
Bias-Crime Reporting

Organizational Responses to Ambiguity, Uncertainty, and Infrequency in Eight Police Departments

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Over the past two decades, significant efforts have established categories of crimes motivated by bias and so enhanced the quality of information about the prevalence of such crimes in the United States. As part of a national reporting system established by the Hate Crime Statistics Act, local police agencies collect information about the prevalence and characteristics of bias-crime incidents. Although the quality of this program has improved since its inception, local police face several challenges to identifying and accurately classifying bias crimes, including the ambiguity of applying legal definitions to cases, uncertainty regarding bias motivation, and infrequency of reported events to law enforcement. Drawing on information from eight case studies, the article examines how local police identify and record bias crimes through various kinds of reporting procedures and organizational structures. The article concludes with best practice recommendations for bias-crime tracking and reporting of incidents of bias crime within local police agencies.

Keywords: *hate; bias; crime; reporting; police*

In recent years, we have witnessed several dramatic bias-motivated acts of violence—a gay man being beaten, tied to a fence, and left for dead; a Black man dragged to his death behind a pickup truck; several Jewish children shot in a hail of

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bullets. All of these victims were attacked because of who they were or what religion they practiced. Although these high-profile crimes catch the attention of the national media, they are relatively rare events for law enforcement. An understanding about the magnitude and prevalence of bias-motivated crimes throughout the United States has been constrained by law enforcement's ability to correctly classify and report such incidents. The infrequent nature of these crimes, the ambiguity in applying legal definitions to cases of potential bias crime, and the uncertainty of law enforcement about when to classify incidents as being bias motivated make this task more difficult.

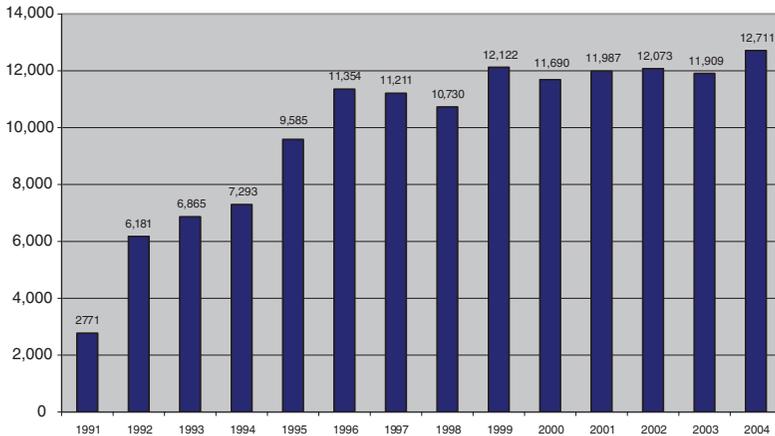
Over the past two decades, significant efforts have been made to recognize categories of crimes motivated by bias and to enhance the quality of information about the prevalence of bias-motivated crimes (commonly referred to as *hate crimes*) in the United States (Jenness & Grattet, 2001). A comprehensive national data collection system has been established to understand the character and extent to which law enforcement responds to incidents motivated by bias. Understanding the scope and trends in bias-motivated crime is critical for national and local law enforcement to prevent and respond to bias-motivated incidents. Although a system for collecting statistics on bias-motivated crimes has been in place for more than 15 years, the full benefit of bias-crime collection has been realized by only a select number of jurisdictions.

This article examines the current state of bias-crime statistics collection, through an examination of reporting methods in eight local police agencies across the country. In each of the study sites, we collected detailed information on the department's methods for identifying, classifying, and reporting bias crimes. Through this analysis, we examine characteristics about reporting methods that may affect the completeness and accuracy of bias-crime statistics. A number of conclusions based on our findings may aid policy makers, advocates, and local law enforcement in developing successful bias-crime reporting methods and may ultimately lead to more accurate and uniform national bias-crime statistics.

Background

With the passage of the Hate Crime Statistics Act in 1990, the attorney general directed the FBI to establish a national bias-crime data collection program. The goal of this act was to develop a system for better understanding the national scope and character of bias crime. The FBI implemented the bias-crime data collection program under the agency's existing Uniform Crime Reporting (UCR) program. Incorporating the new bias-crime data collection effort into the UCR program was a positive development for bias-crime data collection, given that 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

Figure 1
National Bias-Crime Data Collection Program,
1991-2004: Number of Agencies Participating



program. However, bias-crime data collection was a new endeavor for most police departments at the time of the act, and like many innovations, it continues to face significant limitations.

