



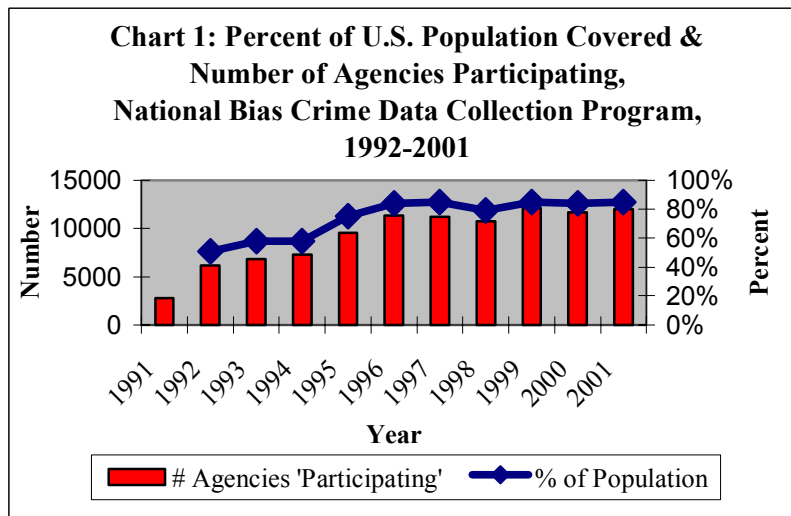
INSTITUTE ON RACE AND JUSTICE
RESEARCH IN BRIEF

Bridging the Information Disconnect in National Reporting of Bias Crime

Understanding the level of bias motivated crime is critical for both national and local law enforcement to effectively respond to and prevent bias motivated incidents. Following the passage of the Hate Crime Statistics Act in 1990, the Attorney General charged the FBI to collect bias crime data nationally. The FBI implemented the bias crime program within the Uniform Crime Reporting Program (UCR) which has operated for over 70 years. More than 17,000 local, county, and State law enforcement agencies participate in the UCR.

In 1991, the first full year of national data collection 2,771 law enforcement agencies also participated in the bias crime reporting effort. By 1995 that number had grown to over 9,500 agencies (chart 1). Similar growth occurred in the population covered by bias crime reporting: in 1992 participating agencies served about 50% of the population and in 2001, about 85%.

From 1995 to 2002 two-thirds of the agencies participating in the UCR also participated in the bias crime data collection. The number of participating agencies, the percentage of participating agencies submitting incidents, and the bias crime rate per 100,000 in those populations covered did not change appreciably in that period.



What are the factors that inhibit or promote the accurate tracking of bias crimes? Previous research points primarily to victim's reluctance or willingness to report incidents and the police officers' ability to identify incidents. This study finds equally important are police discretion and its control through reporting resources and organizational commitment to the issue of bias crime.

Discretion means allowing bureaucratic actors to make decisions either in the absence of

policy or in situations where policy or instruction cannot fully guide decisions. Police administrators can control discretion in the reporting of bias crimes through both reporting infrastructures and organizational commitment.

Police literature frequently identifies two important sources of police discretion:

- Police operate in a ‘low visibility’ environment
- Legal codes are often ambiguous

The decisions and actions that take place in the course of bias crime reporting occur within an environment that is not easy to supervise and with situations often subject to multiple interpretations.

For example, bias crimes typically involve simple assaults or threats, which do not routinely call for a supervisor’s oversight or a detective’s follow-up. Similarly, while legal codes provide a great deal of guidance, they can never furnish the precise details that identify a crime situation as bias motivated. Through their discretionary decisions, police officers construct a “living definition” of bias crime.

Spurred by the concern that national bias crime statistics underrepresent the actual level of bias crimes reported to the police, the Bureau of Justice Statistics in 1999 sponsored Northeastern University to evaluate the national data collection program. This study, *Improving the Quality and Accuracy of Bias Crime Statistics Nationally*, identified a significant gap in bias crime reporting.

