



**ethnic
communities'
council of
victoria**

27 October 2010

Assistant Commissioner Jeff Pope
Victoria Police
Victoria Police Centre
637 Flinders street
Melbourne 3005

Dear Assistance Commissioner

Re: Victoria Police Prejudice Motivated Crime Strategy

eccv welcomes the opportunity to provide comment on the Victoria Police Prejudice Motivated Crime (PMC) Draft Strategy as this is aligned with our goals to contribute to the elimination of racism and discrimination, advancing equality of opportunity and fostering good relations between Victoria's diverse communities so people can live in society without fear.

We commend Victoria Police for their commitment to tackling prejudiced motivated crime and wish to reaffirm our strong support of the position of Victoria Police in improving its capability in this area through the formation of a new strategy and the establishment of a prejudiced motivated crime unit to support victims of these crimes.

Prejudiced motivated crimes are often based on intolerance and a lack of understanding of difference. Thus, it is important to frame it as a human rights issue. This type of criminal activity is a manifestation of, and a means of sustaining discrimination against certain groups in our society. The scale of criminal offences motivated by prejudice causes untold personal damage to individuals, instils fear in people generally, limiting their equality of opportunity and infringing on their basic human rights. Given this, the new Strategy must balance human rights considerations under sections 9 and 12 of the Victorian Charter of Human Rights and Responsibilities.

While the actions outlined in the strategy deal with PMC in the short to medium term, this type of crime should be addressed from prevention and early intervention through to stopping offenders from re-offending, and tackling the roots causes of PMC. Addressing the cycle of PMC related crime could be a long-term focus of this strategy.

A long-term strategic direction necessitates an expansion of the priorities outlined in the objectives identified in *'The Way Ahead 2008-2013'*. To fulfil the commitment of reducing PMC under the organisational priorities of *'A Safer Victoria'* and *'Valuing our People'*, we recommend adding to these key areas two long-term objectives:

1. Prevention of PMC occurrences or escalation;
2. Empowering victims and improving access to support.

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To address the first long-term objective the strategy needs to be clear when identifying the range of offences motivated by prejudiced crime, as these offences run from abuse and harassment through to violent assault.

Recognising the scale of offences that are motivated by prejudice is useful in augmenting the understanding of PMC so Victoria Police can address it accordingly. Additionally, the criteria used to determine a crime must also be specific and clear.

Awareness and recognition of patterns of repeat victimisation (regardless of how minor they are and their impact on victims and communities) and the tendency of minor occurrences (such as insults and harassment) to escalate into more serious and violent offences could avert the community's erosion of confidence and overall social disharmony. Thus, we believe early intervention in this process of escalation is vital.

It is also important to provide all PMC victims with a consistent and appropriate level of support of a high standard. This takes us to the second long-term focus, which is developing a clearer action plan on how people can be given the confidence to report crime. This plan must include steps that empower victims to report crime, information on the process involved when reporting crimes and a commitment by Victoria Police to ensure that the means to report PMC are accessible. To meet this objective, community education is paramount to raise awareness about what constitutes a PMC, how to report it and what the criminal justice system can do about it. Provision of information is an empowering tool.

The eccv is aware that many victims of PMC do not know that support is available. Accessing information about the rights of victims, what level of service they should expect from the Police and specialist support agencies and is vital as it empowers victims to be active participants and decision makers.

Victoria Police must ensure that victims know where they can go to seek the support they need, and that they are provided with support that is both accessible and empowering. Victims can also be referred to a number of specialist support agencies including community groups, religious institutions and support networks. Partnering with the agencies that provide support to victims of crime should be a key part of the strategy.

To improve access to support for victims of PMC, the strategy needs to ensure that the voluntary and community sectors are supported and their roles strengthened in providing their invaluable services to prejudiced crime victims. The voluntary and community sectors have a wealth of expertise on tackling PMC and by drawing on this valuable resource through continuing, meaningful involvement and engagement, Victoria Police can ensure that the actions in the Active Plan are effective.

