

Five main characteristics of hate crimes



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FIVE MAIN CHARACTERISTICS OF HATE CRIMES By Tameka Young, Fred Harris, Coretta Rainey, Tim Tala, and Tanaia Reid American Intercontinental University February 16, 2012 Introduction to Law Enforcement Professor Major Wenda Phifer Thursday 8: 30-11: 30 am Abstract In this paper hates crimes or bias crimes such as, race, religion, disability, sexual orientation, and ethnicity are discussed. There will be real world examples of hate crimes or bias crimes and ways or programs that are set up to protect citizens.

Hate crimes and hate incidents-those that are motivated by an offender's bias against an individual's or group's race, religion, disability, sexual orientation, ethnic/national origin, gender, or age- are also major issues for the police because of their unique impact on victims and the community. Hate crime laws have been adopted on the federal and state level that increases the penalties for crimes committed when the motivation by the race, color, national origin, religion, sexual orientation, gender, or disability of the victim.

Crimes against an individual usually affects only that individual, but hate crimes are intended to terrorize an entire group or class of people.

Therefore, the impact of a hate crime is far greater and should be penalized more severely. The Georgia Supreme Court voted 7-0 to throw out the state's existing hate crimes law because, unlike other similar laws, does not list groups that could be victims and therefore is " unconstitutionally vague".

Bias is a preformed negative opinion or attitude toward a group of persons based on their race, religion, disability, sexual orientation, or ethnicity/national origin.

There are 7, 800 hate-crime offenses involving 9, 100 victims are reported annually, and those numbers are increasing steadily. (Peak, 2012). (pg. 441). People fear what they do not know, but that stems from ignorance and the unwillingness to understand and to be open minded. In 1990, Congress passed the Hate Crimes Statistics Act, which forced the police to collect statistics on hate crimes, and several states have since enacted statutes that place higher penalties on crimes that have a hate motive. Peak, 2012). (p. 439). Sexual Orientation bias Crimes against a person sexual orientation are crimes against gays, lesbians, and transsexuals. However, in the state of Georgia as we all know there is no such law for hate crimes. “ The Georgia law allowed for increased penalties for crimes when a victim is chosen because of “ bias or prejudice”. The court said that standard could be applied to any prejudice, “ no matter how obscure, whimsical or unrelated to the victim”. Montaldo, Georgia Hate Crimes Law Tossed by Court, 2004). “ The federal hate crime laws do include the term “ sexual orientation”. “ As of July 2004, seven states have no hate crimes law at all, 20 states have hate crimes laws that do not protect sexual orientation, and 24 states have hate crimes laws that do include sexual orientation. In 2002, 12, 073 law enforcement agencies reported 7, 462 hate crime incidents, according to the FBI Hate Crime Statistics 2002”. (Montaldo, Hate Crime Laws and Sexual Orientation, 2004).

Some real world examples of sexual orientation hate crimes are the Matthew Shepard story, The Teena Brandon story, The Shandra Sharer story, and James Byrd Jr. story. The Matthew Shepard and James Byrd Jr. hate crimes prevention act “ gives the Justice Department the power to investigate and

prosecute bias motivated violence by providing the Department with jurisdiction over crimes of violence where the perpetrator has selected the victim because of the person's actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity, or disability". The Act provides the Justice Department with the ability to aid state and local jurisdictions either by lending assistance or, where local authorities are unwilling or unable, by taking the lead in investigations and prosecutions of violent crimes resulting in death or serious bodily injury that were motivated by bias. The Act also makes grants available to state and local communities to combat violent crimes committed by juveniles, train law enforcement officers, or to assist in state and local investigations and prosecutions of bias motivated crimes". Campaign, 2009). Ethnicity/National Origin bias Hate crimes or bias-motivated crimes against ethnicity or national origin occur when a perpetrator targets a victim because of his or her perceived membership in a certain ethnicity or national origin. The concept of hate crime entered the legal arena in the United States as recently as 1978, when California became the first state to introduce Legislation that specifically addressed crimes motivated by prejudice against a victim's perceived group membership. Grattet, Jenness and Curry 1998). With the increase dynamic pattern of ethnic segregation and tradition, of national origin and ethnic territoriality that characteristics many communities, it is relatively easier for perpetrators to target the whole community not just individual. Some examples of hate crimes against ethnic or national origins include Nazi programs in Germany, Genocide in Rwanda, and the ethnic conflicts in Bosnia and Herzegovina.

