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Police Chief Magazine | Topics | Crime &  
Violence | Using Research to Improve Hate Crime  
Reporting and Identification

# Using Research to Improve Hate Crime Reporting and Identification

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Hate crimes harm whole communities. They are message crimes that tell all members of a group—not just the immediate victims—that they are unwelcome and at risk.

The damage that bias victimization causes multiplies when victims and justice agencies don't recognize or report hate crimes as such. In addition, in cases for which law enforcement agencies fail to respond to or investigate hate crimes, relationships between law enforcement and affected communities can suffer, and public trust in police can erode.<sup>1</sup>

While it is known that hate crimes are underreported throughout the United States, there is not a clear understanding of exactly why reporting rates are low, to what extent, and what might be done to improve them. An even more elementary question, with no single answer, is: What constitutes a hate crime? Different state statutes and law enforcement agencies have different answers to that question, which further complicates the task of identifying hate crimes and harmonizing hate crime data collection and statistics.

## Hate Crimes: A Distinct Crime Category

The codification of hate crime laws began in the 1980s, as jurisdictions acted to redress the harm, beyond victim impact, that bias-based victimizations inflict on society.\* In a 2022 solicitation for further hate crime research, NIJ noted,

*Hate crimes are a distinct category of crime that have a broader effect than most other kinds of crime because the victims are not only the crime's immediate target but also others in the targeted group.*<sup>†</sup>

Hate crimes are traditional criminal offenses with an added element of bias motivation. They are not limited to crimes against persons; the crimes can target businesses, religious institutions, other organizations, and society at large. Additionally, hate crimes are not limited to one type of motivating prejudice. The FBI defines a hate crime as:

*a criminal offense committed against a person or property which is motivated, in whole or in part, by the offender's bias against race, religion, disability, ethnic or national origin group, or sexual orientation group.*<sup>‡</sup>

Hate crimes can be violent or nonviolent, but the acts must be recognized criminal offenses even if the bias element is set aside. Yet the wide net cast by hate crime laws has not resulted in high rates of hate crime prosecution or punishment. As noted in an NIJ-sponsored report on findings from the National Hate Crime Investigations Study, only 4 percent of hate crimes investigated by law enforcement resulted in someone being criminally charged.<sup>§</sup>

### Notes:

\*Ryken Grattet and Valerie Jenness, *Making Hate a Crime: From Social Movements to Law Enforcement* (New York, NY: Russel Sage Foundation, 2001).

<sup>†</sup>NIJ FY22 *Research and Evaluation on Hate Crime* (Washington, DC: U.S. Department of Justice, National Institute of Justice, 2022).

<sup>‡</sup>FBI, "[Defining a Hate Crime.](#)"

<sup>§</sup>Lisa M. Jones, Kimberly J. Mitchell, and Heather A. Turner, *U.S. Hate Crime Investigation Rates and Characteristics: Findings from the National Hate Crime Investigations Study (NHCIS)*, December 2021, NCJ 304531.

A recent series of evidence-based research initiatives supported by the National Institute of Justice (NIJ) is helping to narrow this critical knowledge gap and illuminate a better path forward. The study findings fill in vital details on causes of hate crime underreporting in various communities, including

- hate crime victims' reluctance to engage with law enforcement;
- victims' and law enforcement agencies' inability to recognize certain victimizations as hate crimes;
- a very large deficit of hate crime reporting by law enforcement agencies of all sizes; and
- variations in hate crime definitions across jurisdictions.

Significant insights to emerge from those studies include the following:<sup>2</sup>

- A growing number of members of the Latino community, particularly those who recently immigrated to the United States, reported experiencing bias victimization. (But Black communities endure more hate crimes than any other racial or ethnic group.)
- Many Latino individuals, especially immigrants, tend to report bias victimization only to friends and family. They are often highly reluctant to share incidents with law enforcement or other authorities.
- LGBTQ+ community members also reported an elevated rate of bias victimization. Some victims hesitate to report hate crimes to authorities out of fear of reprisals from law enforcement or because, among other reasons, they don't want their sexual orientation or gender identity exposed.
- Many hate crimes, particularly those targeting the LGBTQ+ community, are the product of mixed motivations—for example, hate and theft. This likely results from a perception that certain victim groups are vulnerable and less likely to report the crimes.
- Law enforcement officers often lack the training and knowledge needed to investigate, identify, and report hate crimes. The presence of a dedicated officer or unit enhances a law enforcement agency's ability to identify, respond to, and report hate crimes.
- Law enforcement agencies with policies in place that support hate crime investigation and enforcement are more likely to report investigating possible hate crimes in their jurisdiction.

