

A study of hate crime criminology essay

[Law](#), [Criminology](#)



Abstract

Hate crime is a term that was born in the 1980's from journalists and policy advocates who were trying to describe crimes of bias against African Americans, Asians, and Jews. From there, the term hate crime expanded and an act was passed that required the tracking of hate crime statistics. These statistics can often be misleading due to the underreporting of hate crimes and the strict requirements surrounding what constitutes a hate crime. Gender based hate crime is the most prevalent, with African Americans being the largest racial group targeted by hate crime. Trends develop in the amount of hate crimes as seen by the recent upswing in hate crimes against Middle Easterners following the September 11, 2001 terrorist attacks. Police have responded to hate crime by changing their policies and creating new units to specifically target hate crime. There have been new laws created regarding hate crimes and an enhancement of their punishment in an effort to combat hate crime. Possible solutions to try to decrease hate crime focus on the early identification of young adults and juveniles who may be prone to commit these acts and the intervention and education of offenders. There must also be a focus on the tactics of law enforcement officers if hate crime is to be reduced.

3

A Study of Hate Crime

To better determine how to respond to and handle hate crime, it helps to understand just what hate crime is. An example of hate crime from Shively and Mulford (2007) is, " In December 2000, in Brooklyn, New York,

Mohammad Awad punched Chaim Spear while yelling obscenities and anti-Semitic remarks" (para. 1). This is a very basic example of what can be a very complex criminal act. Specific statistics on just how many hate crimes are committed can be a bit murky due to reporting methods, but one thing that can be gathered from the statistics is that hate crime is not going away anytime soon. Since hate crime is not going away, the appropriate response to hate crime from police and courts is more important than ever. The response of police and courts should also work towards solving the problem of hate crime. That can mean targeting hate crime in youth offenders and possibly preventing it or changing the tactics of law enforcement officers. When studying any problem, a good place to start is determining the origins of the problem. With that being said, hate crime has most likely been around as long as there have been people with differences in religion, race, or sexual orientation trying to live together. But, as pointed out by Shively and Mulford (2007), " The term " hate crime" was coined in the 1980's by journalists and policy advocates who were attempting to describe a series of incidents directed at African Americans, Asians, and Jews" (para. 26). The collection of statistics regarding hate crimes began in 1990. It was at this time that the Hate Crime Statistics Act was passed by Congress. The act as defined by Bartol and Bartol (2011), " Known as the Hate Crime Statistics Act, it requires data collection of violent attacks, intimidation, arson, or property damage that are directed at a person or group of persons because of race, religion, sexual orientation, or4ethnicity" (p. 17). During the 1990's, the act was expanded to include disabilities, both physical and mental, as a tracked bias. The Hate Crimes Sentencing Enhancement Act was also passed

during the 1990's to lengthen sentences for perpetrators convicted of hate crimes. While studying hate crime it is apparent that there can be trends in hate crime. African Americans usually top the chart in being the target of hate crime, but a trend that started after the terrorist attacks of September 11, 2001 were an increase of hate crimes against people from the Middle East. One of the more surprising finds from Steinberg, Brooks, and Remtulla (2003) was, " Gender-based hate crimes, or crimes against women, are perhaps the most prevalent form of hate crime in general, but the most socially acceptable and prevalent type of hate crime among teenagers and young adults is that targeting sexual minorities" (para. 28). This find was surprising to read at first, but after reflection, the find makes sense. In many countries, women are still seen as second-class citizens with less rights and privileges than their male counterparts. Among teenagers and young adults, there is still a negative stigma around being homosexual as seen from some of the slang still used. An example of this is hearing a group of students describe something they deem to be bad as " gay". The use of the term has become so widespread that it has minimized just how derogatory using the term in that fashion really is. The impact hate crimes have on the victims can be overwhelming and lasting. As described by Bune (2004), " Sometimes they blame themselves for being victimized, although they are innocent victims. As a consequence of their victimization, victims may isolate themselves from others and possibly develop strong mistrust of other people" (para. 10). The impact on the victims makes it very important to get a clear picture on how prevalent hate crime is. But, because of underreporting, it is very hard to have accurate statistics on just how

