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Hate Crime Workshop Proceedings
November 15, 2005 1 p.m. – 5p,m.
Royal York Hotel, Toronto, Canada

Facilitator: Bernie Auchter, NIJ
NIJ Welcome: Angela Moore Parmley, NIJ
Note Taker: Carrie Mulford, NIJ

Attendees:
Barbara Perry, University of Toronto Institute of Technology
Randy Blazak, Portland State University
Mark Hamm, Indiana State University
Colin Flint, University of Illinois at Urbana–Champaign
Heidi Beirich, Southern Poverty Law Center (SPLC)
Mike Shively, Abt Associates
Jack McDevitt, Northeastern University
Jeannine Bell, Indiana University School of Law
Mike German, Hotei Consulting (Former undercover FBI agent)
Cynthia Barnett-Ryan, FBI
Chris Maxwell, University of Michigan
Bryan Byers, Ball State University

Welcome and Introductions

Bernie Auchter and Angela Moore Parmley thanked everyone for coming and gave brief welcome remarks. Mr. Auchter also discussed his role as facilitator and the role of NIJ as convener, facilitator, and funder. He asked that everyone go around the room and give his or her name, affiliation, and connection with the topic of hate crime.

Definitions/Reporting/Data Sources

Topic Introduction

Cynthia Barnett-Ryan gave an introduction to the topic. Ms. Barnett-Ryan explained the differences between information available through the Uniform Crime Reporting (UCR) summary data and National Incident-Based Reporting System (NIBRS) data. Summary data include only 11 offense types and have no victim information. NIBRS data are more detailed and include all offense types, plus victim, offender, and incident information. State-level data collection varies State-to-State, but all States are required to have the 50-plus elements required for the UCR NIBRS data if they report their hate crime in that manner. Some States include more than the 50plus required elements.

Ms. Barnett-Ryan also discussed the differences between UCR crime reports and Department of Education (ED) and Bureau of Justice Statistics (BJS) reports. The UCR and ED data sources are not expected to match because the requirements for reporting are different. For example, ED requires that a hate crime incident be reported if it resulted in bodily injury but UCR does not. Likewise, UCR and victimization surveys done by BJS would not be expected to match. They are considered to be complementary data sources because victimization surveys include unreported crimes. There are numerous reasons for the underreporting of crime and hate crime specifically, which is partially due to perspectives of law enforcement.

Open Discussion

The open discussion on the topic of definitions, reporting, and data sources began with some questions of Ms. Barnett-Ryan. First, someone asked about the reasons for underreporting of hate crimes, which most agree are more underreported than other types of crimes. Is the explanation for underreporting intentional on the part of law enforcement or is it harder to collect the evidence? The answer was that it is probably some of both, but mostly that reporting requirements are relatively new and expensive. Funding to support training and data collection at the local level is limited. Then another participant asked if anything was being done to deal with agencies that report zero hate crimes. The FBI is involved in a general effort to improve data collection, but it is not specifically targeting zero-reporting agencies. NIBRS is the overall priority of the FBI in terms of improving UCR data quality. There are currently 32 NIBRS-certified States, 9 of which have 100 percent of their localities reporting.

One researcher noted that research is needed on the quality of training and the reaction to training. If law enforcement isn't properly trained to collect and report the data, then it is meaningless. Another attendee commented that the vast majority of hate crime is low-level crime, like harassment and property crime. Police may not be concerned with and may not intervene in these low-level/low-violence cases. Ms. Barnett-Ryan responded that some theorize that offenders tend to move from less violent forms of hate crime to more violent acts. Therefore, it is important to make the collection of data more operationally pertinent at the local level. If law enforcement officers believe that reporting and intervening in low-level cases will have a preventive effect at the local level, they may be more inclined to do it. As noted by one participant, increased reporting of hate crime may not be encouraged because it looks bad for the department and the jurisdiction if the number of hate crimes goes up. Someone interjected that we do know something about training. We know that generalized training to the whole group of officers is ineffective because hate crimes are relatively rare. An individual officer might be trained and not see a case for 3 months. Therefore, specific training for hate crime specialists is required.

