<u>EVALUATING THE INTEGRATION OF HATE CRIME LAW INTO POLICE PRACTICE: A CONTENT ANALYSIS OF POLICE AGENCY POLICIES ON HATE CRIMES IN MARYLAND.</u>

by

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Evaluating the Integration of Hate Crime Law into Police Practice: A Content Analysis of Police Agency Policies on Hate Crimes in Maryland.

A Thesis submitted in partial fulfillment of the requirements for the degree of Master of Arts at George Mason University

by

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DEDICATION

This work is dedicated to the victims of hate crimes, those who were victimized because of the animus or prejudice against them simply because of benign characteristics that make up who they are, in hopes that this work will contribute to making a society that is safer for and more inclusive of all its members.

ACKNOWLEDGEMENTS

TABLE OF CONTENTS

LIST OF TABLES

LIST OF ABBREVIATIONS

ABSTRACT

EVALUATING THE INTEGRATION OF HATE CRIME LAW INTO POLICE
PRACTICE: A CONTENT ANALYSIS OF POLICE AGENCY POLICIES ON HATE
CRIMES IN MARYLAND.

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Policing hate crime is an important task for society to undertake to ensure the

safety of some of the most vulnerable members of its population. Undertaking this task

requires an understanding of how police agencies are implementing hate crime law into

practice, an area of the hate crime literature which has to date, received very little

attention. This thesis describes the current state of hate crime policy implementation by

police agencies in the state of Maryland, where strong hate crime legislation has been in

place for many years. For this study, 25 agencies, which included all county-level

agencies, the Baltimore City Police, and the Maryland State Police, formed the sample

for the study. These agencies have the primary responsibility for hate crime reporting in

Maryland and also represent roughly three quarters of the police force in the state. Of

these, 23 were included in the analysis, with two agencies declining to provide

information. To understand the state of policy adoption, this research addresses four

questions: How prevalent are hate crime policies in law enforcement agencies? How

comprehensive are these policies in covering currently identified policy elements used in model policies and expert recommendations for practice? Is there a relationship between agency or jurisdictional characteristics and the presence and comprehensiveness of a policy? And is there additional evidence of a correlation between having a written policy and increased reporting?

To better understand the nature of hate crime policy adoption in law enforcement, a content analysis was conducted on the policies of the study agencies. The results indicate that 43% of agencies in the study did not have a hate crime policy. Agencies with hate crime policies tended to be larger agencies serving jurisdictions with larger populations and higher percentages of voters registered as Democrats. Community policing practices in the agency and the jurisdiction's level of violent crime were not found to have statistically significant relationships to having a hate crime policy. Departments with a written policy were more likely to report hate crime and to report higher levels of hate crime instances compared to those without controlling for the overall level of violent crime in the community.

Of the departments that did have written hate crime policies, six agencies scored over 75% on a scale of policy comprehensiveness. The other 7 agencies scored between 47% and 73% on the scale of policy comprehensiveness. The designation of investigative responsibility for hate crime cases, the procedure for reporting hate crimes, and an explanation of the investigative process for hate crime cases were the three most comprehensively covered policy areas. Training for hate crime investigations, references to outside partners and resources for responding to hate crimes or aiding victims, and the

conveyance of special emphasis on the importance of policing hate crime were the three least comprehensively covered areas. None of the community and agency factors analyzed in relationship to having or not having a hate crime policy were related to the level of policy comprehensiveness. These findings on the level of policy implementation are similar to those of a California study conducted by Grattet & Jenness in 2005, indicating that the implementation of policies at the department level is in need of further development even in states with strong hate crime laws. Additional work is needed to further the adoption of hate crime policies, and these efforts should focus on areas that are smaller and more politically conservative. The findings provide a better picture of which content areas are being included in hate crime policies, and they show that there is notable variation in what is covered in these policies. However, additional research is required to determine the impact that differing levels of policy comprehensiveness have on the effectiveness of hate crime policing.

CHAPTER ONE- INTRODUCTION AND BACKGROUND

Beginning in the late 1970s, lawmakers in the United States began to develop legislation to respond to offenses where victims were specifically targeted because of animus towards a certain class or because they had certain characteristics (Grattet, Jenness, & Curry, 1998). Such hate crimes can and have included synagogues being defaced with Swastikas, gay men assaulted and hospitalized for holding hands in public, or individuals killed because they were black or looked Middle Eastern. This type of crime didn't begin in the 1970s, but that period marked a shift to identify these offenses as a specific type of crime which would become known as hate crimes or bias motivated offenses (Grattet et al, 1998). The recognition of these offenses as a specific type of crime was well warranted and for law enforcement personnel who are skeptical over the worthiness of hate crimes as a special category, several reasons why these crimes deserve special attention are as follows.