A sample of agencies reported a greater number of bias crime incidents than were captured in the annual UCR for the same year. The authors concluded that approximately 5,000 to 6,000 additional agencies may have encountered bias crime not reported to the UCR program.

The Bureau of Justice Statistics subsequently sponsored Northeastern University to conduct a second study focused on describing existing local bias crime reporting practices and identifying common challenges to accurate bias crime reporting. This Research in Brief summarizes the key findings of the second study.

The full report, *Bridging the Information Disconnect in National Bias Crime Reporting*, is available at: www.cj.neu.edu/cjnew/pdf/final_report_post_BJS_III.pdf

Study methodology

Local police departments were solicited to participate in the study to reflect variation in region, department size, crime reporting method, and bias crime reporting history. The use of an extensive case study method required selection of a small number of agencies. Eight local police departments participated in the study. The participating departments are identified using pseudonyms described generally in terms of selection characteristics (table 1).

The study proceeded in two stages. First, researchers conducted case studies of each department focusing on their crime reporting process and their organizational culture around the issue of bias crime. These case studies primarily entailed interviews and focus groups with personnel involved in the various steps in the crime reporting process - patrol officers, supervisors, detectives, records personnel and members of the command staff. In addition the research team reviewed all departmental policies and procedures on crime reporting.

Second, archival records were reviewed to identify and count errors associated with bias crime reporting. The records review was designed to assess both underreporting and overreporting errors.

Table 1: Host departments and selection criteria

Agency Identifier	Population group	Selection Characteristics			State program involvement ^d
		NIBRS ^a	Model ^b	Disconnect ^c	
Southern PD1	400,000 or more	--	--	--	--
Southern PD2	100,000-150,000	Yes	--	--	--
Eastern PD1	400,000 or more	--	Yes	--	High
Eastern PD2	50,000-99,999	Yes	--	Yes	High
Midwestern PD1	400,000 or more	--	--	--	--
Midwestern PD2	300,000-400,000	Yes	Yes	--	--
Western PD1	300,000-400,000	--	--	Yes	High
Western PD2	50,000-99,999	--	--	Yes	High

-- No or low
^a 'NIBRS' agencies are those that submit their data through NIBRS, as opposed to the traditional summary based system.
^b 'Model' agencies are defined as those which (1) had reported consistently from 1995 through 1999, and (2) had not reported zero more than one year.
^c Agencies of 'Disconnect' were identified using survey responses from the first BJS hate crime study. These agencies responded on the survey that they had reported at least one bias crime during 1997, but official statistics reflected that they reported zero to the FBI.
^d 'High' indicates a high level of state UCR program involvement with the data prior to sending to the FBI.

