

## A

# Introduction and Overview: Defining and Recognizing Bias Crime

## Overview of the Session: At a Glance

Activity: Introductions	10 minutes
Presentation: Overview of Bias Crime	20 minutes
Presentation: Introduction to Bias Crime Indicators	15 minutes
Activity: Application to a Case	25 minutes
Closing Comments	5 minutes

**TOTAL TIME**

**1 hour, 15 minutes**

## Objectives

By the end of this session, participants will be able to:

- Discuss the seriousness of bias crime in terms of its impact on the individual and the community
- Explain why bias crime requires a special response from law enforcement and victim service professionals
- Understand the scope of the problem and the limitations of existing data
- Define the term “bias crime indicator”
- Describe the purpose of bias indicators and how they are used
- Evaluate a case example to determine which bias indicators are present

## Materials and Equipment



*Time:* 1 hour, 15 minutes



*Handouts:* Bias Crime Indicators; The Case of Steven Thompkins and Henry Briggs



*Transparencies:* Key Points on Bias Crimes; Hate Crimes and Agencies Reporting (1992–1998); Bias Motivation Trends (1992–1998); Definition of a Bias Crime Indicator; Indicator Cautions



*Video (optional):* “Responding to Hate Crimes: A Roll Call Training Video for Police Officers,” International Association of Chiefs of Police



*Equipment:* Overhead projector; screen; flipchart

## Instructor's Notes

### I. Activity: Introductions (10 minutes)

*Deliver* welcoming remarks, *introduce* sponsoring agencies and any visiting guest speakers, and *present* the purpose of the training: to enhance professional capacity in responding to bias crime.

*Invite* participants to turn to their fellow participants and introduce themselves. *Ask* them to discuss briefly with one another how they would define a bias crime and to give an example of a bias incident or crime they have dealt with either personally or professionally. *Invite* a few volunteers to share their experiences with the group.

## Note to Instructor

*The terms “bias crime” and “hate crime” are used interchangeably throughout this curriculum.*

*The major idea to convey in the beginning of this session is that bias crime—because of its very nature, its impact on victims and the community, and the inherent difficulties in identifying and prosecuting these crimes—demands a special response on the part of law enforcement and victim assistance professionals. The goal of this curriculum is to help professionals in both fields understand the complex issues inherent in these tragic incidents and become better equipped to respond effectively.*

### II. Presentation: Overview of Bias Crime (20 minutes)

This is a short lecture presentation, to convey key points. Use Transparency A1, “Key Points on Bias Crime,” as an outline for your presentation.



#### KEY POINTS ON BIAS CRIME

##### Overview of Bias Crime

- The Federal Hate Crime Statistics Act defines bias crime as crime “motivated, in whole or in part, by hatred against a victim based on his or her race, religion, sexual orientation, ethnicity, national origin, or disability.”
- Constitutional protections are guaranteed to all Americans, yet some individuals are victimized, sometimes subtly and at other times very overtly, for no reason other than the color of their skin, the religion they profess, the heritage of their parents, or their sexual orientation. It is most unsettling to the victims because there is nothing they can do to alter the situation, nor is there anything they should be expected to change.
- Not only is the individual who is personally touched by these offenses victimized, but the entire class of individuals residing in the community is affected as well.
- Federal laws and state statutes protect individuals from bias crime and provide a basis for prosecution of offenders.

## Bias Crimes: Unique Challenges to Professionals

- Because of their unique psychological impact on the victim, bias crimes can have a more devastating effect than other crimes—on both the victim and the victim’s community.
- Bias crimes are considered “message crimes”—crimes that send a message of fear and terror, based on a foundation of bigotry.
- Bias crimes have an impact on the victim’s community. As a result, a seemingly insignificant incident can exacerbate existing tension within the community, with the potential for reprisals and escalating violence.
- Therefore, bias crimes demand a special response from law enforcement and victim assistance professionals. Victims of bias crime often suffer serious and long-lasting traumatic stress that can be made worse by an inappropriate response.

### Note to Instructor

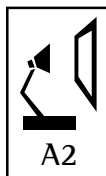
*The definition of hate crime used here is from the Hate Crime Statistics Act.*

**Explain** to participants that federal and state laws define hate crime differently and include different protected categories.

