

BRIDGING THE INFORMATION DISCONNECT IN NATIONAL BIAS CRIME REPORTING

FINAL REPORT

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FORWARD

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The goal of this report is to identify the factors that inhibit or promote the accurate tracking of bias crimes in an effort to improve the quality of national bias crime statistics. The report is organized into several major sections, in the following order:

Background and Prior Research: This section describes the reasons why bias crime statistics are collected both nationally and locally and how these statistics can benefit law enforcement. Using prior research, this section also outlines some of the issues around bias crime data collection and examines some of the participation trends in the national data collection program. The section concludes with a significant finding from an earlier Bureau Justice Statistics study that identified a “disconnect” in bias crime reporting.

Methodology: This section outlines the goals of the present study and the research methods the research team used to accomplish them. The sections details the methods used in both stages of the study: qualitative process and context assessment and the data quality assessment.

Site Descriptions: In this section, each host site department is described along several criteria, such as Jurisdiction Demographics and History, Department Mission and Strategy, Bias Crime Culture and Priority and Reporting History. The goal of these descriptions is to provide the reader with some background information about each site.

Records Review Analysis: This section presents and discusses the findings from a review of each department’s incident reports. Specifically, we examine the potential extent of undercounting and over-counting of bias crimes in each department.

Infrastructure Analysis: Here, the authors examine the each department’s bias crime reporting infrastructure by assessing the process as a whole as well as two key decision points. The section first describes the various reporting process types and discusses the implications of these types may have on the effectiveness of bias crime reporting. We then assess the characteristics of each departments two key decisions points – patrol officer and secondary review – using the original Federal Bureau of Investigation’s recommended two-tier reporting model.

Contextual Analysis: Using qualitative focus group and interview data, the section begins by describing the various department cultures we found in the host departments, by comparing the departments along their organizational commitment and general sensitivity towards bias crime. The section then examines the potential impact of department culture and individual attitudes have on the performance of bias crime reporting functions.

Recommendations: Here the authors make a number of recommendations for improving the accuracy of bias crime reporting nationally. Based on the current research, the authors make several Infrastructure, Contextual and Extra-departmental Recommendations.

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INTRODUCTION

In recent years we have witnessed several terrible acts such as a gay man being beaten, tied to fence and left for dead, a black man dragged to his death behind a pick-up truck, and several Jewish children shot in a hail of bullets all because of what they were or what religion they practiced. Although these high profile crimes catch the attention of the national media, our law enforcement community primarily deals with more routine and pervasive acts of violence or intimidation, such as personal assaults, threats and harassment. Because the media does not always capture such routine bias motivated crimes, a comprehensive national data collection system is necessary to understand the character and extent to which law enforcement responds to incidents motivated by bias.

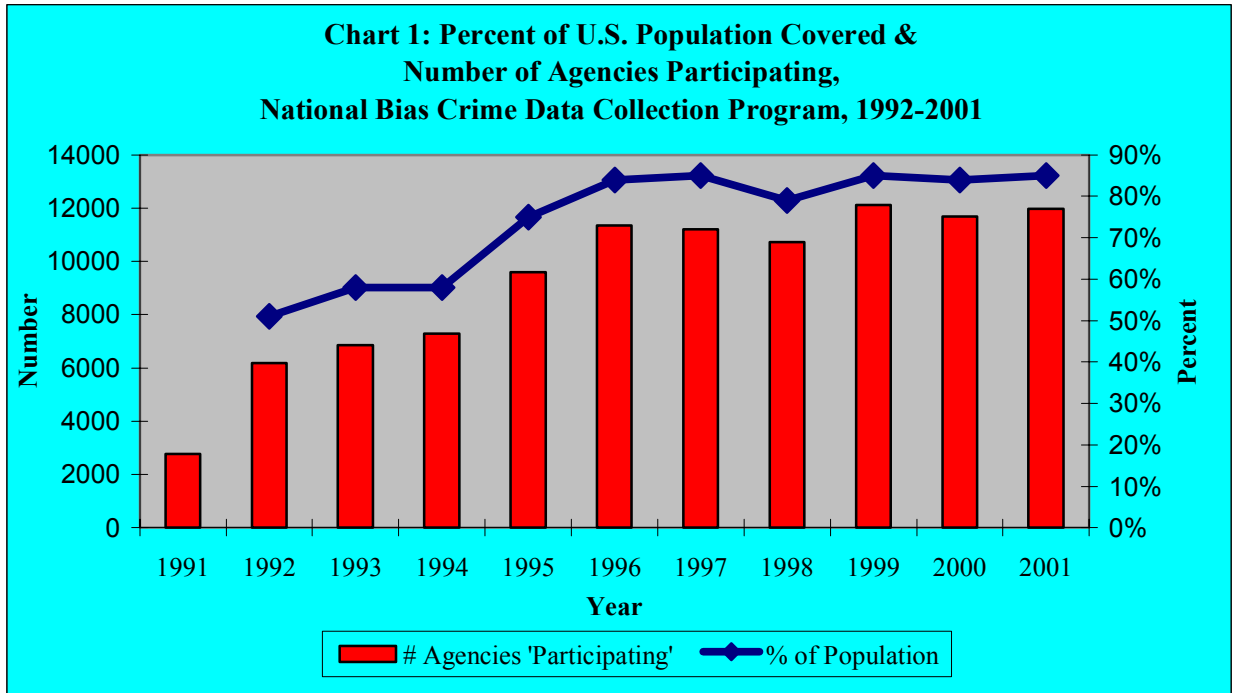
Understanding the degree of bias motivated crime is critical for both national and local law enforcement planning and response. Although a system for collecting statistics on bias motivated crimes has been in place for more than ten years, the full utility of bias crime collection has been realized by only select jurisdictions. Unfortunately, the reporting process has been plagued by confusion and misconceptions about what bias crime is, who should be responsible for its investigation and reporting, and what the utility of bias crime reporting could be for law enforcement agencies.

This report examines the collection of bias crime statistics nationally through an in-depth examination of reporting methods of eight local police agencies across the country. Examining how to collect the most accurate information about bias crime and share this information with the wider law enforcement community is the central goal of this study. In each of the sites we collected information on the departmental culture around bias crime reporting, examined the department's infrastructure for bias crime reporting, and conducted a records review to identify potential errors in the bias crime reporting process. Through this process we identified both structural and cultural forces that affect the completeness and accuracy of bias crime reporting. A number of conclusions are drawn from this study that may aid local law enforcement in developing successful bias crime reporting strategies and ultimately lead to increased accuracy and uniformity in national bias crime statistics.

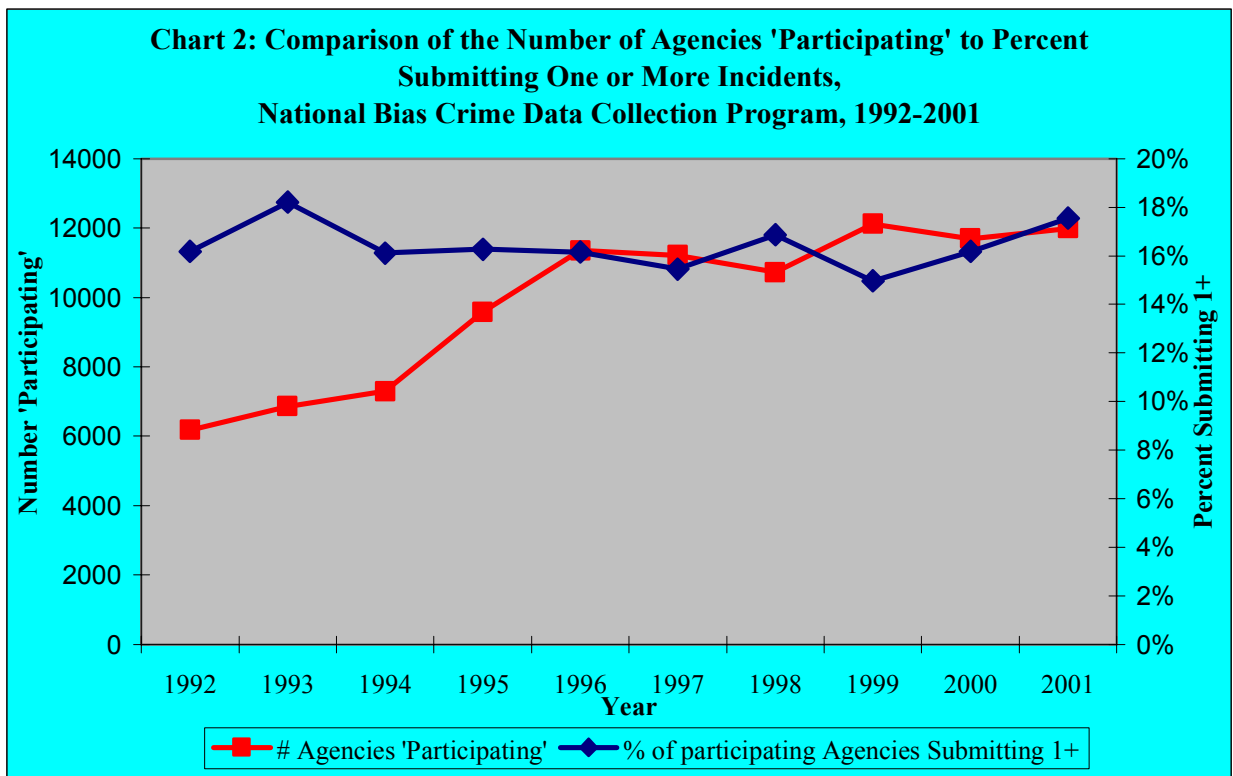
STATUS OF THE NATIONAL DATA COLLECTION PROGRAM

With the passage of the Hate Crime Statistics Act (HCSA) in 1990, the Attorney General charged the FBI to establish a national bias crime data collection program. The goal of this act was to develop a way of better understanding the scope and character of bias crime nationally. The FBI implemented the bias crime data collection program under the agency's existing Uniform Crime Reporting Program. Under this program local, county and state law enforcement agencies participate by submitting incident level bias crime data to the FBI either through quarterly summary reports or through NIBRS. Incorporating the new bias crime data collection effort into the UCR program was a positive development for bias crime data collection since the UCR program has been an accepted method of national data collection for over 70 years. Today more than 17,000 local, county and state law enforcement agencies participate in the UCR program. However, bias crime data collection was a new (and difficult) endeavor for most police departments at the time of the HCSA and, like many innovations, it continues to face challenges to reaching its goals. The following section examines participation and reporting trends in the national bias crime data collection program to assess the progress of this relatively new program.

Looking at participation in the national bias crime data collection program, now in its twelfth year, we see that early progress has since 'plateaued'. As Chart 1 below illustrates the number of agencies participating in the data collection program has grown considerably since the program's initial years. In 1991, 2,771 law enforcement agencies participated in the national data collection program; by 1995 that number grew to over 9,500 agencies. Not surprisingly, the percent of U.S. population covered by participating agencies has mirrored the growth in participating agencies (as the chart below demonstrates). While participating agencies represented about half of the U.S. population in 1992, nearly 85 percent were represented in 2001. This growth in overall participation and the percentage of U.S. population residing in participating agency jurisdictions is a positive development towards the success of the program. However, it appears as though the number of agencies participating has leveled off over since 1996 at approximately 11,000 agencies. ***In the last seven years only two thirds of those agencies that participated in the general UCR program also participated in the national bias crime data collection program.*** Increasing participation represents only the first, but important, step towards developing an accurate picture of bias crime in the United States.



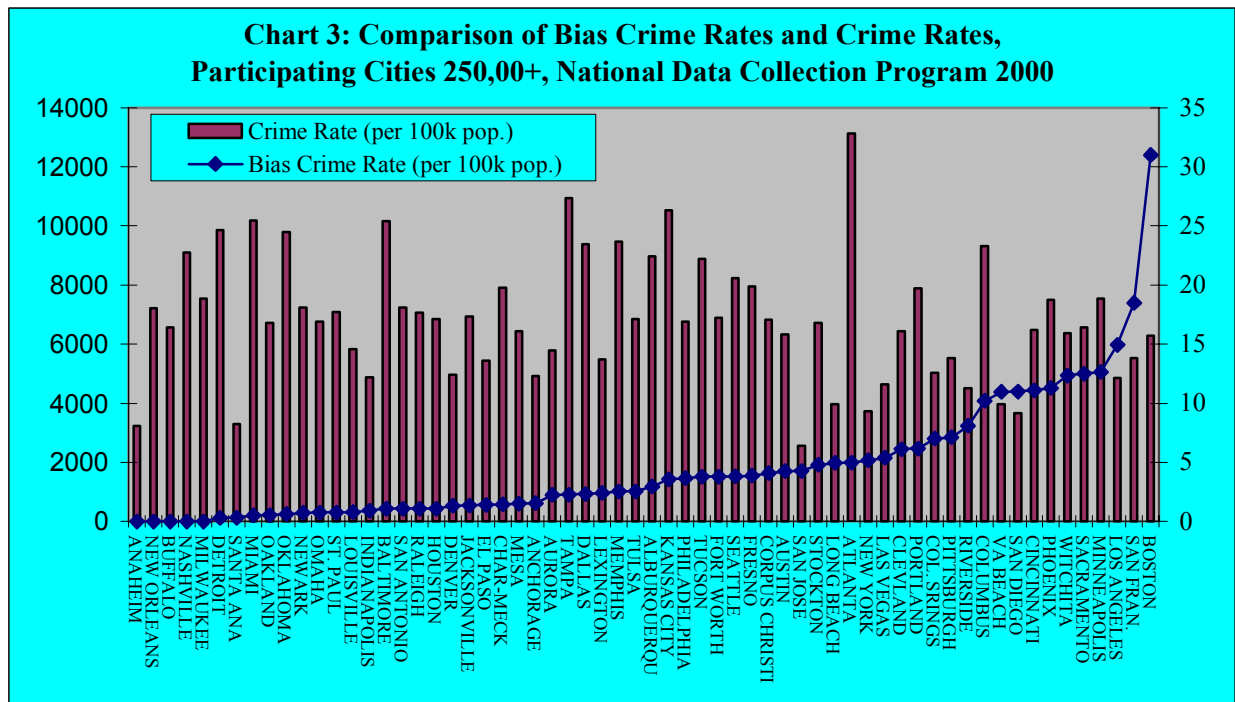
Since agencies need only submit a quarterly report or submit crime statistics via NIBRS to ‘participate’ in bias crime reporting, growth in ‘participation’ may not be indicative of any true improvement in the national data collection program. Chart 2 shows that the number of agencies submitting at least one incident has grown proportionately to the number of agencies that ‘participate’. Despite the growth in the total number of agencies participating from 1992-2001, approximately 16 to 17 percent of ‘participating’ agencies report at least one bias incident in each of these years. While submitting zero bias incidents may accurately reflect the number of bias crimes in many jurisdictions, it may be a low figure for some jurisdictions, particularly in larger more diverse communities. The fact that the percentage of agencies reporting at least one or more incidents has not changed since the start of the reporting program suggests that the quality of data coming from participating agencies remains stable.



The question remains whether 16-17 percent of participant agencies reporting one or more incidents is an indication of poor participation in the data collection effort. National aggregate participation figures cannot fully address this question. Instead, individually comparing the reporting figures of similar jurisdiction may shed light on the question of whether some jurisdictions do not completely and accurately report bias crimes, despite 'participating' in the program. Chart 3 compares the UCR Index crime rates (per 100,000 population) and the bias crime rates (per 100,000 population) of all cities with a population of at least 250,000 that participated in the 2000 bias crime data collection program. Since they are rates, these measures both hold population size constant. As a result we begin to assess the quality of bias crime statistics by comparing the bias crime reporting practices of cities of similar sizes and crime rates. The chart demonstrates there is little relationship between reported index crimes and reported bias crime across communities, a situation we might not expect.

As the chart illustrates, jurisdictions with similar crime rates can have drastically different bias crime reporting rates. For example, San Diego, CA and Santa Ana, CA – two cities in similar locations, with similar crime rates – report very different bias crime rates (10.98 compared to 0.32). Columbus, OH and Detroit, MI both have similar crime rates and are from similar regions of the country, yet Columbus report bias crimes at rate 32 times that of Detroit.

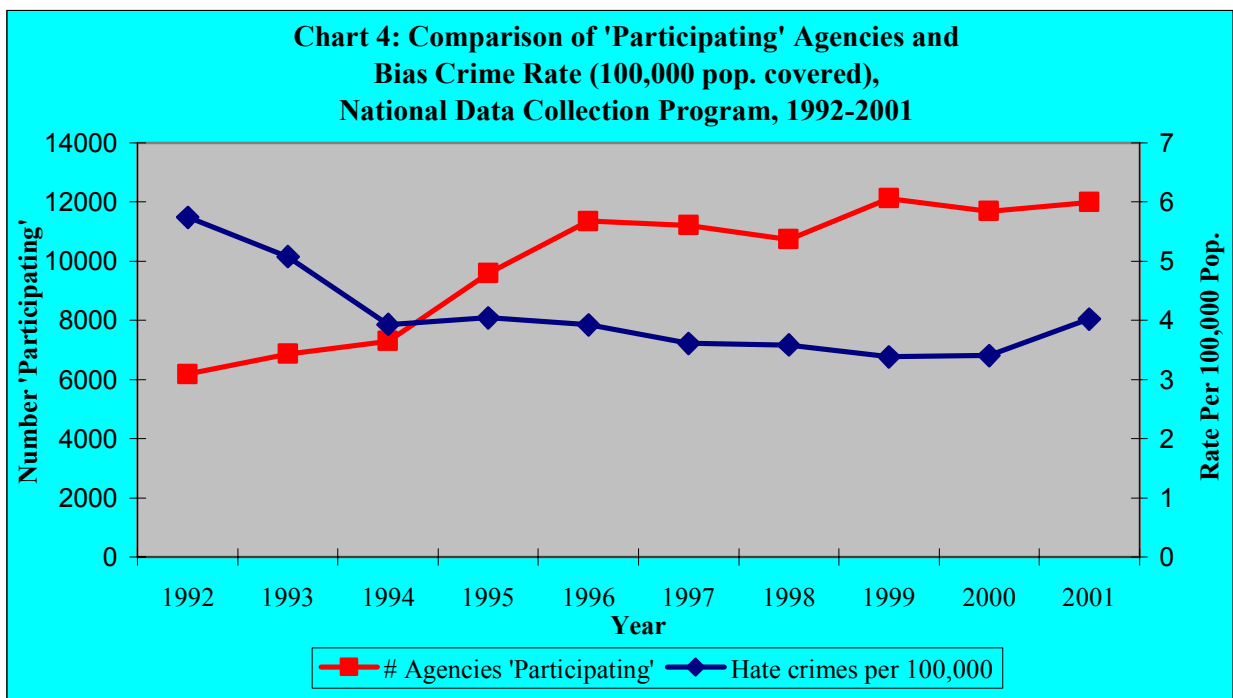
Surely a multitude of factors can influence the rate of bias crime in a community – overall demographics, demographics changes and economic situations to name a few – and we have not controlled for those here. However, it is also likely that some of those factors believed to influence crime rates have a similar influence on bias crime rates across jurisdictions. Moreover, the obvious fact that such stark differences exist in bias crime rates (compared to crime rates) suggests reporting practices – not actual differences in bias incidents – may drive this phenomenon. It is also important to point out that five large agencies (Anaheim, CA; Buffalo, NY; New Orleans, CA; Nashville, TN; Milwaukee, WI) all submitted zero incidents in 2000. While we can still only infer that comparably low bias crime rates are a signs of inaccuracy in bias crime reporting, the high degree of variability in local reporting practices is one illustration of the inconsistency that exists in national bias crime data.



Another indicator of the potentially low accuracy of bias crime reporting is an interesting trend in the official bias crime rate in relation to the agency participation trend. Chart 4 displays the rate of bias crimes per 100,000 population covered by participating agencies (the right side) and the number of participating agencies (the left side) for each year¹. In 1992 and 1993 the national bias crime data produced a rate of 5.74 and 5.07 per 100,000 population covered

¹ For each year before 1996, the rate of bias crimes per a 100,000 population covered are estimates. Since the actual number of population covered was not available, the population covered was based on the percent of U.S. population covered times the U.S. population. As such they may be subject to rounding error.

respectively. However, since 1994 the bias crime rate has remained fairly flat at a comparably lower rate, ranging from a low of 3.38 to a high of 4.05. Over the same years, a near opposite pattern exists in the number of participating agencies. The trend in participating agencies climbs throughout the first half of the decade (1992-1995) and has since become stable around 11,000 agencies. Interpreting the meaning of these trends is difficult. It could mean that the agencies that participated early in the data collection program had a higher rate of bias crimes than the agencies that began to participate in the later years of the program. Alternatively, what is more plausible is that a number of agencies began ‘participating’ in the program around 1995 that did so only nominally by submitting zero incidents. This would bias the national data collection program with agencies that have poor bias crime reporting practices. The biased population of participating agencies would then produce a skewed picture of the national bias crime rate; resulting in a lower bias crime rate per 100,000 population covered than is actually the case.



To summarize, the state of the national bias crime data collection program has changed little since around 1995. The number of participating agencies, the percentage of participating agencies submitting incidents, and the bias crime rate (per population covered) all have not changed meaningfully in the past seven years of the program. The program’s participation rates have been stagnant since 1995 with around two-thirds of all agencies that participate in the general UCR program also reporting bias crime statistics. There is some evidence that suggests the national bias crime statistics are inconsistent because reporting practices across localities

differ considerably. Part of this inconsistency may be the result of participating agencies that do not submit accurate statistics. Because an increase in participating agencies occurred at the same time as a decrease in the bias crime rate, nationally, it is likely these statistics under-represent the rate of bias crime. The leveling off of progress in bias crime participation and reporting suggests that an additional effort must be made to improve the accuracy of national statistics.

Original Bureau of Justice Statistics Study

Spurred by the concern of advocacy groups and a common understanding that national bias crime statistics underreported the actual level of bias crimes, the Bureau of Justice Statistics commissioned a study to examine the national data collection program. The study, conducted by researchers from both the Center for Criminal Justice Policy Research (CCJPR) at Northeastern University and the Justice Research and Statistics Association (JRSA), consisted primarily of a survey administered to a national sample of law enforcement agencies. In addition, the researchers conducted telephone interviews with advocacy groups, follow-up interviews with law enforcement officials, interviews with national experts on bias crime and bias crime training providers. The original bias crime reporting study's findings highlighted several key issues with regard to the accuracy of the national bias crime statistics.

Most notably, the study discovered a significant gap between what local respondents suggested was the actual prevalence of bias crime and what the official UCR bias crime figures report. The study revealed that a significant proportion of local agencies that either did not submit or submitted zero self-reported in the survey that they had, in fact, investigated at least one bias crime in the same year. Specifically, the authors concluded:

These data indicate that 37.1% (n=36) of the respondents from those agencies which do not submit to UCR in 1997 believed that their department had investigated and reported one or more incidents of hate crime. Surprisingly, of those agencies which report zero hate crimes to UCR, 31% (n=58) indicated that their department had investigated and reported one or more incidents of hate crime.

These findings suggest that the current official bias crime statistics are seriously underreported. The researchers in this study conclude that, "between 5,000 and 6,000 additional agencies may have encountered bias crime that were not reported to the national program."

Upon empirically establishing an information 'disconnect' in the national data collection program, the Bureau of Justice Statistics sponsored the current study to further examine the reasons such a disconnect existed. Several questions are raised by past research about bias crime

reporting: Where can bias crime information fall out of the reporting process? To what degree are local jurisdictions under/over reporting bias crime figures? What are the procedural and organizational reporting mechanisms that promote or inhibit accurate bias crime reporting? What kinds of agency contexts can benefit accurate bias crime reporting and how can local agencies create such contexts? With the overall goal of helping to improve the national data collection program, the present study seeks to address these broad questions.

METHODOLOGY

The goal of the current study was to examine the bias crime reporting processes in selected law enforcement agencies in an effort to identify any gaps in the bias crime reporting process and to encourage more accurate bias crime reporting. Two separate aspects of bias crime reporting are explored: the process and the quality. First, our review of the process of bias crime reporting involves examining the chronology of bias crime documentation once reported to a particular law enforcement agency. Within host agencies, the researchers examine reasons why bias crime information may be overlooked or misclassified and, therefore, never makes its way into the national database. Similarly, we reviewed situations in which a bias crime is appropriately classified, but the classification is subsequently lost in the intra- or inter-departmental reporting procedures. Secondly, we examine the quality of bias crime reporting by looking for reporting errors – both false positive and false negatives – on incident reports from the participating agencies. Assessing the quality of bias crime reports involves examining to what extent reports accurately document the nature of specific incidents.

Our methodology begins with the selection of “host” agencies. These agencies voluntarily agreed to participate in a review of their internal records management system with the ultimate goal of improving their own- as well as other agencies’- bias crime data. With this in mind, we developed a two-stage approach to the methodology: Stage One examines the intra- and inter-departmental systems which process and, ultimately, produce bias crime data, while Stage Two examines the accuracy of the individual agency’s most recent bias crime data. Briefly, Stage One involves interviewing a variety of personnel (patrol, mid-level managers, chiefs and those involved in the crime reporting process) from the host agency as well as collateral agencies working in cooperation to funnel crime statistics through to their final destination, the FBI. Stage Two involves a review of agency incident reports to determine both the content and quality of bias crime and other crime type records. Before exploring Stages One and Two in more detail, we provide a discussion about site selection and activities in preparation for our site visits.

ADVISORY BOARD AND SITE SELECTION PROCESS

Prior to any field research being conducted, the research team assembled a core advisory group comprised of experts in bias crime law enforcement and reporting, advocates in the field of bias crime, and other academics active in the criminal justice field. The advisory board members were contacted at the outset of the project to solicit input on methodology and construction of the focus group instruments. The group has also been contacted throughout the duration of the project regarding preliminary findings. Members of the advisory board are: Yosho Akiyama, Criminal Justice Information Systems (CJIS) FBI; Cynthia Barnett, CJIS FBI; Samuel Berhanu, CJIS FBI; William Johnston, Facing History and Ourselves (former Boston Police Department Detective); and Michael Lieberman, Anti-Defamation League.

Due to the qualitative nature of the project, as well as budgetary considerations, it did not seem reasonable to draw a random sample of agencies to study. Instead, a targeted sample of agencies was drawn using specific criteria. The decision as to what criteria were appropriate, and ultimately, which agencies to select as “host” agencies was determined through close collaboration between the research team, BJS personnel, and the FBI. The research team hosted an introductory meeting in April of 2001 to bring these groups together at the Bureau of Justice Statistics. Subsequently, the research team kept in close contact with personnel from both of these agencies with regular frequency. This extended research team decided the sample sites should include representatives from both NIBRS and summary reporting agencies, both large and mid-size cities, agencies that represented all of the regions in the U.S. (Northeast, South, Midwest and Western agencies), as well as agencies where State Reporting program involvement was both high and low. Finally, the inclusion of “model” and “disconnect” agencies was considered when selecting sites. These criteria will be discussed in more detail below.

NIBRS vs. Summary Reporting System Agencies

Including agencies with NIBRS and summary-based reporting systems was essential because one of the research questions examined whether there are procedural advantages to processing bias crime in incident based systems. Due to the contextual, incident-based nature of NIBRS, bias is included as a “box” to check off on all NIBRS general incident reports. Therefore, there is no separate form to fill out for NIBRS agencies; bias crimes and non-bias crimes all could potentially be included on one form. Whether this process does indeed simplify

the reporting process, however, is an empirical and practical question that the research team hoped to answer. Further, in contrast to summary based reporting, NIBRS agencies can qualify an entire incident (including many offenses) as bias motivated (McDevitt et al., 2000). The research team hoped to determine to what extent some NIBRS agencies were taking advantage of this extended reporting capacity. It was decided that the final sample should contain agencies who submit their data through NIBRS as well as agencies where crime data is submitted via the traditional summary based system.

Beyond this distinction, we have further divided those summary based agencies into two groups: those that have ‘high’ State program involvement with the data prior to sending it to the FBI and those where that involvement is either nonexistent or perfunctory. In many cases, State UCR Programs provide certain checks on agency level data, as well as providing training and other support services. By including this criterion, we hoped that the research could illuminate how State programs have affected the transmission of bias crime data in selected jurisdictions.

Since one member of our core research team had worked extensively at the FBI with State Program representatives, the team had firsthand knowledge of some of the institutions and personnel involved. For those agencies where the core research team did not have experience, the FBI was asked to review a list of sites (without any identifying information regarding whether the site was a disconnect agency or not) to gather information regarding the level of state program involvement. Additionally, Statistical Analysis Centers (SAC) directors (through connections with the Justice Research and Statistics Association) offered some insight into a number of the States’ programs.

Size and Regional Representation

The extended research team decided to primarily include agencies from the top two FBI population groups (over 250,000 and between 100,000 and 250,000 population). In most small jurisdictions, bias crime reports to the local police are rare events, making it difficult to select such an agency and have a discussion of a ‘typical’ bias crime case or conduct an extensive records review. Still, several members of the extended research team suggested that excluding all of the smaller agencies would be remiss because, in fact, smaller agencies are the modal type of law enforcement agency in the United States. Therefore, six of the eight sites were selected

from the top two groups and two were selected from third smaller population group (50,000-99,000).

Considering the variation in bias crime reporting by regions, the research team also believed that regional differences could be an important variable in considering bias crime reporting processes. For example, in the McDevitt et al. study (2000), geographic differences existed with regard to how officers view bias crime and what elements they consider when determining whether bias was present², whether additional supervision was provided for bias crime incidents and whether that supervision was above and beyond normal supervisory review (with the Northeast region leading the other regions), and what priority bias crime training was for the agency regarding. Moreover, significant differences exist between the regions of the country and general crime reporting. Table 1 compares geographic regions by number of UCR index crimes, crime rate (per 100,000), and volume of bias crimes reported. Notice that the southern region has the second highest number of index crimes and the highest crime rate of all the regions, but reports the lowest number of bias crimes. Therefore selection of agencies from various regions was extremely important.

Table 1: A Comparison of Crime Reporting by Region

REGION	INDEX	CRIME RATE	BIAS CRIMES
NORTHEAST	2,303,852	3,976	2,757
CENTRAL	2,855,681	4,572	1,697
SOUTH	3,781,112	5,529	498
WEST	4,234,425	5,370	3,097

Source: Federal Bureau of Investigation. Uniform Crime Reports: Hate Crime Reporting Statistics. Washington, DC.

Model versus Disconnect Agencies

Beyond these demographic/departamental distinctions, we selected agencies which fit both the ‘model’ reporting practices as well as those agencies where “disconnect” had occurred. Model agencies are defined as those which: 1) had reported consistently from 1995 through 1999, and 2) had not reported zero more than one year. Agencies of disconnect were identified

² Specifically, survey results suggest that the Northeast and West were more likely to consider victim claims of bias and the presence of bias charged language when determining the role of bias. Investigators in the Midwest and south were more likely to believe that the victim would incorrectly point to bias as a motivating factor.

using the survey responses from the earlier McDevitt et al. (2000) study funded through BJS. These agencies responded on the survey that they had reported at least one bias crime during 1997, but official statistics reflect that they reported zero to the FBI³.

Limitations to the Sample

Although we include agencies that we believe represent a variety of reporting techniques, we caution that *our final sample is not generalizable to all law enforcement agencies*. It is our hope that the data collected in each of these sites provides a useful tool for similar agencies, but we do not claim that one agency should be typical for all similar reporting agencies. We do, however, use case studies and qualitative information to discuss best practices for departments.

Using the above criteria, an initial list of approximately thirty agencies was created. This list was amended at several points considering responses from contacted agencies so that the final sample would contain representatives from all of the agreed upon criteria.

Contact Strategies

Introductory letters of correspondence were sent to Chief of Police in those agencies targeted. These letters outlined the scope of the project, detailed privacy procedures and safeguards, and requested the agency's collaboration in the project. Additionally, in the initial packet, many of the agencies received a letter of support from the FBI, encouraging their participation in the study⁴. Approximately two weeks after the initial letter was sent, one member of the research team contacted the Chief's administrative assistant to see if there was an appointed contact person. In most cases, a representative (usually a Lieutenant or Captain) was assigned and the research team contacted him/her to discuss the study in greater detail. Following this, several other letters were sent, reiterating the study details discussed in telephone conversations, and discussing scheduling and confirmation.

In summary, response from the agencies was positive on the whole. Twelve agencies were contacted. Three refused participation via messages through the Chief's secretary or

³ At the start of this project, the research team asserted that these agencies would be mutually exclusive from the 'model agency' reporters. However, in practice, the distinctions of 'model' and 'disconnect' often fell away. This will be discussed at length in the findings section.

⁴ The earliest round of contact letters were sent prior to receiving this letter of support from the FBI; the final round of contacts were revised, using receptiveness from the earlier rounds, and therefore, letters for those agencies were not included.

conversations with other police personnel and eight agreed to participate. One agency did not respond, and the research team – due to positive feedback from other agencies in the area – did not pursue the site through follow up phone calls. Table 2 presents the final host departments according our selection criteria.

Table 2: Final Host Departments and Selection Characteristics

Agency Identifier	Population Group	NIBRS	Model	Disconnect	State Program Involvement
Southern PD1	I				
Southern PD2	II	Yes			
Eastern PD1	I		Yes		High
Eastern PD 2	III	Yes		Yes	High
Midwestern PD1	I				
Midwestern PD2	I	Yes	Yes		None, but a NIBRS involved*
Western PD1	I			Yes	High
Western PD2	III			Yes	High

Source: Authors' compilation

Note: * =- Midwestern State 2 has no state agency that transmits local jurisdiction's summary data to the FBI. The state, however, is in the process of transitioning to NIBRS so the state agency in charge of this transition works closely with local agencies on crime reporting issues.

STAGE ONE: REPORTING PROCESS AND DEPARTMENT CULTURE

Stage One of the study has two related components exploring bias crime reporting. First, the research team examined the data collection and reporting process for bias crime from initial crime report to FBI publication. This portion of the research essentially creates a 'chronology of a bias crime report' for each agency in the study throughout the crime reporting process. The questions considered during stage one include:

- Who initially notes if a crime is bias motivated or not?
- How is this information is recorded?
- What function do supervisors serve in reviewing reports?
- What role records personnel or data analysts play in the transmission of data?
- What type of collaboration there is between agencies such as State Reporting Agencies?

Prior research indicates that there are several salient communication points in this process (McDevitt et al., 2000), including: victim/officer communication about the presence of bias, officer recognition of bias intent, officer documentation of bias on an incident report, supervisory review of the investigation or incident, compilation of the agency's bias crime reports within the department, transmission of bias crime incidents to the State UCR Program, and further transmission of the data from the State to the FBI UCR Program. The research team examines each of these decision points in the present study to better understand reporting mechanism that either promote or inhibit efficient bias crime reporting.

Next, the agency's culture toward bias crime is considered. At each site qualitative data was collected and organized through a series of interviews and focus groups. In order to assess the points of slippage, the research team assembled focus groups composed of representatives from the patrol force, bias crime investigators, mid-level supervisors (such as Sergeants or Lieutenants) responsible for reviewing officer incident reports, department administrative personnel responsible for organizing and transmitting the data to a State agency or the FBI, and other personnel involved with processing bias crime data.

During the interviews, the researchers paraphrased the interviewees' responses while taking notes. In most cases, more than one member of the research team was present for the focus groups, with one person given the primary responsibility of leading the interview questions and the other taking detailed notes. In most cases, notes were transcribed within a day of the interview to maintain the integrity of the information provided. Field notes included both 'foreground' (what the interviewee actually said) as well as 'background' (how the interviewee responded, nonverbal cues, etc.) information.

Focus group instruments were created through a collaborative process considering past research, firsthand knowledge by the research team, and advisory board input. Some minor modifications were made to the instrument after conducting the first site visit. In each focus group or interview, the protocol guided the questions. However, the facilitator would focus in more depth on different questions depending on the duties of the person being interviewed. For instance, focus groups with patrol officers more fully addressed officer recognition and response, while focus groups with supervisors and detectives focused on review of reports. The discussions about data computerization problems and records management issues were of particular importance during the interviews of departmental records and information technology

specialists. Additionally, the interviews explored the kinds of problems that could cause an individual's departmental report to be excluded from a state tabulation, and what measures help protect the accuracy of the data.

The role of supervisory review was also discussed at length in many of the interviews. Whether or not a supervisor reviewed the incident report, what rank this person maintains, whether or not the supervisory review was outside of the normal review, and whether this person has any training in bias crimes was explored, as appropriate, through this design. In addition, the presence and detail of an official policy was discussed as a possible infrastructure factor to sustain bias crime reporting procedures.