These crimes are more likely to be violent, and the level of violence is also likely to be higher than compared to non-hate crimes (Freilich & Chermak, 2011; Shively, 2005). Hate crimes also cause higher levels of emotional and psychological harm to victims than comparable non-hate crimes to include higher levels of fear (Freilich & Chermak, 2011; Garofalo & Martin, 1993). There is also broader harm to the targeted community with the effects of victimization expanding beyond the targeted individual; if

that is not addressed, it could also cause greater levels of distrust of the police (Freilich & Chermak, 2011; Garofalo & Martin, 1993). Having legislation specifically aimed at hate crimes is crucial to grouping these crimes together for data collection and analysis purposes, which is needed to better understand the nature and scope of the problem (Shively, 2005).

Challenges of Identification and Reporting

Bias-motivated offenses are often undetected and under-reported compared to other crime types (Cronin, McDevitt, Farrell, & Nolan, 2007; Mcveigh, Welch, & Biarnason, 2003; Stotzer, 2010). This poses a major challenge for policing bias motivated offenses (Mcveigh et al. 2003), and thus a primary task for improving the enforcement of legislation is to identify ways to improve reporting. When it comes to reporting, or identifying crimes as a bias motivated offense, two factors come into play: 1) the victim's identification of the incident as a bias motivated offense and subsequent report of the incident to the police; and 2) the police identification of the incident as a bias motivated offense and the police report of the crime as such. Efforts can be made to increase reporting rates for victims or to help them identify crimes as bias motivated offenses, and often advocacy groups can help with this effort. However, this approach is limited if there is a lack of recognition from the police force. If crimes are reported to the police and the victims identify them as bias motivated offenses but the police do not investigate them as such or initially treat them as such, people may be less likely to report these crimes to the police (Stotzer, 2010). This would also lessen the deterrent impact of

these laws as it becomes clear to potential offenders that the police are not likely to investigate these offenses as hate crimes.

Improving Identification and Reporting

With this in mind, it is important to improve law enforcement's identification and reporting of bias motivated offenses. Here, there are two major factors at play: individual discretion, and agency policies guiding officer discretion in this area. The agencies' policies are the easier of the two to affect and to standardize, and they can also affect individual discretion through training. Thus, focusing on agencies' written policies is an important starting point if we are to raise the overall identification and reporting rates for bias motivated offenses. The goal here is to answer the questions of what do strong written policies look like, and which components are important for improving the rate of identification and reporting? Additionally, it is key to know how police agencies are doing in terms of implementing such policies, both in terms of having a written policy and also in terms of how comprehensive that policy is.

Current Study

This study assesses the implementation of hate crime legislation by police agencies in Maryland by asking the following research questions: How many police agencies have a written hate crime policy and of those who do, how comprehensive are those written policies? Are there systematic differences in agency and community factors between those jurisdictions with a policy and those without, and do those differences also relate to the comprehensiveness of the policy? Finally, is the relationship between having

a hate crime policy and reporting of hate crime found here? Answering these research questions moves us closer to answering the above questions regarding how to increase hate crime identification and reporting. First, it provides a picture via a case study of a single state of how well police agencies are implementing hate crime legislation by enacting agency policy that guides the use of the law. Second, this examination provides detailed information on what these policies actually look like and what components they include, and this information can then be used in further study to determine which components of the policies are most important for effective investigation and prevention of hate crimes. This study will also identify the types of agencies that are most likely to have comprehensive hate crime policies and the profile of communities that house those agencies. Finally, this study will provide another look at the relationship between having a written hate crime policy and hate crime reporting. In short, the goal is to assess where police agencies in Maryland are in terms of implementing hate crime policy and which types of agencies or communities may face the largest obstacles to that goal, with the aim to further refine or define what these policies should look like and where to focus efforts to improve policy implementation. In addition to providing an assessment of policy implementation in Maryland, answering these questions will also help to illuminate issues that can help to study the implementation of hate crime policies in other states. This study is one of the few studies to date that have examined the issue of the implementation of hate crime policy at the police agency level.