In the end, knowledge gained from the NIJ-supported research on bias victimization and hate crime can strengthen hate crime recognition, reporting, and response.

## **Hate Crime vs. Bias Victimization**

Hate crimes are a form of bias victimization. A criminal offense is a core element of every hate crime. However, not every bias victimization is a crime. In simple math terms, hate crimes are a subset of all bias victimizations.

The FBI's Uniform Crime Reporting Program (UCR) defines a hate crime as a "committed criminal offense which is motivated, in whole or in part, by the

offender's bias(es)" against a

- race
- religion
- disability
- sexual orientation
- ethnicity
- gender
- gender identity\*

State and local jurisdictions have their own hate crime statutes proscribing some or all of those or other types of bias. An act of bias victimization can be, but need not be, a criminal offense.

Note:

\*FBI Hate Crime Statistics Reports, UCR, "[Definition of a Hate Crime.](#)"

## **Hate Crime Reporting Deficit Driven by Fear, Lack of Knowledge**

### ***Federal Data Captures Roughly 1 in 31 Hate Crimes***

The disparity between the number of hate crime victimizations that actually occur and the number reported by law enforcement is vast and long-standing. As hate crimes continue to rise in the United States, especially in vulnerable populations, the search for ways to reduce that disparity becomes more urgent.

A representative sample of hate crime victimizations across the United States, collected from the National Crime Victimization Survey, revealed that only a small portion of all hate crimes find their way into official hate crime reporting.<sup>3</sup> An annual average of 243,770 hate crime victimizations of persons 12 or older occurred between 2010 and 2019.<sup>4</sup> In the same period, law enforcement agencies reported an annual average of 7,830 hate crimes to the FBI's Hate Crime Statistics program.

Those figures suggest that roughly 1 of every 31 hate crimes is captured in U.S. federal statistics.

The FBI has published hate crime statistics provided by law enforcement since 1996. However, submitting hate crime data to the FBI is voluntary, and many state and local law enforcement agencies either report that their jurisdictions experience no hate crimes or do not report any hate crime data.<sup>5</sup>

### ***Three Conditions for a Hate Crime to Enter National Statistics***

The overall investigation and prosecution of hate crimes suffer from the prevalence of inaccurate hate crime data. The COVID-19 Hate Crimes Act of 2021 acknowledges that incomplete data from federal, state, and local jurisdictions have hindered our understanding of hate crimes.<sup>6</sup> Without a full, data-informed understanding of the problem, law enforcement and communities will be unable to provide an adequate response.

Three steps must occur for federal statistics to capture a hate crime incident.

1. A victim, a victim's friend or family member, or another person with knowledge of the incident must report the incident to law enforcement.
2. Upon receiving an incident report, law enforcement must recognize and record it as a hate crime by establishing sufficient evidence through an investigation.<sup>7</sup>
3. The law enforcement agency must report the hate crime to the FBI's Uniform Crime Reporting Program.

Reporting barriers are present at each step of the process, which results in chronic and acute underreporting of hate crimes.

### ***Dealing With Divergent Hate Crime Definitions***

Although the FBI has a definition for hate crimes, their definition only affects state data-reporting obligations. The FBI definition has no impact on states' own criminal code definitions. State and local hate crime definitions vary widely in terms of whom they protect and the types of offenses they include.<sup>8</sup> The varying hate crime definitions make it challenging to obtain an even-handed and reliable summary of hate crime statistics across jurisdictions. When recording cases for the FBI, law enforcement agencies are required to adhere to the federal definition of offenses

and protected groups.<sup>9</sup> An offense that constitutes a federal hate crime may not constitute a hate crime in a state or local jurisdiction; the reverse could also be true. As a result, hate crime counts based on jurisdiction-specific definitions are not always comparable to counts reported by the FBI.

