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BIAS-MOTIVATED CRIMES:
THEIR CHARACTERISTICS AND
THE LAW ENFORCEMENT RESPONSE

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ABSTRACT

This report presents the results of a study of bias-motivated crime conducted in New York City and Baltimore County, Maryland. A bias-motivated crime is defined as a crime in which the offender is apparently motivated by a characteristic of the victim that identifies the victim as a member of some group toward which the offender feels animosity.

The research focused on: (1) the nature of bias-motivated crimes (event characteristics, victims, offenders) in comparison with samples of similar non-bias crimes, and (2) the law enforcement response to bias-motivated crimes. Other issues that received attention in the research were the responses of victims to bias-motivated crimes and the definitional problems associated with the idea of bias-motivated crimes.

The primary data sets in the study consisted of matched samples of bias and non-bias crimes selected from the records of the New York City Police Department and the Baltimore County Police Department. Other data were collected through small surveys of victims and interviews with police and representatives of other relevant organizations.

BIAS-MOTIVATED CRIMES: THEIR CHARACTERISTICS AND THE LAW ENFORCEMENT RESPONSE

I. INTRODUCTION

This report deals with bias-motivated crimes. As a starting point, a bias-motivated crime is defined simply as a crime in which the offender is apparently motivated by a characteristic of the victim that identifies the victim as a member of some group toward which the offender feels animosity. We will discuss this definition momentarily. For now it is important to point out that bias is not hatred of a person; it is hatred of a group, even though the hatred of the group can be expressed in act toward an individual member of the group.

The expression of bias can take many forms. Everyday discourse can contain subtle expressions of bigotry that are deeply rooted in personalities and attitudes (van Dijk, 1987). Opportunities for employment, housing, and other amenities can be limited by the conscious bias of individuals or by inequities that are embedded in the social structure. On occasion, people commit assault or even murder because of their hatred of other races, religions, and so forth.

In the United States today, a number of forms of discrimination against groups -- in education, housing, employment, public accommodations, and so forth -- are prohibited under various federal, state, and local statutes. Although there are exceptions, most of these statutes provide for civil remedies, and enforcement is initiated by complaints to regulatory agencies or commissions. Local criminal justice systems have very limited roles with respect to these statutes.

It is true that there are criminal prosecutions for bias-motivated conduct under special statutes: omnibus "denial of civil rights" provisions in federal law, and parallel provisions in some states, as well as criminal laws pertaining to desecration of religious objects, cross-burning, and so forth (Padgett, 1984; Washington D.C. Lawyers' Comm., 1986). But this report focuses on common street crimes -- such as assault, harassment, and vandalism -- that are routinely handled by local criminal justice agencies.

There is a long history of bias-motivated crime in America -- against blacks, Jews, Asians, immigrants from Southern and Eastern Europe, and other groups. Violence motivated by racial, ethnic and religious hate is well documented (e.g., Myers, 1960;

Newton and Newton, 1991a). Today, it is recognized that many minority groups bear disproportionate burdens of common criminal victimization, regardless of the motivations of the offenders, but there is a concomitant concern that crimes motivated by bias hate may be on the increase (e.g., Flowers, 1988, Ch. 1).

When the topic of bias crime, or hate crime, is brought up, it is quite common for people to think immediately of two kinds of events: (1) periodic major crimes that receive national attention, such as mail bombing that killed civil rights activist Robert Robinson in Georgia or the killing of black teenager Yusuf Hawkins in the Bensonhurst section of Brooklyn, NY, or (2) the acts of organized groups, such as the Ku Klux Klan.

It is true that racial and other forms of bias generate a long list of severe assaults and even murders in the United States (see Newton and Newton 1991a). It is also true that the Klan is still active (although not as active as in the period between the Civil War and World War II), and that newer groups, such as the White Aryan Resistance and the Skinheads, have arisen to carry on the Klan's traditions (see Newton and Newton, 1991b; Ridgeway, 1990). However, the everyday reality of bias-motivated crime is much different, as will be shown in this report.

With few exceptions, the substantive criminal laws dealing with these common crimes are unconcerned with motivation. While individuals within the system may use their discretion to handle cases differently depending on their perceptions of motives, the law would have an assault arising from a dispute about a parking space handled the same way as an assault motivated by racial hate. Some states have changed this by enacting new statutes prohibiting behaviors such as "ethnic and religious intimidation" (see ADL, 1988a). Other states have enacted provisions that increase the level of a crime or enhance the penalties for a crime when bias motivation is present (in Minnesota, for example, see Minn. Board, 1990). But there are many problems with bringing the vague notion of motivation into the substantive criminal law (see Morsch, 1991), and laws that appear to provide different penalties for crimes against different categories of victims are not always well received.

An alternative to changing the substantive criminal law is to establish new programs and policies within the criminal justice system in order to give special attention to bias-motivated crimes. Thus, the federal government and many states have begun to mandate the separate reporting and recording of "hate crimes" to highlight the problem of crimes motivated by bias. At the local level, special police, prosecutor, and victim services units have been formed (or, more often, advocated) as a means of directing additional attention and resources toward common crimes that are motivated by racial, religious, and other forms of bias (see ADL, 1988b; California Attorney General's Commission, 1990; New York Governor's Task Force, 1988).

A. Definition

As stated above, our working definition of a bias crime is a crime in which the offender is apparently motivated by a characteristic of the victim that identifies the victim as a member of some group toward which the offender feels animosity. Obviously, the relevant target-group characteristics have to be specified before bias crimes can be officially recognized as constituting a separate category. A law or policy stipulating that a crime will be considered as a bias crime if the offender was motivated by hatred of any group would prove difficult to justify and apply. For example, assaulting one's local representative to Congress is a crime, but few people would argue that hatred of politicians is a form of bias that should receive special statutory or policy treatment in the criminal justice system.

Thus, one has to answer the question: What forms of offender bias are to be recognized in differentiating between crimes that are and are not bias-motivated?

Currently, biases directed against racial, ethnic, and religious groups are most likely to receive official recognition in defining bias-motivated crimes; in some jurisdictions, bias against a victim's perceived sexual orientation is also recognized. Whether or not a form of bias is recognized as providing the basis for an official designation of bias-motivated crime is a political decision, an issue to which we will return near the end of this report.

B. Importance

There are three primary justifications for giving special attention to bias-motivated crimes in the criminal justice system. These justifications are not established facts. However, they are logically compelling in light of general knowledge about reactions to victimization, fear of crime, inter-group relationships, and the criminal justice process.

First, bias-motivated crimes can reasonably be expected to have special effects on the individuals victimized. Given similar levels of injury and financial loss, victims of bias crimes would seem to face more difficulty than victims of non-bias crimes in coming to terms with their victimizations. At the very least, the incomplete comfort of shared risk -- that the victimization was a somewhat random event and could have happened to anyone -- is potentially available to the victims of non-bias crimes. But victims of bias crimes are targeted, at least partially, because of who they are. And the characteristics that elicit their victimizations (e.g., race, ethnicity, religion) are often important elements in their own sense of identity. This gives victims of bias crimes additional reasons for feeling vulnerable.

Second, bias-motivated crimes would seem to have especially deleterious effects on communities. Even common crimes can increase the levels of fear and distrust in a community. In addition, stereotypical conceptions of offender characteristics can heighten the hostility between groups within a community -- particularly when the conceptions relate to offenders' race or ethnicity, which they often do. Bias-motivated crimes add the effects of

overt expressions of inter-group hatred to the already negative effects produced by common crimes. In New York City, for example, the highly publicized Howard Beach and Bensonhurst crimes were followed by waves of less serious incidents (e.g., minor assaults, harassments, vandalisms) in which offenders invoked those crimes as rationales for their behaviors.

We must also note that well publicized bias-motivated crimes can give communities opportunities to affirm their opposition to bias in clear terms. But this is only a potential, the fulfillment of which depends on how a community responds to bias crime. It does not detract from the argument that bias crimes themselves contribute to the aggravation of inter-group suspicion and hostility.

The third reason for giving special attention to bias-motivated crimes derives from the first two. The expression of bias is an element that is at least analytically separable from the crime itself. Although we cannot argue that the harm caused by the expression of bias is completely independent of the harm caused by the crime itself (e.g., injury, financial loss), the expression of bias has a meaning of its own that can produce negative effects regardless of the seriousness of the associated crime. Thus, the negative effects of bias can derive almost equally from (for example) verbal harassments and serious assaults that are motivated by bias. The hostility generated by an incident such as the slaying in Howard Beach is very apparent. But the same amount of hostility can be generated by a series of harassments involving racial slurs or by highly visible anti-Semitic graffiti -- at least among those who are aware of the harassments or graffiti. The major difference is that less serious crimes are less well publicized.

The notion that bias-motivation produces negative effects even in crimes that are not very serious in terms of the penal law is a strong rationale for giving these crimes special attention. In the criminal justice system's routine operations, responses are guided by judgments about seriousness. Felonies receive more attention than misdemeanors, robberies with injuries more than robberies without injuries, thefts of large amounts more than thefts of small amounts. Especially in large cities, overburdened criminal justice systems tend to give only scant attention to crimes such as harassment and criminal mischief. Yet many bias-motivated crimes fall into these categories. Unless bias-motivated crimes are designated for special attention in some way, many will receive only minimal response by the criminal justice system.

II. DESCRIPTION OF THE STUDY

The research was designed to address the following questions:

1. What are the characteristics of bias-motivated crimes, victims, and offenders, and how do they differ from their non-bias counterparts?
2. What effects do bias-motivated crimes have on their victims?
3. What results derive from giving special police attention to bias-motivated crimes?
4. What problems arise in attempting to define, identify, and classify bias-motivated crimes?

To answer these questions we looked at two jurisdictions in which the police departments have put special emphasis on bias-motivated incidents but which differ greatly in other characteristics including the ways they handle bias-motivated incidents.

A. The Research Sites

1. New York City

The New York City Police Department is the largest municipal police agency in the United States. Its nearly 30,000 officers handle a staggering number of reported crimes and calls for service from a culturally diverse population. When very serious hate crimes occur and capture the public's attention -- as the December 1986 Howard Beach and August 1989 Bensonhurst incidents did -- even the overburdened New York City criminal justice system is capable of focusing its attention and resources on the cases (for example, see the account of the investigation and prosecution of the Howard Beach crimes by Hynes and Drury, 1990). But most bias-motivated crimes are not very serious, in terms of their penal law categories. The crimes are overwhelmingly misdemeanors, or even lesser violations, rather than felonies. In an overburdened criminal justice system, such as New York City's, misdeeds of this magnitude tend to elicit minimal responses.

Recognizing the importance of responding to bias-motivated incidents, as well as the likelihood that they would get minimal attention without a special unit to investigate them, the New York Police Department created a Bias Incident Investigating Unit (BIIU) in December 1980. The unit has citywide responsibilities and is headed by an Inspector, who reports directly to the Chief of Department. Below the Inspector are one Captain, three Sergeants, 17 Investigators, and three administrative personnel.

When the first officer on the scene (usually a patrol officer) suspects that an incident was motivated by racial, ethnic, religious, or sexual orientation bias, he or she requests that the patrol Sergeant respond to the scene. If the supervisor agrees with the patrol officer's suspicion, he/she contacts the Precinct Commander or Duty Captain, who also responds to the scene. If the Precinct Commander or Duty Captain confirms that a bias crime has occurred, the BIIU is notified. Once this process is set in motion, the BIIU becomes responsible for the case, and a special review is required to reclassify an incident as NOT being bias-motivated. More will be said about the reclassification process later in this report.

BIIU officers work closely with precinct detectives, make special efforts to reassure victims, link them with sympathetic neighbors, refer them to appropriate community organizations and governmental agencies, and, when an arrest is made, monitor the progress of the case through the criminal justice system.

In 1987 and 1988, BIIU detectives handled more than 1,000 cases, 158 of which were eventually reclassified (that is, determined to be not bias-motivated). Actually, the 158 is unusually high for a two-year period because it includes 1987, in which a record number of cases were reclassified. Police officials attribute the large number of "bogus" cases in 1987 to the aftermath of the Howard Beach incident.

2. Baltimore County, Maryland

Baltimore County surrounds, but does not include, the city of Baltimore. Its population of 655,000 is primarily white (85 percent) and concentrated in the Baltimore suburbs. Almost all police responsibilities in the County are handled by the 1,400 officer Baltimore County Police Department (BCPD) which initiated a special approach for dealing with racial, religious and ethnic (RRE) incidents in 1981, prior to adoption of the statewide reporting law in Maryland.

The Baltimore County police do not have a specialized unit comparable to New York's BIIU. Instead, responsibility for investigating RRE incidents rests with individual beat officers, and their supervisors, precinct Community Service Officers (CSO), and Precinct Commanders. The CSO in each precinct handles a variety of citizen complaints and neighborhood problems, public speaking duties, and liaison responsibilities with schools and community groups related to safety and crime. Included in the ombudsman-like responsibilities of the CSO are victim support and additional investigation of RRE cases.

Interviews with CSOs in several precincts indicated that they are notified of all reported RREs and become involved with many of them. In most instances, this involved recontacting the victim to see that he or she is satisfied. In addition, the CSO sometimes conducted an investigation or took a more active role in resolving a problem.

Although personnel in the precinct where an RRE incident occurs conduct the investigation, they may request assistance from the Police Community Relations Division (which is responsible for providing support and maintaining records) as well as the Intelligence Unit (when organized hate-group groups appear to be involved). This decentralization of responsibility for RRE investigations is congruent with the department's emphasis on community-oriented policing.

To ensure the effectiveness of this decentralized system, the department has established an internal monitoring system and close ties with community groups. Originally, liaison, investigative, and monitoring activities were located in the Intelligence Division; one detective had responsibility for handling all RRE investigations and record keeping. The detective became actively involved in most cases. In December 1987, these responsibilities were shifted to the Police Community Relations Division (except for special investigations of organized hate group activities, which stayed in Intelligence). Since that time there have been several changes in administrative oversight procedures for RRE investigations.

Currently three officers from Police Community Relations Division each are responsible for liaison with one of the department's three administrative areas. Each contacts the precincts daily, reviews both RRE and potential RRE incident reports, and works closely with the precinct Community Service Officers regarding incidents. Each spends less time than the full-time investigator did in direct contact with the victims, only becoming involved when the precinct requests assistance. At the same time, record keeping and liaison procedures have been systematized.

Departmental policy mandates that if there is any reason to believe an incident was motivated by RRE bias, it is handled according to RRE procedures. Subsequently, investigators and supervisors from the Community Relations Division plus a representative from the State Human Relations Commission, the County Executive's minority affairs specialist, and at least one precinct Community Service Officer meet monthly to classify all cases as verified, unverified, (not enough evidence to make a clear determination of bias), or unfounded (clearly not bias-motivated). This procedure is discussed later in the report.

