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Sydney Institute of Criminology



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We acknowledge the tradition of custodianship and law of the Country on which the University of Sydney campuses stand. We pay our respects to those who have cared and continue to care for Country.

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Police a ‘protected category’ under US hate crime laws

The so-named ‘**Blue Lives Matter**’ movement began in 2014 as a rejoinder to accusations of police racism in the United States. Blue Lives Matter advocates for the expansion of hate crime statutes to include police and other first responders as protected victim categories. So far, four US states have enacted these reforms: Louisiana, Kentucky, Mississippi and Texas.

In ‘Blue Lives Matter and Hate Crime Law’, an article published in *Race and Justice* last month, [Professor Gail Mason](#) of the [Sydney Institute of Criminology](#) examines the Blue Lives Matter movement.

“The killing of George Floyd at the hands of a police officer in Minneapolis is another horrendous example of the long history of police brutality and racism against Black Americans. Both in the US and here in Australia, Black Lives Matter protests have sought to expose police brutality against Black and Aboriginal communities, as well as agitate for police accountability over racial profiling and abuse. In the US, **police have retaliated by establishing the Blue Lives Matter counter movement, which characterises accusations of police racism as vilification**, claiming, instead, that police are the real victims in this ‘cultural crossfire’ between police and Black America,” Professor Gail Mason explains.

“This research examines a key goal of the Blue Lives Matter movement: the inclusion of police as a ‘protected category’ under US hate crime laws. **Hate crime laws are designed to recognise and protect minority groups targeted for prejudice-motivated violence and crime. They aim to send an ideological message condemning the inequality and power relations that drive this violence.** Blue Lives Matter bills have been introduced into multiple US states, with reforms passing in Louisiana, Kentucky, Mississippi and Texas. With some

minor exceptions, this is the first time that hate crime laws have been extended to a victim category that represents an authoritative arm of the state.

If hate crime laws are designed to send a message about the need to balance injustice between ‘the oppressor and the oppressed’, from whom do police need protection? Undertaking a discourse analysis of legislative debates surrounding the enactment of blue hate crime laws, the article argues that **the social significance of these laws lies in their implicit attempt to reframe the history of police brutality and bias towards the Black community**, that is, to reverse the history of what we might call a blue/black relation of inequality and power.

Law enforcement officers already enjoy some of the strongest possible protections under US law, with all States mandating more severe sanctions for attacks on police. The inclusion of police as a victim category in hate crime statutes invites us to look at police through the same lens as other victim categories, that is, as a vulnerable minority group deserving of extra state protection from bigoted animosity. In situating new legal protections for police within hate crime statutes, blue reforms effectively claim that US culture suffers from a hierarchical regime within which police are a subjugated and targeted minority at the hands of a Black community of dangerous and biased perpetrators: a supposed black/blue relation of power. **We can only hope that the current Black Lives Matter movement provides an antidote to this distorted claim,**” Professor Gail Mason said. [Read the article in Race and Justice.](#)

[Gail Mason](#) is Professor of Criminology at the University of Sydney Law School. Professor Mason is the co-ordinator of the [Australian Hate Crime Network](#) and Chief Investigator on the ARC funded *Hate Crime Law and Justice Project*, which is undertaking an international comparison of hate crime laws. In 2019 Professor Mason received the Distinguished Criminologist Award from the Australian and New Zealand Society of Criminology.

NSW COVID-19 Border Control Order commences today

Commencing today, 8 July 2020, the *NSW Public Health (COVID-19 Border Control) Order 2020* restricts entry into New South Wales of persons who have been in Victoria within the previous 14 days before entry (termed ‘affected persons’).

Pursuant to the Order (Section 10 of the *Public Health Act 2010*), **it is an offence if an individual fails to comply with a direction, with a maximum penalty of imprisonment for 6 months or a fine of up to \$11,000 (or both) plus a further \$5,500 fine each day the offence continues.**

Corporations that fail to comply with a direction are liable to a fine of \$55,000 and \$27,500 each day the offence continues. The *Public Health Regulation 2012* also enables authorised officers to issue **penalty notices for offences against clause 6 by individuals for an amount of \$4,000 and \$1,000 in other cases.** The Order expires 90 days after it was made, unless it is earlier revoked.

The Order directs that only certain categories of affected persons can enter NSW including: returning NSW residents; children going to boarding school (and their parents); persons providing critical services; persons entering child access or care arrangements; persons transiting out of NSW; seasonal workers; people needing medical or hospital treatment; people needing to meet legal obligations; and people in border communities. Exemption may also be granted in some circumstances on compassionate grounds.

