

Hate Crime Series

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Types of Hate Crimes

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The Federal Bureau of Investigation (FBI; 2016) defines a hate crime as a “criminal offense against a person or property motivated in whole or in part by an offender’s bias against a race, religion, disability, sexual orientation, ethnicity, gender, or gender identity.” As part of the Hate Crime Series, this report provides greater detail on the motivations behind hate crimes included in the preceding definition.

Racially/Ethnically-Motivated Hate Crime

Table 1 presents percentages of racially/ethnically-motivated hate crimes in 2016 in the U.S. and Texas. Racially/ethnically-

pattern. The day following the 2016 election of Donald Trump, the number of racially-motivated hate crimes reported to police nearly tripled (Williams, 2018). Despite this increase, Zaykowski (2010) has reported that victims of color who have felt less knowledgeable about how to access law enforcement or who have anticipated negative interactions with police have been less likely to report victimization.

Police department cultures and policies may also have an effect on reporting or the lack thereof. Legislation drafted and implemented in response to a racially-motivated hate crime was also meant to improve reporting and prosecution of hate crimes.

Case Study: James Byrd Jr.

James Byrd Jr., was an African American man brutally murdered by three white men in his hometown of Jasper, TX on June 7, 1998. The three assailants had ties to the Ku Klux Klan and were later prosecuted and sentenced for Byrd’s death (Cyriax, Wilson, & Wilson, 2009). Motivated by two high-profile hate crimes, the Matthew Shepard and James Byrd Jr. Hate Crimes Prevention Act (i.e., HCPA) was signed by President Obama in October 2009 and significantly expanded the federal government’s authority to prosecute defendants accused of hate crimes because it dispensed with a previous jurisdictional requirement that made it difficult to prosecute these crimes (Simmons, 2012). Despite the passage of the law, and the successful prosecution of the three men responsible for murdering James Byrd, Jr., the members of the Jasper, TX community faced significant negative effects from this chilling event (Nelson, 2018).

Anti-Latinx Hate Crimes

Scholars have reported that, with the increase of Latinx immigration, there has been an increase in anti-Latinx hate crimes (Stacey, Carbone-López, & Rosenfeld, 2011). In California, where the population is 39.1% Latinx and 37.2% Caucasian/Non-Latinx, hate crimes against Latinx individuals have increased by 52.0% between 2016 and 2017 (Hinojosa, 2018; U.S. Census Bureau, n.d.). This recent increase in anti-Latinx hate crime runs counter to the trend that victims of hate crime typically belong to under-represented groups. Though the Latinx population

	U.S.	Texas
Group %	57.5	56.3
Bias Type	Total %	Total %
Anti-African American	50.2	42.1
Anti-White	20.7	20.6
Anti-Hispanic/Latinx	10.6	19.7
Anti-Multi Racial (Group)	4.2	4.6
Anti-Other Race/Ethnicity/Ancestry	5.8	2.8
Anti-American Indian/Alaskan Native	3.8	0.95
Anti-Asian	3.1	3.7
Anti-Arab	1.3	4.6
Anti-Hawaiian/Pacific Islander	0.2	0.95

motivated hate crimes are more likely to be perpetrated against a person as compared to a crime against property or against society (FBI, 2016; Texas DPS, 2016). The majority of racially/ethnically-motivated hate crime victims (50.2%) in the U.S. and Texas were African American individuals (FBI, 2016; Texas DPS, 2016). African Americans have long been victims of systemic racism and discrimination in the U.S. Even though laws exist to protect people of color from discrimination, loopholes permit racial discrimination to continue (Gerstenfeld, 2017).

King and Sutton (2013) reported that precipitating events may increase hate crimes and may include a terrorist attack, heated debates, or an emotionally-charged election. The elections of Presidents Barack Obama and Donald Trump illustrate this

is not a numerical minority in California, they are a subjugated majority and the Latinx population remains an underrepresented group across the U.S. (U.S. Census Bureau, n.d.).

Religiously-Motivated Hate Crimes

The majority of religiously-motivated hate crimes are committed against individuals who identify as Jewish and Muslim. These crimes are more likely to be directed against property than individual persons as compared to other types of bias-motivated crimes (see Table 2; FBI, 2016). Since 2014, anti-

Table 2. 2016 Anti-Religious Hate Crime

	U.S.	Texas
Group %	21.3	13.2
Bias Type	Total %	Total %
Anti-Jewish	54.2	28.2
Anti-Islamic (Muslim)	24.8	48.6
Anti-Other Religion	5.9	3.7
Anti-Catholic	4.1	N/A
Anti-Multi Religion (Group)	3.1	3.7
Anti-Other Christian	2.4	3.7
Anti-Eastern Orthodox	1.8	12.1
Anti-Protestant	1.3	N/A
Anti-Hindu	0.8	N/A
Anti-Mormon	0.5	N/A
Anti-Sikh	0.5	N/A
Anti-Atheism/Agnosticism	0.4	N/A
Anti-Jehovah's Witness	0.2	N/A
Anti-Buddhist	0.1	N/A

religious hate crimes have been increasing (Walfield, Socia, & Powers, 2017). Similar to racial/ethnically-motivated hate crimes, the majority of religiously-motivated hate crimes (41.3%) have not been reported to law enforcement because the victim may have been concerned about police perceptions and secondary victimization (Walfield et. al, 2017). Of religiously-motivated hate crimes that were reported to law enforcement, the majority of cases did not produce an arrest (Walfield et. al, 2017).