CHAPTER TWO- LITERATURE REVIEW

Path to Policy Adoption

While the term hate crime is a recognizable one in popular culture and the criminal justice field (Grattet & Jenness, 2001) it is a relatively new policy innovation. The first hate crime law in the United States was passed in 1978 in California (Grattet, Jenness & Curry, 1998), only 39 years ago as of this writing. Grattet and Jenness (2001) describe hate crime as "an age-old problem approached with a new sense of urgency" (p. 668), which can be attributed to social movements around that time fighting for rights for a broad range of groups facing discrimination. The first phase of the adoption of hate crime as an accepted category of crime and policy innovation in the United States began with the spread and adoption of these laws throughout the states and in federal law. As this hate crime legislation began to be adopted, it quickly followed a pattern of diffusion by which most states adopted some form of hate crime legislation (Grattet et al. 1998; Jenness & Grattet, 2005) and indeed, "states have adopted a variety of legal forms even as they coalesce around a general model of using hate crime law to address perceived and reported instances in specific types of inter-group violence" (Grattet et al. 1998 p.288). The adoption of this legislation was aided by model legislation pushed by advocacy groups to guide states as they considered legislation (Grattet & Jenness, 2001). These statutes included several different approaches to include statutes that "require authorities

to collect data on hate or bias motivated crimes, mandate the training of law enforcement personnel, prohibit paramilitary training, specify parental liability, and provide for victim compensation" (Grattet et al. 1998 p. 289). As these laws developed, states looked to those who already had hate crime legislation as a model and converged around models that had been passed in other states (Grattet et al. 1998). Legislative innovation doesn't happen in a vacuum, and the early innovators provided a testing ground for others to follow. At the same time, states who adopted hate crime laws further down the line often adopted more comprehensive policies as they included the additions that had been made prior by other states (Grattet et al. 1998).

By 1995, 33 states had some form of hate crime legislation, and over time the specific approaches taken by legislation homogenized as specific models became the dominant and accepted approaches (Grattet et al. 1998). During this period of adoption from 1978-1995, protected classes included race (32 states), religion (31 states), color (30 states), national origin (29 states), ancestry (13 states), gender (11 states), sexual orientation (11 states), disability (9 states), creed (5 states), ethnicity (4 states), political affiliation (2 states), and age (2 states) (Grattet et al. 1998). The classes with the highest counts of states were introduced first and classes with lower counts of states were added later and are still in the process of being added to hate crime legislation. Similarly, during this period specific provisions for what crimes were eligible for being considered as hate crimes included: assault, battery, and bodily injury (23 states); property damage, vandalism, and criminal mischief (23 states); threats and slander (19 states)' all crimes (9 states); harassment (7 states); trespass (7 states); rights violation (6 states); mob action;

riot (5 states); murder (2 states); arson (2 states); all felonies (2 states); and unlawful firearms use (2 states) (Grattet et al. 1998). Again, crimes that were added later to consideration have fewer states including these crimes as eligible for classification as hate crimes. Multiple forces are at work at the same time here; the policies are expanding from state to state as states adopt the successful policy innovations of the early adopters, the domain of these laws expands as new groups are protected under the law and new efforts are made to make the laws stronger, and, at the same time as the laws are expanding, the legal strategies and paths being taken are homogenizing and coming into greater agreement. The older the protected category, the more agreement there is over including them, while categories that were added more recently like sexual orientation are still contested (Grattet & Jenness, 2001). This is not surprising given that the older the protected category is, the more time it has had to become accepted and established as a valid category. Additionally, prohibiting discrimination in general against older protected categories is more established as compared to more recent categories like sexual orientation.

At this point in its development hate crime functions as its own policy domain. By this we mean that it is clearly rooted in a classification scheme which is a social construction (Grattet & Jenness, 2001). Crimes with animus or bias as the primary motivation are not new; however, classifying them as hate crime is a historically new development. This happens by socially constructing a new classification scheme for crime which centers on animus or bias as the motivation, and in doing so creates a new policy area designed to address the problem specifically (Grattet & Jenness, 2001),

which is a social construction (Grattet & Jenness, 2001). Existing crimes of various natures are classified together when the driving motivation of the crime is bias against the targeted group, and this is important to note as this new form of classification can shift the way those crimes are policed (Grattet & Jenness, 2001). This legislative process further refined this policy domain which was then refined again as hate crime statutes came under legal challenge with further clarification coming as a result of those court cases (Grattet & Jenness, 2001).