### ***Understanding Victim Reluctance to Report Hate Crimes***

NIJ-sponsored research on hate crimes that affect Latino and LGBTQ+ communities suggests that many factors influence whether individuals who experience or witness hate crimes report them to law enforcement. Those factors vary across communities.

Researchers at Northeastern University, the University of Massachusetts Lowell, the University of Texas Medical Branch, and the University of Delaware conducted a study of victimization bias affecting three large, geographically diverse Latino populations. The study found that victims who experienced bias victimization overwhelmingly sought help from friends or family and not from formal authorities, particularly law enforcement.<sup>10</sup> The report rates to formal authorities by nonimmigrant and immigrant Latinos were similar, though nonimmigrant Latinos were more likely than immigrant Latinos to report experiencing bias victimization. It's important to note that the Latino community is large and varied in the United States, and victimization bias varies by nature and degree across Latino communities. Many Latino study participants said that their past experiences as victims of personal or indirect discrimination have made them less willing to report their bias victimization to authorities or to trust those outside of their community.

Among Latino populations, several factors influenced their reluctance to contact law enforcement about hate crimes, including concern over retaliation by the offending party, harassment by police, and worries over the victim's immigration status.

Florida International University conducted a study of LGBTQ+ Latinos in Miami, Florida, that established an additional factor that inhibited victim reporting of hate crimes to law enforcement: concern about the consequences of revealing their sexual orientation or gender identity.<sup>11</sup> The study also found that friends' encouragement to report a crime was "by far" the strongest predictor of hate crime reporting, which increased the likelihood of the victim reporting the crime at least ten-fold.

## ***Multiple Sources of Initial Hate Crime Reporting to Law Enforcement***

Although it is vital for victims to report hate crimes, it is not the only way that law enforcement finds out about these types of crimes. The National Hate Crime Investigation Study found that, of all incidents reported to law enforcement in a nationally representative sample, victims reported 45 percent of those hate crimes and other individuals reported 52 percent.<sup>12</sup>

The Miami-based study reported that criminal justice practitioners perceived that law enforcement initiates most hate crime cases in response to media coverage of bias-motivated events rather than in response to victims' reporting.<sup>13</sup>

Low rates of formal reporting obscure the significant impact that hate crimes have on victims. Bias victimization can be just as, or more, damaging to Latino victims than other types of victimization, such as assault or theft. Among the three large metro Latino communities that the Latino bias research study examined, bias victimization had more of a mental health impact on community members than other forms of victimization.<sup>14</sup> In fact, bias victimization is unique in its negative impact on mental health. This has notable implications for both prevention and intervention within the community.

The Miami-Dade study of LGBTQ+ Latino individuals reported these other consequences of bias victimization (perhaps influenced by mental health impacts):

- Victims began to avoid LGBTQ+ venues or friends (13 percent).
- Victims had to change their housing (23 percent).
- Victims tried to act more "straight" (35 percent).

The strongest predictor of a victim changing their housing was that the victim experienced a hate crime involving the use of a weapon.

## ***Recognizing Hate Crime Incidents***

It isn't enough for a law enforcement agency to receive a report of a hate crime incident if the agency doesn't recognize and report the incident as such. But identifying a bias motivation can be challenging. It's not always clear what motivated a person to commit a crime, and other factors unrelated to bias may mask an

incident's hate-based status. Further, it's not typical for law enforcement to be required to identify a motive.

## **Mixed-Motive Hate Offenses: Choosing Victims for Their Vulnerability**

Bias motives can emerge during disputes or incidents that are unrelated to bias, which potentially complicates law enforcement's ability to identify a motive. NIJ-sponsored research by the National Consortium for the Study of Terrorism and Responses to Terrorism (START), a research center at the University of Maryland, found that these mixed-motive hate offenses are common.<sup>15</sup> START developed a database known as BIAS (the Bias Incidents and Actors Study), which collected information from 960 adult individuals who committed hate crimes from 1990 to 2018.