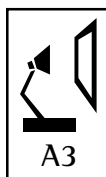
*A comprehensive review of the legal issues regarding the definition of hate crime can be found in **Session D, Bias Crime and the Law.***

## Scope of Bias Crime<sup>1</sup>

- Prior to 1990, no comprehensive source of bias crime incidence data existed in the United States, due in part to differences in defining, reporting, and compiling incidents of bias crime in different states.
- To remedy this lack of reporting, the federal government enacted the Hate Crime Statistics Act in 1990.
- Currently, state law enforcement agencies and police departments collect and document bias crimes in different ways. Gradually, agencies have become better about documenting and reporting bias crimes; the latest FBI report lauds the efforts of state and local law enforcement agencies in helping to create a more thorough and comprehensive data set.
- From 1992–1998, an average of over 8,000 hate crimes were reported to the FBI each year. Transparency A2 shows the data for each year, as well as the number of law enforcement agencies reporting.
- Of the reported hate crimes from 1992–1998, 61 percent were motivated by racial bias, 17 percent by religious bias, 12 percent by sexual orientation bias, and 10 percent by ethnicity/national origin bias. Bias crimes against people with disabilities accounted for less than 1 percent of hate crimes in 1997 and 1998, the first years for which this data was collected.<sup>2</sup>
- Advocacy groups have also done exemplary work in documenting bias crimes and incidents (e.g., the Anti-Defamation League, National Urban League, National Gay and Lesbian Task Force, American-Arab Anti-Discrimination Committee, Committee Against Anti-Asian Violence, Asian Law Caucus, Japanese American Citizens League, National Institute Against Prejudice



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and Violence, and others). These data supplement the FBI data and also indicate that many hate crimes are not reported to law enforcement and/or are not prosecuted as hate crimes.

- Although some data problems do exist and it is currently impossible to say with certainty what the incidence of bias crime is nationally, it is important to remember that these crimes have a significant impact in several areas:

- the victim
- the community
- our democratic society, civil rights, and protections

These crimes threaten the well-being of our society. Although the attacks may vary widely in their severity, the impact on the broader community is profound.

### Note to Instructor

*Explain to participants that because reporting is voluntary and because many hate crimes are either unrecognized by law enforcement or unreported by victims, the number of reported hate crimes is probably much lower than the actual number of hate crimes. However, hate crime data is still useful in that it documents the existence of hate crime, enables professionals and policymakers to examine trends, and helps identify which groups are most likely to be victimized. This is also a good opportunity to encourage participants to improve their local practices of recognizing and reporting hate crimes and to collect good local data that will enable them to address the problem in their communities.*

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## III. Presentation: Introduction to Bias Crime Indicators (15 minutes)

*Explain* what bias indicators are:

- The clues that law enforcement professionals look for in determining if a case should be investigated as a bias crime
- The guidelines that shape the investigative process

*Confirm* that, ultimately, the determination that a crime is a bias crime will be based on the facts of the case. Bias indicators suggest a possibility, not a legal certainty.

*Explain* to participants that bias crime indicators assist law enforcement in confirming that a particular crime was in fact motivated by the offender's bias. The identification and confirmation of prejudice motivation must be made for five primary reasons:<sup>3</sup>

1. Successful prosecution
2. Proper law enforcement and victim assistance response to victims and communities
3. Development of effective prevention programs and strategies
4. Accurate data collection to inform research, legislation, and public policy
5. Victim and community awareness and understanding

Review the formal definition of bias indicators, using Transparency A4, “Definition of a Bias Crime Indicator.”



## DEFINITION OF A BIAS CRIME INDICATOR

Objective facts, circumstances, or patterns attending a criminal act(s), which, standing alone or in conjunction with other facts or circumstances, suggest that the offender’s actions were motivated, in whole or in part, by any form of bias.

—Massachusetts Model Protocol for Bias Crime Investigation

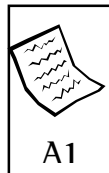
### Note to Instructor



An optional activity: A new video entitled “Responding to Hate Crimes: A Roll Call Training Video for Police Officers,” was recently developed with funding from the Bureau of Justice Assistance (BJA), U.S. Department of Justice. The video has an excellent 8-minute segment on hate crime indicators. The International Association for Chiefs of Police (IACP) created a brochure to accompany the video. You may wish to **show** the video during this session and **distribute** copies of the brochure. For information about the video, contact the BJA at (800) 688-4252. To order the brochure, call the National Criminal Justice Reference Service at (800) 851-3420, or **download** it from the IACP web site at <[www.theiacp.org](http://www.theiacp.org)>.