Hate Crime Reporting and What is Known About Police Policies and Enforcement

Following the process of hate crime legislation being passed into law and being refined by court action, the focus on functioning hate crime law shifted to the enforcement of those laws, with policing and prosecution becoming "the principle problem area with respect to hate crime" in the late 1990s (Grattet & Jenness, 2001, 685). Now to be clear, this is not to say that there are no further issues to resolve in hate crime legislation. For example, many states do not include sexual orientation in their list of characteristics protected under the law; this in spite of the fact that hate crimes targeted on the basis of sexual orientation constitute the third largest category of hate crimes by raw count and the largest category per capita when comparing hate crimes committed against sexual minorities compared to their share of the overall population (Rubenstein,

2004).[1] So there is still work to be done on the legislative front, and variability in hate crime legislation between states, including which characteristics are covered and what the law does (Shively, 2005), certainly exists. However, for the most part, the legislation is largely advanced, and in the most advanced states the question is mainly focused on implementation rather than the continued need for legislation.

With this in mind, the issue becomes the translation from law to implementation, and law enforcement agencies are a crucial link between legal innovation and policy implementation (Jenness & Grattet, 2005). If passing hate crime legislation has had its challenges, enforcing hate crime legislation certainly has its share of challenges as well (Bell, 2002; Grattet & Jenness, 2005; Hall, 2012). It is important to note that law enforcement and prosecution represent the end point for the process of meaningful hate crime legislation. That is to say that, they represent the instrumental effect of the law, giving teeth to the legislation and putting it into practice. This is important to note as many have categorized hate crime law as exclusively symbolic (Grattet & Jenness, 2008), that is, that the law is just on the books for the symbolic effect that it has in speaking out against targeting groups for violence due to animus against them. If this is not the case and the law did have instrumental effect, police agencies would be crucial to moving the law from being purely symbolic to also having that instrumental effect (Grattet & Jenness, 2008). Prosecution is also part of that instrumental effect; however, prosecution

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[1] In short, there are more hate crimes committed against people because they are black than because they are gay, but when you factor in the percentage of the population of the population that is African American versus the percentage of the population that is gay, the per capita ordering shifts.

depends on these cases being detected, and police agencies act as that detection system. In short, if hate crime law is not purely symbolic, we would expect to see a large amount of effort from police agencies towards actually implementing the law, and indeed this has been the case (Grattet & Jenness, 2008), as much effort has been expended to put hate crime legislation into practice. So implementation is happening, but it is still in the early stages. Given that it is the last stage of the process and given the newness of the crime category, it is not surprising that there is less institutionalization of hate crime enforcement than for other more established responses to crime. However, this process is underway (Grattet & Jenness, 2001).

Underreporting of Hate Crime and Its Causes

The current issues with implementation are seen clearly when one looks at the status of hate crime data. Currently there are "serious problems with the quantity and accuracy of the hate crime data" (Mcveigh et al. 2003, p. 845), and hate crime is seriously underreported (Stotzer, 2010). Participation in reporting hate crime data has been growing but still lags behind those participating in the general Uniform Crime Reporting (UCR) program run by the FBI (Cronin et al, 2007). In 2014, 18,000 law enforcement agencies participated in the UCR program with 15,500 participating in the hate crime statistics program (Hate Crime Statistics, 2014). Nearly 11% of these agencies reported at least one hate crime for a total of 6,418 hate crimes reported in 2014. Of these crimes, 63.1% were crimes against persons and 36.1% were crimes against property (Hate Crime Statistics, 2014). For the crimes against persons, 43.1 % involved intimidation, 37.4 %

were simple assaults, 19.0 % were aggravated assaults, 0.3% were murders or rapes, and 0.1% were categorized as "other" (Hate Crime Statistics, 2014). Returning to the overall reporting, the remaining 89.2% of agencies reported no hate crimes in their jurisdictions (Hate Crime Statistics 2014).