In addition to addressing specific issues around data slippage, interviews and focus groups probed what the agency culture seemed to be around the issue of bias crimes. Prior research indicates that officers feel the most powerful factor in discouraging an officer from accurately reporting a bias crime has to do with the officer's intrinsic definition of bias crime (McDevitt et al., 2000). This factor includes the officer's perceptions of minority groups in general, whether s/he believes bias crime to be intrinsically different than non-bias offenses, and whether the officer has his/her own prejudices.

STAGE TWO: DATA QUALITY

To date, no research has attempted to quantify errors associated with bias crime reporting: how often police fail to recognize the element of bias or when bias is noted without appropriate justification. The research team attempted to understand the frequency of bias incidents by reviewing a sample of assault reports⁵ for one year in each of these agencies. The records review was designed to assess the level of Type I (underreporting) and Type II (over-reporting) errors in bias crime reporting. Over-reporting occurs when a department classifies an incident as bias motivated when in fact the incident did not fit the FBI definition of a bias crime. Underreporting occurs as a result of an officer failing to classify a bias incident when, indeed, the offender's motivation qualifies as a bias crime according to the FBI definition. The research team requested that each agency involved in the study provide access to incidents reports from a sample (or in some cases the universe) of assaults occurring in the year 2000. Assaults were

⁵ This includes the general categories of both simple and aggravated assaults in each jurisdiction. Although some jurisdictions had specific assault categories (such as assault with intent to kill or assault with a weapon), we generally categorized the assaults into two categories: simple and aggravated.

chosen for study after consultation with members of our advisory board. This type of crime was chosen based on a number of factors, including national statistics that indicated that assaults were among the most common crimes that were reported as bias motivated. It was also alleged that assaults would be more likely to have an incident report completed and that the incident report was more likely to contain more sufficient narrative information about the incident than other less serious crimes, such as vandalism.

At each of the participating sites, the research team requested the department provide a list of all of the incident numbers for assaults for a given year (usually 2000, although in one site, we used half of 1999, half of 2000). From this population, the research team could generate a random sample. In two smaller jurisdictions, it was feasible to use close to the entire universe of assaults as the sample (n= 250-500). Most of the time, the sample was drawn prior to beginning the site visit, giving the agency enough time to pull the sample records for the departments management system. Members of the research team reviewed and coded the incident, based upon several criteria. The criteria were constructed prior to the first site visit, and honed during the first site after reviewing several hundred records. These criteria include: presence of bias indicators, inter-ethnic conflict, relationship between the offender and victim, the victim's perception of bias, and the presence of provocation.

Incidents were also coded into one of the following categories of motivation: 1) bias motivated, 2) non-bias motivated, 3) ambiguous motivation, 4) unknown motivation and 5) victim initiated bias. The research team operationalized the category of 'bias motivated' as those cases where the offender's motivation was clearly motivated in great part by bias, such as bias language and racial slurs. The non-bias category referred to an incident where there was a clear triggering or motivating factor other than a perceived personal characteristic of the victim. The ambiguous motivation includes those incidents where bias indicators or motivation are present in some fashion, but do not appear to be the primary motivation for the incident. The fourth category, 'unknown motivation', includes those incidents that appear to have no triggering event or when the narrative does not indicate any motivation for the incident. Lastly, the final category, 'victim initiated bias', includes those incidents in which the victim triggered the offender's crime by displaying bias towards the offender's group. In nearly every case, these categories are mutually exclusive. The typology work sheet is included below, as Figure 1.

When the incident report was determined to initially indicate a bias crime, a second level review form was completed, detailing the incident in more depth.

It is important to note that we were not able to determine if a given assault incident was ultimately a bias crime. Only a trained investigator making a thorough investigation could make this determination. However, we were able to determine if incidents existed in the records that were not investigated further (as potentially bias motivated) in a particular agency where similar cases of potential bias crimes would have been investigated in other agencies. For example, in a number of our agencies if racial epithets were used in the course of an aggravated assault and that was noted in an incident report, the agency's bias crime policy called for these cases to be referred to the bias crime investigator. In our review we noted any cases where bias indicators, such as the use of racial slurs, were noted but no further investigation was conducted. Perhaps the most important caveat to this type of analysis is to point out that all of the records we reviewed are subject to the agency culture filter. By this, we mean that where the local culture is outspokenly opposed to the concept of bias crime, a responding officer may not pay attention to bias indicators at the scene, possibly because he may not notice them or because he has been trained that such considerations are not important. Our analysis cannot address when officers fail to note bias in their incident reports (see box below).

Figure 1: Incident Motivation Typology Code Sheet

I. **Bias Dispute**

This is where the primary motivation of the dispute is bias. In general, these cases are unambiguous in nature (such as a cross burning or swastika on a synagogue).

II. **Non Bias Dispute**

There is a triggering device in these incidents, but it is non-bias in nature. No objective indicators of bias are present in the police report (such as bias language, symbols, or tattoos). These disputes should be categorized into one of two categories:

- A. *Domestic Dispute-* The operational definition of a domestic dispute is fairly encompassing. It includes boyfriend/girlfriend, spousal relations, parent/child/sibling altercations, and, altercations initiated on behalf of any of these parties (such as an ex-wife and her former mother in law, a new girlfriend and former girlfriend/spouse). Gay and lesbian relationships are also included here. Non familial or romantic roommate relationships are NOT included here.
- B. *Non-Domestic Dispute-* In these cases, there is a triggering device, which is not bias related or domestically related. For instance, a person is paid to fix a car and does a poor job, leaving the customer angry, triggering an assault.

III. **Unknown Dispute-**

Facially, these cases do not appear to have any triggering device. The assault appears unprovoked. The investigation does not reveal any hint of what triggered the incident. There is some information included in the incident report, but it does not indicate motive. No objective indicators of bias are apparent. There is no domestic (familial or romantic) relationship between victim and offender (meaning that even if a crime seems ambiguous in motive but is between husband and wife it should be categorized as a domestic dispute, 2a). Gang related cases by unknowns are NOT included here (but would be considered non-bias, non-domestic disputes). Unknown disputes can be categorized into:

- A. *Same group-* The victim and the offender are of the same ethnic/racial group.
- B. *Different group-* Where the victim and the offender are of different ethnic/racial groups.
- C. *Unknown-* This occurs when the suspect is either not seen or identified in the police report.

IV. **Ambiguous Disputes-**

These are disputes where there appears to be a primary triggering event (such as faulty workmanship, etc.), but there are also objective indicators of bias expressed by the offender/suspect during the commission of the event. For instance, an irate man walks into a beeper store, demanding to know why his pager was turned off. When the owner explains it was because the man did not pay his bill, the customer charges the clerk, yelling a racial/sexual epithet. The objective indicators of bias seem to be more tertiary to the execution of the crime, although they may present a partial motivation. The question is posed whether the incident would have happened if the suspect and victim were of the same group, or if the incident would have been less in severity if the victim and offender were of the same group. Whether these crimes legally constitute a bias crime is a matter for further review.

V. **Victim Bias Initiated Disputes**

The triggering device for these incidents appears to be victim initiated bias. Whether these are incidents are considered bias crimes is a question for further review.

Existing Bias Incident Report Review

In addition to the assault records review, the research team reviewed incident reports of bias crimes from recent years, as available. In some cases, this number was very small. In others, there was over a hundred, and so the research team completed only a sample of the cases. Essentially, we reviewed these cases to see how the bias distinction was made, and how it was effectively processed through to the FBI. In each case, we coded the incident for the type of incident, whether a supervisor reviewed and signed off on the incident report, how the element of bias was indicated on the report (in narrative or special check-off box), and the level of victim participation with the investigating officer. Finally, the known bias crime incidents were used to assess potential reasons why they should not have been included in the national program.

RESEARCH SITE DESCRIPTIONS

INTRODUCTION

In the following sections, we provide a summary description of each site that participated in the study. While we could not detail all aspects of each department and the local community, we focused on several important issues that will provide a context for our subsequent analysis and conclusions. The goal of the description was to provide the reader with a sense of each police department's setting, the major issues they had faced in the recent past, the general focus and culture of the department towards bias crime. Each description contains information on the Jurisdiction Demographics and History, Department Strategy and Mission, Bias Crime Culture and Priority and Bias Crime Reporting History. In addition to the focus groups and interviews, we produced the following summaries from several sources including: informal discussions with police personnel at each site, news articles (taken from Lexus-Nexus and other news sources) and official city or department websites. Since we agreed to give each of the participating sites confidentiality, we use a pseudonym to replace the name of each site.

EASTERN POLICE DEPARTMENT 1

Jurisdiction Information and Demographics

Eastern City 1 is a diverse city of over 400,000 people. Its minority population is made up of many different groups, including African American, Hispanic and Asian. In addition, the city has seen a recent influx of "new" immigrant and minority groups, such as Somalians, Haitians, Pakistanis and Cape Verdeans. The city is geographically divided into over a dozen neighborhoods, some with distinct racial or ethnic compositions. There is also a large, visible gay community within the city.

Culturally, Eastern City 1 is known for two somewhat conflicting legacies. First, Eastern City 1 is known as an urban center for students and intellectuals because of the colleges located in the area. As such, the city is relatively young, with the average age of 31. The second legacy is one of vocal racial frictions. In particular, the community had experienced significant racial strife during its history, leaving the city with a reputation for insularity. These seemingly dual histories make the Eastern City complex.

Department Strategy and Mission

The Eastern Police Department 1 (EPD1) is well known for its community policing strategies, which have received some recognition for their progressive approaches to working with the community. The focus on community policing developed through a process of “strategic planning” in the mid 1990’s that engaged the community in seminar forums to identify problems and to develop strategies and goals for the police department and the greater community. Organizational changes that both decentralized and depoliticized the Department were lauded as partially responsible for the precipitous drop in crime that occurred during the late 1990s.

The Department has also spent a considerable amount of energy addressing the city’s legacy of racial friction. In response to heightened concern about the racial violence, the Department founded a specialized unit to investigate and document bias crimes. Although there may have been resistance to the unit initially within the Department, a number of years later the unit seems well institutionalized and accepted by its members.

Bias Crime Priority and Culture

Department personnel throughout the ranks responded in focus groups and interviews that bias crime was a departmental priority. The department demonstrated that bias crime was indeed a high priority in several different ways: financially, symbolically and in terms of the individual values of the leadership. The designation of a separate unit designed to deal exclusively with bias crime demonstrates the financial commitment of the department. The unit consists of eleven detectives, two sergeant detectives and a lieutenant detective, who heads the unit. The Department also maintains bias crime training for officers, further demonstrating an institutional financial commitment. Symbolically, this unit is located within the Chief’s office, an indication of importance that was not lost on police department personnel. The organizational location of the bias crime unit as part of the Chief’s office conveyed to personnel that bias crimes were important and deserving of specialized investigation. Moreover, because past detectives from this unit have been promoted into the command structure, there was a perception that working in this unit is a way of being recognized by upper management. The officers working in the bias crime unit themselves also illustrated the priority of bias crimes in this department; each of them applied for the position and were selected through a competitive process. In this

manner, the department ensured that the detectives in this unit were committed to the cause of investigating bias crimes.

The culture surrounding bias crimes in this department was exceptional: while rank and file officers we interviewed generally understood that bias crimes were not typical events, they perceived bias crime as a significant event in the city, and one which held the potential to create greater harm.

The Department's approach to bias crimes was decidedly proactive and victim oriented. In general, outreach to minority groups was considered an integral part of each police officers responsibility. A few of the officers we interviewed even discussed cases where the victim had been originally reluctant to report an incident to the police, but was encouraged to report the incident by their community group based on these groups positive relationship with detectives from the bias crime unit. This proactive approach is illustrated through the Department's response after the September 11th terrorist attacks. During this time members of the Department promptly met with minority group leaders and other law enforcement groups both within and outside the city, pointing out that the problem was "not just a local problem, but a regional one (interview, Chief of Police)." Recognizing the importance of community trust and police-community confidence the Chief stated: "How do you fight terrorism? Telling a whole group of citizens that they are not part of the Constitution, that they have no rights... that's not the way!" In general, there seemed to be a heightened sensitivity for victim needs by leadership and officers from this department.

The officers we interviewed understood the complexity of bias crimes, and that bias motivation could be a partial motivation for the crime. They expressed an opinion that additional investigation was worthwhile. Further, they also understood that bias crimes were not typically a burning cross. The patrol officers had a solid idea about what might constitute a bias crime and what bias indicators to look for in a preliminary investigation.

The reporting structure in the EPD1 was notable in that it closely resembled, in fact exceeded, the FBI recommendations for the two-tier reporting model. Line officers were trained to spot bias indicators and to send the case to the bias crime unit when there was any "hint of bias." Interestingly, the Department definition for bias crime was exceptionally broad: "Any crime committed against a person for who they are or what they are." Once a responding officer came across an incident that could potentially fall under this category, they would signal it for

the investigation by the bias crime unit. The unit would then pursue investigations and determine whether, in fact, the incident met the definition of a bias crime. In some cases, this meant investigating incidents that did not even reach the threshold to be considered a crime.

The bias crime unit would mark the case one of three ways: bias crime, “miscellaneous” or non-bias crime. The first category denotes a substantiated bias crime, the second an incident where bias was present but it could not be established that the level of bias rose to a high enough threshold to qualify for a bias charge, and the third category indicates an incident where bias did not, in fact, play a role. The bias crime unit investigates both the bias crime and “miscellaneous” categories, and sends the non-bias crimes back to the district. For example, in a recent year the unit reviewed several hundred incidents, half of which were classified as bias crimes and third as a “miscellaneous.” All of these crimes still received full investigations from the bias crime unit. A fifth of the referred incidents were sent back to the district to be investigated as non-bias crimes. Noting the importance of the “miscellaneous” category, one detective stated, “if they [the “miscellaneous” crimes] go back to the district, these cases won’t get the attention they need.” Investigating even questionable bias crimes was seen as priority department and a routine practice for the unit.

Bias Crime Reporting History

This Department has participated in the national data collection program since its early years and has reported consistently during that time. The department typically reports well over one hundred bias incidents every year.

The Chief had an interesting perspective on bias crime statistics in general; he stated that these statistics were, “Good news/Bad news.” Specifically, he meant that if the number of bias crimes goes up it is usually viewed as bad news, however, he also uses these numbers as a barometer for police/minority relations: If the numbers are high, it means that community members feel comfortable contacting the police and that the officers are doing a good job recognizing bias crimes.

SOUTHERN POLICE DEPARTMENT 2

Jurisdiction Information and Demographics

Southern City 2 is a small to mid-sized city of approximately 100,000 people. Demographically, the population is about half Caucasian and half African American and has remained relatively stable over the last ten years. The median age of the city is approximately 35. Southern City 2 is a shore community with a large military base in the region and the city has a relatively low cost of living.

Department Strategy and Mission

Southern Police Department 2 (SPD2) was one of the few host departments that did not tout its excellence in community policing strategies. In public discussions and presentations, the leadership from this department touts their success in developing improved technologies (such as new weapons or property inventory systems), crime reduction, and internal crime data quality control. Community policing is listed but not detailed. The focus on internal quality control achievements could be in part because the department has been involved in a recent controversy involving the accuracy of their general crime statistics. Although the Chief discussed his participation in a “Chief’s Forum” as a way for him to reach out to the community, the outreach efforts seemed compartmentalized within the department.

With a considerably low starting pay, the Department has struggled to maintain appropriate staffing levels, and has further struggled to recruit minority officers. (While African Americans make up around half the city’s population, they make up roughly a fifth of the Department.) In addition, the activation of a large proportion of officers that are also in the military reserves has contributed to the staffing problems in the department.

Organizationally, the SPD2 seemed to be undergoing change during our site visit. The Chief – hired externally and a leading member of a national minority policing group – was relatively new to the department, and said that he was working on improving the climate of diversity among the staff. Beyond this, the Chief stated that drug enforcement was the highest priority for the Department. Subsequent to our site visit, this Chief resigned and an interim chief was named.

SPD2 recently implemented a new case management and crime reporting system to submit crime statistics through NIBRS. The department piloted incident-based reporting during a recent year. After the piloting phase, the state certified the department so that it could submit

crime statistics in IBR format. The department generates and tracks incidents, including bias incidents, with a sophisticated on line reporting system. The system seems to have great potential for future use in law enforcement agencies. For example, new mobile data terminals in patrol cars can access information about victims, offenders, locations, as well as a host of other data elements. Utilizing information technology in policing, such as the on-line system, accessing other regional and state databases and MDTs, appeared to be an emerging focus in the department.

Bias Crime Priority and Culture

Bias crime was not a high priority for the Southern PD2. The Department did not designate a special unit or detective work on bias, nor had there been any substantial bias crime training for personnel. There was, however, a directive issued in 1989 that when racially motivated incidents occurred, a “serious incident report” must be completed and the chain of command was to be notified. Additionally, in keeping with the department’s focus on improving the quality of crime reporting, the department designated a records supervisor to review all bias crime incidents before submitting them to the state reporting agency.

The culture surrounding bias crime was mixed in this department. In general, however, most of the responses about bias crime were framed from a law enforcement and prosecution perspective as opposed to a victim/community outreach perspective. Although virtually all of the participants interviewed indicated that bias crime was not a frequent event, responses varied on how important these crimes were when they did occur. Responses ran the gamut: some officers expressed disdain for the concept of bias crime in policing; others asserted that the distinction was useful in powerful ways. Although the Chief expressed concern about bias crimes in general in this community – noting that, “this is still the south” – his commitment to pursuing these cases did not venture beyond a general commitment to promoting an atmosphere of diversity *within* the department. There did not appear to be much special programming, training or department initiatives to deal with bias crimes.

Despite the lack of specific direction on bias crimes, some respondents did articulate a general understanding and sensitivity about bias crimes. In this regard, a few respondents, in particular some front line supervisors, noted the potential for bias crimes to escalate in the community. These officers felt that by recognizing trends they could prevent repeat victimization.

Other respondents, however, asserted that bias crimes were no different than other crimes, and that making the distinction about the element of bias was generally not useful unless a stricter penalty could be enforced through the court proceedings. Moreover, not only was the distinction not valuable, it also took away scarce resources from other, more serious crimes. One officer adamantly relayed the story of how he was working on a rape investigation, when a bias threat was received and he was told to give it a high priority and put the rape investigation on hold temporarily. He vented: “Just because something is a bias crime doesn’t mean it is more serious.” Similarly, another detective noted that bias claims were more likely to be fabricated by the victim: “It is not unlike rape where way more than 50% are false claims.” These comments suggest that there is at least some contempt within the department over the issue of bias crimes in general.

Not surprisingly, the officers’ views of investigations with elements of bias also varied. Some believed that the onus was on the victim to identify the offender’s motivation and that if he/she did not bring it up, it was not the officer’s role to ask about bias. Others relayed that if even a hint of bias was present they would mark the case as such for a detective to review.

Bias Crime Reporting History

Reporting has been sporadic for the Southern PD2 in the last few years. In several past years the departments has reported zero and in another year did not participate. In one of the more recent years the department reported over twenty bias crimes, which is perhaps a sign of the department’s changing focus on improving their crime data overall.

WESTERN POLICE DEPARTMENT 2

Jurisdiction Information and Demographics

Western City 2, a small city that has rapidly increased in size, from about 50,000 in 1990 to more than 60,000 in 2000. Nearly 30% of the population is Hispanic (mostly Mexican), up from about 20% in 1990. The median age of the population is around 32 years old, with a median household income in 1990 of approximately \$30,000. The jurisdiction had not had any large-scale media events or crimes in recent history.

Department Strategy and Mission

Western Police Department 2 (WPD2) is contracted through the local county Sheriff's Department. Although it retains a great deal of autonomy and independence for the day-to-day operations, the county sheriff provides both Academy and ongoing quarterly training for the sheriffs. The Captain, generally considered "the chief" by his staff and constituency, is then dually responsible to the county Sheriff, as well as local Western City 2 government. WPD2 consists of three main divisions: Field Operations, Support Operations, and Volunteer Operations. The Field Operations division, which has patrol responsibilities, divides the city into quadrants (by train tracks running through town). There are twenty-six sheriffs deputies assigned to the Western PD2.

From the time the research team initiated contact before the site visit through the last interview, the outlook expressed by personnel from WPD2 was one desirous of learning more and improving their policing strategies. This desire for progress was remarkable in that it permeated nearly every interview and focus group. This sentiment set the backdrop for how the department approached most things, whether it was how to better implement community policing or how to work with bias crime victims.

Notably, WPD2 recently implemented a comprehensive and integrated community oriented model of policing. This model consisted of sector integrity, "project" initiation, multi-directional community-police communication, problem solving, and outreach to parolees and probationers. One example of their implementation of their community-policing model involves officer ownership of jurisdictional problems. For instance, each deputy is assigned to a reporting district (for a minimum of two years, with no ceiling for geographic assignment) within the city. The deputy, with the assistance of his supervisor, is responsible for the problems encountered in his/her area. If a location makes more than three calls for service, or has three calls for service about it, the CAD system will automatically produce a "Plus Three" report that is sent to the corresponding deputy for problem solving. Deputies are encouraged to initiate a "project" to try to assess the problem and work to provide long-term solutions. In addition, each quadrant has a detective assigned to work with the local sheriff deputies in solving the area's crime-related issues.

Along the same theme of progressive professionalism, perhaps one of the most innovative routines that the Western PD2 was involved in was the "roll call training." Occurring

at nearly every shift change a supervisor brings up potential (or real) scenarios and quizzes the deputies how they would respond. The supervisors then go through the case, noting appropriate responses. Subsequently, the deputies are sometimes quizzed on the scenarios during in-service trainings, which occur ever four months, as reinforcement of the roll call training. One participant noted: "Briefing is training every single day," one deputy stated. "Every day something comes up [worth talking about with everyone]." "Briefing is our best source of information. Information gets passed and no one is out of the loop."

Bias Crime Priority and Culture

The general perception about bias crime within the department was that although it was an infrequent event, it did occur in Western City 2. Moreover, when it occurred, it appeared to be handled with a different level of sensitivity for the victim, with some recognition that the victim's needs could differ from a similar non-bias crime. The officers were knowledgeable about the Western State Penal Code regarding bias crimes, explaining misdemeanors could be charged as felonies or penalties enhanced if the offender was motivated by bias.

Although there was no special training for bias crime, bias crime scenarios were integrated into the roll call training and on-going in-service training and this seemed to have sensitized most of the officers as to what bias indicators to look for in any incident. One detective was designated as the bias crime point person and had recently attended an additional training at a regional community center. Other deputies we spoke with knew that they should contact this detective when they had questions or encountered a potential bias crime. While he had additional training and was designated as a bias crime detective, the detective also investigated other crime types.

The most problematic piece of bias crime reporting for this department appeared to be the distinction between "in whole or in part" regarding the motivation (as is specified in the FBI definition of bias crime). Despite this confusion, the personnel interviewed seemed interested in getting to the motivation of the crime, and didn't feel they were "splitting hairs" or wasting time doing so. One deputy relayed the details from an incident where someone spray-painted the word "lesbian" to vandalize a woman's house. It was later found that the offender was the jilted ex-girlfriend and angry over her former girlfriend's new relationship. The officers, however, did feel that trying to determine the element of bias was worthwhile: "It was confusing... but we wanted to protect her [the victim]..."

Bias Crime Reporting History

In terms of official statistics, Western PD2 has reported a few bias crimes over the last five years. Of the officers we interviewed, most knew directly or indirectly about the recent bias crime incidents, how they were investigated, and how things worked out in court. In fact, the officers we spoke expressed enthusiasm to work such cases, placing a certain importance on them.

WESTERN POLICE DEPARTMENT 1

Jurisdiction Information and Demographics

Western City 1 is a "majority minority city" of over 300,000 people, about three-fourths of which are Hispanic or Latino. Like other cities within the region, in the last ten years the city has seen a significant increase in its Hispanic population; more than 40,000 Hispanics have moved to Western City 1 during this period. The population of Western City 1 is relatively young, with a median age round 27. The median household income in 1989 was over \$35,000 (U.S. Census, 1990).

Department Strategy and Mission

The Western Police Department 1 has over 300 sworn officers and 700 employees total. The Department is organizationally divided into four main sections: Administration and Support, Field Operations, Investigations, and Jail Operations (which is physically located in the Police Headquarters). Although representatives and literature from the department tout the department as a national model in community policing, we found little evidence of implemented community policy strategies or a general acceptance of the philosophy among the rank and file officers. With the exception of patrol officers, most of the interviewees relayed a generalized distrust of community members as sources of information, which is a central component in any community policy approach. Instead, representatives emphasized spin control with the media regarding the department's activities and roles. One high-ranking member of the Department sardonically called the community policing the "hand holding" and the "you-can't-stick'em-before-dark" programs, sarcastically adding that he was one of the "lucky" ones who had to attend community meetings once a month.

Information obtained through the interviews and focus groups, in addition to police literature and articles queried through Lexis/Nexus databases, indicate that technology is a focus for the department, and that such technology may have been a considered a substitute for community policing. In one of the Department's official publications the Chief commented:

To reach "The Next Level," we will also continue to adopt and implement the use of advanced police technology. One such advancement, which the Police Department is in the process of implementing, is a wireless communication system that will allow officers working the field to access crime information...."

In terms of other community policing strategies, the Chief cited some compartmentalization, noting that the Watch Commander would look after day-to-day emergencies, while the District Commander would look at "long-term problems." The Chief relayed his concept of community policing that "every officer couldn't do community policing," as someone has to respond to the 911 system. In sum, the department's focus on community policing appeared to lack any specific policy initiatives and seemed to be more rhetoric than reality.

Bias Crime Priority and Culture

Bias crime was not an important issue for this department. Most personnel interviewed did not see bias crime as a real issue with which the police department had to deal. Many personnel cited surrounding towns as having high incidences of bias crimes, but often noted that they were "fortunate" that their city did not have similar problems. One detective had even worked out a theory about why Western City 1 did not have a problem with bias crimes. He explained that since African Americans were, demographically, a very small minority within the city, and most bias crimes were anti-black, then it was logical that the city did not have a problem with them. Another explanation was that there simply was not a great deal of inter-group conflict, as most conflicts were maintained within racial and ethnic groups.

When the patrol officers were interviewed and asked about their experience with bias crime, they promptly all replied that they had never encountered a bias crime. However, within a few moments (and with no prompting) the officers then began to reflect on "possible" bias crimes, recounting several different incidents with which they personally had been involved. So while the responding officers were able to identify the element of bias within an investigation, it did not appear that their determination was followed up by or considered useful by management. Beyond this, since the belief that Western PD1 did not have a problem with bias crime was so

pervasive, it was not surprising that the immediate response by officers was that there had been no bias crime.

The qualitative responses to questions about bias crime revealed several strong, definable themes about the bias crime culture within this agency. Most notably, nearly every command staff representative interviewed discussed bias crimes as dubious events where the victim was likely to deliberately fabricate or exaggerate circumstances of the incident, concocting the events for attention or some other malevolent reason. One top representative summed up his feelings on the validity of bias crime claims: “They’ll [bias crime victims] rig ‘em...they’ll do whatever they can. You don’t want to call people liars, but you don’t want to be used.” The only representatives to express any concern about the needs of bias crime victims were the patrol officers, who had worked several bias crime incidents.

The second strong theme emerging from the qualitative interviews and focus groups was the role of the media in bias crimes. From the Chief throughout the organization, police personnel expressed that bias crimes could be managed if the police maintained a strong, trusting relationship with the media. The exception here, again, were the remarks made by the patrol officers.

In terms of training, there was no in-service or specialized training on bias crimes. Some of the line officers remembered having training as part of their Academy training, but none could outline what happened in the training or whether they learned anything memorable.

Bias Crime Reporting History

Western PD 1 reported ‘zero’ bias crimes some years and only one bias crime in other recent years. Despite the official statistics, patrol officers were easily able to describe several “potential” bias crimes, including: a swastika sprayed onto a local synagogue, an unprovoked attack on an African American male at a skinhead bar where the offenders all had racist tattoos, as well as several other actual incidents that they had investigated. Not surprisingly, Western PD1 was a “disconnect agency” from earlier survey research on bias crime reporting. This label indicated that in responding to our survey the respondent replied that some number of bias crimes had been investigated and reported to the FBI, but the national data reflected zero reported incidents.

EASTERN POLICE DEPARTMENT 2

Jurisdiction Information and Demographics

Eastern City 2 is a small city with over 50,000 people, the overwhelming majority of which are white. African Americans make up around ten percent of the population, and Hispanics (primarily Puerto Rican) make up approximately five percent. Eastern City 2 is a city that has burgeoned over the last ten years, almost doubling in population from 1990, some of which has considerably changed the racial demographics of the city, making it more diverse. This rapid overall growth maybe due in large part to opening a large set of shopping centers, making it a shopping hub for the area west of the capital city. The median age of residents was over 35 in 2000.

Department Strategy and Mission

In the stated mission, the department lists the bedrock of its work as improving the quality of life for its residents through integrity, compassion and fairness. The Department, with a force of over one hundred officers, prided itself on working with the community, and its commitment to their version of community policing was identified through two of its strategies: COMSTAT and officer investigations. While these strategies may not be traditionally associated with community policing programs, in this department there was significant community involvement in the strategies.

The department had recently implemented COMSTAT meeting twice a month where representatives from the school system, probation, parole, domestic violence shelters, the Department of Education, the Fire Department, the Board of Accreditation, and other community groups address community crime concerns. In terms of format, the police presented crime trends first, followed by a briefing by representatives from other agencies to update everyone on problems or issues going on in their area. At some points during the observed meeting, information sharing between the various representatives and inter-agency problem solving occurred.

The second unique finding within this department was the amount of independence given to the responding officer. Patrol officers were expected to follow through on their calls, regardless of whether or not a supervisor was involved. Although the more serious calls were transferred to detectives, there was an expectation that patrol officers would follow up on leads and not simply 'hand off' the case. In practice patrol officers in this agency were encouraged to

spend time on scene at any call and conduct an initial investigation. This differs from the ‘calls-for-service’ orientation of many agencies. Patrol officers were encouraged to take themselves out of service and interview witnesses or canvas a neighborhood. This practice was based on the belief that most information about an incident can be developed immediately after the incident and that the evidence may not be as available the next day or later in the week. This independence, however, has both positive and negative consequences. When the officer is particularly diligent or skilled at building a case the incident would be followed up. When the responding officer missed cues or salient information, however, the case could be misclassified or dropped altogether. Shift supervisors were supposed to review every incident report to determine which cases required a detective's investigation.

Almost everyone interviewed expressed frustration with the recently installed computer system designed to automate the department’s case management system and crime reporting. Unfortunately, computing difficulties preceded the implementation of NIBRS, which had been operational for only a few months before our visit, dating back at least five years. During this time, the department had tried and scrapped several different vendors’ software and the department experienced similar problems with the current system. Moreover, the officers were not well trained in the NIBRS reporting and therefore left a great deal blank on incident reports. In part, an impractical and confusing incident-based reporting form contributed to the general problems with crime reporting. The reporting supervisor also indicated that she had significant questions about the accuracy of the department’s general crime statistics.

Bias Crime Priority and Culture

Bias crimes did not appear to be a priority for the Eastern PD2. In general, representatives from this Department indicated that bias crimes did occur in the community, although they were infrequent events. Many of the officers were familiar with two cross burning incidents occurring in the last five years.

Most of the officers stated that the key variables in determining whether detectives would investigate a bias crime case were severity and solvability. In other words, only those crimes deemed ‘serious’ enough and those that had enough information to identify a suspect would be worked beyond the initial response. Lesser crimes or those without sufficient information present would probably not get much time or attention. The element of bias was generally considered superfluous to anything but serious incidents.

Respondents in Eastern PD2 expressed little or no consideration that victimization experience of bias crime victims was any different from that of other kinds of crimes. This seemed especially interesting as the site visit took place only a few weeks after the September 11th terrorist attacks and there had been a great deal of publicity about backlash bias crimes against Arab and Muslim Americans. From every level, the orientation about bias crime was one focused on offenders. This traditional law enforcement model did not appear to be a product of suspicion about bias crime victimization, but rather of a general orientation about the nature of police work. Repeatedly, when officers or supervisors were asked about playing a proactive role in planning to prevent bias crimes - particularly in the case of anti-Arab sentiment since the September 11th attacks – agency representatives showed little interest in working with potential victims proactively. Although there had been a point person assigned to deal with the aftermath of the 9/11 attacks, this person used his position as one of investigating leads into local "terrorist cells" rather than working with potential backlash victims.

In discussions there was very little agreement when interviewees were asked how to proceed with a potential bias crime incident both in terms of the investigation protocol as well as the process of charging in court. If there was a departmental bias crime policy, none of the officers or police supervisors we spoke with were aware of it or indicated that it guided their investigations in any substantive way. As one officer noted, a policy may exist in their departmental handbook, but that book was “measured by the pound, not by the page.” Consequently, very little if any routine for responding to, recognizing or classifying bias crimes existed in the department.

Regarding charging decisions, things were even more vague. Outside of a very specific cross burning statute, officers were not clear how to charge or note the element of bias in an incident report. The charge “ridicule on the basis of race” was another point of disputation. Although most of the interviewees knew of the statute (and the records review revealed that it had been used at least a few times in the past year), there were many questions as to when, where and why to invoke such a statute.⁶

⁶ The statute states, “Any person who, by his advertisement, ridicules or holds up to contempt any person or class of person, on account of the creed, religion, color, denomination, nationality or race or such person or class of persons, shall be fined not more than fifty dollars or imprisoned not more than thirty days or both. (State Statute).”

Interestingly, supervision for bias crimes appears to be at a *lower level* than for other crimes. The records department supervisor took a decidedly hands off approach to bias crimes, in stark contrast to routinely re-classifying other types of crimes. Whether the reasons were political or pragmatic, the records department did not provide a point of quality assurance for bias crime reporting.

There was no special training on the topic outside of Academy training. None of the officers we interviewed could recall the substance of any training that involved the identification, investigation or documentation of bias crimes.

Bias Crime Reporting History

The EPD 2 has consistently reported to the UCR Hate Crime Reporting Program, by reporting less than five in most years and zero in two of the last few years.

MIDWESTERN POLICE DEPARTMENT 1

Jurisdiction Information and Demographics

Midwestern City 1 is a mid-sized city with a population of more than 250,000 although the extended jurisdiction (enforced along with the county sheriff) lists more than 500,000 people. Although Hispanics make up just less than five percent of the total population, many representatives at the Department cited an influx of Hispanics within the past several years as a point of friction for the community. According to members of the department the influx included a large ‘migrant worker’ population, which is why they may not be included in official census figures. The more common minority group is African American, making up approximately a quarter of the population.

Police officials recognized that the city is the home of a large branch of the Klu Klux Klan. Members of the department explained that there is a house complete with neo-Nazi banners and other paraphernalia displayed outside. An intelligence detective explained that for the most part the group rarely (if ever) engaged in illegal activity. In addition, Midwestern City 1 also houses a large contingent of The Outlaws, a national “biker” gang. Members of the department were aware that the gang was involved in the narcotics trade, but they explained that arrests and prosecution of its members had been unsuccessful. One member of the department

showed the research team the group's headquarters, which consisted of a number of houses along an entire street within the city.

Department Strategy and Mission

The department maintains over 1,000 sworn officers, as well as several hundred civilian employees. Operationally, the department divides the city into five districts: North, East, South, West and Downtown, each with some autonomy regarding every day operations. The mission of the department lists "upholding the highest professional standards while serving the community" as well as maintaining "active police/community partnerships."

Bias Crime Priority and Culture

Bias crime seemed to be a begrudging priority within this department. The visits revealed that officially recognizing bias crime as a unique kind of offense had only recently been introduced to most of the Midwestern Police Department 1 (MPD1) personnel and the response to it was generally not receptive. The newness of the priority may have been as a result of new state law, which was designed to have law enforcement collect statistics on bias crime in the state, as well as provide some additional investigation into the incidents. In addition, a recent news story called into question the accuracy of the department's bias crime reporting. Still, the department demonstrates some small priority by recently holding a half-day in service training and issuing a new general order on the topic of bias crime, as well as maintaining a sergeant whose responsibility it is to collect and report bias crime incidents to the state police. With the exception of this sergeant, the general sentiment about bias crime was that it does exist, but not often enough to merit any serious priority for the department. Much of the changes might have been in response to a local news article pointing to problems in bias crime reporting for many of the state's localities, including Midwestern City 1.