The facilitator asked Heidi Beirich about the data that the Southern Poverty Law Center (SPLC) collects. She said that SPLC collects two types of data, neither of which is very systematic. The first is "For the record" data, which are a listing of every incident

they can get their hands on and rely heavily on media reporting. The second is hate group data, which have improved dramatically over the past decade. Another attendee mentioned that hate crime data will be included in the NIJ-funded National Archive of Terrorism.

The discussion then moved to the challenges of doing hate crime victimization surveys. One issue is that local surveys may not be valuable because the base rate of hate crime victimization is so small. Definitional issues, sampling issues, and the large investment required to do national surveys were also mentioned as challenges. Someone brought a copy of the newly released BJS report on hate crime. The report involved interviews with approximately 500,000 individuals over 3 years. The rate of victimization per 1,000 persons/households was 0.9 percent, which resulted in an annualized estimate of approximately 200,000 hate crimes per year. A couple of participants noted that the annual estimate is extrapolated from a very small number of cases.

It was pointed out that the prevalence and incidence data are in their infancy in the area of hate crime. Hate crime data now are probably about where violence against women data were 15 or 20 years ago. The Tjaden survey on violence against women is where we could end up in the area of hate crime, but we are not ready for that type of national survey yet. Smaller studies are needed first, maybe in single jurisdictions (large cities). One researcher asked if hate crime was suitable for quantitative analysis or would it be better suited for qualitative analysis. The consensus was that there is room for both and that more focus on qualitative research was necessary. Also, it would be ideal to develop a gold standard of definition and measurement from small-scale quantitative surveys in cities like San Diego, San Francisco, or Boston, which could inform a large national study.

A participant noted that it would be worthwhile to look at how underreporting varies by community and among different categories of victims, looking at such factors as politics, police relationship with the community, how comfortable people are reporting to the police, and who are the police (are cops and clans the same people?). One of the researchers mentioned having done some work on hot spots for nonreporting of hate crimes.

Legislation

Topic Introduction

Mike Shively gave an introduction to the topic of hate crime legislation. He started out by saying that legislation defines hate crime and that laws drive definitions and determine what crimes can be prosecuted as hate crimes. There is enormous variation by State, and Wyoming is the only State that has no hate crime legislation. Usually, hate crime legislation is sprinkled throughout the criminal code. There are three major axes of variance: 1) the range of crimes that falls under hate crime legislation

(some don't specify types of crime); 2) motivation—is the crime motivated by bias, prejudice, or hate (there is typically no definition for these terms); and 3) the range of protected categories of victims.

Some States also have legislation related to training and reporting. Police training is mandatory in some States, but the type of training, the content of the training, and the standards for trainers are rarely specified. The State statutes regarding reporting do not typically line up with the UCR. For example, a hate crime is not counted in Hawaii unless it reaches the prosecutorial level. Prosecution is not required in order for a crime to be counted in the UCR.

Open Discussion

The facilitator opened up general discussion on the topic of legislation by asking a participant who was involved in prosecuting hate crime cases for comments. He said that anything you can add to a prosecutor's toolbox is helpful. However, legislators need to keep in mind what they are trying to accomplish with legislation. Researchers also should be mindful of what they hope to accomplish in quantifying hate crimes. He went on to say that he was concerned with organized violence promoted by hate groups who would groom kids to commit hate crimes. However, these crimes are counted just like other incidents, as when two kids get into a fight and one uses a racial slur, which he doesn't consider to be a true hate crime.

