnicity was the reason they

were physically attacked, while 53 percent attributed their physical appearance as the motive and only one percent reported religion. Ten percent of respondents reported a combination of these three categories as the motives for their hate victimisation. Results already presented (see Table 7) show that very few detainees report having committed violent hate crime (seven in total; five violent offenders; one robbery offender; and one offender who committed both types of hate crime), while a much larger number have been victims of violent (physical) hate crime (191). These results are worth contemplation and will be addressed in the conclusion chapter.

**Table 16: Detainee's experience<sup>a</sup> with hate crime.**

	Number	Percent
<b>Verbal Assault<sup>b</sup></b>	<b>278</b>	<b>29</b>
Ethnicity/culture	71	26
Race (Physical appearance)	141	51
Religion	7	3
Combination <sup>c</sup>	24	9
<b>Physical Assault<sup>b</sup></b>	<b>191</b>	<b>20</b>
Ethnicity/culture	42	22
Race (Physical appearance)	100	53
Religion	2	1
Combination <sup>b</sup>	18	10

a) Experience includes lifetime experience and also immediate family members being victimised; detainees who did not respond or whose answers were not applicable (e.g. sexual orientation) were not included.

b) Percentage calculated from total sample (n=965)

c) Combination includes culture/ ethnicity; race (physical appearance) and religion two or three all being mentioned

Source: Australian Institute of Criminology DUMA Collection 2006 [computer file]

## Socio demographics of victims

### *Gender & Age*

The following results compare those offenders who reported being victims of violent (physical assault) hate crime and those who did not. There was little difference between the gender of detainees experiencing violent (physical) hate crime victimisation and those who had not (see Table 17). For both victims and non-victims 85 percent were male. Concerning the perceived motivations for their victimisation there were some more obvious differences regarding gender. Males

made up a larger proportion of victims that were attacked due to their race (physical appearance) (91%) compared with those that were attacked due to their ethnicity (76%). Of the two cases motivated solely by religion both victims were male whilst 83 percent of victims targeted as a combination of these motivations were male. Overall, there were no large discrepancies between males and females involving their hate crime victimisation, although it should also be acknowledged that this is an offender-based sample, and the majority of the overall sample were therefore male.

There was very little difference between age groups when comparing detainees, who reported violent (physical) hate crime victimisation (mean age 30 years), and those, who had not (mean age 31 years). Looking at age groups, 13 percent of victims were aged 20 years or less, whilst 43 percent were aged 21-30 years and 44 percent were aged 31 years and over. Non-victims had a similar age profile with 14 percent being aged 20 years old or under with 41 percent being 21-30 years old, and 45 percent being 31 years or older.

**Table 17: Violent hate crime victim and non victim detainees, by age and gender (percent).**

	Violent hate crime victim	Non victim
	%	%
Male	85	85
Female	15	15
Under 17	1	1
18-20	12	13
21-25	27	23
26-30	16	18
31-35	21	17
36 +	23	28
<b>Total</b>	<b>100</b>	<b>100</b>

Source: Australian Institute of Criminology DUMA Collection 2006  
[computer file]

Results examining age breakdowns for race and ethnicity victimisation motivations were very similar, but some of these results must be treated with caution as sample sizes are small. For detainees victimised as a result of race 12 percent were aged less than 20 years as was the case for ethnicity motivation (12%). Forty-three percent were aged 21-30 years old for both race and ethnicity

and 45 percent were aged 31 years and over for both motivation categories. Of the two detainees targeted because of their religion one was in the 20 years and under category, whilst the other was aged in the 21-30 years old category. Those who perceived they were targeted for a combination of reasons, were generally younger, with 11 percent being 20 years and under and 50 percent being aged 21-30 years. Only 39 percent were aged 31 years and older.

### *Ethnic Background*

With regard to the ethnic background of victims, (self identified ethnic background question from the main DUMA questionnaire) there was not a great amount of diversity found from these results (see Table 18). For detainees, who experienced violent (physical) hate crime, 48 percent self-reported as Caucasian Australian, whilst this ethnicity comprised 59 percent of detainees, who had not experienced violent (physical) hate crime victimisation. Indigenous Australians represented the second largest group of victims (36%) but only accounted for 14 percent of those detainees with no experience of violent (physical) hate crime victimisation. Offenders from other ethnic groups, who indicated victimisation included Lebanese (2%), Vietnamese (2%), English (British) (6%) and New Zealander (5%). These groups were represented in similar proportions among non-victim detainees.

The most significant finding is that Indigenous Australians were over-represented in these particular results on victimisation, but that other ethnic groups were represented according to their proportions in the total sample. It is still worthwhile drilling deeper into these results to explore why these detainees were victimised. First, self-identified Caucasian Australians reported that they were targeted primarily because of their race/physical appearance (62%), with 13 percent targeted because of their ethnicity (accent/clothing etc.) and one percent because of their religion. Six percent were targeted because of a combination of two or more of these three factors, whilst 18 percent were targeted for other reasons not relevant to this study (e.g. sexual orientation). For Indigenous Australians their racial background was seen by them as the reason they were most often targeted (48%), with their ethnicity also considered a major motivation (33%). No Indigenous Australians reported being targeted because of their religion. Ten

percent were targeted because of a combination of two or more of the above three reasons and only nine percent were targeted for reasons not relevant to this study.

In the case of other less prominent ethnicities, only four victims were recorded with a Lebanese background. Of these, three indicated they were victims of a violent (physical) hate crime because of their ethnicity, while one victim indicated it was a result of both their ethnicity and their racial appearance. There were also four Vietnamese victims and all of these victims indicated they were targeted because of their racial appearance. Those victims, who were classified as being of English (British) ethnicity, indicated being targeted because of their racial appearance (40%), their ethnicity (10%) and a combination of these (10%). Forty percent of victims were targeted for reasons not applicable to this study, such as sexual orientation. Lastly, those detainees with an (Anglo) New Zealand ethnic background<sup>10</sup> (speech etc.) were mostly targeted because of their race (56%), and ethnicity (22%). The remainder were targeted for reasons not applicable to this study. Although most were targeted because of their race it was evident that Indigenous Australians' ethnicity was also considered as a common reason for victimisation. This was also the case with Lebanese victims, although small sample numbers make it difficult to generalise this finding.

**Table 18: Violent hate crime victims and non victims, by ethnicity (percent).**

	Violent hate crime victim	Non victim
	%	%
Anglo Australian	48	59
Indigenous Australian	36	14
English (British)	6	7
Lebanese	2	2
Vietnamese	2	2
<b>Total N</b>	<b>191</b>	<b>763</b>

Source: Australian Institute of Criminology DUMA Collection 2006 [computer file]

### *Other Socio-demographics*

When considering other less significant socio-demographic characteristics there is little difference between victims and non-victims and therefore consideration will only be given to these factors briefly. With respect to relationship status (see Table 19) there was very little difference between victims and non-victims, with the majority being single (56% for victims; 58% for non-victims) followed by those in a de-facto relationship (25% victim; 21% non-victim) and few were married (5% victim; 8% non-victim). Fourteen percent of victims were separated/divorced as were 13 percent of non-victims.

**Table 19: Violent hate crime victims and non victims, by relationship status (percent).**

	Violent hate crime victim	Non victim
	%	%
Single	56	58
De Facto	25	21
Married	5	8
Separated/ Divorced	14	13
Widowed	0	< 1
<b>Total N</b>	<b>191</b>	<b>763</b>

Source: Australian Institute of Criminology DUMA Collection 2006 [computer file]

**Table 20: Violent hate crime victims and non victims, by education levels (percent).**

	Violent hate crime victim	Non victim
	%	%
Year 10 or less	55	44
Still at school	1	< 1
Year 11 or 12	21	19
TAFE/University not complete	7	11
Complete TAFE	14	20
Complete Uni	3	5
<b>Total N</b>	<b>191</b>	<b>763</b>

Source: Australian Institute of Criminology DUMA Collection 2006 [computer file]

Similar consistencies were found with the education levels of victims compared with non-victims (see Table 20). The majority of both victims and non-victims had an education of year 10 or less (55% victim; 44% non-victim), whilst levels of those reaching a high school education were quite similar (21% victim; 19% non-victim). Regardless of victim status few detainees had a university education level (3% victim; 5% non-victim) whilst a sizeable proportion had completed a TAFE course (14% victim; 20% non-victim).