Outside of the designated bias crime detective in the intelligence unit, nearly every representative interviewed felt some level of disdain for bias crime as a political concept forced upon the police by politicians. Many of the responses also indicated that most officers were not able to understand the basic premise of bias crime as a crime being motivated by a person's immutable status (race, religion, etc.). The chief's comments displayed this lack of understanding by forcefully stating that, "a crime is a crime," and rhetorically asking, "Did O.J. Simpson hate his wife when he killed her?" Other officers indicated that they believed any inter-racial incident was supposed to be considered a bias crime. Such comments were representative

of the department on the whole, demonstrating an overarching lack of understanding about the concept of bias crime.

Again, with the exception of the reporting sergeant, none of the interviewees grasped the FBI definition of bias crime as motivated “in whole or in part.” Specifically, many of the representatives discussed “racial friction” incidents, which they wholly believed did not meet the criteria of a bias crime. Labeling potential bias crimes as “racial friction” allows the officers a way to explain away bias motivation and apply a high threshold to what could otherwise be labeled a bias crime. As one officer put it, “unless there is a big flaming cross...” he would not consider it a bias crime. The officers resented being forced to deal with the “gray area” and felt that the distinction of bias crime was not useful.

Despite this sentiment that bias crime was a “political ball rolling” in “a highly charged environment,” most of the officers were pleased that bias crime notations could potentially bring an offender a more severe punishment. However, the officers generally felt that such a determination would be appropriate only at the sentencing stage of the court process.

Bias Crime Reporting History

The MPD2’s reporting history has been somewhat sporadic. In a recent year, just after the newly enacted law establishing that bias crimes should be reported and counted took effect, they reported less than ten bias crimes. In fact, the local newspaper ran an article on the reporting, calling the “anemic” numbers possible evidence that police may need additional training on the topic of bias crime. In most of the other prior years the department either did not report or submitted very few incidents.

SOUTHERN POLICE DEPARTMENT 1

Jurisdiction Information and Demographics

Southern City 1 is a large city, made up of more than 400,000 people, with more than two thirds of the population African American. Demographically, the population has remained fairly stable in size over the past ten years. The mean age of residents in the city is the lower-mid thirties. The city has considerable poverty, with a median household income around \$25,000. From a criminal justice perspective, Southern City 1 is a city that perennially has been plagued by high violent crime rates.

Department Strategy and Mission

Southern Police Department 1 (SPD1) is a large department with a budget for approximately 1,700 sworn officers; however, because the department has historically had problems with hiring and retention, at the time of our site visit, they only had approximately 1,500 officers working. In addition to the hiring problems, in the nineties this department was known nationally for its internal corruption and inefficiency, although there is evidence that the department has been attempting significant reforms over the past few years. Notably, Southern PD1 was one of very few sites that we visited that did not advertise its community-policing prowess. According to one member of the top department echelon, community policing was not a "routine" part of policing for this department; instead it was used mostly in housing developments and in "high crime spots." The department worked to maintain CALEA certification, and one high-ranking representative noted that many of their policies and training practices had been revised to achieve certification.

Bias Crime Priority and Culture

While most of the participants responded that hate crime was a priority for the department, there was little financial, symbolic, or general conviction to those assertions. While the intelligence unit was designated bias crime reporting duties, there was no indication that they carried out these duties sufficiently, nor was the unit specially trained in any way to deal with bias crime. There was a policy guiding the investigation and reporting of bias crimes, yet most of the department representatives we spoke to seemed unaware of its instructions. In general, most of the people we spoke with did not believe Southern City 1 had a problem with bias crime, and that these occurrences were highly infrequent. Despite these claims of the infrequency of bias crimes, many of the personnel we spoke with were readily able to account a bias crime incident with which they were at least indirectly familiar. In most of these incidents did not overlap from one interview to the next. Still, the general approach to bias crime seemed to be that it simply was a non-issue for the city. Frequently personnel from this department explained the low incidence of official bias crimes by suggesting that community was "tolerant" or "laid back."

It was not clear that officers had a good sense of what bias crime was, how to define it, or how to investigate or report such an event. For example, in the course of the interview, two supervisors relayed that they believed incidents between people in different housing projects

constituted a bias crime. The research team also received a wide variety of answers about whether bias crimes departmentally necessitated special handling. While a few officers indicated that no matter how serious the underlying charge was, every bias crime received additional attention, supervisors and detectives stated that it was the underlying charge-and not the bias element-that determined whether or not an incident would be investigated by detectives or any specialized personnel.

In many cases, officers related bias crimes with "anti-gay" crimes, and most stated that these had diminished considerably over the past few years. Many respondents stated that the lines of communication between the gay community and the police department were strong, and that, if something were to happen, the police would hear about it.

When asked about the value of the bias crime distinction, most respondents articulated that they believed bias crimes were different in some ways than other, non-bias incidents. A few officers noted the ability of these crimes to incite community unrest, another noted the potential for multiple, escalating offenses from one offender, and others noted the embarrassment or "degradation" the victims could potentially go through. In short, there did appear to be some increased sensitivity for bias crimes victims. Still, no one we spoke to was able to discuss this topic on anything but a general level because they stated they did not have any firsthand knowledge of bias crime.

Members of the research team had the opportunity to speak with a local representative from a gay/lesbian advocacy group. This representative described a picture of bias crime in the community that was different from the Department's perceptions.

Bias Crime Reporting History

The Southern Police Department 1 has reported few or zero bias crimes to the national data collection program over last half decade.

MIDWESTERN POLICE DEPARTMENT 2

Jurisdiction Information and Demographics

Midwestern City 2 is a mid-sized city, known for its racial segregation and strong neighborhood identification. The city has a large African-American population, comprising

close to half of the city's total population. Whites make up just over half of the city's population and Hispanics are a small minority. While the white population has decreased substantially over the last ten years, the African-American population (percentage) has remained fairly stable. The median age for this city was around 33 years old. According to the 2000 Census data, the median household income in Midwestern City under \$30,000.

Department Strategy and Mission

The Midwestern Police Department 2 (MPD2) has a unique recent history regarding race relations. Several years before our site visit, the city experienced severe civil unrest and 'race riots' prompted questions of police excessive use of force against minorities. The incident, and subsequent riots, placed both the city and the Police Division under intense media scrutiny. The media ran stories about racial profiling, civil unrest and police brutality generally painting a negative picture of the city and the department. The black population and the police department are at odds with each other around issues of profiling, excessive use of force, and police shootings.

Administratively, the MPD2 is broken down into four bureaus (Administration, Patrol, Investigation, and Resource), all commanded by a Lieutenant Colonel or Assistant Chief. There are five districts in the MPD2, each commanded by a Captain that function semi-autonomously. The districts all have a district investigation unit and a neighborhood-policing unit, which conducts community-oriented policing. There are over 800 sworn officers, over 1000 employees total within the department.

Bias Crime Priority and Culture

Bias crime was a mixed priority for the MPD2. Structurally, it was clear that the command structure had identified bias crime as a priority and that such incidents should be reviewed with special attention (although in practice it didn't appear that additional supervision was thoroughly executed). One high level manager had recently helped to host a conference on the topic of bias crimes. Despite these steps, this enthusiasm did not appear to transfer to the detectives, patrol officers or supervisors.

There were several specific issues that seemed to hamper how this department dealt with bias crime on the whole. First, many members of the MPD2 expressed hostility to the concept of hate crime in general due to a technical misunderstanding. Due to how the incident report database is constructed, all domestic assaults were technically labeled bias crimes. Although the

codes are corrected on the records end, officers are left with the impression that hate crimes are being grossly over-counted, leaving officers with a false impression about the nature of bias crime.

Next, there were considerable definitional issues for the MPD2. Several bias crime definitions were available to officers, leaving an ambiguous impression as to what constitutes a bias crime for officers. In particular, most officers applied the definition "ethnic intimidation" when speaking about bias crimes. This definition, however, included only intimidation, thus excluding the possibility of a bias assault (which constitute a substantial percentage of the national bias crime statistics) or murder. In addition, the ethnic intimidation statute does not include sexual orientation as a bias motivation type.

The MPD2's approach to bias crime was solely from a law enforcement perspective. Nearly everyone we spoke with stated that the role of the department was to investigate and aid in prosecution of bias crimes, although a top administrator made reference that the department could play a role in "repairing the community harm" done by bias crime. One officer described the department's unofficial policy by saying that the department, "takes no huge steps to prevent [bias crime] and no huge steps" to repair community harm. In general, the officers seemed reluctant to label things as bias crimes. Officers often tried to explain potential bias incidents as being motivated "really" by some other factor, such as "vulnerability" or something else.

In terms of supervision and investigation, crime seriousness, not the element of bias, determined the extent of the investigation; just because bias was an element in a crime did not mean that it would receive additional attention. This practice seemed to exist in spite of the command staff's desire that such incidents would merit additional inquiry, regardless of crime type.

Bias Crime Reporting History

The number of Midwestern PD2's reported bias crime incidents has declined remarkably over the last few years. In two early years they reported a few dozen bias crimes, but in subsequent years the Department reported less than ten or zero. One possible explanation for such a dramatic drop is that the Department recently switched to NIBRS in 1997, the year that reporting practices appear to be questionable. The change to NIBRS may have imposed some computing difficulties that negatively influenced the accuracy of crime data. The Midwestern PD2 provided us with their statistics for these years and these data do not coincide with the

statistics the FBI UCR lists for this department. Additionally, there was no pattern between the official reports and the Department's numbers: some years the official reports appear under-reported and others they were over-reported.

RECORDS REVIEW ANALYSIS

ASSAULT SAMPLE REVIEW: POTENTIAL TYPE II ERRORS

One of the goals of the present study was to assess the potential level of undercounting errors with respect to bias crime reporting in each of the host departments. To accomplish this, the research team attempted to review a sample⁷ of ‘assault’ incident reports. These reports had been classified as assaults but not as bias motivated assaults by the local departments. As outlined in the methodology section of this paper in detail, the sample of assault incident reports from the year 2000 was provided to the research team by each department. Members of the research team then read each incident report and based on information from the pre-coded section of the report and the narrative description (when available) coded several characteristics of the incident, including: 1) the offenders’ motivation, 2) the presence of racial/group differences between offender and victim, 3) whether the incident was domestic violence incident or not, 4) assault type (aggravated or simple) and 5) whether the report was indicated as bias motivated in some way.

The offender’s motivation was coded according to a typology created by the research team. This typology consisted of the discrete categories of bias, ambiguous, non-bias, unknown, and victim initiated bias motivations (see Table 4 in appendix A). Incidents coded as ‘bias motivated’ were incidents that had clear indication that bias was the greatest motivation, seeming to triggering the event stated in the narrative of the police report. Ambiguously motivated incidents had indications of bias, but also had some other identifiable triggering event or alternative motivation. The following paraphrased incident descriptions give a few examples to illustrate the types of cases the research team considered “potential bias”:

The victim, a man of Chinese descent, left a meeting at a local government office. Upon exiting, he finds a car parked directly behind him, blocking him in the parking space. A man from that vehicle approaches him, stating, “G**k... get out of [Western State]. Go back to where you came from.” The man then reaches into the victim’s car and tries to pull the victim out through his car window, while yelling obscenities at him. Trying to avoid confrontation, the victim tries to roll up the window. There does not appear to be any prior relationship between victim and the alleged offender. The victim asserts that he believes the incident was motivated by the offender’s bias.

A Black male is waiting for the bus at the bus stop. A white male walks by and says, “What are you looking at, ni**er?” The black male says nothing but walks away, wishing to avoid any conflict. At this time, the first white male trips the black man, causing him to stumble. Immediately after, two more white males jump the black man and put him in a headlock, throwing him to the ground. At this time, two more

⁷ In some departments the ‘sample’ was close to the whole universe of assaults; our goal was to review between 250 and 500 cases in each department.

white males become involved, kicking the black man in the head and neck. The black male states that he has never seen any of the offenders before.

An African American male pulled into a gas station in an awkward position. When he tried to straighten out his car by backing up, the suspect's car behind him pulled closer, preventing the man from adjusting his car. When the suspect's car pulled up to the pump next to the victim, the suspect immediately got out and began yelling at the victim, saying, "What the f___ are you looking at?" The victim did not respond and the suspects then yelled "F___ing ni**er. What the f___ you want? F___ing ni**er. Why can't you get a Mexican wife? What are you doing with a ni**ger?" The suspect's car followed the victim's car out of the parking lot and threw something at the victim's car. While the victim was trying to call the police the suspect's car passed the victim, went in reverse and chased the victim's car, as he went in reverse to get away. The suspect's car lunged at the victim's car as he drove away.

According to descriptions provided in the incident narrative both of these incidents would precipitate additional investigation in the FBI two-tiered model of investigation since they both appear to be unprovoked attacks, have bias utterances involved, have no prior relationship between victim and offender, and finally, show some evidence that bias may have been the primary motivation for the event. It is important to note that none of the three incidents cited above were classified as bias incidents by the law enforcement agency responsible for the investigation. Examples of incidents the research team coded as "ambiguous" include:

While driving, a white man allegedly 'cut off' another vehicle. Possibly agitated by the white man's driving, the driver of the other vehicle, a Hispanic male, begins to follow the first car, waving his hands violently. The Hispanic man follows the white man into a local fast food joint and waits for the white man to come out after obtaining food. At this time, the Hispanic male approached the white male, saying, "You shouldn't mess with Mexicans" and punches the white male in the face. There was no indication of a prior relationship between the victim and suspect.

After a neighborhood child accidentally knocked over another child's soda, one mother, a Caucasian, approached the second mother, an African American, to let her know that her son (African American) did not mean to knock over the soda. However, just after the white mother began to speak, the African American mother threatened her, stating, "Get your white a** out" and that she would "kick her white a**." The Caucasian mother stated that she didn't want any trouble and wouldn't "fight back"; however, at that time, the African American mother hit the other mother in the face with a closed fist. The responding officer noted that the African American woman has a history of "causing trouble" in the neighborhood.

These cases were identified as "ambiguous" because, although there was bias language involved in both, there appeared to be some other triggering event for the incident. In the first case, the event may have been sparked by road rage against another driver that cut someone off (or was perceived as such); in the second case, the African American mother had a history of disruptive behavior in the neighborhood and may have been annoyed that her son was involved in a dispute with another child. Still the known information contained in the incident report indicates that the offender may have been partially motivated by bias. Certainly, more information is necessary to make a final distinction between bias and non-bias.

For present analysis, we use two measures of possible undercounts. First, using a broad definition of potential bias incidents, we defined undercounts when: (1) the incident was considered by the research team as *either* ‘potentially bias motivated’ or ‘ambiguously motivated’ *and* (2) not identified as a bias motivated on the incident report. The second, more conservative measure involves those incidents where: (1) the reviewer coded as ‘potentially bias motivated’ *and* (2) were not identified as bias motivated on the incident report. Because it is possible for us to have come across an incident that may have been counted in official reports but not marked on the report itself as bias, we also completed a concurrent review of the ‘official’ bias crime reports for the same sampling frame. Members of the research team crosschecked the incident numbers of undercounted incidents with incident numbers from the department’s counted bias incidents to guard against overestimating the undercount error in cases when this might occur.

As illustrated in Table 4, the research team was able to identify potential undercounting of bias crimes in most of the jurisdictions. In examining the sample of all valid assault incident reports we found that the percent observed undercount in each jurisdiction ranged from a low of zero to a high of 5.83 percent when using both ‘bias’ and ‘ambiguous’ motivated incident to determine undercounts. When using the more conservative measure of only ‘bias’ motivated incidents, the range varies from no observable undercount (in three jurisdictions) to 2.24 percent undercount error. In Midwestern PD2 we were unable to complete a records review because the narrative description on the incident reports was too brief to make judgments about motivation.

Table 4: Observed Undercounts of Total Valid Incident Reports

Department	# Total Valid Reports Observed	% Observed ‘Bias’ and ‘Ambiguous’ Undercount	% Observed ‘Bias’ Only Undercount
Eastern PD1	288	1.04% (n=3)	0.00% (n=0)
Western PD2	304	1.31% (n=4)	0.33% (n=1)
Southern PD2	293	.68% (n=2)	0.00% (n=0)
Midwestern PD1	285	.45% (n=1)	0.00% (n=0)
Eastern PD2	426	1.88% (n=8)	0.47% (n=2)
Western PD1	223	5.83% (n=13)	2.24% (n=5)
Southern PD1	291	0.00% (n=0)	0.00% (n=0)
Midwestern PD2	NA	NA	NA

It may be inappropriate to include all valid assault incidents in the sample as the base number for determining potential undercounts because it is unlikely for a domestic violence incident to also be a bias motivated incident. It was also the case that the proportion of assault cases that were domestic in nature varied widely across our samples. Consequently, the proportion of assault incidents that were domestic violence incidents would skew the rate of observable undercounts. For example, two-thirds of one jurisdiction’s assault sample may be domestic violence incidents, while another jurisdiction’s assault sample might consist of only one-third domestic incidents. In this example, the second jurisdiction’s assault sample would have a far higher number of incidents that could ever potentially be a bias motivated crime compared to the first jurisdiction. To control for this potential problem we recomputed the observed undercount percentages by excluding all the domestic violence incidents (presented in Table 5 below). Compared to the first analysis the results are somewhat different when we exclude the domestic assault cases. The highest potential undercount increases to 8.02% of non-domestic assault cases, using those incidents coded as either ‘potential bias’ or ‘ambiguous’ motivations. Notably, this refined analysis substantially changes the results in some cities. For example, Eastern Police Department 2 displayed a 1.88% observed undercount in the first analysis, but then had just over 4% undercount after removing the domestic assaults from the sample. On the other hand some department’s percent observed undercount remained unchanged

because the vast majority of the assault cases in their initial assault sample was non-domestic (see Eastern PD1 and Southern PD2 for example).

Table 5: Percent Observed Undercounts of Non-Domestic Violence Reports Only

Department	# Non-Domestic Violence Reports Only	% Observed ‘Bias’ and ‘Ambiguous’ Undercount (Non-DV)	% Observed ‘Bias’ Only Undercount (Non-DV)
Eastern PD1	256	1.17% (n=3)	0.00% (n=0)
Eastern PD2	198	4.04% (n=8)	1.01% (n=2)
Western PD1	162	8.02% (n=13)	3.09% (n=5)
Western PD2	103	3.88% (n=4)	0.97% (n=1)
Southern PD1	90	0.00% (n=0)	0.00% (n=0)
Southern PD2	235	0.85% (n=2)	0.00% (n=0)
Midwestern PD1	154	0.65% (n=1)	0.00% (n=0)
Midwestern PD2	NA	NA	NA

To fully understand the extent of undercounting of bias crimes in these jurisdictions, we examine the estimated number of undercounts in relation to number of bias crimes these jurisdictions officially report into the national data collection program (see Table 6). Here we are using the full sample, including domestic assaults, to estimate the potential number of undercount in the population of assaults.

Table 6: Estimated Undercounted Bias Crimes in Participating Law Enforcement Agencies

	Assaults N	Bias Only				Bias and Ambiguous			
		point estimate		error range*		point estimate		error range*	
		%	n	%	n	%	n	%	n
EPD1	4507	0.00	0	0.00	0	1.04	47	0.0 - 2.0	0 - 90
EPD2	789	0.47	4	0.03 - 0.91	0 - 7	1.88	15	0.98 - 2.80	8 - 22
WPD1	2121	2.24	48	0.44 - 4.04	9 - 86	5.83	124	2.93 - 8.73	62 - 185
WPD2	397	0.33	1	0.02 - 0.64	0 - 3	1.31	5	0.76 - 1.94	3 - 8
SPD1	13111	0.00	0	0.00	0	0.00	0	0.00	0
SPD2	2600	0.00	0	0.00	0	0.68	18	0.00 - 1.62	0 - 42
MPD1	9996	0.00	0	0.00	0	0.45	45	0.00 - 1.22	0 - 122
MPD2	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a

* 95 % confidence interval

For example, Eastern PD1 reported well over 100 incidents last year.⁸ In our records review we found three ambiguously motivated incidents that this jurisdiction could have reported to the national program if the bias motivation could have been verified. The rate at which only ambiguous bias crime assaults were found in the sample of Eastern PD1 assault reports, 1.04%, results in a best estimate of 47 such crimes in the population of assault records. Western PD1, however, reported fewer than five bias incidents, of any type, in the official statistics; yet we observed 5 potentially bias incidents and another 6 ambiguous incidents in our sample. This finding results in an estimate of 48 undercounted bias crimes in this agency's annual assault total. If one were to include the ambiguous crimes too, the estimate of undercounted bias crimes in Western PD1 jumps to 124. If this jurisdiction reported some or most of these incidents the official statistics from this department would have changed dramatically. To a lesser extent this finding is true for most of the agencies in this study.

Beyond the categories of "bias" and "ambiguous," the research team also found a number of incidents (between 2% and nearly 15% in our host departments) with "unknown" motivation between inter-racial parties. These cases involve incidents where there does not appear to be any identifiable motivation. We have *not* included "unknown" cases in our analysis of potential undercounts. However, the sheer number of these bears some exploration for police agencies. A number of police agencies across America would follow-up on these incidents because of their inter-racial nature and lack of alternative motivation. However, there is no other reason to believe that these might be bias motivated crimes because the motivation may have just been ignored in the incident report or impossible to determine at the scene. For more details about the typology, see the coding sheet on page 64.

KNOWN BIAS CRIME INCIDENT REPORT REVIEW: POTENTIAL TYPE I ERRORS

In addition to reviewing the sample of assault incident reports, the research team reviewed incidents that the departments categorized as bias crimes. These were crime incidents that the department planned to submit or submitted into the national bias crime data collection program. The primary goal of this review was to determine the extent of potential over-counting of bias crimes, or Type I errors, in these select departments. While the assault review (above)

⁸ In an effort to preserve the confidentiality of these jurisdictions we are use only approximate reporting figures.

focused on one crime type, we did not exclude or include incident in the known bias crime review based on crime types.

In most departments the entire population of known bias incident reports was reviewed for one or more years. It would be possible, however, that the department did not provide the all of incidents that were or would be included in the data because of potential difficulties selecting these incidents out of department records systems. The research team drew a sample of known bias crimes from one department because this department had a high number of bias crimes. In this department, our sample consisted of roughly one third of total number of bias crimes reported by the department in that year.⁹ In two departments (EPD1, WPD1) we were unable to review known bias crimes and in a third the information contained the incident reports was not sufficient for review (MPD2).

To conduct the review, members of the research team read through all of the bias crime incidents reports that were provided by the departments. We documented some basic information about the incident, such as the incident number (used to cross-check our review of non-bias incidents), date, crime type, victim offender relationship, and a description of the incident. All of the information – drawn solely from incident reports – was used to assess reasons why known bias crimes should not have been included in the official statistics. The research team sought to identify two types over-counts: technical (non-crimes or not FBI bias type categories) and incorrect motivate classification

First, we reviewed the incidents to determine whether a crime had been committed or if the bias category did not fit one of the FBI's bias type categories. In the first case an incident may have had a clear indication of bias motivation, but did not appear to be associated with a criminal incident. In the latter an incident might have been motivated by bias, but the basis was something not explicitly identified under the national bias crime definition (e.g. gender). These types of over-counts are more technical errors, than errors associated with officer decision-making. It is likely that state reporting agencies and or the FBI might catch some of these types of errors before the data is included in the national data – especially for the incidents that do not fit FBI bias crime types.

⁹ We cannot present the actual number of bias crimes reported by this jurisdiction because it would violate confidentiality.

The research team identified very few technical over-count errors of these kinds as presented in Table 7. The table uses ranges for the total number of bias crimes because using the actual number of bias crimes may violate confidentiality. When these over-counts were identified, it was usually only one or two incidents.

Table 7: Potential Technical Over-counts of Bias Crimes in Select Jurisdictions

	Range of Total Bias Incidents Reviewed	Potential Non-Crime	Not FBI Category
Eastern PD1 (2001 <i>sample</i>)	48*	1	0
Midwestern PD1 (2000 & 2001)	10 to 20	2	1 (gender)
Western PD2 (several recent years)	Under 10	0	0
Southern PD1 (part 2002)	Under 10	0	0
Southern PD2 (2000 & 2001)	30 to 40	2	1 (???)

* = Sample makes up less than half of the population of known bias incidents.

Second, in an attempt to determine the possibility that an incident was motivated by something other than bias we focused on two pieces of information: (1) explicit evidence of bias (racial symbols or language) and (2) prior provocation or other reason that triggered the incident. Like the issue we faced with our review of assault incidents (above), it is difficult to determine the accuracy of the motive classification when examining incident reports. First, incorrectly documented or missing information about an incident could erroneously shape the researchers’ perception of the events of the incident. Second, we should also note that in most cases the known bias crimes received some level of additional review. Finally, as the FBI Training Guide instructs, no single factor can be used to determine a bias crime and the case must be looked at in totality. As such, we do not make any judgments about whether these crimes should or should not be included in the national data collection program. Instead, we present some information about the incidents that may suggest that bias was only part of the overall motivation for the crime. Even then, our analysis is an “at worst” estimate within these select jurisdictions.

Table 7 below presents the number of incidents that had some other potential non-bias explanation for the incident or did not have explicit bias evidence. *Not a single incident we*

reviewed was both missing explicit bias evidence and had an alternative provoking incident.

The first measure means that there was an articulated possible provoking event that occurred prior to the crime. Past research (Martin 1995) demonstrated that “prior conflict or provocation” seemed to be a key factor for law enforcement officials when determining a case as bias motivated – yet it certainly would not rule out an incident. In the present study, a few typical examples of this were the following:

- Victim fired offender several days before offender made threats to victim.
- An offender claimed that the victim made comments to his girlfriend before he threatened the victim with a baseball bat.
- Victim and offender were arguing about a maintenance issue in an apartment building before offender assaulted victim.
- Victim was dating offender’s recent ex-girlfriend before threats occurred.

The second indicator is that that no explicit evidence of bias was documented in the incident report. Forms of explicit evidence included racial slurs, racial symbols, victim claims of bias, witness perceptions of bias or any combination of these. Other less explicit indicators of bias, such as victim-offender group differences (racial, sexual etc), victim offender relationship (strangers etc) were not considered here as ‘explicit evidence of bias.’ The fact that the officer did not document any explicit bias evidence does not mean that it did not exist in the crime.

Table 8: Number of Reports with Possible Provoking Event or Missing Explicit Bias Evidence in Select Jurisdictions

	Range of Total Bias Incidents Reviewed	Possible Provoking Event	Missing explicit bias evidence
Eastern PD1 (2001 <i>sample</i>)	48*	6	1
Midwestern PD1 (2000 & 2001)	10 to 20	2	1
Western PD2 (several recent years)	Under 10	0	0
Southern PD1 (part 2002)	Under 10	0	1
Southern PD2 (2000 & 2001)	30 to 40	3	0

* = Sample makes up less than half of the population of known bias incidents.

CONCLUSION AND LIMITATIONS

To conclude, earlier research suggested that the national statistics on bias crimes undercounted the actual number of bias incidents known to police (McDevitt, et al.). *In our present review of existing assault incident reports, we observed that most of the select departments did not successfully report a number of assault incidents that may have been potentially bias motivated.* The observed percent under-count was not surprisingly small (as described below) and ranged from 0% to over 2% for potentially bias cases only and under 0.5% to over 5% when ambiguous incidents are included. Extrapolating the observed error rate to the population of assaults, we found that there could be some considerable under-counts, particularly if some ambiguous cases were verified as bias crimes. An examination of the full population (and a sample in one department) of identified bias crime incidents in each jurisdiction revealed few incidents, which had evidence that they should not have been included in the official statistics. Since our review of identified bias crimes examined all bias crimes, any potential over-count errors represents the total number, not a sample estimation as was the case in the review of assault records. There is some evidence then from this review that the official bias crimes statistics reported by these select departments substantially under-represents the actual number of bias crimes that victims report to the police.

Limitations

This study is one of the first to address empirically the quality of national bias crime figures, and as such, several limitations should be understood when interpreting these results. First, from the outset small sample sizes inhibit our ability to draw meaningful conclusions from these analyses. In order to observe a Type II error in this records review, a bias incident must exist in the sample, then be documented appropriately in the narrative, and finally be misclassified as a non-bias incident. Theoretically, if bias assaults make up 3% of all assaults, we would expect to find somewhere around 9 bias incidents in our sample of 300 assaults. If officers insufficiently documented bias information on some of these and on other reports made the accurate bias classification, then the resulting observable undercount would be small. With so few bias crime incidents expected to occur in a given sample, the results presented here are highly unstable: one or two appropriate classification errors could change the observed percent undercount dramatically. The reasons for this limitation point to a need for far greater sample

sizes, a strategy that the present research could not undertake given the time allocated at each site visit.

Second, to be clear, we wish to stress what these data do not indicate a concrete number of observed undercounts. Instead, *these data approximate the number of incidents that would have been investigated in other departments as possible bias crimes*. Some of these may be confirmable bias crimes, while others would not. Since our sole source of information about the incident was the police incident report, the officer may have missed or incorrectly presented relevant information that might have led the research team to miscode the incident's motivation. Without being at the scene, investigating the incident or speaking with the officers ourselves, in no way can we be sure that incidents the research team coded as "bias" are, in point of fact, actual bias crimes. It is important to note, however, that this limitation suggests that improving the quality of bias crimes statistics takes more than simply reviewing existing incident reports. Improvements in the reporting process employed by local police departments that include a substantive investigation and review of live cases is clearly the best way to collect accurate information and make classification decisions. Because of the above limitations, the reader should not make any broad speculations about undercounts nationally. Extrapolating these data to postulate a national estimate of bias assaults would be imprudent, since our methodology did not contain a random sample of agencies at its start.

Third, our analyses only examine a one type of undercount occurring at a certain point in the reporting process: patrol officer's classification decision. Patrol officers completing the reviewed incident reports has previously made several decisions that could affect the way they portray the information in the police report. For example, an officer may not inquire about bias or otherwise fail to recognize indications of bias, and therefore not accurately document this information in the incident report. Also, an officer might even have recognized certain bias indicators but simply failed to document the information, making it impossible for the reviewers to identify potential undercounts. Since officers from different departments may make these decisions differentially (as we examine later in this report), comparing the observed undercounts from these select departments may be inappropriate.

In addition, this limitation inhibits our ability to use the quantitative data in any meaningful way with the qualitative data. Although it would have been convenient if we found that those agencies that had the most resistance and insensitivity to bias crime policy were those

with the greatest number of undercounts, this was not the case perhaps because of the review's limitations. Although Western PD1 – perhaps the most outwardly resistant agency toward bias crimes services and bias crime victims – did indeed have the highest type II error rate, Southern PD1 – which articulated clear ambivalence towards bias crime policy – had a very low error rate. Likewise, if we found that the most sensitive agency had the fewest type II errors, it also would have been neatly packaged; however, we feel that we can and should not make any such comparisons. The one thing that is clear from the qualitative findings is that a confluence of factors involving department organization, training and departmental culture affect bias crime reporting. How departments see the function of the incident report, whether or not officers consider bias utterances to be worthy of inclusion in the narrative, the amount and level of supervision, culture, individual officer attitudes, and training will all affect the quality and detail involved in the incident report. The current study cannot fully disentangle these effects to cleanly explain why one department has a higher or lower undercount than another.

It is likely that the previous limitation makes our observed undercount results a conservative estimation of the actual extent of underreporting in these jurisdictions. In many cases' reporting decision it is possible that officers make an initial classification decision before documenting the offense and then only include information in the report that reinforces their reporting classification. If this is the case, then a responding officer that initially thinks a crime is not bias motivated will not include any information in the incident report that would call into question his or her motivation classification. This may be a particular problem in jurisdictions where personnel consider bias crime distinctions as not important or where there is little oversight around this issue. Thus, while overall our results might be conservative for all departments, the culture in particular departments around bias crime may inhibit our ability to observe any existing undercounts.

INFRASTRUCTURE ANALYSIS

INTRODUCTION

The primary means law enforcement agencies use to collect information about crime is through the crime incident report. These basic reports contain information about the crime, offenders, witnesses and the victims. The main purpose of incident reports is to officially document a police response to a crime or other citizen concern. Individually, police use incident reports to contact parties involved in a crime, document witness, offender or victim statements and officially log the circumstances of a crime for future court processing. Police departments use aggregated information from official incident reports to produce official crime statistics and to better understand the character, location and trends of crime in a city. Departments differ considerably in the amount and type of information they collect via incident reports and the extent to which they analyze the information generated from incident reports. Some departments employ the data for crime analysis and strategic planning, while others only produce official crime statistics with the data and still others do not even aggregate crime statistics or participate in the Uniform Crime Reporting Program.

Importantly, departments can differ a great deal concerning the manner in which they process incident reports and produce statistics. Departments may include different steps in a reporting process, such as including special units. Crime reporting responsibilities of each type of personnel or unit might differ considerably between departments as well. Departments might expect different levels of oversight regarding the quality of the information on the incident report from their supervisors. In addition, with the emergence of information technology in policing, departments can apply this technology in varying degrees to crime reporting or not use it altogether. For example, one department may have patrol officers enter the information on a crime report into a Mobile Data Terminal (MDT) from his/her patrol car and submit information about the incident using computer database, never using paper forms in the entire reporting process. Another department, however, might not use computers in any way during the reporting process by completing paper incident reports, compile the data by hand and submitting their monthly crime statistics on a paper form to the state reporting agency or FBI. Since local departments have varying methods for processing incident reports and quality control procedures, state and national crime statistics can be differentially accurate.

One of the primary goals of the present study is to understand the bias crime reporting infrastructures of local police departments. We seek to assess how certain reporting infrastructures present barriers to or promote the accuracy of bias crime statistics produced by local police departments. To accomplish this, we examine two components of reporting infrastructure: (1) the bias crime reporting process as a whole and (2) key individual steps within the reporting process. Understanding and describing each department's infrastructure is an essential step before we can examine the more complex question of how various infrastructure characteristics affect the statistics produced by local police departments. The following sections begin by assessing each host site's bias crime reporting process as a whole followed by an assessment of characteristics and functions of two key decision points within the overall process.

ASSESSMENT OF BIAS CRIME REPORTING PROCESSES

Generally, the departments in the present study have a similar basic structure for generating and processing incident reports. In most cases, a patrol officer responds to a crime, completes an incident report and submits it to a supervisor, usually a sergeant or lieutenant. Supervisors are typically responsible for reviewing the incident report for completeness and accuracy. The incident report is then sent to a central records unit for crime reporting and to the detective bureau for investigation. The central records unit enters the information into a computer system and may or may not check the quality of the information in some way. Finally, crime analysis personnel aggregate the data in the appropriate format and submit the data to a state agency or directly to the Uniform Crime Reporting Program.

Comparing each participating site, important differences emerge in how these local police departments process bias crime statistics. In all of the participating departments the responding patrol officer was responsible for making the initial classification of the incident's motivation (bias or non-bias motivated) and documenting this on the incident report in some way. After this common starting point, departments differ in how they process incidents once the patrol officer initially classifies an incident as bias motivated on the incident report. Two key characteristics differentiate the bias crime reporting processes in the participating sites: process specialization and additional review. The presence or absence of these two process characteristics has implications in the quality of the department's reporting process.

Process specialization refers to the degree to which departments create a separate reporting process for producing bias crime statistics. Along this characteristic, the research team identified two categories of process specialization: integrated reporting processes and separate reporting processes. Departments that employ an integrated bias reporting process produce bias crime statistics through the same channels as all other crime statistics. Personnel that aggregate the regular crime statistics – UCR Crimes for example – aggregate bias crime statistics as well and are responsible for submitting these statistics to the state crime-reporting agency or directly to the FBI. Alternatively, departments with a separate bias crime reporting process allocate bias crime reporting responsibilities to some personnel that are not typically involved in the crime reporting process. These units or personnel, outside the normal reporting process, are responsible for aggregating and submitting only bias crime statistics. Here, units or personnel may be created specifically for bias crime or may simply be given the bias crime reporting function as an additional responsibility. Thus, departments vary by whether they allocate bias crime reporting duties within (integrated) or separate from the general UCR crime reporting process.