Anti-Semitism and Anti-Jewish Hate Crimes

Even though Jewish individuals comprise only 3.0% of the U.S. population, the majority of religiously-motivated hate crimes in the U.S. have targeted Jewish individuals (FBI, 2016; Gerstenfeld, 2017). Gerstenfeld (2017) has proposed five reasons why this population is frequently targeted and victimized. First, according to some radical sects within Christianity, the Jewish people are believed to be historically responsible for the crucifixion. Related, Jewish individuals have suffered systematic oppression and persecution dating as far back as 66 A.D. (Gerstenfeld, 2017). Second, hate crime groups may be threatened by the assimilation of Jewish individuals because anti-Semitic groups believe they have infiltrated mainstream culture. Third, anti-Semitic beliefs have been passed down across generations within families and communities that support these beliefs. According to the Anti-Defamation League (2016), 15.0% of Americans hold strong anti-Semitic beliefs. Indeed, scholars have found hate crime groups

tend to focus on anti-Semitic teachings and speech (Ezekiel, 2002). Fourth, the traditions practiced within Jewish culture may seem strange to outsiders, facilitating confusion and misunderstanding. Last, with the emergence of Zionism, people may associate Jewish individuals with the crisis in the Middle East and harbor anger against them. Together, these factors may have increased anti-Jewish motivated hate crime.

Anti-Muslim Hate Crimes

Despite low reporting rates, religiously-motivated hate crimes against Muslims increased dramatically in the days and weeks following the September 11th terrorist attacks (Byers & Jones, 2007; Disha, Cavendish, & King, 2017, 2011; Walfield et. al, 2017). Eight weeks after the September 11th attacks, however, anti-Muslim hate crime decreased in New York City and Washington, D.C. (Byers & Jones, 2007). Following the 2016 election of Donald Trump, anti-Muslim hate crimes and biased rhetoric rose by 45.0% (South Asian Communities Leading Together, 2018).

It is important to note that the occurrence of religiously-motivated hate crimes has not been equally distributed across the U.S. Disha and colleagues (2011) have found that the likelihood of anti-Muslim hate crime is lowest in countries in which a greater proportion of Muslims reside. Research has demonstrated that immigrants may often form multi-generational enclaves that protect against a variety of negative outcomes, including crime perpetration and hate crime victimization.

Anti-Gender Hate Crimes

The 2009 passage of HCPA expanded the federal definition of hate crimes to include crimes motivated by a gender or gender identity bias. As demonstrated in Table 3, anti-gender hate crimes are somewhat rare (FBI 2016; Texas DPS 2016). Scholars have argued that violence against women should be

Table 3. 2016 Anti-Gender Hate Crime

	U.S.	Texas
Group %	0.6	0.5
Bias Type	Total Offenses	Total %
Anti-Female	26	0.5
Anti-Gender Non-Conforming	19	N/A
Anti-Male	10	0.0

considered with hate crime statutes because these crimes target victims based on sex/gender. To support this argument, scholars have argued that “most of the violence against women takes place within families and the perpetrators are almost exclusively men who are or have been in a close relationship with the woman” (Krantz, 2002, p. 242). Gender traditionalism and patriarchy facilitates the power and control of perpetrators over their victims (Johnson, 2011). There is limited research on anti-gender hate crimes. Future research should address the complexity of the ways gendered violence could be categorized as a hate crime. In addition, policy efforts should work to include gender in hate crime legislation for all states.

Anti-Sexual Orientation Hate Crimes

Anti-sexual orientation hate crimes share similarities with anti-gender and anti-gender identity hate crimes. Within this legislation, sexual minorities are often grouped into one broader community. Yet, LGBTQ individuals are not a homogenous group. It is important for research and policy to clearly identify the group under study and create policy that targets the needs of that particular group.

Gay and lesbian hate crime survivors have displayed increased internalizing disorders such as depression, anxiety, and posttraumatic stress disorder (PTSD) as well as increased fear of crime compared to other victims (Herek, Gillis, & Cogan, 1999). Herek, Cogan, and Gillis (2002) surveyed gay men who had experienced a hate crime and found that victims' concerns about police bias, crime severity, the likelihood the offender would be punished, and public disclosure of the victim's sexual orientation were important factors in deciding whether they reported the crime.