Unlike the previous two socio-demographic characteristics where there are no clear differences between victims and non-victims, there are some distinct differences with employment status. Non-victims were twice as likely to be currently employed, as victims of violent (physical) hate crimes (19% victim; 43% non-victim). Hate crime victims were much more likely to be unemployed (58% victim; 40% non-victim). It is worth considering that the unemployed are often using public space for more hours per day and this space may be where they are victimised. Consequently, there might be a link between occupying public space for longer periods of time and hate crime victimisation. Unfortunately, this study was unable to capture such details and this area of hate crime victimisation may be worthy of further study.

### **Reasons for victimisation**

Reasons for victimisation (race/physical appearance, ethnicity/culture and religion) have been given some consideration at the beginning of this chapter. In this section, more detailed responses from victims to an open ended question will be discussed.

One such response was in relation to the Cronulla riots. As the timing of the administration of the questionnaire was only 9 months after the Cronulla riots, there were expectations for this event to have more of an impact on this study than it did (although the DUMA Sydney sample size is generally small). Only one response mentioned the riots, a female Anglo-Australian victim of verbal and physical hate crime, stated that she was often referred to as a “white bitch especially during the Cronulla riots”.

Another more detailed explanation of victimisation again involved an element that was expected to have greater impact on this study than it did. This element was religion, namely Islam. With the ‘War on Terror’, Bali bombings and the Cronulla riots all occurring not too long before the questionnaire was administered, it was expected that there would be greater reporting of hate crime against Islamic people. There was only one incident where the religion was specifically mentioned, with this female victim stating she “converted to Islam for her fiancé” and that her “close family physically and verbally assaulted him for it”.

Two victims stated they were targeted whilst in prison with the first victim noting that he was physically “victimised in prison by Lebanese inmates”. The second victim stated that he was targeted because of his ethnicity and that he was an “Aboriginal in gaol”. However, it is not clear whether the second detainee believed the gaol environment increased his chances of being a victim of hate crime. These two incidents suggest that hate crimes in prison might be an area of future study, particularly when keeping in mind that violent people are likely to be much more concentrated in this particular setting.

The next explanation for victimisation has been noted earlier in this study; the notion of hate crime by minorities towards the majority. A number of Caucasians or “white” people perceived that they were specifically targeted by hate crime offenders because they were “white”. Some victims indicate that their “white physical appearance”, “white skin” and “for being white Australian” was the perceived reason for their victimisation. In addition to this, some Caucasian victims identified the background of their attackers. One victim stated that they were “smashed on Hindley Street by 20 Aboriginals”. Although this number may well be an exaggeration, the issue of hate crime by minorities towards the majority is an area that warrants further exploration. Having considered this type of hate crime, it still appears to be the case that minority Australians (of all races and ethnic backgrounds) are proportionately more likely the usual target of hate crime offenders than ‘Anglo-Australians’. However, this should not limit consideration regarding all race/ethnicity majority/minority combinations of hate crimes. This concept of not limiting hate crime victimisation to ethnic minorities is supported from the results reported earlier in this chapter (see Table 18) that

highlighted the large number of Anglo-Australians who indicated that they had been the victims of hate crime offences.

The final explanation for hate crime victimisation that will be considered from results in this study relates to the involvement of an organised hate group in the incident. Organised hate groups do not receive much attention in Australia, (although they clearly exist) and have only occasionally appeared in the media for hate related incidents (see Chapter 2). Despite a lack of hate crime incidents involving organised hate groups in Australia, one incident was reported in this study. A male victim from Adelaide indicated that he was targeted and physically attacked by a “Neo Nazi group” as a result of his physical appearance (which was not further defined). Ultimately, results from this study support the fact that most hate crimes, particularly in Australia, reportedly do not involve organised hate crime groups.

### **Risk markers for hate crime victimisation**

Due to a much larger sample size of violent (physical) hate crime victims (as opposed to offenders) a more detailed statistical analysis was able to be conducted on this group (see Table 21). A multi-variate analysis in the form of a logistic regression was developed for victims of hate crime (see Table 21) to determine which factors were risk markers for hate crime victimisation. Essentially, this model compared hate crime victims with non victims (the remaining detainee sample), using a number of predictors, which might help suggest characteristics that may increase chances of victimisation. Interestingly, there were three significant indicators that increased the chances of being a victim of violent (physical) hate crime, they were: Indigenous status; being unemployed; and the victim being a violent (physical) offender themselves. These are key findings for this study that will be further explored in this chapter. Other factors, such as being male, being under 25 years old, being of Caucasian, Lebanese, Vietnamese, English (British) or New Zealand ethnic background were not statistically significant factors in determining the possibility of hate crime victimisation. Being under 20 years old was a near significant risk marker.

Focussing on the significant and almost significant risk markers individually, a greater understanding of their links to hate crime victimisation can be identified.

For example, the most significant risk marker for hate crime victimisation, being an Indigenous Australian, is not surprising considering literature presented earlier highlighting how racism against Indigenous Australians is institutionalised (Jayasuriya 2002; Davis 2006). The permission to hate from the state, discussed earlier by Perry (2001 p.179) in the literature, describes how state structures can be used for ethnically targeted operations and how this provides a model for the ethnic majority to hate targeted minorities. This form of state harassment has definitely occurred against Indigenous Australians. For example, it has been noted that racism occurs throughout many aspects of Indigenous people's lives, some where the state is involved, including throughout key sectors such as private and public housing, health care, employment in the public and private sector, access to the legal system, the effectiveness of racism complaint mechanisms, over policing and trends in imprisonment (Davis 2006 p.143). Therefore, it is no surprise that this institutionalised racism might manifest in individuals committing hate crimes against Indigenous people.

**Table 21: Risk markers for violent hate crime victimisation**

Factors	Coefficient	Standard error	Odds Ratio
Male	0.32	0.26	1.38
Under 25 years old	0.12	0.21	1.13
Under 20 years old	-0.54	0.31	0.57
Violent offender	0.58*	0.23	1.79
Caucasian	-0.17	0.21	0.83
Indigenous	1.22*	0.24	3.39
Lebanese	-0.49	0.58	1.63
Vietnamese	0.62	0.58	1.86
English	-0.43	0.45	0.64
New Zealander	0.35	0.46	1.42
Unemployed	0.54*	0.19	1.73
Constant	-2.42*		
Model chi square	66.80*		
df	11		
Pseudo R square	0.08		
(n)	(930)		

\* statistically significant at p<0.05

Source: Australian Institute of Criminology DUMA Collection 2006 [computer file]

Structuralist criminology predicts that social groups, which are low on the power hierarchy, are more likely to be victims of crime. Indigenous Australians are low on the power hierarchy and, as predicted, are more likely to be victims of hate crime. To emphasise this position of Indigenous Australians that leaves them vulnerable to hate crime victimisation, consider the information above that racism against Indigenous Australians is institutionalised (Jayasuriya 2002; Davis 2006). This racism is institutionalised partly because Indigenous Australians have been reminded for decades, if not centuries, of their place on the hierarchy. For example Cunneen (2001 p.91) notes that historically Indigenous Australians have been defined as, and are now seen as, essentially a criminal problem, to be addressed through police intervention. In addition to over-policing, their low position has been reemphasised to them countless times through numerous events with racist overtones. These events have ranged from government policies, such as ‘the stolen generation’, to individual crimes recognised as hate crimes by the judicial system (see case *Burge & Anor -v- The State of Western Australia* [2006] [WASC 171](#)). Constant reinforcement by those higher on the power structure of their lowly status in the past and to the present day has institutionalised racism against Indigenous Australians, making them susceptible to hate crime victimisation.