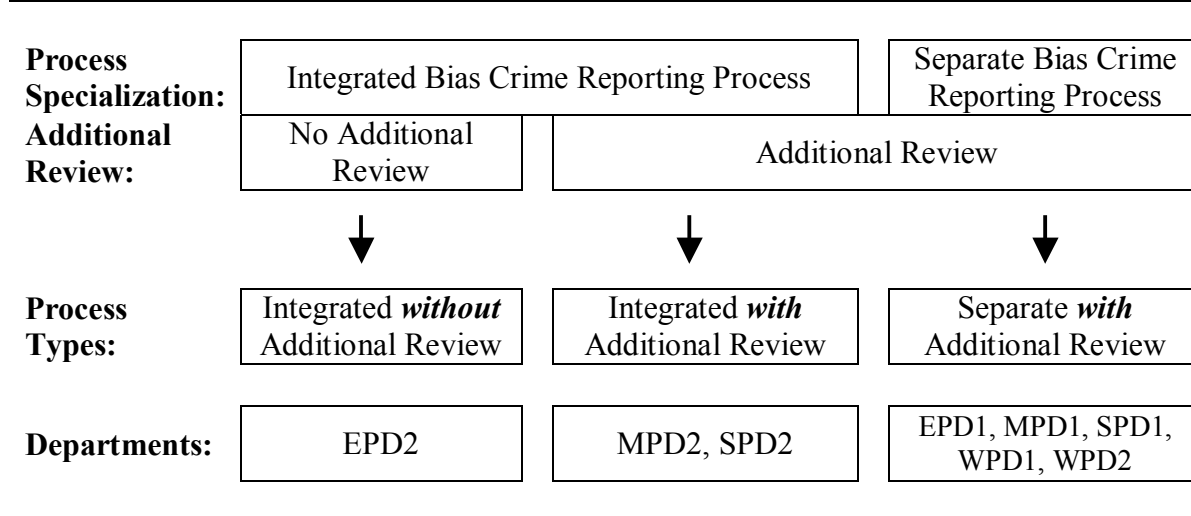
The second characteristic that substantively differentiates bias crime reporting processes is the existence of an additional review of bias incidents. In departments that had an additional review of bias crime incident, some personnel was responsible for providing a quality control check of patrol officers' initial bias motivation classification. The review is 'additional' because it goes beyond the normal quality control functions afforded to all other reports. For example, supervisors review incident reports for quality and accuracy as part of their routine functions. However, an additional bias review occurs when the department designates some personnel to review every bias crime report. The purpose of this review is to insure that the patrol officer's initial classification of the incident is accurate – that the situation described fits the official reporting definition of a bias crime.

Combining these two key characteristics, departments use one of three types of bias crime reporting processes: (1) Integrated without Additional Review, (2) Integrated with Additional Review and (3) Separate with Additional Review¹⁰. Figure 2 illustrates how the two characteristics – process specialization and additional review – produce the three types of bias

¹⁰ The two characteristics might yield a hypothetical fourth type of reporting process: separate without additional review. However, since it makes little sense to include units or personnel in the reporting process that have no review function, we do not discuss it here. Moreover, we did not find evidence of this type in any of the host sites.

crime reporting process. Each of these reporting processes presents different challenges and advantages to the effective tracking of bias crimes. The following sections describe each type of reporting process, with a detailed description of the actual reporting processes that fit each type from the host departments the research team examined. Appendix B provides diagrams of each the steps in each department’s crime reporting process and bias crime reporting process.

Figure 2: Illustration of Process Types by Defining Characteristics



Integrated without Additional Review Bias Crime Reporting Process

The most basic type of bias crime reporting process is the Integrated without Additional Review process. In departments with this type of bias reporting process, the patrol officer makes the first and final classification of the incident’s motivation. The bias crime incident report is processed in the same way as any other crime incident reports. Units and personnel that are not normally included in the regular crime reporting process are not involved in reporting bias crimes. Instead, records units handle the bias crime reporting as part of these units’ overall crime reporting responsibilities. This unit is not explicitly instructed to check the accuracy of the bias crime classification in any way. Certainly, detectives may investigate bias incidents according to the underlying crime but they would not be instructed to verify the bias classification (much less investigate the bias nature of the crime.) Thus, once an officer decides to classify an incident as bias motivated or not bias motivated, the incident is processed and reported as such. Only Eastern Police Department 2, a NIBRS agency, applied this process type to report bias crimes in the national data collection program. We do believe that this is a much more common approach

to bias crime classification across the country than might be indicated from our sample of departments.

Eastern Police Department 2 Process Description

The Eastern Police Department 2 – which only recently implemented an incident-based reporting system – begins its crime reporting with the responding officer completing an incident report. The officer then turns the report into a shift supervisor who examines the report for accuracy. The detective bureau then screens the incident report before they are sent to the records department. These personnel are then responsible for checking the accuracy of the crime category that officers gave to the incident. The Records Unit supervisor, a civilian employee, makes all the necessary changes to the crime classification. For example, if the facts show that an incident coded as an aggravated assault was in reality a simple assault, the supervisor would make the correction. Records personnel then compile the information from the crime incident reports into an incident based database for submission to NIBRS.

The department processes bias crime reports along the same steps as all other crime reports. Patrol officers indicate a crime as bias motivated by completing the appropriate information on the incident reports. As will be discussed in greater detail in a later section, the department did not instruct the records supervisor to review the bias classification, resulting in minimal oversight of bias crime reporting.

Integrated with Additional Review Bias Crime Reporting Process

The Integrated with Additional Review Bias Crime Reporting Processes consists of departments producing bias crime statistics through the same channels as all other crime statistics. Like the first type, departments that use this process type do not include any units or personnel that would not typically be involved in regular crime reporting responsibilities. Under this type, records unit personnel aggregate bias crime statistics as part of the regular crime reporting duties. However, in contrast with the first type, the department designates some personnel the responsibility of conducting an additional review of bias incidents. This additional review is specific to incidents initially classified as bias motivated and, as such, goes beyond the regular review functions within the department. Two police departments in the present study, both NIBRS agencies, employed this bias crime reporting process to produce bias crime statistics.

Midwestern Police Department 2 Process Description

The Midwestern Police Department 2 crime-reporting process begins with the responding officer completing an initial incident report and turning it in to the shift supervisor. The shift supervisor is responsible for reading the incident report for accuracy and then sending on to civilian ‘collators’ – civilian personnel who copy and sort incident reports. It is the ‘collators’ job to distribute the incident reports to both the investigative supervisors and the data entry operators. The data entry operators then enter the information from the incident report into the incident-based reporting system and then submit the data to the state crime reporting program, through the state’s Incident-Based Reporting System.

Bias crime reports are processed in basically the same way as other crime reports at the Midwestern PD2. Officers distinguish bias crimes by indicating “yes” in a “hate/bias” box on the incident reports. There also is a follow-up box that requires officers to indicate the bias motivation type (i.e. anti-white or anti-gay). The information in the follow-up box is essential for NIBRS agencies because the bias type field is a mandatory data element; bias incidents will not be included in the national statistics if information in this box is missing. Although the department affords bias crimes additional attention in that the department’s policy requires personnel to submit copies of bias crime reports to a city human relations council, the Patrol Bureau, the Intelligence Section and the Public Information Office, none of these units or external organizations are directly involved in the reporting process or provide quality control. With regard to reporting specific activities, the only additional steps to bias crime reporting (versus regular crime reporting) is a clerk who reads, checks and files bias crime reports separate from other incident reports and some quality control provided by data entry operators. According to department representatives, this person would inform data entry operators of possible changes that needed to be made. Finally, the department submits bias crime statistics, just as other crime statistics, via incident-based reporting system in the single data element of bias type.

Southern Police Department 2 Process Description

In Southern Police Department 2, a NIBRS certified department, the responding officer begins the reporting process by completing an incident report. The officer then turns the incident report into a front line supervisor or “street sergeant.” As in the other jurisdictions, the supervisor reads the incident reports for accuracy and sends it to the Records Unit if approved.

The report is then processed in the Records Unit beginning with data entry into the department's case management and incident based crime data system. The computer system is equipped with automated auditing program that checks the data as the data entry clerk enters it. Similar to most NIBRS related programs, the auditing program insures that mandatory fields are entered correctly and that the information is logically consistent. For example, if the officer checks the arrest box, an arrest number must also be entered. The program will notify the clerk of "warnings" and "errors." When a warning occurs the records clerk can still enter the data and submit the incident; with errors, the clerk must correct the mistake or inconsistency before they can submit the incident. In addition, the records supervisor reads each incident report daily, as part of the quality control functions. Once all the incident data are entered and errors are cleared, a support technician (a sworn officer) runs the IBR data through a validation routine. The technician deals with any additional warnings or errors. Finally, he submits the data to the State Police Uniform Crime Reporting Program by the 15th of the following month.

The crime reporting process is nearly identical to the bias crime reporting process in SPD2; however, the Records Unit supervisor conducts one additional review step. Officers identify an incident as bias motivated by indicating the appropriate bias type in the "Suspect Hate/Bias Motivated" box. At the end of each month, the sergeant in the Records Unit filters out all of the incident reports marked as bias motivated. The sergeant reads all of the information and checks to assure the bias classification is accurate. She also prints these incident reports, completes a state form for each of the reports and submits the reports to the Investigative Unit at the State Police. However, this step – mandated by a state terrorism statute – is not for official crime reporting purposes or part of the national data collection program.

Separate with Additional Review Bias Crime Reporting Process

Departments that employ the last type of bias crime reporting process, Separate with Additional Review, produce bias crime statistics outside the normal crime reporting process. Here, local departments establish or include units/personnel in the bias crime reporting process that are not typically included in the normal crime reporting process. These units or personnel are then responsible for aggregating and reporting bias crime statistics. For example, a department might require detectives to forward bias incident reports to an Intelligence Unit, where they are to be aggregated and submitted as statistics to the state crime-reporting agency.

This unit would also check the initial bias crime classification before reporting incident. The key characteristic here is that bias crime incident reports must be separated and forwarded to the appropriate unit or personnel to be included in the department's official statistics. The majority of police departments in the current study fit this type, including: EPD1, MPD1, SPD1, WPD1 and WPD2.

Eastern Police Department 1 Process Descriptions

Responding officers in the Eastern Police Department 1 began the reporting process by completing a paper-based incident report and turning it in to the duty supervisor. The "duty supervisor" reads each incident report daily and submits them to the detective unit in their district. The duty supervisor (or the patrol officer directly) sends a copy of the report to any appropriate special units and investigator units. A copy of the report is also sent to the central records unit at police headquarters, where the information is entered into computer databases. The department uses these data to produce official annual crime statistics, as well as other specific crime analyses for the department's annual report and for crime analysis and strategic planning purposes.

Important differences exist between the crime reporting process and the bias crime reporting process in the EPD1. The two reporting processes begin the same way with officers completing a paper based incident report and then turning it in to a duty supervisor. For bias crimes, however, the officer may copy the report and submit the copy directly to the bias crime unit, bypassing the supervisor. Otherwise, the supervisor will send it to the bias crime unit based on the officer's initial classification or the information in the narrative. Officers in EPD1 do not classify crimes as 'bias motivated' or as 'hate crime'. Instead, there are two places on the incident report that an officer can identify an incident as a potential bias motivated crime: one is the "key situation" section at the top which has a choice for "Bias Crime Unit" and the second is the "Special Units Notified" box at the bottom of the incident report, where officers can write in "Bias Crime Unit". Once the responding officer or the supervisor sends the incident report to the bias crime unit (usually by fax), the bias crime unit handles the remaining bias crime reporting duties. If the bias unit detectives determine the case to be non-bias motivated, the detectives return the case to general district detectives. After investigation, the unit's personnel determine the appropriate bias classification, complete the state bias crime report forms and submit forms to the State Police, Crime Analysis Unit.

Midwestern Police Department 1 Process Description

In the Midwestern Police Department 1, the crime reporting process begins with the responding officer collecting information about the crime and “calling-in” the information to a Teletype system, where phone operators type the incident reports. The MPD1 has paper-based incident reports for officers to use as guides, but most patrol officers only use their notebooks to collect the information. Every report is then printed out daily and sent to the “Booking Sergeant” and “Booking Lieutenant.” Each district in the police department has a booking sergeant and lieutenant. These officers determine whether investigation is needed and, if so, assign the case to detectives. The Uniform Crime Reports coordinator submits all uniform crime statistics directly to the Federal Bureau of Investigation since there is no state Uniform Crime Reporting Program.

With bias crime incidents, patrol officers can classify an incident by indicating ‘hate crime’ under one section of the report or ‘racial’ after some crime types (e.g. ‘disturbance – racial’). However, since officers do not actually fill out paper-based reports, officers must instead mention ‘hate crime’ as a characteristic of the crime when they call it in to the Teletype system. As is the case with other reports, the report is printed and then given to the booking sergeant and booking lieutenant. The critical distinction between MPD1’s regular crime reporting process and the bias crime reporting process occurs at the booking sergeant or lieutenant step, where the two processes diverge based on whether the report is coded as bias motivated or not. These officers are responsible for forwarding all bias crimes (either because the responding officer marked the case as such or based on the narrative) to a designated sergeant detective in the Intelligence Unit. This detective handles the crime reporting process from this point on. He is responsible for conducting a brief investigation to insure the case is bias motivated, completing the Quarterly Hate Crime Reports and submitting the statistics to the Midwestern State Police and to the Federal Bureau of Investigation.

Southern Police Department 1 Process Description

In Southern Police Department 1, the officer completes a paper-based incident report after responding to a crime. However, in this jurisdiction the department requires officers to complete incident reports only when a violation of a state statute has occurred. If the officer chooses treat the incident as a city ordinance violation, the department does not require the officer to complete an incident report, although the officer may choose to do so. If the officer

chooses to charge a city ordinance violation and not complete an incident report, the incident will not be processed for inclusion in the official crime statistics. Once the responding officer completes an incident report, he or she submits the report to a supervisor. This front line supervisor makes a copy of the incident report and sends the copy to the Records Unit, where records personnel begin the intake process. A copy of the report is also sent to detectives for investigation, if necessary. The intake process includes reading the report and checking to insure that the supervisor has signed the incident report. Records personnel then scan the report into an imaging system, index it as public on non-public record and send the report to the Information Services System Division. The Information Services System Division is then responsible for entering the data contained in the report – excluding the narrative. The department uses these data to produce the official annual crime statistics, which it submits through the Summary Reporting System to the Southern State Reporting Agency, Uniform Crime Reporting Program.

The protocol for processing bias crime reports in the SPD1 differs from the regular reporting process after the detective level. Patrol officers are responsible for the “initial investigation and preliminary classification of a crime as being hate motivated (SPD1 internal policy on file with author).” Though, in some bias motivated incidents, like all other incidents, patrol officer may not complete an incident report when the offender violates a city ordinance. Officers identify a crime as bias motivated by writing “hate crime,” in parentheses, next the crime type on the incident report. In a manner identical to the normal crime reporting process, the officer turns the incident in to the supervisor who reviews the incident. Although there is another defined field on the incident report for motivation, which lists a number of potential motivations including “bias/hate,” it does not appear this box is used for crime reporting in any way. The incident is then sent to the Investigative Unit of the appropriate district where detectives conduct the follow-up investigation. The next step, different from that of the normal crime reporting process, requires the investigative unit to forward all “completed, approved investigations involving hate/bias crimes” to the Intelligence Unit. The intelligence unit then is responsible for making the “final determination as to whether the offense contains the required Uniform Crime Reporting standards meriting the classification as a hate/bias crime,” according to policy (SPD1 internal policy on file with author). Personnel from the Intelligence Unit then complete the Quarterly Hate Crime Reports and submit them to the Southern State Reporting Agency.

Western Police Department 2 Process Description

Western Police Department 2's crime reporting process begins with the responding patrol officer completing and turning in a written report to the department's typists. After being typed the watch commander reviews all incident reports (regardless of severity), signs off on them and finally routes the report to detectives for investigation, if necessary. A copy of all incident reports is also sent to the statistics or records personnel who logs the incident and compiles the department's official crime statistics.

Just as above, responding officers complete incident reports to begin the bias crime reporting process in Western PD2. Other than describing an incident as bias motivated in the narrative there is no way of indicating bias motivation on the incident report (in a defined box for example). The report is typed up by the department's typists and turned into the watch commander who reads all incident reports. The watch commander makes the critical decision that sets bias crime reports along a different channel from all other types of reports. If the watch commander decides that the incident is bias motivated, based on the narrative, then he sends the report to a designated bias detective. The bias detective is responsible for investigating the incident and completing the bias reporting forms, which are sent to the state reporting agency. The watch commander we interviewed explained that bias crimes are forwarded for investigation regardless of the seriousness of the crime.

Western Police Department 1 Process Description

In the Western Police Department 1 the responding patrol officer initially completes crime incident reports. With the department's emphasis on information technology, it is likely that much of the crime reporting is done using Mobile Data Terminals (MDTs). Like most departments, front line supervisor then are responsible for review all incident reports. Once the reports are checked here, they are sent to the records unit, which is responsible for compiling all official statistical information.

While it was difficult for the research team to identify the steps in the bias crime reporting process because of the often-conflicting responses or general lack of knowledge from department interviewees, we can provide a sketch of how this process differs from the overall crime reporting process by using the department's policy. As a result, it is completely plausible that the bias crime process *in practice* differs from that of the official policy. The bias crime reporting process begins by the responding officers completing an incident report and initially

classifying an incident as bias motivated by “indicating ‘Possible Hate Crime’ in the box titled ‘other code section.’” Next, according to policy, an “appropriate Investigation Division supervisor” reviews all bias incident reports “to ensure they meet the criteria.” If so, the case is then assigned for investigation follow-up and the supervisor provides a copy of the incident to the Crimes Against Persons Section Commander. This commander is then responsible for submitting the incident to a county office, where it is eventually sent on to the state reporting agency.

Table 9: Types of Bias Crime Reporting Processes

Separate with Additional Review

- ❑ Patrol Officer completes incident report, indicates bias as motivation and may forward copy of report directly to bias specialist or unit
- ❑ Supervisor reviews all incident reports as part of normal supervisory function and forwards all reports with bias indicator to bias specialist or unit
- ❑ Bias specialist or unit reviews all reports to insure the bias motivation fits reporting definition, conducts full investigation or limited investigation
- ❑ Bias specialist or unit completes paper work or processes data and submits it to state agency or Federal Bureau of Investigation
- ❑ Records Personnel submit other crime statistics, but have no responsibility in bias crime reporting

Integrated with Additional Review

- ❑ Patrol Officer completes incident report, indicates bias as motivation
- ❑ Supervisor reviews all incident reports as part of normal supervisor function
- ❑ Records Unit personnel processes incident report and specifically provides additional quality control measures to reports initially marked as bias motivated
- ❑ General detectives, in the event that they investigate the underlying crime, may provide additional information about bias motivation
- ❑ Records Unit personnel submits bias crime information to state

Integrated without Additional Review

- ❑ Patrol officer completes incident report, indicates bias as motivation
 - ❑ Supervisor reviews all incident reports as part of normal supervisory function
 - ❑ General detectives, in the event that they investigate the underlying crime, may change bias classification, but only if information arises
 - ❑ Records Unit personnel process reports, aggregate data without any special attention to incident reports marked as bias motivated
-

Implications of Variation in Bias Crime Reporting Process Types

The police incident report is the basic unit of information in most official crime data collection. Official bias crime statistics, such as those reported in the FBI Annual Hate Crime Report, are generated from incident reports originally completed by patrol officers in local police departments across the country. To track crimes and produce crime statistics police departments establish crime-reporting processes, which consist of personnel in the department transferring reports through the bureaucratic organization. Bias crime data collection programs necessitated the implementation of a bias crime reporting process within local police departments.

Departments in the present study fall into three different types of bias reporting processes: 1) Integrated without Additional Review, 2) Integrated with Additional Review and 3) Separate with Additional Review Bias Crime Reporting Processes – as summarized in Table 9. Each of these reporting processes presents a set of potential advantages and challenges to effective bias crime reporting.

Departments that produce bias crime statistics along the normal crime reporting process – the first and second process types – are advantageous because they minimize the potential for errors in intradepartmental communication. After a patrol officer indicates that a crime is bias motivated on the incident report, the report is processed and the aggregate bias statistics are produced *with* all other crime statistics. In other words the same personnel that aggregate UCR crime statistics also compile bias crime statistics. This means that extra steps are not required for the incident to be included in the department’s official statistics. Since bias crime reports are passed along the same pathways as the rest of bias crime reports they are subject to no more possibility of ‘falling out’ of the process than all other crime statistics. For example, in the jurisdictions that fit this model once a bias incident was entered into the crime database the bias incident would be included in the official statistics. Thus, processing bias crimes in the same routine as other crimes statistics (either with or without an additional review) maximizes the volume of reports that will successfully make it through the process and included in the official bias crime statistics.

The research team, however, did identify clear examples of disconnect in these reporting processes. Primarily, these examples of disconnect – or processing errors – were because of data entry and maintenance problems. Since all of the departments that fit the Integrated Bias Crime Reporting models were also agencies that submitted bias crime statistics via NIBRS they relied

heavily on computer databases to aggregate and submit bias crime statistics. Other police departments in the present study relied on crime databases to aggregate general crime data, but compiled bias crime statistics without the assistance of computer databases. Because bias crime reporting is built into computer programs used as part of incident-based reporting systems, they are subject to data management problems.

Eastern PD2, for example, had significant problems with maintaining and submitting crime statistics in general. Over the past five years, the department had put into operation several different computer database management systems, all of which failed in some way. Members throughout the department expressed utter frustration about their computing problems and were currently seeking yet another software vendor. The records unit supervisor in charge of aggregating and submitting crime statistics explained that on several occasions the department's internal statistics failed to match what the state reported for the city. Consequently, the department's technical problems potentially would have affected the accuracy of bias crimes statistics in the same way.

We found in another NIBRS department that data entry errors might have resulted in inaccurate bias crime statistics. This jurisdiction (MPD2) provided us with copies of their 'known' bias crimes for the records review. After reviewing these reports it was clear that the department provided the research team with incident reports where the offender was charged with the local bias crime law – "ethnic intimidation." Based on the limited information contained in the narrative, each incident report seemed to describe a bias motivated incident. Thus, the officers who completed these reports not only characterized and documented the incident as bias motivated, but also decided to charge the offender with "ethnic intimidation." However, more than half of these reports (23 of 40) had a "No" entered in the field asking about bias and were missing the bias type. In NIBRS 'bias type' is the data element used to identify bias motivated crimes and is a mandatory element (Federal Bureau of Investigation, 2000). An additional three reports had a "Yes" in the dichotomous bias field, but were missing the bias type field as well. We expect that a total of 26 reports of 40 appropriately recognized and classified bias crimes would therefore not be included in the official state or national data because of data processing errors. The research team points out this issue as illustrative; we can not know the extent to which this kind of disconnect affects other NIBRS agencies and thus national data that is aggregated from NIBRS submissions.

With departments that employ the normal bias crime reporting process, a clear distinction exists between those departments that do and those that do not provide an additional review of bias crime statistics. By far, failing to provide any oversight for bias crime incidents is the least advantageous method of tracking these crimes. First, this process places all of the responsibility for making motivation classification decisions on the responding officers, who typically lack the time and training to make such decisions accurately. Having an additional review of the bias classification allows officers to err on the side of classifying incidents as bias motivated when they are not sure because they realize that personnel above them will review this decision. As such, erroneous classification decisions about the offender's motivation may never be corrected, potentially damaging the accuracy of the department's official statistics. What is more important, however, is that lack of oversight may lead officers to believe that bias crime reporting is not a concern for the department. They may conclude that since there are no personnel in place to hold them accountable for this decision, the decision is not important. Therefore, patrol officers may not address the question of bias motivation in a thorough manner. The importance of additional review and oversight will be made clear in later sections of this report.

Most departments use the Separate with Additional Review bias crime reporting process to produce bias crime statistics. Again, using this process means that units or personnel not typically part of the normal crime reporting process are also responsible for bias crime reporting. The primary advantage to this type of reporting process is that it insures that most incidents submitted by the departments have undergone some level of additional review. Since the personnel that handle the aggregating and submitting of bias crime statistics also conduct or supervise an additional review of the bias classification, it is likely that most (or all) reports will be checked before they are submitted to the national program. By design, then, this bias crime reporting process maximizes the validity of each bias crime report and primarily controls for Type II errors, or false positives.

While the Separate with Additional Review reporting process seems to be an effective method for producing accurate bias crime statistics in some departments, such as Eastern PD1, the process itself has a potentially significant limitation. In Eastern PD1, the separate reporting process for bias crime mainly works because of the efforts of the department leadership to insure that bias crime and bias crime reporting are a priority. The department has been a leader in the

policing of bias crimes and has been collecting bias crime statistics longer than most departments in the country. As such, bias crime reporting is an ingrained part of an officer's routine. However, the separate reporting process can present serious challenges that have the potential to degrade accurate bias crime reporting.

The major problem with the separate bias crime reporting process is with intradepartmental communication. Previously we discussed how incident reports must be passed along the reporting process – from officer to supervisor to records unit, for example – in order for the incident to be included in official statistics. The separate reporting process creates an additional step outside of the normal routine for crime reporting based on when a patrol officer initially classifies incident as bias motivated. Because of this step there is a higher likelihood that the personnel responsible for aggregating and submitting only bias crime statistics will not receive all bias crime incident reports. The research team identified a clear example of this in the present study.

At MPD1 we were able to pinpoint the existence of processing errors that resulted in an undercounting in the official statistics produced by this department.¹¹ As discussed above, “booking sergeants and lieutenants” in each district are responsible for forwarding all incident reports marked as bias motivated to the designated bias crime specialist in the intelligence unit. Since the specialist suggested that district booking sergeants and lieutenants did not always forwards reports to him, we examined this problem further. Using the department's incident database, we were able to produce a list of 15 bias incidents that did not match the incidents the bias crime specialist intended to include in the official statistics. Notably, these incidents were labeled as bias crimes by responding officers, but would not have been counted because of a disconnect in the processing of bias crime reports. While problems like these are inherent when departments create separate bias crime reporting processes, over time we expect that these types of problems may diminish as the separate reporting process becomes more routine.

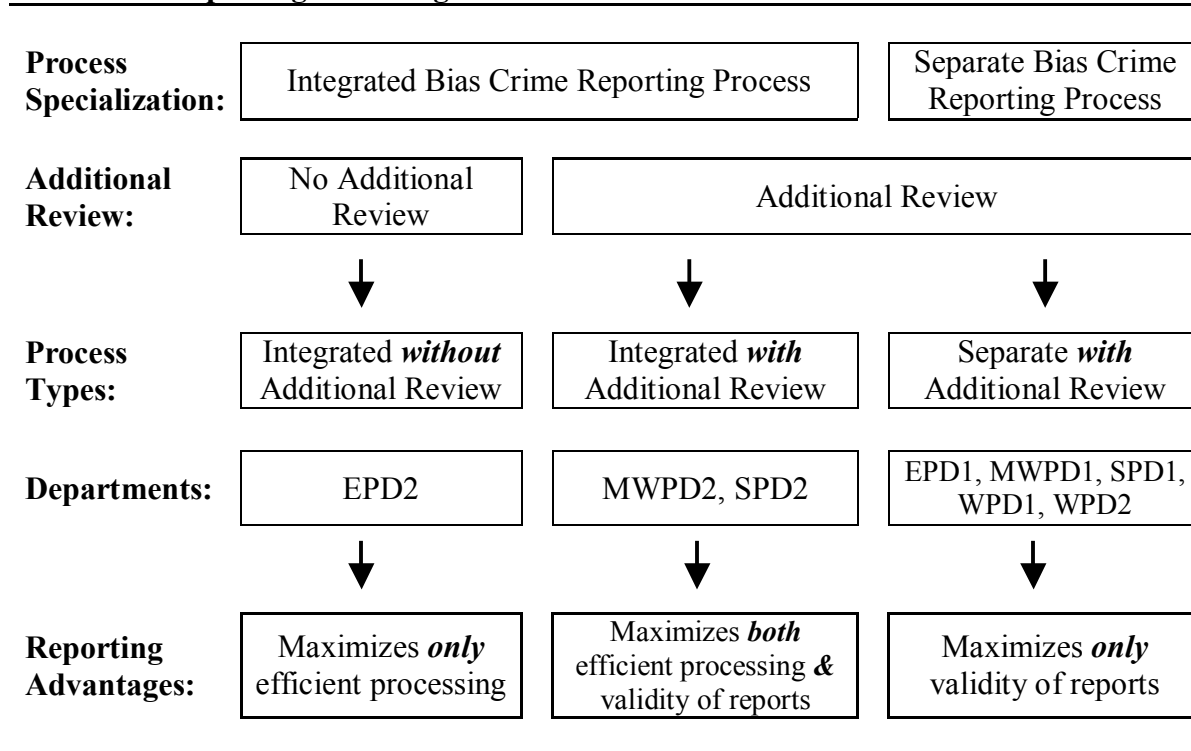
Another type of processing error associated with departments that have separate bias reporting processes is errors that result from a poorly designed reporting process. In order for a department with separate bias crime reporting to produce accurate bias crime statistics, the bias reporting process must diverge at a point where all reportable offenses could potentially be

¹¹ The research team made attempts to identify this finding at other sites. Unfortunately, some departments did not have a system in place that would allow for this type of auditing or did not provide us with the correct information.

included. For example, EPD1's bias reporting process deviates from the regular reporting process at the patrol officer or supervisor step so all incident reports could potentially be considered for referral to the special unit. Southern PD1, however, implemented a bias crime reporting process that diverged at the detective level, where detectives are responsible for forwarding incident reports on to the intelligence unit for review and submission. Since district detectives normally do not investigate all reportable offenses, they may ignore many bias incidents and as a result not forward these reports to the Intelligence Unit. Some bias reports, then, might not be included in the official statistics. Here, the design of the bias crime reporting process could undermine the accuracy of bias crime statistics; when establishing bias crime reporting processes departments need to insure that the structure allows for all incident reports to be considered in this process

Comparing the three bias crime reporting processes, they each maximize certain characteristics that are important to accurate bias crime reporting. Two important characteristics include efficient processing and the validity of the bias classification on the incident report. As discussed in some of the points above, "efficient processing" refers to insuring that all incident reports classified as bias motivated are included in the official statistics. The validity of this classification is also important for producing accurate bias crime statistics. In this case, "validity" means that the classification of the offender's bias appropriately fits the official definition, meaning that the offender's motivation was, at least in part, bias against some group. The Integrated without Additional Review process maximizes *only* the efficiency of the process. In contrast, the Separate with Additional Review process maximizes *only* the validity of the bias classification by insuring that all bias reports included in the statistics get a second level review. Finally, the Integrated with Additional Review process incorporates both of these advantages, and thus, maximizes both process efficiency and classification validity.

Figure 3: Illustration of Process Types by Defining Characteristics with Associated Reporting Advantages



The examples provided above are not generalizable to all police departments, nor could they be used to assess the extent of inaccuracy in the present national statistics. The findings presented above, however, do provide clear examples of how local police departments may produce inaccurate bias crime statistics. We found that the quality of bias crime statistics is affected by errors associated with: 1) transferring incident reports across points in the reporting process, 2) process design, and 3) data entry and maintenance. While the basic type of reporting process is important, we found that the two steps within these reporting processes – patrol officer identification and special bias review – have a far greater impact on the effective reporting of bias crime statistics. In the following section, we assess the quality of these two steps in each jurisdiction using the existing FBI’s Two-Tier Model Reporting Process as an initial guide.

ASSESSMENT OF TWO KEY DECISION POINTS

Now that we have described the steps involved in each reporting process we can turn to fully assessing two key steps: the initial identification step and the second level bias incident review. The responsibility of initial identification rests almost entirely with the patrol officer.

As we described in each department, the bias crime reporting process begins with the patrol officer completing an incident report and indicating, in some way, that bias was part of the offender's motivation. However, what the department specifically instructs officer to do – whether they are instructed to apply a broad or narrow definition to possible bias situations or if the department omits explicit instruction altogether – has important ramifications on subsequent steps in the reporting process. The second critical step in the reporting process is a special review of those crimes the patrol officer initially indicated were bias motivated. As described above most departments (seven of the eight participating sites) had some kind of additional review of bias motivated crimes. However, a number of characteristics, such as the actual functions of this step and the extent of experience, expertise and training personnel conducting the review, play a profound role in the review step's effectiveness. Since the FBI has previously made recommendations about how these two steps should function and what they should look like, we will begin this assessment by describing the existing FBI model.

Existing FBI Two-Tier Bias Crime Reporting Model

Since the inception of the national bias crime data collection program, the FBI has recommended a “two-tier” reporting process for bias crime. The FBI based this model reporting process on bias crime data collection processes already used by local police departments. As outlined in the *FBI Training Guide for Hate Crime Data Collection* (1996; hereinafter *Training Guide*), the two-tier model instructs patrol officers to identify “suspected bias crime[s]” and forward the incident report to a bias crime specialist or unit. A “suspected bias crime” is a crime that has “any indication that the offender was motivated by bias (1996 p. 7).” The second tier of the model reporting process – the bias crime specialist or unit – is then responsible for “making the final decision as to whether the incident constitutes a bias crime.” The two key components to the recommended model are the “suspected” classification at the officer level and the second review and classification as an official bias crime by a specialist or unit.

As discussed above, the first key component to the “two tier” review process is responding officers recognizing cases as “suspected bias crimes.” Here the *FBI Training Guide* recommends that the responding officer or “first level judgment officer” base his or her classification on whether there was “any indication that the offender was motivated by bias.” This step is the most critical step in the reporting process because officers determine the population of incident reports that a given department will ever consider for bias classification.

Under the FBI model (and in most departments), officers function as the doorway to the reporting process by making the initial classification. Consequently, any second level review is dependent on the responding officer first classifying the crime as a “suspected bias crime”; otherwise, the bias incident never enters the model review process and chances are reduced that an incident will be appropriately included in the official statistics.

It is essential for the patrol officer to understand the difference between “suspected” bias crimes and those crimes that are actually bias motivated for the model to function as designed. Suspected bias crimes are crimes that display some bias indicators, such as bias words or symbols used by the perpetrator¹². Bias crimes are crimes that are finally deemed, upon investigation, as motivated “in whole or part” by the offender’s bias. Bias indicators – used to distinguish suspected bias crimes – are objective facts that an officer can identify and document on the incident report, while a bias crime is the interpretation that these facts show an official classification is appropriate. While the *FBI Training Guide* suggests that a single bias indicator – such as a racial slur – may be insufficient to classify a crime even as a “suspected bias crime,” the *Training Guide* goes on to suggest that responding officers should err on the side of including even questionable incidents and submit it to the specialist for review.

The second step in the existing model review process is the bias crime specialist/unit or “Second Judgment Officer/Unit.” While a bias crime unit is only appropriate for large police departments, the *Training Guide* recommends that every department implement an officer within the reporting process “specifically tasked with the responsibility of reviewing Suspected Bias Incidents and making a classification.” This bias crime specialist should undergo extensive training so that he or she is an “expert in bias crime matters.” According to the *FBI Training Guide*, the second level of review should consist of an examination of the information provided by the patrol officer and, if possible, interviews of victims and witnesses. If the incident is finally or officially classified as a bias motivated crime, the specialist should include the incident with the official statistics that are sent to the FBI.

¹² Other bias indicators include a lack of other clear motivation or provocation, victim’s perceptions of bias motivation and different victim-offender group identities. See a list of questions taken from the FBI Training Guide in Appendix # for more examples of bias indicators.

