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Hate Crime: The development of an assessment tool for criminal justice practitioners – A Preliminary Research Report

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Summary

This preliminary research report provides a summary of key findings from a wider systematic review examining Hate Crime currently being undertaken by Dr Philip Birch (CSU), Professor Jane Ireland and Ms Jenefer Hudson (UCLan, UK) on behalf on NSW Police, Education and Training Command, Australia. This report, along with a forthcoming systematic review, is the first step in examining components of Hate Crime in order to develop a Hate Crime Assessment (HCA) tool for use amongst criminal justice practitioners, in particular frontline police officers.

The wider systematic review informing this preliminary report was conducted, guided by The PRISMA guidelines (Prisma, 2009). PsycINFO, Medline, Cochrane Library and ERIC were used to source the existing literature. These databases were selected because of their relevance to the area of hate crime. The studies were predominantly from the United States, but there were also studies from Sweden the United Kingdom included. Analysis of the studies generated several themes. There are four themes yielded from the initial presentation of findings, offering insight into the context, setting and prevalence of Hate Crime; as well as evidencing nuances that reveal the complexity of Hate Crime and that a 'one size fits all' approach is complex. The 4 themes presented are: 1. *Defining Hate Crime;* 2. *Offenders of Hate* Crime, 3. *Victims of Hate* Crime; 4. *Addressing Hate* Crime. Of significance is evidence of offender demographics, in that offenders are typically younger than their victims, along with the impact Hate Crime has on both direct and indirect victims such as the wider community. The implications of the summary of key findings presented in this report are two-fold: prevention and criminal justice response.

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Section 1: Defining Hate Crime

Defining hate crime is complex due the various forms that make up this crime type. Within the UK, the College of Policing (2014: 2) defined Hate Crime as any crime or incident where the perpetrator's hostility or prejudice against an identifiable group of people is a factor in determining who is victimised, identifying five types of hate crime:

- disability
- race
- religion
- sexual orientation
- transgender status.

The various forms of hate crime recognised by the UK College of police are also captured in the recent work of Hambly, Rixom, Singh, & Wedlake-James, 2018) who documented that *'A hate crime is defined as any criminal offence which is perceived, by the victim or any other person, to be motivated by hostility or prejudice based on a person's race, religion, sexual orientation, transgender identity or disability, or the perception of the person of having any of these characteristics'* (pp.3).

Garland (2011) has noted that the problems associated with defining hate crime lie within the idea that one group is dominant over another group who is deemed subordinate. While, the complexities of defining hate crime are also reflected in the work of Rabrenovic (2007) where it is recognised that low level harassment can be overlooked *'under this formulation [as] hate crimes are viewed as a more violent extension of other type of behaviors and attitudes such as prejudice, bias, racism, sexism, ageism, homophobia and xenophobia'* (pp.2). This is compounded by the fact that evidence suggests that different organisations and different jurisdictions define hate crime differently (Department of Justice, Canada, 2015).

Section 2: Offenders of Hate Crime

Research offers insight into several demographics relating to offenders of hate crime with Gender, Age and Ethnicity being the most cited.

Gender

Several studies identified that when gender of the offender was reported, the offender tended to be male (e.g. Chakraborti, Garland & Hardy, 2014, Czajkoski, 1992, Dunbar, Quinones & Crevecoeur, 2005, Herek, Cogan & Gillis, 2002, Tibby, 2007).

However, Chakraborti, Garland & Hardy (2014) evidenced that hate crime within an educational setting such as School, College and University, females are typically reported to be the offender.

Age

Dunbar (2003) in a sample of fifty eight hate crime offences identified that the majority of hate crimes were perpetrated by young men. Similarly, in their study on sexual orientation hate crimes, Herek et al., (2002) also found that most perpetrators were adolescents or young adults with 61% of victims estimating that the perpetrator's age was in the range of 13 to 25 years.

More broadly Chakraborti, Garland & Hardy (2014) noted that offenders typically tend to be a younger age compared to their victims, as illustrated by their research respondents were more likely to have experienced a hate crime involving offender(s) in the following ways:

- Respondents aged between 16 and 24 were more likely than respondents overall to say their most recent experience of hate crime had involved offender(s) aged between 13 and 19;
- Respondents aged between 25 and 34 were more likely than respondents overall to say their most recent experience of hate crime had involved offender(s) aged between 20 and 30;
- Respondents aged between 35 and 54 were more likely than respondents overall to say their most recent experience of hate crime had involved offender(s) aged between 31 and 40.