One attendee stated that he thinks public interest in hate crime has waned over the past few years and that there has been little change in legislation since the 1990s. Someone else thought that the limited changes in legislation are related to the innovation curve; now that nearly every State has hate crime legislation, there is not as much need for change as there was in the 1980s and 1990s. One of the practitioners agreed with the first comment, noting that police departments primarily want to talk about terrorism, drugs, and gangs and that hate crime work is not as valued.

The former FBI agent stressed the lack of focus on the organizational aspect of hate crime and pointed out that the lone extremist view has been pressed by the FBI, but that most hate crime and acts of terrorism are not done by lone extremists. These individuals are heavily influenced by hate groups even if they do not identify themselves as members of the group. One of the researchers proposed that research should look at the impact of laws on behavior, deterrence, and prosecution. Qualitative work suggests that hate crime legislation brings attention to hate crimes and may help encourage investigation and prosecution of low-level crimes, but hard evidence is still needed for the impact of legislation on prevention, investigation, and prosecution of hate crimes.

Geography/Mapping Hate Crime

Topic Introduction

Colin Flint provided an introduction to the topic. He contends that hate crime is different than other types of crime because it is about who does and does not belong in a certain place and who should and should not be there. Hate crime legislation sends a signal about who should be at a place. Geographical place should be an important part of hate crime theory.

Dr. Flint described three things that spatial analysis can do: 1) identify clusters of hate crime hot spots; 2) show the process of diffusion; and 3) demonstrate regionalization or regional patterns of hate crimes. Exploratory mapping is probably all we can do with the quality of the data we have at this point. Mapping could be used as one tool in a mixed-methods approach to explore spatial variation in the collection of data, law enforcement practice, and the impacts of legislation and policy. For example, why is there variation among police department reporting? The variation could be identified through mapping and an ethnographic study could be used to determine why the variation occurs. Mapping can be used to identify areas where smaller, more intensive studies may be warranted.

Open Discussion

Open discussion began with another researcher describing some of the challenges he faced when trying to map hate crimes in New York. Because so many of them occurred on subways, it was impossible to identify the XY coordinates where the crime occurred. One participant expressed the opinion that mapping incidents is one of the least interesting things we can do with hate crime, but that the idea of the ecological element of place in affecting behavior was one of the most exciting developments in the field. Looking at the routine activities of where people are when hate crimes occur and how hate crimes are related to other crimes in time and place is a very exciting direction.

Someone mentioned that many hate crimes occur in symbolic places like synagogues, and researchers could also map crimes to symbolic places. An attendee asked about neighborhood patterns of hate crimes. Dr. Flint answered that one geographic study found that more crimes occurred in suburban outskirts than in urban or rural areas because these are formerly rural places that are undergoing rapid change. Relative deprivation along with people moving into McMansions may also explain higher rates of hate crimes in suburban outskirts. Mapping can be used to look at how diffusion occurs and what neighborhoods hate crimes diffuse into, especially after high-profile cases.

The discussion then moved to retaliation and its relationship to space and diffusion. According to one participant, police often act like retaliation is random in space, but it may not be. Someone suggested that you could use mapping data as a

source of law enforcement intelligence. For example, you could track where leaflets are being distributed or posted. Hate groups are creating a cell and over time these areas become hot spots for hate crimes. Dr. Barnett-Ryan and her colleague, Jim Nolan, are studying the escalation of hate crimes as individuals progress from less serious to more serious events. Another attendee asked how much influence a hate group has on an individual committing a hate crime. Is the individual a member of the group, influenced by the literature, etc.? One of the practitioners responded that hate crime offenders always say, "I'm an individual acting alone," but you go to their homes and find literature produced by hate groups.

Research on Victims/Victimization

Topic Introduction

Barbara Perry opened the discussion by explaining that victimization occurs at the individual level, but the victim's community and the broader community are also impacted by hate crime. Understanding the effects of hate crime on victims is primarily done through ethnographic, qualitative research. She also noted that we need more information about victim services, both in terms of what is available and if they are effective in helping victims. We don't know enough about victim experiences with services, how knowledgeable victims are about available services, how services are accessed and utilized, and barriers to receiving services. Dr. Perry suggested that victimization experiences are best suited to qualitative research.