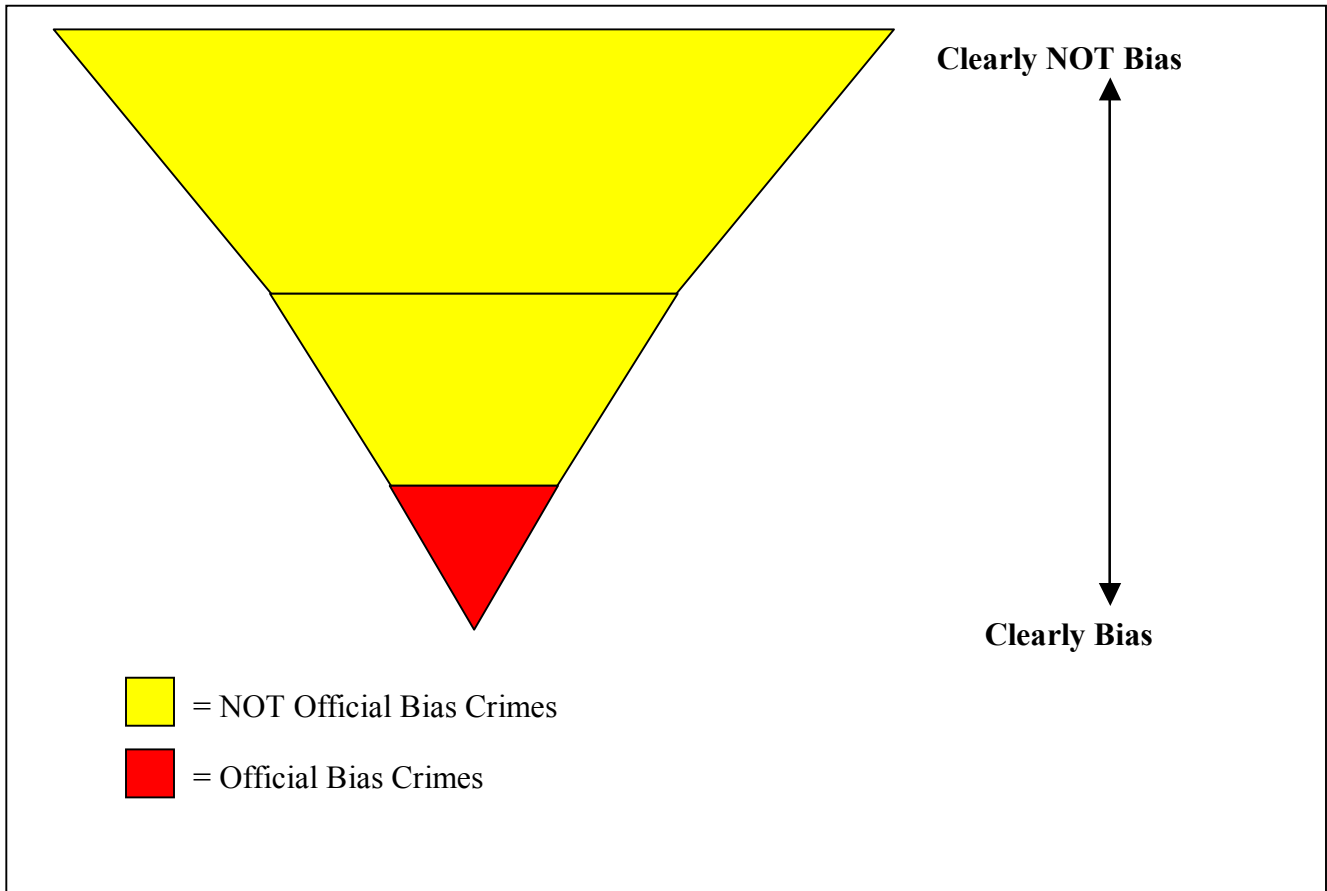
In order for the model reporting process to work effectively in most departments¹³, the specialist or unit should receive a greater number of *suspected bias crimes* than those incidents actually deemed *bias crime*. For this to happen, the patrol officers must apply a broad definition of bias crime to real life criminal incidents. The *FBI Training Guide* defines this broad definition by saying that officers identify “suspected bias crimes” and “err on the side of classification.” What is meant here is that patrol officers should identify incidents based on a broader definition of bias than the official definition of “bias crime.” The second level review, then, can review these potential bias crime incidents and apply the narrower official definition to them. Thus, through a process of refinement, it is possible for the department to produce a more precise measure of bias crime reported to the police. The following set of diagrams illustrates why initially applying a broad definition at the patrol officer step and applying the actual definition at the special review step is a promising approach to bias crime reporting.

Looking at the population of incident reports along a continuum of extent of bias motivation, we see that there are some incidents that are clearly bias, some that are clearly not bias, and others that fall to varying degrees in between these extremes. We can think of the clearly bias extreme as incidents that most clearly fit the official definition of bias crime or incidents motivated “in whole” by bias. At the opposite end, we can think of these incidents as ones that most clearly do not fall under the definition of bias (the vast majority of crimes reported to the police). Those incidents in the middle of the continuum represent incidents that are partially motivated by the offender’s bias or incidents with multiple motivations. In the following Diagram A, the area within the pyramid represents the total population of incident reports that a department generates by responding to crime incidents. Somewhere along the continuum (up the yellow area of the pyramid), there is a point where incidents can be divided into those that should and those that should not be included in the official statistics (the line that separates the yellow from the red areas). Everything that is more clearly bias motivated (down the red area of the pyramid) should be included in the official statistics; all incidents that are less clearly bias motivated (the yellow areas) should not be included in the official statistics. The Hate Crime Statistics Act defines where this theoretical point should exist as those incidents that are motivated “in whole, or in part” by the offender’s bias. This point represents the actual level

¹³ In smaller departments, there may be a chance that all suspected bias crime should be included in the official statistics. There may exist no reported incidents with bias indicators that do not fit the official bias crime definition because bias crimes are relatively rare events.

of official bias crime in the jurisdiction and the red section of the pyramid represents these ‘reportable incidents.’

Diagram A: Illustration of Official Bias versus Non-Bias Crimes



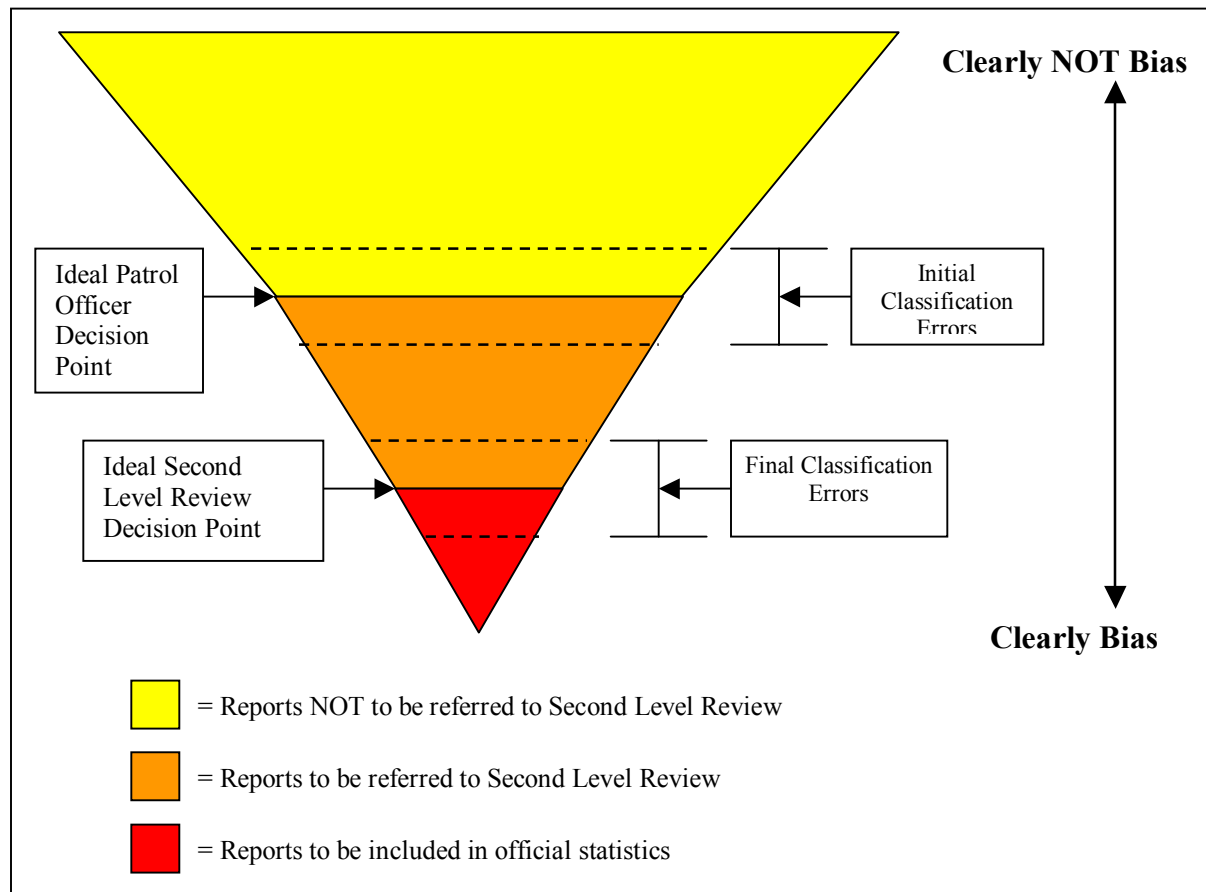
As we discussed above, the FBI model recommends that the patrol officer (the first step in the model process) identify incidents that are only “suspected” bias motivated, rather than actually bias motivated crimes according to the official definition. What this means is that patrol officers should apply a broad, more inclusive definition of bias crime to particular incidents. Practically, officers should include those incidents that illustrate elements of bias or where bias may be considered even a small part of the offender’s overall motivation. We represent the point where officer *should be trained* to identify crimes as potentially bias motivated with the line “ideal patrol officer decision point” (which separates the yellow area from the red area). This, as shown in Diagram B, creates an area that encompasses the incidents that fit the official definition of bias crime (the red area). However, patrol officer will inevitably apply their departmental

training differentially when faced with actual situations. For example, some officers will only identify incidents that are more clearly bias (down the orange area) as suspected bias and other officers will identify incidents that are less clearly bias (up the yellow area) as suspected bias. This produces some errors at the initial classification decision around the patrol officer decision point of training. Initial classification errors are represented by the dashed lines to above and below the threshold of the “ideal patrol officers decision point.” Specifically, initial classification error below the “ideal patrol officer decision point” represents an officer’s decision to only classify bias crimes that are more clearly bias than what the department expects him or her to initially classify. The line above the “ideal patrol officer decision point,” on the other hand, represents officers’ decisions to consistently classify incidents that are less clearly bias than what the department expects.

The second stage in the model reporting process is the special bias review conducted by some designated specialist. This person is responsible for refining the population of incident reports that officers forward to him or her so that the type of incidents included in the department’s official statistics only fit the official bias crime definition. Consequently, the personnel conducting the second bias review should be trained to apply the official definition of bias crime to actual incidents; this point of training is represented as by the line “Ideal Second Level review Decision Point” (which separates the yellow area from the red area of the pyramid). Like the point where patrol officer are trained to indicate bias, there is an expected level of error associated with the classification decisions of the designated second level review personnel. When they classify *only* incidents that display more bias than the minimum requirements of the official definition, an undercount results, represented by the dashed line below the ideal “Second Level Review Decision Point.” When they classify incidents that go beyond the official definition an over-count occurs, represented by the dashed line above the ideal “Second Level Review Decision Point.”

Diagram B illustrates how implementing a ‘funneling’ process, by training officers to identify potential bias incidents and the designated specialist to classify actual bias crimes, creates an ideal situation for accurate bias crime reporting.

Diagram B: Representation of Model 1st and 2nd Tier Reporting Functions



As seen above, the patrol officers are trained to identify suspected bias incidents, a broader definition than that of official bias crime. The area to below the ideal “Patrol Officer Decision Point” represents all incident reports referred to the second level reviewer (both orange and red). Unless patrol officers deviate a great deal from how they were trained to identify potential bias crimes by applying extremely stringent criteria in practice, the second level review will include for inspection most potential bias crimes. When this situation occurs, the designated specialists review can be effective and measuring the actual level of bias crimes reported to the department is possible. Here, accurately measuring the actual level of bias reported to the department is subject only to the designated specialist’s range of error. This range of error, however, is far more controllable because of specialized training the individual has received, developing a routine for each investigation, the general experience an officer has with bias crime and having

fewer people or even one person at this decision point. As a result, the designated specialist's range of error will almost always be narrower than the entire patrol forces' range of error. Therefore, bias crime statistics in departments that fit this model will be more accurate than in departments that do not implement this model.

Advantages of the Original FBI Two-Tier Reporting Model

The main advantage to the original FBI two-tier reporting process is that it is designed to remove the responsibility of making the final bias motivation determination from the responding patrol officers. Determining the existence of an offender's bias motivation in a crime incident is at times a complex and difficult endeavor. It requires officers to make judgments about why the offender committed the crime. This function goes beyond what is typically required of most officers when they respond to a crime or call for service. Bias crimes present a challenge for patrol officers because of ambiguity in the motivation and the rarity of these crime events. Most patrol officers, then, lack both the time to gather sufficient information and the experience to develop a routine for consistently making accurate bias crime classifications.

First, the existing FBI model was designed with the understanding that bias motivated crimes are unique and rare events. The vast majority of patrol officers will not see a bias crime in any given year. In Maryland County for example – a department recognized for its early attention to bias crime reporting – there are roughly fifty-five bias crimes per year over the last few years. With close to 900 responding officers, about one officer in twenty would respond to a bias crime incident in a given year. Since the typical patrol officer will rarely encounter a bias crime, his or her experience with these crimes is limited, making it more difficult for officers to differentiate what is and what is not a bias motivated crime.

Secondly, collecting bias crime statistics requires police to officially determine motive. While determining motive is a function that police frequently undertake, bias crime data collection programs are the first to require this action in an official crime statistics capacity. Some crime incidents present a great deal of ambiguity in the motivation. An incident may present the officer with some indicators of bias, such as the offender's derogatory language and the victim's perception that the offender was motivated by bias. However, there may also be an alternative explanation – for example, the victim may have taken actions that provoked the

offender's crime – thereby making the incident's motivation more ambiguous and difficult to determine.

Since determining bias motivation presents these challenges, the existing FBI model allocates the responsibility of making the final determination to a designated specialist. When responding to a call for service, patrol officers lack the time to gather sufficient follow-up information about the offender's motivation. This information may be crucial to accurately determining what led the offender to commit the crime. For example, at the scene of an assault a gay male victim may not be able to fully explain why someone attacked him or what the offender said during the attack. Some bias indication may be known to the responding officer, but not enough to sufficiently determine the offender was motivated, at least in part, by bias against gays. This might lead the responding officer to conclude that no bias existed, yet subsequent investigation may reveal that the offender was a member of a hate group or called the victim several derogatory names during the commission of the crime. In instances where the victim cannot supply information, the offender is unknown and witnesses are not present, the responding officer lacks a great deal of the necessary information to make an accurate classification. However, if some indication of bias exists, officers can forward the case to a specialist under the existing FBI model so that a detective can gather this information through an investigation.

Even when necessary information about the crime is available to the patrol officer, he or she generally lacks any experience in dealing with and classifying bias crimes because of the rarity of these events. This lack of experience prevents responding officers from developing a routine for determining the motivation of a crime. Determining bias motivation requires not only knowing what *is* a bias crime, but also knowing what *is not* a bias motivated crime. As we discussed above, it is rare for an officer to come across many bias crimes so it becomes difficult to differentiate between crimes motivated at least partially by bias (that should be counted) and crimes with bias indicators (that should not be counted). While training may help guide an officer's decisions, developing experience and routine in real world situations will provide the basis for making appropriate classifications decisions.

In sum, the existing FBI two-tier reporting process is both an efficient and effective model for police departments to accurately track bias crimes known to the police. It assigns responsibilities to the two key types of actors in the model – responding officers and the

designated specialists – according the skills and characteristics of these positions. Patrol officers lack both the time to fully investigate a crime incident and the experience to consistently determine the offender’s motivation. A designated detective – with time to investigate and experience dealing with bias crimes – will not only make more accurate reporting decisions, but will also do so in a more efficient manner. In an appropriately implemented two-tier model, the process is designed to streamline bias crime reporting by only requiring officers the broad initial classification function, while the more experienced and trained specialist performs the more difficult final classification function.

The following section assesses each site with regard to the two important components in the model reporting process: patrol officers identifying “suspected” bias crimes and the bias crime specialist or unit designated to finally classify bias crimes.

Assessment of Patrol Officer Initial Classification Step

Examining each of the sites in the current study, we found that most departments failed to implement a bias crime reporting process that followed the recommended two-tier model. A majority of these departments did not convey – either through training or in policy directives – that responding officers should classify crimes with even some indication of bias as “suspected bias crime.” At the first tier, only one police department successfully implemented an approach where patrol officer made initial classifications of bias crimes using a very broad definition. All other department appeared to have instructed officers to classify incidents according to the narrower official definition

Eastern Police Department 2 did not instruct patrol officers to identify suspected bias crimes because the department did not have any designated second level of review for bias crimes. The department, a smaller sized department that had only recently implemented incident based crime reporting, had no special second level review of bias crime incidents. Supervisors and record unit personnel were responsible for checking the quality and accuracy of the information contained in the incident reports, as part of the normal quality control procedure. However, these personnel did not engage in any specific review of crimes that officers designated as bias motivated. While records personnel continually checked and re-classified other information for reporting purposes (primarily crime type) they did not check or re-classify the officer’s bias classification. In both directions – either crime falsely coded as bias or non-

bias motivated – the officers’ original classifications were allowed to stand. In fact, it was an active decision to leave the bias crime classification solely to the officer’s discretion because the records supervisor did not see it as part of her responsibilities to second-guess patrol officers on bias classification. In this jurisdiction, the first step in the model process cannot exist as recommended because no second level review exists. Thus, responding officers are responsible for determining the actual bias motivation, rather than the more reasonable task of only identifying bias indicators and suspected bias crimes.

In departments that had a second tier or some secondary review of bias crimes, patrol officers were not orientated towards classifying bias crimes as “suspected,” as the FBI model recommends. Instead, officers in these jurisdictions consistently reported in focus group sessions, that they classified a crime as bias motivated when they believed the evidence suggested that the offender’s motivation fit the official or legal definition of bias crimes. Officers participating in focus groups frequently discussed the issue of classification with actual or hypothetical examples of what constitutes a bias crime. For example, patrol officers from Midwestern PD1 talked about the level of evidence or bias motivation necessary for them to classify a crime as bias motivated. In most jurisdictions, classification was consistently discussed in the context of ‘yes this is a bias crime’ or ‘no, this is not a bias crime’. Since officers indicated that they had classified or would actually classify bias crimes as part of their routine duties – either correctly or incorrectly – suggests officers in these departments were not functioning as the FBI model reporting process recommends. These departments required officers to first identify indicators of potential bias and also make judgments about whether the crime fit the official definition of a bias crime. Thus, each time an officer erroneously interprets indicators and classifies an actual bias crime as non-bias, the department will most likely not report the incident, negatively affecting the accuracy of the overall statistics.

In contrast to officers in other departments, EPD1 patrol officers and patrol supervisors described their role in bias crime classification as one of identifying potential bias crimes. The department instructs officers to send any suspected bias crimes to the bias crime unit for investigation. In turn, officers discussed how they would forward a crime with even a “hint of bias” to the bias crime unit. They described a “hint of bias” as crimes with bias indicators, specifically offender using bias language or the victim’s perception that the crime was bias motivated. In fact, officers explained that even though they may think a victim is purposely

misrepresenting the motivation (i.e., saying there is bias when there is not) the bias crime unit – not the officer – is responsible for making that determination. Moreover, when provided with examples of incidents with ambiguous or multiple motivations, officers would shy away from making classifications and responded that they would simply inform the bias crime unit. As one officer in the group stated, “Anything borderline, we fax it to the [bias crime unit] as soon as possible.” They understood that the bias crime unit would conduct a thorough investigation and make the appropriate classification. In this way, officers were removed from distinguishing bias motivation in crimes with ambiguous or multiple motivations as is the intention behind the model reporting process. In addition, officers in Eastern PD1 seemed to like the fact that they did not have to grapple with ‘splitting hairs’ and that the bias unit, with greater experience, would handle it for them. Eastern’s bias crime reporting process – one that fits the ‘funneling’ model – was a promising approach to accurately reporting bias crimes.

Early research suggests that one indication of how well patrol officers were following a policy similar to the FBI Model policy was the existence of incidents forwarded to the second level of review that were later determined non-bias (Martin, 1995). An assessment of the EPD bias crime unit’s records indicated that officers throughout the department, for the most part, acted in the manner suggested by officers in the focus groups. The bias crime unit officially classified about two-thirds of the incident reports that officers originally refer to the unit in 2001. This means that about one-third of the crimes that officers submitted had some level of bias indicators, yet after investigation detectives did not label the incidents as bias motivated crimes or include the incident in official statistics. This proportion of incidents with bias indicators later determined by detectives to be non-bias motivated indicates that officers followed policy and training. As discussed above, this process of refinement, where patrol officers apply a broad, more inclusive definition of bias crime and the second level review eliminates incidents that do not fit the official definition, is a model that promotes the accuracy of bias crimes statistics. This also helps insure that all bias crime victims are treated by investigators familiar with the impact of bias crimes and thus more likely to receive the appropriate services.

In other departments, interviews with the bias specialist or other secondary reviewers from records units revealed that officers do not forward these reviewers many crimes that are later re-classified as non-bias motivated. In MPD1, the detective responsible for bias crime reporting explained that he found only very few incidents that he would not include in the

official statistics. The records supervisor at SPD2 responded similarly. Although the Southern 1 incident report's bias box was labeled "suspect hate/bias motivation," it was clear that personnel did not identify bias crimes in this way. In other departments, such as Western PD1 and Southern PD1, an indication that patrol officers were not identifying all potential bias crimes was the fact that designated bias review received so few incidents even "suspected" of bias to review.¹⁴ In each of these departments, the 'funneling' process was not implemented and patrol officers were essentially responsible for making official classification decisions. Only when they decided to label an incident as bias motivated would this decision receive a review.

Assessment of Secondary Review of Bias Crimes

The second component of the "two tier" reviewing process – the bias crime specialist or unit – was not fully implemented in most of the eight host sites. According to the FBI *Training Guide*, the second level review should make the final decision about bias motivation. The *Guide* states that "In smaller agencies, this is usually a person specially trained in hate crime matters, while larger agencies it may be a special unit." The *Guide* does not specify the kind of personnel, saying only that it "can be a specially trained officer, investigator, supervisor, or specially established hate crime unit." Another characteristic is that the personnel responsible for the second level review should be "trained to the point of being experts." Finally, the guide makes no suggestions about where in the reporting process the designated reviewer should be located. Table 10 in Appendix A compares each jurisdiction's second level review step along a number of important criteria. We did not include Eastern PD2 in the following analysis because the department did not implement any second-level review of bias reports. In the present study, we found that departments that closely implemented, or even went beyond, the existing FBI reporting model had the best infrastructures for producing accurate bias crime statistics and responding to bias crimes.

One jurisdiction, Eastern Police Department 1, most fully implemented a second tier that resembled the existing FBI model. In fact, this department actually went beyond the minimum recommendations made in the FBI *Training Guide*. The second-level review in this department was a full-time bias crime unit, which consisted of more than 10 detectives, two sergeant

¹⁴ Southern 1, in particular, has submitted zero or near zero for most of the years it "participated" in the national bias crime data collection program.

detectives and was led by one lieutenant detective. The centralized unit, located in the Chief's Office, is solely focused on bias crime and most of the detectives had more than a few years experience working in the unit. These detectives are highly trained and experienced in bias crime investigations, displaying a great deal of knowledge about the subject. The unit even conducts bias crime training for other department personnel. The unit conducts an initial investigation of all suspected bias crimes that patrol officers submit to the unit. Only incidents classified as non-bias crime after initial investigation are returned to the district detectives for investigation. All others crimes are investigated completely by the bias crime unit. Typically, a complete investigation in this unit includes follow-up interviews with victims, interviews with known offenders and witnesses, witness canvasses and surveillance. Not only does this unit investigate these cases for criminal purposes, but also to determine whether bias was the offender's motivation. If so, the detectives classify the case so that it is included in the official crime statistics for the year. The unit also directly handles all bias crime reporting duties to the State Police, Crime Analysis Unit by completing and submitting the appropriate state forms.

A second department, Midwestern Police Department 1, had only recently implemented the second tier of the model reporting process several months before the site visit. This step consisted of a single detective that worked within a small, central Intelligence Unit. This detective had only limited training – one training session on bias crime after several weeks of working in this capacity – and fully admitted that he lacked expertise in bias crime identification and classification. He did not conduct investigations for any other purpose except to determine whether the incident was bias motivated or not bias motivated. According to the detective, these investigations were brief, usually consisting of some interview with the victim. For many cases, he did not conduct investigations. When he determined a crime to be bias motivated – either upon investigation or based solely on the incident report – the sergeant completed a Bias Crime Report and included the report in the Quarterly Hate Crime Report, which he submits to the State Police. Dealing with bias crime was not his only responsibility; he also worked on dignitary security details along with a variety of other duties within the Intelligence Unit. Despite these limitations, the sergeant felt strongly about the importance of distinguishing bias motivated crimes and exhibited genuine concern for bias crime victims. Indeed, the quality of the review in this department seemed to have improved with the placement of the sergeant in this position.

Western PD2 Police Department implemented a system similar to the FBI-recommended two-tier reporting process. The department designated one detective to specialize in bias crime investigation. This detective received extra training on bias crime as he voluntarily attended a training. Bias incidents were either directly referred to this detective or he was brought in to advise officers or detectives already working on the case. Overall, this detective displayed a high degree of knowledge about the topic of bias crimes and seemed to care a great deal about the issue. This was evident by the fact that he took personal initiative to attend special bias crime training in his department's region.

Structurally, the Southern Police Department 1 employed the two-tier model reporting process. Department policy required detectives to send all bias motivated incident reports to the Intelligence Unit for verification. This unit was then responsible for completing the Quarterly Bias Crime Reports and submitting them to the FBI. The unit was not responsible for investigating bias crimes, either for criminal law purposes or to gain more information for classification. Instead, the policy designates the unit to receive bias crime incidents reports for only crime reporting and intelligences purposes. Bias crime was not the sole focus of the intelligence unit either. According to one department representative who was formerly in charge of the intelligence unit, the unit is concerned primarily with drug related crimes. The lack of priority given bias crime by the unit that is directly responsible for bias crime reporting may explain why the department failed to report a single incident of bias crime the past few years. In fact, when the research team asked the unit to produce a copy of incident reports for the present year, they initially said there was none, but later produced two bias reports (for the first quarter of 2002). The Intelligence Unit did not appear to have specialized experience with or an in-depth understanding of bias crimes.

In Western 1, the Crimes Against Person Section Commander conducts what seems to be the second review of bias crimes. The "appropriate Investigation Division supervisor" (WPD1 internal policy on file with authors) sends reports to the Commander after a detective investigates this incident, although this is not explicitly clear from the department's policy. It may also be the case according to policy that a copy is sent to both the Commander and the investigator at the same time. This would mean that the commander makes classification review decisions without investigation information because they are receiving the incident simultaneously and there is no explicitly directed communication between the two personnel. Ultimately, the commander

supervises the investigation and final deciding step in the reporting process. The commander, however, told the research team during interviews that he had no special training on bias crime. Moreover, interviews revealed that the commander, described as the ‘hate crime guy’ by other personnel, had little expertise in bias crimes and displayed an egregious insensitivity to victims, by making crude jokes about potential victims and mocking the topic of bias crime in general.

Southern Police Department 2, a NIBRS certified agency, did not designate a detective or other personnel as a bias crime specialist. Officers are not instructed to forward incident reports believed to be bias motivated to a designated person or unit. Instead, the second level review was conducted by the Records Unit personnel first as part of the normal quality control procedures and secondly by a sergeant in charge of the Records Unit. The normal quality control procedure consisted of data entry operators limitedly checking the narrative with the classification. For the special bias review, the sergeant in charge of the records unit would examine each bias incident report at the end of the month to check the validity of the bias classification made by officers. She would then make a final determination as to whether the case was, in fact, bias motivated before allowing the data to be submitted to the to the state agency. Records personnel would directly make the appropriate changes to the bias crime field in the NIBRS data if needed. Aside from occasionally discussing the case with the responding officer, the sergeant did not investigate the case further. Although she was confident in her ability to classify bias crimes, she explained that she had no training on bias crime identification and classification.

Another NIBRS agency in the study, Midwestern Police Department 2, employed a similar method for the second level review. While the department did not designate a single detective or unit to investigate or classify bias crime, the department did instruct records personnel and data entry operators to review all incidents that responding officers coded as bias motivated. A clerk in records was responsible for separately examining, filing bias incident reports and highlighting the bias motivation on the incident report. The clerk did not investigate incidents in any way and only told the data entry operators about possible corrections. The data entry operators were trained on the procedures for entering NIBRS data, part of which includes some training and instruction on bias crime. However, the focus group with these personnel revealed that they might have been significantly mis-trained. They explained if the offender was unknown, the incident’s bias motivation was to be coded as ‘unknown’. Consequently, it is

possible that even very clear bias incidents with no known offender would not be included in the official bias crime statistics¹⁵.

Implications of Variations in Two-Tier Reporting Model Characteristics

Certain reporting infrastructures can have an important impact on the quality of bias crime statistics a department produces. Implementing a two-tier decision process, such as the process the FBI recommends in the *Training Guide*, clearly promotes the accuracy of bias crime statistics. The most critical step in this process is the patrol officer initial identification of bias motivated crimes because they determine the population of incident reports that enter the reporting process. At this point, we found that it is essential for departments to train responding officers to apply a broad, more inclusive definition of bias crime or to identify even suspected bias motivated crimes. ***In our analysis of local police departments' reporting processes, bias crime reporting was most effective in departments where the first step in the reporting process – the patrol officers – was responsible for only identifying possible bias crimes incidents, rather than making official classification decisions.*** As illustrated above, this ‘funneling’ process is an advantageous approach for bias crime reporting. Only officers from Eastern PD1 explained that they were not responsible for determining whether an incident was officially a bias crime or not. Officers from other departments exhibited indications that they were in fact responsible for making classification decisions according to official definitions. One jurisdiction had no second level review mechanism so officers in this department were the first and final decision step specific to bias crime reporting. When the department instructs officers to try to decide whether an incident fits official definitions, the function of the second level review is altered in a way that undermines accurate bias crime reporting. Specifically, the designated bias review acts as a verifier (one who simply checks the initial classification), rather than a reviewer (one who refines the number of reports included in the official statistics).

In order for departments to establish this ‘funneling’ process, departments must also implement a second level review step. The characteristics and functions of the second level review step play an important role in the effectiveness of the local department’s reporting

¹⁵ We reviewed the state training manual and interviewed a member of the state reporting agency to further examine this potential problem. The manual clearly states that incidents with unknown offenders should be coded as ‘unknown’ motivation. The state reporting interviewee corroborated this information, but later explained that the officers should use their discretion when following this rule. This finding points to a potentially serious problem for bias crime reporting in every NIBRS agency in the state.

process. ***By comparing the participating departments to the FBI's recommended model as well as to each other we found that a high degree of training, expertise and experience in dealing with bias crimes were all positive characteristics for accurately classifying bias crimes.***

Designated bias reviews must be highly trained in bias crime classification for the second level review to be effective and add value to the reporting process overall. In some departments, the designated bias reviewer had no bias crime training and in most other departments, the training was no more advanced than that given to the general police force. In fact, the second level review in only two departments, Eastern 1 and Western 2, had undergone special bias training. Thus, the designated bias review step in most departments did not provide any special level of expertise in making classification decisions.

Most designated reviewers were no more knowledgeable of bias crime than was the typical officer. Few reviewers could articulate more than the basic factors (bias words and symbols) they would consider or how they would determine a crime to be bias motivated or not. Most second level reviewers lacked any substantial experience handling or classifying bias crimes. In most departments, the reviewer had worked in this capacity for a short time or had reviewed a limited number of bias crime incidents. Only Eastern 1's bias crime unit detectives had worked for several years or more as bias crime specialist and as such, they had investigated and classified hundreds of potential bias crimes. Although most of the departments in the present study were large departments, only one department's designated bias review worked solely on bias crimes. In most other departments, the personnel designated to review bias crimes was part of either the records unit or an intelligence unit. Personnel in these departments had many other duties not related to bias crime.

Beyond the characteristics of the designated reviewer, two critical functions that seemed to contribute to the accuracy of bias crime statistics were 1) conducting follow-up investigations of potential bias incidents and 2) developing a routine for classification decisions. ***We found that conducting a full investigation of all potential bias crime incidents was the most promising practice for accurately classifying bias crimes among the departments examined.*** In Eastern PD1 for example, the bias crime unit investigates all potential bias incidents that patrol officer forward to the unit – regardless of seriousness or solvability. Midwestern PD1's designated second level review personnel conducted investigations, although investigations were limited and not conducted for every case. Without conducting an investigation of the incident,

the bias crime reviewer depends on the responding patrol officer's perceptions of the incident. The patrol officer completing the incident may not include much of the necessary information that either substantiates or refutes a bias crime classification. Missing information or misperceived information severely limits the ability of the designated reviewer to appropriately classify bias crimes. To solve problems with missing or misperceived information, designated bias reviewers should gather their own information by interviewing victims, witnesses and offenders or employing other investigation techniques. Most importantly, by conducting an investigation of all cases the victims of bias crimes are sent a message that the department cares about this type of violence.

Secondly, developing a routine is clearly an advantageous characteristic for dealing with the difficult task of determining bias motivation. Some departments (EPD1, again) establish explicit guidelines within the bias crime unit for classify crimes as bias motivated. The unit created checks sheets to guide investigators help them identify bias indicators; these sheets were completed for every investigation as part of the unit's standard operating procedure. The unit supervisors also required all detectives to formally document (in internal memos) every investigation action, such as interviews or witness canvasses. Importantly these memos included one that described the reasons the detective classified the crime as bias motivated, unfounded or non-bias motivated. Other police departments' second level reviews established no such procedures or routines to help guide investigations or reviews of potential bias crimes. Instead, they seemed to rely on ad hoc routine and personal techniques. In comparison, the advantage of an explicit routine is not only that it aids reviews in making classifications, but also that it helps insure that changes in personnel will not inhibit accurate reporting in the future. Overall routine likely promotes uniformity in classification decisions – a goal of data collection.

In sum, implementing bias crime reporting infrastructures is an important step to accurately tracking bias crimes. The best practice for reporting bias crimes in the present study was a two-tier review process. For this process to work, it is essential for the first tier – the patrol officer – to apply a broad definition to bias crimes and the second tier – the designated bias specialist or unit – to filter out incidents that do not fit official reporting definitions. A high degree of training and expertise in bias crime classification is necessary for the second review step. Moreover, classification decisions at the second level review work best when these personnel conduct full investigation of every potential bias incident. However, bias crime

reporting infrastructure changes are important and necessary, but are certainly not sufficient. Without effective implementation, these changes in reporting infrastructure will have little effect on overall reporting accuracy of the department. As we will discuss next, a great deal of department wide changes (in organizational commitment for example) must occur in order to accurately track bias crimes in the community.

CONTEXTUAL ANALYSIS

Any comprehensive discussion about bias crime reporting must deal with the concept of bias crime and how individual officers and departments as a whole view their role in enforcing bias crime legislation. Our prior research strongly indicates (McDevitt et al., 2001 and Balboni and McDevitt, 2002) the importance of department culture in the reporting process. Using qualitative data from the site visits, the following discussion first defines and describes departmental culture and individual attitudes in the context of bias crime. We begin with the themes of culture and individual attitudes because these concepts seem to be overarching in the field of bias crime reporting: they each provide filters for information as it proceeds through the reporting process. Following the discussions of departmental culture and individual attitudes, we explore how these concepts affect two key functions in the bias crime reporting process: recognition and classification.

DEPARTMENT CULTURE

Bias crime is an evocative topic. In our research, we found that many representatives from departments displayed indications of how they and their colleagues collectively approached the topic of bias crimes. While no department had totally homogeneous responses from all of the officers, we found that certain assumptions and orientations generally thread through responses from personnel in any particular department. In this sense, department culture represents the “lens” by which a majority of respondents in any department view the concept of bias crime; it helps to determine the ‘noise to signal’ effect while processing information from the outside world: while some things will show up on the officer’s radar screen, others will be screened out, often completely unintentionally and unknowingly by the officer. We have defined department culture as made up of organizational commitment and general sensitivity toward bias crime. The following narrative will discuss each of these aspects in greater detail.

Organizational Commitment

The first main consideration of departmental culture is the organizational commitment a department demonstrates toward bias crime in general. In the present study, organizational commitment is the level of priority a given department affords bias crime services, particularly reporting. Four measures comprise a department’s overall organizational commitment towards

bias crime services: leadership perspectives, financial commitment, symbolic commitment and general community orientation. Rather than attempting to discern which of these concepts are more or less important, we focus on how each component comprises an aspect the overall organizational commitment. Collectively, these indications of organizational commitment, realized through both explicit and implicit means, helps to shape the lens by which officers view bias crime.

Leadership Perspectives

Often, an organization's commitment towards bias crimes starts with the leadership's perspective on the importance of bias crime to their community. In great part, the department leadership sets both the financial and symbolic commitments of the organization. Although bias crime commitment may begin during prior administrations and – in some cases – as a grassroots initiative by the rank-and-file, it is ultimately the leadership that sets the tone as to how much money, time and energy is directed toward bias crime prevention, investigation, and reporting. For this reason, the centrality of leadership in designing organizational commitment cannot be underestimated.

Prior research supports this top-down direction of influence. In Wexler and Marx's case study about the Community Disorders Unit in Boston (1986), they cite that the Police Commissioner's commitment (demonstrated through the use of rewards and punishments regarding how well officers adhered to department policy about racially charged crimes) was a "critical turning point" in making the newly formed unit institutionally effective.

In the present study, interviews with police chiefs and other command staff revealed a variety of perspectives towards policing bias crime. The two heuristic examples would be Eastern PD1 and Western PD1, illustrating the anchor points of high and low leadership commitment. In EPD1, the Chief expressed personal commitment to bias crime services and bias crime victims. Referencing the city's past racial tensions, the Chief responded that bias crime is a priority in this city because "leadership is sensitive to victims concerns based on [Eastern City's] history." He expressed a sense of ownership of the problem of bias crime and the role the department would play in responding to these types of crime. In the Chief's words there is a "real commitment on the part of an administration to change that history." He went on to explain his focus was maintaining the priority of police services for bias crime: "No doubt in my mind that this [department] will continue to be a model."