Distribute Handout A1, “Bias Crime Indicators,” and give participants several minutes to review the handout. *Remind* participants that the indicators (on the handout and listed below) are not inclusive, nor does the presence of one confirm the presence of bias. All cases should be investigated and evaluated on an individual basis. The following factors may indicate the *possibility* of a bias motivation.

*Explain* that bias indicators need not establish that the predominant motivation for an offender’s actions was hatred or bias. An incident can be classified as a bias crime if the offender was acting out of hatred or bias, together with other motives, or if a bias motive was a contributing factor, in whole or in part, in the commission of a criminal act.



## BIAS CRIME INDICATORS<sup>4</sup>

### Racial, Ethnic, Gender, and/or Cultural Differences

- The race, religion, ethnicity/national origin, disability status, gender, or sexual orientation of victim differs from that of the offender.
- The victim is a member of a group that is overwhelmingly outnumbered by members of another group in the area where the incident occurred.
- The victim was engaged in activities promoting his or her group.
- The incident coincided with a holiday or date of particular significance to the victim’s group.
- The victim, although not a member of the targeted group, is a member of an advocacy group that supports the victim’s group, or the victim was in the company of a member of the targeted group.

(continued)



- Historically, animosity exists between the victim's group and the offender's group.

### **Comments, Written Statements, or Gestures**

- Bias-related comments, written statements, or gestures were made by the offender.

### **Drawings, Markings, Symbols, or Graffiti**

- Bias-related drawings, markings, symbols, or graffiti were left at the scene of the incident.

### **Organized Hate Groups**

- Objects or items that represent the work of organized hate groups (e.g., white hoods, burning crosses, hate graffiti) were left at the scene of the incident.
- There are indications that a hate group was involved; for example, an organized hate group claimed responsibility for the crime or was active in the neighborhood.

### **Previous Bias Crimes or Incidents**

- Victim was visiting a location where previous bias crimes had been committed against members of the victim's group.
- Several incidents occurred in the same area, and the victims were members of the same group.
- Victim had received previous harassing mail or phone calls or had experienced verbal abuse based on his or her affiliation with a targeted group.
- Recent bias incidents or crimes may have sparked a retaliatory hate crime.

### **Victim/Witness Perception**

- Victims and/or witnesses perceive that the incident was motivated by bias.

### **Motive of Offender**

- Offender was previously involved in a similar incident or is a member of, or associates with members of, an organized hate group.
- The victim was in the company of or married to a member of a targeted group.
- The victim was perceived by the offender as violating or breaking from traditional conventions or working in nontraditional employment.
- The offender has a history of previous crimes with a similar modus operandi and involving other victims of the same race, religion, ethnicity/national origin, disability, sexual orientation, or gender.

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### Location of Incident

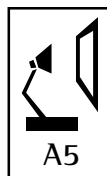
- The victim was in or near an area or place commonly associated with or frequented by members of a particular race, religion, ethnicity/national origin, disability, sexual orientation, or gender (e.g., a gay bar).
- The incident occurred at or near a house of worship, religious cemetery, or home or establishment of a group considered a minority or “outsider” in a given neighborhood (e.g., a Korean store in an African American neighborhood, a gay bar, or an African American home in a predominately Irish American neighborhood).

### Lack of Other Motives

- No clear economic or other motive for the incident exists.

Invite participants to volunteer examples from their own experience that illustrate bias crime indicators.

Use Transparency A5, “Indicator Cautions.”



### INDICATOR CAUTIONS<sup>5</sup>

#### Need for Case-by-Case Assessment of the Evidence

A small percentage of crimes motivated by bias may not exhibit any of the listed bias crime indicators. Conversely, some crimes that exhibit bias indicators may not be motivated by bias. Therefore, reporting agencies must closely examine each case for clear evidence that the motivation for the crime was bias-related.

#### Misleading Facts

Agencies must be alert to misleading facts. For example, if the offender used an epithet to refer to the victim’s race, that might indicate bias; however, if the offender and the victim were of the same race, that same action doesn’t necessarily suggest bias.