Looking at agency participation in the national bias-crime data collection program, now in its 15th year, we see that early progress has since slowed. Figure 1 illustrates the number of agencies participating in the data collection program since its inception: In 1991, 2,771 law enforcement agencies were participating in the program; by 2004, nearly 13,000 agencies were doing likewise. Even with this remarkable growth, only three fourths of those agencies that were participating in the general UCR program were also participating in the national bias-crime data collection program. As a result, the national statistics on bias crime do not include information from all police agencies throughout the country, not even those that submit information on other crimes. Increasing participation represents only the first important step toward developing an accurate picture of bias crime in the United States.

Several studies have examined reasons why law enforcement agencies participate in bias-crime reporting. Police support for participation is a function of its shared attitude toward bias-crime policy, its perceptions of the utility of reporting and the effectiveness of a police response, its desire to look good within the political environment, and the availability of adequate resources (Balboni & McDevitt, 2001; Nolan, Akiyama, & Berhanu, 2002; Walker & Katz, 1996).

Although a department may choose to participate in the national bias-crime reporting system through UCR, there are a number of stages where bias crimes may

not be included in official statistics. First, victims must recognize that they are the victims of a potential bias crime and decide to report the incident to a police agency. Recently released data from the National Crime Victimization Survey on bias victimization found that only 44% were reported to the police (Harlow, 2005). This same study found that violent crime victimizations were reported to the police at similar though lower rates as compared to non-bias-related violent victimizations. The survey data indicate that about a third of victims report bias crimes “to get offender” (35.3%) or “to get help with this incident” (32.8%). Shively, McDevitt, Cronin, and Balboni (2001) found that less than 5% of crimes and harassment incidents that high school victims perceived as bias were reported to police. Common reasons among these high school victims for not reporting include the belief that nothing can be done, fear of retaliation, embarrassment about the incident, and a belief that the incident is not serious enough.¹

The police agency’s decision to collect bias-crime information and the victims’ decisions to report bias-related victimization equate to clearly important stages for law enforcement’s response to bias crime and its development of official measures of bias crime. However, even when potential bias crimes are reported to a participating agency, the agency must then recognize any indications of bias, determine whether the incident is bias motivated, document the motivation, and submit the incident to UCR. Empirical evidence suggests that the processing of bias-crime reporting across participating law enforcement agencies is variable and subject to much error (McDevitt, Balboni, & Bennett, 2000) and interpretation by local departments (Jenness & Grattet, 2005).

A significant question about the processing of bias-crime reports involves the large number of agencies that report “zero” hate crimes to the national system. Despite the growth in the total number of agencies participating from 1992 to 2004, approximately 84% of participating agencies report zero bias incidents in each of these years. Although submitting zero bias incidents may accurately reflect the number of bias crimes in many small jurisdictions, it can reflect a substantial under-reporting problem for many jurisdictions, particularly, those in larger, more diverse communities. For instance, in 2004, three states reported fewer than 5 hate crimes: Mississippi ($n = 2$), Wyoming ($n = 2$), and Alabama ($n = 3$). Similarly, a number of major cities reported surprisingly low numbers of hate crimes, such as Detroit, Michigan ($n = 0$); Indianapolis, Indiana ($n = 0$); Milwaukee, Wisconsin ($n = 2$); Nashville, Tennessee ($n = 5$); New Orleans, Louisiana ($n = 6$); and Houston, Texas ($n = 14$; FBI, 2005).

Using a national survey of police agencies, McDevitt et al. (2000) found that about a third of the agencies that reported zero bias crimes in the UCR had investigated at least one bias crime according to a detective within each department. The authors estimated that roughly 5,000 to 6,000 additional agencies could have reported one or more bias-crime incidents to the UCR. They concluded that a substantial “disconnect” exists between what departments say they investigate and what

is included in the official statistics, which suggests that internal agency processes form a source of error to be examined.