These statistics show that participation in the hate crime statistics program is rising and nearing the level for participation in the UCR overall. However, of those who do participate in hate crime reporting, the vast majority are reporting zero hate crimes, a number that clearly indicates underreporting (Cronin et al, 2007; Nolan & Akiyama, 1999). In New York City, for example, community agencies identified 4.67 anti-gay hate crimes for every one that was reported by the police (Nolan & Akiyama, 1999).[2] The issue of underreporting is seen very clearly in a comparison of UCR hate crime data and National Crime Victimization Survey (NCVS) data. The NCVS between July 2000 and December 31, 2003 tracked an annual average of 210,000 hate crime victimizations compared to just 9,222 hate crime victimizations reported in 2002 URC data (Harlow, 2005). Of those hate crimes reported to the NCVS only 44% were reported to the police, and of those hate crime victimizations reported to the police only 8% were confirmed as a hate crime (Harlow, 2005). Finally, NCVS data found that 3% of all violent crimes reported to the NCVS were perceived to be bias motivated (Harlow, 2005). These numbers show that while many jurisdictions report no hate crime in the UCR reporting

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[2] Much of this is due to victims not reporting, as the crimes were reported to the police only 37% of the time. However, fear of how the police would handle the case was the most commonly cited reason for not reporting. Hence, improving the police response to hate crimes is necessary to getting more victims to report.

individuals in those jurisdictions are reporting hate crime victimizations. So not only is

there a need for agencies to report into the national system, but additionally there is a

need for those agencies to have policies in place that will enable them to accurately report

their numbers, which requires identifying hate crimes as such when they happen. The

issue here becomes one of implementing the law and overcoming implementation

challenges. One of the most significant problems is the ability for law enforcement

agencies and officers to determine if an event qualifies as a hate crime or not (Mcveigh et

al. 2003). This is because there is the additional investigative need to identify not only

that a crime occurred but also that the driving motivation of that crime was bias and

animus (Mcveigh et al. 2003).

Determining the issue of motivation or even what counts as evidence of animus is

where the issue of ambiguity comes into play. One major complaint from officers is that

hate crime laws are too vague and ambiguous to enforce (Grattet & Jenness, 2001), and

so police face additional hurtles when clearing hate crime cases because of ambiguity

(Lyons & Roberts, 2014; Jenness & Grattet, 2005). For example, consider a scenario

where a local Jewish synagogue was recently vandalized with anti-Semitic slurs and

investigated as a hate crime, following which a Jewish household had their car broken

into and tires slashed with no verbal or written indicators of bias motivated intention left.

Cases that may or may not be a hate crime with the determination needing additional

investigative work may be seen as cases where hate crime law is ambiguous.

Additionally, uncertainty and infrequency are also challenges that must be overcome in

order for officers to correctly identify and investigate hate crimes (Cronin et al, 2007). In

large part, ambiguity exists because there is a level of misalignment between the law as passed at the higher level and the law in practice at the local level (Grattet & Jenness, 2005). This is because the ability and power to determine what the law actually means has been distributed across the full spectrum of actors to include street level implementation. Implementation is affected by three forces: external interests, discretion, and the ambiguity of law (Grattet & Jenness, 2005). In terms of external interests, the police agency is not the only stakeholder in the implementation of the law and thus other groups will to varying extents assert their interests as well (Grattet & Jenness, 2005). These include community groups, advocacy groups, and governmental agencies. In terms of discretion, individual officers have it, but it also functions on the agency level with differing priorities on what to enforce and how. This is done primarily through agency policy (Grattet & Jenness, 2005). Finally, ambiguity results from "abstract rules designed to cover a wide array of circumstances" (Grattet & Jenness, 2005, p. 901). The ambiguity leads to differing interpretation over how exactly to implement the law.

When these laws are implemented, nonetheless, similarities in policies can arise across agencies and jurisdictions due to a variety of forces including: coercive processes under direction of a higher authority, in this case a state agency mandating a certain standard; mimetic processes of copying what others have done, in which case agencies follow other agencies' solutions; and a normative process of conforming to legitimated standards such as following established best practice standards in the state (Grattet & Jenness, 2005). Finally, actuarial processes revolve around the collection of data and

basing policy on that data (Grattet & Jenness, 2005), a process well known in policing circles as evidence-based policing.