Although there has been extensive research on anti-sexual orientation hate crimes, underreporting to police remains an issue. Table 4 presents percentages for anti-sexual orientation hate crimes in the U.S. and Texas. Research demonstrated the more violent or severe an incident was, the less likely the victim was to report it to police (Dunbar, 2006; Herek et al., 2002). This lack of reporting may be connected to fear of police bias and public disclosure of sexual orientation. Going forward, police training focused on sexual minorities in the context of hate crime victimization may ensure the protection of marginalized populations. It is promising that police departments, like Houston, have already incorporated this training (Houston Police Department, n.d.).

Table 4. 2016 Anti-Sexual Orientation Hate Crime

	U.S.	Texas
Group %	19.4	26.3
Bias Type	Total %	Total %
Anti-Gay	57.6	47.7
Anti-LGBT (Mixed Group)	19.7	5.9
Anti-Lesbian	10.6	15.9
Anti-Transgender	8.4	25.7
Anti-Bisexual	2.0	2.4
Anti-Heterosexual	1.7	2.4

Anti-Disability Hate Crimes

Differently-abled individuals make up the largest minority group in the U.S., where nearly 20.0% of Americans report a disability and 10.0% report a severe disability (Grattet & Jenness, 2001). Individuals with disabilities have been disproportionately targeted as crime victims when compared to counterparts. In fact, those differently-abled are two and half times more likely to be abused than those individuals without a disability (Harrell, 2017). Gerstenfeld (2017) has argued that anti-disability hate crimes differ from other types of hate crimes. Individuals are typically unable to change their race, religion, and/or gender. The difference lies, however, in that someone could develop a disability or impairment (Grattet & Jenness, 2001) though there is little legislation in place to protect these vulnerable individuals.

Hate crimes against individuals with disabilities have also been underreported (Thornycroft & Asquith, 2015). Official statistics on anti-disability hate crime, like other types of bias-motivated offenses, do not provide an accurate picture of prevalence (Sherry, 2010; Thornycroft & Asquith, 2015). Table 5 demonstrates 2016 national and Texas hate crime statistics with biases toward cognitive and physical impairments. Anti-disability hate crime has also spread to the Internet, including websites that spread hate speech targeting the differently abled (Sherry, 2014). There is a lack of research

Table 5. 2016 Anti-Disability Hate Crime

	U.S.	Texas
Group %	1.2	3.7
Bias Type	Total Offenses	Total %
Anti-Cognitive Impairment	47	2.6
Anti-Physical Impairment	29	1.1

on anti-disability hate crime. Indeed, scholars have cited the need for further investigation into the prevalence of anti-disability hate crimes (Grattet & Jenness, 2001; Sherry, 2014; Thornycroft & Asquith, 2015).

Conclusion

Across each of the different types of hate crimes, underreporting of incidents to the criminal justice system remains a serious concern (Dunbar, 2006; Herek et al., 2002; Thornycroft & Asquith, 2015). If law enforcement are unaware of the true state of bias-motivated offenses, suspects go unapprehended, cases are not formally processed, and marginalized populations remain vulnerable. Further, crime victims' rights resources, such as compensation have been limited to those survivors who have reported the incident to law enforcement. Taken together, reports in the Hate Crime series have indicated that, while there has been substantial development in terms of legislation and response to hate crimes, significant room for improvement remains regarding policy, criminal justice systems' training, and continued research on this topic. As the composition of the U.S.' population continues to evolve, these issues become even more pressing.

References

- Anti-Defamation League (ADL). (2016). *ADL terrorism*. Retrieved May 27, 2018, from <https://www.loc.gov/item/e9061acd085d8f782120723e13d19d61/>.
- Boyd, E., Berk, R., & Hamner, K. (1996). "Motivated by hatred or prejudice": Categorization of hate-motivated crimes in two police divisions. *Law & Society Review*, 30(4), 819-850.
- Byers, B.D., & Jones, J.A. (2007). The impact of the terrorist attacks of 9/11 on anti-Islamic hate crime. *Journal Of Ethnicity In Criminal Justice*, 5 (1), 43-56.
- Cyriax, O., Wilson, C., & Wilson, D. (2009). *The Encyclopedia of Crime*. London: Andre Deutsch.
- Disha, I., Cavendish, J.C., & King, R.D. (2011). Historical events and spaces of hate: Hate crimes against Arabs and Muslims in post-9/11 America. *Social Problems*, 58(1), 21-46.
- Dunbar, E. (2006). Race, gender, and sexual orientation in hate crime victimization: Identity politics or identity risk? *Violence and Victims*, 21(3), 323-337.
- Ezekiel, R.S. (2002). An ethnographer looks at neo-Nazi and Klan groups. *American Behavioral Scientist*, 46(1), 51-71.