Between 1982 and 1988 there were 690 reported RRE incidents, and 407 were verified; 581 involved criminal offenses, and 346 of these were verified.

B. The Research Design

The same basic research design was implemented in both sites with some variation due to the smaller number of bias-motivated crimes in Baltimore County and differences in the way the two jurisdictions handle and record incidents.

1. Bias Vs. Non-Bias Crimes

The major consideration in the design was to collect data that would allow comparisons of the nature and characteristics of bias and non-bias crimes. In New York City, all confirmed bias-motivated crimes in the BIIU files from 1987 and 1988 were coded. In Baltimore County data were collected on verified RRE incidents from 1982 through 1988, except that records were missing for four months in 1985 (January, February, November, and December) and one month (December) in 1986.

For each bias-motivated crime, an attempt was made to identify a non-bias crime of the same penal law classification that occurred in the same precinct on the same day. If a matching crime could not be found on the same day, the search moved one day forward, one day backward, two days forward, and so forth, until a match was found. In selecting the non-bias crime sample, however, we excluded domestic assaults and disturbances because bias-motivated crimes, almost by definition, include few such cases.

Not surprisingly, the matching procedures could not be followed perfectly in all instances. For example, several log books, from which comparison cases were identified, were missing in Baltimore County. Nevertheless, there were no significant differences between the bias crime and comparison samples, in terms of the variables used for matching: type of crime, and day and precinct of occurrence.

In Baltimore County, about 15 percent of the verified RRE incidents were not crimes, even though they were apparent attempts to harass, intimidate, or create inter-group tension. These incidents are not included in the comparisons of bias and non-bias crimes.

The primary data sets consist of nearly 2,000 New York City and 700 Baltimore County cases, each about equally divided between bias and non-bias crimes.

Data coded from case records on both bias and non-bias incidents include variables related to victim characteristics (e.g., age, race, and sex); offense characteristics (nature of act, presence of a weapon, type of target, time and place of offense); suspect characteristics, when available (e.g., age, race, sex, and relation to the victim); damage, loss, or injury; and responses by police (e.g., numbers and types of follow-up investigative activities, length of time investigated, whether or not arrests were made).

Our main goal with these data sets is to compare bias and non-bias offenses in terms of the nature of the crimes, the response of the police, and the results of police response.

The questions to be answered with these data are: Do bias crimes differ from non-bias crimes? To what degree do the police (at least in New York City) give increased attention to bias crimes? If there is increased attention, does it produce any results?

The initial design also called for comparing the judicial outcomes of the bias and non-bias crimes, when arrests were made, and the criminal history backgrounds of those arrested. However, valid comparisons were not possible for a variety of reasons: (a) the crimes were overwhelmingly minor and received scant judicial attention, (b) clearance rates were low, and the rates differed for bias and non-bias crimes, and (c) many arrestees were juveniles, whose records were not available, and the percentage of juveniles was higher among bias than among non-bias arrestees.

2. Victims

Telephone interviews were used to collect information on the effects of bias and non-bias crimes on their victims, the services that the victims felt they needed, those that they used, and their satisfaction with the police. This component of the study was exploratory and involved completed interviews with a total of 89 victims (58 in New York City and 31 in Baltimore County); 45 were victims of bias crimes and 44 were victims of non-bias crimes.

3. Other Interviews and Data

Victim service providers, representatives of various advocacy or constituency group, and police officers involved in the departments' responses to bias crimes were also interviewed. In New York City the service provider/constituency group interviews included personnel of the Victim Service Agency, Human Rights Commission, the Anti-Violence Project of the Gay and Lesbian Task Force, and the Anti-Defamation League. In Baltimore County the range of available victim services and groups is more limited although the police department works closely with the County Executive's minority affairs advisor as well as the NAACP and National Council of Christians and Jews.

The interviews with service providers and constituency groups added a qualitative dimension to our understanding of the ways in which the bias element affects the victim's response to a crime and the ways that the response of the police and, more generally, the community can mitigate that impact. Interviews with police officers helped us to understand how the officers interpreted their jobs: what they viewed as most important, what they were trying to accomplish, how their role meshed with the rest of the department, and so forth.

Examination of the processes used by the two police agencies included exploration of the decision-making in handling bias-motivated incidents, using both qualitative and quantitative data. In each site, we paid extra attention to cases that were unverified or re-classified from bias to non-bias crimes. We reviewed samples of unverified and re-classified incidents, interviewed individuals involved in the decision processes in each department, and in Baltimore County, attended verification meetings.

III. NATURE OF THE CRIMES

This chapter and the three that follow present data from both New York City and Baltimore County. Whenever possible, data from both sites are presented in the same table. However, the categories used in the records of the two police departments were not always comparable, and for some types of analysis, there was an insufficient number of cases in the Baltimore County data. Thus, in some places, data are presented in slightly different forms for the two jurisdictions, and in other places, only the New York City data are used.

A. Types of Bias and Types of Crime

In New York City and Baltimore County, racial motivation predominated among the bias crimes. Beyond that, however, there were substantial differences between the jurisdictions. As Table 1 shows, 57 percent of New York City's and 78 percent of Baltimore County's offenses were racially motivated. This is due to several factors.

First, the Baltimore County data contain a number of incidents in which there were reciprocal expressions of racial bias. Many of these involve cross-complaints by the parties, and New York's Bias Incident Investigating Unit does not handle cases unless there is a clear-cut crime with a clear-cut victim. Second, New York City's more diverse population produces a greater proportion of bias crimes with religious and ethnic motivations (primarily anti-Semitic and anti-Hispanic, respectively). Finally, New York City's data contain crimes in which the offender was motivated by the victim's sexual orientation (almost exclusively crimes against gay men), while Baltimore County's data do not.

Another noteworthy feature of Table 1 is found in the sub-categories of the racially motivated crimes, particularly in the New York City data. The racially motivated crimes are not exclusively directed against racial minorities. In New York City, 57 percent of the racially motivated crimes were directed against blacks, 36 percent against whites, and 7 percent against other racial groups (primarily Asians). This finding is discussed in more detail elsewhere (Garofalo, 1991); in this report, it is sufficient to point out that racially motivated crimes represent a more reciprocal form of racial conflict in the streets than the uni-directional image of hate crimes against minorities suggests (for similar findings in Boston, see McDevitt, 1989).

Before leaving Table 1, a comment on the last row of the table is in order. "Multiple/unclear" motivations occasionally arise in bias crimes, particularly in vandalisms. A typical situation is one in which graffiti expresses hatred of several groups (blacks and Jews, for example); less common are situations in which graffiti expresses conflicting forms of bias (against blacks and against the Ku Klux Klan, for example).

TABLE 1
TYPE OF BIAS IN BIAS-MOTIVATED CRIMES

<u>Type of Bias</u>	<u>New York City</u>	<u>Baltimore Co.</u>
Racial	57%	77%
Anti-black	(33)	(58)
Anti-white	(20)	(12)
Anti-other	(4)	(0)
Reciprocal	(0)	(7)
Religious	27%	17%
Anti-Semitic	(26)	(14)
Anti-other	(1)	(3)
Ethnic	6%	<1%
Sexual orientation	7%	NA
Multiple/unclear	3%	5%
Number of cases	1,020 (1987-88)	346 (1982-88)

NOTE: "NA" (Not Applicable) reflects the fact that sexual orientation incidents are not covered in the Baltimore County data.

The actual types of crimes committed in bias motivated offenses are predominantly minor. Most are assaults and harassments, and most of the assaults are simple assaults. The distributions of crime types are displayed in Table 2.

Even taking into account the difficulty in comparing types of crime across jurisdictions which use different definitions, it is apparent that there are differences between New York City and Baltimore County. The bias crimes in New York City contain a higher proportion of personal, face-to-face crimes, while property crimes are relatively more common in Baltimore County. This probably reflects the different styles of life in the two jurisdiction. Baltimore County is primarily a suburban area, while densely populated New York City is characterized by much more interaction on the streets. Conversely, the higher proportion of property crimes in Baltimore County may reflect a greater sensitivity to graffiti, a common form of vandalism, than exists in New York City.

When types of crime are broken down by categories of bias motivation, some variations emerge. Table 3 shows the distributions of crime types within major categories of bias motivation, using New York City data. The numbers of cases within bias categories other than racial are too small (less than 50) in Baltimore County for reliable breakdowns.

TABLE 2

TYPE OF CRIME IN BIAS-MOTIVATED CRIMES

<u>Type of Crime</u>	<u>New York City</u>	<u>Baltimore Co.</u>
Personal		
Assault	32%	42%
Harassment	37	16
Menacing/reckless endangerment	5	0
Robbery	3	1
Property		
Vandalism/criminal mischief	21	31
Arson/cross-burning	0	7
Burglary	1	1
Other	1	2
Number of cases	1,020 (1987-88)	346 (1982-88)

TABLE 3

TYPE OF BIAS BY TYPE OF CRIME, NEW YORK CITY

<u>Type of Crime</u>	<u>Type of Bias</u>				
	<u>Racial Anti-Black</u>	<u>Racial Anti-White</u>	<u>Religious Anti-Semitic</u>	<u>Ethnic</u>	<u>Sexual Orientation</u>
Assault	34%	57%	6%	42%	41%
Harassment	46	26	33	44	45
Menacing/reckless endangerment	9	5	1	5	3
Robbery	1	9	1	2	2
Criminal mischief	8	1	55	6	8
Burglary and other	2	2	3	2	1
Number of cases	336	209	269	62	66

NOTE: Table excludes 40 racial cases directed at other races, 11 religious cases directed at other religions, and 27 cases in which the motivation was multiple or unclear.

The crimes motivated by religious bias stand out as most divergent from the patterns in Table 3. The majority (55 percent) of the anti-Semitic crimes involved criminal mischief (vandalism), while criminal mischief accounted for less than 10 percent of the crimes in the other categories of bias.

Crimes motivated by the race, ethnicity, or sexual orientation of the victim were predominantly assaults or harassments. However, some differences appear when the racially motivated crimes committed against blacks and those committed against whites are examined separately. Compared to anti-black bias and bias motivated by the victim's ethnicity or sexual orientation, anti-white bias was rarely expressed through criminal mischief. In contrast, robbery and assault were relatively more likely to be used as the vehicles for expressing anti-white bias.

B. Time and Place of Occurrence

We can now turn to comparisons between the samples of bias crimes and the matched samples of non-bias crimes.

Bias crimes and the comparison, non-bias, crimes were most likely to occur between 4 pm and midnight in both New York City and Baltimore County. A few differences between the bias and non-bias samples emerge when specific types of crime are examined, but the differences are not consistent across the two jurisdictions. For example, in Baltimore County, bias motivated property crimes were nearly twice as likely as non-bias property crimes to occur at night. In New York City, however, the bias motivated property crimes were somewhat more likely than the non-bias property crimes to occur during the daytime. Similarly, for violent offenses in Baltimore County, bias crimes were more likely than comparison crimes to be committed during the day, while in New York City, the bias motivated crimes were more likely than the comparison crimes to occur during the late night hours.

Because of the inconsistency of the patterns between New York City and Baltimore, and the relatively small sizes of most of the differences found, no conclusions can be reached about time of occurrence differences between bias and non-bias crimes. However, for informational purposes, the data on the times of occurrence of the three most frequent crimes (assault, harassment, and criminal mischief) in New York City are displayed in Table 4.

TABLE 4

TIME OF OCCURRENCE, SELECTED BIAS VS. NON-BIAS CRIMES, NEW YORK CITY

<u>Time of Occurrence</u>	<u>Assaults</u>		<u>Harassments</u>		<u>Criminal Mischief</u>	
	<u>Bias</u>	<u>Non-Bias</u>	<u>Bias</u>	<u>Non-Bias</u>	<u>Bias</u>	<u>Non-Bias</u>
0300 - 0859	11%	14%	10%	7%	11%	16%
0900 - 1459	17	19	23	28	24	15
1500 - 2059	32	34	37	37	34	34
2100 - 0259	38	31	24	19	27	31
Not recorded	2	2	6	9	4	4
Number of cases	328	326	375	390	215	177

Unlike time of occurrence, consistent differences are found with respect to place of occurrence. Table 5 shows the locations of bias and non-bias crimes in the New York City and Baltimore County data sets. Given the different nature of the two jurisdictions and the fact that higher proportions of the crimes in the New York City samples are personal crimes, it is not surprising that both the bias and non-bias crimes in New York City were more likely to occur in public places than was true in Baltimore County. However, part of the apparent difference is due to recording differences -- e.g., the "other public places" category.

Nevertheless, in both jurisdictions, non-bias crimes were more likely than bias crimes to occur in and around private residences; this is consistent with the finding, to be presented later, that victims in non-bias crimes are more likely to know their offenders than are victims in bias crimes. In contrast, bias crimes were more likely to occur on church grounds or -- at least in Baltimore County -- on school grounds.

TABLE 5

PLACE OF OCCURRENCE, BIAS VS. NON-BIAS CRIMES

<u>Place of Occurrence</u>	<u>New York City</u> (1987-88)		<u>Baltimore County</u> (1982-88)	
	<u>Bias</u>	<u>Non-Bias</u>	<u>Bias</u>	<u>Non-Bias</u>
Street, sidewalk	49%	42%	19%	18%
Public transport	7	3	0	0
Other public places	3	3	16	19
School grounds	4	3	8	2
Church grounds (including cemeteries)	9	0	7	0
Commercial establishments	10	16	14	14
Private home, apartment (inside and immediately outside)	16	28	35	44
Other	3	6	1	3
Number of cases	1,020	1,015	346	326

IV. OFFENDERS IN BIAS AND NON-BIAS CRIMES

Information about offender characteristics comes primarily from the victims of the crimes. Because property crimes are often committed without the offenders being seen, many of the bias and non-bias property crime records have no information about offenders. However, since the bias and non-bias crime samples were matched on type of crime, this should not affect comparisons between the groups.

It is also the case that some kinds of information about offenders are more likely to be available than others. For example, in an incident involving a group of offenders, the victim may be able to give a reasonable estimate of the total number of offenders but may only be able to give descriptions of a few of them. Thus, the material that follows is based on varying numbers of offenders, depending on the offender characteristic being discussed.

The New York City and Baltimore County data sets agree on several factors that differentiate offenders in bias crimes from offenders in non-bias crimes.

A. Numbers of Offenders

In both jurisdictions, bias crimes were committed by larger numbers of offenders than were the comparison, non-bias crimes. For crimes in which an estimate of the number of offenders was available, the average (mean) number of offenders in Baltimore County's bias crimes was 2.10, compared to 1.43 in the non-bias crimes. The disparity was even greater in New York City: an average of 2.93 offenders in bias crimes and 1.19 in non-bias crimes. In fact, bias crimes were committed by a lone offender relatively infrequently (25 percent of the bias crimes in New York City, for example), while lone offenders were the norm in non-bias crimes (72 percent of the non-bias crimes in New York City).

