

Received: 04. 05. 2005.
UDK: 343.9

ORIGINAL SCIENTIFIC PAPER

WHY VICTIMS HATE TO REPORT: FACTORS AFFECTING VICTIM REPORTING IN HATE CRIME CASES IN CHICAGO¹

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ABSTRACT

In the wake of increased hate crime legislation and attention to hate crime, there is a growing need to understand the victims of hate crimes. In particular, it is necessary to understand what factors facilitate or hinder victim reporting in these cases. This study examines the factors affecting victim reporting in hate crime cases in Chicago during the year 2000. Grounded theory guides an analysis of interviews with victim advocates as well as police and prosecutors who have handled hate crime cases. Findings suggest that some factors affecting victim reporting are factors that would affect the reporting of crime in general such as distrust of the criminal justice system and fear of revictimization. Other factors affecting reporting are unique to hate crime including personal barriers (language, culture, sexual orientation), knowledge of the hate crime law and the city's response to hate crime victims.

Key Words: hate crime, revictimization, victim

INTRODUCTION

For better or worse, vicious hate crimes have captured media attention in America.

Victim's names such as Matthew Sheppard and James Byrd are forever etched in many minds.

On one hand, these incidents bring public awareness to hate crimes across the United States. On the other hand, these incidents may also serve as a boiler plate for hate crimes against which all ot-

hers will be measured. The net result of this media focus may be that hate crime victims garner more attention and resources but that less violent hate crimes may not be viewed as "real" hate crimes.

There has been limited research regarding how victims respond to hate crimes. The increase in public interest in high profile hate crimes and legislation can overshadow the everyday reactions of hate crime victims and their decision of whether to report. This study seeks to explain the multiple rea-

¹ The author would like to thank the following people and organizations for their support in completing this study: Kathryn K. Russell, Gary LaFree, Sandra Bass, Faye Taxman, Wayne McIntosh, James Culotta, Jeff Schrink, the Cook County State's Attorney's Office, the Chicago Police Department, the City of Chicago Commission on Human Relations, Horizons, and the Anti-Defamation League of Chicago. In addition, the author wishes to thank the individuals who participated in this study who must remain nameless in order to ensure their confidentiality.

The Chicago Police Department makes reasonable efforts to ensure accurate and up-to-date information, it makes no representations as to the accuracy, timeliness or completeness of any information provided from any data system. In using Department information, the information was provided to the author 'as is, as available' without warranty, express or implied, and the author used it while aware of that risk.

sons hate crime victims may or may not choose to report.

Through interviews with victim advocates, police and prosecutors in Chicago, I explore the factors affecting victim decision making in all forms of hate crime in Chicago.

LITERATURE REVIEW

Most crimes come to the attention of police through victim reports, with the exception of police observation and victimless crimes. Exploring the victim's decision making process is crucial to understanding case outcome. Trends in victim discretion can in turn create patterns of certain types of cases that come through the criminal justice system. Victim reporting behaviour can impact the flow of cases into the system as well as limit the deterrent effect of the law through non-reporting (Skogan, 1984).

Skogan's (1984) review of victim reporting literature identifies key variables that affect victim reporting as well as variables that have little impact despite previous assumptions.

Perhaps the most notable determinant of victim reporting according to Skogan is the seriousness of the crime. Of all the variables, seriousness appears to account for the most variability and is the strongest predictor of reporting behavior. Victims may be likely to report if there are serious property losses or injuries and less likely to report if they believe that the offense was not serious enough (Skogan, 1984).

Another variable that can influence victim reporting is the feeling that he or she has a duty to report in an effort to prevent future crimes. According to Skogan's review of the victim research, victims are less likely to report if they feel that nothing could be done by the criminal justice system. They also may not report if they fear that their past behavior or behavior at the time of the offense may get them in trouble or embarrass them. Notably, Skogan's review does not find any significant differences in the victims' race (including interracial crimes), socioeconomic status or gender in reporting behavior. Skogan (1984) also notes that the age of the victim is predictive of victim reporting. This is due to more frequent reporting among the elderly. In addition, fear of police or concern that the police would not be helpful are not significant variables in victim reporting behavior (Skogan, 1984).

Greenberg and Ruback (1985) offer a model of crime victim decision-making based on previous empirical research. This proposed model suggests that reporting decisions take place in three stages: identifying the event as a crime, assessing the seriousness of the crime and deciding what action to take. They also claim that victims determine how serious a crime is based on "how unjustly they feel they have been treated by the offender" and "how vulnerable and fearful they are of being victimized again" (Greenberg and Ruback, 1985, p. 605). Given the fact that hate crime offenders prey on victims because of their demographic traits, victims of hate crimes are likely to feel as though they have been treated unjustly.

With respect to victim reporting in hate crime cases, there has been very little research.

Some of this research focuses on the effect of sexual orientation on victim reporting. Berrill and Herek (1992 as cited in Garofalo, 1997) observe that victims of sexual orientation hate crimes may be less likely to report the crime to the police simply because they fear having their sexual orientation exposed. Additionally, Herek, et al. (1999), describe a quantitative analysis of victimization questionnaires given to lesbians, gay men and bisexuals. They find that lesbian and gay victims are less likely to report a hate crime than a non-hate crime and were more likely to suffer depression, stress, anxiety and anger.