*Chronic, widespread underreporting of hate crimes also greatly reduces the likelihood of justice for victims.*

BIAS found that almost a quarter of hate crimes targeting victims due to their sexual orientation or gender had mixed motives. Additionally, nearly all hate crimes that targeted persons because of their age or physical or mental disabilities had mixed motives, such as a combination of hate and theft. The researchers noted that, in those cases in particular, the crime likely results from the fact that the person committing it perceives that

certain victim groups are vulnerable and less inclined to report incidents to authorities. The study also found that mixed-motive hate crimes were more likely to be spontaneous or otherwise unpredictable than crimes motivated only by bias.

## **Varying Hate-Based Forms of Messaging – How to Identify a Crime as Hate-Motivated**

A University of New Hampshire research team identified the top four indicators of hate motivation that law enforcement identified and reported in the National Hate Crime Investigation Study (NHCIS):

- Hate-related verbal comments (reported by victims in 51.83 percent of hate crimes in the NHCIS database)
- Victim belief that they were targeted because of hate or bias (28.96 percent)
- Hate-related written comments (24.75 percent)
- Hate-related drawings or graffiti found at the crime scene (23.39 percent)<sup>16</sup>

## **Characteristics of Primary Suspects in Hate Crime Investigations**

The NHCIS examined characteristics of suspects from a sample of 783 hate crime investigations in 2018 where law enforcement identified a suspect.<sup>17</sup> The primary suspects were white in nearly three-quarters (73.69 percent) of those cases. See Table 1 for a breakdown of characteristics of primary suspects.

**Table 1. Characteristics of Primary Suspects in Hate Crime Investigations (n=783)**

<b>Suspect Characteristics</b>	<b>Weighted % (unweighted n)</b>
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**Gender**

Male	86.15% (599)
Female	13.76% (124)
Transgender/Other	0.08% (1)

**Race/ethnicity**

Asian	1.54% (9)
Black/Afr. American	18% (125)
Latino/Hispanic	5.32% (47)
White	73.69% (450)
Other race/ethnicity	1.45% (7)

**Age**

12 or younger	1.94% (11)
13-17	11.21% (68)
18-25	17.58% (92)
26-30	12.20% (55)
31-40	17.51% (103)
41-50	16.30% (99)
51-60	15.39% (98)
Older than 60	7.83% (36)

**Other characteristics**

Investigated for a prior criminal offense	19.66% (175)
Yes	80.34% (608)
No or unknown	
Prior history of arrest	16.63% (146)
Yes	83.37% (637)
No or unknown	
Using alcohol or drugs at time of the incident	15.09% (113)
Yes	84.91% (670)
No or unknown	
Aggressive toward police during investigation	11.81% (94)
Yes	88.19% (689)
No or unknown	

*Note:* Percentages for primary suspect gender, race/ethnicity, and age presented for cases in which information was known.

Unknown/missing data: gender=59, 7.27% (weighted); race/ethnicity=145, 18.41% (weighted); age=221, 29.9% (weighted).

## Varying Traits of Those Who Commit Hate Crimes

The START database study, BIAS, found that the behaviors, experiences, and characteristics of those who commit hate crimes in the United States varied significantly.

- Some offenders were fully engaged in the world of bigotry and hate when they committed a bias-based offense, while others were acting on bias themes that pervade U.S. communities.
- Some committed crimes of opportunity, while others carefully premeditated their acts.
- Some were susceptible to negative peer influences or were struggling with mental health issues or substance abuse.<sup>18</sup>

The study also established that the characteristics of persons who commit hate crimes also varied considerably, depending on the nature of the prejudice involved. For example:

- Those who committed hate crimes based on their victims' religious beliefs were often older, better educated, and had higher rates of military experience than those who committed hate crimes based on other motivations.
- Those motivated by religious bias displayed high rates of mental health concerns and were most likely to plan or commit hate crimes.
- Those motivated by bias based on sexual orientation, gender, or gender identity were often young, unmarried, and unemployed. They were also most likely to commit hate crimes with accomplices and while under the influence of drugs or alcohol.

### ***Agency Reporting of Zero Hate Crimes***

Data analyses from the NIJ-supported NHCIS showed that many U.S. law enforcement agencies, regardless of size, reported that they conducted no hate crime investigations within 2018. This is consistent with the FBI's assessment from hate crime statistics provided by law enforcement agencies. According to the FBI, generally, around 85 percent of law enforcement agencies said that no hate crimes occurred in their jurisdiction.<sup>19</sup> That is good news if no hate crimes occurred, but it is problematic if hate crimes are occurring without being reported or investigated as such.