The most effective ways to fight hate crimes include the creation of laws that fulfill the following: Laws defining specific bias; laws defining criminal penalties; laws creating a distinct civil cause for hate crimes; and laws requiring administrative agencies to collect data regarding hate crimes.

Racial bias Racial discrimination remains a dominant feature of criminal justice in the United States and Alabama. More than half of the over 3300 people on death row nationwide are people of color; nearly 42% are African American.

Prominent researchers have demonstrated that a defendant is more likely to get the death penalty if the victim is white than if the victim is black. The key decision makers in death penalty cases across the country are almost exclusively white. Despite decades of evidence showing that the administration of the death penalty is permeated with racial bias, courts and legislatures' refusal to address race in any comprehensive way reveals a fundamental flaw in America's justice system.

Example: Each year in Alabama, nearly 65% of all murders involve black victims, yet 80% of the people currently awaiting execution in Alabama were convicted of crimes in which the victims were white. Only 6% of all murders in Alabama involve black defendants and white victims, but over 60% of Black Death row prisoners have been sentenced for killing someone white.

Jury Bias: In 173 cases between 1990 and 2010, the study examined decisions involving 7, 421 potential jurors (82 percent were white; 16 percent were black).

In 166 cases, where there was at least one black potential juror, prosecutors dismissed more than twice as many blacks from the jury (56 percent) as others (25 percent). With black defendants, like Mr. Robinson, the disparity was even greater. Even accounting for “ alternative explanations” besides race for different “ strike rates” — for instance, excluding those who expressed ambivalence about the death penalty — the study found blacks were still more than twice as likely to be dismissed.

Disability Bias Individuals with disabilities face harassment, intimidation, and violence driven by prejudice and hatred, although by far the majority of these crimes never reach the attention of law enforcement officials or are recognized as hate crimes. The small numbers reported by the FBI are generally considered more a reflection of the relative invisibility of most hate crimes against disabled people than a true reflection of their occurrence.

At the same time, some of the most horrific incidents of hate crimes targeting the disabled periodically appear in headlines of major newspapers, in particular when torture, sexual abuse, and murder are motivated by disability bias. The statistics of the FBI’s annual hate crime report over recent years identify hate crimes based on disability bias as being no more than a small fraction of total hate crimes, with the percentage of disability bias incidents representing less than 1 percent of the total.

In the FBI’s 2006 hate crime reporting, there were 95 victims of disability bias crimes in 79 incidents. Of these, 21 were victims of “ antiphysical” disability bias, and 74 of “ antimental” disability bias. Religion Bias A religious hate crime occurs when someone is attacked or threatened

because of their religion and/or their beliefs. Although racial and religious hatred may seem very similar, the police and the courts may treat racial crimes differently to religious ones.

This means it can be treated as a racially aggravated or motivated attack. For example, criminal courts have decided that attacks on Sikhs and Jewish people are racial incidents. It is illegal to say anything or produce any written material that tries to persuade someone to commit a criminal offence against another race or group of people. This means that leaflets, flyers or speeches that promote crime against people because of their religion are against the law. This is called incitement to religious hatred.

The Discrimination law states that employers must make sure that all their employees are treated in the same way as each other, regardless of their religious beliefs. In 2009, the Nation's law enforcement agencies reported that there were 8, 336 victims of hate crimes. Of the 1, 575 victims of an anti-religious hate crime, 71. 9 percent were victims because of an offender's anti-Jewish bias, 8. 4 percent were victims because of an anti-Islamic bias, 3. 7 percent were victims because of an anti-Catholic bias, 2. percent were victims because of an anti-Protestant bias, 0. 7 percent were victims because of an anti-Atheist/Agnostic bias, 8. 3 percent were victims because of a bias against other religions (anti-other religion), and 4. 3 percent were victims because of a bias against groups of individuals of varying religions. Every police force in the country has one of these units and it's their job to monitor and record the number of hate crimes that are committed in your area. They work within the community to combat the problem.

The Hate Crimes Prevention Act (HCPA) strengthen the ability of the Justice Department to prosecute hate crimes based on race, color, national origin, and religion and give the Department the power to prosecute certain hate crimes committed because of the victim's sexual orientation, gender, or disability. Bibliography Campaign, H. R. (2009, July 23). FAQ. Retrieved February 9, 2012, from Fight Hate Now: <http://www.sites.hrc.org> Grattet, J. a. (1998). The Homogenization and Differentiation of ' Hate Crime' Law in the U. S. Jacobs, James B. , and Potter, Kimberly. Hate Crimes: Criminal Law and Identity Politics.

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