People entering NSW generally will have to obtain an entry permit and comply with the conditions on the permit or specific conditions in the order (eg. returning NSW residents have to self-isolate). If an affected person enters NSW, they must self-isolate at their place of residence or another suitable place and remain there until 14 days have passed since the person was in Victoria. There are only limited reasons an affected person can leave their home, including obtaining medical care, complying with legal obligations, providing an essential service, in an emergency or to leave NSW. The person must comply with the NSW Health self-isolation guidelines. [Access the Public Health Order for more details, including exemptions to the Order.](#)

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More COVID-19 Criminology

Inquiry Inquiry into criminal activity and law enforcement during the COVID-19 pandemic

Submissions are open for the **Commonwealth Parliamentary Joint Committee on Law Enforcement's** *Inquiry into criminal activity and law enforcement during the COVID-19 pandemic*. The committee is particularly interested in how the pandemic has impacted the nature and operations of transnational, serious and organised crime, and the tactics adopted by criminal organisations to adjust to or exploit related changes in their operating environment. The committee is interested in how the pandemic has impacted the prevalence of crime types of specific interest to the Australian Federal Police and the Australian Criminal Intelligence Commission, including but not limited to fraud and cybercrime. The committee also welcomes evidence regarding the effects of the pandemic on the work and capacity of law enforcement, and the preparedness of law enforcement in responding to the current pandemic and comparable events in the future. **Submission close 30 July 2020.** [Visit the website for more information.](#)

Legal Aid Changes to Legal Aid NSW service delivery during COVID-19 pandemic

From 1 July 2020, **Legal Aid NSW** offices re-open, but services to the public are still restricted. Legal Aid NSW will also be providing more in-person services in courts but legal advice services will continue to be delivered by phone or other electronic means unless there are exceptional circumstances.

In-person court services will increase but will be provided in line with changes

made in the respective jurisdictions. Find out more about the changes to service delivery by visiting the [Legal Aid NSW website](#).

Women's safety Experiences of Indigenous women impacted by violence during COVID-19

Women's Safety NSW has released a report concerning domestic violence during Covid-19 and the impact on Indigenous women. The report finds that Indigenous women are more at risk of experiencing violence and are experiencing violence at high levels of severity. Frontline Aboriginal domestic and family violence specialists have reported an increase in client numbers since the beginning of Covid-19.

Half of the study's survey respondents reported an increase in the complexity of their Indigenous client's needs since the outbreak of Covid-19. The inability to attend cultural support groups, and women prioritising basic needs over safety, are identified as significant issues experienced by Indigenous clients since the outbreak of Covid-19. Access to support case management for complex needs and ongoing accommodation are identified as two imperative service gaps for Indigenous women and children. Indigenous frontline workers engaging online with fellow Indigenous colleagues across the state has been identified as being of increased importance during isolation. [Access the full report.](#)

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Criminal justice news

Judiciary Calls for urgent reform to the judicial institution

Following the High Court of Australia's response to complaints about former Justice Dyson Heydon sexually harassing young female associates of the court, about **500 women in the legal profession have written an open letter to Attorney-General Christian Porter seeking changes to the way judges are disciplined and appointed.**

The letter calls for the Attorney-General to urgently implement "two types of judicial institution reform – the establishment of an independent complaints body and the introduction of a transparent appointments process".

The signatories to the letter write, "We believe the abuse the allegations raise provides an important opportunity to implement wider reforms to address the high incidence of sexual harassment, assault and misconduct in the legal profession. Deep cultural shifts in how men treat women in the law are required, as well as reforms to prevent the manifestations of what many fear may be institutionalised sexism that has allowed this culture to continue. We must reach a position where all people, regardless of their sex, sexual orientation, gender identity, intersex status, age, race, ethnicity, or disability are treated with equal professional dignity. Of course, no single reform can achieve these shifts, and we understand many different forms of change must be pursued."

The letter was organised by Professor Gabrielle Appleby, the Director of the

DFV Support Increased support at NSW Local Courts for women affected by domestic and family violence

The Women's Domestic Violence Court Advocacy Program (WDVCAP) has announced that the **Women's Domestic Violence Court Advocacy Services** (WVDCAS) will be providing support for women affected by domestic and family violence at all NSW Local Courts from 1 July 2020 onwards.