Model Police Policies and Practices Based on Research and Expert Opinion

Whatever the path to developing a response, the culture of the police agency affects how the officers will approach the issue, and the officers will be more likely to take the issue seriously if the agency does (Freilich & Chermak, 2011; Mcveigh et al. 2003). Reminders from the agency, having a special unit, or working with community leaders or groups on the issue all help set the tone (Freilich & Chermak, 2011). Officers are less likely to record hate crimes, in contrast, when they do not believe the agency sees it as an important issue, if they personally do not see it as serious or deserving of a separate classification, if they do not see it as the job of the police, if they are informally encouraged to adjust complaints and not file reports due to the large number of calls for service, if the agency lacks a common definition of hate crime, or if the officers lack proper training (Nolan & Akiyama, 1999). Many of these issues are represented by the category of supportive organizational policies and practices, and having such policies and practices in place goes a long way towards improving reporting of hate crimes by officers (Nolan & Akiyama, 1999). Additional personal level factors exist as well; however, these would be harder to control than the overall agency policy and tone. Thus, we should be focused on the agency tone and policy and then look for individual responses to change because of that. The 1999 Nolan and Akiyama study made the following recommendations for agency policies and procedures: organizations should have a policy

in place to take official reports if bias motivation is suspected, policies should set forth step by step procedures for the investigation of hate crimes, policy statements should include specific statements of values that support diversity, officers who aggressively investigate hate crimes should be given recognition, data on hate crimes should be shared with community groups, and training on hate crime investigations should be maintained (Nolan & Akiyama, 1999, p. 124-125).

One of the key organizational points for creating local responses has been the FBI's own programs and policy guides (Grattet & Jenness, 2001). Local law enforcement can look to the FBI as a common source for policy guides and use that as a starting point for developing their own procedures or as a reference point for updating or improving policies. The FBI is not alone in providing policy guides and recommendations and is joined by a long list of other organizations including the International Association of Chiefs of Police, the Center for Problem Oriented Policing, and the Bureau of Justice Assistance.

Using federal policy guides as a frame of reference, police agencies in California adopted general orders which served as a tool to embody the police agencies' response to the issue (Grattet & Jenness, 2001). These orders include having a working definition of the concept, a list of indicators reflecting that a hate crime has occurred, and procedures for cases that might be classified as hate crimes (Grattet & Jenness, 2001; Grattet & Jenness, 2005). Officers typically do not consult the criminal code itself so the general orders act as the important translation piece for the law (Grattet & Jenness, 2005). The local policies contained similar components and form detailing the purpose of the policy

and the procedure (Grattet & Jenness, 2005). Model hate crime definitions came from many sources to include activist groups and state entities (Grattet & Jenness, 2005). Most agencies do not develop their own definition of hate crime but rather use existing models for policies (Grattet & Jenness, 2005). Specifically, polices constitute "concrete operational plans for responding to hate crimes" (Grattet & Jenness, 2008, p. 504), and as such are critical to the law moving from being purely symbolic to both symbolic and instrumental. When agencies do have policies, those policies generate "significant positive changes in reporting processes" (Grattet & Jenness, 2008, p. 518). Specifically, this study of all municipal and county level police agencies in California found that when other factors to include community policing, the presence of neighborhood stations, and community characteristics had been controlled for, having a policy increased reporting of hate crimes by 38 percent (Grattet & Jenness, 2008)[3]. Unfortunately, many jurisdictions have no hate crime policy. In their study of policy adoption in California, Grattet and Jenness had a 91% response rate to their solicitation for hate crime policies. Of the agencies that did respond, they found that 44.7% reported that they had no hate crime policy (Grattet & Jenness, 2005).

Reporting Procedures

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[3] Grattet & Jenness solicited hate crime policies from all municipal and county level police agencies in California from 1995-2002. This data was used for several studies to include Grattet & Jenness (2008), Grattet & Jenness (2005), and Jenness & Grattet (2005).

Cronin et al (2007) conducted a study inclusive of eight police agencies, two each

from four regions of the country, South, East, Midwest and West. Reporting systems

generally followed the reporting process for other crimes; however, one point of

differentiation in policy was that some agencies had an additional degree of specialization

for hate crimes (Cronin et al, 2007). Specialization fell into two categories: integrated

reporting, in which the bias crime statistics were produced using the same process as all

other crime statistics, or a separate reporting process in which responsibility for bias

crime statistics was given to individuals who only generated bias crime statistics (Cronin

et al, 2007). These approaches were then further differentiated by the presence or absence

of additional review. Agencies with additional review had a unit or officer who was

responsible for reviewing all bias crime reports, and this review went above and beyond

the normal level of review that a crime report may have (Cronin et al, 2007). The purpose

of this review was to ensure accuracy, and that hate crime reports met the criteria for a

hate crime (Cronin et al, 2007). Combining these two characteristics led to three models:

integrated reporting without additional review, integrated reporting with additional

review, and separate reporting with additional review (Cronin et al, 2007, p. 221).