The hate crime investigations study authors noted that although over half of large agencies (100+ officers) reported no hate crimes investigations in 2018, several large agencies reported more than 50 hate crimes investigations that year. Based on an

assessment of case summaries, the researchers concluded that better documentation increased the number of investigations. They also found that agency policies and procedures increased the number of hate crime investigations.

## **Implications and Recommendations: How Research Can Enhance Hate Crime Reporting, Investigations**

NIJ-supported hate crime research identified several proposals to improve hate crime investigation and reporting. One promising area is for agencies to implement certain hate crime policies and practices. The NHCIS surveyed agencies on whether they had implemented five specific policies and practices. The study found four of the five were significantly related to an increased number of reported hate crime investigations, even when controlling for agency type and size:<sup>20</sup>

- Assigning a dedicated officer or unit to investigate hate crimes.
- Reviewing procedures for cases with possible hate or bias motivation.
- Developing written policy guidelines for investigating hate crimes.
- Conducting outreach to local groups on hate crimes.

Researchers found no significant differences in hate crime reporting rates between agencies that had provided officers with training on hate crime investigations, and those that had not; however, the study did not look at the nature and quality of the hate crime training the officers received. The NHCIS noted that officers with minimal training are often tasked with identifying hate crimes based on their state's legal definition. The report also noted that bias-based crimes are often hard to classify, even with good training. More information is needed to determine the optimal type and focus of hate crime training. The Latino bias studies identified a need to both identify hate crimes and increase community education on hate crimes. The research team identified the following policy and process needs, among others, to improve identification and reporting:

- Enhance police training about risks associated with bias victimization in Latino communities.
- Increase education and awareness about bias victimization among Latino population groups.
- Build support for community-based agencies to facilitate the formal process of helping victims and reporting hate crimes to law enforcement.<sup>21</sup>

The study of LGBTQ+ Latinos in Miami identified the following recommendations to improve how law enforcement agencies report and identify anti-LGBTQ hate crimes:

- Establish a hate crime detection protocol for emergency dispatchers, patrol officers, police detectives, case screeners, and prosecutors.
- Develop a specialized workforce to identify, tackle, and prevent hate crimes; the workforce should be composed of prosecutors, detectives, patrol officers, victims' liaisons, emergency dispatchers, researchers, and community experts.
- Create a dedicated support center for hate crime victims.
- Recruit police officers and prosecutors from the LGBTQ+ community.
- Develop formal policies to affirm and support transgender colleagues, victims, and witnesses.
- Encourage cooperation by pursuing victim engagement alternatives to subpoenas. Train criminal justice practitioners to improve victim engagement and hate crime detection, evidence gathering, and case screening.
- Engage in effective communication and awareness-building campaigns, such as initiatives to encourage victims to tell friends about the incident, as well as encouraging friends to persuade a victim to report the crime.<sup>22</sup>

## Conclusion

It is critical for both communities and law enforcement to improve their methods of reporting and identifying hate crimes. Only then will they be able to prevent and respond to incidents and link victims to services they need. Doing so will also enable the field to develop a more comprehensive understanding of the scope and nature

of the problem. The current gap between the number of hate crime victimizations and the number of hate crimes that law enforcement reported and investigated threatens the relationship between law enforcement and targeted communities. Chronic, widespread underreporting of hate crimes also greatly reduces the likelihood of justice for victims.

Findings from NIJ-supported research provide important insight into the causes of underreporting and under-identification of hate crimes. These studies also offer policy and practice recommendations to improve how law enforcement agencies report and identify hate crimes.

The National Institute of Justice is the scientific research, evaluation, and development branch of the U.S. Department of Justice.

*The opinions, findings, conclusions, and recommendations expressed in this publication do not necessarily reflect the official position or policies of the U.S. Department of Justice.*

## Notes:

<sup>1</sup>International Association of Chiefs of Police, *Responding to Hate Crimes: A Police Officer's Guide to Investigation and Prevention* (Washington, DC: U.S. Department of Justice, Bureau of Justice Administration, 1999).