This institutionalised racism and the process of reminding Indigenous Australians of ‘their place’ is also explained through Perry’s (2001) ‘doing difference’ framework, incorporating three of the four overarching institutions (labour, control (power) and culture). Considering the institution of labour, residential segregation and low socio-economic status of many Indigenous Australians produces a cultural division of labour in which many Indigenous people are concentrated in the most disadvantaged sections of Australian society (Jennett 2010 p.124). Most Indigenous Australians have also always had lower education levels and have never been near the average standard for other Australians. However, as mentioned in the literature, education is one area where current governments have been attempting to ‘close the gap’ with various initiatives (the Australian Indigenous Education Foundation Scholarship; Focus School Next Steps and the Indigenous Youth Leadership Program) (Department of Education, Employment and Workplace Relations 2012). Whether this will enhance the place of Indigenous Australians relative to the overarching institution of labour any time

soon remains unlikely. Any sudden change is unlikely for the same reason that any change with the institution of control is also unlikely, that is a result of the institution of culture having deeply rooted racism within these institutions. The rate of Indigenous Australians in correctional facilities for example, still remains several times higher than the proportion of Indigenous Australians in the national population (Australian Institute of Criminology 2009). This type of trend is not one that is easily reversed and while racism remains institutionalised within the overarching institution of culture, little will change with other institutions and Indigenous Australians will continue to be reminded of 'their place'. However, it should be recognised that at present, actors in the institution of culture such as the media are more inclined to 'demonise' others, such as those of a Middle Eastern background, as opposed to Indigenous Australians. Despite this, previous decades of demonising Indigenous Australians has left its imprint in these overarching institutions causing Indigenous Australians to be reminded of 'their place' through means such as hate crime victimisation. Mason's (2008 p.188) argument is similar to that of Perry (2001) and the structuralist criminologists, in that she argues most hate crime is committed by members of dominant groups against those minority groups who are historical objects of prejudice, and is committed to reinforce the established hierarchies of difference.

The second significant element indicated by this study involved being a violent (physical) offender as a risk marker for hate crime victimisation. The connection with violence for this risk marker is a natural progression as an offender's chance of being victimised increases whilst acting as the offender (victim self defence), or as a result of previously being the offender (revenge attacks). However, the connection of this risk marker to hate crime victimisation raises a key question regarding the lack of identified hate crime offenders. The question must be raised as to whether the offenders may have been committing a hate crime but did not see the offence in this manner. McDevitt et al.'s (2002 p.311) research, as discussed in Chapter Two, developed four main types of hate crime offending motivations: thrill-seeking, mission, defensive and retaliatory. In some cases, violent offenders might be committing hate crimes as a defensive motive (essentially protecting their territory against an outside individual or group) or retaliatory hate crime motive (responding to a hate incident that has recently occurred by seeking out offenders or targets like the offenders) (McDevitt et al.

2002 p.311). It can be suggested that they see this violence as revenge, or protecting their territory, from a type of person that previously victimised them, rather than seeing it as hate motivated. Although this is only one of many possibilities which might help explain the small number of self-identifying hate crime offenders recorded in this study, it is one seriously worth considering.

This explanation is also feasible in view of the fact that detainees were asked about their “lifetime” experience of victimisation yet were only asked about their “recent” offending (12 months prior). Perhaps if they had been asked about lifetime offending, more hate crime offenders may have been identified. Another explanation of the overlap between being a violent offender and being a hate crime victim might simply be that the more a person is involved with violence, the greater the chance they have of becoming a victim in a violent (physical) hate crime incident. Essentially, the constant exposure to violent acts, in any capacity, may increase the risk of becoming a victim of hate crime, despite not being a hate crime offender.

The explanations provided for the lack of identified hate crime offenders and large numbers of violent hate crime victims (defensive and retaliatory motives not being considered by offenders as hate crimes and general involvement in violence) are feasible when considering some cases presented in the literature chapter by Polk (1994 p.71-75). These cases highlighted how masculine pride and the need to restore honour is another factor that could also contribute to becoming a victim of a violent hate crime for someone likely to never be a hate crime offender. Often these victims have been unable to walk away from possible violence and felt the need to restore their masculinity, or as noted above, have responded to an invasion by an outside group and protected their territory, or have responded in retaliation to a previous attack. Polk (1994) also highlighted some cases where the victims were the original provokers, suggesting that involvement in violence can increase the chances of becoming a victim of violence, including violent hate crime.

The third significant risk marker is unemployment, which was a strong indicator of being a victim of hate crime. This is even more complicated to explain than the two previous risk markers. The only possible explanation for the strong

connection with this risk marker and hate crime victimisation may be found in explanations of crime in general. Those more disadvantaged (unemployment, low income, residential instability) generally have a higher probability of coming into contact with the criminal justice system, and this includes as a victim (Johnson 2005). Indigenous unemployment rates are sometimes as much as double the non-Indigenous rate (ABS 2004). Furthermore, statistics in the United States indicate that minority groups are more often than not victims of hate crime (Gerstenfeld 2004). Generally, in Australia Indigenous people are subject to higher rates of violent victimisation than other Australians (although this includes violence from each other) (Bryant & Willis 2008). A large proportion of Indigenous Australians in this study were recorded as hate crime victims. Therefore, the strong connection between unemployment and hate crime victimisation from this study might be explained by the overrepresentation of Indigenous Australians (see above for comment of Indigenous unemployment rates ABS 2004) in this study.

Although not recorded as being statistically significant, the risk marker of being under the age of 20 ( $p < .09$ ) is still worth examining as it was the only other risk marker to indicate any slight connection with hate crime victimisation. Victimization research shows that one predictor of crime victimisation is night-time activities (Johnson 2005), and with lifestyles of young people involving a considerable amount of time spent in public space (Malone 2002), particularly at night, it is understandable that they can be susceptible to crime. This night time lifestyle risk marker for general crime victimisation may transfer over to hate crime victimisation. The minor link between age and hate crime victimisation could be a result of the young people being a likely target of crime in general as a result of their social lifestyles. Therefore, lifestyle involving time spent in public spaces (particularly at night; and at entertainment venues such as pubs/nightclubs) could be viewed as an intermediate variable between age and victimisation.

## **Conclusion**

The extent of hate crime offending by detainees in Australia might not seem very extensive based on the number of hate crime offenders found in this study, but after analysing the number of victims from the same sample, it appears that hate crime among detainees may be somewhat more extensive than offender results suggested. However, it needs to be remembered that the data from this study are

somewhat skewed towards the victim results (e.g. longer periods of time covering victimisation experiences than offending experiences – lifetime versus last 12 months). Despite this, these contrasting results make it difficult to determine the responses to the research questions asked by this study, and this will be further discussed in the final chapter. The reasons for hate crime victimisation in this study tended to support research for countries such as the United States, with ‘racial appearance’ proving to be the factor causing most victims to be targeted. In addition to these results, some interesting comments were made by victims in regard to their victimisation, with prisons being referred to as a place where hate crimes can occur. Consciousness of incidents such as the Cronulla riots did not prove as prominent in this study as might have been expected and organised hate groups were only indicated by one respondent as perpetrators of hate crimes. These results suggest that use of more qualitative research methods, which can explore each individual’s experience of hate crime victimisation and offending, may prove beneficial in future studies.

Regarding the risk markers that were analysed using the regression model, some proved significant and others did not. The risk markers that increased one’s chances of becoming a victim of hate crime were Indigenous status, being unemployed and violent tendencies (or criminal history). In the following chapter these risk markers and other results will be discussed to help explain the hate crime phenomena. In addition, results reported here and in previous chapters will be discussed in relation to the aims of this study.