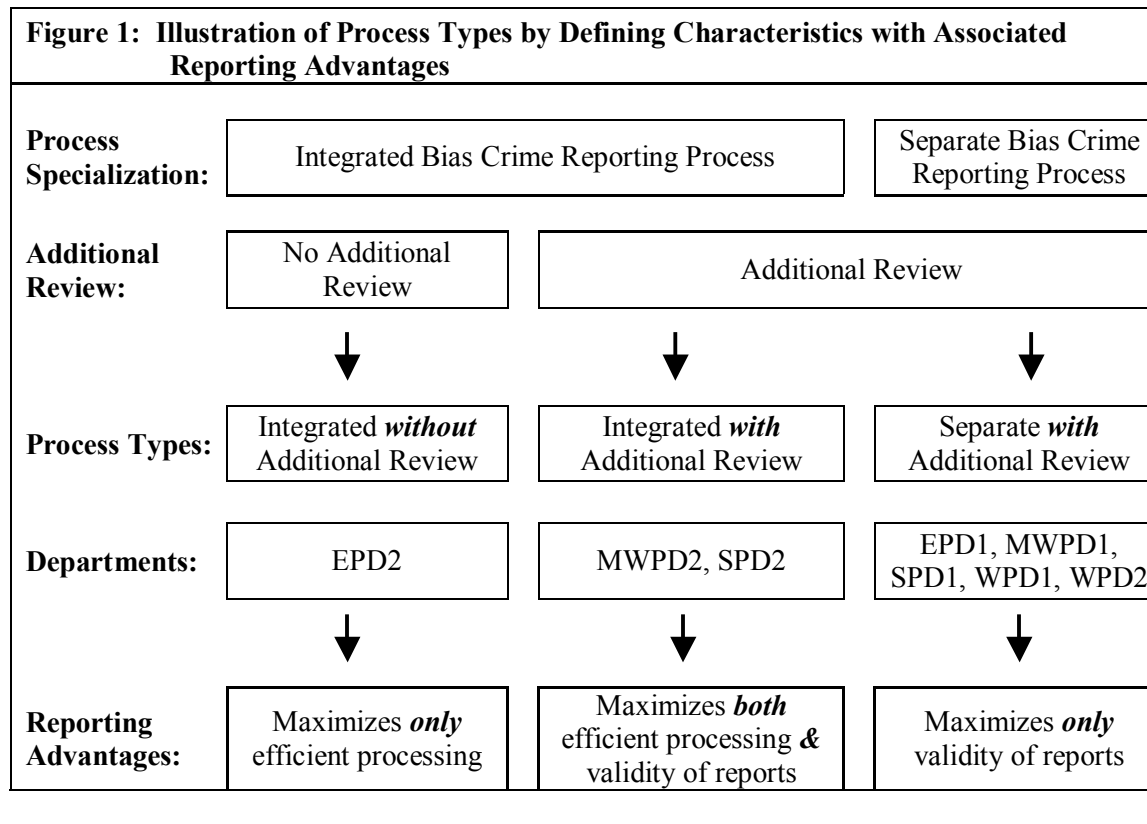
Key findings

Reporting infrastructure

Three types of bias crime reporting processes were identified in the participating departments (figure 1):

- (1) *Integrated without additional review* - the most basic type of bias crime reporting process. The patrol officer makes the first and final classification of the incident's motivation. The bias crime incident report is processed in the same way as other crime incident reports. Records units handle bias crimes as part of their overall crime reporting duties, with no explicit instruction to check the accuracy of the bias crime classification.
- (2) *Integrated with additional review* like the first type, but the department designates some personnel who are part of the normal crime reporting process the responsibility of conducting some additional review of incidents initially classified as bias motivated.
- (3) *Separate with additional review* departments using this process produce bias crime statistics outside the normal crime reporting process. Bias crime incident reports are separated from other reports and forwarded to the appropriate unit or personnel to be checked, aggregated, and submitted.

In conjunction with the original hate crime legislation, the FBI developed a training program for local law enforcement. The training recommended a two-tier review of all incidents potentially motivated by bias. This study supports this original recommendation with the further conclusion that having additional review that is integrated into the normal crime reporting processes seems to be the most effective.



Departmental culture

Department varied considerably in regards to their acceptance or residence to bias crime reporting. In some agencies command staff supported the accurate collection of bias crime statistics in both word and deed. Not only did these executives express an understanding of the benefits of bias crime reporting in formal interviews, it was evident that these departments had committed resources for responding to and accurately classifying bias motivated crimes.

In contrast other departments displayed a substantial resistance toward bias crime reporting both in interviews with research staff and in resources devoted to bias crime response and data collection.

The case studies are extensive and cannot be summarized within this brief technical report. Additional detail can be found in the full report.

Records review

The study was able to review the records for Type II errors (overreporting) in seven of the eight departments and for Type I errors (underreporting) in five of the eight departments. In general, low levels of misclassification were found in most of the departments studied.

Underreporting was assessed by reviewing a sample of assault incident reports not classified as bias motivated incidents to see if a bias designation could be appropriate. Incidents having a clear indication that bias was the greatest motivation were coded as 'bias motivated,' and other cases coded as 'ambiguous'

involved incidents that had indications of bias but also had some other identifiable triggering event or alternative motivation.