Open Discussion

A participant argued that how hate crimes affect victims can and should be quantified too. He also suggested that maybe the effect of hate crime on the larger community is overstated. Most hate crimes are not known about by others, so maybe it doesn't affect them. Everyone assumes that hate crimes affect the broader community, but no one has ever found that this is true or to what extent it might be true. Also, what distinguishes the high-profile cases that the community (local or national) does know about from those that never get picked up by the local or national press? Dr. Perry responded that small-scale qualitative studies have found evidence that hate crimes make people more fearful. Another researcher noted that attitudinal studies of hypothetical situations have found that levels of fear and impact are greater for hate crimes than other types of crime.

The SPLC representative pointed out that the assumption of broader victimization in hate crime is based on small studies and much anecdotal evidence. However, we (SPLC) base our interventions with victims on limited information and no evaluations have been done to show whether or not they are effective at helping victims recover. Someone commented that every victimized community doesn't experience hate crime the same. Comparative work on the experience of hate crime for different categories of

victims would be helpful. Another participant supported this contention, saying that specialized advocacy groups are needed for some categories of people, but that for others (e.g., Jewish and gay and lesbian victims) there are highly vocal, organized support services and advocacy groups already established.

It was noted that the dynamics are rarely as straightforward as innocent victim and bad perpetrator, even for hate crime. Perpetrators are often prior victims of hate crimes or other crimes.

Research on Offenders

Topic Introduction

Jack McDevitt opened the discussion on this topic by pointing to the need for researchers to test the work that he has done on hate crime offender typology. We don't know if these typologies are legitimate, yet they are used in police department trainings, in prosecuting offenders, and in the policy vernacular. These typologies need to be replicated. Dr. McDevitt also pointed out several other research questions related to hate crime offenders, including the role of various actors in the commission of hate crimes, such as the leader, followers, bystanders, or a person who might want to get involved to stop the incident. Also, how are messages transmitted to offenders? Who gets the messages and what do they do with them? What causes some people to act on the information provided by hate groups? More qualitative data and interdisciplinary work (psychology, law, criminal justice, business, and sociology) are needed in this area. In addition, we need to understand the handful of programs that attempt to change offender behavior or prevent potential offenders from committing hate crimes. Are these programs effective? There are parallels between domestic hate crime offenders and international terrorists that should be explored.

Open Discussion

One of the researchers felt that understanding offenders is the area where we know the least. It was also pointed out that prisons are an undertapped resource for researchers. We should also be looking internationally to see, for example, how Germany deals with neo-Nazis. They have been very creative in using rehabilitative shame and reintegration into the community in dealing with this population. Another researcher noted that data from prisons show that there are two populations that are relevant to hate crime research. The first is those who go in for committing hate crimes, and the second is those who go in for other crimes but come out as white supremacists. Prisoners are cultivated by the Aryan Nation and Aryan Brotherhood. Coming out and being recommitted for a hate crime is a badge of honor. The former FBI agent responded that in the hate groups that he was in (as an undercover agent) the group would not associate with someone who went to prison because that person could not be trusted anymore. He also mentioned that some of these groups are international (e.g., neo-Nazis), and they travel internationally and act internationally.

A participant echoed the call for more comparative work and learning more about how other countries react to hate crime, including what kind of legislation they have and evaluations of programs that they offer. For example, in London, hairdressers and barbers are being trained to take hate crime reports. Someone said that it is likely that hate crime researchers are competing with gang researchers for resources because there are more similarities between hate groups and gangs than there are differences.