B. Sex, Age, and Race/Ethnicity of Offenders

There were consistent gender and age differences in New York City and Baltimore between offenders in bias and non-bias crimes. However, a word of caution is in order before these differences are presented. Information about offender characteristics, such as sex, age, and race, was available for a higher proportion of the total offenders in non-bias crimes than in bias crimes; for example, in New York City, some detailed characteristics were available for only about one-third of the bias crime offenders counted in the incidents, but for more than half of the non-bias crime offenders. This reflects the higher proportion of bias crime incidents that involved groups of offenders (or conversely, the higher proportion of non-bias incidents that involved lone offenders). In general, as the number of offenders increased, the proportion of offenders about which detailed information was available decreased. However, we do not believe that this affects the findings presented below. The

findings hold up when separate analyses are conducted on incidents with just one or two offenders and when offender characteristics are weighted by the number of offenders in the incident (under the assumption of homogeneity of offender characteristics within groups).

Although males were the overwhelming majority of offenders in bias and non-bias crimes, they were more highly represented in bias crimes in both New York City and Baltimore. In New York City, 93 percent of the bias crime offenders about whom information was available were males, compared to 83 percent of the non-bias crime offenders. In Baltimore County, the comparable figures were 82 percent for bias crimes and 76 percent for non-bias crimes.

Age differences were more pronounced. Among offenders for whom age estimates were available, 42 percent of the bias crime offenders in New York City and 41 percent in Baltimore County were perceived to be less than 18 years old. In contrast, only 24 percent of New York City's and 22 percent of Baltimore County's non-bias crime offenders were perceived to be less than 18 years old. The predominance of younger offenders in bias crimes is illustrated in measures of central tendency; for example, in New York City, the median age of offenders in bias crimes was 18 (mean=20.3), while the median age in non-bias crimes was 25 (mean=27.0).

The relative youthfulness of bias crime offenders is clear in Table 6, which shows the percentages of offenders who were perceived to be less than 21 years old in the two most common face-to-face crimes, assault and harassment, in New York City. In assaults, 72 percent of the bias crime offenders were perceived to be less than 21, compared to 47 percent of the non-bias offenders. The difference is even greater for harassments, in which 70 percent of the bias offenders, but only 25 percent of the non-bias offenders, were perceived to be less than 21 years old.

TABLE 6
PERCENTAGES OF OFFENDERS PERCEIVED TO BE LESS THAN 21 YEARS OLD
IN BIAS AND NON-BIAS ASSAULTS AND HARASSMENTS, NEW YORK CITY

	<u>Assaults</u>	<u>Harassments</u>
Bias Crimes	72%	70%
Anti-black	57%	63%
Anti-white	85%	81%
Anti-Semitic	53%	89%
Ethnic	67%	64%
Sexual orientation	69%	64%
Non-Bias Crimes	47%	25%

Table 6 also shows some differences within the bias crime category, depending on the type of bias. Most apparent is the difference between racial crimes directed at blacks and whites. In both assault and harassment, higher proportions of the offenders in crimes against whites than in crimes against blacks were perceived to be less than 21 years old.

The distributions of offender racial/ethnic characteristics differed somewhat between New York City and Baltimore County. In New York City, among offenders for whom information was available, the proportion of offenders perceived to be white was higher in bias crimes than in non-bias crimes; in Baltimore County, the opposite was true. This is surprising because bias crimes committed against blacks comprise a much higher proportion of all bias crimes in Baltimore County than in New York City (see Table 1); thus, one would expect to find that whites comprised a greater proportion of the bias crime offenders in Baltimore County. The source of the difference appears to be that, in New York City as compared to Baltimore County, whites are more highly represented as offenders in bias crimes motivated by factors other than race. We say "appears to be" because the numbers of Baltimore County cases become quite small when broken down by type of bias and offender race/ethnicity simultaneously. The relevant New York City data are presented in Table 7.

Table 7 shows that (relative to non-bias crimes) whites were over-represented as offenders in all categories of bias crimes except racial crimes against whites. More than 80 percent of the offenders in bias crimes motivated by the victim's ethnicity (primarily anti-Hispanic) were perceived to be white, and the same is true for nearly two-thirds of the bias crimes directed at racial groups other than blacks and whites, and more than half of the bias crimes motivated by the religion or sexual orientation of the victims. In contrast, only 40 percent of the offenders in the non-bias, comparison crimes were perceived to be white.

TABLE 7

TYPE OF BIAS BY PERCEIVED RACE/ETHNICITY OF OFFENDER, NEW YORK CITY

<u>Perceived Race/Ethnicity</u>	<u>Type of Bias</u>					
	<u>Racial Anti-Black</u>	<u>Racial Anti-White</u>	<u>Racial Anti-Other</u>	<u>Ethnic</u>	<u>Religious</u>	<u>Sexual Orientation</u>
White	88%	5%	65%	82%	52%	56%
Black	1	84	19	13	25	8
Other race	2	0	0	0	3	0
Hispanic	1	5	8	0	11	21
Unidentified	8	6	8	5	9	14
Number of offenders	382	247	37	63	103	76

NOTE: Table excludes bias crimes in which the motivation was multiple or unclear.

C. Weapon Use by Offenders

In nearly 80 percent of New York City's bias and non-bias crimes, there was no indication of offender weapon use; the figure is somewhat higher in Baltimore County because of the greater share of property crimes in that data set. Offenders are not often seen in property crimes (and weapons, even if present, are unlikely to be detected), so the data on weapon use in personal crimes only (assault, harassment, reckless endangerment, robbery) are shown in Table 8. The table uses New York City cases because the numbers in the type-of-weapon categories are too small to support analysis in the Baltimore County data set.

TABLE 8

WEAPON USE AND TYPE OF WEAPON IN BIAS AND NON-BIAS PERSONAL CRIMES
NEW YORK CITY

<u>Offender Had Weapon</u>	<u>Bias</u>	<u>Non-Bias</u>
Yes	28%	23%
No	72	77
(Number of cases)	(784)	(614)
<u>Type of Weapon</u>		
Gun	14%	24%
Knife	18	25
Other	65	48
Missing	3	3
(Number of cases)	(218)	(186)

The upper portion of Table 8 reveals that, when type of weapon is ignored, there was only a small difference between bias and non-bias personal crimes in weapon use. In 28 percent of the bias and 23 percent of the non-bias crimes, an offender was perceived to have a weapon. However, when attention shifts to just those personal crimes in which weapons were used, greater differences are found. As shown in the lower portion of Table 8, non-bias personal crimes were more likely than bias personal crimes to involve a gun (24 versus 14 percent) or a knife (25 versus 18 percent). In contrast, other weapons -- bats, sticks, rocks, etc. -- predominated in the bias crimes. Among bias personal crimes in which weapons were used, 65 percent involved the use of some weapon other than a gun or knife; the comparable figure for non-bias personal crimes was 48 percent.

Since non-bias crimes were more likely than the bias crimes to occur at private residences (see Table 5), it is possible that the weapon use differences reflect a greater availability of guns and knives to non-bias offenders in the home. However, the difference is maintained when the analysis is restricted to bias and non-bias personal crimes that occurred in outside public places. Another possibility is that bias crimes are more spontaneous than are their non-bias counterparts, and that the bias-motivated offenders are simply more likely to grab whatever is at hand to use as a weapon.

V. VICTIMS IN BIAS AND NON-BIAS CRIMES

The proportions of bias and non-bias crimes directed against individuals were not very different from each other in the two jurisdictions studied, which is not very surprising, given the matching procedure used in selecting the non-bias samples. However, among the offenses not committed directly against individuals, there were some differences in the nature of the targets between bias and non-bias crimes. Bias crimes, for example, were more likely to be directed against non-commercial establishments, such as churches, schools, and the offices of non-profit organizations. Bias and non-bias crimes were equally likely to target private residences, but non-bias crimes were more likely to be committed against vehicles, including private and public transport vehicles.

The overwhelming majority (70-80 percent) of the bias and non-bias crimes in both New York City and Baltimore County involved at least one person as a primary or secondary target of the crime, and the discussion in this chapter focuses on individuals who were victimized.

A. Numbers of Victims

In cases that involved the direct victimizations of people, bias crimes were more likely than non-bias, comparison crimes to have multiple victims. In New York City, 27 percent of the bias crimes had multiple victims, compared to 8 percent of the non-bias crimes; in Baltimore County, the comparable figures were 31 percent and 18 percent. When at least one person was victimized, the mean numbers of victims in New York City were 1.56 for bias crimes and 1.08 for non-bias crimes; in Baltimore County, the means were 1.66 and 1.25.

We saw earlier that bias crimes also tended to involve greater numbers of offenders than did non-bias crimes. When the number of victims and number of offenders data are examined jointly, the differences between bias and non-bias crimes are very apparent, as seen from the New York City data in Table 9.

In the New York City samples, among non-bias crimes in which at least one person was victimized directly and an estimate of the number of offenders was available, about two-thirds (68 percent) involved one victim and one offender, while the comparable figure for bias crimes was only 19 percent. Looked at another way, in the same samples, when the crime involved one or two victims (569 or 87 percent of the bias cases and 686 or 99 percent of the non-bias cases in Table 9) offenders outnumbered the victims in 70 percent of the bias crime cases but in only 26 percent of the non-bias crimes. In fact, the situation of a lone victim confronted by multiple offenders was twice as likely to occur in bias crimes than in non-bias crimes (51 percent versus 23 percent).

TABLE 9
 NUMBERS OF VICTIMS BY NUMBERS OF OFFENDERS IN BIAS AND NON-BIAS CRIMES
 NEW YORK CITY

BIAS CRIMES (N=652)

<u>Number of Victims</u>	<u>Number of Offenders</u>			
	<u>One</u>	<u>Two</u>	<u>Three to Five</u>	<u>Six or More</u>
One	19%	16%	19%	16%
Two	3%	4%	5%	5%
Three or more	2%	2%	3%	6%

NON-BIAS CRIMES (N=692)

<u>Number of Victims</u>	<u>Number of Offenders</u>			
	<u>One</u>	<u>Two</u>	<u>Three to Five</u>	<u>Six or More</u>
One	68%	14%	7%	2%
Two	3%	2%	2%	<1%
Three or more	1%	<1%	0%	0%

NOTE: Percentages are based on total number of (bias or non-bias) crimes.

B. Sex, Age, and Race/Ethnicity of Victims

The findings concerning victim sex and age in bias versus non-bias crimes mirror the findings about offender sex and age reported earlier. As was the case with offenders, bias crime victims in both New York City and Baltimore County were more likely to be males and were younger than the non-bias crime victims.

In Baltimore County, for example, 67 percent of the persons directly victimized in bias crimes were males, compared to 57 percent of the non-bias crime victims. The difference was somewhat more pronounced in New York City, where 77 percent of the bias crime victims and 60 percent of the non-bias crime victims were males. One of the reasons for the greater difference in New York City is the inclusion of crimes motivated by the victim's sexual orientation in that jurisdiction's data. Almost all (64 of 66) of those crimes involved gay men as victims.¹ Crimes motivated by the victim's sexual orientation are not included among bias crimes in Baltimore County.

On average, bias crime victims were much younger than their non-bias counterparts. The median and mean ages for bias crime victims in New York City were 22 and 26.6, respectively, compared to 29 and 31.8 for non-bias crime victims; 44 percent of the bias crime victims were less than 21 years of age, compared to only 25 percent of the non-bias crime victims. Similar differences exist in Baltimore County. The full distributions of bias and non-bias crime victims' ages from the New York City data are displayed in Table 10.

Patterns of victim race/ethnicity did diverge somewhat between New York City and Baltimore County. As shown in Table 11, the distributions of victim race/ethnicity are fairly similar for bias and non-bias crimes in the New York City data; the largest difference (9 percentage points) is a slight overrepresentation of black victims in bias crimes, relative to non-bias crimes. In the Baltimore County data, however, the racial differences are striking: 81 percent of the victims in non-bias, comparison crimes were white, as opposed to 45 percent in bias crimes, and only 20 percent of the non-bias victims were black, compared to 55 percent in bias crimes.

One can easily attribute the different racial/ethnic distributions of non-bias crime victims in New York City and Baltimore County to the underlying demographic characteristics of the two jurisdictions. The greater proportion of whites in Baltimore County's than in New York City's population makes it likely that whites will incur a larger share of the common (non-bias) victimizations that occur in Baltimore County.

¹ Survey research generally confirms that gay men are victimized at higher rates than are lesbians in "verbal harassment (by nonfamily members)" and in "most types of physical violence and intimidation" (Berrill, 1990: 280). Similarly, for reported incidents, see Los Angeles County Commission on Human Relations, 1990: 13.

TABLE 10

AGES OF BIAS AND NON-BIAS CRIME VICTIMS, NEW YORK CITY

<u>Age of Victim</u>	<u>Bias</u>	<u>Non-Bias</u>
Less than 16	19%	10%
16-20	24	15
21-25	13	13
26-30	11	14
31-40	15	20
41-50	7	13
51-60	3	7
More than 60	3	4
Missing data	5	4
Number of victims	1020	836

TABLE 11

RACE/ETHNICITY OF VICTIMS IN BIAS AND NON-BIAS CRIMES

<u>Race/Ethnicity of Victims</u>	<u>New York City</u> (1987-88)		<u>Baltimore County</u> (1982-88)	
	<u>Bias</u>	<u>Non-Bias</u>	<u>Bias</u>	<u>Non-Bias</u>
White	49%	52%	45%	81%
Black	36	27	55	20
Other races	4	5	*	*
Kispanic	11	16	0	0
Number of victims	988	808	468	342

* In Baltimore County, 4 victims of races other than white or black are not included in the table.

Bias crimes, however, evidently respond to more complex factors than relative representation of different groups in the population -- factors such as the nature of inter-group conflicts, and the visibility and relative power of different groups. The bias crimes in Baltimore County are overwhelmingly racially motivated crimes, and within the category of racially motivated crimes, blacks are overwhelmingly the targets of the victimizations. In contrast, racially motivated crimes comprise a slight majority of New York City's bias crimes, and within the category of racially motivated crimes, there is a more equal balance of crimes directed against blacks and whites (see Table 1). When one also considers the larger share of anti-Semitic crimes in New York City (with mostly white victims), the presence of sexual orientation crimes in the New York City data (again, with mostly white victims), and the not insignificant proportion of bias crimes directed against Hispanics in New York City, it is not surprising that blacks comprise a smaller share of the bias crime victims in New York City than in Baltimore County (36 percent versus 55 percent).

C. Victim-Offender Relationships

Table 12 shows the identity of offenders, as reported by victims, in New York City and Baltimore County. In the majority of cases, victims reported either that the suspects were strangers or that they could not be sure whether or not the suspects were people they knew. However, the proportions of victims making such reports were higher for bias crimes than for non-bias crimes in both jurisdictions. In contrast, victims of non-bias crimes were more likely than victims of bias crimes to report that they knew their offenders in some way: acquaintance, neighbor, friend, relative. This finding is particularly striking in light of our exclusion of domestic assaults and disturbances from the matched samples of non-bias cases.