## **Chapter Seven**

### **Conclusion**

The main purpose of this research was to examine the extent of hate crime offences and motivations of detainees in Australia, focussing specifically on racial, ethnic and religious hate crimes of a violent nature. With respect to this purpose, the literature and results presented in this study highlighted the difficulty previous research has had in examining hate crimes in Australia. This difficulty is a result of a range of problems including: no formal statistics; a lack of formal recording procedures for police; high levels of underreporting from victims; and a dearth of Australian based literature and research, specifically offender focussed. This study attempted to examine some of these problems by examining the extent and nature of hate crime among detainees in Australia. The motivation of offenders was the other component of this study. The results gathered were able to provide some useful insights into the motivations of some detainees committing hate crime offences. The area of motives and hate crime in general is an area of criminological research which warrants more attention, (notwithstanding the efforts of a handful of authors who produce work on the topic).

The main purpose for conducting this research was to examine the extent of violent racial, ethnic and religious hate crime by detainees in Australia. The literature reviewed earlier in Chapter 2 suggested that hate crimes do exist in Australia and have for some time (Jayasuriya 2002 p.40), but their extent had not been, and is still, not known. These crimes have only come to the attention of the public in recent decades as a result of this type of incident having become of interest to the mass media, which can bring such events to our attention more quickly (Golden et al. 1999) and can also distort the extent of such crimes. The literature presented in this study noted that, although hate crimes do occur in Australia, their frequency is unknown. Unfortunately, the frequency of violent hate crime in Australia or any country is a difficult phenomenon to measure. The extent of this type of offence is mostly unknown as a result of key issues such as a lack of formally recorded data by police (Australian Institute of Criminology 2002). Despite problems with hate crime data collections in the United States (Perry 2001; Gerstenfeld 2004), having a data collection of some form in

Australia would be beneficial. This issue needs to be addressed to ensure that other problem areas of policing, recording, underreporting and researching hate crimes can subsequently be given greater attention.

As indicated in the literature reviewed for this study there is a lack of offender based hate crime research with a bias towards the study of victims (Hall 2005). This fact helped inform the decision for this study to focus on offenders and their motivations to offend as well as their experiences of hate crime victimisation. The offender and victim results were contradictory, with multiple victims identified but only few offenders, and unfortunately the extent of hate crime involving detainees in Australia still remains unclear. However, the study has added to the field of Australian based hate crime research. The number of self-reported violent hate crime offenders examined in this study was much smaller than expected (7), considering the large detainee sample size (965). This low sample size may, on the surface, indicate that this type of crime is not very common, however this result may have been a by product of limitations associated with the study, limitations that were out of the control of the researcher. The sample of offenders used by this study was being processed by police in watch houses and police stations with overly aggressive detainees not being permitted for interview due to safety reasons. Violent offenders may have provided participants from whom the most relevant information could have been gathered and their participation might have produced a greater chance of identifying violent hate crime offenders. It is also worth noting that the short time period (12 months) about which respondents were asked about their offending may have limited the number of identified offenders. Although these filters restricted the number of participants (offenders) involved in the study, this did not diminish the quality of information gathered from those offenders who did participate. The results gathered help indicate that the existence of violent hate crimes among detainees in Australia is undeniable but the levels of such crimes are difficult to gauge.

The large number of hate crime victims identified in this study has throughout the research raised some questions regarding the small number of identified offenders. These questions were raised for the following reasons: minimal numbers of violent hate crime offenders were identified; multiple violent hate crime victims were identified; this sample is not a sample of the general public but

of offenders currently being processed by police, many of whom are not new to using violence. To further highlight these concerns consider McDevitt et al.'s (2002) retaliatory type motive for hate crime offending. If these detainees were committing hate crimes as acts of revenge or payback they may not perceive their actions to be hate motivated. The disparity in numbers of identified victims compared to offenders was so great that it is possible that some participants were not fully disclosing their hate crime offending. Another point to consider in this regard is whether the participants clearly understood the questions on offending as well as they understood the questions on victimisation. Despite the information gathered from some detainees proving valuable there is no doubt that possible underreporting of hate crime offending in this study makes it difficult to use the offender data as a gauge of the extent of hate crime among detainees in Australia.

As a result of the uncertainties regarding underreporting of hate crime offenders in this study, it is thus mostly reliant on the victimisation data gathered to provide an indication of the levels of hate crime experienced by Australian detainees. Results from this study determined that there was evidence of the occurrence of hate crimes and that some key risk indicators which were discovered increased the likelihood of hate crime victimisation. While the numbers of hate crime victims recorded was an important finding the risk markers identified were just as significant. The risk markers identified included the victim being a violent offender themselves, being unemployed and, most importantly for the purpose of this study, being an Indigenous Australian. Being a violent offender was an important finding as it helped substantiate the concern for underreporting by hate crime offenders and the impact the varying timelines for offending and victimisation questions may have had on this study. Unemployment was also an interesting finding as it suggested the association of spending more time in public space and the increased chances of hate crime victimisation. On the other hand, the finding of unemployment could also be associated with the important finding of Indigenous status and this likely correlation should not be disregarded. The fact that Indigenous Australians from this study were more likely to report hate crime victimisation indicates that members of one of Australia's most recognisable disadvantaged groups were often reminded of 'their place' in the power structure. However, in recent years the institutions of Labour, Power, Sexuality and, especially Culture have often overlooked Indigenous Australians as other ethnic

minorities such as Middle Eastern Australians have become the focus for crimes with 'hate' overtones. A direction for further research would be to see if similar findings can be determined regarding Indigenous Australians and hate crime victimisation elsewhere in Australia. This would address the situation that while Indigenous Australians were disproportionately victimised, they were also over-represented in the whole sample, which is often the case with any offender database in Australia. Despite this overrepresentation, the findings from this study are that Indigenous Australians are significantly more likely to be victims of hate crime among this sample of detainees.

Despite the key finding regarding the large number of hate crime victims and the links with Indigenous Australians and hate crime victimisation, it should be mentioned that there were multiple violent hate crime victims from a diverse range of backgrounds. These backgrounds varied by race, ethnicity, gender and age, similar to Hall & Whitaker's (1999) findings. Findings for some ethnic victim groups however, such as those from a Middle Eastern background, need to be treated with greater caution. This is due to the diversity of participant sites, with some sites having different ethnic diversity compared with other locations (for example Bankstown in Sydney compared with Darwin). Essentially the DUMA sample is not entirely representative of the general population in Australia. Regardless the data gathered in this study does not support the findings of some studies which have found that non-English speaking ethnic minorities are overrepresented among victims of crime (Poynting 2008 p.124), specifically hate crime (Mason 2008).

Being able to determine the extent that Middle Eastern Australians were victimised would have been ideal, as, similar to Indigenous Australians, those from a Middle Eastern background have often been reminded of 'their place' in the past decade. This has occurred through institutional concepts of culture and control, with the media and criminal justice systems taking up prominent roles in reminding this 'other' of 'their place'. For example, Poynting (2008) notes that there is evidence that crimes victimising such minorities are underreported and where reported are under-recorded by police and often not acted upon (Poynting & Noble 2004). However, it also would have been useful to determine the extent of their offending so the notion of resistance by a minority group against the

domination (ethnic, social, religious) of the ruling group could be further examined. Despite this, while the results from this study using a sample of detainees in Australia have shown hate crimes do exist their extent remains difficult to measure, as does the level of involvement of some ethnic minorities. The exception was the significant finding of Indigenous Australian detainees being over-represented as hate crime victims.

Another purpose of this study was to examine the motivations behind any hate crime offending identified. Motivations of interest to this particular study included offences motivated by race, ethnicity and religion as well as those *immediate trigger* motivations, which can prove just as important (eg. peer pressure) in the commission of a crime. For those violent hate crime offenders identified, there were some common themes among their motivations. These were, namely, race and to a lesser extent ethnicity, which supports official statistics collected in the United States (United States Department of Justice 2004; 2008). Many of the hate crime victims identified also felt that they had been victimised because of their race. The other common theme from the results, that is consistent with the literature, was the prevalence of the ‘thrill-seeking’ and ‘retaliatory’ motives. Many of the offenders identified in this study provided comments that indicated that their offending was triggered by peer pressure, thrill-seeking or retaliatory motivations as identified in other research (Franklin 2000; Byers & Crider 2002; McDevitt et al. 2002). This research identified these three motivations as the most common.

