

Hate Crime Series

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Perpetrators of Hate Crimes

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Across the United States, the general profile of a hate or bias crime offender is a young, White, male who has little to no prior experience with the criminal justice system (Gerstenfeld, 2017). In fact, Craig (2002) claimed that, "beyond predicting that he is male" creating, "a profile of the typical hate crime offender is debatable" (p. 97). When examining hate crime offenders in the state of Texas specifically, a similar profile has emerged. In 2016, a total of 210 offenders committed 178 hate crime incidents in the state of Texas (Texas Department of Public Safety [Texas DPS], 2016). The majority of hate crime offenders in Texas were White and the primary motivation was an anti-race/ethnicity bias (Kercher, Nolasco, & Wu, 2008; Texas DPS, 2016). Information was not provided on the gender of bias-motivated offenders in Texas.

There are two competing frameworks that have informed an understanding of bias-motivated offenders. The first framework has focused on prejudice while the second framework has centered on more general notions of criminality (Messner, McHugh, & Felson, 2004). To begin, the first framework has proposed that bias-motivated offenders are *specialists* who are unlikely to engage in "conventional" crime or crime that is not bias-motivated (Messner et al., 2004, p. 587). Proponents of this framework have contended that bias-motivated crimes allow powerful or influential groups to maintain dominance over less powerful groups (Craig, 2002; Perry, 2002). In other words, bias-motivated offenders would be specialists who only engage in acts of prejudice and only against specific, less powerful groups. The specialist framework has argued that this would make bias-motivated offenders different from other types of criminals.

The competing framework has viewed criminals, including bias-motivated offenders, as *generalists* who are impulsive and lack self-control (Gottfredson & Hirschi, 1990). Within this framework then, bias-motivated offenders may actually engage in a variety of criminal behaviors beyond bias-motivated crimes and like conventional criminals, would do so under the influence of alcohol (Messner et al., 2004). Research has indicated that offenders of racially- and ethnically-biased crimes have engaged in a variety of crimes beyond hate crimes, have been more likely to use drugs and alcohol during the commission of crime, and have been more likely to cause

serious injury to the victim (Messner et al., 2004). These findings become more nuanced when examining assaults with an anti-sexual orientation or anti-religious bias. Taken together, this research suggests that bias-motivated offenders are not a homogenous group.

As the second issue in the Hate Crime Series, this report provides an overview on the offenders of hate or bias-motivated crimes. To begin, Levin and McDevitt's (1993) typology of hate crime offenders and their expansion of this typology (McDevitt, Levin, & Bennett, 2002) is reviewed. This typology has aided in understanding the motivation behind these types of incidents, as well as facilitated the investigation and prosecution of hate crimes. Second, research on hate groups and bias-motivated offenders who are affiliated with hate groups is reviewed. Finally, directions for future research and prevention are highlighted and implications for Texas are discussed.

Typology of Hate Crime Offenders

Levin and McDevitt (1993) proposed a typology of hate crime offenders that was based on offender motivation. By analyzing case files from the Community Disorders Unit of the Boston Police Department, Levin and McDevitt (1993) identified patterns of why individuals commit hate crimes and the motivation behind their actions. Across all categories identified by Levin and McDevitt (1993), bigotry was the overarching thread or motivation. What has differed across categories are the conditions or circumstances of an incident, which have included psychological and environmental factors. While most hate crimes can be categorized into one of three categories, McDevitt and colleagues (2002) re-examined the case files and determined a fourth category was necessary. The four categories of hate crime offenders proposed by McDevitt and colleagues (2002) are as follows: 1) thrill-seekers, 2) reactive or defensive offenders, 3) mission-oriented offenders, and 4) retaliatory offenders.

The first type of hate crime offender, according to Levin and McDevitt (1993), are thrill-seekers. Thrill-seeking offenders are individuals who commit the crime for excitement or power. Thrill-seekers may attempt to gain acceptance or

status among their peers (Byers, Crider, & Biggers, 1999). Thrill-seekers account for the majority (66%) of hate crime offenders and have typically been classified as being bored and looking for fun (Byers et al., 1999; Levin & McDevitt, 1993). Thrill-seekers have often left their neighborhoods to search for and attack a victim (Gerstenfeld, 2017). Victims have not been selected by this type of offender at random, but instead because of the offender's perception that the victim is different from the "in-group" or the group to which the offender belongs (McDevitt et al., 2002). Thrill-seeking offenders often do not have deeply-rooted sentiments toward the target of their crimes. Though the offenders may not be strongly influenced by biases towards groups, that does not make the psychological damage inflicted on victims any less severe (Gerstenfeld, 2017). Policies that address hate crimes are often reactive, in that they are in response to a crime that has already been committed, rather than a preventative measure that attempts to stop an incident from occurring in the first place. Overall, it may be difficult to prevent hate crimes committed by thrill-seekers, especially with responsive/reactive policies, as these types of offenders may not be deterred by traditional target-hardening or deterrence-based sanctions.