Perhaps the best example of Eastern PD1's positive leadership perspective relates to the Chief's response to the challenges facing local police departments in the aftermath of September 11th tragedy. The chief here pointed out a potential for violence perpetrated against Arab and Moslem Americans, saying that there was a "new sense of emergency" in bias crimes. He was aware of the increase in reported bias crimes (citing the department's internal statistics) and took steps during the months after the tragedy to reach out to potential victims by meeting with community group leaders. His personal perspective about this difficult time and the organizational initiatives embarked on were indicative of the Chief's ongoing focus towards effectively policing bias crimes.

On the opposite end of the sensitivity continuum would be Western PD1, where both the middle management and the Chief expressed extreme resistance to bias crime services and suspicions about bias crime victims. It seemed clear that the Chief did not consider bias crime a priority. Instead, the Chief was primarily concerned with dealing with the media to minimize any negative stories in the event of a bias crime bias crime incident; he saw his position as chief as responsible for maintaining healthy ties with the media so that he could influence coverage. His suspicion of potential bias crime victims was evident by his comment about persons who claim to be victims of bias crime: "You don't want to call people liars...they'll rig 'em...they'll do whatever they can..." Another member of the command staff (a Captain) shared this opinion, saying, "What you see on the surface may not be what's going on" in response to what he considered were examples of fabricated incidents.

Other host department's leaderships expressed a perspective towards policing bias crime that fell in varying degrees between the poles of Eastern PD1 and Western PD1. The Chief of Midwestern PD1 expressed a personal perspective that bias crime was no different and deserved no special attention. At the outset of the interview he explained, "a crime is a crime" and then rhetorically asked, "Did O.J. [Simpson] hate his wife when he killed her?" While professionally he took some steps to change the priority of bias crime within the department (designating a detective to review all bias crimes), it was evident from the interview that his personal opinion was that there was no need to police bias crimes in a different manner.¹⁶

¹⁶ It is notable that his comments about the lack of value in distinguishing bias motivation were made in the presence of the head of the Intelligence Unit. The detective in charge of the Intelligence Unit supervises the detective responsible for reviewing all bias crimes.

The leadership in both Southern PD1 and Western PD1 expressed opinions that bias crime was not a problem facing the community and as such required little resources. Neither chief thought bias crimes deserved any special attention or additional resources. For example, the Southern PD1 Chief described the problem as not significant and the Western PD2 Chief explained, “it just doesn’t come up much here” and that “special programming “just couldn’t be justified in the budget.” Generally, the leadership in these departments demonstrated an ambivalent perspective towards providing services specific to bias crime.

A good example of an ambivalent leadership perspective is the way some department leaders viewed the potential for “backlash” bias crimes against Arab and Muslim Americans after September 11th. In Southern PD1 for example, the chief minimized the potential for these crimes and explained that the motivation for a recent fire at an Arab owned business had not been confirmed. In Eastern PD2, the chief felt that members of his community who were Arab or Muslim should be a “little more cautious till things settle down.” In sum, there was no sense of urgency to reach out to these potential victims during this time.

The leadership in Midwestern 2 and Southern 2 both expressed personal perspectives that bias crime was in fact an important problem. Based on his experiences with this crime as a chief in another jurisdiction, the chef in Southern PD2 recognized that bias crimes “devastated the community.” Although the Southern PD2’s Chief had a positive personal opinion about the issue, he focused most of his current attention on the broader issue of diversity. A member of the command staff in Midwestern PD2 expressed the opinion that bias crime was “gonna be a problem in this city” and went on to add “if the problem is not managed by the police, it can be terrible.” The Colonel was very knowledgeable about which laws pertained to bias crime and helped to develop the department’s policy. In sum, both of these departments’ leadership seemed supportive and acceptant of the role police should play in bias crime.

To summarize, a variety of leadership perspectives on the topic of bias crime were identified in the host sites. Some chiefs and command staff expressed a perspective that bias crime was a serious and unique problem that warranted specific police services. Other leaders conveyed a perspective that bias crimes were no different or that providing specific policing services for these crimes was invaluable. Still other leaders expressed what seemed to be a generally negative attitude for policing services specifically tailored to bias crimes. ***It is significant, then, that police leadership – which is responsible for setting the priority of the***

department – in some jurisdictions displayed negative opinions about the importance of policing bias crimes and raised questions about the need for additional policies or structures to deal with these criminal incidents.

It is important to note that although the leadership perspective is an important component of a department's overall organizational commitment, it is also incomplete. As we will examine in the next sections, the extent to which a department's overall commitment to bias crime investigation and reporting is "real" is indicated by the degree with which it implements types of symbolic and financial commitments.

Financial Commitment

Financial commitment refers to the resources that the department assigns to the investigation and reporting of bias crimes. Nolan and Akiyama (1999) described this "resource allocation" as being demonstrated through designating one officer or a unit of officers to deal primarily with bias crimes, or through the extent and frequency of training for bias crimes. Walker (1995) notes that the absence of such institutional provisions sends a clear message to officers that there is a weak commitment to bias crime in general. In the present study, the research staff examined the extent of resources allocated for bias crime services as another indication of the department's overall commitment to bias crime.¹⁷

In our research, training was one indication of setting bias crime as a priority for the department. Bias crime training generally fell under one of three categories: academy training, in-service training, or 'roll call training'. Academy training – for new hires - includes both specific bias crime training as well as trainings when bias crime is introduced as part of a broader topic, such as cultural diversity. In-service involves a designated time to discuss bias crime, with a department specialist or outside consultant sometime during the year for existing department personnel. 'Roll call' training, which is what one jurisdiction relied on consistently, involved the discussion of scenarios during roll call with line officers and supervisors. These scenarios (real or not) tested the officers as to how to handle particular situations, what penal code the behavior fell under and other relevant information. The overall comprehensiveness – extent and

¹⁷ The authors do not attempt to place any dollar amount on the extent of these resources. Instead our goal of this section is to illustrate *relative* differences between departments, as an indication of each department's organizational commitment. In addition, because our primary data source was interviews with department personnel, inconsistent reports about the level of resources (i.e. the frequency and type of training) did occur. To overcome this problem the authors tried to corroborate one interview response with others to find a common theme or response.

frequency – of a department’s bias crime training program is an indication of the degree of organizational commitment.

In general, all departments in this study reported a basic level of training around the issue of bias crime. Nearly all of the host departments implemented training programs that consisted of training in the police academy, occasionally coupled with some kind of in-service training. One way to compare the relative strength of training programs would be to assess the frequency in which bias crime in-service trainings occur (i.e. every year, two years etc). However, in some of the study sites bias crime training was a new initiative so assessing the regularity was impossible. For example, Southern PD1, Midwestern PD1 and Midwestern PD2 all recently provided some kind of mandatory in-service training because of certification requirements, a new state law and in response to the September 11th tragedy and the scheduled research visit respectively. In these departments bias crime policy and training was relatively new initiative with little evidence of resource allocation in previous years. As such the new training programs cannot be expected to be effective in shaping officer behavior at the time of the study. At best, these training initiatives in most departments we studied were an indication a new and perhaps growing priority for the department.

In a few departments the existing training program consisted of less than a combined academy and in-service training program. For example, Eastern PD2 provided training solely during the Academy when new officers were hired and Southern PD2 (in line with the new chiefs focus) provided trainings primarily on “diversity” rather than bias crime response. Officers we interviewed had scant memory of the ‘one-shot’ trainings (academy or in-service). In departments where the academy provided the one and only training on bias crimes the focus group members often disagreed as to whether the training ever occurred, much less what was covered in it. For instance, although Western PD1’s Chief responded that the department provided academy and in-service training, other members of the department said that there was no training on bias crime. Often, the Academy training seemed to lump bias crime into a broader topic, such as cultural diversity, or race relations. This minimal – but not atypical – effort in training seemed to be an indication that bias crime was not a real priority for certain departments.

Positive examples of training resource allocation were comprehensive training programs that reinforced academy with some regular in-service training. Eastern PD1’s training program included Academy-based training with mandatory in-service training for the general patrol force

every few years. The department also apparently provided some bias crime training during promotions and the bias crime unit detectives all received specialized training. Moreover, the specialized bias unit's detectives actually conducted trainings for other departmental personnel and as such provided a more grounded policing focused curriculum. While not entirely comprehensive, the department's training program went well beyond the basic trainings in other departments and was a comparatively strong indication of the organization's overall commitment.

Western PD2 implemented one variation on this model training program involving near-daily roll call trainings. Under this model, trainings occurred at every shift change, quizzing officers on how to respond to real or potential scenarios. These scenarios would then also be used as part of quarterly in-service trainings. The officers responded with considerable pride in the training model they took part in, stating that they went through training "every day" as part of roll call. While it is unknown how frequently bias crime issues and scenarios were put into the roll call training, it was clear from the interviews that the topic was not ignored. Notably, although this was a small department where few of the employees had ever encountered a bias crime, most of the personnel we spoke with were aware of the applicable state criminal code, as well as how previous bias crimes had been handled in their department. Overall, this form of comprehensive training program was a demonstration of the department's comparatively high commitment to bias crime services.

Infrastructure for dealing with bias crime and assisting in bias crime reporting is another indication of a department's financial commitment. Implementing a process of specialist review demonstrates a financial commitment, signifying that the department has chosen bias crime as an important departmental priority. A specialist review process was implemented in varying degrees in both Eastern PD1 and Western PD2. In EPD1, a larger city, a specialized unit was employed to deal exclusively with bias crimes. This unit consists of more than ten full time detectives, two sergeant detectives and a lieutenant detective – the unit's commander. In Western PD2, a small city, one detective had attended specialized trainings and was viewed by other officers as the contact person if they were to ever encounter a potential bias crime. For a small city – serving approximately 50,000 people – allocated a single detective to specialize in bias crime investigations and assist in reporting seems to the leadership of the Department as a

reasonable resource allocation. In both departments, there was a relatively high degree of infrastructure resources allocated towards policing bias crimes.

Most other departments in the present study allocated comparatively fewer infrastructure resources for bias crime services and bias crime reporting in particular. Western PD1 included bias crime duties as part of the Investigations Unit's overall function, but this unit had no specialist in bias crime and crimes were not assigned based on potential bias motivation. Midwestern PD1 established a single detective in the department's Intelligence Unit, who has only reporting duties and conducted limited investigations in this context. Southern PD1's bias crime infrastructure resources also included assigning reporting responsibilities (only) to the Intelligence Unit as part of its overall duties. However, there was no indication that personnel in this unit were specialized in bias crime response or reporting. Southern PD2 assigned a review responsibility to the Records Unit supervisor and Midwestern PD2 allocated some review responsibility to a civilian records clerk. In none of these departments was bias crime the sole responsibility of persons or units designated to handle bias crime reporting.

To make clearer the relative differences between the study sites, the table below compares each city's bias crime infrastructure, population and total crime index. As Table 11 shows, cities with similar sizes or reported crime volumes had at times markedly different levels of bias crime infrastructure. For example, Southern PD1, Midwestern PD1 and Eastern PD1 each share similar sizes and reported crime volume, yet only EPD1 displayed a high degree of specialized bias crime infrastructure (a full time detective unit). The authors realize that not all departments have the means to implement resources in the extent that Eastern PD1 has done. For large departments, however, failure to implement any specialized personnel – meaningfully involved in criminal bias crime investigations – is a clear indication of low resource allocation. Similarly, in the two small departments, Western PD2 had a specialized detective who was designated to investigate all bias crimes, while Eastern PD2 had no specialized resources for dealing with bias crime.

Table 11: Comparison of Bias Crime Response and Reporting Resources, City Population and Total Crime Index

	Population Group	Total UCR Crime Index	Bias Crime Infrastructure Resources
Eastern PD1	400,000+	30,000+	Specialized Bias Crime Detective Unit (10+ total detectives; Investigation and Reporting Duties)
Western PD2	50,000 – 99,999	1,000 – 1,999	Part of Specialized Detective (Investigation and Reporting Duties)
Midwestern PD1	400,000+	30,000+	Part of Specialized Detective (Reporting Duties Only)
Southern PD1	400,000+	30,000+	Part of Intelligence Unit (Reporting Duties Only)
Southern PD2	100,000 – 150,000	6,000 – 7,999	Part of Records Supervisor (Reporting Duties Only)
Eastern PD2	50,000 – 99,999	2,000 – 2,999	None
Western PD1	300,000 – 400,000	10,000 – 14,999	None Designated; Part of Investigations Unit (Reporting and Investigation)
Midwestern PD2	300,000 – 400,000	20,000 – 24,999	Part of Records Clerk (Reporting Duties Only)

In summary, the financial commitment is instrumental in communicating a department commitment to the investigation and reporting of bias crimes. Several departments implemented a relatively comprehensive training program around bias crime with a high degree of infrastructure resources allocated for policing bias crimes. This was not the norm among the

participating departments, however. In most departments the financial commitment for bias crime services was low, consisting of a less than comprehensive training program and relatively few resources dedicated to policing and reporting bias crimes. As a result most departments did not organizationally provide real resources to help officers make accurate bias crime reporting decisions. Moreover, simply organizing training or appointing a specialized officer is incomplete when done in isolation of other types of commitment.

Symbolic Commitment

The final type of commitment we identified was that of a symbolic commitment. In many ways the leaderships perspective and financial commitments are indeed both examples of symbolic commitment. As we described earlier, the extent of these commitments sends a message about the importance of bias crime to personnel throughout the department. For example, implementing a unit to specialize in bias crime investigations is a symbol to other department members that bias crime investigation is a priority. Symbolic commitments, however, can also take the form of other initiatives beyond resources and leadership that indicate a department has given bias crime services a distinct priority. Examining the host sites, the departments demonstrated various degrees of symbolic commitment towards providing bias crime services.

Most departments displayed a basic level of symbolic commitment by maintaining a departmental policy on bias crime response and reporting. These policies usually illustrated the seriousness of bias crime, described characteristics of them and provided directions for police response. On the surface these policies make an official statement about the priority of bias crime services within the department. Although policies and procedures about bias crime are examples of symbolic commitments, as prior research on policing has indicated, effective symbolic commitment involves more than simply maintaining an official policy. Walker summarizes the impact of symbolic commitment (1995):

The history of American policing is filled with examples of innovations being undermined because of rank and file officer perception that the department is not serious about the matter and that the new unit or program is really an exercise in public relations (p. 33).

As such, there may be a policy, but if no one pays attention to its implementation, then its influence on the ‘street level’ response to bias crimes is nil. As Wexler noted, particularly in larger departments, new policies come out almost daily; how well officers absorb each policy has to do with whether the officers feel “this one” is “serious” (1986). For instance, Eastern PD2 had a detailed policy, but when asked about the policy, one officer in EPD2 described the official policy handbook, “We measure that book by the pound, not by the page.” It is only through reinforcement by employing a system of rewards and punishments that such policies become ‘real’ for officers. We will now look at how a department in the present study employed recognition and accountability.

Eastern PD1 provides an excellent example of an effective symbolic commitment. First, the bias crime unit is located physically and administratively within the commissioner’s office, which gave the unit status within the organization as a model unit. As the Commissioner explained, this helped insure that the unit would receive sufficient resources and remain intact – that is other units could not “borrow” detectives. Secondly, all detectives that worked in the specialized unit volunteered and were selected through a competitive process for placement and, as such, they viewed this assignment as a reward. Another example of how the department sent a symbolic message of the importance of bias crime services was that a recent commander of the unit had been promoted to the command structure based, in part, on his role running the bias crime unit. Moreover, the current Commissioner was able to name several of the unit’s detectives during the interview, describe positive examples of their work and described them as “absolutely committed” to dealing with bias crime. Finally, the Commissioner reported that he saw an increase in bias crime statistics as “good news,” since it meant that the police were connected with the community and being made aware of the crimes being committed. These positive examples of symbolic commitment sends a clear message to officers that they will not be penalized for indicating bias on an incident report. In no way was a symbolic message sent to the officers that would lead them to conclude the organization wished to suppress bias crime statistics. In sum, the clear and consistent symbolic messages speak volumes about the role and importance of bias investigations in the department.

In contrast the Southern PD1 displayed a lack of positive symbolic commitment. Although they had an official policy, the policy had no ‘teeth’ in directing officer’s behavior. The department with jurisdiction of over 400,000 people failed to report a single bias crime for

several of the past few years. Despite this clear failure to participate meaningfully in the national data collection program, little organizational change has taken place around this issue. The Chief, for example, recognized some of the department's problems with accurate reporting – stating, “I’m not saying that some of these reports don’t fall through the cracks, that can happen” – but failed to follow-up on the department's reporting problems. The department had not sent any message to the rank and file officers that the problem should be solved; officers were not sanctioned for failing to report bias crimes nor was the Intelligence Unit pushed to conduct their bias crime reporting responsibility more effectively. In other words, for years the Intelligence Unit investigated and reported few if any bias crimes, yet the department did nothing about this. Thus, a general lack of oversight and accountability around this issue sent a clear message to personnel within the department that bias crime reporting was in no way a priority.

Community Outreach

Organizational commitment is also embedded within the department's general orientation around communication with its community. In this study, we found evidence that each department approached its community differently. While some departments felt that their job was to develop relationships and work in conjunction with the community, others were more suspicious of the community or felt that the police required little if any input from the community about how to best police the jurisdiction. Whereas EPD1's mission (as expressed in interviews as well as official department literature) clearly states its role to work with the community and address the community concerns, other departments, such as Southern PD1, did not appear to make the community such a significant partner in their jobs. Each department approached its role with the community uniquely.

In one example, Eastern PD1 viewed bias crime as a community issue to which they needed to tend, not unlike gang violence; it was a point where the community and police needed to come together to communicate and collectively problem solve. In contrast, other departments did not promote such reciprocal relationships. Southern PD (in both interviews and, by omission in department literature) did not incorporate community-policing initiatives into their departmental strategy, and therefore had few established links to the community about any issue, much less bias crime or racial tensions. Western PD2 seemed to hold an orientation that was similar to Eastern PD1. This sentiment was cogently portrayed when we asked a supervisor

whether there had ever been any problem with vandalism on mosques post September 11, 2001. His response that he didn't know if Western PD2 had any mosques seemed to bother him, and immediately after the interview, he grabbed a phone book and began to look up whether and where any mosques were. "You've got me thinking. I should know this!" His approach that information could be useful in policing typified how most of the officers we spoke with in that department seemed to feel. He clearly perceived of the "utility" of this information in community relations for the department (Nolan and Akiyama, 1999). However, a number of the other departments we visited did not have this outlook about information.

In summary, the extent of community outreach and partnership seemed to be associated with better bias crime reporting practices. In those communities with a community policing approach that stressed broad based partnerships the issue of bias crime seemed to be viewed as a more important issue and thus it was more important that it be dealt with properly and documented properly. In more traditional departments where the community was viewed as people who need to be served, bias crime and the accurate documentation of it was viewed as less important.

Summary: Overall Organizational Commitment

The components of organizational commitment work *collectively*, in that, if one component is present but the others lacking, the effect of the commitment is diluted. When all four components are strong: a financial commitment via training and other resource allocation, a commensurate symbolic commitment with rewards and consequences, strong leadership and community outreach, then a consistent message is sent to the members of the organization. Most clearly Eastern PD1 and Western PD2 provide the best examples of solid overall organizational commitment in the present study.

There were a number of examples of lower levels of organizational commitment. In Midwestern PD1, the department had recently assigned a detective to collect bias crime statistics, demonstrating some financial commitment. However, there was no institutionalized specialization or "memorable" training curriculum, nor was there any symbolic commitment or strong leadership message that bias crime was an important topic. In fact, this detective completed his own investigations outside of the regular investigation process and rarely communicated with the criminal investigation personnel, making the bias crime reporting

process insular instead of coordinated. The sum of the calculus, then, despite a financial commitment, was a very weak organizational commitment.

Midwestern PD2 also demonstrated pieces of organizational commitment. One senior staff member there expressed a departmental commitment to “recognize and respond” as well as to “repair the harm” of bias crimes. So although there was a personal commitment by the Chief to closely work bias crimes, there did not seem to be a commensurate institutional or financial commitment.

General Sensitivity

The second major component of department culture is general sensitivity. We define general sensitivity as the collective orientations of police personnel towards the concept of bias crime in given department. In the previous section, we focused our attention on the organization and its leadership. Now, using information from qualitative interviews and focus groups we primarily examine the value and importance patrol officers, detectives and front line supervisors place on identifying bias motivation and policing bias crimes. While not conclusive, policing research has suggested that officers behave in many ways in accordance with their peer’s shared norms and values. As such, department line personnel’s collective responses about the issue of bias crimes can reveal a great deal about the way departments provide bias crime services.

In our research in these host departments, we found various levels of general sensitivity towards the topic of bias crimes. We use the responses from several questions to assess the extent to which a department’s personnel seemed to collectively be open to identifying and policing bias crimes differently. Specifically, we assess personnel’s perceptions on: the overall value of policing bias crime, whether officers believe that bias crimes are really different from other crimes, the seriousness and extent of the problem within their community and whether bias crimes warrant additional resources. We also examined their perceptions of bias crime victims as a source of information. A focus group methodology, which is designed to obtain common group responses, helps add validity to our conclusions about general sensitivity. Clearly, responses to these questions were not uniform throughout personnel in any given department; yet common themes around these issues seemed to emerge that were noticeably different between departments. In the study sites, department personnel fell into three categories: sensitivity, ambivalence and resistance.

Some departments approached bias crime with *sensitivity*. Most personnel with whom we spoke to in both Eastern PD1 and Western PD2 responded that distinguishing bias motivated crime was a valuable police function. Frequently, responses in these department showed that personnel recognized bias crimes were different from other non-bias offenses of similar types. Personnel from these departments usually felt that bias crimes could be a harbinger for future violence or impacted the victims differently and should be treated as serious no matter how severe the underlying offense might be. These departments saw bias crimes as a barometer for race relations and a tool to better provide policing services to the community (EPD1).

At the opposite end of the continuum, some departments showed *resistance* towards the concept of policing bias crimes. In Midwestern PD1 and Western PD1 personnel articulated a sense that bias crimes were not a valid crime classification. In these departments, many officers believed that it was a solely political concept, devoid of any value for officers in general. For example, an entire group of patrol officers in Midwestern PD1 railed against the allocation of any police resources for bias crime and the detectives were dismissive that bias crimes ever occur. “Just because something is a bias crime doesn’t mean it is more serious.” In these cases, officers begrudgingly complied with department orders, despite feeling that the notation of bias was unimportant. In Midwestern PD2, the officers echoed this sentiment: “In this city, we have a statute for everything.”

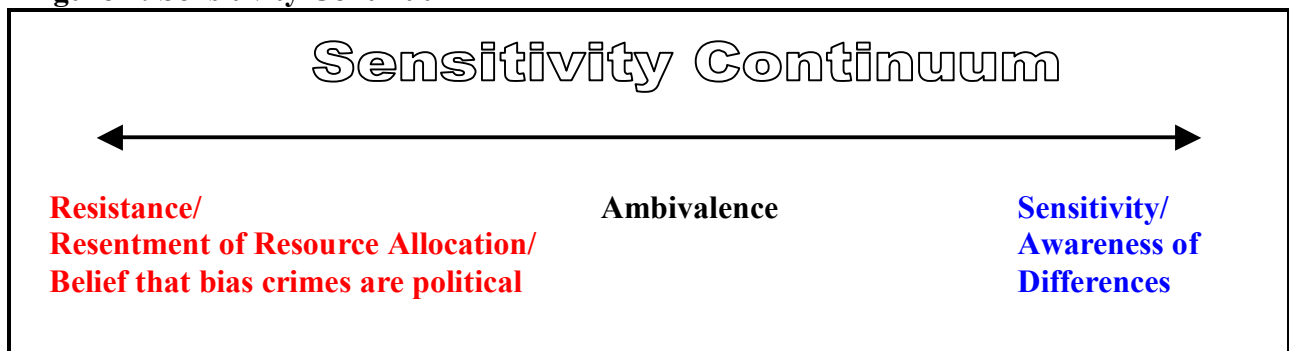
In tandem with the feeling that bias crimes were solely a political issue, these same officers expressed resentment that bias crimes took scarce resources away from other, more important crimes. This, in turn, also bred animosity toward bias crime victims. In this sense, bias crime procedures were seen as similar to affirmative action as ‘entitlements’ for certain groups above others.

Midwestern PD2 positioned itself on this side of the spectrum, although it seemed to do so over gross and widespread misinterpretations of the local statute and policies. There, personnel relayed confusion about how to define bias crimes, saying they thought that they were supposed to consider all domestic violence cases bias crime. They expressed a great deal of hostility towards this erroneous proposition. Although this is, in point of fact, not accurate, the belief was fairly widespread and raised considerable resentment that many inappropriate victims were singled out for special attention.

Somewhere between these two extremes of sensitivity and resistance is general *ambivalence*. These departments neither considered bias crimes as separate from other crimes, nor did they openly think bias crimes were not serious. Mostly, they did not think much about bias crime at all. A key common theme in these departments was a focus on dismissing the existence of bias crimes as a problem in the community. Throughout Southern PD1, for example, personnel had a languid approach to bias crimes because, as they put it, “people are laid back” and “tolerant” in the community. One representative relays her thoughts on incorporating bias crime into the normal supervisor activities of the department: “We’re not looking to revamp anything.” Another sergeant relays this frustration: “Most of us still don’t understand what it is.” When reactions about bias crime fell in the middle of this continuum, the department had sometimes lumped bias crime with broader issues, such as diversity, racial profiling or race relations.

While one component alone will likely have little effect on the department culture, when these components are all at a high level, the general sensitivity is elevated. When all of these components are low, then sensitivity toward bias crime is also usually low. Taken in totality, organizational commitment to bias crime sets an important tone for officers with which to view bias crime. It either marks bias crime as a distinct priority, or by omission sends a message that bias crime is not important.

Figure 4: Sensitivity Continuum



Perceptions of the Victim

As would be expected considering the range of opinions around the general sensitivity about bias crimes, departments generally had similar perceptions about bias crime victims. Some

personnel from departments in this study felt that bias crimes had differential impact on victims. One officer from Western PD2 illustrates this sensitivity found in these department by referencing bias crime victims' immutable characteristics, "You start to ponder things... When you see how bad it is—you understand... You just can't fault someone for something they have no control over [such as race]." Other departments showed sensitivity that bias crime victims are often afraid of the police and that consequently the police need to make additional efforts to reach out to these victims. A detective from the Eastern PD1 stated, "Foreigners are afraid because of past experiences in the old country with police."

While some felt this group of victims needed distinct care and consideration, other departments were suspicious of potential bias crime victims. Wexler noted this opposition in his study of the implementation of one bias crime unit, where victims noted that they felt that the police were not only insensitive to their concerns, but that they "sided with the attackers" (1986). We found considerable evidence of this disdain in certain departments. As one officer in Southern PD2 stated: "It's not unlike rape where way more than 50% are false claims." Representatives from Western PD1 also strongly relayed this sense of skepticism, "You don't want to call people liars, but you don't want to be used.... They'll rig 'em... they'll do whatever they can..." "What you see on the surface may not be what's going on."

But the department culture around bias crime victims is ultimately embedded within its attitude around victims in general. With the exception of the line officers (and Eastern PD1 and Western PD2, discussed below), responding to victim considerations – bias or otherwise – seemed foreign to many of the representatives we spoke with; they simply perceived their roles in a more traditional law enforcement capacity. Most representatives saw the department's role as one primarily of law enforcement: investigating crime scenes and apprehending offenders. In fact, most representatives from departments stated this in unambiguous terms. Even when researchers asked about what role the department played with the victim, these concerns were simply brushed aside, stating that it wasn't part of the job at that agency.

Perhaps the starkest example of this occurred in Eastern PD2, a site we visited only weeks after the September 11th bombing. This was a time when national news media was giving considerable time to covering anti-Arab backlash crimes, and even the President had issued a warning to citizens not to stop targeting innocent Arab Americans for attacks. However, when we asked about if the department was doing anything to work with victims proactively, the

officers shrugged, stating that they thought it might be a good idea for people of Arab descent to maintain a “low profile for their own protection.” To be clear: the officers were in no way being glib; they seemed to sincerely believe that a low profile would be the appropriate response for these people. The officers from this department seem to feel no obligation to initiate any actions to prevent potential incidents. They felt that they were only responsible to react if an incident occurred. At the same time, they quickly re-directed the discussion to point out that they had a September 11th point person whose job it was to pursue leads on “terrorist cells” in this community.

Not every department saw their sole objective as responding to crimes. Eastern PD1 saw victim outreach as an integral part of policing in their community. In these departments, specialized officers would meet fairly regularly with gay and lesbian groups, as well as other minority groups¹⁸.

Responding officers seemed to be the important exception in this tendency to view law enforcement as the primary role for police. While it is true that most representatives saw their role as one exclusively of investigating crimes and arresting suspects, there seemed to be a natural empathy among line officers toward victim concerns. Perhaps because they are the personnel in most intimate contact with the victims, even in the most resistant departments (such as WPD1), there seemed to be a recognition that victims did have needs in the investigation and criminal processes, and that the police could, in varying degrees, have some impact on those processes for the victim. Still, whether this natural compassion manifested itself in any way to help the victim through the process seemed to be shaped by the organizational commitment.

Summary of Departmental Culture: Organizational Commitment and General Sensitivity

Departmental culture, then, shapes in many ways by the organization’s commitment to bias crime, and the tone of general sensitivity—if not a product of that commitment—unquestionably is intimately related. Still, the responses by the line officers that we spoke to in nearly every department cannot be underestimated. These responses suggest that although

¹⁸ Qualitative interviews were also held with the bias crime specialist another Western City and although this city was not an official site for this study, the officer’s remarks on this topic were particularly salient. Specifically, he recognized that the arrest rate for bias crimes was fairly low, and stated that although this was of course a priority, helping the victim was something that the department absolutely could follow through with, whether or not someone was apprehended.

organizational commitment plays an important role in helping officers understand bias crime and the appropriate institutional responses, officers will also form their own opinions, and as is suggested in prior research (McDevitt et al., 2000), their interactions with victims will weigh in when considering bias crimes. It is these officers who deal with the victims of these crimes and these officers who have the greatest ability to see the legitimacy of these allegations and the pain of these victims. Next we will look at the attitudes of individual officers.

INDIVIDUAL OFFICER ORIENTATION

As with previous sections is based on information obtained from focus groups and interviews conducted at each site. We cannot determine how representative those we interviewed were of the opinions of the entire organization. As noted in the methodology section we spoke to the agency leadership and those directly involved in bias crime reporting process in each organization, but when dealing with patrol officers and supervisors we just asked for a sample of officers to be made available. Our conclusions are based on this rather unsystematic sample.

In general, police just as most other professions, are culturally resistant to changes in their roles and responsibilities (Manning, 2002, Walker and Katz, 1995). Early research on the law enforcement role in bias crime investigations established that officers could be resistant to bias crime policies and data collection efforts (Martin, Boyd Berk Hamner, 1996). Researchers have attributed bias crime policy implementation ‘resistance’ to a number of police concerns, including beliefs that bias crimes: (1) are no different from other crimes, (2) are too ambiguous to properly identify, (2) inappropriately punish speech, (3) do not deserve special treatment, additional resources or additional punishment, and (4) are just a political opportunity or example of identity politics. In the present study, researchers explored officers’ opinions about the general concept of bias crime and how these opinions might affect accurate bias crime reporting. We found a variety of perspectives about bias crime policy, both positive and negative, that seemed to influence the bias crime classification decision.

Resistance

Throughout the focus groups and interviews, some police personnel were resistant to the concept of bias-motivated crimes, displaying negative opinions or perspectives about the subject. Overall, officers who were resistant saw very little or no value in differentiating between crimes

motivated by bias and crimes with other motivations. They expressed an opinion that law enforcement, in general, and their own departments should not be concerned with handling crimes according to motivations. Instead, they expressed an opinion that bias crimes should be handled in the same way the police deal with more traditionally recognized crime types. In individual policing duties, these officers failed to recognize any operational utility in understanding the difference between bias and non-bias crimes. However, in line with past research, respondents gave a variety of reasons for why they thought there was little value in policing bias crimes.

First, some officers expressed an opinion that there was no real difference between bias crimes and non-bias crimes. We heard on several occasions the argument against bias crime policy that a “crime is a crime.” By either ignoring obvious differences or misunderstanding the concept altogether, some officers explained that “hate” is part of every crime. For example, one officer (MPD2) expressed the view that “hate crime is basically an opinion.” With passive agreement from the rest of the group, one veteran officer (SPD2) said, “most of us really don’t believe in hate crimes because every crime is a hate crime against someone.” Others based their opinion about the lack of difference in terms of victim harm: “a homicide is a homicide and it doesn’t matter whether it was motivated by bias, the family still suffers the same, the person is just as dead.” Another officer stated: “Just because something is a hate crime doesn’t mean it is more serious.” The perception that no fundamental difference exists between bias crime and non-bias crimes is a strong source of officer resistance.

Another common reason some police saw no value in distinguishing bias motivation from other motivations was the idea that bias crime policy was solely a political concept. Generally, police who expressed this opinion contended that policy-makers and politicians imposed another policy on police without considering the demand on law enforcement. Some of these opinions seemed to be based on the idea that bias crime policy is the result of political opportunism or identity politics on the part of politicians trying to win the minority vote. Patrol officers from MPD1 were adamant that “it’s [bias crime] political” and that bias crime policy came about only because of a “political ball rolling” in a “highly charged environment.” A belief that bias crime policy constitutes reverse discrimination towards whites – or a double standard – was also an important basis for resistance. As one detective (SPD2) discussed, “Hate crimes receive more attention because the victim is a member of a particular group and that is unfair...bull crap.”

Another respondent (EPD2) commented that, “you’re always going to offend someone – well not always, but most of the time – so how is that different? Why is the white person more wrong?” Thus, politics in general and, a more specifically, identity politics or the perception of special treatment for minorities is associated with some police attitudes against bias crime policy.

Lack of understanding of the bias crime concept was itself a strong source of officer resistance. We already discussed how some officer saw no difference between bias and non-bias crimes because “hate” was part of all crimes, failing to recognize the difference between ‘hating’ someone and bias against a minority group. Other police personnel had even broader misunderstandings of the topic. In Midwestern PD2, personnel in several focus groups thought that domestic violence incidents were now considered as ‘bias crime’. These officers were upset by the (mistaken) notion that all domestic violence was a bias crime. In addition, police derive their opinions that bias crime policy is solely the result of identity politics, in part, from a misunderstanding of bias crime law and policy. Specifically, these officers argued that bias crime laws only protect against minority victimizations, when in fact they focus on bias against broad characteristics: race, gender, sexual orientation and ethnicity. While bias crime laws were, in part, the result of a need to protect those groups most frequently victimized, such as racial minorities, gay persons and certain religions, the law is uniform in its prohibition of violence based on any bias. Thus, confusion about “hate” versus “bias,” general lack of knowledge about what is a bias crime and the inappropriate belief that only minorities are victims of bias crime all present a source of resistance against these policies.

Lastly, permeating arguments against bias crime policy is the issue of limited resources in policing. Whether police believed that bias crimes are no different (“a crime is a crime”) or that they are solely a “political” concept, most agreed that they deserve no special attention. Officers disagreed with departmental policies that instructed them to treat all bias motivated crimes as serious crimes. Throughout focus groups, police who were resistant expressed the opinion that the underlying crime (assault, murder) should be the basis for priority, not the kind of crime. Some contended that police now have to deal with a completely new category of crime, one that requires more training and additional resources. In their opinion, their time and the department’s resources are better spent on issues that are more important. As a result, minor crimes (threatening, intimidation, harassment and vandalism) are crimes that these officers afford little attention to, regardless of what motivated the offender. Moreover, when officers possess attitudes

that bias crime policy is “overkill,” they often become resistant to the concept entirely. Consequently, by focusing on why bias crimes are not ‘special’ or ‘more serious’ these officers fail to recognize the uniqueness of bias crimes.

Acceptance

In contrast, some officers expressed positive attitudes towards law enforcements role in bias crime. Generally, these officers saw value in determining the bias motivation of the offenders. They recognized a fundamental difference between bias crimes and non-bias crimes. When asked about value of differentiating bias crimes and non-bias crimes, one detective (MPD1) pointed out, “Oh yeah, they should reflect bias because some things [crimes] would not happen if it is not bias.” Another (WPD2) equated bias crimes to stranger and acquaintance sexual assaults, suggesting that these two kinds of crimes and their victims have unique characteristics.