Overall, the common motivations for hate crimes identified by this study of detainees highlight concerns for some parts of Australia regarding tensions between different racial and ethnic communities. These tensions are often exaggerated by the media, and unfortunately only reported when they turn violent. It is well documented that Australia has a history of racism (Jayasuriya 2002) and with such a multicultural society there will no doubt be times when certain communities clash. What should be kept in perspective is that these types of occurrences are not common.

The perspective adopted by this study to consider hate crimes was that of structuralist criminology. This perspective has highlighted some important aspects

of hate crime in Australia and should be given some final consideration. One aspect involves thinking of hate crimes in terms of the power structures that shape the Australian society with the structural relations along the vertical axis being of most interest (Hagan 1988). Ultimately, hate crimes can be thought of in terms of both the powerful higher up the power structure reminding those (often ethnic minorities) down the structure of 'their place' when they attempt to improve their situation. These reminders are not always done by organised hate groups, but can be caused by political or cultural institutions, such as the media, creating moral panics about a particular minority (Hagan 1985; Solomos 1989; Perry 2001).

Within the context of structuralist criminology this study referred to the 'doing difference' framework developed by Barbara Perry (2001). Perry (2001) as summarised by Mason (2008 p.185), suggests that hate crime is a means of 'doing difference' that provides a context in which the perpetrator can reassert his/her hegemonic identity and, at the same time, punish the victim(s) for their performance of identity. The underlying causes of hate crime are therefore closely tied to its potential effects in the sense that it emerges from hierarchies of difference (its causes) in order to reinforce these same hierarchies (its effects) (Perry 2001 p.185). Mason (2008) elaborates further on Perry's (2001) doing difference framework by indicating that while it may be the case that hate crimes are more likely to occur when subordinate groups are more visible, demanding or assertive, there is another approach that is probably more accurate to conceptualise hate crime. Hate crime is not simply a strategy for members of dominant groups to respond to a perceived crisis or acute threat to their status but rather as a constant and regular mechanism for policing the norms and boundaries that keep 'the other' in place (Mason 2008 p.185). This perspective is supported by the results obtained in this study regarding hate crime victimisation. There was a large number of Indigenous Australians who reported hate crime victimisation from this sample. Statistical analysis subsequently confirmed that being Indigenous was a significant risk marker for hate crime victimisation among this sample of police detainees. Throughout this study the long history of many institutions used to keep Indigenous people 'in their place' in Australia has been discussed some of those being the criminal justice system, lack of education and lack of employment opportunities. Therefore for this study the 'doing difference'

framework and Mason's (2008) further elaboration on this framework are supported by the findings.

For her research, Perry (2001) used a rich description of the dynamics of hate crime, but her research methodology did not utilise a large sample. While the present study adopted the 'doing difference' framework, there was the goal of testing this framework through a quantitative methodology utilising a large sample. The outcome of testing this framework using this methodology had mixed results. As highlighted above, the framework tested well in relation to the victimisation data as a result of Indigenous status being found as a risk marker for hate crime victimisation. However, the 'doing difference' framework was not able to be tested using the quantitative sample of hate crime offenders given the small number of hate crime offenders who were identified. This highlights that while this methodology proved useful in some respects it also demonstrated that a mixed methodology using both quantitative and qualitative research would be ideal for this kind of complex criminological topic.

The difficulty of studying hate crimes in Australia, or any country, is well documented by this study as well as others conducted by authors such as Hall (2005) & Perry (2001). While the perspective of structuralist criminology suits the analysis of the offence of hate crime, Hall (2005) notes it is not one which will be applicable to every single incident of hate crime that is committed. This is demonstrated by the number of offenders in the study being identified as members of a racial minority (Indigenous Australian), with a distinct lack of dominant social group offenders (white males). An explanation for the high number of racial minority offenders could be that the minority group offenders further down the power structure were fighting back against the oppression of those higher in the hierarchy. As examined earlier in this study minority against majority hate crimes can occur as a reactionary hate crime through the retaliatory motive (McDevitt et al. 2002). The minority hate crime offenders identified in this study could have been retaliating as a result of someone they know or themselves being recently victimised. There is also the typology of the 'problem family' offender. Here offenders experience a number of problems (health, aggression, persecution and rejection by society) and take out their constructed racist views on their oppressors (Sibbett 1997). However, it is not known for all offenders if they were

targeting dominant social group or other minority group members. This makes it difficult to apply any such motives or offender typology that would demonstrate the minority group offenders further down the power structure as fighting back against their oppression.

Poynting et al (2004) point out that hate crimes are complex, layered social phenomena, whose explanation is not immediately apparent. While this is true, theories such as structuralist criminology provide the best opportunity to help explain the nuances of hate crimes, even if it might not be applicable to each and every incident. This theory provides the best opportunity to explore hate crimes as it examines the underlying notion of structured oppression and how these structures are institutionalised. When results are obtained from this sample of detainees that Indigenous status is a key risk marker for hate crime victimisation, it allows greater examination of the phenomena, by considering relevant wider social issues that lay outside the immediate act of the offence.

The notion of ‘police property’ (Reiner 2009 p.230) which contains elements of minorities oppressed through structured institutions may also help explain the overrepresentation of Indigenous hate crime offenders identified in this study. Indigenous Australians lack power in the major institutions of society (e.g. economics, politics, education, media) (Reiner 2009 p.230), components also discussed using Structuralist theory. In addition to this, the ruling majority must also be accepting of the use and abuse of police powers to patrol Indigenous Australians, something long accepted by the ruling majority in Australia. Therefore the notion of ‘police property’ is a term consistent with the theory of structuralist criminology and can also help explain the over representation of Indigenous hate crime offenders identified in this study.

It is worth considering in this chapter what implications exist for future research into hate crime in Australia. Conclusions drawn from this study indicate that there are implications for future research that is focussed on offenders. Future research focussing on hate crime offenders needs to take into consideration the likelihood of under-reporting, which appears to have occurred in this study. One method to counteract this possibility may be to ask offenders about hate crime offending over their lifetime and then follow up with questions about their most recent hate

crime offending. This method may obtain larger sample numbers of offenders. Future research should also consider the possibility that qualitative methods may be more effective with gathering information from participants about any hate crime offending. Qualitative methods may also counteract any possible under-reporting, as experienced by this study, through gathering detailed information from those who do participate.

Hate crimes in Australia, particularly violent ones, continue in some regards to remain a mystery. There is research and literature regarding who the victims of hate crimes are and why they were victimised. What remains ambiguous for criminology is how many hate crimes occur in Australia each year, who are the offenders, and what are their immediate trigger motives for committing hate crimes? This study has attempted to explore these questions among detainees in Australia using self-reported information only, and in doing so has confirmed how complex some of these questions are and how difficult they are to answer. Specifically, it is possible to conclude from the results of this study that while racial, ethnic and religious hate crimes among detainees in Australia do occur, the extent remains unknown. However, perhaps as a result of the methodology used in this study, Indigenous Australian detainees are over-represented with their involvement in hate crimes as offenders and more particularly as victims. Similar to other studies, the detainees sampled in this study indicated that offences were not committed by organised hate groups, but were more likely to be committed by young males under the influence of peer pressure and thrill-seeking motivations and to a lesser extent those motivated by retaliation. Considering the heavy involvement of Indigenous Australians, the institutionalised racism embedded in Australia towards Indigenous people also helps further explain the absence of organised hate groups' involvement in such crimes. Future qualitative research could explore the link between hate crime offending and hate crime victimisation which has been suggested in this study. Future quantitative research should ask about hate crime offending over a longer period, such as a decade, as this would likely produce a clearer picture of the hate crime phenomenon.