There can be numerous reasons why these data sources are not consistent with each other. First, victims may incorrectly believe that a crime is bias motivated when it is not. Next, the bias motivation of the incident may not be a type of motivation that is included in the existing state legislation, such as (in many states) antigender bias. Officers may also not take a report about the incident, or they may fail to capture the bias motivation in the report for a variety of reasons, such as a lack of training in crime classification. Finally, departments may fail to appropriately process the report through the system.

This study is mainly concerned with addressing these last two issues—determining how bias-crime reporting protocols within police agencies can result in disconnect between victim-reported and officially designated incidents. The challenges that department personnel face in making valid classifications of motivation are important to explaining this disconnect.

Challenges of Bias-Crime Reporting Systems

Bias crimes present several challenges for officers making distinctions about motivation. Most of the difficulties in identifying bias crimes stem from requiring department personnel to make judgments about motivation. Although the motivation for a crime is a part of many investigations, it is not necessary for police officers to identify motivation to report most crimes. For example, determining the motivation for a motor vehicle theft is not necessary for police agencies in recording and reporting that crime to the FBI. In the case of bias crime, however, identifying motivation is necessary for any such crime to be identified and reported, given that the motivation defines the criminal action as being bias motivated. The difficulties of determining motivation of a potential bias crime primarily relate to ambiguity, uncertainty, and infrequency associated with decision making.

First, much of the literature on bias crime has discussed the inherent ambiguity in determining motivation (Bell, 2002; Martin, 1996; McDevitt et al., 2000). Given the same set of facts about a criminal incident, officers may perceive several reasonable motivations for the incident. For example, in the case of an armed robbery of a gay man outside a bar frequented by gay men, officers may find it difficult to determine if the victim was targeted because of a bias against gay men or because the offender believed the man to have money and not likely to call the police and report it. Both motivations are plausible and in fact not mutually exclusive. Nolan, Cronin, McDevitt, and Farrell (2004) point to ambiguities caused by multiple-motivation crimes—incidents where bias was perhaps only one of several motivations for the crime. The authors also point out that hate crimes are variously defined, depending on purpose—for example, intelligence gathering, official-statistics gathering, and criminal prosecution. Ambiguity makes officer judgments central to the bias-crime reporting process because standards are not easily applied in some situations.

Second, officers make judgments about bias motivation with limited information. Patrol officers in particular face this difficulty. They arrive on the scene of a potential crime and complete an incident report after interviewing relevant actors and investigating the scene. At this time, many details of the event are not available to them. Often, there are no offenders present, few if any witnesses, and perhaps only a victim. Furthermore, previous research has indicated that many victims are reluctant to identify a crime as being bias motivated owing to feelings of future vulnerability (Levin & McDevitt, 1993), making identification even more challenging.

Faced with these information constraints, officers allocate their time investigating criminal events based on their perceptions of seriousness. Routine protocol in most police departments dictates that responding officers collect a limited amount of information at the scene and refer the most serious crimes to detectives. Bias crimes present a unique difficulty for officers because such crimes require the responding officers to determine motivation or at least collect indications of bias motivation regardless of the seriousness in which they perceive the underlying crime. Indicators of bias motivation are not often available at the crime scene—perhaps leading officers to make inaccurate judgments about bias.

Finally, bias crimes are relatively infrequent events. Although official data sources probably do not reflect the actual number of incidents (McDevitt et al., 2000), we cannot expect patrol officers to come into regular contact with bias-motivated incidents. The infrequent nature of bias crime prevents officers from gaining experience in dealing with it and from developing routines around identification and classification, as they might with more common kinds of crimes. Specifically, they may not develop routines revolving around what to look for; what questions to ask victims, witnesses, and suspects; and what kinds of cues may indicate bias motivation. Furthermore, they may also inappropriately apply the definition of bias crime to the incident because they lack practice about how the standard applies.

Ambiguity, uncertainty, and infrequency place constraints on officer decision making, which threatens the validity and reliability of bias-crime data. Many police organizations that participate in bias-crime reporting establish reporting protocols to help overcome these difficulties. The quality of these reporting protocols varies quite dramatically across departments. Using an analysis of eight case studies from departments around the nation (funded by the Bureau of Justice Statistics), we explored the reporting structures implemented by departments and assessed how likely they are to produce accurate statistics. The case study approach allows us to gain in-depth knowledge about how reporting structures work and assess common benefits and challenges to different types of models.