A report by the California Attorney General's Civil Rights Commission on Hate Crimes (2000) identifies a number of possible variables affecting hate crime reporting as a result of 22 discussion forums throughout the state of California. The report distinguishes the following variables affecting hate crime reporting: lack of knowledge about hate crime laws, denial that a hate crime was committed against him/her, fear of retaliation, fear of being re-victimized by police, feelings of shame about the incident, cultural or personal beliefs that they should not make a complaint, fear of being "outed", language barriers, fear of being identified as an illegal immigrant, fear that caregivers will withhold treatment (for disabled victims), and inability for some disabled victims to explain what happened. McDevitt et al. (2000) analyze a national law enforcement survey and interviews with victim advocates and hate crime experts to assess victim and police reporting of hate crime. The authors identify seven factors related to victim likelihood of

reporting by asking officers to assess the importance of the seven factors. Officers report that they believed fear of police contact, embarrassment and fear that the police would not take the matter seriously were the most influential in discouraging victim reporting. McDevitt et al. (2000) suggest that this indicates that the police-victim relationship may be the most important variable in general for discouraging hate crime reporting. This conclusion is supported by McDevitt et al.'s subsequent interviews with advocacy groups. The officers identify fear of community retaliation and not being aware of the bias as least likely to discourage reporting.

With respect to hate crime reporting specifically in Chicago, a 1994 Clearinghouse Review article by Shuman-Moore and Watts discusses victim advocacy for hate crimes, particularly in Chicago. The variables they identify as important to victim reporting in hate crime reflect many of the variables discussed in my research. In particular, the authors note that victims do not report because of ignorance of the law, distrust or fear of police, cultural or language barriers and fear of their sexual orientation being exposed. Furthermore, they also noted that in 1993, Horizons (a lesbian, gay, bisexual and transgendered advocacy organization) identified 204 reports of hate crimes against gays and lesbians but the Chicago Police department only identified 37. This disparity is also acknowledged by Sloan et al. (1998) who state there is a discrepancy between official statistics and the data collected by victim advocates, particularly for sexual orientation hate crimes.

In sum, a number of variables appear to influence victim reporting including seriousness of the offense, an obligation to report, victim culpability and fear of re-victimization (Skogan, 1984; Greenberg and Ruback, 1985). Although there has not been a great deal of research on victim reporting in hate crime cases, current research suggests these variables seem to affect hate crime reporting as well. In addition, victims sexual orientation, knowledge of hate crime laws, fear of revictimization and police behavior, and cultural and language barriers are among additional variables that may affect victim reporting in hate crime cases (Berrill and Herek, 1992:California Attorney General's Civil Rights Commission on Hate Crimes, 2000; McDevitt et al, 2000).

Victims play a role not only in reporting, but in future stages of the process as well. For instance,

victim support is essential in the investigation process, but often difficult to maintain since victims may be afraid or do not understand how the criminal justice system works (Levin and McDevitt, 1993). While the victim's decision to report is crucial to a case coming to the attention of the criminal justice system, police interaction with victims and police discretion play a key role as well. This study seeks to add to the current knowledge regarding victim reporting of hate crimes through the use of qualitative interviews with a wide range of voices. This study not only confirms prior assumptions about victim reporting in hate crimes cases, but it also uncovers additional reporting factors and provides qualitative detail to explain why all of these factors are important in victim reporting.

METHODOLOGY

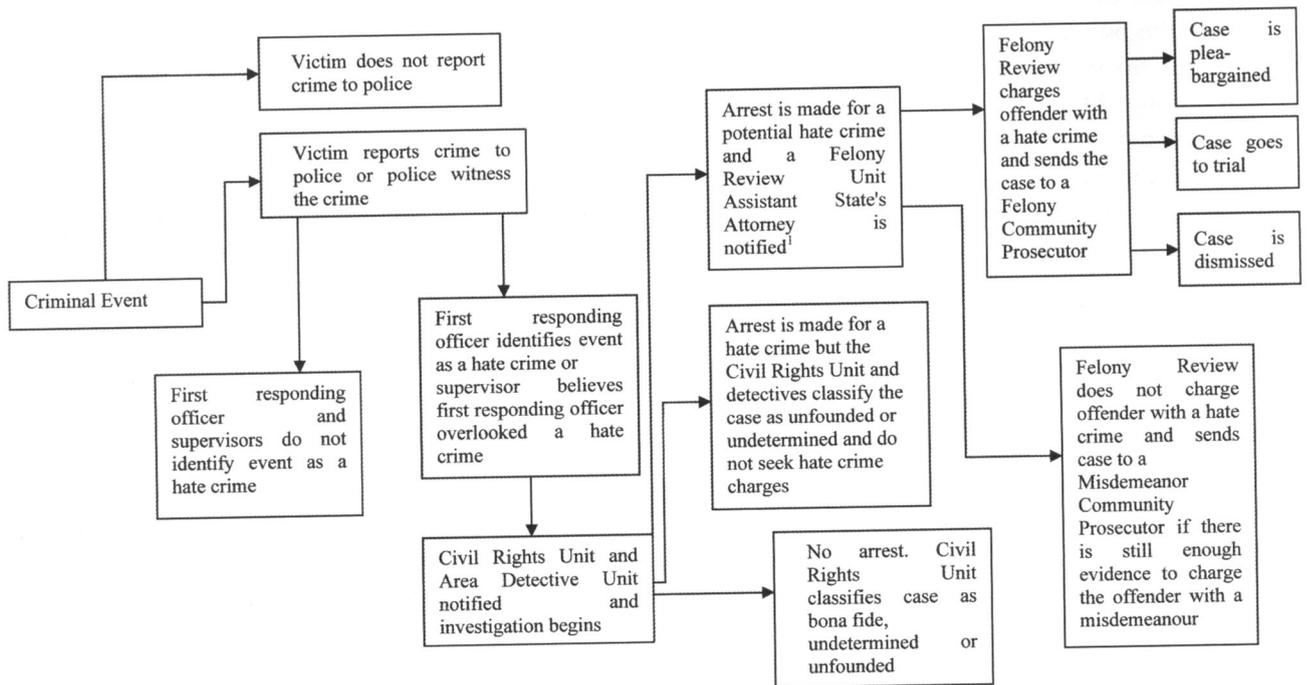
This data comes from research I conducted on victim, police and prosecutor response to hate crime in Chicago during the year 20002. I use grounded theory (Glaser & Strauss, 1967) to guide my analysis of qualitative interviews of victim advocates, first responding officers (FROs), Civil Rights Unit (CRU) officers, area detectives, Felony Review Assistant State's Attorneys (ASAs) and Community Prosecutors. I asked each interviewee a series of open-ended questions about the factors they feel are most important in victim, police and prosecution response to hate crime. I did not interview hate crime victims directly because of confidentiality concerns.