prevalent hate crime is overall. As stated above, two of the problems with statistics regarding hate crimes is determining what constitutes a hate crime and victims not always reporting the crimes against them in fear of either retaliation or shame. According to research from Shively and Mulford, the FBI found 7,163 hate crime incidents with 8,795 victims in a 2005 study. But, the Bureau of Justice Statistics (BJS) using victim interviews and including times when the offender either used hateful symbols or language found 191,000 incidents affecting 210,000 victims. As they explain, "The disparity in these two estimates stems, in part, from an important difference in the data collected: the FBI counts only crimes that are reported to the police. For the NCVS, BJS collects information from victims, who are asked if they think hate played a role in the crime" (para. 8). This is a huge gap in the two numbers and more than likely, the true scope of the problem lies somewhere in between the two numbers. It is most likely between the two numbers because there are sure to be crimes that go unreported, but the numbers from the BJS seem inflated due to their very broad definition of what a hate crime is. Hateful symbols and language are not always indicators a hate crime took place. A specific look at some of the groups from the research of Steinberg, Brooks, and Remtulla shows, "In 1999, there were 7,876 hate crimes reported, of which 4,295 were motivated by racial bias, 1,411 by religious bias, 1,217 by sexual orientation bias, 829 by ethnicity/national origin bias, 19 by disability bias and 5 by multiple bias" (para. 24). With over half of reported hate crimes that were reported being motivated by racial bias, it is clear that race is still an issue in the United States. These statistics can help in responding to hate crime by determining where efforts should be

focused. Two main entities focused on hate crime right now are police departments and the court system. Police departments have begun to deal with hate crime by altering their policies regarding how hate crimes are handled and by creating units specifically to deal with hate crimes. One of these policy changes according to Bune is, " Establish clearly that the department has " zero tolerance" to any form of hate crime, regardless of apparent seriousness" (para. 6). By doing this, the community will begin to understand that the department has a tough and firm stance on hate crime and it will not be tolerated and as mentioned above, the penalties for hate crimes can be more severe based on the Hate Crimes Sentencing Enhancement Act. The hate crime units that have been created have the time to focus on hate crimes specifically and implement strategies in dealing with and hopefully eliminating hate crime. The court system has a tough balancing act regarding hate crimes. There are many acts that are racially motivated, but because of first amendment rights are protected. One example is cross burning. As explained by Harr, Hess, and Orthmann (2012), " Without more evidence to prove a hate crime, cross burning is deemed a protected form of speech" (p. 151). The court cannot interpret what is meant by the acts involved even if they are implied. Even without that, there is still the positive regarding hate crime legislation and laws. According to Shively and Mulford, " The Federal Government and all but one State (Wyoming) have specific hate-crime laws" (para. 10). Even though these laws vary in what they encompass or the enhancement of the penalties, having the laws in place is a step in the right direction regarding the handling hate crime. After getting an idea about what hate crime is and tactics to try to combat it,

there is another question that must be answered. What can be done to get rid of hate crime or at least significantly reduce the number of hate crimes? One idea from Steinberg, Brooks, and Remtulla is, " To prevent future hate crimes, law enforcement agencies, state and federal agencies, public interest groups, and schools have been working together to identify and track hate crimes and to mitigate the conditions that foster them" (para. 44). It is not surprising that there is a large amount of hate crimes perpetrated by young adults and juveniles. That developmental period lends itself to trying to fit in and struggling with peer pressure. That is why there must be a focus on young adults and juveniles if hate crime is to be decreased. Three ways this can be accomplished is by tracking the crimes that are being committed and identifying the causation behind them, stopping the recruitment of juveniles to hate groups, and using the data from tracking and identifying the causation of hate crime to intervene and educate at risk juveniles and young adults. Those three steps could be a major factor in reducing hate crimes. Educating juveniles and young adults early could assist by not allowing misconceptions to shape their perception of people who are different. Also, to be able to stop juveniles from entering hate groups would help in ending a cycle of hate. It goes back to the idea that no one is born with bias, but they are developed by life experiences and what people are taught as an individual is brought up. Another way to try to reduce hate crime is to alter law enforcement tactics. This can be accomplished in a number of ways, such as police leadership ensuring that departmental policies are followed regarding hate crimes and assisting prosecutors in getting convictions of hate crimes by providing accurate

information. After a hate crime takes place, entire communities may be affected. Different races and religions within the community may not trust each other and in extreme cases may even retaliate against each other. Therefore, police departments should also place a major focus on healing and the rights of the victim after a hate crime has taken place. It not only helps the victim and their family, but the community as well to see that there is support and that it is okay to report crimes without fear of retaliation.

Hate crime's definition has expanded since the 1980's. Even as different groups are added, the importance of focusing on hate crime will not change. Statistics regarding hate crime are very hard to track due to the underreporting of them as well as strict definitions on what the FBI determines to be a hate crime. Over the past few years, police departments and the court system have responded to hate crime by changing their policies, creating new units, and enacting laws centered on hate crime. Some possible solutions to decrease hate crime are to focus on young adults and juveniles and by changing law enforcement tactics regarding hate crime. Hate crimes can be extremely heinous and vicious acts that can leave physical and mental scars on not only the victims of the hate crime, but entire communities and therefore, must always be taken seriously.