Method

To understand the various reporting methods that agencies use to collect information about bias crimes, the research team conducted eight comparative case

Table 1
Research Sites

	Population Group	NIBRS or UCR ^a	Model or Disconnect ^b	State Program Involvement
Southern PD1	1	UCR	—	—
Southern PD2	2	NIBRS	—	—
Eastern PD1	1	UCR	Model	High
Eastern PD 2	3	NIBRS	Disconnect	High
Midwestern PD1	1	UCR	—	—
Midwestern PD2	1	NIBRS	Model	None
Western PD1	1	UCR	Disconnect	High
Western PD2	3	UCR	Disconnect	High

Note: UCR = Uniform Crime Reporting; NIBRS = National Incident-Based Reporting System. Dash (—) indicates *unknown*.

a. 1 = *population greater than 250,000*; 2 = *100,000-249,999*; 3 = *50,000-99,999*.

b. As determined by McDevitt, Balboni, and Bennett (2000) survey and advisory group input.

studies. With such a small number of case sites, it is impossible to select departments that represent the variety of reporting structures in place across the nation. Despite this limitation, we selected departments according to four criteria that influence their bias-crime reporting practices: city population; whether the department reported crime data through UCR or the National Incident-Based Reporting System; whether a prior national survey on bias-crime reporting (McDevitt et al., 2000) had identified the agency as potentially underreporting bias crimes; and the extent of agency involvement in state reporting per region of the country. We solicited participation from agencies through a written request, which stated that participation was voluntary and would be kept confidential.

Table 1 presents the final site characteristics. We conducted case studies in two departments from four regions of the country (South, East, Midwest, West). To protect the identities of the sites we employ pseudonyms based on the departments' regions of the country. Most of the sites comprise departments from large cities (populations greater than 250,000), which means that the study sites are much larger than the average community participating in the UCR. However, we do have two sites from midsize cities (populations 50,000 to 100,000). At the time of the study, three of the eight departments reported crime data through the National Incident-Based Reporting System, whereas five departments used the traditional UCR system. Previous national surveys of departments conducted by McDevitt et al. (2000), along with the assistance of an advisory board, identified three agencies as underreporting agencies and two agencies as *model*, or *best practice*, reporting agencies.

At each site, we employed a similar case study methodology. We conducted interviews and focus groups with department personnel from all levels of the department and at various stages of the reporting process. These interviews included patrol

officers, frontline supervisors, detectives, command staff, and reporting personnel. In addition to conducting the interviews and focus groups, the research team reviewed official department documentation on reporting protocols, standard operating procedures, and training material around general crime reporting and bias-crime reporting and response. Overall, the research was designed to paint a comprehensive picture of how each department implemented bias-crime reporting and what advantages and disadvantages their systems had.

Findings

One of the primary goals of the present study was to understand the bias-crime reporting processes of local police departments. We sought to assess how characteristics of the process present barriers to or promote the accuracy of bias-crime statistics produced by local police departments. To accomplish this, we examined two components of reporting infrastructure in each department: first, the bias-crime reporting process as a whole and, second, key decision-making steps within the reporting process. Understanding each department's processes formed an essential step before examining (a) the complex question of how departments structure their key decision-making points and (b) the implications for bias-crime reporting.

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 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 FBI.

Across the participating sites, important differences emerged in how these local police departments processed bias-crime statistics despite similarities in general crime reporting. In each of the participating departments, the responding patrol officer was responsible for making the initial classification of the incident's motivation (bias or nonbias motivated) and for documenting this on the incident report in some way (e.g., a checked box, a description in narrative form). After this common starting point, departments differed in two ways in how they processed incidents classified as being bias motivated on the incident report: the degree of process specialization and

the existence of an additional review of motivation. The presence or absence of these two organizational characteristics has implications on 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. 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 those of all other crime statistics. The same personnel that aggregate the regular crime statistics—UCR index 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. Of our eight case study agencies, we found three (Eastern PD2, Midwestern PD2, Southern PD2) that employed this model. Alternatively, departments with a separate bias-crime reporting process allocate bias-crime reporting responsibilities to personnel who 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, organizational units or personnel may be created specifically for bias-crime reporting or may simply be given the bias-crime reporting function as an additional responsibility. Of our case study sites, five agencies employed a separate bias-crime review process (Eastern PD1, Midwestern PD1, Southern PD1, Western PD1, Western PD2).