TABLE 12
RELATIONSHIP OF OFFENDERS TO VICTIMS IN BIAS AND NON-BIAS CRIMES

<u>Relationship of Offender to Victim</u>	<u>New York City (1987-88)</u>		<u>Baltimore County (1982-88)</u>	
	<u>Bias</u>	<u>Non-Bias</u>	<u>Bias</u>	<u>Non-Bias</u>
Stranger or no suspect	89%	65%	75%	49%
Acquaintance	7	21	18	25
Friend	<1	6	0	10
Neighbor	2	8	7	10
Relative	<1	<1	0	7
Number of victims	1020	836	466	326

There are some differences in the distributions of victim-offender relationships between New York City and Baltimore County. For example, proportions of both bias and non-bias crime victims who could not identify their offenders as people they knew were higher in New York City. On the other hand, the proportion of bias victims who identified the offenders as acquaintances or neighbors was higher in Baltimore County. Also, a higher proportion of non-bias crime victims in Baltimore County identified their offenders as friends or relatives. However, this latter finding is partially attributable to the greater difficulty we experienced in excluding domestic incidents from the comparison cases in Baltimore County. In fact, fewer than one-half of one percent of victims in the New York City comparison cases reported that the offender was a relative, as opposed to 7 percent in Baltimore County.

Overall, it is clear from Table 12 that victims of bias crimes are much less likely to know the offenders than are victims of similar types of crime that are not motivated by bias.² Again, this occurs despite efforts to exclude "domestics" from the non-bias samples.

D. Victim Injuries

The question of victim injury is only relevant in some types of crime, primarily assaults in the data sets we are using. In both New York City and Baltimore County, assault victims in non-bias crimes were more likely to have been injured than were assault victims in bias crimes. However, the disparity between bias and non-bias injury rates was higher in Baltimore County, while the overall levels of victim injury rates were higher in New York City. In New York City, 93 percent of the victims of non-bias assaults were injured, compared to 81 percent of the victims of bias assaults. Baltimore County's non-bias assault victims had an injury rate of 49 percent, compared to 27 percent among bias victims.

The disparity between the two places in overall levels of injury is partially caused by differences in how offenses are classified. Apparently, a number of verbal threats that are assaults in Baltimore County are harassments in New York City. (Recall, from Table 2, that bias crimes in New York City had a lower proportion of assaults and a higher proportion of harassments than the bias crimes in Baltimore County). But classification is not the only source of the higher injury rates in New York City because the rates are higher even when assault and harassment are combined. Evidently, the crimes reported to the police are of a somewhat more violent character, on average, in New York City than in Baltimore County.

² Minnesota data for 1989 show that 61 percent of offenders in bias crimes were strangers to their victims. However, comparable data for non-bias crimes were not presented. See Lane, 1990: 37.

The overwhelming majority of injuries in both jurisdictions were relatively minor in bias and non-bias crimes. Although indicators of the actual seriousness of victim injuries that are based on police reports have questionable accuracy, there were clear indications of serious injuries among less than 10 percent of the bias and non-bias crime victims who were injured in both jurisdictions.

VI. VICTIMS' REACTIONS

A. Selection of Interview Samples

Telephone interviews were conducted with small samples of bias and non-bias crime victims. In New York City, bias crime cases that were reported to the police during early 1990 were examined, and all of the cases involving face-to-face confrontations of victims and offenders or the damage of personal property (e.g., vandalism of one's residence) were identified. The first 70 of the cases that occurred during 1990 and that had identifying information about the victim (address, phone number) were selected. Then, matching, non-bias cases were selected through the same procedures used to select the primary sample of non-bias cases; suitable matches were found for 65 of the 70 bias cases.

Letters were sent to all 135 victims, explaining the purpose of the study. Enclosed reply materials gave the recipients an opportunity to refuse to be interviewed or to designate preferred days/times for telephone interviews. Eleven of the mailings were returned as undeliverable; 10 recipients replied with a refusal to be interviewed; 24 recipients returned cards agreeing to be interviewed, and all but three of these were eventually interviewed. For the remaining 90 cases, attempts were made to contact the victims by phone; in 35 instances, contact could not be established (e.g., telephone disconnected, no answer to repeated calls); in another 16 instances, the individual refused to be interviewed; and in two more cases, interviews that had been started could not be completed. Altogether, 58 interviews were completed in New York City: 30 with victims of bias crimes and 28 with victims of non-bias crimes.

In Baltimore County, the selection procedures were similar, but -- at least initially -- a smaller number of cases was selected from a different time frame (1988). Because of difficulties in locating respondents and low response rates, a supplementary sample of 78 incidents that occurred between late 1989 and early 1990 was selected.

Letters were sent to the selected Baltimore County victims on police department stationary. Our agreement with the Baltimore County Police Department precluded our contacting victims who did not reply to the mailings. Thus, the number of completed interviews in Baltimore County was substantially lower than the number in New York City: 28, including 15 bias and 16 comparison victims.

There were some substantial differences between the interviewed bias and comparison samples in Baltimore County. For example, in the bias group, 67 percent of the crimes were assaults or harassments and 14 percent were vandalisms or arsons; the corresponding figures in the comparison group were 32 percent and 56 percent. Furthermore, neither the bias nor comparison interviewees appeared to be representative of the total groups of victims. For example, nearly two-thirds of the comparison crime interviewees were women, and more than half of the bias crime victims had educations beyond the Bachelors degree.

The interviewed subjects in New York City appeared to be more representative of bias and comparison crime victims. The sampling focused purposely on individuals rather than organizations, so there were far fewer cases of vandalism (criminal mischief) in the interviewed sample than among all bias and comparison crimes. However, the proportion of criminal mischief cases was the same (7 percent) for bias and comparison interviewees. There were more women than expected among the New York City interviewees (33 percent of the bias sample and 14 percent of the comparison sample), but their overrepresentation was not nearly as high as it was in Baltimore County. Finally, the bias and comparison crimes suffered by the interviewed victims in New York City showed patterns of differences that paralleled the ones found in the primary samples of bias and comparison crimes -- e.g., younger and fewer offenders in the comparison crimes, a higher proportion of strangers among the bias crime offenders, a higher arrest rate in the bias crimes.

Because of the larger sizes and greater apparent representativeness of the New York City samples of interviewees, the discussion in this section will focus on the New York City data. Some comparisons to the Baltimore County data will be made, but it is impossible to conclude whether any differences between the two jurisdictions are real (due to differences in how the two police departments respond, for example) or the reflections of sampling and response rate problems.

B. Reactions of Victims to Their Crimes

There are a variety of indications that the victims of bias crimes reacted more strongly to their victimizations than did the victims of comparison crimes. The majority (60 percent) of the 30 New York City bias crime victims who were interviewed rated their crimes as very serious, compared to 21 percent of the 28 comparison crime victims who were interviewed. A similar, but less pronounced, pattern was found in Baltimore County: 33 percent of the bias victims and 13 percent of the comparison victims rated their crimes as very serious.

When asked how they felt immediately after the crime occurred, two-thirds of the bias crime victims, but less than a third (29 percent) of the comparison crime victims in New York City said that they felt frightened or scared. The predominant response from the comparison victims (64 percent) was that they felt angry or mad, but anger was cited by only 13 percent of the bias victims. The Baltimore County data showed a substantially different pattern: Anger was the predominant response among bias crime victims (67 percent), while anger and fear were cited with equal frequency by comparison crime victims.

The interviewees were also asked how upset they were immediately after the crime occurred. Again, the bias crime victims in New York City showed stronger reactions than the victims of comparison crimes. Nearly three-quarters (73 percent) of the bias crime victims said that they were very upset, while the same was true for exactly half of the comparison crime victims.

Table 13 shows how the New York City victims assessed the strength of the effects that the crimes had on their lives in the relatively short and long terms. Two-thirds of the bias crime victims reported a great deal of effect on their lives in the week or so following the incident, and 40 percent said that they continued to experience a great effect two or three months after the incident occurred. In contrast, only 29 percent of the comparison crime victims noted a great deal of effect on their lives in the short term, and the figure was cut in half, to 14 percent, in the long term. At the other extreme, none of the bias crime victims reported no effect on their lives in either the short or long term, but 14 percent of the comparison victims cited no effect in the short term, and 36 percent cited no long-term effect. The Baltimore County data show a similar pattern of differences between bias and comparison crimes, but the strength of the effects on victims' lives were generally reported to be less severe by the Baltimore County respondents.

TABLE 13
STRENGTH OF EFFECTS THAT THE CRIMES HAD ON VICTIMS' LIVES
IN THE SHORT AND LONG TERM, NEW YORK CITY

<u>Strength of Effects</u>	<u>In the week of so following the incident</u>		<u>Two or three months after the incident</u>	
	<u>Bias</u>	<u>Non-Bias</u>	<u>Bias</u>	<u>Non-Bias</u>
Great deal	67%	29%	40%	14%
Moderate	27	29	40	14
Little	7	29	20	36
No effect	0	14	0	36
Number of respondents	30	28	30	28

What kinds of effects were the victims referring to when they said that the crimes had affected their lives? When asked about kinds of effects in the short term, the 30 bias crime victims gave 60 responses, while the 24 comparison crime victims who reported some effect gave 36 responses. Most of the responses from the bias crime victims reflected emotional effects: generally more emotional (33 percent), generally more suspicious of others (20 percent), physical symptoms (10 percent). Engaging in avoidance behaviors or taking home security measures accounted for a larger proportion of the reported effects among comparison victims than bias crime victims (39 percent versus 17 percent). Interestingly, roughly equal proportions (about 10 percent) of the short-term effects reported by bias and comparison victims were increased suspicion of specific other racial or ethnic groups; this suggests that crime can be both a result and a cause of inter-group tensions.

All thirty of the bias crime interviewees, but only 18 of the 28 comparison crime interviewees, reported that they still experienced some kind of effect on their lives two or three months after the incident. Among the bias crime victims, emotional effects became less prevalent (33 percent of the 54 responses given), while avoidance behaviors and taking home security measures became much more prevalent (44 percent of the responses). Interestingly, the responses from the reduced group of comparison victims showed a similar distribution in kinds of effects.

The New York City data show quite clearly that the victims of bias crimes had stronger reactions than the victims of comparison crimes. They were more fearful and upset immediately after the crime occurred; they reported more short-term and long-term effects on their lives; they rated their victimizations as being more serious overall. These reactions occurred despite the fact that, according to commonly accepted indicators such as victim injury and offender weapon use, the crimes suffered by the comparison interviewees were somewhat more serious.

However, the two groups of victims had very different perceptions of why they were victimized. When asked what they thought was the most important reason why offenders picked them, 73 percent of the bias victims cited their own race, ethnicity, religion, or sexual orientation. In contrast, 50 percent of the comparison victims cited chance: bad luck or just being in the wrong place at the wrong time. Another 29 percent of the comparison victims cited "other" reasons, and most of these turned out to involve on-going conflicts with people they knew. Thus, at least half of the comparison victims sensed that their was nothing about themselves that brought about the victimization. The victims of bias crime, on the other hand, sensed that they had been selected specifically because of who they were.

C. Victim Needs

The victims interviewed in New York City were asked about the kinds of assistance they needed most after the crime occurred. Less than half (43 percent) of the 28 comparison victims, but 87 percent of the 30 bias crime victims, said that they needed assistance. The 26 bias victims who did need assistance gave 50 responses pertaining to types of assistance, while the 12 comparison victims who needed assistance gave 20 responses. In both groups, the most common response was the need for a sympathetic, supportive person to talk to, which was cited by 85 percent of the bias victims who needed assistance and 50 percent of the comparison victims. A range of other assistance needs were named by small numbers of bias and/or comparison victims: time off from work, increased police protection, crime prevention assistance, financial assistance, medical assistance, and others.

Regardless of the kinds of assistance they needed, all of the victims who cited a need for assistance after the crime were asked whether they had gotten the help that they needed. The bias crime victims apparently fared better; 77 percent of those who said they needed assistance reported that they got what they needed, and the remaining 23 percent reported

partial success. In contrast, half of the comparison victims who needed assistance got it, 17 percent got some of what they needed, and 33 percent said they received no assistance.

Since the predominant assistance need was a sympathetic, supportive person to talk to, and since most of the bias crime victims reported receiving the assistance they needed, it is not surprising that almost all (93 percent) of the bias victims said that they had discussed the incident with a relative, neighbor, co-worker, or other friend; in fact, 73 percent of the bias victims discussed the crime with people in more than one of those categories. Discussions with relatives, neighbors, co-workers, and other friends was not as prevalent among the comparison victims. While 71 percent did have such discussions, only 14 percent reported discussing the incident with people in more than one of the categories.

Bias crime victims were also more likely than comparison crime victims to turn to organizations and agencies (outside the criminal justice system) for assistance. In New York City, about half of the 30 bias crime victims who were interviewed reported some contact relating to their crimes with eight different types of organizations: victim services, private insurance, crime victims compensation, social service/welfare, human rights, black advocacy group, Jewish advocacy group, gay and lesbian advocacy group. Sixteen bias crime victims reported 20 different contacts with such organizations. In stark contrast, only two of the 28 comparison crime victims reported contacts beyond the criminal justice system and their own circle of family and friends -- and both contacts were with private insurance companies.

D. Assessment of the Police Response

As shown in Table 14, the majority (73 percent) of bias victims interviewed in New York City and Baltimore County were very satisfied with the overall police response to their incidents. Another 20 percent in both places were moderately satisfied.

However, data from the two jurisdictions differ with respect to comparison crime victims. In Baltimore County, comparison crime victims showed as much overall satisfaction with the police as bias crime victims did, but in New York City, levels of satisfaction were much lower among the comparison crime victims. The different patterns in the two jurisdictions might reflect the lesser ability of the police in a large, urban environment to devote much time and attention to minor crimes. On the other hand, as mentioned earlier, the unrepresentativeness of the Baltimore County samples makes it difficult to conclude that the difference reflects something substantive rather than an artifact of sampling.

TABLE 14
VICTIMS' OVERALL SATISFACTION WITH RESPONSE OF THE POLICE

<u>Overall Satisfaction</u>	<u>New York City</u>		<u>Baltimore County</u>	
	<u>Bias</u>	<u>Non-Bias</u>	<u>Bias</u>	<u>Non-Bias</u>
Very satisfied	73%	14%	73%	73%
Moderately satisfied	20	36	20	27
Not very satisfied	0	36	7	0
Not at all satisfied	0	7	0	0
No opinion	7	7	0	0
Number of respondents	30	28	15	16

All of the bias crime victims in the New York City interview sample recalled having contact with the Bias Incident Investigating Unit (BIIU). Given the extensive follow-up attention devoted to cases by the BIIU (see Figures 1 and 2 in next chapter) and the higher arrest rate achieved in bias crimes (see Table 17 in next chapter), it is not surprising that the overall satisfaction of bias crime victims with police response is high.