Observed underreporting ranged from zero to 8% of all assault incidents when both 'bias motivated' and 'ambiguous' incidents were considered (table 2). When only cases designated as 'bias motivated' were considered, the range was from zero to 3%.

Table 2: Observed and estimated errors of underreporting bias crime

Agency Identifier	Observed errors of underreporting			Estimated number of errors ^b	
	Number of assault incidents reviewed ^a	Percent observed 'Bias' and 'Ambiguous'	Percent observed 'Bias' only	'Bias' and 'Ambiguous' incidents	'Bias' only incidents
Southern PD1	90	0.00%	0.00%	0	0
Southern PD2	235	0.85	0.00	18	0
Eastern PD1	256	1.17	0.00	47	0
Eastern PD2	198	4.04	1.01	15	4
Midwestern PD1	154	0.65	0.00	45	0
Midwestern PD2	--	--	--	--	--
Western PD1	162	8.02	3.09	124	48
Western PD2	103	3.88	0.97	5	1

-- Data not available.

^a Number of assault incident reports reviewed excludes domestic violence reports

^b Estimated underreporting errors are point estimates of the number of undercounts in the total population of assault incidents

Although the observed underreporting appears to involve a minimal number of cases overall, point estimates of the number of undercounts in the total population of assault incidents indicate a substantially different picture of bias crime in some jurisdictions. For example, if Western PD1 reported some or most of the estimated undercounted bias crimes (48) and ambiguous crimes (76), the official statistics from this department would have changed dramatically.

Overcounts were assessed by reviewing 'known' bias incident reports -- those reports identified by the department as bias motivated and reported as such. Incidents were reviewed to identify technical errors, where a crime may not have been committed or where the bias category did not fit an FBI bias type category, and incidents motivated by something other than bias.

Little overreporting was observed. Potential technical errors ranged from zero to two incidents out of all incidents reviewed, and potential misclassification ranged from zero to six out of all incidents reviewed (Table 3).

In conclusion, while the observed level of misclassification was low in the sample assault reports drawn from each department, estimating the undercount of the full population of assaults would substantively change the picture of bias crime officially reported by some of these departments.

Table 3: Observed errors of overreporting bias crime

Agency Identifier	Technical overcounts			Motivation other than bias	
	Range of total bias incidents reviewed	Potential non-crime	Not FBI category	Possible provoking event	Missing explicit bias evidence
Southern PD1	Under 10	0	0	0	1
Southern PD2	30-40	2	1	3	0
Eastern PD1	48	1	0	6	1
Eastern PD2	--	--	--	--	--
Midwestern PD1	10-20	2	1	2	1
Midwestern PD2	--	--	--	--	--
Western PD1	--	--	--	--	--
Western PD2	Under 10	0	0	0	0

-- Data not available.

Study Conclusions

- ❑ While most of the departments had some designated procedure for additional review similar to the FBI recommended two-tier reporting model, a closer examination revealed dramatic differences in the specific characteristics of each department’s application of the two-tier model. We found the best practice for tracking bias crimes was when patrol officers (first tier) were instructed to identify all potential bias crimes using a broad definition of bias motivation and a trained specialist detective (second tier) made the final decision about the incident’s bias motivation.

- ❑ Beyond establishing appropriate reporting infrastructures, department culture plays an important role in inhibiting or promoting accurate bias crime identification and reporting. In the present study, departments varied along a continuum from positive or acceptant cultures to negative or resistant cultures based on the organization’s commitment to enforcing bias crime (e.g. leadership role, resource allocation, accountability systems, etc.) and the personnel level of general sensitivity towards the topic of bias crime.

- ❑ Leadership plays an important role in setting the priorities of the department. It is notable that the leadership of some departments we studied expressed explicit opinions resistant to identifying bias motivation, despite the fact that their departments are considered participants in the national data collection program.

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