The second characteristic that substantively differentiates bias-crime reporting processes involves the existence of an additional review of bias incidents. In departments that had an additional review, some personnel were 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 most crime reports. For example, supervisors review incident reports for quality and accuracy as part of their routine functions, but an additional bias review occurs when the department designates personnel (e.g., the department's designated bias-crime investigator or unit) to review every bias-crime report. The purpose of this review is to ensure 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. Among our sites, all agencies except one (Eastern PD2, a smaller agency) provided an organizational structure for additional review of bias incidents.²

Combining these two key characteristics, we found that departments use one of three types of bias-crime reporting processes: integrated reporting without additional review, integrated reporting with additional review, and separate reporting with additional review.³ Table 2 compares the steps in the three reporting process types.

Each of the three bias-crime reporting processes maximizes certain characteristics that are important to accurate bias-crime reporting but has limitations in other areas. Two important considerations in determining the accuracy of bias-crime reporting

Table 2
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 ensure the bias motivation fits reporting definition, conducts full or limited investigation.

Bias specialist or unit completes paperwork or processes data and submits it to state agency or FBI.

Records personnel submit other crime statistics but have no responsibility for 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 provides additional quality control measures to report that was initially marked as being bias motivated.

General detectives, in the event that they investigate the underlying crime, may provide additional information about bias motivation.

Records unit personnel submit 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 being bias motivated.

processes include efficient processing and the validity of the bias classification on the incident report. *Efficient processing* refers to ensuring that all incident reports classified as being bias motivated are included in the official statistics. *Validity* means that the classification of the offender's bias appropriately fits the official definition—that is, that the offender's motivation comprised at least in part bias against some group. The integrated-without-additional-review process maximizes only the efficiency of the process, given that all crime reports are treated similarly, but no additional oversight is offered in bias-crime cases to help enhance validity. In contrast, the separate-with-additional-review process maximizes only the validity of the bias classification by ensuring 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 efficiency processing and classification validity.

Key Decision Points in Bias-Crime Reporting

Now that we have described the steps in the various types of reporting processes, we can discuss the two key decision-making points: the patrol officer's initial classification and the additional bias-crime incident review. The responsibility of initial classification rests unavoidably with the patrol officer. In each department, the bias-crime reporting process begins with the patrol officer's completing an incident report and indicating in some way that bias was part of the offender's motivation. However, the extent of discretionary decision-making responsibility allocated to patrol officers varied across departments, as we discuss below. The second critical step in the reporting process involves a special review of those crimes that the patrol officers initially indicated as being bias motivated. Most departments (seven of the eight participating sites) had some kind of additional review of bias-motivated crimes, yet the quality of this review—measured by extent of experience, expertise, and training—varied a great deal across the departments. Together, the ways in which departments structured their patrol officers' discretion and the quality of the review have important implications for overcoming the challenges of bias-crime reporting.

Initial classification. In one study site—Eastern PD2, a smaller sized department that had only recently switched to incident-based crime reporting—the responding officers' classification of bias motivation was the final classification. Although records personnel checked and reclassified other information for reporting purposes (primarily crime type), they did not check or reclassify an officer's bias classification. In fact, it was an active decision to leave the bias-crime classification solely to the officers' discretion because the records supervisor did not see it as being part of her responsibilities to second-guess patrol officers. Thus, the department protocol provided patrol officers with little organizational support to deal with the challenges of bias-crime classification. Patrols officers were left to make judgments about events with possibly ambiguous motivation, with minimal available information, and with not much experience, owing to their infrequent contact with these crimes.

In the remaining sites, all of which had some form of additional review, officers classified a crime as being bias motivated when they believed that 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 and hypothetical examples of what constitutes a bias crime. For example, patrol officers from Midwestern PD1 talked about the level of evidence and bias motivation necessary for them to classify a crime as being bias motivated. Although they recognized the ambiguity inherent in the decision and the limited information they possessed, officers from most departments discussed classification in the context of "yes, this is a bias crime" or "no, this is not a bias crime." Even though additional reviews of their decisions would be made later in the process, by virtue of how they conducted their initial investigations, they possessed the bulk of decision-making power for distinctions about motivation.