<sup>2</sup>The five NIJ-supported hate crime study reports covered in this article are: Carlos A. Cuevas, et al., *Understanding and Measuring Bias Victimization Against Latinos*, October 2019, NCJ 253430; Carlos A. Cuevas, et al., *Longitudinal Examination of Victimization Experiences of Latinos (LEVEL): Extending the Bias Victimization Study*, August 2021, NCJ 30167; Michael A. Jensen, Elizabeth A. Yates, and Sheehan E. Kane, *A Pathway Approach to the Study of Bias Crime Offenders*, February 2021, NCJ 300114; Besiki Luka Kutateladze, *Anti-LGBTQ Hate Crimes in Miami: Research Summary and Policy Recommendations*, September 2021, NCJ 302239; Lisa M. Jones, Kimberly J. Mitchell, and Heather A. Turner, *U.S. Hate Crime Investigation Rates and Characteristics: Findings from the National Hate Crime Investigations Study (NHCIS)*, December 2021, NCJ 304531.

<sup>3</sup>Grace Kena and Alexandra Thompson, *Hate Crime Victimization, 2005–2019* (Washington, DC: U.S. Department of Justice (DOJ), Bureau of Justice Statistics (BJS), 2021).

<sup>4</sup>Erica Smith, *Hate Crime Recorded by Law Enforcement, 2010–2019* (Washington, DC: U.S. DOJ, BJS, 2021).

<sup>5</sup>Smith, *Hate Crime Recorded by Law Enforcement*.

<sup>6</sup>COVID-19 Hate Crimes Act, Pub. L. No. 117-17, 123 Stat. 2835 and 135 Stat. 265, 266, 267, 268, 269, 270, 271 and 272 (2021).

<sup>7</sup>Global Law Enforcement Support Section (GLESS) Crime and Law Enforcement Statistics Unit (CLESU), *Hate Crime Data Collection Guidelines and Training Manual* (Washington, DC: Federal Bureau of Investigation: Criminal Justice Information Division Uniform Crime Reporting Program, 2022).

<sup>8</sup>U.S. Department of Justice, "Laws and Policies."

<sup>9</sup>GLESS CLESU, *Hate Crime Data Collection Guidelines and Training Manual*.

<sup>10</sup>Cuevas, et al., *Understanding and Measuring Bias Victimization Against Latinos*; Cuevas, et al., *Longitudinal Examination of Victimization Experiences of Latinos (LEVEL)*.

<sup>11</sup>Kutateladze, *Anti-LGBTQ Hate Crimes in Miami*.

<sup>12</sup>Jones, Mitchell, and Turner, *U.S. Hate Crime Investigation Rates and Characteristics*.

<sup>13</sup>The practitioners were prosecutors who handled hate crime cases in the Miami-Dade State Attorney's Office, detectives from the Miami-Dade Police Department, one victim liaison from the police department, and one from the prosecutor's office; Kutateladze, *Anti-LGBTQ Hate Crimes in Miami*.

<sup>14</sup>The three-community bias study survey sampled Latino community members generally, not limited to self-identified bias victims. Respondents reported on their own bias experiences. Overall, 52.9 percent of participants experienced some form of bias event in their lifetime.

<sup>15</sup>Jensen, Yates, and Kane, *A Pathway Approach to the Study of Bias Crime Offenders*.

<sup>16</sup>Jones, Mitchell, and Turner, *U.S. Hate Crime Investigation Rates and Characteristics*.

<sup>17</sup>Jones, Mitchell, and Turner, *U.S. Hate Crime Investigation Rates and Characteristics*.

<sup>18</sup>Jensen, Yates, and Kane, *A Pathway Approach to the Study of Bias Crime Offenders*.

<sup>19</sup>Smith, *Hate Crime Recorded by Law Enforcement*.

<sup>20</sup>Jones, Mitchell, and Turner, *U.S. Hate Crime Investigation Rates and Characteristics*.

<sup>21</sup>Cuevas, et al., *Understanding and Measuring Bias Victimization Against Latinos*;  
Cuevas, et al., *Longitudinal Examination of Victimization Experiences of Latinos (LEVEL)*.

<sup>22</sup>Kutateladze, *Anti-LGBTQ Hate Crimes in Miami*.

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