One reason some police agreed that there was value in treating bias crime differently was the potential for greater victim harm. As one officer (EPD2) responded, “we take it seriously,” the difference is important because in bias crimes an “offender sees the victim as not human, so risk [in bias incidents] is high.” Others explained that determining bias might be helpful in preventing future crimes perpetrated by the offender. One officer (SPD1) discussed this point by saying, “definitely it [bias] plays a part...the offender is likely to do it again it might be worse...might be more severe or turn into a murder...first time battery, second time murder.” Similarly, a supervisor (SPD2) made clear that bias crimes “are more dangerous because of repeat victimizations. We want to know if there is a perpetrator going after certain groups. Recognizing trends, we can stop future victimizations.” In this way, officers established that determining bias was worthwhile, yielding benefits in both their investigative responsibilities and when dealing with victims.

While some other officers expressed an opinion that distinguishing bias crimes was of little value for policing, they saw benefit in the increased penalties. These officers held the belief that there was no inherent benefit to determining bias motivation, yet because bias crimes might yield more severe punishment, they were in favor. Even officers with decidedly anti-bias crime attitudes saw the potential for additional punishment based on a bias charge as a valuable possibility. For example, officers in MPD1 explained that there was some value in determining bias for sentencing purposes as an aggravating factor. Similarly, another officer (EPD2) stated

that “charge him with as much as you can; one will stick,” suggesting that an additional bias charge would provide an additional bargaining tool during plea negotiations. However, despite seeing this value in sentencing, many of these officers believed there is no benefit to the police role, apparently failing to recognize that police must document bias motivation if prosecutors are to use bias motivation in court.

In our sites, we found diverse opinions and attitudes about the general concept of bias crime. Many officers exhibited an attitude of resistance towards law enforcement’s role in policing bias crimes, expressing the opinion that there was no benefit to it. Others, recognizing and explaining why they believed there was value in considering bias, had positive or accepting attitudes towards law enforcement’s role in this new area. Making a normative judgment about the appropriateness of some of these attitudes and opinions is not the goal of this study. Instead, as we have done in the past sections, we sought to only describe the various officer orientations toward bias crime policy. In the next, section we attempt to establish a link between these attitudes and opinions and officer decision-making around bias crime recognition and classification.

KEY DECISION MAKING FUNCTIONS

When police are contacted about a criminal incident or otherwise identify that a crime has occurred, a patrol officer usually responds and conducts an initial investigation. The officer collects information about the incident by surveying the crime scene and interviewing – when available – victims, witnesses and suspects. Some of this information is documented in an official police incident report. Here the officer makes some judgments about what has occurred based on the information that they collect. For example, the officer decides what crime type the incident involves (simple assault or aggravated assault, etc). For some crimes, investigators conduct a follow-up investigation collecting more information that often provides a clearer picture of what really occurred. As a result of this follow-up information, a different picture of what type of crime took place may appear.

To identify bias crimes a similar process must occur, but in this instance additional information may be collected in an attempt to identify the offender’s motive. Responding officers collect information about the motive in the ways they typically gather information about

other kinds of crimes, such as interviewing victims, witness and suspects. Then, based on the known information some judgment must be made about the offender's motivations. Like the process described above for all crimes, investigators may collect further information that may change the initial belief about the offender's motivation. While a variety of steps occur at different points in the reporting process, the key functions that take place, in simply terms, are the collecting of information and making judgments from it. Thus, we distinguish two major decision-making functions in the identification of bias crimes: Recognition and Classification. We think the process can be viewed from these two perspectives and that failure in either function will result in an inaccurate measure of bias crime reported to a department.

As discussed in an earlier section, infrastructure critically affects the dynamics of the recognition and classification functions. The infrastructure set-up of a department's reporting process can change the degree to which certain actors perform these two key functions. If a department had no additional review of bias crime recognition and classification functions, these decisions would solely rest with the responding officer. If a department had a second level review that did not conduct further investigation, then the reviewer may assist in classification, but is highly dependent on the responding officer's recognition and initial classification. On the other hand, in departments that practice the policy of further investigating all bias crime incidents, then the review step can enhance a great deal of both the recognition and classification functions. However, the importance of the patrol officer cannot be understated in any reporting process because both the recognition and the classification functions are dependent on the initial information gathering efforts of these personnel. In the following sections we examine the ways important contextual factors (department culture and individual attitudes) may influence how both recognition and classification functions performed by police personnel.

Recognition Function

Recognition represents the first step in the bias crime reporting process. This point of entry for police begins with the responding officer initiating his/her investigation of the incident. *Recognition involves becoming aware of potential bias indicators and collecting information about them either internally or by documenting it on the incident report. This is primarily an objective function regarding the collection of facts.* Examples of this function include: asking

victim's about the offender's possible motivations; identifying the characteristics of the offender and victim (e.g. racial difference) and general relationship between offender and victim (e.g. strangers, friends); and understanding lack of provocation as an indication of bias. At this point, officers either might or might not notice signs of bias such as utterances, tattoos, symbols, or other information that might help draw conclusions about motivation. Recognition is an important function in the decision-making process because all classification decisions are built upon accurate information. When the responding officer either misses cues of bias or fails to understand their significance as indicators of bias, then classification (the judgment about motivation) is made by default.

Situational Factor: Severity

Based on our analysis the most influential situational factor that impedes the recognition function is the issue of severity. For many law enforcement agencies the concept of bias crime is relatively new and complex and, as such, presents challenges to law enforcement. Our research revealed that two perceptions around the issue of severity could influence the way law enforcement officials perform the recognition function. Interestingly, these include both the way some personnel perceive bias crimes as only representing the most serious *types* of crimes and the value given bias as determining the overall severity of a crime. In both cases less severe underlying crimes would be subject to recognition errors.

First, the decision about whether or not 'lesser' crimes could be considered bias crimes was a difficult one for many of the officers we interviewed. Bias crimes are often equated with major nationally known events, such as the murder of James Byrd or Matthew Shepard, where the level of injury was particularly serious. As an experienced bias crime detective in Eastern PD1 explained, "people see 400 hate crimes and think 400 cross burnings, but that's not the case." Because bias crimes are infrequent events the media portrayal of these crimes, which tends to focus on the atypical very serious crime, plays a bigger role in shaping officers perceptions of bias crimes than perhaps other crime types that officers have more experience dealing with. The extent to which officers and departments viewed bias crime in this way would likely influence recognition.

Secondly, traditional police practices, for the most part, allocate a hierarchical value to crimes based on overall 'severity'. The crime type (assault, vandalism etc) is afforded a great

deal of weight in the determining of the level of ‘severity’. Observing the status of certain crime types in traditional policing, we see that murder and rape, for example, are generally considered more severe than crimes of assault and battery or larceny. Certainly a myriad of factors affect the importance policing organizations and individual officers give to different types of incidents. The level of injury or monetary loss, police as victims, crimes politically sensitive to the local politicians, to name a few all influence the overall ‘severity’ and importance of a crime. In many ways overall severity, then, also predicts the way individual officers and police organizations focus time and resources. As such, the weight individual officers or departments collectively give bias motivation when determining the importance of a crime may influence the way they perform recognition.

An indication of the role severity may play in bias crime reporting is the frequency of various offenses involved in bias crimes. In the 2000 national bias crime statistics only 11% of the reported bias crime incidents involved the most serious crimes (murder, rape and aggravated assault) while 89% of the bias crimes reported to the FBI for the same year involved so called “less serious” crimes such as vandalism or harassment. The implications are that when officers only think of bias crimes as only “serious” underlying crime types they may be failing to recognize up to 90% of the incidents in their jurisdiction.

Implications of Department Culture on Recognition

In some departments we visited, bias crime was defined as involving only the most serious crime types (such as murder, aggravated assault). Officers in these departments may not perform the recognition function effectively because they do not perceive less serious crime types as potentially bias. For instance, in one interview, an officer relayed a story of “little crosses” burned on an African American family’s lawn, an event that he did not interpret as a bias crime. A large burning cross, he reported, would be immediately identified as a bias crime; however, the small crosses, because they were less intrusive and perceived less serious, were not deemed to be a bias crime. This example illustrates the complexity for officers in identifying bias crime with respect to severity. Harassing phone calls, minor assaults, or even “small crosses” were often overlooked when considering motivation. *The result of a department culture that perceives bias crimes in this way is that bias motivation may not be recognized at the outset.*

When low-level crimes with bias indicators were committed by youth, the idea that these were just ‘kids’ pranks’ usually interfered with the responding officers inclination to ask questions which might reveal a bias motivation. Perhaps because officers generally did not think of youth as capable of committing bias crimes, they would often not conduct a full investigation either at the time of the offense or during subsequent investigations.

In most departments, where there was no two-tiered reporting model, the situational factor of severity was a considerable impediment. In these departments, for many of the reasons described above failed to identify bias cues, and there was no additional level review to attempt to identify these factors subsequently.

Already wary of having to make the sometimes controversial classification of bias motivation, officers simply did not classify less severe incidents as potential bias crimes. For instance, in Western PD1, our focus group with the line officers revealed several potential bias incidents with which the officers had contact; however, when initially asked whether they classify the incident a bias crime, they quickly responded “no”. They simply did not consider, for example, the assault of an African American man in a skinhead establishment as meeting the criteria for bias crime. At least some officers seemed to be looking for something more serious.

Without the two-tier model of reporting, severity superseded technical definitions of bias crime. In these departments, severity confounds other aspects of departmental culture, such as lack of training or presence of a specialized officer or unit. With the two-tier model in place and a strong organizational commitment, however, line officers were only supposed to spot and document bias cues, with specialized officers making the official crime class distinction.

In summary, in terms of bias crime reporting, recognition is the most critical stage. Because in the overall reporting of bias crime the failure to recognize bias indicators, the ultimate identification of bias crime is completely lost if the responding officer misses cues of bias due to inexperience, lack of appreciation of less severe bias crimes, or lack of expert guidance in the investigation process.

Implications of Individual Attitudes on Recognition

Existing research has suggested that police make decisions or behave to some degree in accordance with their attitudes. Certainly, the link between attitudes and behavior is tenuous. Other factors, such as the department’s culture, level of oversight and the characteristics of a

given situation have also been linked to greater or lesser degrees with how police make a variety of decisions in past research. Still, without an offsetting department culture or strict supervision, officers are likely to behave in line with what they believe. This may be particularly the case, when the behavior in question – recognizing bias indicators in this case – requires work that is beyond or deviates from the normal policing routine. As outlined above, we found both positive and negative opinions about bias crimes that officers seemed to develop for a number of reasons. In the case of bias crime reporting, we found that police attitudes about bias crime may have an affect on how they recognize information about these crimes. If, for example, an officer believes that bias crimes are just an example of identity politics, she may not seriously consider a victim's claim that her broken window was the result of the bias of her neighbor. In this case the officer will therefore not recognize bias appropriately.

When officers expressed markedly negative opinions about bias crime policy they may not take all the steps necessary to recognize bias crime indicators. In contrast, when officers expressed a belief that bias crimes were important or unique it seemed that they were more likely to likely take steps to identify the existence of bias crime indicators.

Classification Function

In order for an incident to be included in the official statistics, police personnel must classify the case as a 'bias crime'. *In the present discussion, we define classification as a judgment, based on the known information of a crime incident, about the motivation of a crime as defined in the official definition.* This is primarily a **subjective** decision about the application of a legal **construct**. While recognition refers to the collection of information about bias motivation, classification is the action of determining the appropriate category of a crime by applying the known information to the official definition of bias crime. Since previously collected information is the basis for the classification, this step is dependent on the recognition step. Consequently, if information about the bias motivation is ignored, otherwise missed or misperceived, the classification step cannot be accurate.

Classification errors, therefore, occur when an officer or other police personnel make an inappropriate judgment about a crime's motivation. There are two directions of classification errors: false positives and false negatives. False negatives or Type II errors occur when the classifier judges the incident to be non-bias motivated, when in fact the offender's motivation for

the incident was bias against some group characteristic. False positives or Type I errors happen when the case is classified as bias motivated, when in reality the offender's motivation was something other than bias. In the following discussion, we unpack the forces – situational, cultural and individual – that may promote or inhibit the accurate execution of the motive classification function.

The research team was able to identify several salient issues that affect the classification step within the bias crime reporting process. In great part the following factors relate to the concept of discretion and how officers use their discretion to make judgments about the offender's motive. First, we found that a situational factor - ambiguities in motivation - poses problems for classification because it increases the amount of discretion of an officer. Second, since police judgments about crime situations are the basis for classification, both individual police attitudes and departmental culture towards the general concept of bias crime can strongly influence this step. Jurisdictional definitional issues further affect the accuracy of bias crime reporting in important ways.

Situational Factor: Motivation Ambiguities

One issue that affects the accurate classification of bias crimes is the presence of ambiguous¹⁹ motivations in some incidents. The topic of ambiguities in potential bias crimes – and the difficulties they present in classification – is nothing new to the even limited research on bias crimes. In previous works examining the policing of bias crime, researchers found that officers struggled with classifying motivation because of inherent ambiguities in motivation (Martin, 1995 and Boyd, Berk and Hamner, 1996). Moreover, previous authors concluded that the difficulty in classification of bias crimes was a strong source of police resistance to bias crime data collection programs in general (Jenness and Gartrett, 2001). However, early examination of bias crime classification in police departments concluded that departments could overcome these difficulties by establishing routine reporting structures for bias crimes and making bias crime a departmental priority (Martin, 1995 and Boyd, Berk and Hamner, 1996).

By definition, crimes with ambiguous bias motivations are subject to multiple interpretations by law enforcement officials. These incidents may have several clear indicators

¹⁹ Our use of the term “ambiguous” does NOT indicate those instances where bias is asserted by the victim, but later found to be untrue and made to gain attention by the police or media.

of bias, such as bias language or symbols and different racial groups, but are ambiguous because they have possible alternative non-bias explanations. Take the following two examples:

Example 1: A white offender makes several threatening phone calls to an African American family that had recently moved into a primarily white neighborhood, saying, “Ni**ers are not allowed in this neighborhood, get out or die.” The police identify the suspect, who is a member of the neighborhood but has never previously spoken to the victims.

Example 2: A white offender makes several threatening phone calls to an African American family that had recently moved into a primarily white neighborhood, saying, “Ni**ers are not allowed in this neighborhood, get out or die.” The officers identify the suspect who happens to be the black family’s neighbor. Earlier in the week the offender and the victim had an argument over property lines.

Comparing the two incidents we can see a difference between the more clear bias crime incident (Example 1) and the more ambiguous incidents (Example 2). Example 1 contains a number of bias indicators: there are interracial group differences between the offender and the victim; the victim is a newcomer and minority in the neighborhood; and the offender used racial slurs during the commission of the crime. All of this might lead officers to conclude bias was part of the offender’s motivation. Example 2 contains some of the same bias indicators (victim-offender differences, racial slurs, etc), but also contains indicators of an alternative motivation. Specifically, the offender may have been motivated by the recent argument he had with the victim, rather than any bias against the victim’s racial group.

Ambiguous crime situations with possible alternative explanations, as in the case #2 just described above, allow officers greater latitude in how they make classification decisions. In fact, the relationship between the extent of ambiguity and police discretion is positive: the greater the ambiguity in the crime situation, the greater the breadth of police discretion. In contrast, police have much less discretion when classifying motive in crime situations that present far more clear (bias or non-bias) motivations. Looking back at the examples above, an officer or detective could not classify Example 1 as a non-bias crime without completely ignoring bias altogether. Example 2, however, forces the officer or detective making the classification decision into a judgment about how much the bias contributed to the offender’s motivation. Comparatively, Example 2 provides the officer with greater discretion in the classification (because of more options) than does Example 1 (with fewer options). Thus, more ambiguity results in greater officer discretion in classification decision-making.

Greater discretion opens the door for disparate classification decisions. Discretion allows police to make different judgments about the same set of facts in a given crime situation. For

example, one officer may look at Example 2 (above) and concluded that the offender was motivated entirely by the previous argument, and the bias language used was only to hurt the offender. On the other hand, another officer may decide that offender's bias against the victim's race contributed to the offender's motivation sufficiently to classify the crime as a bias motivated crime. Officers may use their discretion to make poor judgments in even very clear bias motivations, yet the problem with discretion is magnified when multiple, seemingly valid, interpretations exist.

Compounding the problem of discretion derived from ambiguity is an issue with this application of the official definition to bias crime situations. In important ways, disparate classification decisions stem from confusion around the application of the "in whole, or part" phrase of many bias crime definitions. The definition allows for the classification of incidents where bias is not the primary motivation. Incorporating partial bias motivation in the official definition of bias crime is a *necessary* component for insuring that official responses can include all victims targeted because of their immutable characteristics; excluding partial motivation from the official definition would be an *erroneous* interpretation of the present discussion. Many bias crime offenders have ambiguous or multiple motivations. For example a thief may want to rob someone but may only target groups he has disdain for. In another instance a group of young people may want to go out and damage some property but they only target the property of Blacks or Asians who live in the community and who these kids feel animosity towards. However, including "in part" in the definition also opens the door to differential understanding of *how much* partial motivation is necessary for an official classification of an incident. Using the same Example 2 from above, many police personnel may agree that bias was indeed a partial motivating factor. However, they may differ as to whether the partial bias motivation was sufficient to meet the "in part" requirement of the official definition. As a result, ambiguously motivated crimes create high inter-rater variability in bias crime statistics; both officers within jurisdictions and officers across different jurisdictions may classify the same set of facts differently because of the high degree of discretion in applying the current official definition.

Throughout the present study, police personnel expressed frustration and confusion regarding the classification of potential bias crimes with ambiguous motivations. Many officers described the difficulty associated with what some officers called "gray area" crimes. They explained that there was far too much ambiguity – or "gray area" – to appropriately classify

many (or even most) potential bias crimes. As one detective explained, “In many cases motivation can’t be established.” Absent a clear bias motivation, officers generally were reluctant to make judgments about crimes, as one officer explained: “we don’t like to split hairs.” While officers and police personnel we interviewed often agreed that apparently clear bias motivated crimes, such as a cross burning or a crime perpetrated by a bias group, were indeed bias crimes, little consensus existed regarding incidents that displayed other possible motivations. Following an example of a hypothetical incident, officers would rhetorically ask, “Is that a bias crime?” in an attempt to make the researchers aware that appropriate classification was far too difficult. ***Thus, high officer discretion that results from ambiguity in crime incidents, coupled with confusion or disagreement about the significance of partial motivations, present important difficulties that challenge the accuracy of national bias crime statistics.*** Yet, the challenge to accuracy that is posed by ambiguity is exacerbated by the different personal opinions and organizational cultures that exist around the issue of bias crimes.

Implications of Individual Attitudes on Classification

As discussed earlier, individual officers differed with respect to their attitudes towards bias crime. Some displayed marked resistance to the topic. These officers saw very little or no value in determining bias because they expressed that there is no meaningful difference between bias and non-bias crimes, that it is solely a political concept and that department’s should not provide any special attention to bias crimes. Other police personnel exhibited a strong acceptance to bias crime policy. These officers saw value in policing bias crimes differently than other crimes, they understood the potential victim harm associated with bias crimes, the broader fear bias crimes can create, and the opportunity for wider community conflict that can result from bias crimes. While it is difficult to draw direct conclusions between attitudes and behavior, as in officer recognition, the officers’ general attitudes towards bias crime policy appeared to be associated with bias crime classification decisions.

Officers who were resistant to bias crime in general were reluctant to make classification decisions about potential bias crimes. This attitude towards bias crime presented itself during classification decisions involving ambiguous bias crimes. In fact, officers with resistant or

negative attitudes towards bias crime policy were primarily the same officers that classified ambiguous crimes according to the non-bias motivation. If an alternative explanation existed, plausible or otherwise, officers were able to use their discretion in line with their attitudes on bias crime policy by not labeling the incident as ‘bias motivated.’ Since these police personnel expressed an opinion that bias crimes were not different or not worth identifying, they made decisions that minimized the official statistics and therefore, the official representation of the problem.

Consistently, officers who were resistant to policing bias crimes differently found alternative explanations for potential bias crime incidents that the interviewers presented to them or that they had encountered themselves in actual investigations. For example, detectives in the Midwestern PD2 described a string of robbery incidents against gay men. Here the detectives explained the offender’s motivation for crime was the solely to gain money and that the offender selected the victims based on their affluence and accessibility to being robbed, and therefore should not be a bias crime. In a similar fashion, the detectives perceived a black male spitting on a white woman (with no provocation and the use of racial slurs) as non-bias because in their minds he was motivated by her status rather than her race or gender. An officer in Western PD1 explained that incidents “might start out as a racial incident but usually just turns into a personality conflict.” Another officer from this department personally believed an apparent bias incident, involving a group of white men attempting to run a Hispanic family off the road, was “road rage” or “just an incident”.

At times, the search for an alternative, non-bias explanation extended almost to the point of being unreasonable by some officers. In two different departments, some officers interviewed attributed potentially bias motivated crimes – with clear identifiable indicators of bias – to “its just kids,” suggesting that bias played no role in the incident. In one extreme example (although albeit probably not typical), a detective discussed threatening e-mail messages sent simultaneously to several synagogues and written in German, as the offender wanting to “have a conversation” with the rabbis, not necessarily motivated by bias. This incident even prompted some of the synagogues to get security, but was never identifies as bias motivated by the local police agency to which the incident was reported. This problem was exemplified by the comments of one patrol officer, “Unless there is a big flaming red cross and the media is coming” he would not call an incident a bias crime, to which other participants in the focus

group agreed. While it is difficult to definitively say that certain examples should or should not be actual bias crimes, we found that officers consistently use their discretion in a manner that results in undercounting bias crimes.

In contrast, several officers from other departments expressed positive opinions about bias crime policy. These officers saw value in appropriately identifying incidents with bias motivations, which led them to consider indications of bias. While these officers found classification difficult at times due to ambiguity, they often recognized that bias motivation could be part of the overall motivation for the crime. As such, those officers receptive to bias crime policy made classification decisions that reflected their belief that classifying bias was important, even when other motivations existed. Officers with different attitudes towards bias crime may have recognized the same factual situation, but labeled it differently because of these attitudes. For example, in the same department (MPD1), patrol officers, who were decidedly resistant to bias crime policy, and the bias investigator, who saw value in distinguishing bias crimes from other crimes, each discussed the problem of ‘racial friction’ in the city. However, the patrol officers consistently discussed ‘racial friction’ as something other than ‘bias crime’, while the detective classified the problem in terms of bias crime.

Some detectives that displayed positive opinions towards policing bias crimes differed in terms of how they make classifications. One detective discussed an incident where a third party – a member of a racist gang – assaulted a Hispanic person who had previously beat-up a white woman. Although the incident may have had an alternative, non-bias motivation (revenge for the initial assault), the detective believed that bias was part of the motivation because there was no reason for the man to get involved except for the victims race. He explained later that he considers partial motivation in classification; cases but he believed that only those cases that were motivated primarily by bias (51%) he would classify as bias motivated. A detective supervisor in EPD1 echoed the significance of bias motivation, even when other explanations might exist, explaining that only those cases where partial bias was identified but could not be substantiated were not classified as bias crimes.²⁰

To conclude, there was a general reluctance on the part of some police personnel to classify crimes as bias motivated. Our research suggests that this was particularly the case when

²⁰ And even then, the unit would still investigate and deal with victims if the incident showed any indication of bias. Only outright non-bias crimes were sent back to the general district detectives for investigation.

ambiguity – or alternative explanations were present – but also might occur in incidents that had seemingly unreasonable alternative explanations. On the other hand, some personnel gave importance to even partial motivation, having no trouble classifying cases with some alternative explanation as bias motivated. From the responses, in focus groups and interviews it appeared that those officers with resistant attitudes and beliefs were primarily those that downplayed the role of bias when discussing certain incidents. Thus, when officers are conflicted about the role law enforcement should play in dealing with bias crimes they are less likely to appropriately classify these incidents; conversely, when officers see value in understanding the bias nature of a crime, their classification decisions are more accurate.

Implications of Departmental Culture on Classification

Department culture can play an influential role in the classification decisions that line personnel make. In fact, as we discussed above the organization's commitment to bias crimes may be associated with the value that most of the line personnel collectively or personally afford policing bias crimes. While some departments might display a positive commitment and culture towards the recognition and classification of bias crime that indicates its importance to line personnel, others may not take any positive steps leading personnel to conclude policing bias crimes differently is a value. In this way, then department culture may override or reinforce the effect that personal opinions have on bias crime decisions.

In departments where the overall culture (commitment and sensitivity) towards bias crime policing services is weak, personnel are likely to downplay the significance of bias motivation. Some departments clearly demonstrated poor organizational commitment towards bias crime services and the general sensitivity around this issue was fairly resistant. When this occurs officers perceive that the department does not value identifying bias crimes and, as such, does not want incident classified as bias motivated. When at all possible, then, officers in these departments would downplay the significance of bias motivation. Officers in Western PD1, a department with little organizational commitment, described incidents that had some indication of bias, but dismissed them as non-bias crimes. In Southern PD1 there was a clear belief that bias crimes did not happen so when officers are faced with motivation classification decisions, it was clear that their was departmental pressure (from the leadership to other line personnel) to act in a manner that coincided with this myth. Officers with resistant attitudes are reinforced in

departments with little organizational commitment and resistant attitudes among peers. Decisions that would minimize the problem of bias crime would be valued, while decisions that went against the culture of the department would, at least, not be rewarded.

While overall department culture can reinforce existing resistant attitudes among police personnel, it can in many ways override the decisions of seemingly acceptant officers. As we described earlier, not all personnel expressed uniform opinions about bias crime in a given department. We cannot understate the importance of organizational commitment and positive departmental culture for effectively responding to bias crimes. Without resources for dealing bias crimes, the best-intentioned officer's actions will go unnoticed in the bureaucratic machinery because successfully reporting bias crime often requires the appropriate actions and decisions at multiple steps throughout the department. For example, an officer may respond to a bias crime, recognize that this incident displays some potential for bias motivation, investigate the existence of bias and ultimately discern that the person was a victim of a bias crime. The officer may then document this instance appropriately and turn the report into his or her supervisor thinking they have done a good job and that there will be some follow-up. However, since the department has no real way of processing these reports personnel down the line see no value in dealing with motivation, the officer's original work identifying bias indicators has been lost. Moreover, when officers see their efforts to identify bias crime go virtual unnoticed by the department, it is likely that they will begin to work less diligently to provide this function. Their positive steps of well intentioned individuals are superseded because the rest of the department has not accepted policing bias crimes differently.

While the above example is hypothetical, we identified several possible instances where this may have occurred in some of host sites. For example, in Western PD1 responding officers documented the following incidents:

The victim, a man of Chinese descent, left a meeting at a local government office. Upon exiting, he finds a car parked directly behind him, blocking him in the parking space. A man from that vehicle approaches him, stating, "G**k... get out of [Western State]. Go back to where you came from." The man then reaches into the victim's car and tries to pull the victim out through his car window, while yelling obscenities at him. Trying to avoid confrontation, the victim tries to roll up the window. There does not appear to be any prior relationship between victim and the alleged offender. The victim asserts that he believes the incident was motivated by the offender's bias.

A Black male is waiting for the bus at the bus stop. A white male walks by and says, "What are you looking at, ni**er?" The black male says nothing but walks away, wishing to avoid any conflict. At this time, the first white male trips the black man, causing him to stumble. Immediately after, two more white males jump the black man and put him in a headlock, throwing him to the ground. At this time, two more

white males become involved, kicking the black man in the head and neck. The black male states that he has never seen any of the offenders before.

An African American male pulled into a gas station in an awkward position. When he tried to straighten himself out by backing up the suspects car behind him pulled closer, preventing the man from adjusting his car. When the suspect's car pulled up to the pump next to the victim, the suspect immediately got out and began yelling at the victim, saying, "What the f___ are you looking at?" The victim did not respond and the suspects then yelled "F___ing ni**er. What the f___ you want? F___ing ni**er. Why can't you get a Mexican wife? What are you doing with a ni**er?" The suspect's car followed the victim's car out of the parking lot and threw something at the victim's car. While the victim was trying to call the police the suspect's car passed the victim, went in reverse and chased the victim's car, as he went in reverse to get away. The suspect's car swerved at the victim's car as he drove away.

While these incident reports were not marked as 'bias motivated' in the way the departments' policy requires officer's to do so, it may be the case that the officer believed that their documentation of the indicators of bias motivation in the narrative sufficiently distinguished the incident as a bias crime. Regardless, these incidents were never included in the official statistics.

In Southern PD1, our records review revealed one incident that was marked by the responding officer as bias motivated but was not included in the official statistics. A summary of the incident report narrative is as follows:

Officers responded to a "simple battery involving a hate crime" outside a local bar. The victim stated that he was waiting for a friend, when four white males walked by and began to say, "you f___ing homosexual, you qu**r, I hate you fa**ots." One suspect took a swing at the victim, but missed. The victim then tried to run away, but the suspect followed him and "began punching him about the face and upper body with closed fists." The other suspects also began punching and kicking the victim. When the victim's friend came to help, the suspects began assaulting him too. Finally, another person helped stop the attack and the suspects ran away from the scene.

While the above are only examples of incidents documented as bias, but apparently not followed up on by other department personnel and not included in the official statistics, they do point to the importance of overall department culture.

Conclusion

To summarize, three important types of errors can negatively affect the accuracy and validity of bias crime statistics. The first, Recognition errors occur when officers fail to recognize and account indicators of bias motivation. Secondly, by making an inaccurate judgment about the bias motivation, officers make Classification Errors. Finally, despite appropriate identification and classification a department can be unsuccessful in transferring incident reports or crime data through the correct reporting channels by making Process Errors. While each of these error types negatively influence the accuracy of bias crime statistics both

locally and nationally, it is important to recognize that they occur for different reasons. Moreover, department's attempting to revise their bias crime reporting or train officers would be more effective in doing so if they understood the types of incidents that are associated with the different error types.

When examining potential bias crime incidents, we can conceptualize them according to two important concepts: (1) the relative severity of the underlying crime and (2) the relative extent of bias motivation found in the incident. Relative severity of the underlying (or 'parallel') crime refers to how severe one crime type is to another. While it is difficult to construct an absolute hierarchy of crime severity, there can be reasonable agreement that some crimes – holding all other factors equal – are more serious than others. For example, most people would agree that rape is more serious than harassment and aggravated assault is more serious than simple assault. Police especially adhere to these distinctions. For the present discussion, fine distinctions (such as determining whether robbery or burglary is more serious), are not important; rather understanding the relative severity between broad groups of crimes is necessary.

The second concept, relative extent of bias motivation describes the level of ambiguity an officer perceives to be involved in a potential bias crime. Some potential bias crimes are clear, subject to little interpretation. These crimes have a number of clear bias indicators, such as derogatory language or symbols of bias, and most importantly lack other explanations or motivations. A good example of the clear bias crimes are those heinous acts that attract national news coverage, such as the murder of James Byrd in Texas by two white supremacists or the murder of Mathew Shepard in Laramie Wyoming. There is little disagreement that the perpetrators of these crimes were motivated by bias against blacks and gays, respectively. However, crimes with clear bias motivation certainly are not always serious crimes; instead clear bias motivation can exist in all crime types. A swastika drawn on a Jewish synagogue or a threatening phone call telling the victim, "their kind is not wanted in the neighborhood," are examples of crimes with relatively more clear bias motivations. Conversely, some bias crimes are more ambiguous. While crimes that are more ambiguous may have fewer bias indicators, the ambiguity presents itself mainly because there may be alternative motivations based on some prior provocation or dispute. For example, the officer may discover that the threatening phone

call described above was, in part, a response to an earlier dispute between the victim and offender not related to bias.

By combining the two concepts – relative seriousness of the underlying crime and the relative extent of bias motivation – four typologies of potential bias crimes emerge: (1) serious crimes with a clear bias motivation, (2) serious crimes with ambiguous motivations, (3) less serious crimes with a clear bias motivation and (4) less serious crimes with ambiguous bias motivations. Using the same factual situation, with minor modifications, we can establish examples that illustrate each of the four types of potential bias crimes:

- ❑ Serious and Clear Incident (Type I): A man assaults a black male with a deadly weapon, while yelling “Ni**er get out of our town” and other racially derogatory comments. No provocation for the incident existed.
- ❑ Serious and Ambiguous Incident (Type II): A man assaults a black man with a deadly weapon, while yelling, “Ni**er, get out of town” and other racially derogatory comments. Earlier that week the offender and victim were involved in a dispute over property lines.
- ❑ Less Serious and Clear Incident (Type III): A man graffiti’s a black man’s house, writing “Ni**er, get out of town” and other racially derogatory signs. No provocation for the incident existed.
- ❑ Less Serious and Ambiguous Incident (Type IV): A man graffiti’s a black man’s house, writing “Ni**er, get out of town” and other racially derogatory signs. Earlier that week the offender and victim were involved in a dispute over property lines.

Table 12 (in Appendix A) provides the matrix of potential types of bias crime incidents produced by the two concepts – seriousness of the underlying crime and extent of ambiguity.

Each of these four types presents unique challenges for law enforcement officials. As described above, less severe crimes often pose problem in recognition. Officers typically afford less attention to less severe crimes and investigate the causes much less thoroughly. Crimes with ambiguous motivation pose problems primarily in the classification step. The indicators may be recognized here, yet the police personnel making the classification decision inappropriately thinks that the facts suggest the offender’s motivation was not bias or not sufficiently applicable to the definition of bias crime. All types of crimes are susceptible to process errors in that they may not be appropriately passed from one point to the next in the bias crime reporting process. It is only by taking both the recognition and classification steps in the reporting process of bias crime seriously, in terms of organizational commitment and general sensitivity, that law enforcement agencies can hope to have accurate and consistent bias crime numbers.

CONCLUSIONS

- ❑ This study is one of the first to address empirically the quality of national bias crime figures by assessing the potential level of misclassification of bias motivation in each of the host departments. Through this process we identified potential undercounting of bias crimes in most of the participating departments. While the observed level misclassification was low in the sample assault reports drawn from each department, estimating the undercount of the full population of assaults would substantively change the picture of bias crime officially reported by some of these departments.
- ❑ Departments in the present study had different infrastructures established for tracking and reporting bias crimes. Three types of bias crime reporting processes were identified in the participating departments: 1) integrated without additional review, 2) integrated with additional review and 3) separate without additional review. Integrating the bias crime reporting process and providing procedures for additional review emerged as a promising practice for reporting bias crimes.
- ❑ While most departments in the present study had some designated procedure for additional review similar to the FBI recommended two-tier reporting model, a closer examination of these models revealed dramatic differences in the specific characteristics of each department's application of the two-tier model. In the participating departments we found the best practice for tracking bias crimes was when patrol officers (first tier) were instructed to identify all potential bias crimes using a broad definition of bias motivation and a trained specialist detective (second tier) made the final decision about the incident's bias motivation.
- ❑ Beyond establishing appropriate reporting infrastructures, department culture plays an important role in inhibiting or promoting accurate bias crime identification and reporting. In the present study departments varied along a continuum from positive or acceptant cultures to negative or resistant cultures based on the organization's commitment to enforcing bias crime (e.g. leadership role, resource allocation, accountability systems, etc.) and the personnel level of general sensitivity towards the topic of bias crime.
- ❑ Leadership plays an important role in setting the priorities of the department. It is notable that the leadership of some departments we studied expressed explicit opinions resistant to identifying bias motivation, despite the fact that their departments are considered participants in the national data collection program.

RECOMMENDATIONS

The following recommendations are derived from our research findings. The research revealed a variety of infrastructure and contextual issues that can lead to information disconnect in bias crime reporting. To improve the overall accuracy of bias crime reporting in local jurisdictions across the United States, we present several Infrastructure, Contextual, and Extra-departmental Recommendations.

INFRASTRUCTURE RECOMMENDATIONS

Law enforcement agencies across the country should implement a two-tier model for bias crime reporting similar to the model originally suggested by the FBI and reconsidered here. The overall goal of this model process is to shift the bulk of bias crime enforcement and reporting responsibilities from patrol officer or general detective to a specialized, designated bias crime detective. For most law enforcement agencies the implementation of this model would involve two changes in responsibility and function for their personnel:

First, each law enforcement agency should designate a detective (or detectives, depending on the size of the agency) as the bias crime investigator. This detective would be responsible for investigating and reviewing all potential bias crime incidents reported to the department and determining the existence of bias motivation. In most agencies this additional responsibility will be a small demand on a single officer's time and can be accomplished by officers with multiple other responsibilities. In all agencies this detective should receive special training on bias crime.