(pp. 56)

Ethnicity

Several studies (e.g. Chakraborti et al., 2014, Czajkosk, 1992, Cheng, Ikes & Kenworthy, 2013, Herek et al., 2002) have found that although information about perpetrator race was often unknown or missing, when this information was available, offenders were more likely to be Caucasian.

Other Offender Characteristics

Of the evidence reviewed, perpetrators of hate crime typically present a range of criminogenic factors. Although generalisability is limited, in a study by Dunbar (2003) a review of probation records for hate crime offenders revealed a variety of developmental problems these offenders had experienced, in particular with regards to general risk of violence and antisocial behaviour. For example, 58% of the sample had a history of substance abuse, whilst nearly 1 in 4 had a history of psychiatric treatment and a similar number demonstrated educational problems; a family history of parental separation and/or domestic violence, was also present for around one third of the offenders; at the time of the hate crime, 87% of the offenders had prior criminal convictions, and 60% had one or more prior violent convictions.

Similarly, in another study by Dunbar, et al., (2005) it was reported that 59% of offenders had a prior history of arrest, 58 % had a prior criminal conviction and 33% had more than one prior conviction when the hate/bias crime was committed; 48% of the offenders had a prior arrest or conviction for a violent crime; substance abuse and family histories marked by parental separation and/or domestic violence were also noted within nearly a quarter of the sample of offenders.

Nature of Offence

In relation to the nature of a hate crime offence, Barnes and Ephross (1994) found in their research that physical assault, verbal harassment, and mail or telephone threats were the most frequently reported hate crimes. There is some support for this in other studies, for example, Dunbar (2003) found that hate crimes also included physical assault (48.3%), attempted murder (5.2%), and homicide (3.4%) with only a minority of the offenses (17.3%) relating to property. Czajkoski (1992) found that assault was the most dominant hate crime (43%) followed by damage to property (31%). In one study, Cheng et al., (2013) reported that compared to the overall hate crime pattern, antireligious hate crimes were more likely to occur against property

where as anti-racial and anti sex orientation hate crimes were more likely to occur against the person Anti-sexual orientation crimes were also reportedly more severe. It is hypothesised that variation in the range of hate crimes experienced by victims may vary due to the characteristics of the victim and other factors such as perpetrator motivation.

Motivation

According to one study, highly bias-motivated offenders engaged in more instrumental than reactive crimes (Dunbar, 2003). These offenders also perform greater goal orientation behaviour and were less likely to have had a prior relationship with their victims (see below for consideration of Perpetrator/Victim relationship). In addition, these types of offenders perpetrated racially motivated crimes, rather than sexual-orientation or gender-motivated crimes. It was noted that in the study by Dunbar (2003), instrumentally aggressive bias offenders typically pursued social dominance rather than any financial or material gain.

Number of Perpetrators

Evidence (e.g. Chakraborti et al., 2014, Dunbar, 2003, Herek et al, 2002) has identified that hate crimes were often committed by multiple perpetrators, however this is not consistently reported and its dependant on the nature of the hate crime. As reported by Chakraborti et al., (2014) the number of offenders involved in hate crime varies:

- sexual violence (this included being sexually harassed, being touched inappropriately and being raped) – were more likely than others to say it had been perpetrated by one offender;
- violence (this included being pushed, punched, kicked, mugged and being hit with weapons) – were more likely to say there had been five or more offenders;
- property crime (this included having the car windows smashed, having eggs thrown at the house, having graffiti sprayed on the walls and having fireworks pushed through the letterbox) – were more likely than others to say they did not know or could not remember how many offenders had been involved.