From 1 July 2020, women experiencing domestic and family violence who attend any NSW Local Court for apprehended domestic violence order applications and related charge matters will have access to specialist WVDCAS staff. These staff can provide information, referrals, safety planning and support through the court process. The services work in partnership with police, local courts and other community services. [Learn more about WDVCAP and WVDCAS.](#)

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New publications

Study A Constellation of Circumstances: The drivers of women's increasing rates of remand in Victoria

Emma Russell, Bree Carlton, Danielle Tyson, Hui Zhou, Megan Pearce, Jill Faulkner. Fitzroy Legal Service and La Trobe Centre for Health, Law & Society (Melbourne)

Abstract: In Victoria, the average number of women entering prison each month has increased three-fold over the past decade and 9 out of 10 women entering custody are on remand. This study combined analysis of statistical data with observations of the Bail and Remand Court and interviews with criminal defence and duty lawyers to investigate the drivers of women's increasing rates of remand. The study finds that often women's offending is low-level, but that there are a 'constellation of circumstances' that contribute to their criminalisation and incarceration, including homelessness, poverty, family violence, untreated health problems and addiction. The findings also suggest that recent reforms to the *Bail Act 1977* (Vic) have impacted upon remand rates and that policing has become 'tougher' under the new bail regime. The report's authors make a series of calls for change, including a review of bail laws to bring them in line with the principle that imprisonment should only be used as a last resort and that any decreases in prisoner numbers observed during the Covid-19 pandemic should be sustained and extended into the future. [Access the study findings.](#)

Research Report Understanding the role of law and culture in Aboriginal and/or Torres Strait Islander communities in responding to and preventing family violence

Australia's National Research Organisation for Women's Safety (ANROWS)

This ANROWS study involved a review of criminological and legal literature, policy, and practice in relation to Aboriginal and Torres Strait Islander Law and Culture and family violence (with priority given to Aboriginal and Torres Strait Islander scholars, organisations, and respected community members); and place-based interviews and yarning groups in sites across Western Australia, the Northern Territory and Queensland. The report on the study stresses the importance of healing in addressing family violence. The report recommends a greater focus on prevention, healing and diversion from the criminal legal system and recommends an improved understanding within mainstream systems and services of the nature of Aboriginal and Torres Strait Islander family obligations and interconnections; and the involvement of both men and women in the design and implementation of local family violence strategies. Overall, it highlights that policy and service responses are most effective when they acknowledge the link between violence and issues that stem from colonisation such as alcohol misuse and intergenerational trauma, rather than focusing solely on gender inequality and male power. [Access the research report.](#)

Review The relationship between drug price and purity and population level harm

Caitlin Hughes, Shann Hulme and Alison Ritter, Trends & issues in crime and criminal justice no. 598. Canberra: Australian Institute of Criminology

Abstract: In illicit drug markets, the price and purity of drugs change frequently. While it is well known that purity-adjusted price affects drug use, impacts on other outcomes are less clear. This rapid review examines the relationship between price, purity and seven population level measures of drug-related harm and any differences across three drug types. With a few exceptions, it found an inverse relationship between purity-adjusted price and drug-related harm, with higher purity-adjusted price associated with less drug-related harm, and lower purity-adjusted price associated with increased harm. This shows the value of price and purity data for predicting drug market impacts and the importance of improving price and purity data collection and analyses, particularly in Australia. [Access the AIC Rapid Review.](#)

Report Serious Offending by People Serving a Community Correction Order

Victorian Sentencing Advisory Council

A new report released by the Victorian Sentencing Advisory Council has found that under 2% of people serving a community correction order (CCO) were sentenced for a serious offence in 2018–19 that had been committed while on the CCO. The report also found a growing percentage of people being sentenced for serious offences committed while serving a CCO that had been combined with imprisonment. These findings are included in the Sentencing Advisory Council's third statutorily required report on the number of convictions for serious offences committed by people on a CCO. The latest report examines this number for 1 July 2018 to 30 June 2019. [Read the full report.](#)

Events

Webinar A Constellation of Circumstances: A webinar exploring the drivers of women's growing rates of remand in Victoria

1.00pm - 2.00pm, Friday 10 July 2020

Hosted by **Fitzroy Legal Service** to coincide with the release of a new research report published by Fitzroy Legal Service and the **La Trobe Centre for Health, Law & Society**, speakers will discuss the report's findings and explore how gendered inequalities are contributing to women's criminalisation and incarceration. Speakers include: Dr Emma Russell, Senior Lecturer in Crime, Justice and Legal Studies, La Trobe University; Jill Faulkner, Manager of Women Transforming Justice, Fitzroy Legal Service; and women with lived experience of criminalisation who are members of Women's Leadership Group, Women Transforming Justice. [Register for this free webinar.](#)