It became clear in the focus groups that most responding officers subject potentially bias-motivated crimes to a higher level of scrutiny before officially identifying them as such. As in the study by Nolan and Akiyama (1999), officers cited the following as reasons for subjecting such classifications to a higher standard of scrutiny: fear of negative consequences for the department if a bias crime is publicly identified; a lack of training in how to identify a bias crime; and, in some cases, the individual bias of a particular officer. Many officers indicated that for an incident to be labeled a bias crime, it must fit with archetype bias crimes. Officers were all familiar with the most famous bias crimes, such as Matthew Shepherd and James Byrd, and these were the kinds of incidents that officers described when they talked about bias crimes. Consequently, crimes that are less obvious and less dramatic might not be initially classified as bias by responding officers.

In contrast to protocol found in other departments, that of Eastern PD1 patrol officers and patrol supervisors involved their role in bias-crime classification as one of identifying potential bias crimes. Specifically, the department instructs officers to send any crime that they suspect might be bias motivated, broadly defined, to the bias-crime unit for investigation. As such, officers discussed how they would forward a crime with even a “hint of bias” to the bias-crime unit. During focus groups, officers described a “hint of bias” in terms of indicators such as the offender’s using bias language or the victim’s perception that the crime was bias motivated. In fact, officers explained that even though they may think that a victim is purposely misrepresenting the motivation (i.e., saying there is bias when there is not), the bias-crime unit—not the responding officer—is ultimately responsible for making that determination. Moreover, when provided with examples of incidents with ambiguous and multiple motivations, officers in Eastern PD1 shied away from making classifications and responded that they would simply forward such cases to the bias-crime unit. One officer in the group stated, “Anything borderline, we fax it to the [bias crime unit] as soon as possible.” The officers understood that the bias-crime unit would conduct an investigation and make the classification, with more information about the incident and with greater experience in applying official definitions.⁴ In this way, the department effectively removed decision-making responsibility from patrol officers to the extent possible. Although officers still needed to make some judgment calls about motivation, the department’s protocol compelled them to apply a broad, more-inclusive definition of bias crime so that final classification could be made by the specialized unit. As a result, this department may be less likely to have bias crimes fall through the cracks.

Early research suggests that one indication of how well patrol officers are following a policy that requires them to apply an inclusive definition of bias motivation, such as that implemented in Eastern PD1, involves the number of incidents forwarded to the second level of review that are later determined to be nonbias related (Martin, 1995). An assessment of the Eastern PD1 bias-crime unit’s records indicated that officers acted in the manner suggested by the protocol and the officers in the focus

groups. The bias-crime unit officially classified about two thirds of the incident reports that officers originally referred to the unit in 2001 as being bias motivated. This means that about one third of the crimes that officers submitted had some level of bias indicators, yet after a full investigation, detectives did not label the incidents as confirmed bias-motivated crimes or did not include the incident in official statistics.

In other departments, interviews with the bias specialist and other secondary reviewers revealed that few crimes are later reclassified as being nonbias motivated. In Midwestern PD1, the detective responsible for bias-crime reporting explained that he found few incidents that he would not include in the official statistics. The records supervisor at Southern PD2 responsible for the secondary review responded similarly. In Western PD1, Southern PD1, and Southern PD2, patrol officers were not apparently identifying all potential bias crimes, because these departments' designated bias-review personnel received so few incidents of even suspected bias to review.⁵

In conclusion, it appears that when responding officers are directed, formally or informally, to determine if a criminal incident is bias motivated, they will apply a restrictive definition that is based on their personal experience with prior incidents, thereby potentially suppressing the number of bias crimes that are accurately identified. Owing to ambiguity in determining motivation and to the infrequency that bias crimes are reported in a jurisdiction, requiring responding officers to make the determination of bias motivation on their own may result in fewer bias crimes' being reported to state and federal programs.