#### Feigned Facts and Hoaxes

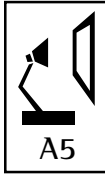
Agencies must be alert to evidence left by the offenders that is meant to give the false impression that the incident was motivated by bias. For example, students of a religious school might vandalize their own school, leaving anti-religious statements and symbols on its walls, in the hope that they will be excused from attending class. However, even when a hoax is suspected, police must be especially careful not to announce this publicly.

Bias crimes can attract intense community interest and sensational publicity. Stating that the incident may have been faked will often appear to be “blaming the victim,” leading to a setback in police-community relations. On the other hand, if a solid investigation

*(continued)*

### Note to Instructor

*Remind participants that the presence of one or more bias indicators suggests that a bias crime may have occurred but does not positively identify a crime or incident as being motivated by bias.*



proves no bias was involved, police should rely on the strength of that evidence to convince a judge, jury, and the general public.

#### **Offender's Mistaken Perception**

Even if the offender was mistaken in his or her belief that the victim was a member of a racial, religious, ethnic/national origin, or sexual orientation group, the offense is still a hate crime as long as the offender was motivated by bias against that group. For example, a middle-aged, non-gay man walking past a bar frequented by gays was attacked by six teenagers who mistakenly believed the victim had left the bar and was gay. Although the offenders were wrong on both counts, the offense is a bias crime because it was motivated by the offenders' anti-gay bias.

#### **Changes in Findings of Bias**

If, after an initial incident report was submitted, a contrary finding regarding bias occurs, the national file must be updated with the new finding. For example, if an initial finding of no bias was later changed to racial bias, or a finding of racial bias was later changed to religious bias, the change should be reported to the FBI's Uniform Crime Reports Section.

### **IV. Activity: Application to a Case (25 minutes)**

*Explain* that participants are now going to break into pairs and identify the bias indicators in a case entitled "The Case of Steven Thompkins and Henry Briggs" (Handout A2). Explain that this case was specifically developed as a composite of many of the problems faced by law enforcement and victim assistance professionals when responding to bias crimes.

*Distribute* Handout A2, "The Case of Steven Thompkins and Henry Briggs."

*Instruct* participants to read the case study, and then, in pairs, use the questions that follow to discuss their responses.

*Ask* for volunteers to describe the bias indicators they and their partners have identified. After several minutes, pose the questions that follow the case to solicit any bias indicators that have not been identified. *Write* the responses on a flipchart.







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## THE CASE OF STEVEN THOMPkins AND HENRY BRIGGS



### The Incident

Two men are walking together outside a restaurant in a small community with a large gay population. A group of five white, teenage males approaches them, and one of the teenagers in the group, distinguished from the others by his short crewcut, signals by raising his *right* arm. The group responds to the signal by bombarding the two men with rocks and bottles that had been concealed inside their jackets. One of the men is hit above the eye and cut by the broken glass of a bottle. Seeing the open wound on the man's face, the teenager who initiated the assault yells to the group, "Watch out, he probably has AIDS." The teenagers disperse. Hearing the commotion, the owner of the restaurant calls the police.

### Law Enforcement: First Response and Bias Indicators

Responding patrol officer Jack McCarron arrives at the scene and immediately calls an ambulance for the wounded man. The officer requests that the other victim and the restaurant owner remain at the scene for questioning. The victims are identified as Steven Thompkins and Henry Briggs.

Officer McCarron asks Mr. Briggs, the remaining victim, and the restaurant owner to describe the offenders in as much detail as they can recall. Henry Briggs, visibly shaken, tells the officer that he can barely remember a thing about the group. The restaurant owner tells the police officer that several of his customers have been the victims of similar incidents in this neighborhood: "These kids come over from Lakedale [a nearby town] just to stir up trouble." The officer takes down this information as part of his report and gets into his patrol car. As he is about to leave Henry Briggs rushes up to him, saying, "Wait, I do remember something else. When the punk with the short crewcut raised his arm, I saw a tattoo. I don't know what it was—it looked like some sort of skull to me." Officer McCarron responds, "Thanks, lots of kids have tattoos these days. I'll be in touch with you."