Victim advocates, police and prosecutors drew upon their expertise in this area to help explain victim reporting behavior in hate crime cases.

I chose Chicago primarily because of its specialized response to hate crime and the willingness of police, prosecutors and victim advocates to participate in this study. The specialized response Chicago gives for hate crime is important in understanding victim reporting in the city for two reasons. First, it is important to understand the specialized context in which these victims report hate crimes. Second, the specialized expertise some criminal justice agents have (i.e. CRU investigators or community prosecutors) gives them insight into victim reporting.

Figure 1 provides a flow chart describing how hate crime cases move through the criminal justice system in Chicago.

Figure 1:
Flow Chart of Hate Crime Case Process from Event to Trial Stage



¹ Detectives have the power to call Felony Review for hate crime charges only. All ASAs in the Felony Review Unit must review their decision with a supervisor before proceeding.

Using semi-structured interviews, I conducted 75 interviews at different periods through out December, 2000 through October 2001. These interviews included 29 first-responding officers³, 9 Civil Rights Unit Investigators⁴, 11 area detectives⁵, 7 felony review assistant state's attorneys⁶, 8 community prosecutors⁷ and 11 victim advocates⁸.

The interviews were normally conducted at the interviewees workplace and lasted from 15 minutes to 2 hours. I used a semi-structured format for all interviews. This structure allows for open-ended questions, additional lines of questioning and follow-up questions. This approach is consistent with grounded theory because it allows for initial hypotheses to guide questioning but leaves room for changes and additions. I took copious notes during and after the interviews to insure that the interviews were well documented⁹. I interviewed each victim advocate regarding the factors that affect victim reporting in hate crime cases as well as what factors they believe affect decision-making among police and prosecutors in hate crime cases. In my interviews with police and pro-

secutors, I asked each interviewee questions about the factors that affected their own decisions making as well as decision-making in hate crime cases among victims, police and prosecutors in general.

Additionally, I transcribed the interviews onto my computer for subsequent use with qualitative software (QSR NS -NUD*IST series). I used this software to organize interview data as well as to analyze or verify specific patterns within the data (e.g. looking for patterns among experienced detectives views of hate crime). Throughout the coding process, I renamed codes or merged them with others. Codes reflected both very broad and very specific areas to allow for visualizing how the themes connected. In addition, I used general codes as a generic receptacle for ideas from interviews that did not seem to fit any preexisting themes. If a theme emerged later, it could be pulled out into a specific code of its own. Later, specific codes were used as subcategories within broad codes. I kept track of observations and ideas that emerged as the data was being coded. Certain interviewees served as key sources for this information and were contacted several times. As I became more familiar

with hate crime processing in Chicago, it became apparent that key questions were omitted in some early interviews because certain issues had not yet emerged. I called some early interviewees back later to ask them the questions that I had developed during later interviews.

In order to provide additional context, I reviewed all of the general offense reports for hate crimes in 2000. There were 166 hate crimes involving an adult or unknown age offender.

These case reports supplied further detail in cases where victims did report and provided greater context for understanding their situation. I did not use cases with juveniles since juvenile hate crimes are processed in a different manner once the age of the offender is confirmed.

FACTORS AFFECTING VICTIM REPORTING IN HATE CRIMES

Through interviews with victim advocates, CRU investigators, FROs, detectives, felony review ASAs and community prosecutors, a number of variables impacting victim reporting and behavior in hate crime cases emerged. These variables include response to victims of hate crime, the victim's knowledge of the hate crime law, personal barriers for victims of hate crime, distrust of the criminal justice system and fear of revictimization. Some of the variables are unique to hate crime reporting due to the nature of targeted characteristics or opinions and knowledge about hate crime. Other variables could be generalized to any crime, including hate crime. This is particularly true because hate crimes are usually reported on the basis of the predicate offense as opposed to being reported as a hate crime.

FEAR OF REVICTIMIZATION

Fear of revictimization or retaliation for reporting can impact victim decisions in any criminal case. In some situations, it may cause a hate crime victim to shy away from reporting.