Secondary review of bias motivation. The second critical step in the reporting process involves a review of those crimes that the patrol officer originally classifies as being bias motivated. Most departments (seven of the eight participating sites) had some kind of additional review, but the quality of this review—measured by extent of experience, expertise, and training—varied a great deal across the departments. Table 3 shows the quality of the secondary review in each department, along several dimensions. We discuss a few examples at length.

One jurisdiction, Eastern PD1, had the most comprehensive secondary review of bias-crime reports. The secondary review was a full-time bias-crime unit, which consisted of about 10 detectives and 2 sergeant detectives and was led by 1 lieutenant detective. The centralized unit, organizationally located in the chief's office, was solely focused on bias crime, and most of the detectives had more than a few years experience working in the unit. These detectives were highly trained and experienced in bias-crime investigations, displaying a great deal of knowledge about the subject. The unit even conducted bias-crime training for other department personnel. The unit conducted an initial investigation of all suspected bias crimes that patrol officers submitted to the unit. Only incidents classified as nonbias crime after initial investigation were returned to the district detectives for investigation. All other crimes were completely investigated by the bias-crime unit. Typically, a complete investigation in this unit includes follow-up interviews with victims, interviews with

Table 3
Comparison of Key Decision Points in Each Site

	EPD1	MPD1	WPD2	SPD1	WPD1	SPD2	MPD2	EPD2
First-level step: Patrol officer responsible for determining	Potential bias	Official bias	Official bias	Official bias	Official bias	Official bias	Official bias	Official bias
Second-level step: Review personnel	Detective unit	Intelligence detective	Detective	Intelligence detective	Detective supervisor	Records supervisor	Records clerk	None
Investigation	Yes	Yes (some)	Yes	No	Yes	No	No	—
Specialized Training	Yes	No	No	No	No	No	No	—
Expertise	Moderate	Moderate	Moderate	Low	Low	Low	Low	—
Classification routine?	Very high	Moderate	High	Low	Low	Low	Low	—
	Yes	Not explicit	Not explicit	Not explicit	Not explicit	Not explicit	Not explicit	—

Note: EPD = East region police department; MPD = Midwest region police department; WPD = West region police department; SPD = South region police department. Dash (—) indicates *not applicable*.

known offenders and witnesses, witness canvasses, and surveillance. This unit investigated these cases not only for prosecutorial purposes but also to determine whether bias was one of the offender's motivations.

A second department, Midwestern PD1, 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 who worked within a small central intelligence unit. The detective had limited training—one training session on bias crime after several weeks of working in this capacity—and stated 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 nonbias motivated. According to the detective, these investigations were brief, usually consisting of an 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 he 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.

In all other agencies, there was a limited review of bias-crimes reports. Most departments had a secondary review that provided little added value to the accuracy of bias classifications. These departments' additional review personnel did not collect more information about the crime and did not possess extra training on bias crimes. In one jurisdiction, we interviewed the officer officially assigned to do reviews of bias crimes. This officer, called "the hate crime guy" by other personnel in the agency, had little expertise in bias crimes and, shockingly, displayed an egregious insensitivity by making crude jokes about potential victims and mocking the topic of bias crime in general. In most of the five agencies with limited review of bias crimes, it was apparent that good faith of the reviewing officer was not sufficient to ensure that a secondary review would guarantee valid bias-crime statistics. The training of the reviewing officer, the other duties that the officer was responsible for, and the priority given to bias crimes in the agency all had an impact on the thoroughness and effectiveness of the secondary review process.

Recommendations

Clearly, reporting infrastructures can have an important impact on the quality of the bias-crime statistics that a department produces. Implementing a two-stage decision process, such as the process recommended by the FBI (1999) in its training

guide, helps to promote the accuracy of bias-crime statistics. The most critical step in this process involves the patrol officer's initial identification of bias-motivated crimes because it determines the population of incident reports that end up in the reporting process. We found that the best practice for departments involved training responding officers to apply a broad, inclusive definition of bias crime and identify even suspected bias-motivated crimes. In our analysis of local police departments' reporting processes, bias-crime reporting was most effective in departments in which patrol officers were responsible for only identifying possible bias-crime incidents rather than making official classification decisions. As described above, this process seems to offer the best approach for inclusive bias-crime identification and reporting. Of the eight agencies we studied, only the 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 indicated that they were responsible for making classification decisions according to official definitions, and they often expressed frustration with the problems of identifying bias motivation in situations of ambiguity. One jurisdiction had no second-level review mechanism; so, officers in this department made the first and final decision in bias-crime classification. When the department instructs officers to decide on their own whether an incident fits the official definitions, the second-level review can only verify an initial classification of bias crime rather than provide a substantive review of all potential incidents.