### Questions:

1. *According to your knowledge and the definition of bias crime, might this incident be motivated by bias? What are the bias indicators?*

### Possible/Desired Responses:

Yes, the crime is motivated by bias. Bias indicators include the following:

- Assault by a group of teenagers who are not residents of the area
- Assault by a group of teenagers in a predominantly gay community
- The lead offender's comment, "Watch out, he probably has AIDS," which may be a reference to the victim's presumed sexual orientation

*(continued)*



- The restaurant owner's remark that several similar incidents have occurred in this area
  - The skull tattoo on the arm of the lead offender, which may be an insignia of an organized hate group
2. *If you believe the incident might be motivated by bias, what form of bias is being perpetrated by the teenagers? Would the form of bias be different if the situation and words spoken by the teenager were exactly the same but the men leaving the restaurant were African American?*

**Possible/Desired Responses:**

The form of bias is bias against an individual's sexual orientation (note the offender's reference to AIDS). The form of bias would be the same if the men were African American, unless the offenders also made references to the victims' race.

3. *With the information presented thus far, can this situation be identified as a possible bias crime or bias incident? What would distinguish it as one or the other?*

**Possible/Desired Responses:**

Although elements for distinguishing bias crimes from bias incidents vary among states, it is acceptable to identify this case as a possible incident.

## V. Closing Comments (5 minutes)

*Explain* that you want to provide some closing comments about bias indicators that will be useful to participants in investigating potential bias crimes and working with victims. *Present* the following information relative to bias indicators:

- Often, law enforcement and victim service professionals overlook bias crimes when written or verbal bias language is not present and when other indicators may be less obvious.
- The same holds true with bias crime homicide victims. Frequently in these cases there are no witnesses to the murder, and no one is able to report any language-based bias indicators; this challenges police to search for other, less obvious indicators.
- When a robbery occurs, the motive can appear to be economic. However, if robbery is not mentioned or attempted until well into the encounter, it is highly possible that bias may be the primary motivation for the crime. The same principle holds true for sexual assault cases.

## Session A. Introduction and Overview: Defining and Recognizing Bias Crime

- Remember that the victim does not always understand that he or she may have been victimized in a bias-motivated attack. Victims often search for other reasons to explain an attack because their group membership represents an aspect of themselves that is not generally possible to change; they will forever be identified as a member of that group and therefore vulnerable to attack. The same issue can apply to witnesses as well.
- It is not essential to determine whether the victim is actually a member of a targeted group when identifying bias indicators. The issue of concern is the offender's motive based on his or her *perception* of who the victim is.
- Keep in mind that bias indicators are factors that should be considered in determining the presence of a bias crime. They do not, in themselves, confirm that any incident was a hate offense.

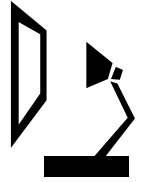
### Next Steps for Professionals

- Both victim assistance and law enforcement professionals are motivated by a desire to protect and serve victims and facilitate the administration of justice.
- Several elements are critical in both fields for a more effective response:
  - improved data collection and documentation
  - improved cultural awareness and understanding of diversity
  - greater efforts at outreach to the victims
  - improved community relations
  - greater understanding of the law
  - greater understanding of the roles and responsibilities in each field
- Our goal is to help you determine what more you can do to respond effectively to bias crimes.

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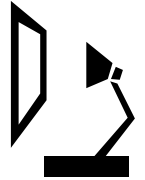
## References

- <sup>1</sup> Adapted from U.S. Department of Justice, Federal Bureau of Investigation (1996). *Training guide for hate crime data collection*. Washington, D.C.: U.S. Government Printing Office.
- <sup>2</sup> Federal hate crime data can be found at the FBI website at <[www.fbi.gov/ucr.htm](http://www.fbi.gov/ucr.htm)>.
- <sup>3</sup> Adapted from U.S. Department of Justice (1998). *National hate crimes training curriculum: Multilevel state and local law enforcement professionals*. Washington, D.C.: U.S. Department of Justice.
- <sup>4</sup> Holmes, W. (1992). *Hate crime reporting: Obstacles, facilitators, and strategies*. Boston: Statistical Analysis Center, Massachusetts Committee on Criminal Justice.
- <sup>5</sup> U.S. Department of Justice, Federal Bureau of Investigation (1990). *Hate crime data collection guidelines*. Washington, D.C.: U.S. Government Printing Office.