In other instances, the fear may motivate the victim to reach out for help. This behavior, however, is not limited to hate crime victims alone as evidenced in research by Skogan (1984) and Greenberg and Ruback (1985). Skogan's review of victim reporting literature finds that victims may report if they feel they have a duty to prevent future

crimes, while Greenberg and Ruback find that fear of being re-victimized can impact victim decisions.

Across the board, many interviewees suggested that some victims did not report because of fear of retaliation (4 of 11 victim advocates, 2 of 8 community prosecutors, 3 of 9 CRU investigators, 1 of 11 detectives and 10 of 29 FROs). One CRU investigator noted that victims may fear retaliation from the offender, particularly if the offender lives in their neighborhood.

Put in that context and considering the fact that many interviewees believed changing neighborhoods or moving into the "wrong neighborhood" produced hate crime, fear of retaliation may be a legitimate concern for many victims.

The racial and ethnic boundaries in Chicago are very obvious. When I asked what causes hate crime in Chicago, a majority of interviewees spoke of Chicago's segregation and distinct boundary lines from one ethnic or racial neighborhood to the next. Few opportunities to intermingle exist for the multiple ethnic and racial groups. "We are not mixing well," a community prosecutor observed. A CRU investigator noted that because of these easily identifiable neighborhoods, offenders know exactly where they can find a Jew or a member of the Lesbian, Gay, Bisexual and Transgendered (LGBT) community. One FRO talked about a case he had in the past in which a young Black male accidentally got off at the wrong bus stop a few blocks from his home. A Mexican male and White male started calling the boy "Nigger" and chased him and threw rocks. He said the boy's mother did not want to do anything about it; she just wanted to be left alone.

Conversely, fear of revictimization may spur some victims to report. Two interviewees believed that some victims thought reporting might prevent the crime from happening again to themselves or someone else. For instance, one Commission on Human Relations (an organization that provides a variety of assistance including aid to hate crime victims) employee believes that some victims report because they think, "this will never happen to anyone else," "I'm going to get even legally," "I want this offender to go to jail," or "I'm afraid it will happen again and it will be worse." In addition, two interviewees believed that the anger often provokes some victims to report. A CRU investigator said that victims will feel angry and upset. They wonder why someone would be so cruel and they cannot come up with any other reason but the bias. He said

they may think, "I have to tell" because they do not want anyone else to go through it. "Race can be a double-edged sword," remarked a misdemeanor community prosecutor. She said some victims feel so enraged they will report the crime. On the other hand, she said it could make them feel scared and not want to report.

FAITH IN THE CRIMINAL JUSTICE SYSTEM

Whether a victim trusts the criminal justice system can affect reporting behavior for any crime. Many interviewees cited a general distrust of police and the criminal justice system as a reason why victims do not report hate crimes while two interviewees suggested that if victims trust the system they will be more likely to report. This may be a reason crimes in general are not reported, although Skogan's (1984) review of victim reporting research suggests that it does not play a significant role except in less serious offenses. However, recent research on hate crime reporting notes that the victim's relationship with the police can play a role in whether a victim decides to report a crime to the police (Mc Devitt et al., 2000; The California Attorney General's Civil Rights Commission on Hate Crimes, 2000).

For some victims, the lack of trust may stem from cultural concerns, according to a Commission on Human Relations employee who said that new immigrants may have left countries with oppressive regimes. In other instances, the distrust is home grown. While this distrust could affect any crime reporting, one might argue that it plays a significant role in hate crime reporting because it often stems from racial and ethnic tension that is at the heart of hate crimes. One CRU investigator explained that a Black victim might not trust white officers and vice versa. He told me that a victim once asked for a different investigator because he was Black.

In addition, I noticed on one general offense report that the victims requested different FROs

because they felt they would be treated more fairly by other FROs. The report did not indicate why they wanted different officers, but I wondered if race played a role, particularly because the victims were singled out for an arson threat because they were Black.

A victim advocate from the Anti-Defamation League said the relationship the police have with

the community could help or hinder victim reporting. He said that victims would be encouraged if they think their community is well served, if a CAPS (Chicago Alternative Policing Strategy) program is in place and they know the community officer. He believed that victims may be discouraged by previous experiences with police if the police were antagonistic in the community, rude and stopping motorists. He said this may create a mindset that they would not be taken seriously but "day to day interaction builds rapport and makes them approachable."

"They think nothing is going to be done-[the offender] will get a slap on the wrist and be back on the street after going through the motions," a CRU investigator remarked about why some victims do not report. Victims may feel that the system would not do anything to help them because they view the court as apathetic. Likewise, the victim may feel overwhelmed by the system. One employee at the Commission on Human Relations said she believed some officers may even try to discourage victims from following through by explaining the criminal justice process in a negative manner telling victims "you will have to take off work" or their "kids will have to get off school". In essence, she believed the officers might make the process seem like a burden to the victim. A CRU investigator noted that he once had a case where the victim reported a hate crime but did not want to pursue it any further because of his perceptions of court apathy. The investigator went on to point out that "It takes a lot of time to bring in an offender, get the victim in for a lineup, summarize the case...it takes a long time to process, plus there's the court process and they have to take time off from work..."