Integrated reporting without additional review was a model without any form of

specialization or distinction from how other crime reports are handled; it used the same

system with no additional review. Integrated reporting with additional review added one

form of specialization in the form of additional review while still using the same

reporting processes. Separate reporting with additional review offered two forms of

specialization with additional review and a special reporting system. A fourth model of

separate reporting without additional review would be possible but was not found in the study as all of the agencies fell into one of the three models listed above. This is likely because the three models flow logically from the lowest to the highest level of specialization, and if the agency wanted to add in one form of specialization but not the other, then the agency would add additional review and not a special reporting process. Thus, if the agency would see the need to add in a separate reporting process they would have already added additional review. Returning to the models that were found, integrated reporting with additional review maximized both efficiency processing and classification validity (Cronin et al, 2007).

The patrol officer is unavoidably the first level of identification and classification for hate crimes, but the threshold level for what is identified varies based on the level of investigation that would happen afterwards. If the patrol officer is making the final classification, then the threshold for initial detection is higher; if the officer is passing along anything with any suspicion of being a hate crime to specialized investigators, the threshold for initial detection is far lower (Cronin et al, 2007). Having a lower initial threshold allows for more offenses to be properly identified and not excluded from the start. Recommendations for agencies include having a 2-stage decision process as it allows a wider initial net and then more specialized investigation (Cronin et al, 2007). Additionally, it is important to have these practices laid out in policy (and not dealt with on an ad-hoc basis) with explicit guidelines that work to combat ambiguity (Cronin et al, 2007).

Recognizing Indicators

Agencies must place emphasis on working to get patrol officers to be able to recognize and flag potential hate crimes as such (Garofalo & Martin, 1993). Indicators for potential hate crimes include: perceptions of the victim/witnesses about the nature of the incident, any statements from the offender to indicate bias, differences between the victim and offender, victim participation in an activity that would promote their group, the occurrence of the event on a day of significance to the victim's group, and the absence of any other clear motive (Maryland Hate/Bias Report, 2012). The FBI recommends that agencies use a two-tiered approach under which the incident is first flagged as a potential hate crime and then later investigated further by a second officer or trained investigator (Mcveigh et al. 2003). For example, agencies in New York City and Baltimore had policies that brought in as many potential hate crimes as possible and then further screened from there (Garofalo & Martin, 1993). This two-tier approach allows for those with less training to avoid needing to use a more restrictive approach, relying instead on those with more training to select out any cases that were flagged but don't meet the criteria in the end.

Related Supportive Policies

Reporting and investigatory policies also depend on other related policies for support and larger effect. For example, a study of hate crime reporting levels on college campuses looking at 418 universities from 45 states found that both written nondiscrimination policies that create more inclusive environments on campus and state

policies on hate crimes, which cover sexual orientation, serve to foster greater levels of reporting for hate crimes on the basis of sexual orientation on college campuses (Stotzer, 2010). This effect was largest when both levels of policy were in place, so additional policy leads to a greater effect then just one level of policy (Stotzer, 2010). For example, campus-level policies need the backing of state hate crime law to receive full investigation and reporting, but the state laws need strong campus policies before those reports are ever filled (Stotzer, 2010). Training should exist for officers to include how to identify hate crimes and how to investigate them once identified (Freilich & Chermak, 2011).

Factors Impacting Policy Adoption and Implementation

The tone of the agency, the official and unofficial stance from the department that officers perceive, is key to what actions officers take, and a central component to that tone is the written policies (Bell, 1996; Chakraborti, 2009; Nolan & Akiyama, 1999). Local agencies as organizations constitute the "law in between," or the link between the statute and officer discretion (Jenness & Grattet, 2005, p. 339). Written policies are a visible part of that link, something that officers can refer to and operate from. It is important to note up front that agencies do not adopt policy at an equal rate even in the same state where the legislation is the same. This is because agencies are often slow to embrace new policy innovations and changes to how they go about enforcing the law. Consequently, law enforcement leaders must actively encourage this change for it to happen (Jenness & Grattet, 2005). Thus, the question here is to determine what factors besides state law impact the likelihood that agencies will adopt hate crime policies. To