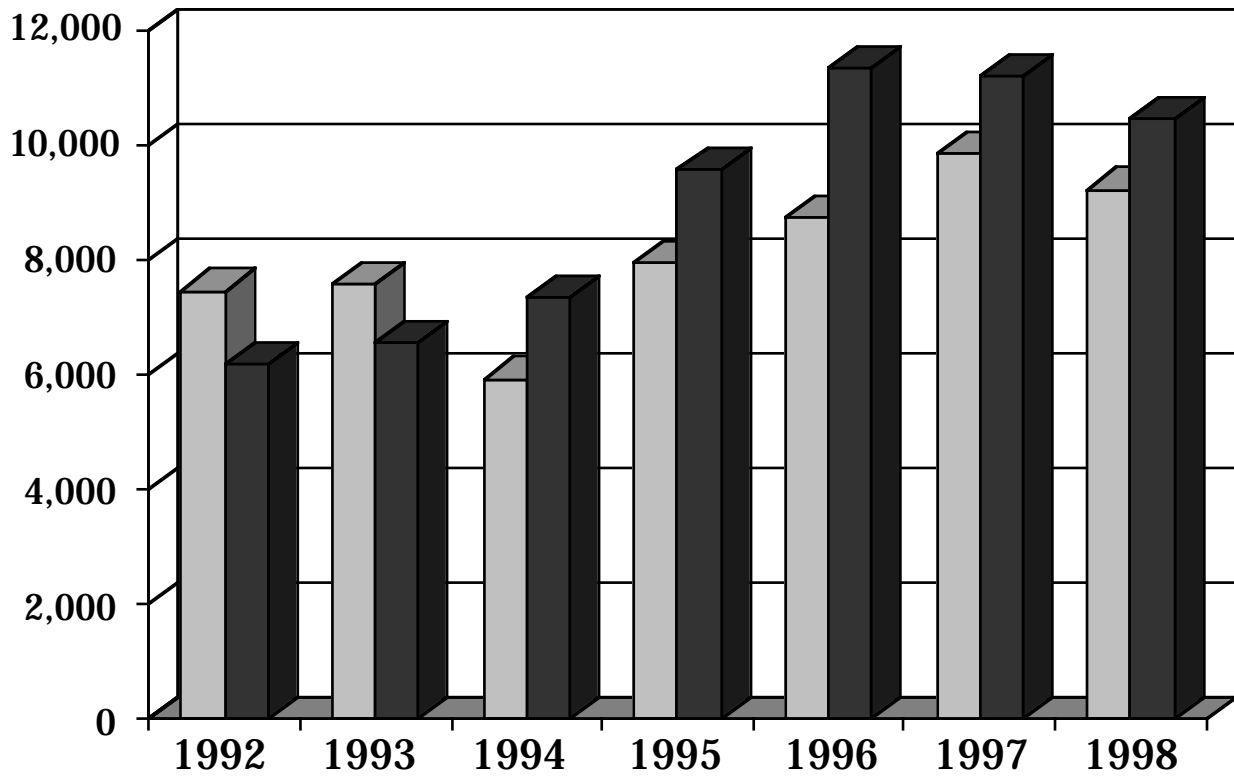
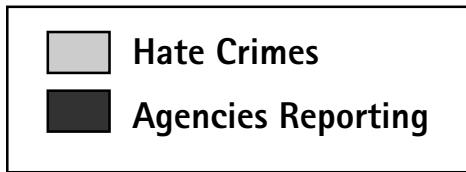


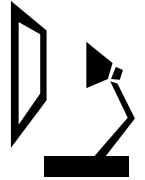
## KEY POINTS ON BIAS CRIME

- Bias crimes are “crimes motivated, in whole or in part, by hatred against a victim based on his or her race, religion, sexual orientation, ethnicity, national origin, or disability.”  
*(Federal Hate Crime Statistics Act definition)*
- Federal laws and state statutes protect individuals from bias crime and provide a basis for prosecution of offenders.
- Because of their unique psychological impact on the victim, bias crimes can have a more devastating effect than other crimes—on both the victim and the victim’s community.
- Before the passage of the Hate Crime Statistics Act in 1990, no comprehensive source of bias crime incident data existed in the United States, due in part to differences in defining, reporting, and compiling incidents of bias crime in different states.