But the New York City data suggest that the bias crime victims also received more satisfying responses from the police officers on the scene initially than did the comparison victims. For example, all of the bias crime victims who were interviewed judged the attitudes of the initially responding officers to be sympathetic or caring. The same judgment was made by only 21 percent of the comparison victims, who were more likely to say that the initially responding officers had a detached, "just-the-facts" attitude. The bias crime victims were also more likely to report that the initially responding officers gave them information about possible sources of assistance (60 percent vs. 14 percent for comparison victims) and that the officers offered them other assistance, advice, or suggestions (53 percent vs. 36 percent for comparison victims). It should not be surprising that the bias crime victims were more likely than the comparison crime victims to say that the initially responding officers did a good job in handling their cases (87 percent vs. 43 percent).

The first police officers on the scene play a critical role in deciding whether a particular crime is bias-motivated. The bias crime victims in New York City were also asked whether the initially responding officers seemed to believe that the crime was motivated by some form of bias. Only 7 percent thought that the officers did not believe that bias was present; 27 percent couldn't tell or couldn't recall; 67 percent said that the officers did seem to believe that the crimes were motivated by bias.

VII. THE CRIMINAL JUSTICE RESPONSE

The responses of the law enforcement agencies to bias crimes are different in the two jurisdictions studied, reflecting differences in the community contexts of the agencies.

Baltimore County uses a community-oriented policing approach. RRE (racial, religious, ethnic) "incidents" are recorded, and if verified, information about them is fed to regular patrol and community policing units. The purpose is not really to concentrate resources on solving crimes and apprehending offenders. Rather, information about RRE incidents is meant to help the police identify trouble spots -- areas where inter-group tensions may be growing and breaking out into the open -- so they can take steps toward easing tensions. Given this approach, it is not surprising that the clearance rates (percentages of incidents in which at least one arrest was made) were not substantially dissimilar for the bias and non-bias crimes in Baltimore County: 20 and 14 percent, respectively.

The New York City Police Department's Bias Incident Investigating Unit, on the other hand, represents a more traditional police approach to bias crime. In New York City, there is a greater reliance on non-police agencies and organizations to deal with bias-motivated incidents that do not involve crimes, the aftermaths of bias incidents (for victims and communities), and the inter-group tensions that give rise to incidents of bias. Although BIIU personnel emphasize the importance of showing concern for and responsiveness to a range of victim needs, the unit's first priority is solving crimes. Thus, it is not surprising that, in contrast to the Baltimore County finding, the arrest rate is higher for bias crimes than for comparison crimes in New York City: 24 percent versus 9 percent.

The previous section showed that the victims of bias crimes appreciate the extra attention they get from the police when bias crimes are given a high priority by the department. In this section, the results of concentrating resources to enhance the traditional police response to bias crimes are examined. Because investigation and arrest are emphasized in the New York City program, most of the findings reported in this section are derived from the New York City data.

A. The Starting Point

It has already been mentioned that bias crimes are cleared at a higher rate than non-bias comparison crimes in New York City. This "bottom line" finding suggests the effectiveness of the BIIU program. However, it is necessary to look at how the clearance rates are produced. For example, if bias crimes are more likely to result in an on-scene arrest by patrol, or if the investigations of bias crimes are more likely to start out with victim/witness identifications of suspects, then the higher clearance rate for bias crimes is not as impressive.

In fact, the information about the bias and comparison crimes that is available right after they are reported makes the higher clearance rate for bias crimes look even more impressive. Virtually all relevant indicators suggest that bias crimes should be less likely to produce an arrest than comparison crimes. And data to be presented later show that the extra investigative effort supplied by the BIIU is at least partially responsible for producing the higher solution rate for bias crimes.

At the outset, in a substantially higher proportion of the non-bias crimes that resulted in at least one arrest, an arrest was made at the scene of the crime, usually by regular patrol officers. On-scene arrests occurred in about 18 percent of the cleared non-bias cases but in only about 5 percent of the cleared bias cases. Thus, a much higher proportion of the bias clearances stemmed from follow-up investigative activity.

When a crime does require follow-up investigation, one of the best predictors of success is whether there were any witnesses to the crime. Of course, in a confrontational crime, such as an assault, there is always at least one witness -- the victim. In the kinds of crimes that do not always involve witnesses (primarily criminal mischief, in this data set), witnesses were more likely to be noted on the initial reports of non-bias crimes (about 21 percent) than bias crimes (about 13 percent).

Victim identification of the offender(s) was also more likely to occur initially in non-bias crimes than in bias crimes. As was shown earlier in Table 12, only 10 percent of the direct victims of bias crimes in New York City identified their offenders as acquaintances, neighbors, friends, or relatives, compared to 35 percent of the non-bias crime victims.

Given their greater familiarity between victims and offenders in non-bias crimes, it is not surprising that the victims/witnesses in non-bias crimes in New York City provided more detailed descriptive information about offenders initially than did the victims/witnesses in bias crimes. For each offender about whom even minimal information existed, we recorded the presence/absence of a variety of characteristics from initial police reports. The results for New York City are displayed in Table 15.

Descriptions of offenders in non-bias crimes were more likely than the descriptions of offenders in bias crimes to include information about the following characteristics: name, address, height, weight, eye color, hair color, hair length, facial hair, accent, and presence of glasses. Particularly striking, of course, is the appearance of the suspect's name in 53 percent of the initial reports of non-bias crimes but in only 16 percent of the bias crime reports. There were only three characteristics for which information was more likely to be available about bias crime offenders (clothing, scars or other identifying marks, and an omnibus "other" category), and the differences between the bias and non-bias crime reports in these three categories were very small.

Prior research on the factors related to whether or not crimes are solved (e.g., Eck, 1982; Greenwood, Petersilia and Chaiken, 1977) suggests that, other things being equal,

arrests should have occurred in a substantially higher proportion of non-bias than bias crimes in New York City. About the only investigative advantage that can be found for bias crimes in the initial police reports is that the victims of bias crimes expressed a little more willingness to cooperate than did the victims of non-bias crimes. Specifically, a somewhat higher proportion said that they would be willing to view photos of suspects, and a slightly higher proportion said that they would be willing to cooperate in the prosecution of arrested suspects.

TABLE 15
 PERCENT OF SUSPECTS ABOUT WHOM SPECIFIC INFORMATION
 WAS CONTAINED IN INITIAL POLICE REPORT, NEW YORK CITY

<u>Suspect Information</u>	<u>Percent of Suspects About Whom Information Was in Initial Police Report</u>	
	<u>Bias</u>	<u>Non-Bias</u>
Name	16%	53%
Address	12%	41%
Height	61%	80%
Weight	53%	75%
Eye color	21%	50%
Hair color	51%	72%
Hair length	46%	67%
Facial hair	27%	39%
Accent	10%	19%
Glasses	1%	2%
Alias	1%	5%
Clothing	48%	36%
Scars	3%	2%
Other	9%	5%
Number of suspects	934	738

NOTE: Includes only suspects about whom there was at least minimal information in police reports.

B. Follow-Up Investigative Activity

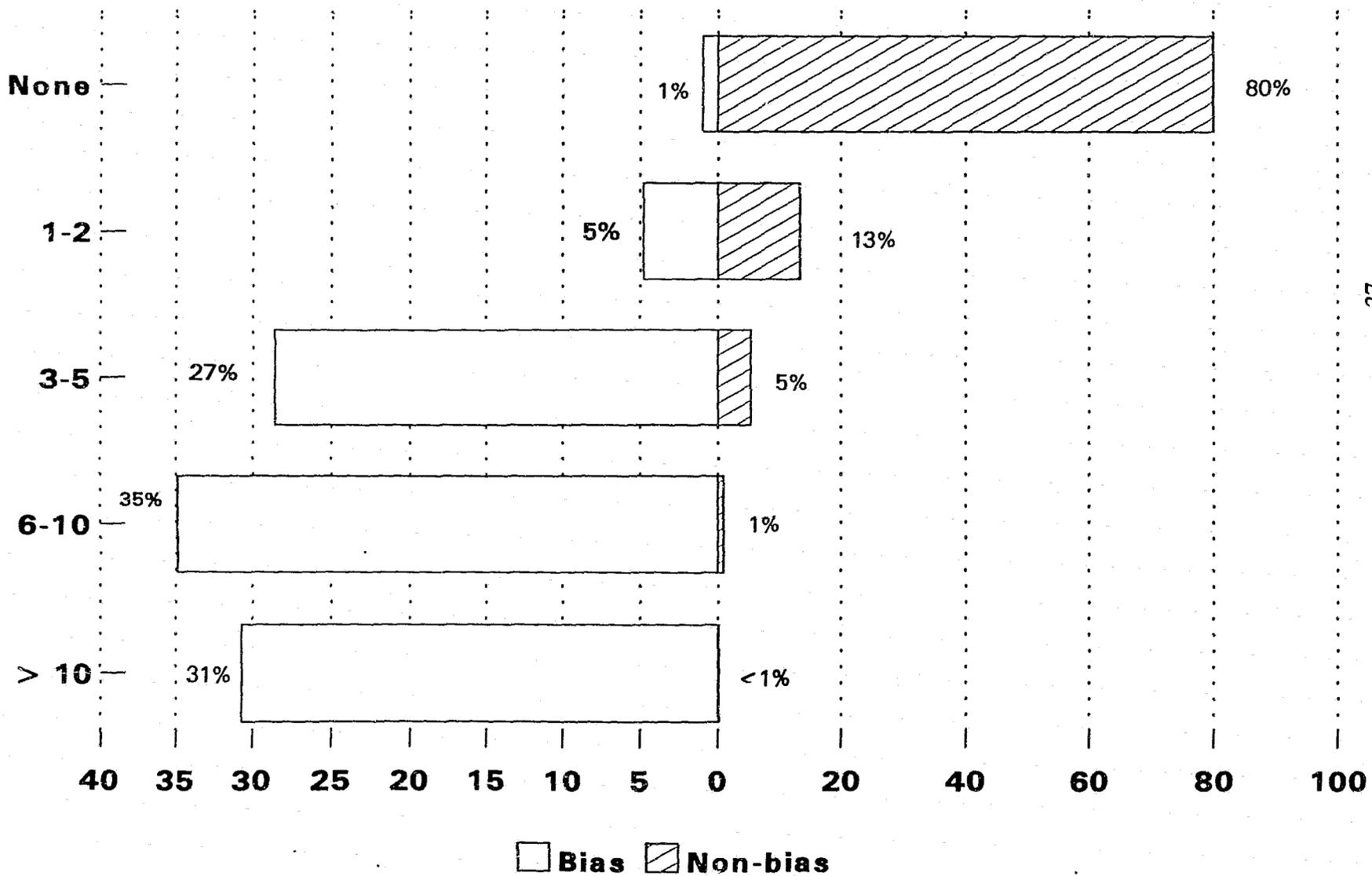
When an arrest does not occur at the crime scene, having a great deal of information with which to begin an investigation does not mean much unless there is some follow-up. The reality is that, in the overall scheme of police priorities in an urban jurisdiction like New York City, the overwhelming majority of the crimes in our bias and non-bias data sets would normally receive scant attention. Most are misdemeanors, and the police have to look at them in the context of the more than 200,000 murders, rapes, robberies and burglaries reported annually, and the more than 100,000 felony arrests made each year. In this context, it is not surprising that less than a third (31 percent) of the non-bias, comparison crimes were referred to detectives; all of the bias crimes, in contrast, were referred to the BIIU.

For each follow-up investigative activity pertaining to a case, a report is supposed to be filed. Figures 1 and 2 show clear and substantial differences between the bias and non-bias crimes in the numbers of follow-up reports filed and the span of time covered by the reports. The distributions in each figure are nearly opposites of each other. For example, 80 percent of the non-bias case folders had no follow-up reports, while 94 percent of the bias case folders had three or more. Similarly, the follow-up reports covered more than a month after the crime in 85 percent of the bias cases but in only 2 percent of the non-bias cases. In Baltimore County there were also differences in amounts of follow-up investigative activity, but they were not as pronounced as in New York City.

The differences between bias and non-bias crimes also show up when individual types of activities are examined. Six relatively common types of investigative activities are shown in Table 16, with the percentages of bias and non-bias cases in which the activities were undertaken. A follow-up interview with the victim/complainant, after the initial crime report, was conducted in almost all (95 percent) of the bias cases but in only 14 percent of the non-bias cases. A subsequent interview with the victim/complainant was reported in 73 percent of the bias cases and only 4 percent of the non-bias cases. More thorough and time consuming activities were more likely in bias cases: for example, canvassing an area for witnesses (41 percent of bias versus 1 percent of non-bias cases), taking photos at the crime scene (10 percent of bias cases versus only one non-bias case), and having victims or witnesses view photos of suspects (16 percent of bias versus 2 percent of non-bias cases). Again, similar but less pronounced differences were found in the Baltimore County data.

The handling of the non-bias cases can be characterized as "file-and-forget." Again, this is not meant as a criticism of the police department. Rather, it is a reflection of how relatively minor crimes are overwhelmed by large felony caseloads. At the time the data were collected, about 65 percent of both the bias and non-bias cases had been categorized, at some point, as "closed-no result". However, BIIU investigators conducted a routine follow-up on virtually all of these cases to see if there were further developments that would justify re-opening the case. Only about 5 percent of the cases were re-opened, but 22 percent of the ones that were re-opened led to an eventual arrest. In contrast, none of the non-bias case records showed a follow-up after the case had been listed as "closed-no results".