To effectively identify and report bias crime, departments must implement a second-level review step. The characteristics and functions of this second step play an important role in the effectiveness of the local department's reporting process. By comparing the participating departments to the recommended model as well as to each other, we found that high degrees of training, expertise, and experience in dealing with bias crimes were positive characteristics for accurately classifying bias crimes. Designated bias reviewers must be highly trained in bias-crime classification for the second-level review to be effective and to add value to the overall reporting process. 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. Few reviewers could articulate more than the basic factors (bias words and symbols) that they would consider in determining bias 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. In fact, the additional reviewer in only two departments, Eastern PD1 and Western PD2, had undergone special bias training. Thus, the designated personnel within the bias-review step in most departments did not provide any special level of expertise in making classification decisions.

Beyond the characteristics of the designated reviewer, two critical functions may help overcome the challenges of accurate bias-crime classification: first, conducting follow-up investigations of potential bias incidents to collect additional information and, second, 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 officers forward to it—regardless of seriousness or initial solvability. Midwestern PD1's designated review personnel also conduct investigations, although investigations are 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 all of the necessary information that substantiates or refutes a bias-crime classification. Missing information and misperceived information severely limit the ability of the designated reviewer to appropriately classify bias crimes. To solve problems with missing and misperceived information, designated bias reviewers should gather their own information by interviewing victims, witnesses, and offenders and by employing other investigation techniques. Most important, by conducting an investigation of all cases, the department sends a message to victims of bias crimes that it cares about this type of violence.

Developing a routine is also a clearly advantageous characteristic for dealing with the difficult task of determining bias motivation. Eastern PD1 established explicit guidelines within the bias-crime unit for classifying crimes as being bias motivated. The special bias unit created check sheets to guide investigators in identifying bias indicators; these sheets are completed for every investigation as part of the unit's standard operating procedure. The unit supervisors require all detectives to formally document (in internal memos) every investigation action, such as interviews and witness canvasses, and to explain the reasons why they classified the incident as being bias motivated, unfounded, or nonbias motivated. Other police departments' second-level reviews established no such procedures or routines to help guide investigations and 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 reviewers in making classifications but also that it helps ensure that changes in personnel will not inhibit accurate reporting in the future. This aspect is particularly important because bias-motivated crimes may be rare events in many communities and reviewers are not often able to develop informal routines based on experiences alone in identifying motivation cues.

Improving bias-crime classifications presents numerous challenges for law enforcement, but these challenges are not insurmountable. We found that with experience, law enforcement agencies can develop protocols to successfully identify and classify incidents motivated by bias. Shifting the decision-making responsibility

from patrol officers to specialized detectives or bias-crime units is a promising practice. We found that such a strategy can overcome the difficulty of applying legal definitions to ambiguous situations. Implementing protocols for identification, investigation, and review may take work on the part of agencies, but in the end, it has the potential to dramatically improve bias-crime reporting both locally and nationally. Having complete and accurate statistics on the scope and trends in bias-motivated crime across the country is an important step in preventing and responding to bias-motivated incidents.

Notes

1. Be somewhat skeptical about self-report studies of bias victimizations, because such studies are based solely on the perceptions of victims. In the case of the National Crime Victimization Survey, it is not clear how many cases of bias-motivated victimization the survey based its reported estimates on.

2. The quality of these reviews greatly varied, as we discuss in detail in a later section.

3. The two characteristics might yield a hypothetical fourth type of reporting process: separate without additional review. However, because it makes little sense to include units and 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.

4. We should note that patrol officers agreed with this system. As officers in each of the sites expressed, determining bias crimes can be frustrating given the ambiguity associated with applying legal standards to real-world situations.

5. Southern PD1 in particular has submitted zero incidents for most of the years that it “participated” in the national bias-crime data collection program.

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