- Federal Bureau of Investigation (FBI). (2016). *2016 Hate crime statistics*. Retrieved from <https://ucr.fbi.gov/hate-crime/2016/hate-crime>.
- Gerstenfeld, P.B. (2017). *Hate crimes: Causes, controls, and controversies*. Los Angeles, CA: Sage.
- Grattet, R., & Jenness, V. (2001). Examining the boundaries of hate crime law: Disabilities and the "dilemma of difference". *The Journal of Criminal Law and Criminology*, 91(3), 653-698.
- Harrell, E. (2017, July 11). *Crime against persons with disabilities, 2009-2015 -Statistical Tables*. Retrieved from <https://www.bis.gov/index.cfm?ty=pbdetail&iid=5986>.
- Herek, G.M., Cogan, J.C., & Gillis, J.R. (2002). Victim experiences in hate crimes based on sexual orientation. *Journal of Social Issues*, 58(2), 319-339.
- Herek, G.M., Gillis, J.R., & Cogan, J.C. (1999). Psychological sequelae of hate-crime victimization among lesbian, gay, and bisexual adults. *Journal of Consulting and Clinical Psychology*, 67(6), 945-951.
- Hinojosa, M. (2018, July 15). *Hate crimes against Latinos increase in California*. Retrieved from <https://www.npr.org/2018/07/15/629212976/hate-crimes-against-latinos-increase-in-california>.
- Houston Police Department. (n.d.). *Hate crimes program*. Retrieved from <http://www.houstontx.gov/police/hatecrime/>.
- Johnson, M.P. (2011). Gender and types of intimate partner violence: A response to an anti-feminist literature review. *Aggression and Violent Behavior*, 16(4), 289-296.
- King, R.D., & Sutton, G.M. (2013). High times for hate crimes: Explaining the temporal clustering of hate-motivated offending. *Criminology*, 51(4), 871-894.
- Krantz, G. (2002). Violence against women: A global public health issue. *Journal of Epidemiology & Community Health*, 56(4), 242-243.
- Nelson, K. (2018, June 6). *20 years later: Hate crime still haunts Texas town*. Retrieved from <https://www.nbcdfw.com/news/local/20-Years-Later-Hate-Crime-Still-Haunts-Texas-Town--484785971.html>.
- Sherry, M. (2010). *Disability hate crimes: Does anyone really hate disabled people?* London: Ashgate Publishing Group.
- Sherry, M. (2014). Exploring disability hate crimes. *Review of Disability Studies: An International Journal*, 1(1), 51-60.
- Simmons, K.C. (2012). Subverting symbolism: The Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act and cooperative federalism. *American Criminal Law Review*, 49, 1865-1911.
- South Asian Americans Leading Together (2018). *Communities on fire: Confronting hate violence and exophobic political rhetoric*. Retrieved from: <http://saalt.org/wp-content/uploads/2018/01/Communities-on-Fire.pdf>.
- Stacey, M., Carbone-López, K., & Rosenfeld, R. (2011). Demographic change and ethnically motivated crime: The impact of immigration on anti-Hispanic hate crime in the United States. *Journal Of Contemporary Criminal Justice*, 27(3), 278-298.
- Texas Department of Public Safety (Texas DPS). (2016). *Hate crime*. Retrieved from <https://www.dps.texas.gov/crimereports/16/citCh6.pdf>.
- Thornycroft, R., & Asquith, N.L. (2015). The dark figure of disablist violence. *Howard Journal Of Criminal Justice*, 54(5), 489-507.
- U.S. Census Bureau (n.d.). *QuickFacts: United States; California*. Retrieved from <https://www.census.gov/quickfacts/fact/table/US.ca/PST045217#qf-headnote-a>.
- Walfield, S., Socia, K., & Powers, R. (2017). Religious motivated hate crimes: Reporting to law enforcement and case outcomes. *American Journal Of Criminal Justice*, 42(1), 148-169.
- Webster (2016). *Definition of anti-Semitism*. Retrieved from <https://www.merriam-webster.com/dictionary/anti-Semitism>.
- Williams, A. (2018, March 23). *Hate crimes rose the day after Trump was elected, FBI data show*. Retrieved from https://www.washingtonpost.com/news/post-nation/wp/2018/03/23/hate-crimes-rose-the-day-after-trump-was-elected-fbi-data-show/?utm_term=.1a7d5e71865e.
- Zaykowski, H. (2010). Racial disparities in hate crime reporting. *Violence & Victims*, 25(3), 378-394.

Recommended Reading

King, J. (2002) *Hate crime: The story of a dragging in Jasper, Texas*. Anchor Books: New York.

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