

Vera Institute of Justice

Criminal Justice Issues and Prisoners' Rights

<https://www.vera.org/blog/police-and-communities-must-develop-collective-responses-to-hate-crimes>

Public Facing Advocacy Writing

After the 2016 presidential election, unusually large numbers of children and adults all over the United States have reacted by expressing hate, bigotry, and racism, contrary to our best principles of equality. Hate crime has been unleashed with swastikas painted in playgrounds and schoolyards, attacks on Muslim school girls and cries of build the wall or go home! directed at Latino residents. Policymakers at the highest levels are taking action to encourage that these acts of bias are met with appropriate law enforcement responses. In a statement released on November 18, Attorney General Loretta E. Lynch urged people to report such incidents to local law enforcement and the Department of Justice to ensure that investigators and prosecutors are able to enforce hate crime statutes at local, state, and federal levels. On November 21, Governor Cuomo of New York announced the creation of a special state police unit to respond to hate crime and support investigations and prosecutions.

Hate crime laws are meant to curb these expressions of hate, but need further implementation and action from law enforcement at all levels in order to work as they are intended. The fact is that hate crimes are severely under-reported and better data are needed to know how to tackle the problems. The official statistics released by the FBI last month bear this out: 90 percent of police departments that participated in the FBI's report on hate crime submitted papers that indicated that they had no hate crimes in their city in 2015. This simply isn't the reality.

Since January 2016, funded by the National Institute of Justice, the Vera Institute has been studying how hate crimes impact communities and how organizations and law enforcement can better respond to these crimes. In focus groups and interviews with people in California and New Jersey, we have found that in the current climate of strained police-community relations and overt expressions of racism, including by politicians, people targeted by hate crimes do not feel confident reporting directly to the police because they do not expect that justice will be served.

The gap between people's explanations for violence they experience and what official statistics show demonstrates that there is a significant problem with reporting. By analyzing the results of the National Crime Victimization Survey (NCVS), which relies on self-reported data from victims, we estimate that hate crimes are 20 to 30 times higher than the approximately 1 in 350 reported annually by the FBI. Public statements in support of reporting will help. But as a matter of routine policing, many agencies do not prioritize or have the capacity to respond to hate crime. Law enforcement, especially recent recruits, would benefit from training in identifying and responding to neglected hate crimes.

Of course, communities have a role to play, too. According to our ongoing research with hate crime experts, community members, and victims, community members and law enforcement may have different perceptions of motives for hate crimes. There are also many reasons for underreporting, including fear, shame, and lack of awareness that these incidents are, in fact, crimes that can be prosecuted. Community members need to be able to trust the police to respond appropriately if they do report hate crimes. Far too often, instead, vulnerable people tend to feel disrespected and re-victimized when they report and seek help, even when the crime is grave and personally injurious.

When hate crime rises, diverse communities need to make efforts to exist in harmony, a tone that can be set by civic and community leaders. To better address the problem of underreporting, government entities, entire communities and all police departments could reassert a commitment to responding to hate crime by raising awareness of the laws and reassuring the public that victims can come forward. Our research suggests some protocols for responding to hate crimes, and we are developing a practical assessment tool that can be used by community organizations and law enforcement agencies to ask better questions, identify hate crimes when they occur, and respond in a sensitive way to victims' concerns.

A recent success in increasing responses to hate crime occurred in the United Kingdom, where the government has been taking hate crime more seriously for more than a decade, since implementing hate crime laws in the mid-90s. Since [increasing public awareness and prioritizing hate crime reporting](#), reporting has increased, and the discrepancy between levels of crime reported by victims and official statistics has been reduced. Once brought to court, more than 80 percent of hate crimes result in convictions. One of the reasons for the success in the UK is that law enforcement officers are trained in human rights and recognizing racism. Rather than teasing out ambiguous legal definitions about bias motivation, they are guided by victims' own perceptions that an attack (a verbal or physical assault) is a hate crime.

The work of advocacy organizations that raise awareness about hate crimes is vital, but there is also a need for more reliable data and in-depth research. All crimes are injurious, but hate crimes can have wider meaning and impact on all members of that person's community. Hate crime rends the very fabric of society, so a well-informed response should be a collective one involving gathering the facts and creating shared understanding.

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