Figure 1
Number of Investigative Reports Filed
New York City



37

Figure 2
Follow-Up Investigative Time
New York City

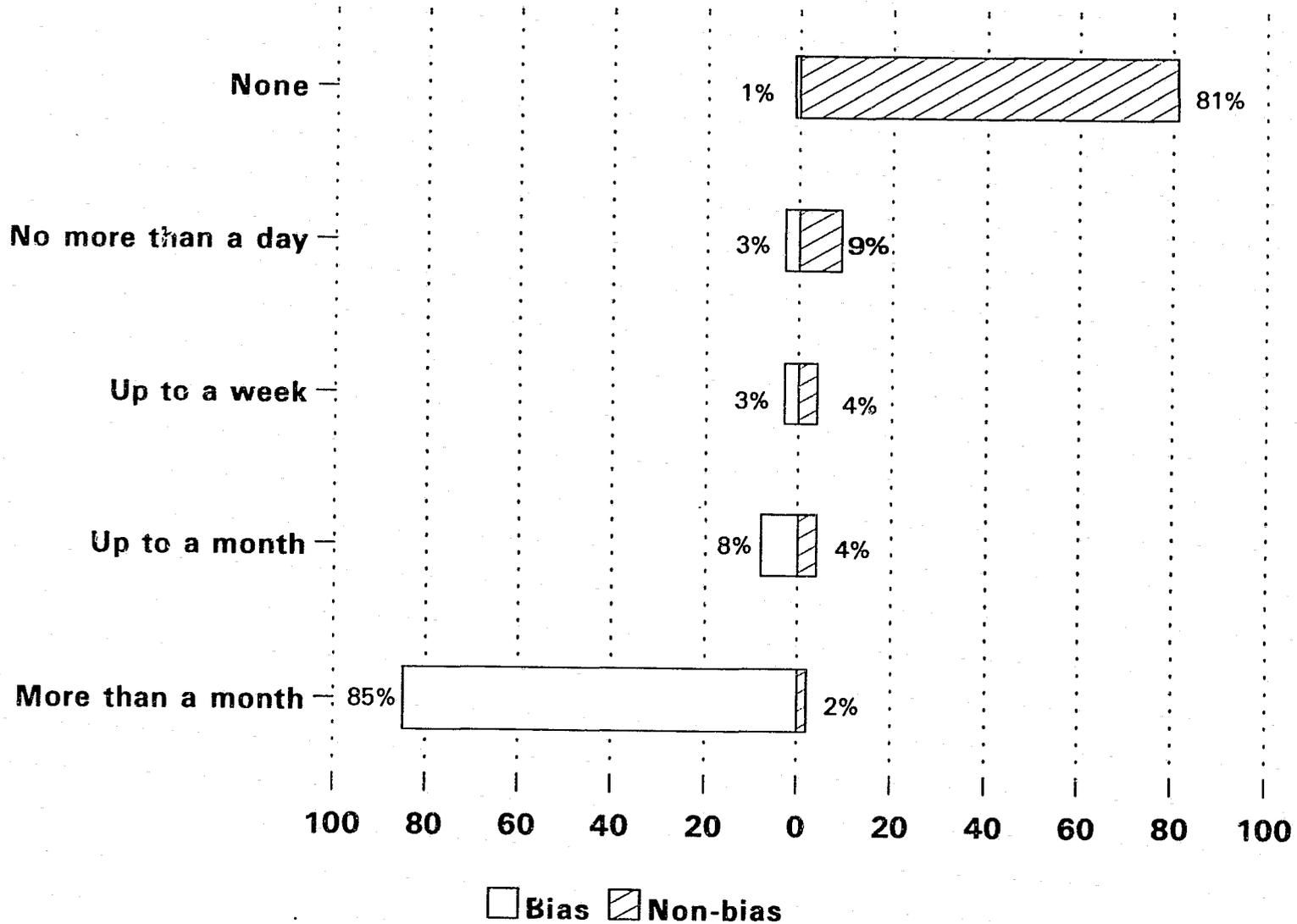


TABLE 16
 PERCENT OF CASES IN WHICH SPECIFIC FOLLOW-UP INVESTIGATIVE
 ACTIVITIES OCCURRED, NEW YORK CITY

<u>Investigative Activity</u>	<u>Percent of Cases in Which the Investigative Activity Occurred</u>	
	<u>Bias</u>	<u>Non-Bias</u>
Initial interview with victim/complainant	95%	14%
Later interview with victim/complainant	73%	4%
Interview with a suspect	17%	3%
Canvass for witnesses	41%	1%
Photos of crime scene	10%	<1%
Victim/witness viewing of suspect photos	16%	2%
Number of cases	1020	1015

C. Arrests

In New York City, bias crimes were two and two-thirds times as likely as non-bias crimes to result in at least one arrest being made (24 percent vs. 9 percent). Bias crimes were also more likely to result in multiple arrests (an average of 2.0 arrests per cleared bias case vs. 1.5 per non-bias case), which is consistent with the greater number of offenders per case in bias crimes. In Table 17, the arrest rate is broken down by type of bias and by major type of crime category.

Crimes motivated by the victims' sexual orientation and those characterized by multiple/unclear or reciprocal forms of bias tended to have somewhat higher than average clearance rates among the bias crimes. However, those two categories have relatively small numbers of cases. What stands out most clearly in the upper part of Table 17 is the low clearance rate for crimes motivated by religious bias (12 percent in New York City and 5 percent in Baltimore County). This apparent anomaly is a reflection of the types of crimes within the religious bias category. As shown earlier (Table 3) the religious bias category is the only one in which property crimes predominate, and the bottom portion of Table 17 indicates that property crimes have very low clearance rates.

The differences between New York City and Baltimore County in clearance rates for general categories of crime (bottom portion of Table 17) reflect different mixes of specific crimes within the categories. For example, the property crimes in Baltimore County contain a relatively large number of cross-burnings, which receive extensive investigative attention; on the other hand, the harassments in Baltimore County contain a relatively large number of harassments via telephone which offer fewer investigative leads than the predominantly face-to-face harassments in New York City.

TABLE 17
PERCENTAGES OF CASES IN WHICH AT LEAST ONE ARREST WAS MADE

	<u>New York City</u>		<u>Baltimore County</u>	
	<u>Bias</u>	<u>Non-Bias</u>	<u>Bias</u>	<u>Non-Bias</u>
Total Crimes	24% (1,020)	9% (1,015)	20% (346)	14% (326)
Type of Bias Crime				
Racial, Anti-Black	27% (336)	NA	18% (202)	NA
Racial, Anti-White	26% (209)	NA	26% (43)	NA
Racial, Anti-Other	30% (40)	NA	NA	NA
Racial, Reciprocal	NA	NA	64% (25)	NA
Ethnic	21% (62)	NA	NA	NA
Religious	12% (280)	NA	5% (59)	NA
Sexual Orientation	36% (66)	NA	NA	NA
Multiple/unclear	37% (27)	NA	12% (17)	NA
Type of Crime				
Confrontational	39% (409)	18% (410)	33% (149)	26% (140)
Harassment	16% (375)	2% (390)	6% (55)	7% (57)
Property	8% (224)	4% (195)	12% (139)	5% (129)

NOTES: (a) Numbers in parentheses are numbers of cases on which clearance rates are based. (b) Confrontational crimes include assault, menacing, reckless endangerment, and robbery. (c) Property crimes include criminal mischief, arson, and burglary.

In both jurisdictions, the clearance rates for bias-motivated confrontational and property crimes are substantially higher than the clearance rates for the same kinds of non-bias crimes, as shown in the bottom portion of Table 17. However, enhanced follow-up investigative activity may not be the only factor producing higher arrest rates for bias crimes. Focusing on the New York City data, the percentage of cases in which at least one arrest was made is twice as high for bias crimes, compared to non-bias crimes, in two crime types: confrontational and property. But in harassment, the percentage is eight times as high. There is no logical reason to think that the extra investigative attention received by bias crimes would be substantially more effective in clearing harassments than confrontational or property crimes.

What seems to be occurring is that the priority assigned to bias crimes encourages police to make an arrest in cases they might have otherwise handled without taking official action. Under New York Penal Law, harassment is a violation, for which the maximum penalty is 15 days of incarceration. However, some forms of harassment that involve actual or attempted physical contact are classified as aggravated harassments in the second degree (class A misdemeanors) if the offender is motivated by the "race, color, religion, or national origin" of the victim. There are even limited circumstances in which the offender can be charged with aggravated harassment in the first degree (a class E felony) when the crime is bias-motivated. Thus, departmental priorities and the provisions of the penal law give more encouragement to make an arrest in bias than in non-bias harassments, even when the underlying criminal behavior is similar.

Additional indirect evidence of a greater willingness to arrest for bias crimes can be seen in Table 18, which breaks down clearance rates by numbers of follow-up investigative reports filed. Cases in which three or more follow-up reports were filed show very similar clearance rates in the bias and non-bias groups. When investigators give this much attention to a case, they are probably equally willing to make an arrest, whether the crime is bias-motivated or not; however, this much attention is rare among the non-bias crimes. At the other extreme, a majority of the non-bias crimes received no follow-up attention, and these crimes had a very low clearance rate (7 percent).

A differential willingness to arrest can be most clearly inferred from the cases in Table 18 in which one or two follow-up reports were filed. These cases received some -- but not a lot of -- attention, and there is no reason to believe that the investigators in the bias crimes were more likely to identify a suspect than were the investigators in the non-bias crimes. Yet the clearance rate for the bias crimes was more than twice as high as the clearance rate for the non-bias crimes in this category (39 percent vs. 17 percent).

TABLE 18

PERCENTAGES OF CASES IN WHICH AT LEAST ONE ARREST WAS MADE
 BY NUMBER OF FOLLOW-UP REPORTS FILED, NEW YORK CITY

<u>Number of Reports</u>	<u>Bias</u>	<u>Non-Bias</u>
None	NA	7% (812)
One or two	39% (59)	17% (136)
Three to five	21% (292)	18% (55)
More than five	23% (669)	25% (12)

NOTE: Numbers in parentheses are numbers of cases on which the clearance rates are based.

D. After Arrest

There are some indications in our data that bias crime arrestees, in comparison to non-bias crime arrestees, are somewhat more likely to be charged and convicted, and if convicted, to receive more severe sentences. Despite our hypothesis that bias crime arrestees would have less extensive criminal histories (developed from the assumption that bias crimes were more "spur-of-the-moment" acts), we found little difference in prior arrests.

However, large proportions of arrestees in both of the jurisdictions were juveniles for whom post-arrest data were unavailable: about half in Baltimore County and 23 percent in New York City, where juveniles are 15 or younger. Furthermore, the proportions of juveniles were higher among bias crime arrestees than among non-bias crime arrestees in both places: 57 versus 44 percent in Baltimore County and 25 versus 12 percent in New York City. When these complications are added to the fact that the overall clearance rate was higher for bias than for non-bias crimes, the result is that the bias and non-bias arrestees no longer constitute matched samples. Thus, our data on post-arrest processing and criminal histories pertain to non-comparable groups of adults arrested for bias and non-bias crimes, and we cannot derive any firm conclusions from those data.

E. Views of Police Officers

In both jurisdictions, we conducted interviews with police personnel involved in handling bias-motivated crime. The New York City interviews were conducted with BIIU investigators. In Baltimore County, primary investigative responsibility for bias (RRE) incidents resides with patrol officers; precinct Community Service Officers (CSOs) are expected to have follow-up contact with bias crime victims and can become involved in investigations if requested. Thus, a few patrol officers who had dealt with RRE incidents and a few CSOs were interviewed in Baltimore County.

Interviews with the investigators in New York City's BIIU indicate that they saw their roles as involving, first, solving the bias crimes, and second, demonstrating the concern of the police department with bias crimes to the victims and the general public.

BIIU officers recognized that their above-average arrest rate resulted from being able to devote substantial time and resources to many kinds of offenses that receive little attention elsewhere in the department. For example, several pointed out that it is not unusual for a precinct detective to have a monthly caseload that equals or exceeds the annual caseload of a BIIU investigator, and the caseloads of precinct detectives consist almost entirely of felonies. The BIIU investigators were sensitive to the possibility that this situation could produce the perception of the BIIU as an elite, pampered unit, and they valued a good working relationship with precinct detectives because of the knowledge about local conditions and individuals that the detectives possess. Thus, several BIIU investigators stressed the importance of maintaining a spirit of cooperation with precinct detectives.

The priority given to bias crimes is evident in the comments of one Baltimore County patrol officer: "We've hit every point. ... We calm people, provide all they need, and investigate to the fullest. We take RREs nearly as seriously as homicides." Further illustrating this view, another patrol officer described an incident in which two black women who had moved into a previously all-white neighborhood found a dead blackbird in their mailbox. He characterized the incident as "pretty serious" because it involved "messing with somebody's emotions." He told how he had sought to "allay [the victims'] fears and make clear that we'd be looking through a microscope at the incident." He canvassed the neighbors, took fingerprints, has returned to check on the victims several times since the initial investigation, and has developed an informant in the neighborhood.

In both New York City and Baltimore County, there was recognition that the ability to identify as many bias-motivated crimes as possible depends on the judgments of officers on the streets. Thus, the BIIU conducts in-service training sessions for patrol officers. Procedurally, the training stresses identifying bias crimes and preserving the crime scene for investigators. But more generally, the training is meant to encourage patrol officers to report incidents as bias-motivated when there is even the slightest suspicion of such motivation. According to one senior BIIU officer who participated in the training, the message is: "There are lots of rules and regulations in the Patrol Guide that will get them in trouble, but not 10A26 [the portion dealing with bias crimes]. Actually, it gets them off the hook." The BIIU also participates in similar training with the department's Community Patrol Officer Program (CPOP).

The emphasis on increasing the sensitivity of officers on the street to the possibility of bias motivation was also evident in Baltimore County. For example, one CSO stated that the department "has trained the officers to the point that if there's graffiti, they assume it's a RRE." Commenting on the view prevailing in the department, he added: "It's better to make it a possible RRE than pass it off and find we really have a problem" later.

Looking at the post-arrest portion of the criminal justice process, the BIIU investigators expressed generally positive opinions about prosecutor and court responses to the cases developed by the unit. Each borough in New York City has an Assistant District Attorney assigned to bias cases, and the BIIU officers indicated that these ADAs handled the cases "seriously", "professionally", and "competently". The BIIU investigators also had positive words for the courts, which appeared to be "following through with punishment" -- an unusual stance for police officers. The Baltimore County officers who were interviewed had very limited experience with the handling of RRE cases by the courts because there are so few arrests and most involve juveniles. Therefore, they had very few comments to make about the courts' handling of RRE cases.

New York City's BIIU officers and the officers interviewed in Baltimore County took their roles in working with victims of bias crimes very seriously. Victims of bias crimes are likely to feel "devastated" and "violated", said one BIIU investigator, and it is a key duty of the BIIU to be sensitive, responsive, and helpful to victims: "This is basically what we're all

about," according to the investigator. The BIIU was instrumental in establishing the "Good Neighbor Program", which involves clergy and representatives from other community groups in providing support networks for bias crime victims. In 1990, such programs were operating in about 15 communities, mostly in established, stable neighborhoods in Brooklyn and Queens.

The BIIU investigators frequently refer victims to other groups for help: the New York City Commission on Human Rights, the Anti-Defamation League, the Gay and Lesbian Anti-Violence Project, the Mayor's Anti-Bias Task Force. However, the relationship with these non-police agencies and organizations are not unambiguously positive. BIIU investigators do characterize their relationships with such agencies as cooperative, especially in terms of sharing information about cases and referring victims to each other. And, in fact, interviews with representatives of most of these agencies indicated that the cooperation exists from their point of view as well.