The second type of hate crime offender is the reactive or defensive offender. Originally referred to as reactive crimes (Levin & McDevitt, 1993), this group was later renamed "defensive" crimes following re-examination of the data (McDevitt et al., 2002). These offenders have accounted for about a quarter of hate crime cases. Defensive hate crime offenders commit bias crimes to defend their "turf" against outsiders who are perceived by the offender as threats or intruders (Gordon & Pardo, 1997; Greene, Glaser, & Rich, 1998; Levin, 1999). This type of hate crime is usually preceded by what the offender views as an intrusion into his/her neighborhood. The offender reacts to the perceived intrusion by committing a violent act against the perceived intruders. Contrary to thrill-seeking offenders, defensive offenders have typically remained in their neighborhood and have not sought out targets or victims (Gerstenfeld, 2017). In some instances, defensive crimes have had an economic motivation. An example of this would include an offender who has perceived that an individual or group of individuals have taken jobs in the neighborhood that would otherwise have gone to neighborhood "in-group" members. Defensive hate crime offenders believe that outsiders are not entitled to the same rights as in-group members. Furthermore, while defensive offenders are usually not part of a hate group, they may ask for assistance from hate groups. This type of offender wants the crime to send a message to the outsider and other potential invaders (Kercher et al., 2008).

The third type of offender identified by Levin and McDevitt (1993) is the mission-oriented offender. This is the least common of the hate crime offenders. Of the 169 offenses analyzed by Levin and McDevitt (1993), for example, only one case was categorized as mission-orientated. Mission-oriented offenders are motivated to rid the world of their targeted victims (Levin & McDevitt, 1993). This type of offender typically

suffers from a psychological or mental illness and perceives the victims as evil, subhuman, and/or subordinate and unworthy (Kercher et al., 2008). These offenders may have some previous affiliation with organized hate groups. Though mission-orientated offenders have been rare, these offenders have tended to engage in extreme violence. The motivations involved in this type of hate crime differ largely from the other types of hate crimes.

The retaliatory offender is the final category and was added to the typology during the reexamination of case files (McDevitt et al., 2002). In total, retaliatory hate crime offenders constituted 8% of hate crime offenders. Retaliatory offenders are those in which an individual hears a report or rumor of a hate incident against his or her own group and retaliates by committing a crime against a member of the original group (McDevitt et al., 2002). That is, these offenders react in response to a real or perceived crime. The truth of the inciting incident is often irrelevant and offenders may act on rumors (Kercher et al., 2008).

Notwithstanding, this typology has limitations that merit mention. To begin, offenders can fall into more than one category and there are commonalities across different categories. Furthermore, the typology may have limited applicability in cases where bias was not the primary motivation for crime. In an application of the typology to hate crimes prosecuted in New Jersey, Phillips (2009) found that a third of the cases could not be classified according to McDevitt and colleagues' (2002) typology. Therefore, the typology may only be applicable in instances where the primary motivation is bias—which has been difficult to translate to case processing and law enforcement/prosecutorial investigation.

Hate Crime Offenders who Belong to Hate-Affiliated Groups

The relationship between organized hate groups and the commission of hate crimes is complex. The Southern Poverty Law Center (2017) has estimated over 900 hate groups operate in the United States and of those, 55 in the state of Texas. Within Texas, hate groups have tended to concentrate around major metropolitan cities, including Dallas, Houston, San Antonio, Fort Worth, and Austin. There has been diversity across extremist groups, including the level and size of the group, and individuals can be members of more than one group (Gerstenfeld 2017). Confirmed hate groups in Texas have included Neo-Nazis, factions of the Ku Klux Klan, and Black Separatists. While these groups may differ in terms of demographics and ideologies, they have shared the common goal of addressing "cultural pollution" of the United States (Perry, 2002, p. 137). Often this "cultural pollution" is targeted at racial and ethnic minorities. Almost all hate groups have been premised on the opposition to a certain group or groups on the basis of the other group's religion, race, ethnicity, gender, sexual orientation, or other characteristic typically intrinsic to the individuals who belong to the group (Gerstenfeld, 2017). The ideology of hate groups has tended to

focus on narrow definitions of White male privilege, heterosexuality, and Christianity (Perry, 2002).