RESPONSE TO VICTIMS

While fear of revictimization and level of faith in the criminal justice system can affect victim reporting in any type of criminal case, I discovered other variables that are more unique to victim reporting in hate crime cases. How the criminal justice system and community respond to victims of a crime can be crucial not only to the success of a criminal case but also to the victim's emotional well-being and satisfaction. Due to the unique nature of hate crimes, many jurisdictions have developed specialized responses to hate crimes. Special services are available in Chicago for hate crime victims as well as community groups that are

tailored to demographic groups. Furthermore, the specialized police and prosecutor response to hate crime in Chicago provides extra attention for hate crime victims.

Victim advocates can play a role in encouraging victims to report as well as keeping the victim involved in the case after reporting. A variety of victim advocates exist in the Chicago area, some are tailored specifically to hate crime and others deal with a variety of community issues. In addition, some community groups that may not normally deal with hate crime may provide assistance when it happens in their own backyard. Among the victim advocates in Chicago, there is Horizons (a Lesbian, Gay, Bisexual and Transgendered organization), The Chicago Lawyers' Committee on Civil Rights (advocates for hate crime victims and files pro bono civil law suits for hate crimes), the Commission on Human Relations (has special hate crime advocates as well as community advocates for a number of special groups), the Anti Defamation League (deals with Jewish community issues) and the Chicago branch of the National Association for the Advancement of Colored People (NAACP) (deals with issues within the Black community). In addition, the Cook County State's Attorney's Office has a victim advocate who deals specifically with hate crime cases. These organizations not only guide the victim through the criminal justice process but also try to keep the victim actively involved in the process and may encourage victims to report hate crimes to the police when they have not done so already.

While multiple services exist to assist and keep the victim involved in the process, sometimes the system makes this more difficult. Although the Commission on Human Relations strives to assist victims, a few CRU investigators and a community prosecutor admitted that there was a strained relationship between the police and the Commission. A longtime CRU investigator explained the problem between the CRU and Commission on Human Relations: It's a cordial relationship, but they are in the habit of forgetting they are... [civilians] and not investigators-it's just to assist. They will sometimes tell the victim that the officer should be doing certain things and [we] have to turn around and tell the victim that the Commission is not supposed to be doing that.

Another CRU investigator described the contact with the Commission as limited and strained.

She said they can be a "best friend and an enemy" and noted that "you have to be careful with places that have their own agenda." She said she usually waits to ask the Commission for information they have gathered until after her investigation. Another investigator felt that the Commission is too political, that they lack investigative skills and want to make everything a hate crime in order to get "more referrals and more publicity." He said they are "political appointees with very little training."

A community prosecutor also noted the "antagonistic" relationship between the Commission on Human Relations and CRU. She said that the Commission has improved but said they can be obstructionists and notes that they "have a role to diffuse the situation [but they] often inflame it." She said they will get information about an incident and the police and prosecutor may have done an interview, but the Commission will go and do their own interviews and demand to know why it is not charged as a hate crime. Within the Commission, one employee even admitted to feeling that there were some people at the Commission who were very passionate and have a "misperception of how much police can do."

The strained relationship between the Commission on Human Relations and CRU certainly can affect the victim's participation in the criminal justice process. If the Commission tells the victim that the police are wrong about their practices or decisions, the trust between the victim and the police can be undermined and result in uncooperative victims or future non reporting.

Chicago provides a number of services tailored to hate crime victims in addition to a special police and prosecutor response to hate crime. While I believe these services are usually helpful for victims, the efforts in the Commission may be counterproductive at times. However, from my interactions with Commission employees as well as other interviewees, I believe the problem may be the result of certain personnel rather than the type of service the Commission intends to provide. The influence of even one employee may contribute to the rift between the CRU and the Commission on Human Relations.

KNOWLEDGE OF THE HATE CRIME LAW

Victims may also be confused about the hate crime law itself and this can also affect their reporting behavior. When hate crime cases first come to the attention of the police, they are often reported as the predicate offense and not as a hate crime. Perhaps the victim does not think to call it a hate crime or the victim does not understand what a hate crime is. Some victims may not even know the law exists. Four of the 29 FROs explained that they do not necessarily know the crime is a hate crime when they arrive on the scene. For instance, a victim may call the police because their garage was vandalized or someone punched them. Only after talking to victims and conducting a preliminary investigation does it become apparent that the case may be a hate crime. "[Dispatchers] don't say, 'hate crime in progress,'" a FRO explained to me. A CRU investigator also observed that victims "may not know it was a hate crime, they think it was just a crime...they just care about the original offense."

Nineteen interviewees (five FROs, five victim advocates, three CRU members, two detectives, one felony review ASA and three community prosecutors) suggested that the victim's knowledge of the hate crime law (or lack thereof) affects victim reporting. The victim may not report the incident at all because they are not aware that the law has increased penalties if the crime was motivated by hatred. For victims who do report the incident, they may not label what happened to them as a hate crime or may fail to mention the specific language that was used by the offender that would make it clear the offense was a hate crime. For instance, a Commission on Human Relations employee explained to me that some victims may tell the police, "I think he hit me because I am Chinese," but not even realize that hitting them because they are Chinese is a whole new crime (a hate crime). A victim advocate for the State's Attorney's Office said that sometimes people, particularly new immigrants, may not know that they are protected. A community prosecutor suggested that some victims do not report because they have heard slurs before and did not realize that it might make a difference in the context of a crime. In essence, the fact that they were called racial epithets during the commission of a crime was not remarkable to them.