Webinar Bourdieu on the Block: Punishment, Policing and the Street

6.00pm – 7.00pm, Wednesday 22 July 2020

A public webinar hosted by the **UNSW Centre for Crime, Law and Justice** with presenter Dr Alistair Fraser, Director, Scottish Centre for Crime and Justice Research. In this talk, based on a recent virtual Special Issue of the journal *Criminology and Criminal Justice*, Dr Fraser will sketch the 'field of reception' into which Bourdieu's concepts have entered. In recognising the mutually constitutive role of structure, culture and agency in the wellspring of social action, Bourdieu creates a vocabulary for a systematic sociology of crime and criminalisation that bears further development and debate. There are at least three tributaries that have pooled to form what might be termed a putative Bourdieusian criminology: punishment, policing and the street. In elaborating these interlocking arenas of crime and justice, Dr Fraser will draw on his own work on gangs, policing and street culture. [Register for this free public webinar.](#)

Webinar Crime Scenes in a Ghost Town: The Atmospherics of Lockdown

5.00pm – 6.15pm, Tuesday 4 August 2020

In this public webinar hosted by the **University of Melbourne**, Professor Alison Young will reflect on how lockdowns have transformed space and how it is regulated. In conversation with Dr Bianca Fileborn, they will together consider what a city street looks and feels like without crowds, the shifting notions of 'crime' during the pandemic, and the consequences of how emergency powers have been implemented. These issues which lockdown has brought into focus have serious implications for our future uses of public space and for the ways in which we experience cities.

The global Covid-19 pandemic has led to lockdowns being implemented around

the world. In Victoria, the imposition of a State of Emergency has resulted in a series of regulations about physical distancing that insisted people 'stay home, stay safe' except for strict reasons specified by the government. This has had a profound impact both inside the home and outside in the streets; with cities from London to New York and Sydney being emptied of their usual crowds and described as 'ghost towns'. [Register for this free public webinar.](#)

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Jobs and opportunities

Job Criminology Tutors, University of Sydney

The University of Sydney's Faculty of Arts and Social Sciences, School of Social and Political Sciences is seeking criminology tutors for the course, *Introduction to Crime and Criminology*.

This is a first-year course suitable for someone who has an understanding of criminological theory and social theory with related research/teaching background. Applicants must have Masters level training or higher in criminology or a related field to be eligible. Please email your expression of interest and CV to Course Coordinator, Estrella Pearce at Estrella.pearce@sydney.edu.au by **29 July 2020**. Please note that applicants may be contacted before the closing date.

Position Associate Editor, Correction: Policy, Practice and Research

Correction: Policy, Practice and Research is currently seeking applications for the role of Associate Editor. The chosen applicant will serve as associate editor for the journal for a three-year term from January 2021 through December 2023. The Journal is a peer-reviewed journal with a broad correctional focus encompassing a wide range of relevant topics and innovative approaches from new theoretical perspectives and research findings to their implications for improving policy and practice. Questions about the role of associate editor and/or transition to editor should be directed to current Editor, Dr Cathy Marcum at marcumcm@appstate.edu or current Associate Editor, Dr Tina Freiburger at freiburg@uwm.edu. Applications close on **1 September 2020**. [Visit the website for more information.](#)

Research opportunity Indigenous scholar for the Sites of Violence project

The Sydney Environment Institute, University of Sydney, is looking for an Indigenous scholar with a focus or interest in aesthetic and poetry to join our Sites of Violence project and partake in collaborative research in 'trauma and place'. The Sites of Violence project merges artistic and academic understandings of human and non-human experiences of violence, and the processes, emotions, and meaning that this violence makes manifest. The purpose of this transboundary approach is to dismantle learned indifference by introducing multiple perspectives to old problems, whilst facilitating productively disruptive collaborations between researchers and artists. For more info about the project

visit the [Sydney Environment Institute website](#) and email Christine Dundas at christine.dundas@sydney.edu.au.

Awards ANZPAA NIFS Best Paper Awards

The ANZPAA NIFS Best Paper Awards are presented yearly and recognise the contribution of members of the Australia New Zealand forensic science community in improving the forensic sciences and increasing the body of knowledge available to the forensic and wider communities.

Applications for the ANZPAA NIFS Best Paper Awards are currently being accepted via email to secretariat.nifs@anzpaa.org.au. **Submission close 31 August 2020.** [Visit the website for more information.](#)

Call for papers Policing in a Pandemic - Call for papers

Policing: An International Journal invites submissions for a special issue, 'Policing in a Pandemic', that report on empirical assessments of the effects of Covid-19 on a wide range of issues facing law enforcement. Manuscripts will cover themes such as (list not exhaustive): changes in recruitment and training efforts; adjustments to the provision of public services, including what services are offered and how they are provided; law enforcement readiness for public health crises; short- and long-term effects on health and wellness of sworn and civilian personnel; police problem-solving during a public health crisis; and how the situation is perceived by personnel at all levels. Authors interested in submitting a manuscript should submit an abstract to the guest editor, Janne E. Gaub, by **1 November 2020**. Manuscripts should be received no later than 6 June 2021. [Visit the website for more information.](#)

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