Roughly one in ten hate crimes have been the result of organized hate groups (Levin & McDevitt, 1993). This suggests that the majority of hate crime offenders are *not* affiliated with a hate group, but may be offenders who act in small groups without ideological motivation (Dunbar, Quinones, & Crevecoeur, 2005; Perry, 2002). Indeed, hate crimes have been more likely to involve multiple offenders who act in informal, small groups (Herek & Berrill, 1992; Jenness & Broad, 1997; Levin & McDevitt, 1993). The difference between informal and formal groups may be in the strength of motivation and level of dedication to the cause.

Nevertheless, hate groups have still played an important role in the commission of hate crimes. Even if the offender is not a member of a hate group, the ideologies of hate groups have provided the offender with a sense of legitimacy to his/her beliefs (Perry, 2002). When examining hate crime offenses committed by individuals who do belong to hate groups, research has found these offenders tended to have longer and more violent criminal histories (Dunbar et al., 2005). In addition, offenders of hate crimes who belong to hate groups have also tended to perpetrate more severe offenses (Dunbar et al., 2005).

The presence of hate groups in a county can also influence the occurrence of bias-motivated crime. Across the United States, having a hate group present in a county has increased the likelihood of far-right, ideologically-motivated violence occurring in that county (Adamczyk, Gruenwald, Chermak, & Freilich, 2014). In other words, counties that have far-right hate groups are the counties where ideologically-motivated homicides have been more likely to occur. Indeed, scholars have argued that hate crimes and terrorism may be more similar than they are different (Mills, Freilich, & Chermak, 2017). If so, policies and intervention strategies should potentially target both groups of offenders in similar ways.

Directions for Future Research and Prevention

To ensure that hate- or bias-motivated offenses are not overlooked in the case processing stage, it is imperative that law enforcement officers are trained to effectively pursue, identify, and investigate hate crimes. This diligence also communicates an important message to victims and the communities in which they reside that hate- and bias-motivated offenses will not be tolerated. These types of strategies reiterate and reassure community members that bias-motivated crimes will receive serious attention (McDevitt et al., 2002). If law enforcement officers can better differentiate and identify bias-motivated offenders and the crimes for which they are responsible, it will improve the investigation of these incidents, which in turn should lead to more successful prosecution (McDevitt et al., 2002).

The optional training course as part of in-service training on hate crimes available to Texas law enforcement officers will be discussed in greater detail in a later issue of the Hate Crime Series. More specifically, the series will examine how training

law enforcement officers can influence the prosecution of hate crimes.

In addition, there is also a need to reduce the risk factors for hate crime offenders (e.g., poverty, unemployment, lack of family ties). The Anti-Defamation League has operated the Juvenile Diversion Project, which connects juvenile offenders with guest speakers from minority communities in an effort to broaden would-be offenders' viewpoints—including abstract/critical thinking, emphasizing perspective taking, and encouraging empathy (Holden, Lawrence, Moran, Kapler, & Ferrante, 1999). Since hate crime offenders have been similar to conventional offenders in that they commit crimes under the influence of alcohol (Messner et al., 2004), social and criminal justice policies should continue to address the role of alcohol and drugs among offender populations and the way these substances specifically encourage bias-motivated offending. There is also a need to enhance policies so that they are comprehensive in order to reduce recidivism (Dunbar et al., 2005).

Adamczyk and colleagues (2014) have suggested the police should establish rapport with the hate groups in their community to emphasize that their rights will be protected while also underscoring that *everyone's* rights will be protected and violence will not be tolerated. This mirrors general approaches to community-oriented policing by developing rapport with community members and other stakeholders. Doing so will attempt to address stereotypes that hate groups may hold. Interventions can include educational programs that address diversity, tolerance, and encourage empathy (Holden et al., 1999). Since stereotypes develop early, ideally these programs should target 4 to 9 year old children (Holden et al., 1999). Holden and colleagues (1999) have also recommended community-based mediation services to prevent small problems from escalating into larger issues. It has also been recommended that researchers further examine the associations between hate groups and bias-motivated crimes (Adamczyk et al., 2014). Together, these recommendations have suggested that policy to address hate crimes must include members from different parts of the community as well as the criminal justice system. This is especially important for thrill-seeking offenders who are unlikely to be deterred by traditional sanctions.

Since the early 1990s, the state of Texas has had a sentencing enhancement for hate crimes. This state law was further augmented with the passage of the federal Matthew Shepard and James Byrd Jr. Hate Crime Act in 2009. As will be elaborated in an upcoming report in the hate crime series, the actual use of the sentencing enhancement in Texas is infrequent. This may be because when a crime is reported and coded as hate-motivated, the prosecutor may have difficulty proving the bias motivation. Prosecutors may also have a narrow understanding of what constitutes a hate crime, which affects the prosecution of a case as a hate crime (McPhail & Jenness, 2005). Taken together, progress in efforts to combat hate crimes has left substantial room for improvement.

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