Given the fact that hate crimes may be initially reported as the predicate offense alone, it is often up

to the FRO to draw information out of the victim in order to uncover the bias motivation for the crime. Martin's (1996) research also confirms this finding when she notes that the success of a hate crime unit depends on the victim's willingness to report as well as the officer's ability and willingness to respond to the complaint. An officer's demeanor towards the victim may play a role in determining whether or not the victim is likely to note details about the offense that will suggest to the FRO that the incident may be a hate crime. One community prosecutor who has been an assistant state's attorney for ten years said, "Victims are more likely to report when police in the community are receptive." Another community prosecutor acknowledged the fact that the first officer on the scene will impact the victim's behaviour depending on their attitude and whether they are being judgmental. Furthermore, a Commission on Human Relations employee who has been with the Commission for eleven years said that victims may be embarrassed and do not want to repeat the name they were called. Thus, hate crime victims may require more sensitivity in order for them to divulge all the facts of the crime necessary to label the act as a hate crime.

While some victims may not report hate crimes because they are not aware of the law or do not understand the law, other victims may think they understand the law and report incidents that are not an actual hate crime. This may be due to the victim believing that the hate crime law encompasses any name-calling, regardless of the presence of a predicate offense. A member of the CRU said that he wishes they would call it "bias crime" instead of "hate crime" because of these misunderstandings. He gave the example of a domestic violence situation where a son or husband said, "I hate you," during an altercation and the victim thought that made it a hate crime.

He said, "There is a certain segment of the population that has a literal interpretation of the term hate crime." Three interviewees felt that some victims viewed any name calling as a hate crime or that slurs shouted during a traffic altercation made the incident a hate crime. This may have an impact on FRO's reporting behavior as well. Interestingly, if a victim labels an event as a hate crime, some officers are quick to label the event as a hate crime also, regardless of the accuracy of the label. A victim's insistence that something is a hate crime or the fact that slurs were used during an incident can lead some FROs to call it a hate crime simply to cover

their bases and leave the responsibility of verification to the CRU and detectives.

Four FROs believed that media stories and education about hate crimes could spur some victims to report if and when they become a victim of a hate crime. For instance, one FRO said that public awareness of hate crimes encourages reporting. "They know there is such a thing [as a hate crime] and that it's not just battery," he explained. In addition, a CRU investigator believed that reporting among the LGBT community had increased as a result of education.

PERSONAL BARRIERS TO REPORTING HATE CRIMES

For some victims of hate crime, their choice not to report is directly tied to their status as a member of a minority group. Recent studies have indicated this trend as well (McDevitt et al., 2000; California Attorney General's Civil Rights Commission on Hate Crimes, 2000; Berrill and Herek, 1992). Sexual orientation, language and cultural barriers can serve as obstacles to victim reporting in hate crimes as well as crime in general.

Victims of hate crimes can face cultural and language barriers. The very reason a victim may have been singled out (i.e. ethnicity) may also create an obstacle for reporting the incident.

A few interviewees indicated that some members of the Asian community are reluctant to report hate crimes. A Commission on Human Relations employee and a CRU investigator stated that privacy and pride play a role in reporting within the Asian community. The Commission employee explained:

It's an embarrassment to say something happened, especially a sexual assault. They don't want to draw attention to the crime or anything related to it. Because then it's in the papers...it is the first generation immigrants that don't want to draw attention to terrible things in the family. The second generation is more likely to call.

She also stated that some Asian victims may have limited English skills and therefore may not feel comfortable reporting or may not know where to go. Additionally, a community prosecutor mentioned that there is a "traditional distrust of the police, especially [among] Asians." She believes the distrust mainly stems from experiences in their native country.

A couple interviewees mentioned specific cultural incidents that they encountered that inhibit victim reporting. One example is the notion of Latino machismo. A Latino employee from Commission on Human Relations believes there is a macho mentality among Latino men that makes them feel that they have to defend themselves rather than have someone else come in and take care of the situation for them. He said Latino men feel that they have to "insult or punch back...there are lots of hate crimes in the Latino community but this is why we don't hear about it." Another example involves Hasidic Jews. A CRU investigator said that she believes the customs of Hasidic Jews prevent them from doing a number of things related to contacting the police. She said in one instance, they were not able to call the police or ambulance, men were not able to look at a female officer, and they could not ride in a car because of their religion (they needed the Rabbi's permission to do any of these things). Since hate crimes motivated by religious bias are more likely to be against the Jewish community (FBI, 2000), these barriers for Hasidic Jews are particularly important.

A final cultural barrier exists specifically for immigrant hate crime victims. They may not understand the criminal justice system in America or that they have the right not to be treated in this manner. A victim/witness advocate in the State's Attorney's Office stated, "New immigrants may not know the system. The process can be overwhelming. Certain populations may not know that they are protected. It affects different populations differently. They don't know that there are services and protection for them."

Language barriers pose a special problem for hate crime victims. Since some hate crime victims may be targeted for their race or ethnicity, one might assume that there is an increased likelihood that language barriers may come in to play. A Commission on Human Relations employee who works with immigrant groups noted:

There is a continued inadequacy of awareness-raising efforts to bridge the relationship between law enforcement in the community to make the government approachable (especially the police and court system). It caters to everyone without recognizing the uniqueness of people. There are language factors, cultural factors, documents that need to be translated...Is the approach culturally appropriate to the community? Have you used community-based organizations to get the message across?

Another Commission on Human Relations employee said that for those who do not speak English, they may feel ashamed to have a child or someone younger than them translate because it would be a sign of weakness. However, the language barrier is common for all victims of crime in the Chicago area.