But the BIIU investigators view their jobs as police work, and they see these non-police agencies as having political agendas that don't always dovetail with the needs of good police work. For example, some officers referred to these "civilian" agencies as "interest groups" that try to bring political pressure to bear on the police department in relation to specific cases and general policies. Another officer cited an example of a representative from one of the agencies interfering with a BIIU investigation by asking a victim questions that the officer considered "inappropriate". His concern was that, in their zeal to deal with bias issues at the neighborhood level in the aftermath of a crime, they risk "spoiling a case legally or inadvertently tipping off a suspect".

The BIIU officers perceive their assignment as traditional police work, combined with extra sensitivity to a special class of victims -- not unlike officers in sexual assault units or in units dealing with abused children. Their view of what they can accomplish beyond the individual victim and the criminal justice process is, realistically, limited. Special police attention (combined with follow-through by prosecutors and courts) can send a general message to the community that bias crimes are unacceptable. But, "penalties can't reverse the hate," as one investigator pointed out, and "the police can't change the economic situation which creates tensions," as another observed.

Some of the officers are even concerned about how far the police should go in terms of special responses for bias crimes. One posed the issue in terms of rhetorical questions: "How far can we go to make people conform? Will people be so sensitive that they will be afraid to talk to each other? Will the emphasis on 'bias' create a back-lash and drive people further apart?" This concern was also expressed in a few of the interviews with Baltimore County patrol officers who had handled RRE incidents. They were critical of what they saw as their department's occasional tendency to "overpolice the situation," particularly in instances of name-calling that occur "in the heat of the moment" during arguments over matters that are initially unrelated to issues of bias.

VII. DEFINITIONAL ISSUES

Having described the nature of bias crimes, the reactions of victims, and the responses of law enforcement, we now turn to a brief consideration of issues relating to defining, identifying, and classifying bias crimes. These issues are covered in more depth in the full, final report of our research.

A. Defining Forms of Bias

Whether defined by statute or by agency guidelines, the inclusion or exclusion of some form of bias from the definition of bias-motivated crimes is a political decision, in the broadest sense of that term. We can all think of examples of sets of crimes in which offenders are, or seem to be, motivated by bias against a subgroup to which the victim belongs. It is arguable, for instance, that many rapes and assaults against women are motivated by a general hatred of women. Others may contend that a large number of crimes stem from class bias, in one direction or the other.

As far as we know, class has not been used as a criterion in any jurisdiction that has established a special category for bias-motivated crimes, and gender is rarely used as a criterion. Other possible forms of bias are also absent from official definitions of bias-motivated crimes: age bias, bias against the mentally ill, the physically handicapped, the homeless, and so forth (for an unusually inclusive legislative definition of bias crimes in Minnesota, see Lane, 1990).³ Furthermore, to our knowledge, these exclusions have not generated a great amount of political debate. Perhaps it is widely felt that some forms of bias are more often inferred by outside parties than vocalized by offenders, which clouds the issue of proof. Perhaps it is felt that the groups defined by factors such as gender, class, or age are too large to justify special treatment. Perhaps, in the case of gender, it is felt that existing special responses by the system to rape and domestic assault are already addressing the underlying problem.

³ Note that we are referring to statutes or policies that create a separate category of bias-motivated crimes for use in the criminal justice system. Civil statutes and remedies pertaining to equal opportunity include a much wider range of qualifying criteria; gender, age, physical handicap, veteran status, for example, in addition to race, ethnicity, and religion. Also, some jurisdictions have special crime categories or sentencing options for crimes committed against elderly or handicapped victims. These, however, are justified on the basis of special vulnerability and are not phrased in terms of bias; that is, there is no need to show that the offender was motivated by hatred or bias.

In a conference on bias crimes, a state legislator, lamenting the difficulty being experienced in attempts to include sexual orientation as a category in a Bias Crimes Reporting Act, offered the opinion that: "if you are going to condemn discrimination, you must condemn it in all forms; you cannot pick and choose which forms of discrimination are acceptable and which are not" (Marovitz, 1991: 1). As laudable as that position may be as general guidance for good citizenship, it is not realistic basis on which to construct bias crime statutes or policy guidelines.

People can hate an enormous range of groups: military personnel, police officers, politicians, college students, drivers of foreign cars, corporate executives, environmental activists, supporters and opponents of abortion rights, and so forth. And sometimes people commit crimes because of these hatreds. Yet no one has suggested seriously that bias crime statutes and policies recognize all of the groups that some people hate and act against. If that were to occur, the criminal justice process would become further bogged down in examinations of offenders' motives for virtually every crime committed.

The key considerations influencing whether or not a particular group is or is not included in a bias crime statute or policy are: (a) Is the group believed to be at a general power disadvantage in society, and therefore, particularly vulnerable to victimization? (b) Is the group actively discriminated against by a large proportion of the population? (c) Does the group want to be included in the statute or policy? (d) Does the group have enough political strength to get a hearing for its position?

Two statements summarize the political debates about the forms of bias that are recognized under existing bias crime programs. First, biases directed against race, ethnicity, and religion are uniformly recognized, without much political disagreement. The long history of visible racial, ethnic, and religious discrimination, and the long legacy of legislation opposing such discrimination make inclusion of race, ethnicity, and religion virtually automatic. Second, the other form of bias most commonly included is bias against the victim's sexual orientation, but the political debates on this issue have been intense and emotional.

In our research, Baltimore County is covered by a state statute that mandates separate reporting of "RRE" incidents -- religious, racial, and ethnic incidents. The state legislature debated the idea of including sexual orientation, but rejected it. In New York City, the assignment of the Bias Incident Investigating Unit includes crimes motivated by sexual orientation bias. However, that was not the case when the unit was established in late 1980; it was not until mid 1985 that crimes motivated by the victim's sexual orientation were added to the unit's responsibilities. Even the federal bill mandating reporting of "hate crimes" was held up for years because of disagreement about the inclusion of sexual orientation in its coverage (Berrill and Herek, 1990: 271), and as noted in the earlier quote from the state legislator, similar disagreements have occurred at the state level.

The issue that appears to underlie the often bitter debates about recognizing sexual orientation as a criterion for bias-motivated crimes is whether or not homosexuals are morally entitled to any kind of special recognition by the state. Those who oppose recognition do not argue that crimes against homosexuals are never (or even rarely) motivated by hatred of the victim's sexual orientation. Rather, the argument is posed -- either explicitly or implicitly -- in terms of moral values.

B. Criminal Versus Non-Criminal Behavior

Whether the criminal justice system should reserve its special attention for bias crimes or should deal with non-criminal acts as well also varies and is a political decision. Maryland's law calls for the reporting and collection of statistics on all RRE "incidents," whether or not they are criminal violations, although monthly statistical reports sent to the State Police distinguish between criminal and non-criminal incidents. As a result, the police often become involved in handling incidents that, in the absence of a bias motivation, they normally would not handle. This was a deliberate choice designed to increase police sensitivity to and intelligence about racial and ethnic tensions in a community before they erupt into criminal incidents.

For example, in one Baltimore County incident, a white male distributing fliers for a white supremacist group handed a flier to a black man who punched him. Although the black man was arrested for battery, the crime was not categorized as bias motivated, but a separate non-criminal bias-motivated incident was recorded in which the black man was the victim because "the battery was a reaction to seeing the literature" which was regarded as waving a red flag, despite the fact that the white man was exercising his constitutional rights.

From 1982 through 1988, 15 percent of the verified RRE reports in Baltimore County pertained to non-criminal incidents.

In contrast, the New York City Police Department's Bias Incident Investigating Unit does not handle non-criminal cases. Some officers have told us that this practice is a reflection of problems the department had in earlier years when its intelligence functions were occasionally targeted at politically unpopular groups. When bias incidents that do not constitute criminal behavior come to its attention, the unit refers the incidents to the city's Commission on Human Rights or to other agencies and organizations.

The city's Commission on Human Rights co-produces a pamphlet with the NYC Police Department, urging victims to report bias incidents. The Commission has a Bias Prevention and Response Team, instituted in 1987, in the aftermath of the Howard Beach incident. The five-person BP&R Team works closely with the Police Department's Community Relations Officers, neighborhood Community Boards, clergy, and the Commission's own field staff (about 50 people in 10 offices throughout the city). The primary emphasis is on prevention, with a major effort directed at the schools through

workshops on ethnic diversity and multicultural awareness. However, the BP&R Team does respond to particular incidents, specifically by trying to ease community tensions in the aftermath of incidents that appear to reflect wide-spread, underlying tensions or that may produce wider tensions.

Interviews with Commission staff indicate that they see the Commission's role in regard to bias crimes as part of an integrated series of services, ranging from prevention, to criminal justice response, to community healing after incidents, to remedial services for individual victims. As one employee noted: "If it's necessary to have special programs to deal with bias incidents, why not have the full range of services?"

Another organization that the BIIU refers cases to and shares information with is the New York City Gay and Lesbian Anti-Violence Project. This organization is involved in both general advocacy and direct victim services. Both the BIIU and the Anti-Violence Project keep each other informed of incidents that come to their respective attentions, if the victims so desire. Staff of the Anti-Violence Project who were interviewed expressed positive views about the dedication and professionalism of the BIIU offices, even though they saw many problems in the relationships between street-level officers and their constituency.

C. Identifying Bias Motivation

When a program, such as special police recording or handling of bias-motivated crimes, is started, people involved in the program are generally given some guidelines about how to determine if a given incident was bias-motivated, as well as what steps to take in response to a bias-motivated incident (see examples in Anti-Defamation League, 1988b). Of course, a great deal of weight is given to what offenders say during an incident (e.g., racial slurs) or what symbols they employ (e.g., swastikas, burning crosses). Some other factors cited as relevant are (a) whether the incident is part of a pattern of acts, (b) the perceptions of the victim, (c) the identity of the victim, in the sense of whether the victim is publicly recognized as a spokesperson for his or her group, and (d) when the incident occurs, as on holidays with special religious, racial or ethnic significance.

In both jurisdictions we studied, attention is given to training patrol officers on recognizing bias crimes. Since patrol officers are usually the initial gatekeepers, both jurisdictions encourage them to err on the side of inclusion rather than exclusion.

Ambiguous cases will remain, no matter how specific and extensive the guidelines and training programs are (see discussion in Berk, 1990: 336-8). For example, our research found a number of cases in which the primacy of the element of bias was ambiguous. Our term, "bias-motivated crime", implies that bias is the primary motivation of the offender. But this is misleading in many cases. Often, the police have to deal with cases that seem to contain bias as a secondary motivation (e.g., one victim is selected from several available ones in a crime that would almost certainly have been committed anyway), an additional

motivation (e.g., the offender belittles a victim by using ethnic slurs while robbing him), or even an after-thought (e.g., in an argument about a parking place, one of the participants begins to voice racial slurs). To state the matter succinctly, in some cases the crime is an expression of bias; in others, bias is expressed during the crime.

Other issues that affect the decision to classify an incident as a bias-motivated crime include the weight to be accorded the victim's perception relative to other factors involved in the incident; whom to believe or how to determine the truth when there are conflicting statements about an incident; how to determine who the target was and what the perpetrator's intent was when there are a variety of (even contradictory) statements; and the role of provocation.

As noted, both of the jurisdictions studied encourage initially responding officers to treat incidents as bias motivated if there is even the slightest reason for believing that bias was involved. It is clear in both places that the costs for officers on the street will be higher if they are found to have ignored indications of bias in an event than if they report an event as bias motivated and it is determined later to not be bias motivated. This approach helps to ensure that even somewhat ambiguous incidents will not be overlooked.

For example, one case involved vandalism to the front of a small, Jewish-owned shop; the vandalism included painting of swastikas and religious slurs. Statements given to the police by the shop-owner down-played the bias element. He believed that the vandalism was retaliation by recently dismissed employees, that the crime was directed at him personally, and that the anti-Semitic words and symbols were only incidental (i.e., his religion was a convenient way for the offenders to express their dislike of him).

Despite the victim's perceptions, the case was treated officially as a bias-motivated crime. The rationale was that, even if the victim did not perceive himself to be a victim of bias, the offensive words and symbols painted on the front of the shop were visible expressions of hate to the entire community. In a sense, the fact that bias was expressed visibly took precedence over the feelings of the direct victim because the program is meant not only to deal with the effects of bias on individual victims, but also to reinforce the community's condemnation of bias.

How should the police handle conflicting reports of an incident? In a Baltimore County case, where non-criminal incidents are handled, a male Indian clerk at 7-11 thought a black male customer was acting in a suspicious manner. Fearing he was going to be robbed, the Indian asked the black to leave and called the police. An argument ensued, and racial slurs were exchanged. Initially this was regarded as an unverified incident because, even though there were racial slurs, the Indian asserted that he feared a robbery. But at the verification meeting where cases are reviewed, one participant noted, "there could be the perception that all black people are robbers," and thus the Indian was guilty of racial stereotyping. Another participant noted: "there are two ways of thinking about it. All black people are robbers or has the 7-11 been robbed before and the man is edgy and sees someone

not buying something." A third person's question, "but would he have reacted the same way to a white person?" led to reconsideration and verification of the incident with the black as the victim of bias-motivated stereotyping.

Determining whether graffiti with multiple targets or a variety of "statements" is bias-motivated has proven problematic in Baltimore County, primarily because the State Police want a single classification (i.e., either racial or religious) for each incident. For example, vandals wrote a racial slur and drew a swastika on one school. It was classified as a racially motivated incident "because of the makeup of the area." Yet two other instances of graffiti were not verified as bias-motivated. In the first, the contradictory messages "KKK sucks dicks" and "nigger, nigger, nigger" were sprayed on a school. In the second, a swastika and "hell no, we won't go" were painted on the side of a trailer park shack that was left when the trailer park was sold to a used car dealer. This instance was not classified as bias-motivated because the graffiti had been there for some time before being reported by a police officer. "Apparently it didn't upset anyone else" was the rationale.

Finally, some of the police officers we interviewed suggested that false victim claims of bias-motivation are a problem. In New York City, some cases of this type were identified during follow-up investigations, but they often involved situations in which no crime had occurred, and the victims claimed bias motivation to make their stories more compelling.

D. Screening and Classifying

Because both jurisdictions in this study encourage initially responding -- usually patrol -- officers to treat incidents as bias-motivated when even the slightest indication of bias motivation is detected, both jurisdictions need mechanisms to screen out non-bias cases after the initially responding officers make their decisions. The New York City and Baltimore County Police Departments handle this need in different ways, which reflect the different purposes and approaches of the programs in the two departments.

1. New York City

In New York City, there are two points at which a case that is initially suspected as being bias-motivated can be screened and reclassified as not being motivated by bias. The first is on-scene, and the second follows investigation by the BIIU.

When the police officer who responds initially to the scene suspects bias motivation, he/she notifies the patrol Sergeant, who responds to the scene. If the Sergeant agrees with the initial assessment, the Precinct Commander (or Duty Officer, if the Commander is unavailable) is notified and responds to the scene as well. Only the Precinct Commander/Duty Officer can decide to call in the BIIU. So, in effect, each case is screened at the scene by the initially responding officers, their Sergeant, and the Precinct Commander, and it is the Precinct Commander who defines the case, officially, as bias-motivated.