Second, departments should change the role of first responding officers to identify all potential bias crimes and to alert the designated bias crime investigator of those incidents. Responding officers should be instructed to forward a broader, more inclusive set of incidents – those with any reasonable indication of bias motivation – to the department's designated bias crime detective for follow-up.

The FBI or other agencies such as the Federal Law Enforcement Training Council or the Regional Community Policing Institutes should develop and implement a training curriculum that offers guidance to law enforcement agencies across the country in the reasons for implementing this change in responsibility and function along with a model for implementing this change. In addition, the existing bias crime training programs of the FBI should be expanded slightly to accommodate the additional demand for bias crime training that will come as a result of the designation of bias crime investigators by local law enforcement agencies. In realization that there may be limited resources for this training, the Justice Department should also develop a training program that could be web based or provided in hard copy to each law enforcement agency across the United States.

The training should include a description of community outreach efforts that the bias crime investigator could initiate to increase the likelihood that bias crime victims will come forward and report incidents to the local law enforcement authorities. With the surge in bias crime against Arab and Muslim Americans after the September 11, 2001 tragedy, it is evident that these groups will continue to be a significant community affected by bias crimes in the coming

years. Our research revealed that most departments lacked any substantive outreach efforts to members of these communities. Consequently, training efforts should describe in detail how local law enforcement could reach out specifically to members of the Arab, Muslim and Middle-Eastern communities who may be targets of future bias crimes. In addition, law enforcement's traditionally weak ties with the Arab, Muslim and Middle-Eastern communities may inhibit ongoing terrorism intelligence investigations. Reaching out to these communities around the issue of bias crime is one way to build these ties and perhaps ultimately improve national intelligence efforts.

Law enforcement agencies should be encouraged to implement a unified crime reporting process that includes bias crime reporting. By including bias crime reporting as part of the normal reporting process there is less likelihood that bias motivated crimes will be overlooked or missed as cases are passed from one unit of the organization to another. Submitting bias crime statistics through the National Incident Based Reporting System (NIBRS; or similar automated incident based reporting systems) is a positive example of how local agencies can unify bias crime reporting within the general crime reporting process.

Departments should be encouraged to conduct periodic Audits of their incident files or incident database to determine if all cases where indicators of bias are present have been referred to the bias crime investigator. In addition once a year when the FBI releases the annual Hate Crime Statistics report, the locally designated bias crime investigator should reconcile the national statistics with their own local bias crime statistics. A simple procedure for conducting this audit should be included in the training curriculum.

CONTEXTUAL RECOMMENDATIONS

Local law enforcement leaders should be encouraged to take a leadership role in establishing that the identification, investigation, and accurate reporting of all bias crimes is a priority for their agency. For bias crimes to be accurately identified and reported there must be a visible commitment from the leadership of the organization. The relative rarity and the political overtones of these crimes can make the some officers confused about how they should respond to potential bias crimes. An unambiguous message from the leadership of an organization that bias crimes are and should be handled in the same way as other serious crimes will go a long way to eliminating that confusion.

Law enforcement officials can demonstrate their commitment to the identification and accurate reporting of in a variety of ways. By assigning an officer to be the bias crime investigator, the leaders can take a major step in reinforcing their commitment. Second by arranging for training for officers as well as investigators, law enforcement leaders can signal that bias crimes are serious and should be handled as a priority crime. Finally by supporting and rewarding the actions of officers who identify bias crimes and officers who investigate and clear bias crimes, law enforcement managers can maintain an environment where bias crimes will continue to be seen as one of the priority areas of the Department.

EXTRA DEPARTMENTAL RECOMMENDATIONS

The FBI with the help of the Bureau of Justice Statistics should identify an annual Top Ten High Priority list of those Agencies where targeted efforts should be directed to improve their bias crime reporting. This research indicated that there is broad variation in the structure and context of bias crime reporting systems across law enforcement agencies throughout the United States. As a initial step in improving the national bias crime statistics we suggest that the FBI in conjunction with BJS develop a list of high priority agencies where efforts should be directed to improve their bias crime reporting. This list would not be punitive but would target a small number of agencies for additional training and support from the FBI, FLETC, or other similar agencies.

National policing groups and accreditation organizations, such as International Association of Chiefs of Police, the National Black Law Enforcement Executives, The Police Executive Research Forum should consider adopting the recommendations presented here. National policing organizations are an invaluable resource for advancing the professional standards of policing. By adopting these recommendations they will help set a national standard for bias crime services and reporting. This uniformity in infrastructure and culture will drive more accurate bias crime statistics, making these statistics a better resource.

FUTURE RESEARCH ACTIVITIES

In an effort to evaluate the success of these recommendations the Bureau of Justice Statistics or the National Institute of Justice should initiate an evaluation of a set of agencies where these initiatives are be implemented. Since a major factor in limiting the success of any audit of existing agencies is the lack of documentation in the existing incident reports regarding the presence of potential bias indicators, we are suggesting that a quasi-experimental approach to determine the effectiveness of these recommendations. We suggest that a set of agencies be identified that reflect the sampling strata utilized in this report and that once these agencies agree to implement the recommendations identified above an audit be conducted as to changes in the following areas: documentation of bias in the incident report, investigation of alleged bias incidents, the rates of bias crimes reported before and after the implementation of the new policies and extent of changes to community police relations.

Using qualitative information our findings present several factors (situational, contextual and attitudinal) that likely influence police decision-making around bias crime enforcement and reporting responsibilities. To further understand the impact and relationship between these factors, BJS or NIJ should commission a study that examines this question using a quantitative approach. A survey methodology could be used that includes vignettes of crime scenarios and attitudinal items. Further, this methodology could be utilized along with the quasi-experimental approach above to better understand changes in police reporting behavior.

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APPENDIX A:

ADDITIONAL TABLES

Table 3. Results of Law Enforcement Records Review of “Assaults”

	Total Assaults (N)	Assaults Reports Reviewed (n)		Non-bias		Bias***		Ambiguous***		Unknown		Victim-Initiated	
		N	n	n	%	n	%	n	%	n	%	n	%
Eastern PD1	4600*	288	193	67.0	3	1.04	3	1.04	89	30.9	0	0.00	
Western PD2	397	304	272	89.5	1	0.33	3	0.99	27	8.88	1	0.33	
Southern PD2	2600	293	165	56.3	0	0.00	3	1.02	125	42.7	0	0.00	
Midwestern PD1	9996	285	200	70.2	1	0.35	1	0.35	83	19.1	0	0.00	
Eastern PD2	789	426	360	84.5	4	0.94	7	1.64	51	12.0	4	0.94	
Western PD1	2121	223	169	75.8	5	2.24	8	3.59	39	17.5	2	0.90	
Southern PD1	13111	291	251	86.3	1	0.00	0	0.00	39	13.4	0	0.00	
Midwestern PD2 **	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	

* This figure represents approximate aggravated assaults only.

** The crime reports in this city did not contain enough information to make a determination regarding the above categories.

*** This column does not refer to potential undercounts since bias crimes may have existed in the samples that were correctly identified.

Table 10: Comparison of Key Decision Points in Each Site

	EPD1	MPD1	WPD2	SPD1	WPD1	SPD2	MPD2	EPD2
Patrol Officer Step								
Responsible for Determining:	Potential Bias	Official Bias	Official Bias	Official Bias	Official Bias	Official Bias	Official Bias	Official Bias
Second Level Review Step								
Personnel Type	Detective Unit	Intel. Detective	Detective	Intel. Detective	Detective Supr.	Records Supr.	Records Clerk	None
Investigation	Yes	Yes (Some)	Yes	No	Yes	No	No	N/A
Specialized	Yes	No	No	No	No	No	No	N/A
Training	Moderate	Moderate	Moderate	Low	Low	Low	Low	N/A
Expertise	Very High	Moderate	High	Low	Low	Low	Low	N/A
Classification Routine	Yes	Not Explicit	Not Explicit	Not Explicit	Not Explicit	Not Explicit	Not Explicit	N/A

Table 12: Types of Potential Bias Motivated Incidents and Associated Errors

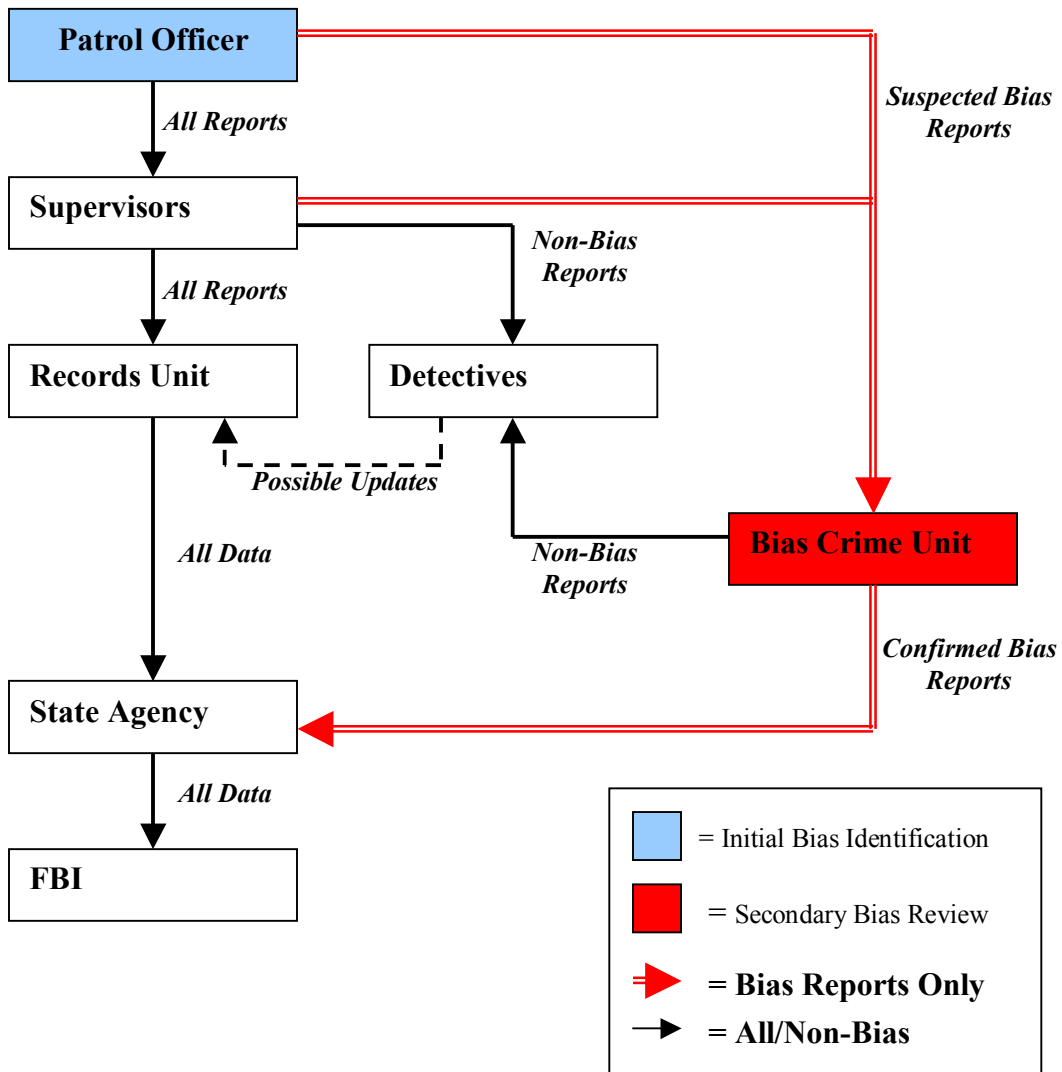
EXTENT OF BIAS MOTIVATION	
Clear	Ambiguous/Multiple
Relative Severity of Parallel Crime Serious	Serious - Clear Bias Incident Incident Example: A man assaults a black male with a deadly weapon, while yelling “Ni**er, get out of our town” and other racially derogatory comments. No provocation for the incident existed. Process Errors The primary source of error for serious incidents with clear bias motivation is Process Errors. Process errors are errors that occur in transferring bias crime information between actors. For example, an officer may fail to submit an incident report to the appropriate unit, technical problems may occur with crime data or a records personnel neglect to complete a state reporting form.
Relative Severity of Parallel Crime Less Serious	Serious - Ambiguous Bias Incident Incident Example: A man assaults a black man with a deadly weapon, while yelling, “Ni**er, get out of town” and other racially derogatory comments. Earlier that week the offender and victim were involved in a dispute over property lines. Classification Errors Classification Errors are mainly associated with incidents that are relatively serious crimes with ambiguous bias motivation. Classification Errors occur officers erroneously make an official determination, once provided with a set of facts about the incident. For example, an officer may feel that the role of bias was too insignificant or that there was not sufficient evidence of bias to warrant a bias crime classification
Relative Severity of Parallel Crime Less Serious	Less Serious – Ambiguous Bias Incident Incident Example: A man graffiti’s a black man’s house, writing “Ni**er, get out of town” and other racially derogatory signs. Earlier that week the offender and victim were involved in a dispute over property lines. All Error Types Incidents that are relatively less serious parallel crimes with ambiguous bias motivations are subject to all three types of errors. Officers may fail to recognize and identify them because they are less serious or not classify them appropriately because of the ambiguities present in the motivation. Process Errors may also prevent these types of incidents from being included in official bias crime statistics.
Relative Severity of Parallel Crime Less Serious	Less Serious – Clear Bias Incidents Incident Example: A man graffiti’s a black man’s house, writing “Ni**er, get out of town” and other racially derogatory signs. No provocation for the incident existed. Recognition Errors Recognition Errors are primarily associated with incidents that involve relatively less serious parallel crimes with clear bias motivations. Recognition refers to the officer’s ability to understand bias indicators, the decision to inquire about the role of bias motivation in an incident, for instance. Examples of this type of error include failing to ask the victim about bias, not believing the victim’s claims of bias or not understanding the significance of bias indicators.

APPENDIX B:

GENERAL CRIME AND BIAS CRIME REPORTING PROCESS DIAGRAMS

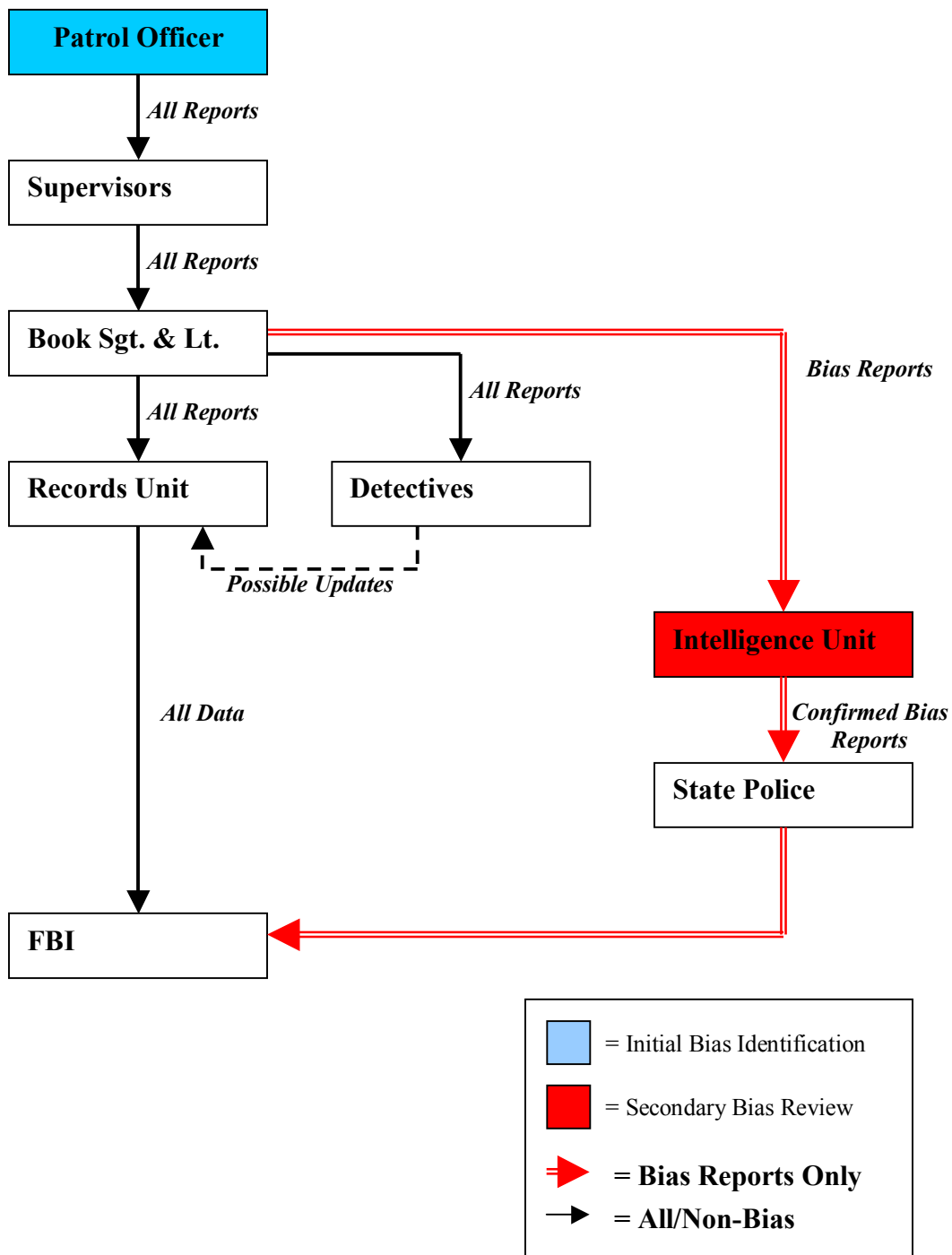
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Process Type: Separate with Additional Review



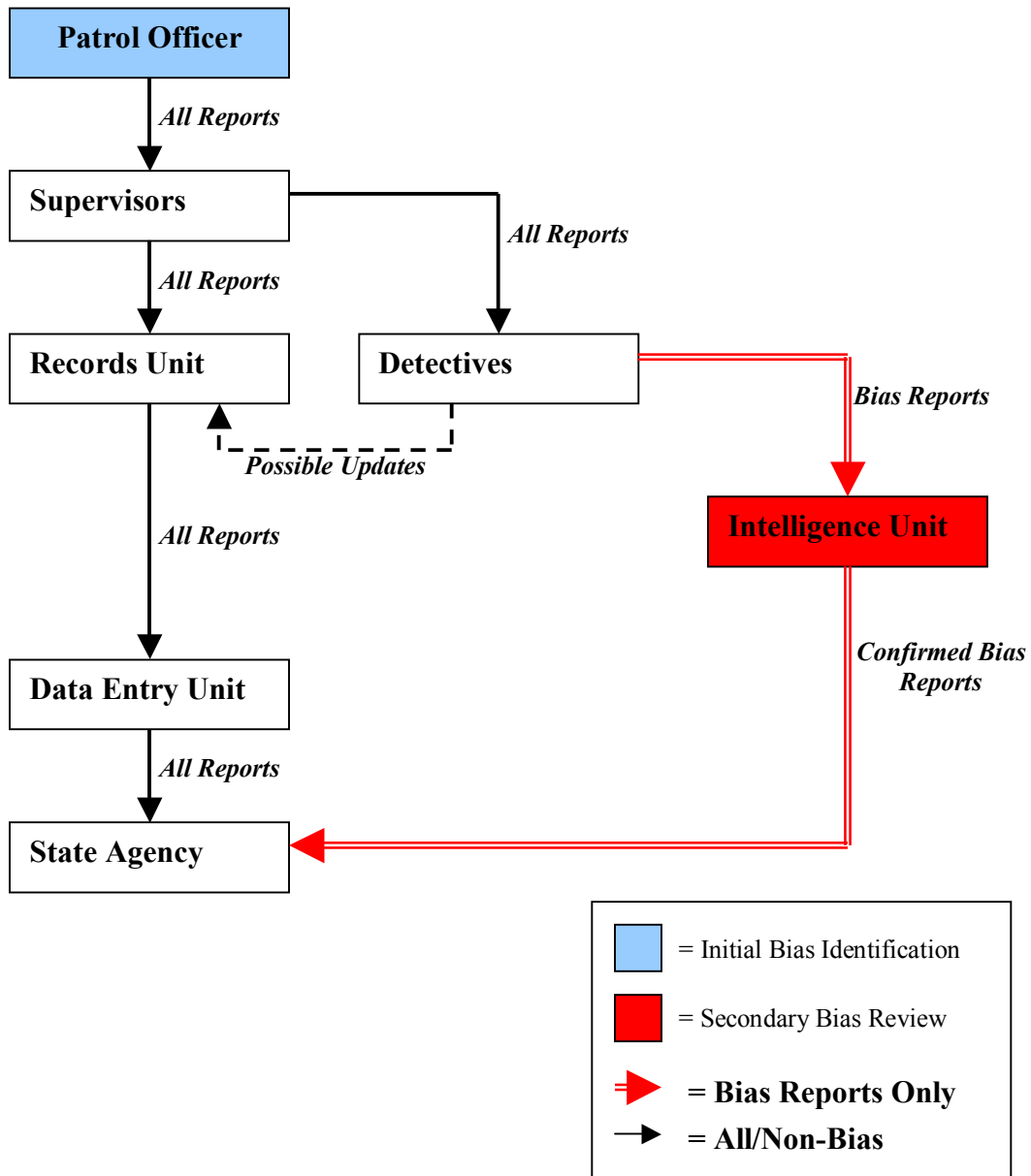
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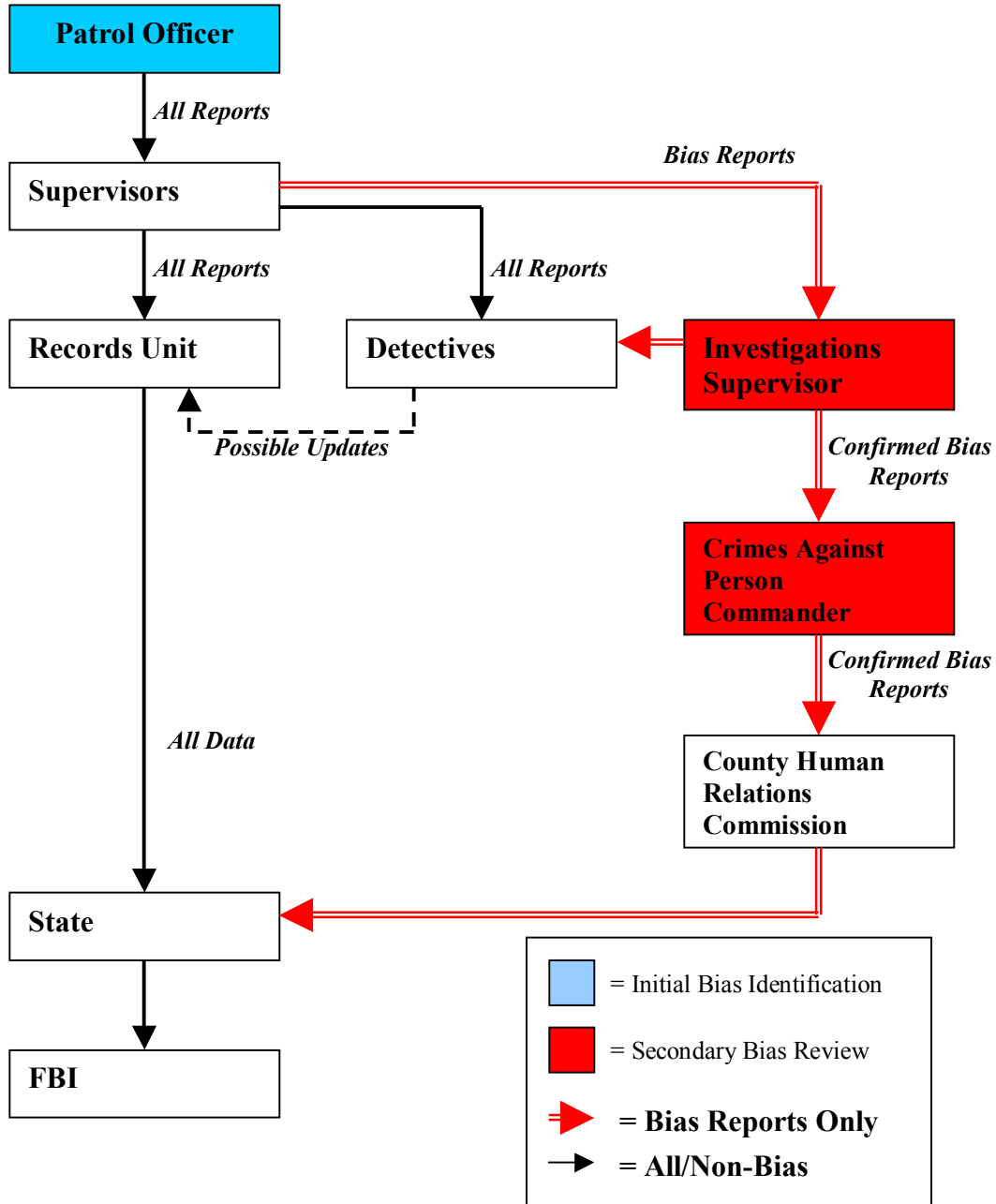
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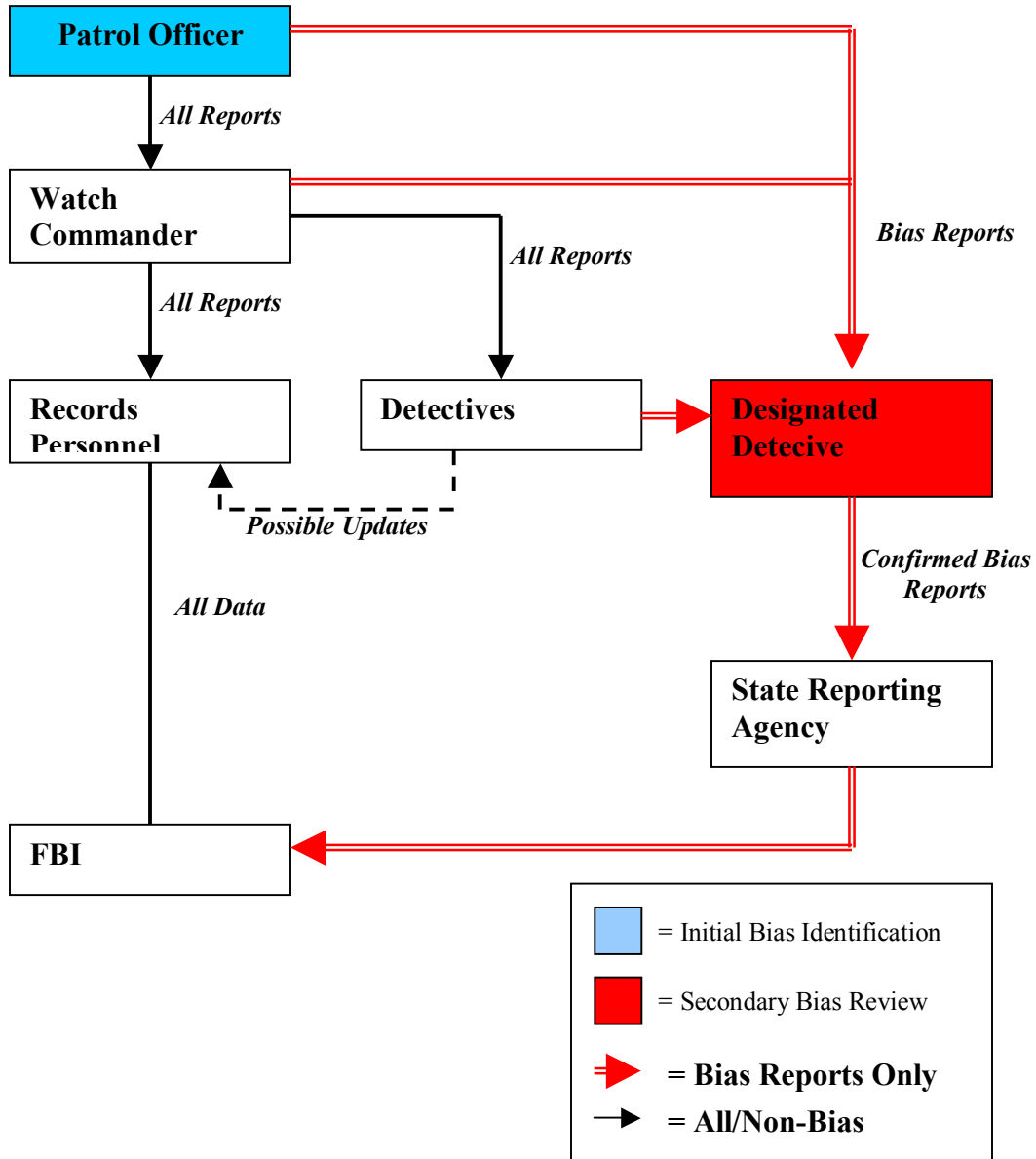
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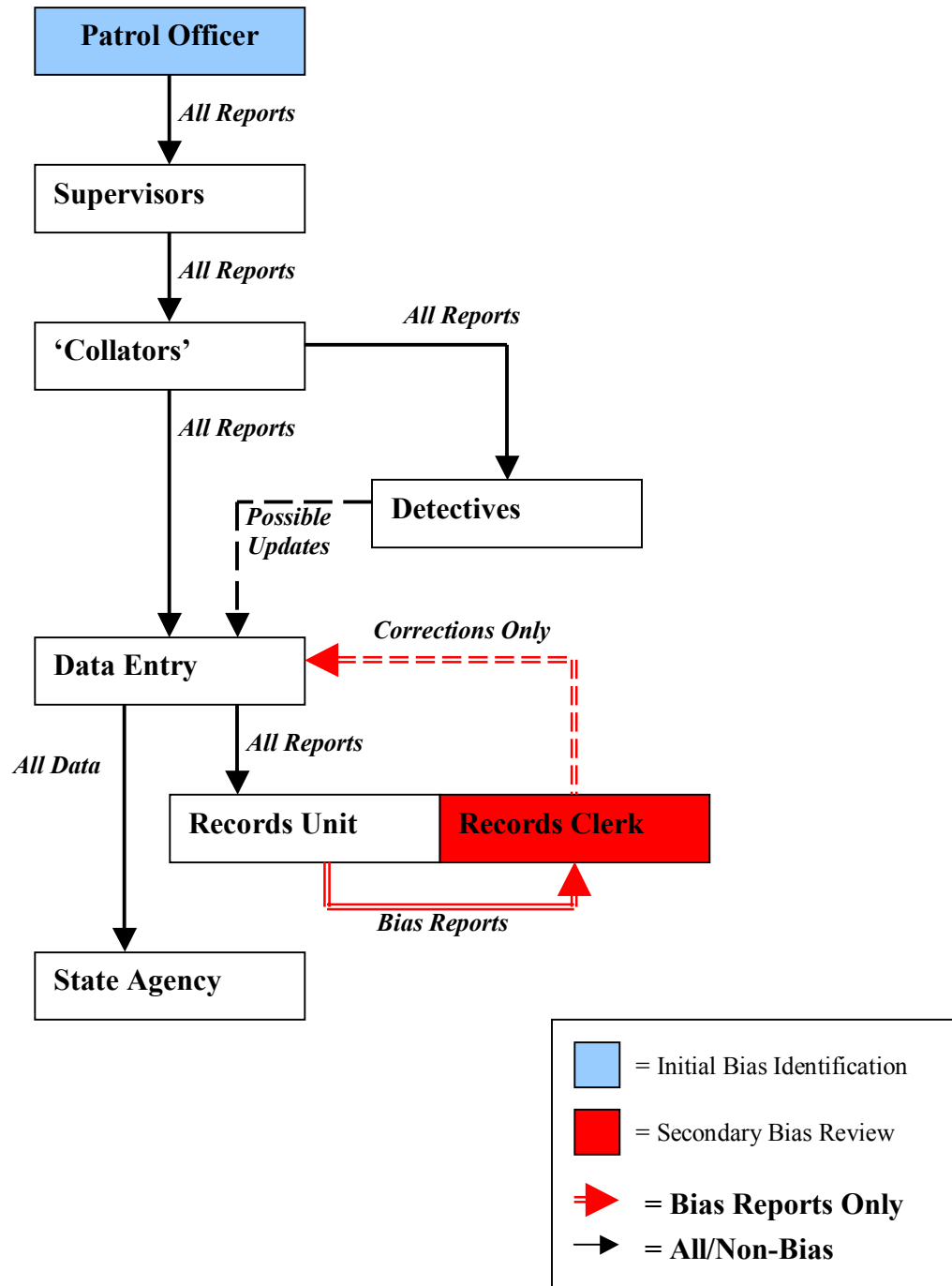
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Process Type: Separate with Additional Review



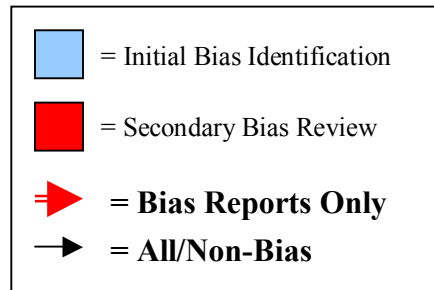
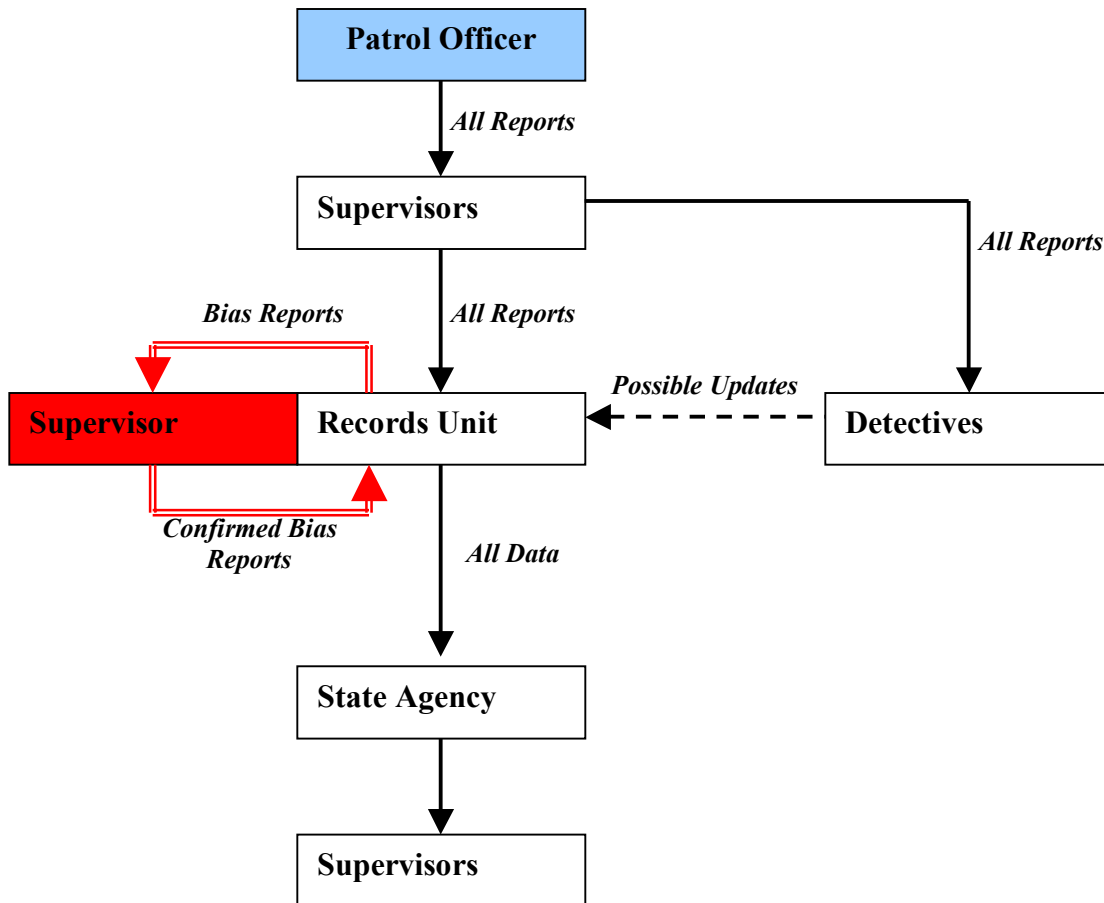
Midwestern Police Department 2 General Crime and Bias Crime Reporting Processes

Process Type: Integrated with Additional Review



Southern Police Department 2 General Crime and Bias Crime Reporting Processes

Process Type: Integrated with Additional Review



Eastern Police Department 2 General Crime and Bias Crime Reporting Processes

Process Type: Integrated without Additional Review