## End Notes

1. The 'war on terror' is the common term for the military, political, legal and ideological conflict against Islamic terrorism and Islamic militants and has been specifically used in reference to operations by the United States and its allies since the September 11 terrorist attacks. A military strike in Afghanistan against the ruling body known as the Taliban in attempts to capture or kill the leader of Al'Queda a terrorist organisation being protected by the Taliban. Al'Queda claimed responsibility for the September 11<sup>th</sup> attacks in the United States (*The Washington Post* 25th March 2009

<http://www.washingtonpost.com/wpdyn/content/article/2009/03/24/AR2009032402818.html>)

2. There are varying terms used to describe a white majority in countries such as Australia and the United States. Anglo Australian (Castles et al. 1992) is sometimes used to describe this sub group in Australia although there is some debate that this term is not quite correct. Anglo Celtic Australian is used to describe Australians with British and/or Irish ancestral origins, but due to the historical subordination of the Irish in Australia it is not considered here as an appropriate term to describe the dominate 'racial' group.

3. The Cronulla riots were a series of racially motivated mob confrontations which originated in and around Cronulla (a suburb in Sydney) on 11<sup>th</sup> December 2005. The mob was directing their anger towards people perceived to be Middle Eastern males after reported incidents of assault and intimidation by this sub group along the beach and towards two lifesavers. Soon after the riot, ethnically motivated violent incidents occurred in several other Sydney suburbs (*Sydney Morning Herald* 11<sup>th</sup> December 2005

<http://www.smh.com.au/news/national/mobviolenceenvelopscronulaa/2005/12/11/1134235936223.html>)

4. 'The Skaf' or 'Sydney' gang rape cases were the rape trials where up to fourteen Lebanese men were involved in attacks led by Bilal Skaf against predominantly Anglo Australian teenage girls in Sydney Australia in 2000. Nine of the men were convicted to a combination of more than 240 years of prison (*The Age* 2<sup>nd</sup> August 2003

<http://www.theage.com.au/articles/2003/08/01/1059480552721.html>)

5. The Stephen Lawrence murder in Britain in 1993 involved the killing of a black British teenager from South East London who was stabbed to death. After initial investigations five suspects were arrested but never convicted. The murder was suggested to have racist motives and it was also suggested that the handling of the case by the police was affected by issues of race, leading to an inquiry (the Macpherson Inquiry) (*The Guardian* 8<sup>th</sup> November 2007

<http://www.guardian.co.uk/uk/2007/nov/08/lawrence.ukcrime>)

6. Hegemony is an unequal relationship between the ruling class and the subordinate classes within a given social order which is based on authority or leadership achieved through the production of consent rather than through the use of coercion or force (McLaughlin & Muncie 2001).

7. MSK, MRK, MMK & MAK were the rape trials of four Pakistani brothers where the differences in cultures were suggested by the defence as explanation for the offending. They are all serving multiple terms in prison (Sheehan 2007).

8. During the case of the four Pakistani brothers (MSK, MRK, MMK & MAK) the NSW government introduced legislation that stopped the accused from personally cross examining the victims (Sheehan 2007).

9. Elizabeth is a northern suburb of Adelaide, South Australia. It is located in the city of Playford. The city of Playford is a Local Government Area of South Australia, located in Adelaide's northern suburbs.

10. These detainees were classified as Anglo New Zealand background as they did not specify another background other than New Zealand. This DUMA question contains three spaces where detainees can indicate their ethnic backgrounds and generally Maori New Zealand detainees will indicate Maori and New Zealand whereas Anglo New Zealand detainees will only indicate New Zealand.

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G. You and your group of friends do this kind of thing	0 1 2 3	0 1 2 3	0 1 2 3
H. You lost your temper	0 1 2 3	0 1 2 3	0 1 2 3
I. You were looking for revenge/ payback	0 1 2 3	0 1 2 3	0 1 2 3
J. You were urged to do it by your friends	0 1 2 3	0 1 2 3	0 1 2 3
K. You were acting on the spur of the moment/ you didn't plan it	0 1 2 3	0 1 2 3	0 1 2 3
L. You were bored/ looking for something to do	0 1 2 3	0 1 2 3	0 1 2 3
M. You were drunk on alcohol	0 1 2 3	0 1 2 3	0 1 2 3
N. You were high on drugs	0 1 2 3	0 1 2 3	0 1 2 3
O. You were coming down from being high on drugs	0 1 2 3	0 1 2 3	0 1 2 3
P. You were hanging out for drugs	0 1 2 3	0 1 2 3	0 1 2 3

**[Interviewer prompt – Did R report being high on drugs or drunk on alcohol as a reason for committing any crime type in Part 2? If yes, ask part 3, if no skip to part 4]**

<b>Part 3. You said that being high on drugs or drunk on alcohol was a reason for committing at least some of your crimes in the last 12 months.</b>	<b>Drug1</b>	<b>Drug2</b>	<b>Drug3</b>
A. What drug types (incl. alcohol) did you most often use at the time of your crimes?	_____	_____	_____
B. Did you use [DRUG] purposely to commit any crimes?	0 1	0 1	0 1
C. When you were using [DRUG] at the time of offending, did [DRUG] help you to...			
1.... be more confident or have more courage	0 1	0 1	0 1
2.... be more effective or more capable	0 1	0 1	0 1
3.... get a rush of excitement or adrenalin	0 1	0 1	0 1
4.... become erratic or unpredictable	0 1	0 1	0 1
5.... have fun whilst committing crime	0 1	0 1	0 1
6.... feel less worried about your chances of being caught	0 1	0 1	0 1
7.... feel less guilty about your offending	0 1	0 1	0 1

<b>Part 4. Thinking about the people you have [crime type] in the last 12 months, did you [crime type] them because.....</b>	<b>Property</b>	<b>Robbery</b>	<b>Violence</b>
A. ...of their physical appearance/ skin colour (i.e. Black, White, Asian, Arabic)? [SPECIFY] _____ _____	<b>0 1</b>	<b>0 1</b>	<b>0 1</b>
B. ...of their culture (i.e. the way they dress, speak, act)? [SPECIFY] _____ _____	<b>0 1</b>	<b>0 1</b>	<b>0 1</b>
C. ...of their religion? [SPECIFY] _____ _____	<b>0 1</b>	<b>0 1</b>	<b>0 1</b>
D. ...of their sexual orientation (i.e. they were homosexual/ lesbian/ bisexual)? [SPECIFY] _____ _____	<b>0 1</b>	<b>0 1</b>	<b>0 1</b>
E. ...they were high on drugs or drunk on alcohol?	<b>0 1</b>	<b>0 1</b>	<b>0 1</b>

<b>Part 5. Have you or a member of your family been.....</b>	<b>Rating</b>
A. ...verbally abused because of your physical appearance/ culture/ religion or sexual orientation? By this I mean things like being sworn at, called something offensive, or insulted.	<b>0 1</b>
B. ...physically hurt because of your physical appearance/ culture/ religion or sexual orientation? By this I mean things like being hit, kicked, punched or spat at.	<b>0 1</b>
C. If 'yes' to A or B, ask R to specify the reasons for their victimisation (i.e. physical appearance/ culture/ religion/ sexual orientation)	_____ _____



## Appendix 2: DUMA Information Sheet



**Australian Government**

**Australian Institute of Criminology**

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Canberra ACT 2601 Australia

### **Australian Institute of Criminology Drug Use Monitoring in Australia Program**

#### **Information about the research**

The Australian Institute of Criminology and Walsh & Associates are conducting some government funded research about drugs and crime. The research wants to get the views of people who have been brought into the criminal justice system which is why we would like to interview people who are here at the watchhouse.

In order to get a broad picture and find out what's really happening, it is necessary to speak to as many people as possible. Your co-operation in the research is very important to us. Any information you provide is strictly confidential. Both the Director of the Australian Institute of Criminology and the Police Commissioner have given assurances that we will not show the police any information on the questionnaire, or discuss anything that you tell us with them.