Beyond race and ethnicity, one of the most common concerns expressed by police officers, detectives, victim advocates and prosecutors was the effect of sexual orientation on reporting practices. Although specific services exist to assist these victims (a special victim advocate for LGBT victims in the State's Attorney's office, a CRU investigator who often handles LGBT cases and Horizons, an LGBT advocacy organization), a few interviewees were concerned that LGBT hate crimes are still under-reported. One CRU investigator expressed concern that sexual orientation hate crimes may be the most underreported hate crime, although she did think reporting had improved somewhat over time. Perhaps this is because members of the LGBT community face a unique obstacle in victim reporting: a fear of being "outed" (having their sexual identity revealed unwillingly).

For the most part, other hate crime victims are not necessarily trying to hide (or cannot hide) the characteristics they are being targeted for. According to a victim advocate from Horizons, an LGBT advocacy organization, some LGBT victims of hate crimes may have revealed their sexual orientation to the LGBT community but they may not have "come out" to the rest of the world. A victim/witness advocate in the State's Attorney's office said that if an LGBT victim wants to report a hate crime, they "have to 'come out' to a whole lot of people and risk harassment and intimidation."

Victims who are selected on the basis of their sexual orientation face unique barriers.

People may not like them because of their sexual orientation and consider them morally repugnant. In the case of bias against race and religion, moral repugnance is rarely an issue. A CRU investigator and a victim advocate both pointed out how sexual orientation bias is considered more acceptable in society than racial bias, for instance. The CRU investigator gave me an example from one of her elementary school visits. She was trying to explain stereotypes to them. She mentioned stereotypes about Hispanics and Jews but when she mentioned homosexuals many of the children started

laughing. She also mentioned that she had been talking to schoolchildren the day before and she heard a third grader saying "That's so gay" and "He's a faggot" and the teacher allowed it. She believes that sexual orientation bias is the only "acceptable bias."

There is also the possibility that sexual orientation hate crimes may be more likely than other hate crimes to be violent. For instance, 20 of the 29 sexually oriented hate incidents (bona fide, unfounded or undetermined) in Chicago in the year 2000 were a simple or aggravated battery. "Gay attacks are more often violent," the CRU sergeant observed, noting that most of the arrests in such attacks are assaults and batteries. As such, I wonder if these victims feel that drawing further attention to their sexual orientation may lead to increased violent victimization.

Reporting a hate crime of this nature clearly would involve "coming out" to, at the very least, the FRO, detectives, CRU investigators, ASAs, the judge and anyone else in the courtroom if the case goes to trial. As such, LGBT victims of hate crimes that have not revealed their sexual orientation entirely may feel at risk for being exposed if they choose to report. Perhaps they fear that their name will be in the newspapers or that somehow other people will find out their secret.

According to a victim advocate at the State's Attorney's Office, some LGBT victims may also fear a negative response from the police if they report the hate crime as a result of their sexual orientation. She explained, "If they want to report it they have to come out to a whole lot of people [and] risk harassment and intimidation, from people who are supposed to serve and protect [them]." LGBT victims who do report may be more comfortable with their sexual orientation in a public setting. No matter how comfortable some victims are with their sexual orientation, there may also be the concern regarding re-victimization by police who oppose homosexuality.

CONCLUSION

In many ways, victim reporting of hate crime may mirror victim reporting in general. In order for a crime to be classified as a hate crime, there must be a predicate offense first. As such, some interviewees suggested that victims reported hate crimes in the first place as the predicate offense and only later

did police tease out the fact that it was a hate crime. In that sense, the decision to report a hate crime may be based on whether or not the victim would even report the predicate offense. Furthermore, whether or not the victim provides enough information for the police to identify an incident as a hate crime may also be affected by the variables discussed in this article.

There are, however, some variables that may uniquely affect victim reporting in hate crime cases. This is due to the fact that the personal traits they were targeted for are also obstacles in reporting. For instance, in sexual orientation hate crimes, many interviewees stated they believed victims may be reluctant to report if they are not "out" publicly. Cultural and language barriers may also prevent some hate crime victims from reporting the crime. A lack of understanding about what a hate crime is or distrust of police (based on the very factors the victim was targeted for) can also play a role in a victim's decision to report. Finally, while victim and criminal justice services catered to hate crimes may serve to encourage reporting, at times it might discourage reporting and victim participation due to tension between the CRU and Commission on Human Relations as well as victim confusion about the parallel investigation.

Past research by Sloan et al (1998) acknowledges a disparity between official statistics and the data collected by victim advocates, particularly for sexual orientation hate crimes. While the Chicago information described previously by Shuman-Moore and Watts (1994) is outdated, it points to an interesting question: are victims underreporting hate crimes to the police or do police and victims define hate crime differently? Or do police reject a large number of cases reported to them? Future research on a micro level should examine how a victim's construction of hate crime differs from the police construction of hate crime.