According to one researcher, developing interview methodologies would be a helpful step for the field. He suggested that snowball sampling would be a reasonable technique to consider with this population given the potential associations offenders may have. There was some discussion of the difficulty of interviewing prisoners and a suggestion that it may be more productive to interview parolees. It was mentioned that research in schools and on college campuses might be helpful in trying to understand the transmission of hate ideologies in schools. What distinguishes those individuals who become members of hate organizations from those who hang around the movement but do not join organizations? One participant stated that theory might need to disaggregate some types of hate crime because the causes of hate crimes committed against racial or ethnic groups may be different than the causes of hate crimes committed against a gender or disability group.

Evaluation

Topic Introduction

Mike Shively gave a brief introduction focused on the need for evaluation research in the area of hate crime. He stressed the need for enhancing data quality, which is important for theory development and evaluation. From our evaluation research we want to be able to answer the question: How do we know that we are making progress? What is the impact of legislation? Do hate crime laws mean that people are being incapacitated or deterred? Hate crime research can use some of the same research designs used by researchers who evaluated the effects of sentencing reform legislation.

Evaluation research needs to focus on both process and outcome. You can't have good outcome evaluations without understanding the processes. In terms of process, what is going on at the police level? What about at the prosecutorial or judicial level? We don't know much about either of these. Do any of the work groups (police, prosecutors, or judges) defeat the purpose of the legislation, for example, by diverting cases or offering plea agreements? The field would also benefit from having good operational definitions, logic models, and flow charts of the process.

In terms of victim support programs, we don't have any evaluations that inform us about the content of these programs, awareness about them, or whether they actually help victims or help prosecute offenders. What about hate crime task forces? Are they

accomplishing anything? What models work best? What about law enforcement training programs? What are the officers being trained to do and is the training effective?

Open Discussion

Evaluation research would be most helpful if it examined in depth how hate crime was being addressed in one local area. An implementation analysis could look at the entire system in one jurisdiction, from how the statutes were being enforced, to the role of the task force, to the delivery of victim services. Research that compared the processing of hate crime cases to matched nonhate crime cases was also suggested.

Conclusion

The facilitator asked participants to write down the most pressing research question in the area of hate crime and what they would like to see come out of this meeting. The answers are as follows:

Most pressing research question:

- Understanding the impact of hate crime incidents on victims and their communities.
- What is the role of integration-related violence in the creation of hate crime?
- What causes offenders to engage in hate crimes?
- How important is hate group membership/affiliation/reading of literature to committing hate crimes? Do hate crime laws have a deterrent effect? What is the primary motivation for committing a hate crime?
- Place-specific studies linking changes in place (employment, demographic, etc.) to hate group activity → hate. Crime incident → changes in community institutions (local government, police, nongovernment institutions) to see how the place dynamics are a cause or product of hate activity.
- Evaluation of whether legislative goals of hate crime laws are being met through implementation (prosecution).
- Identifying offender typologies.

- Are law enforcement personnel pursuing hate crimes consistent with local statutes?
- What is the actual number of hate crimes and their impact on the community?
- What constitutes effective interventions re: victim and offender services?
- An examination of hate crime data to move us toward theory development. Then research that can test the theory that has been developed.
- Why do people commit hate crimes and what can be done to control it?

What would you like to see come out of this meeting:

- Request for proposals from NIJ.
- Creation of a network of researchers working on hate crime. Also, solicitations that reflect the ideas expressed at the meeting.
- A program of research in hate crime that focuses on data quality, program evaluation, and offender typology and motivation.

- A plan to collect better data—whether qualitative or quantitative.
- Research that is disseminated to law enforcement agencies and the public.
- Distinction made between different types of hate crimes (organized hate groups vs. individual crimes).
- A summary of the discussion and if there is enough interest, an edited volume.
- For NIJ to fund program and policy evaluations and offer solicitations for clearly defined research objectives.
- If NIJ could help open doors to prison research of hate crime offenders.
- Recognition of the need for broad hate crime research and subsequent funding for hate crime research.
- Funding for good research and evaluation on a variety of hate crime topics.
- A consortium to study hate crime offenders.