Following the Precinct Commander's decision that a crime was motivated by bias, the Department's Operations Unit is notified, and an Unusual Occurrence Report is prepared and sent to the Chief of Operations and the BIIU. Once a case is received by the BIIU, it is assigned for follow-up investigation.

The second opportunity for reclassification occurs after the BIIU has started its investigation. If an investigator finds information indicating that an incident was not bias-motivated, he/she confers with the supervising Sergeant. If both agree, they present their case to the Inspector in charge of the BIIU. The Inspector reviews the incidents recommended for reclassification and decides which ones warrant review by a four-person Bias Review Panel. This panel is comprised of the Chief of Patrol, Chief of Detectives, Deputy Commissioner of Community Affairs, and the Department Advocate. The panel meets periodically, when the BIIU has several cases for it to consider.

At a panel meeting, the BIIU Inspector presents each case in a neutral manner and answers any questions before a vote is taken. The panel's vote must be unanimous in order for a reclassification to occur. In 1989, 40 cases were presented to the panel, and 36 of those were reclassified.

A few of the cases that are "reclassified" by the review panel are not technically reclassified, they are unfounded -- that is, there is a determination that no crime occurred. For example, in one case, a black male leaflet distributor reported being the victim of a racially motivated assault. Later, it was determined that the complainant and his supervisor had argued. In a fit of anger, the supervisor had thrown the complainant's leaflets into a sewer. He then told the complainant to call 911 and tell the police that he had been beaten up by a white male, in order to cover for the loss of the leaflets.

In several reclassified cases, it is discovered that the "victim" actually initiated the incident. For example, two black males reported being chased by four white males who were wielding baseball bats and shouting racial slurs at them. The investigation indicated that the incident was retaliation for a scam initiated by the complainants, who had try to sell a box, which was purported to contain a camcorder but which contained nothing of value. In another incident, a white male reported a racially motivated attack by several black males. However, statements from witnesses revealed that the complainant, who was drunk at the time, had precipitated the incident by directing racial slurs at the eventual attackers.

A number of the reclassified incidents turned out to be disputes that had nothing to do with bias initially. But during the incidents, one or both of the disputants use racial, ethnic, or other bias-related epithets to express anger. Among the cases reclassified in 1989, were bias-related verbal exchanges that were really arguments about someone cutting into a check-out line at a store, a near miss between a pedestrian and a vehicle, noise from fireworks, and use of a pay phone. Some incidents of this type involve people -- particularly neighbors -- who have had long-standing disputes: for example, a barking dog, a blocked driveway, a local prostitute bringing "johns" into the neighborhood.

The fact that people readily resort to slurs on each other's race, ethnicity, or other characteristics suggests that inter-group tensions are often simmering beneath the surface. However, for a police department that is concerned about crimes motivated by bias, bias-related exchanges that are incidental to crimes pose special problems for definition and classification.

2. Baltimore County

Baltimore County screens cases via monthly verification meetings. As in New York City, Baltimore County encourages initially responding officers to treat incidents as bias-motivated if even a slight indication of such motivation exists. However, unlike New York City, Baltimore County does not use an on-scene review. Also, there are additional ambiguities in Baltimore County because non-criminal as well as criminal incidents are to be reported if there is bias motivation. Thus, nearly 40 of the incidents initially designated as bias-motivated end up not being verified as such in the monthly verification meetings.

The criteria and procedures for verification of reported RREs have changed several times since 1981. Initially the decision to verify was in the hands one Intelligence Division investigator whose full time responsibilities revolved around handling RREs. In 1986, a committee was created to revise the verification criteria and review all RREs for that year. Since that revision, the verification process involves a committee that reviews two groups of verification criteria: the causes and the effects.

For a reported RRE incident to be verified, at least one cause and one effect must be identified. Either (or both) of two causes may be present: (1) the incident is motivated or apparently motivated by racial, religious, or ethnic prejudice; or (2) the victim perceives the incident as being motivated by RRE prejudice. The effects include: physical injury, damage to public or private property, miscellaneous criminal effects, emotional suffering, and miscellaneous non-criminal effects.

Currently, there is a monthly meeting to review and classify all cases as (a) verified, (b) unverified, if there is not enough evidence to make a clear determination of bias, or (c) unfounded, if there is information clearly indicating that the incident did not occur (i.e, a false report) or was not bias-motivated.

Participants in the verification meeting include the three investigators, a sergeant, lieutenant, and captain from the Police Community Relations Division, at least one of the nine precinct community service officers, a representative of the state Human Relations Commission, and the County Executive's Office of Minority Affairs representative, who often becomes involved in cases.

At the meeting, a synopsis of each case is presented by one of the investigators. Participants raise questions and discuss the case until there is general agreement regarding the classification decision. For cases that are verified, participants then identify each cause

and effect. Usually there is quick agreement; in some instances, however, there is heated discussion and disagreement. In such instances, a vote is taken, and the majority position prevails.

As noted earlier, a high proportion of the Baltimore County cases initially identified as motivated by bias subsequently were not verified as such. From 1982 through 1988, only 59 percent of the 690 (criminal and non-criminal) cases that we coded were verified, 32 percent were unverified, and 9 percent were unfounded. Because the Baltimore County procedures generate a substantial number of unverified/unfounded cases, we were able to conduct some comparisons between cases that were verified and those that were not.

In Table 19, the verification statuses for four types of crimes and non-criminal incidents that were initially designated as RRE are displayed. A small number of "other" criminal offenses (27) are excluded from the table because of the heterogeneity of offenses in that category. The non-criminal incidents show verification, unverification, and unbounding rates that are similar to the overall rates for all cases. Among the criminal offenses, vandalism and assault have the lowest verification rates: 54 percent and 60 percent respectively. Since there is rarely victim-offender contact in vandalism, the motivation for the offense can be ambiguous, unless there is very explicit (an non-conflicting) graffiti present. The lower verification rate for assaults stems from a relatively high rate of unbounding (11 percent). Many of these are cases of reciprocal conflicts between "victims" and "offenders".

TABLE 19
VERIFICATION STATUS OF RRE CASES BY TYPE OF OFFENSE
BALTIMORE COUNTY

<u>Type of Offense</u>	<u>Verification Status</u>			<u>Number of Cases</u>
	<u>Verified</u>	<u>Unverified</u>	<u>Unfounded</u>	
Arson/cross-burning	78%	19	3	31
Vandalism	54%	40	6	198
Assault	60%	29	11	243
Harassment	70%	21	9	82
Non-criminal	57%	34	9	109

NOTE: A mixed category of "other" criminal cases (N=27) is excluded from the table.

Virtually the same proportions of incidents initially classified as being motivated by race (60 percent) and religion (61 percent) ended up being verified. There were too few incidents motivated by ethnicity to analyze separately. However, there was a low rate of verification (40 percent) for incidents that were initially described as having multiple bias motivations.

Table 20 shows the verification status of the racially motivated incidents, subdivided by whether the motivation was anti-black, anti-white, or reciprocal. Incidents initially designated as anti-white were somewhat less likely to be verified than were incidents initially designated as anti-black (51 percent versus 65 percent). Even slightly lower (49 percent) is the verification rate for incidents in which the initial report showed reciprocal racial bias between the parties. The "reciprocal" incidents are often ones in which people, who happen to be of different races, come into conflict over some non-bias matter and begin to hurl racial epithets at each other in the heat of anger. Verification rate differences among types of racial motivations are partly attributable to differences in the kinds of offenses involved. Only a third of the anti-black cases involved assaults and 27 percent involved vandalism. In contrast, fully 67 percent of the anti-white and 79 percent of the reciprocal racial cases were assaults, and only 12 and 2 percent, respectively, involved vandalism.

TABLE 20
VERIFICATION STATUS OF RRE CASES BY TYPE RACIAL BIAS
BALTIMORE COUNTY

<u>Type of Racial Bias</u>	<u>Verification Status</u>			<u>Number of Cases</u>
	<u>Verified</u>	<u>Unverified</u>	<u>Unfounded</u>	
Anti-black	65%	28	8	377
Anti-white	51%	38	11	90
Reciprocal	49%	36	15	61

There was no difference among verified, unverified, and unfounded with respect to the time of occurrence, the type of victim (more than 76 percent of each type involved only individual victims), or the time elapsed between the incident and reporting it to the police (two out of three incidents of each type were reported within one hour) destroyed. The proportion of verified cases was very similar across precincts.

Verified cases appear to have gotten more extensive police attention than those not verified, suggesting that prior to the formal verification process, police make an informal judgment and invest investigative resources accordingly. In more verified cases (29 percent) than unverified (21 percent) and unfounded (19 percent) either the investigating officer or the crime lab collected one or more type of physical evidence. Similarly, the police were more likely to complete one or more follow-up reports in verified cases (63 percent) than in unverified (51 percent) or unfounded (45 percent). Thus, it is not surprising that verified cases were more likely to result in an apprehension (22 percent) than either unverified (14 percent) or unfounded cases (18 percent).

VIII. CONCLUSIONS

A. Are Bias Crimes Different?

Yes. Clear differences between bias crimes and matched samples of non-bias crimes were found in the two jurisdictions studied. In general, the bias crimes were more likely to: (1) occur in public places; (2) be less serious in terms of weapon use and injury; (3) involve younger, male offenders acting in groups; (4) involve younger, multiple victims; (5) involve offenders who were strangers to the victims; and (6) elicit stronger, more emotional, longer lasting reactions from victims.

B. Can Special Criminal Justice Responses Make a Difference?

Yes. In New York City, where the special police response to bias crimes emphasizes investigation and arrest, clearances are higher for bias crimes, despite indications that non-bias, comparison crimes start out as more "solvable". Enhanced follow-up activity and encouragement to make arrests (through departmental policies and statutory provisions) both appear to contribute to the higher arrest rates for bias crimes.

The victims of bias crimes recognize and appreciate this attention. They are more satisfied with the extra response of police to their crimes than the victims of non-bias crimes are with the routine handling their cases receive. This difference is especially apparent in New York City where relatively minor violations of the penal law -- which characterize most bias crimes -- receive very limited attention because of the massive numbers of more serious incidents with which the police must deal.

Whether special criminal justice responses have community-wide effects that make bias crimes less likely is an issue not addressed by this study. Despite increased emphasis on bias-motivated crimes throughout the nation, one searches in vain for any indication that such crimes have decreased (for example, see Berrill, 1990; Gibbs, 1990; Lane, 1990: Ch. 2; Los Angeles Board of Supervisors, 1990: 14-15). However, it is possible that the situation would be even worse without the increased emphasis. There are limits to what the criminal justice system can accomplish in combatting bias and hate. And, for the police, there may be some dangers involved in trying to do too much, a topic which is addressed in the next section.

C. The Role of Law Enforcement

Both of the programs in our research are police programs, and the issues raised above make it clear that such programs are not geared primarily toward crime control -- their primary role is the enforcement (or at least reinforcement) of community values. A bias-motivated crime receives extra attention because of the element of bias. This is very apparent when a normally non-serious crime, such as criminal mischief or harassment, receives days of police attention; it is even more apparent, in one of our study sites, when the incident is non-criminal.

At first glance, this posture appears to be consistent with the argument in recent years that police departments should become more community-oriented. Partly, such a reorientation involves eschewing a narrow emphasis on reactive crime control, with priorities set in terms of crime seriousness, and placing a greater emphasis on helping the community uphold its own, indigenous standards of acceptable social behavior -- its own values (see Goldstein, 1990; Greene and Mastrofski, 1988; Skolnick and Bayley, 1988).

But the "communities" in this version of community-oriented policing are generally conceived as neighborhoods: sub-units of a city in which there is some degree of homogeneity and agreement among residents about norms and values. Bias crime programs, on the other hand, tend to be jurisdiction-wide programs. If the programs were established to be responsive to neighborhood concerns, it is easy to imagine that what is (or is not) defined as bias-motivated crime would vary substantially among neighborhoods, especially in a large, very diverse jurisdiction. In New York City, for example, community-oriented police officers in Greenwich Village would be expected to have a great deal of sensitivity to even minor crimes motivated by bias against gays and lesbians; it is reasonable to assume that some white, working-class neighborhoods, in Queens or Brooklyn for example, would not demand the same level of sensitivity from their community-oriented police officers.

In short, the bias crime programs can be viewed as having a didactic role -- upholding a set of values that may have overall support within the jurisdiction but that may not be fully accepted within all sub-areas of the jurisdiction.

These issues represent pathways for linking discussions of bias crime programs to broader concerns about the role of criminal justice in upholding values that are not shared unanimously. As we noted earlier, policy decisions about the definitions of bias-motivated crimes are political decisions. In the case of sexual orientation, the content of the definitions has already been the subject of extended debate and disagreement, and it is not unlikely that the future will hold debates about whether or not to include other forms of bias. As we also noted, the process of applying the policy definitions in operations is not without ambiguity.

Thus, the question of what police departments can do with respect to bias-motivated crimes is not a simple one. There are some responses that seem to be very appropriate for law enforcement agencies -- responses that are extensions of things police are now doing

about other crimes for which there is special concern, such as rape, domestic assault, and child abuse. These responses involve increased sensitivity to and consideration of the victims, the application of extra resources to investigations, and when arrests are made, coordination with prosecutors during the adjudication process.

Problems arise when we ask how much further the police can go. How proactive can the police be? And the source of these problems is that being biased, or often even expressing bias, does not constitute a crime. At the very least, it appears that law enforcement agencies would be well advised to proceed with caution in developing their responses to bias-motivated crimes.

D. Defining and Screening Bias Crimes

Our research has shown that defining and screening bias crimes involves a number of sensitive issues. First, what forms of bias are to be recognized in statutes and regulations covering special programs? This is question that can only be answered in the political arena. One can identify a very large number of forms of bias, but only the most critical ones -- in terms of public policy -- can be included in definitions of bias crime; otherwise the idea of "special" responses to bias crimes becomes meaningless.

Second, police departments that are serious about instituting special responses to bias crimes must devote considerable attention to inducing officers on the street to recognize and report bias motivation when they encounter it. If designating a crime as bias-motivated simply means more work (particularly paperwork) for patrol officers, they are not likely to err on the side of including borderline incidents.

Finally, if the task of making patrol officers receptive to the reporting of bias crimes is accomplished, some procedures will be needed to screen out inappropriate incidents later. Patrol officers should not carry the burden of sorting out how central the element of bias was to a particular crime, how much weight should be given to conflicting expressions of bias, and so forth. The patrol officers should be encouraged to report when the slightest indication of bias exist, and fine distinctions should be made later, after investigation and discussion. The two departments in this research had different screening mechanisms in place -- mechanisms that were consistent with the goals and operations of their programs.

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