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Agencies within these sectors can also act as third-party reporting mechanisms, an effective way of addressing under-reporting. To ensure the success of this reporting scheme, an appropriate response from the relevant agencies is required. It is however important that the efforts of facilitating third-party reporting should not be a substitute for efforts to engender confidence in people to report PMC to police. Victoria Police must also make the use of interpreters when victims request this.

An additional activity to increase connectedness and build the confidence of victims in the criminal justice system is adopting a victim-centred approach when bringing perpetrators to justice and helping victims receive redress. Improving the identification and support for vulnerable and intimidated witnesses enables victims to give their best evidence in court. Tracing suspects and taking strong action against perpetrators also sends a strong message to the broader community that there is zero tolerance for these acts in our society.

We commend the efforts of Victoria Police to improve the evidence base and analytical capability through data collection, recording and research but stress the need to use a variety of research methodologies including qualitative information and case studies (supplied by victims and community groups) in conjunction with robust research and quantitative statistical data. Thus, the evidence base could be strengthened through improved data collection and specially commissioned, longitudinal and extensive research.

Collecting information about levels of victim satisfaction through qualitative and quantitative surveys is a valuable measure of success regarding police response to PMC. It is also important that independent bodies carry out regular audits of police practices when reviewing PMC policies.

While we support Victoria Police in raising the efforts to tackle PMC in the broader community, we believe it is important to identify vulnerable communities that appear to be disproportionately affected by PMC due to inflammatory media portrayals of minority groups (e.g. Jewish, Islamic & Sudanese communities) and establish even stronger links to them. Incidents occurring within a climate of anxiety over 'boat people', growing ethnic diversity, fears of newly arrived citizens not integrating well into society, fear of unsustainable population growth, economic instability and post 9/11 attitudes can add other groups to the existing list.

At this point, due to the lack of a Police strategy and a consequent dearth of data, we lack an accurate picture of PMC but are aware that some communities such as asylum seekers and new arrivals from refugee and migrant backgrounds suffer a disproportionate level of prejudiced incidents. Under-reporting by these groups is due to fear that giving evidence to the police or other statutory agencies may affect their immigration status, they won't get a fair hearing or their reports will be overlooked. In view of this, the eccv calls on Victoria Police to acknowledge the need to take reports of PMC

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seriously, to protect these groups in their efforts and to reduce the imbalances through targeted activities to tackle PMC against these communities.

We also recommend that Victoria Police consider that perpetrators of PMC may target someone because of an accumulation of different aspects of their identities and an interaction between these characteristics. Prejudice towards a combination of characteristics such as race, skin colour, modes of dress, sexuality or even a disability (physical or intellectual) can significantly heighten the likelihood of these individuals being victims of PMC. Victoria Police need to take into account these interactions, variations, complexities and other circumstances when implementing the Action Plan.

A key issue identified in the PMC strategy is to provide training for Victoria Police personnel both at the recruitment stage and as a part of regular professional development training requirements for established Police personnel. Police personnel must be equipped with the knowledge, systems and guidance that enables them to be confident in responding to all types of PMC. Any policies, services and functions aimed at tackling and preventing PMC must be accessible, culturally competent and accountable to all members of the public. The officers also need to be willing to tackle their own prejudices and become more understanding and knowledgeable of PMC. A 'best practice' example of cross-cultural training is the Sudanese Community Cross Cultural Training program available to police, external government and non-government agencies.

Considering its increasing frequency, Victoria Police may need to look further into new challenges such as incitement to hatred over the Internet. This challenge requires the development of a separate plan to be incorporated within the broader Action Plan that focuses on improving the systems and processes for receiving and responding to reports of incitement on the Internet.

We believe that the responsibility for the implementation of this strategy should be shared amongst a wide range of public bodies with a focus on education, reporting and recording, investigation, prosecution, engagement and prevention. We look forward to working with you to strengthen Victoria's response to prejudiced motivated crime.

We hope this response assists in the development of a final version of the Strategy and look forward to the launch of the final version and its timely implementation.

Yours sincerely

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Director

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