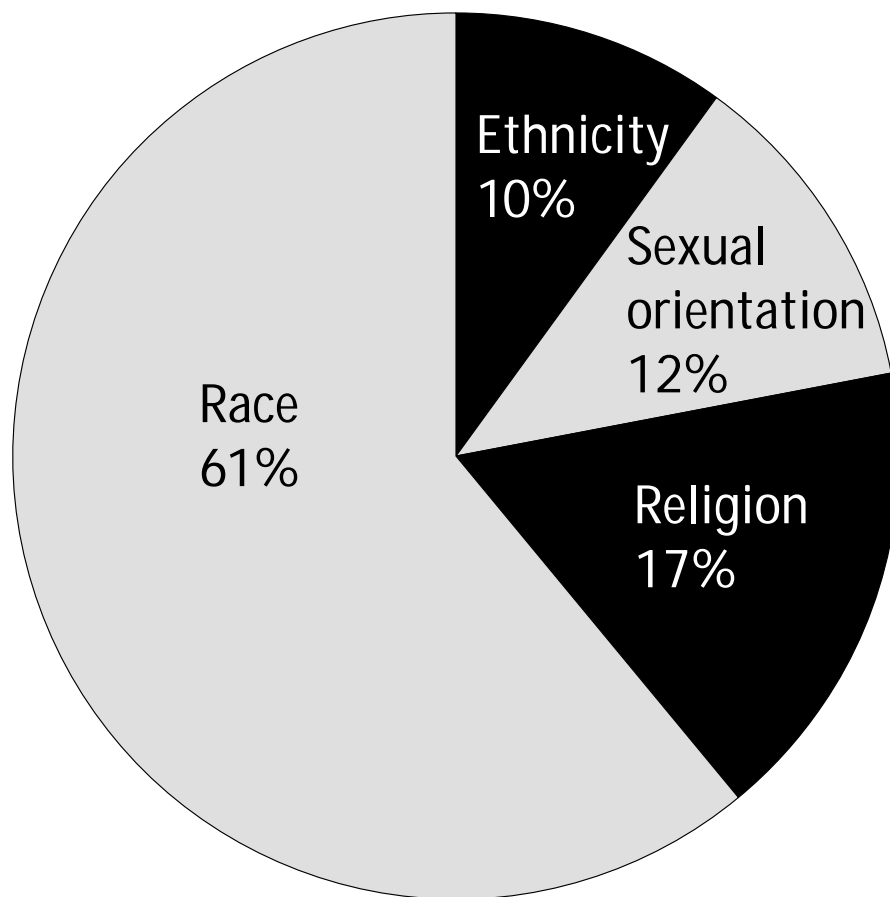


# HATE CRIMES AND AGENCIES REPORTING (1992-1998)

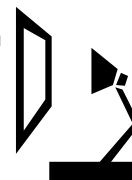




## BIAS MOTIVATION TRENDS (1992–1998)



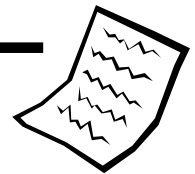
Note: Disability represents fewer than 1%.



## DEFINITION OF A BIAS CRIME INDICATOR

Objective facts, circumstances, or patterns attending a criminal act(s), which, standing alone or in conjunction with other facts or circumstances, suggest that the offender's actions were motivated, in whole or in part, by any form of bias.

– *Massachusetts Model Protocol  
for Bias Crime Investigation*



# Bias Crime Indicators

## Racial, Ethnic, Gender, and/or Cultural Differences

- The race, religion, ethnicity/national origin, disability status, gender, or sexual orientation of victim differs from that of the offender.
- The victim is a member of a group that is overwhelmingly outnumbered by members of another group in the area where the incident occurred.
- The victim was engaged in activities promoting his or her group.
- The incident coincided with a holiday or date of particular significance to the victim's group.
- The victim, although not a member of the targeted group, is a member of an advocacy group that supports the victim's group, or the victim was in the company of a member of the targeted group.
- Historically, animosity exists between the victim's group and the offender's group.

## Comments, Written Statements, or Gestures

- Bias-related comments, written statements, or gestures were made by the offender.

## Drawings, Markings, Symbols, or Graffiti

- Bias-related drawings, markings, symbols, or graffiti were left at the scene of the incident.