After we ask you a few questions, we would like to get a urine sample from you. The urine specimens are sent to a laboratory not connected with the police and will be destroyed immediately after the tests have been conducted – **THIS INFORMATION CAN NEVER BE LINKED TO YOU.** The published results of the research will not include any information about particular individuals who have helped us with this research.

Although we are interested in your views, your participation is completely voluntary and you can stop the interview at any time.

\_\_\_\_\_  
Commissioner [Name]

[State] Police

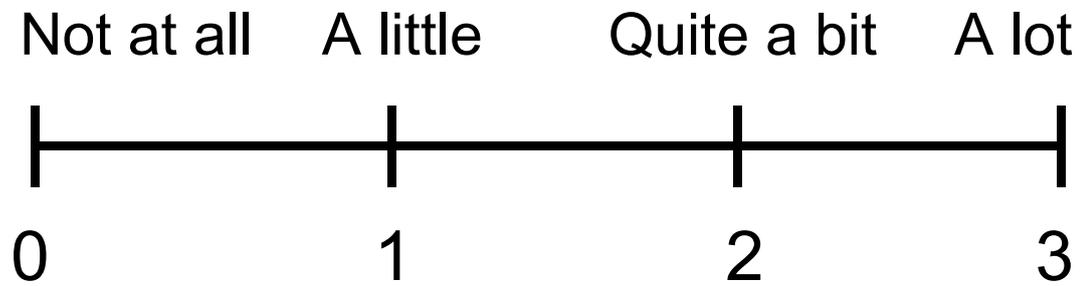
\_\_\_\_\_  
Director [Name]

Australian Institute of  
Criminology



**Appendix 3: Visual Aide for DUMA Motives Addendum**

**Visual Aide 1: Addendum Part 2**





## Appendix 4: Motives addendum question specifications

(Motives relevant to this thesis included only)

### Motives Addendum

The addendum questionnaire should be completed for all respondents.

**A1a. Have you ever committed [offence type] in the past 12 months – even if you haven't been caught for them?**

This question should be asked of all respondents. Ask the respondent to report **any** and **all** offences ever committed, **not** just the ones for which they have been arrested. Remind the respondent not to provide specific details about the individual offences for which they have committed or the offence for which they are currently being detained.

If the respondent answers **(0) No** skip to next offence, if no to all skip to part 5 of addendum. If the respondent answers **(1) Yes** continue down to the next question within that offence type.

**A1b. How often on average were you committing [crime] in the past 12 months?**

Write in the age of the detainee when they first committed the relevant offence type. Age should be recorded as a whole number.

Please probe for an answer to these questions. We would rather have the respondent's best estimate or best guess than no answer at all.

**A1c. Which of these crimes did you commit most often in the past 12 months – even if it was only once?**

For detainees who indicate (1) Yes to A1a. For each column ask them to:  
Circle the offence they committed most often in the last 12 months.

For property offences:

- 1= Motor Vehicle Theft
- 2=Break and Enter
- 3=Stealing/ shoplifting
- 4=Fraud
- 5=Possession of Stolen Goods
- 6=Property Damage

For violent offences:

1=Assault

2=Sex offences

For the detainees benefit 'stealing/ shoplifting' means: theft of property from a person or place (including shoplifting) where the respondent did not have to force entry or use violence in order to take the property.

Assault means: Inflicting violence or threatening to inflict violence upon another person including, hitting, punching, kicking, beating or stabbing etc.

Sex Offences include: Sexual assault (aggravated & non-aggravated) and non-assaultive sex offences.

**A2. I am now going to read out a number of different reasons that people give to explain why they do certain things. Look at the scale and tell me how much each reason is like the ones you use to explain why committed [offence type] in the last 12 months?**

If respondent has answered (1) to Property/Robbery or Violent crimes ask the question for this column only.

Read off the categories on the scale and present visual aid of scale to respondent and circle one code. Circle either **(0)** for *Not at all*; **(1)** for *A little*; **(2)** for *Quite a bit*; **(3)** for *A lot*. Ask all questions in part 2 for applicable columns only. The same scale applies to all questions in part 2.

Ask respondent all questions in part 2.

The aim of this question is to determine the reasons why the respondent has committed their offence. It is also to differentiate which reasons were more important in leading the respondent to commit their offences in the last 12 months. Circle (0) only if the R reports that they have never committed an offence in the past 12 months for that reason. If R reports that the reason has occurred but less than 'a little', circle (1).

**A4a. Thinking about the people you have [offence type] in the past 12 months, did you [offence type] them because? ...of their physical appearance/skin colour (ie. Black, White, Asian, Arabic)?**

The same process applies to the offence columns as in part 2. Insert specific offence type in space provided when reading out the question to respondent, for *assault*.

Thinking about the people you have [assaulted] in the past 12 months, did you [assault] them because;

For *sex offences*:

Thinking about the people you have [sexually assaulted] in the past 12 months, did you [sexually assault] them because;

For *robbery*:

Thinking about the people you have [robbed] in the past 12 months, did you [rob] them because;

For *property offences*:

Thinking about the people you have [stolen from] in the past 12 months, did you [steal from] them because; (if respondent states that they stole from a house/car/shop and not a person ask respondent if the person's physical appearance/skin colour who owns the house/car/shop was any motivation in committing the offence)

Circle either **(0)** for *No* or **(1)** for *Yes*. If respondent answers yes please ask them to specify which physical appearance/skin colour.

The aim of this question is to determine whether the victim's physical appearance/skin colour gave the respondent any motivation in committing the offence. The phrase physical appearance means the physical human features of the person such as their skin colour or also facial appearance for people of Asian descent **not** their clothing or dress.

**A4b. Thinking about the people you have [offence type] in the past 12 months, did you [offence type] them because? ....of their culture (ie. the way they dress, speak, act)?**

The same process applies to the offence type as in the previous question (A4a). Insert specific offence type in space provided when reading out the question to respondent.

Circle either **(0)** for *No* or **(1)** for *Yes*. If respondent answers yes please get them to specify which culture.

The aim of this question is to determine whether the victim's culture gave the respondent any motivation in committing the offence. The word culture means the clothing, language (or accent) or particular type of behaviour associated with a person such as a head turban worn by a person of Middle Eastern culture or an accent of someone from the Mediterranean.

**A4c. Thinking about the people you have [offence type] in the past 12 months, did you [offence type] them because? ....of their religion?**

The same process applies to the offence type as in question A4a. Insert specific offence type in space provided when reading out the question to respondent.

Circle either **(0)** for *No* or **(1)** for *Yes*. If respondent answers yes please get them to specify which religion.

The aim of this question is to determine whether the victim's religion gave the respondent any motivation in committing the offence. Examples of this may be someone of a Jewish or Islamic religion.

**A4d. Thinking about the people you have [offence type] in the past 12 months, did you [offence type] them because? ....of their sexual orientation?**

The same process applies to the offence type as in question A4a. Insert specific offence type in space provided when reading out the question to respondent.

Circle either **(0)** for *No* or **(1)** for *Yes*. If respondent answers yes please get them to specify which sexual orientation.

The aim of this question is to determine whether the victim's sexual orientation gave the respondent any motivation in committing the offence. Sexual orientation means gay, lesbian, bisexual, transsexual or heterosexual.

**A5a. The next question is about events that may or may not have happened throughout your lifetime. Listen to the question and tell me if verbal assault like this has occurred?**

Read off the categories on the scale and present visual aid of scale to respondent and circle one code. Circle either **(0)** for *No*; **(1)** for *Yes*

The aim of this question is to determine if the respondent or a family member has experienced verbal assault during the respondent's life based on perceived hate motives. Circle (0) only if the R reports that the event has never occurred.

**A5b. The next question is about events that may or may not have happened throughout your lifetime. Listen to the question and tell me if physical assault like this has occurred?**

Read off the categories on the scale and present visual aid of scale to respondent and circle one code. Circle either **(0)** for *No*; **(1)** for *Yes*

The aim of this question is to determine if the respondent or a family member has experienced physical assault during the respondent's life based on perceived hate motives. Circle (0) only if the R reports that the event has never occurred.