Future research should also consider the impact of the events of September 11th on victim and criminal justice response to hate crime. I completed about 90 percent of the interviews in this study before the terrorist attacks on September 11, 2001. Therefore, I feel this study is an accurate reflection of decision-making behavior prior to September 11, 2001. Since then, my

conversations with subjects, particularly in follow-up interviews, sometimes included comments about the effects of these events on the criminal jus-

tice response to hate crime. According to the CRU sergeant, there were 55 hate crime incidents¹⁰ in Chicago that the CRU believes were specifically tied to the events of September 11th, 2001. The total number of hate crime incidents in 2001 was 215 incidents¹¹. A CRU member said that if the 55 September 11th incidents had not

occurred, Chicago would have experienced a decline in hate crimes since the 182 incidents¹² in the year 2000. I asked him if he believed that these events changed the way the CRU responds to hate crime. He said, "The job is the same but it has caused us to do a lot of community education. We reach out more to the Middle Eastern community and tell them what a hate crime is and to report it. We target them more." In addition, one of the CRU investigators suggested that the direction a detective takes during investigation of a hate crime may be affected by whether or not the incident would be considered a hot topic. She said she finds herself following up on many Anti-Arab cases after September 11th. Future research should not only consider the targeting of Arab victims but also the possibility of increased sensitivity to these crimes on behalf of the criminal justice system. The events of September 11th may create a historical bias in hate crime research or it may mark a permanent change in the nature and response to hate crime in America.

NOTES

- 1 Having one's sexual orientation revealed.
- 2 I will provide the citation at a later date-I do not want it to compromise the blind review. It is part of a larger unpublished work that I am dividing into separate parts.
- 3 I interviewed twenty-nine FROs for this study. These are patrol officers who are the first to arrive on the scene of a potential hate crime and who typically make the initial decision to identify the crime as a hate crime. A letter was sent to all FRO's who responded to a hate crime in the year 2000. Since this research focuses on the adult system only, FROs who responded only to a juvenile case were excluded³. This leaves 233 FROs who handled a case in which the offender was an adult or the age was unknown. Many FROs refused to participate or did not respond at all or by the deadline specified in the letter from the Patrol Division. The

- 29 FROs (including two sergeants) accounts for 12.4 percent of the FROs handling cases that were not known to be juvenile offenses and reflects 17.5 percent of these cases.³ The FROs represented 13 of the 25 police districts in Chicago.
- 4 All members of the CRU who served in the unit in the year 2000 and were still in the unit at the time of interviewing agreed to participate in this study. When the unit is operating at full capacity, there are 13 CRU investigators and one sergeant. I interviewed nine members of this unit, including eight CRU investigators and the CRU sergeant. This includes CRU investigators on the day and night shift.
 - 5 Area detectives were selected by a random sample of the lead detectives in 10 percent of hate crime cases in the year 2000. The Deputy Chief of the Detective Division issued a letter to all detectives drawn from this sample requesting their cooperation with the study. A few did not agree to participate or did not return phone calls. Eleven detectives were interviewed, accounting for 6.6 percent of all adult or unknown age cases. The detectives represented four of the five area detective offices.
 - 6 In order to get a sample of Felony Review ASAs, each ASA who had reviewed an adult hate crime case in the year 2000 received a letter from me requesting their participation in this study. The number of ASAs who reviewed cases (N=17) had to be pieced together from police and state's attorney files because there was no master list of those who responded to hate crimes. This provided an approximate population to work from. I originally identified 31 adult hate crime cases that were eligible for felony review (for hate crime arrest or other felony arrest), although later information revealed that there were 34 eligible cases. Of these 31 cases, I located Felony Review information on 22 cases. From the combined information I identified 17 ASAs involved in reviewing these cases. Some ASAs reviewed more than one hate crime. After the letter was sent, the eligible ASAs were called at random until 8 agreed to be interviewed (almost half of the total on the list). However, one ASA did not return a final phone call and only 7 were interviewed (41 percent of the list).
 - 7 I interviewed any prosecutor who had been with the community prosecutions team in 2000. This led to eight interviews: two supervisor interviews, four felony ASA interviews and two misdemeanor ASA interviews. Normally, there are two supervisors and two community prosecutors in each of the four offices (N=10). However, one of the misdemeanor community prosecutors did not start her position until 2001. Also, there was no misdemeanor assistant assigned to one of the offices during this study.
 - 8 Interviews of victim advocates included members of activist organizations in the Chicago area who monitor hate crime or assist hate crime victims. I identified non-government organizations primarily through snowball sampling and through various literature distributed to hate crime victims (from police prosecutors and other victim advocates). Three non-government victim advocates agreed to be interviewed for this study: two represent specific communities and another who responds to hate crime in general. Additionally, the City of Chicago provides victim assistance for hate crimes. The Commission on Human Relations is responsible for assisting victims of hate crimes in addition to many other human relations responsibilities. Furthermore, the Commission on Human Relations tries to build tolerance and relationships within Chicago through intervention and education. With respect to hate crime response, there are two hate crime unit specialists. In addition, other members of the Commission on Human Relations may assist in hate crime cases based on their specialty areas. This includes eight advisory council liaisons. The sample from the Commission on Human Relations included one member of the hate crime unit, two coordinators of community service, three advisory council liaisons and a statistical analyst. In addition, the Cook County State's Attorney's Office provides victim/witness assistants for various crimes, including an assistant who handles hate crime cases as well as cases for Lesbian, Gay, Bisexual and Transgendered (LGBT) victims in general. I interviewed this assistant as well.
 - 9 I chose not to tape record the interviews out of concern that the interviewees might be less

candid about such a sensitive topic if they knew their responses were being tape-recorded.

- 10 Including bona fide, unfounded and undetermined hate crimes
- 11 Includes all classifications and juvenile and adult offenders.
- 12 Includes all classifications and juvenile and adult offenders.

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