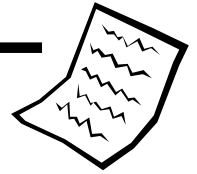
## Organized Hate Groups

- Objects or items that represent the work of organized hate groups (e.g., white hoods, burning crosses, hate graffiti) were left at the scene of the incident.
- There are indications that a hate group was involved; for example, an organized hate group claimed responsibility for the crime or was active in the neighborhood.

## Previous Bias Crimes or Incidents

- Victim was visiting a location where previous bias crimes had been committed against members of the victim's group.
- Several incidents occurred in the same area, and the victims were members of the same group.
- Victim had received previous harassing mail or phone calls or had experienced verbal abuse based on his or her affiliation with a targeted group.
- Recent bias incidents or crimes may have sparked a retaliatory hate crime.





## Bias Crime Indicators (con't.)

### Victim/Witness Perception

- Victims and/or witnesses perceive that the incident was motivated by bias.

### Motive of Offender

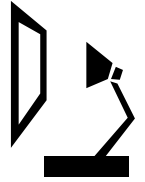
- Offender was previously involved in a similar incident or is a member of, or associates with members of, an organized hate group.
- The victim was in the company of or married to a member of a targeted group.
- The victim was perceived by the offender as violating or breaking from traditional conventions or working in nontraditional employment.
- The offender has a history of previous crimes with a similar modus operandi, and involving other victims of the same race, religion, ethnicity/national origin, disability, sexual orientation, or gender.

### Location of Incident

- The victim was in or near an area or place commonly associated with or frequented by members of a particular race, religion, ethnicity/national origin, disability, sexual orientation, or gender (e.g., a gay bar).
- The incident occurred at or near a house of worship, religious cemetery, or a home or establishment of a group considered a minority or “outsider” in a given neighborhood (e.g., a Korean store in an African American neighborhood, a gay bar, or an African American home in a predominately Irish American neighborhood).

### Lack of Other Motives

- No clear economic or other motive for the incident exists.

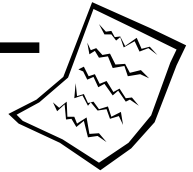


## INDICATOR CAUTIONS

- Need for Case-by-Case Assessment of the Evidence
- Misleading Facts
- Feigned Facts and Hoaxes
- Offender's Mistaken Perception
- Changes in Findings of Bias



## THE CASE OF STEVEN THOMPKINS AND HENRY BRIGGS



### The Incident

Two men are walking together outside a restaurant in a small community with a large gay population. A group of five white, teenage males approaches them, and one of the teenagers in the group, distinguished from the others by his short crewcut, signals by raising his right arm. The group responds to the signal by bombarding the two men with rocks and bottles that had been concealed inside their jackets. One of the men is hit above the eye and cut by the broken glass of a bottle. Seeing the open wound on the man's face, the teenager who initiated the assault yells to the group, "Watch out, he probably has AIDS." The teenagers disperse. Hearing the commotion, the owner of the restaurant calls the police.

### Law Enforcement: First Response and Bias Indicators

Responding patrol officer Jack McCarron arrives at the scene and immediately calls an ambulance for the wounded man. The officer requests that the other victim and the restaurant owner remain at the scene for questioning. The victims are identified as Steven Thompkins and Henry Briggs.

Officer McCarron asks Mr. Briggs, the remaining victim, and the restaurant owner to describe the offenders in as much detail as they can recall. Henry Briggs, visibly shaken, tells the officer that he can barely remember a thing about the group. The restaurant owner tells the police officer that several of his customers have been the victims of similar incidents in this neighborhood: "These kids come over from Lakedale [a nearby town] just to stir up trouble." The officer takes down this information as part of his report and gets into his patrol car. As he is about to leave Henry Briggs rushes up to him, saying, "Wait, I do remember something else. When the punk with the short crewcut raised his arm, I saw a tattoo. I don't know what it was—it looked like some sort of skull to me." Officer McCarron responds, "Thanks, lots of kids have tattoos these days. I'll be in touch with you."

### Questions

1. *According to your knowledge and the definition of bias crime, might this incident be motivated by bias? What are the bias indicators?*
2. *If you believe the incident might be motivated by bias, what form of bias is being perpetrated by the teenagers? Would the form of bias be different if the situation and words spoken by the teenager were exactly the same but the men leaving the restaurant were African American?*
3. *With the information presented thus far, can this situation be identified as a possible bias crime or bias incident? What would distinguish it as one or the other?*