**A5c. The next question is about events asked in questions 5a & 5b. If respondent answers *yes* get respondent to specify**

If respondent answers *yes* get respondent to specify the reason behind the victimisation: physical appearance; culture; religion; or sexual orientation.



## **Appendix 5: Role of AIC ethics committee.**

### AIC ethics committee

The AIC Human Research Ethics Committee (HREC) has been in operation since 1992. The purpose of the Committee is to advise the Director as to whether approval should be granted for a project to proceed under AIC auspices. The Committee reviews research projects involving human subjects to ensure that appropriate safeguards exist to ensure conduct of the research is consistent with ethical standards.

The Committee has eight members with backgrounds in law, religion, social work and research, as required by the National Health and Medical Research Council (NHMRC) guidelines for ethics committees. The current chairperson is Professor Nicolas Peterson, Australian National University. The current staff representative and secretariat is Anthony Morgan.



## Appendix 6: DUMA questions used from the core questionnaire

### F3. SITE ID

■ **WRITE IN CHARGE (OR REASONS FOR DETAINING), WITH NO ABBREVIATIONS**

**F8.** First \_\_\_\_\_ charge:

**F9.** Second \_\_\_\_\_ charge:

**F10.** Third \_\_\_\_\_ charge:

**F11.** Any \_\_\_\_\_ other \_\_\_\_\_ charges:

**F13.** FEMALE / MALE

**F14.** JUVENILE / ADULT

### Q.1

- 1 AGREED TO INTERVIEW
- 2 DECLINED TO INTERVIEWER
- 3 NOT AVAILABLE – DECLINED TO POLICE
- 4 NOT AVAILABLE – WATCHHOUSE CONSTRAINTS
- 5 NOT AVAILABLE – TAKEN TO COURT/DETENTION
- 6 NOT AVAILABLE – RELEASED
- 7 NOT AVAILABLE – MEDICAL REASONS
- 8 NOT INTERVIEWED – VIOLENT OR UNCONTROLLED BEHAVIOUR / SECURITY RISK**
- 9 NOT INTERVIEWED – TOO INTOXICATED
- 10 NOT INTERVIEWED – VIOLENT OR UNCONTROLLED BEHAVIOUR / SECURITY RISK AND TOO INTOXICATED**
- 11 NOT INTERVIEWED – LANGUAGE PROBLEM  
[LANGUAGE NEEDED \_\_\_\_\_]
- 12 NOT INTERVIEWED – BOOKED OVER 48 HOURS AGO
- 13 NOT INTERVIEWED – OTHER (SPECIFY) \_\_\_\_\_

<b>Q2. How old are you?</b>	_____ Years old
<b>Q3. What's the highest education level you are in or have completed?</b>  READ ALL RESPONSE OPTIONS & CIRCLE ONE CODE	<ol style="list-style-type: none"> <li><b>1 Never went to school</b></li> <li><b>2 Completed year 10 or less</b></li> <li><b>3 Completed year 11 or 12</b></li> <li><b>4 Still in school</b></li> <li><b>5 Still in TAFE program</b></li> <li><b>6 Still in university</b></li> <li><b>7 Some TAFE but did not complete</b></li> <li><b>8 Completed a TAFE program</b></li> <li><b>9 Some university but did not complete</b></li> <li><b>10 Completed a university or higher degree</b></li> </ol>

<p><b>Q4. What's your current marital status? Are you...</b></p> <p>READ ALL RESPONSE OPTIONS &amp; CIRCLE ONE CODE</p>	<ol style="list-style-type: none"> <li>1 Single, and have <u>never</u> been married</li> <li>2 De Facto</li> <li>3 Married</li> <li>4 Separated or divorced</li> <li>5 Widowed</li> </ol>
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<p><b>Q5. During the past 30 days, where did you live most of the time? Did you live...</b></p> <p>READ ALL RESPONSE OPTIONS &amp; CIRCLE ONE CODE</p> <p><b>[OPTIONS 4 -10 SKIPS TO Q.7]</b></p>	<ol style="list-style-type: none"> <li>1 In a house or apartment you rent or own</li> <li>2 In someone else's house or apartment</li> <li>3 Other household location (caravan park, boarding house)</li> <li>4 In a shelter or emergency housing</li> <li>5 In prison</li> <li>6 In a halfway house</li> <li>7 In a drug or alcohol treatment program</li> <li>8 In a hospital or psychiatric hospital</li> <li>9 On the street or with no fixed address</li> <li>10 Longrass</li> </ol>
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<p><b>Q7. How many dependent children are you taking care of?</b></p> <p>DEPENDENT = UNDER 5 YEARS OR CHILDREN AT SCHOOL</p>	<p>___ ___ dependent children</p>
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<p><b>Q8. What is your current work status? Are you...</b></p> <p>READ ALL RESPONSE OPTIONS &amp; CIRCLE ONE CODE</p>	<ol style="list-style-type: none"> <li>1 Working full-time (ie 35 or more hours per week in one or more jobs, including self-employment)</li> <li>2 Working part-time</li> <li>3 Have a job, but out due to illness/leave/strike</li> <li>4 Have seasonal work, but currently not working</li> <li>5 Unemployed or laid off and looking for work</li> <li>6 Unemployed and not looking for work</li> <li>7 Full-time homemaker</li> <li>8 In full-time education <u>only</u></li> <li>9 Retired</li> <li>10 Disabled for work</li> </ol>
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Q.12	Alcohol	Cannabis	Cocaine	Heroin	Illegal Morphine / other opiates	Street Methadone
G. Have you felt that you needed or were dependent on (DRUG) in the past 12 months?	0 1	0 1	0 1	0 1	0 1	0 1

Q.12 cont.	Amphetamine Speed/Methamphetamine	Illegal Benzodiazepines	Ecstasy	Hallucinogens (LSD, magic mushrooms)	Inhalants
G. Have you felt that you needed or were dependent on (DRUG) in the past 12 months?	0 1	0 1	0 1	0 1	0 1

<b>Q28. How many charges have you received in the past 12 months? Do not count the one you're here for now.</b>  <b>IF NONE, RECORD AS 0 AND SKIP TO Q. 30</b>		<b>NUMBER OF CHARGES</b>		
<b>Q29A. What were you charged with?</b>  <b>How many times did that happen?</b>  <b>Had you taken drugs just before you committed the (CHARGE)?</b>  <b>Had you been drinking alcohol just before you committed the (CHARGE)?</b>   WRITE ALL CHARGES MENTIONED  IF THE NUMBER FOR A CHARGE IS MORE THAN ONE,	<u>CHARGE</u>	<u>NO.</u>	Taken Drugs	Drinking Alcohol
	_____ / _____		0 1	0 1
	_____ / _____		0 1	0 1
	_____ / _____		0 1	0 1
	_____ / _____		0 1	0 1
	_____ / _____		0 1	0 1
	_____ / _____		0 1	0 1
	_____ / _____		0 1	0 1
	_____ / _____		0 1	0 1

<p>REFER TO THE MOST RECENT TIME WHEN ASKING DRUG AND ALCOHOL QUESTIONS</p> <p>IF R REPORTS A DRUG CHARGE,  <b>Q29B. What drug/s did it involve?</b></p>	<p>SPECIFY DRUG TYPE/S:  _____</p>
<p>Q34. What is your ethnic background?</p> <p>IF R MENTIONS "AUSTRALIAN" BUT DOES NOT MENTION ABORIGINALITY, ASK Q. 35. OTHERWISE, SKIP TO Q. 36</p>	<p><b>1</b> _____  <b>2</b> _____  <b>3</b> _____</p>
<p>Q35. Do you consider yourself Aboriginal or TSI?</p>	<p><b>0 No</b>  <b>1 Yes</b></p>

<p>Q39. INTERVIEW ER'S OVERALL IMPRESSION OF R:</p>	<p>0 Answers generally seemed honest and reliable  1 Had serious doubts about quality of answers (possibly lying, incoherent, inconsistent, etc.)</p>
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