(pp. 55)

Perpetrator Victim Relationship

The relationship between perpetrators and their victims is considered within the evidence available, with a contradictory picture emerging. A study by Roxell (2011) found that when information on the relationship between the victim and the perpetrator was available, it was

more common for the perpetrator to be known to the victim (43%) than to be unknown (34%). However, Williams and Tregidga (2014) found that the majority of respondents in their study were victimised by a stranger. In another study, Tiby (2007) found that it was just as common for the suspected offender to be acquainted with the victim as it was for the suspected offender to be someone unknown to the victim. More recently, Chakraborti et al., 2014 found that the perpetrator was a stranger in only half of the most recent incidents of hate crime that victims had experienced (49%) with 51% reflecting family, friends, neighbourhoods and work colleagues to name but a few. It is hypothesised that the differences found in the research may be due to sampling or may be reflective of cultural and/or other related factors such as how a person defines a hate crime.

Location of Hate Crime

Research has found that the perpetration of a hate crime often takes place in public areas. Herek et al., (2002) reported that bias person crimes occurred disproportionately in public places, in comparison with non-bias crimes. Similarly, Chakraborti et al., (2014) found that a third of respondents had experienced their most recent hate crime in a public street or park (32%), with just under a quarter being targeted outside or near their home (22%); additionally 13% had been targeted in the city centre, whilst 10% had been targeted in school.

Risk Assessment

Risk assessment with regards to hate crime is lacking. There is currently no standard hate crime risk assessment across the forty-three Police Forces in England and Wales (Her Majesty's Inspectorate of Constabulary and Fire and Rescue Services, 2018).

In the United States the Vera Institute of Justice (Vera) has developed a Bias Crime Assessment Tool (BCAT), with the aim of capturing victims' experiences more effectively, increasing confidence in the reporting process and recording data more accurately (Simich & Kang-Brown, 2018). No further information about the implementation or reliability of this assessment has been found to date.

Section 3: Victims of Hate Crime

The following section considers hate crime from the perspective of the victim. Noting that victim information can support an informed, evidence-based approach to prevention, disruption and reduction strategies.

Victim Characteristics

According to one study men were more likely than women experience a hate crime, while in terms of sexuality, gay men were more likely to experience a hate crime compared to other groups (Herek, Gillis, Coogan, 1999), however this study is now 20 years old and fails to take into account the transgender and transsexual communities. However, in a more recent study it was found that gay men were consistently more likely to become a victim of a hate crime compared with other sexual orientation groups. Further exploration showed that anti-male homosexual hate crimes were significantly higher than anti-female homosexual hate crimes (Cheng et al., 2013).

In terms of victim characteristics, as summarised by Chakraborti et al., (2014):
- A third of victims had been targeted because of hostility towards their race;
- Dress and appearance were significant contributory factors towards people's experiences of targeted hostility;
- Half of all respondents had been victimised because of more than one aspect of their identity or perceived 'difference';

(pp. 19).

This final finding by Chakraborti et al (2014) indicates that the need for hate crime to be considered through a lens of intersectionality in order to more accurately examine, and subsequently respond to, this crime type.

Victimisation Experienced

There is evidence to show that hate crime is a crime which takes place on a continuum and escalates if not addressed at first incident (see section 4 below for a more detailed consideration of this point). Chakraborti et al. (2014) noted the low-level incidents such as name calling and related verbal abuse that take place as part of a person's victimisation can escalate to more severe crimes such a violence and property crime.

Chakraborti et al. (2014) summarised in their study that:

- 9 out of 10 victims had experienced verbal abuse;
- 7 out of 10 victims had experienced harassment;
- Disabled people were more likely to have experienced multiple forms of targeted hostility compared to other groups of victims.

(pp. 15).

From the same research by Chakraborti et al. (2014: 18), the most common forms of hate crime experienced are:

- Verbal abuse - 55%
- Harassment – 29%
- Property crime – 13%
- Violent crime – 9%
- Cyberbullying – 6%
- Sexual violence – 4%
- Other/Not stated – 16%

Victim Perception of Motivation

In a study by Chakraborti et al., (2014) victims identified motivating factors behind hate crime. These factors included unfamiliarity, intolerance and perceived vulnerability. Perry (2001) has argued that hate crime is an extreme form of discrimination as a result of the marginalisation of those considered different. While Social Learning Theory (Bandura, 1999) may also add value in understanding what social and psychological factors influence and motivate hate crime offenders.

Victim Impact

The impact of a hate crime on a direct victim is wide ranging, including an impact on a persons physical, psychological and emotional wellbeing. A hate crime can have financial implications on a victim due to inability to work, this may be due to physical injuries, but commonly because victims do not like to go out alone post a hate crime incident (Chakraborti et al., 2014). The following list indicates some of the outcomes, in order to most common outcome, of being a victim   of   a   hate   crime

:

1. Avoided walking in certain areas/going to certain place
2. Avoided going out at night
3. Improved home security
4. Carried personal security devices
5. Changed the way I look/dress
6. Changed my mobile phone number
7. Stopped using particular social networking sites
8. Hidden my sexual orientation
9. Moved home
10. Hidden my language/accent
11. Hidden my faith/religion
12. Hidden my disability/impairment
13. Hidden my nationality Hidden my race/ethnicity
14. Hidden my transgender status
15. Hidden my asylum seeker status

(Chakraborti et al., 2014: 52)

In summary, Chakraborti et al., (2014) stated that:

- 95% of victims felt that hate crime had detrimentally affected their quality of life, with feelings of depression and thoughts of suicide cited by high numbers of people targeted because of their mental ill-health, transgender status and learning disabilities;
- Hate crime victimisation had become a routine feature of everyday life for many participants, and particularly those who felt cut-off from 'mainstream' society;
- Victims employed a range of strategies to feel safer and to reduce the risk of victimisation, including avoiding public spaces and attempting to conceal their identity;

(pp. 35).

While the impact of the fear of crime is a consequence of victimisation, the ability to measure this construct is problematic. While the impact on indirect victims e.g. the wider community also leads to a range of consequences related to feeling unsafe and anxiety.

Section 4: Addressing Hate Crime

This final section reflects on mechanisms for addressing hate crime. While the police are largely seen as the first responders to hate crime, those who are affected by hate crime believe hate crime should be dealt with outside of the criminal justice system. In large part this section falls outside the scope of the main purpose of this study, with regards to developing a hate crime assessment tool, however, some reflections are offered.

Reporting Hate Crime

Research shows that hate crime is both under reported and under recorded (Giannasi, 2015). More effective reporting of hate crime could enhance understanding about perpetrators and the risks associated with hate crime, thus support risk reduction. It could also increase victim confidence, supporting their recovery.

According to Chakraborti et al., (2014: 66):

- Only one in four victims had reported their most recent experience of hate crime to the police
- Over half of all respondents had not reported their experiences to anyone
- Low numbers of victims had reported to a third-party reporting organisation or to professionals in a position to offer support

While the severity of the incident also influences whether a hate crime in reported, 'victims of verbal abuse were the least likely to have reported the crime to the police (16%), followed by:

- 33% of victims of harassment;
- 36% of victims of cyberbullying;
- 41% of victims of sexual violence;
- 60% of victims of violent crime; and
- 62% of victims of property crime.'

(Chakraborti et al., (2014: 67).

Arguably, reporting should be encouraged, regardless of severity in order to engender a more accurate picture of the nature and extent of hate crime. Ultimately, this has implications for the reliability and validity for a hate crime assessment tool.

Of the hate crimes that are reported, the police are the first choice for reporting, with victim satisfaction in regards to police response being typically strong. Related patterns found with reference to reporting hate crime include that victims of specific hate crimes e.g. disability hate crime, transgender hate crime etc. can also influence whether a report is made, as well as:

- Those aged 16 to 24 who had not reported their hate crime to the police were more likely than others to say that they had not because they dealt with it themselves/with the help of others (34% compared with 27% overall);
- Respondents who had known the offender(s) involved in their most recent experience of hate crime were more likely than others to say that they had not reported it to the police because it was a private matter (29% compared with 16%), for fear of retaliation (18% compared with 9%), or because they were too embarrassed (16% compared with 9%);
- Respondents whose most recent experience of hate crime had involved verbal abuse were more likely to say they had not reported it to the police because they did not think they would take it seriously (36% compared with 30% overall);
- Respondents with disabilities were more likely to say they had reported the crime to other authorities instead of the police (6% compared with 1% overall).

(Chakraborti et al., (2014: 72).

Finally, research offers an insight into the notion that hate crime could be dealt with outside of criminal justice system. Educational approaches and restorative justice in the literature are suggested as preferred responses to hate crime. The rationale for this lends itself to the origins of hate crime - low levels of understanding with regards to difference and diversity.

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