20

explain this, Jenness and Grattet conducted their 2005 study which used the idea of organizational perviousness, which reflects a combination of meetings with community groups, community policing practices, and workplace heterogeneity. The study was conducted in the State of California looking at all municipal and county level police agencies in the state and utilized logistic and OLS regression models to analyze a series of agency and community factors that impacted the likelihood of police agencies implementing hate crime policies. Returning to the idea of organizational perviousness, this combination of above community and agency factors acts to determine the amount of agency action that will occur to bring about policy adoption, as agencies with higher levels of meetings with community groups, community policing, and workplace heterogeneity were more likely to adopt policies. (Jenness & Grattet, 2005). They also found that this impact on policy adoption is further increased when factors of organizational capacity are considered to include organization size and resources, as increased size and resources positively impact both the perceived need and capacity to implement change.

Other specific community factors that were associated with policy adoption are represented in the following findings. The political leaning of the community, agency, and individuals in the agency all impact policy adoption, with those holding political beliefs supporting minority populations being more likely to support hate crime policies. Agencies with a favorable climate to hate crime legislation and consideration were more likely to report hate crimes (Nolan & Akiyama, 1999; Hall, 2012). Larger police agencies (Jenness & Grattet, 2005; Hall, 2012; Nolan & Akiyama, 1999) and jurisdictions with

higher levels of violent crime were also found to be more likely to adopt hate crime policies. (Jenness & Grattet, 2005).

As part of the California study, agencies lacking hate crime polices were asked by researchers why they did not have one, and those agencies cited several reasons to include a lack of need for them, delay in developing the policy, and the ability to enforce the law with other existing policies[4] (Jenness & Grattet, 2005). A lack of need is often justified by citing a lack of hate crimes, yet having a hate crime policy can lead to discovering hate crimes that would otherwise not be discovered (Stotzer, 2010; Grattet & Jenness, 2008). Put another way, even if the problem is not apparent, a written policy should be developed. Content varies but often includes a purpose section, a definition of hate crimes, the official procedures for responding to the incident, and statements about victim services and engaging with the community (Jenness & Grattet, 2005).

Moving beyond adoption, key factors for successful police implementation of hate crime strategies include a dedicated police group for the issue, a systematic approach to recording, and organizational leadership (Mason, et al. 2015). Additionally, training for all officers and the appointment of liaison officers to minority groups can assist in the detection of hate crimes (Mason, et al. 2015). The organization's investment is important to send a clear message of commitment to policing hate crimes, both to the officers in the agency and also to the community (Mason, et al. 2015). Vague terminology or definitions, in contrast, can be a core challenge to policy implementation (Mason,

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[4] This is to say that the agencies felt that they could enforce the state's law on hate crimes without having a specific policy or general order on how to enforce or implement said law.

McCulloch, & Maher, 2015). The definitions in the policy do not always include all of the protected categories or triggering conduct that is covered in the law, often because they are outdated and do not cover recently added groups (Grattet & Jenness, 2005; Grattet & Jenness, 2001). This shortcoming increases ambiguity for officers and restricts the window for identification.

Civil rights and advocacy groups have had a large impact on passing hate crimes legislation (Hall, 2012), but the definition of the success of that social movement must extend to the enforcement of the law, not just laws on the books (Mcveigh et al. 2003; Lyons & Roberts, 2014). Civil rights organizations can affect enforcement, but the extent of that effect relies on their access to resources, the political context, and the nature of the local community. Their involvement impacts the process of agencies forming written policies. There is also variation within agencies that do have policies with the effects differing with different local environments, and the stronger the relationship with the community, the greater the effect of the policy (Grattet & Jenness, 2008). Specifically, the strong relationship with the community amplifies the impact of the policy, meaning that there is an increase in cases investigated and reported as hate crimes (Grattet & Jenness, 2008).

With that said, there is a need to consider not just specific advocacy groups but the larger picture of the community that an organization operates in (McVeigh, Neblett, & Shafiq, 2006). McVeigh et al's, 2006 study ran a qualitative comparative analysis to identify features that differentiate between counties with strong hate crime reporting and those with very weak reporting efforts. Some of these factors to consider include:

political climate and whether it is favorable to the idea of hate crimes as a legitimate classification, grievances related to hate crimes in the jurisdiction, and active civil rights groups that are part of the community makeup (McVeigh, et al. 2006). These social organizations can serve to support higher levels of reporting even if the political climate is less friendly or there are less incidents related to hate crimes to keep the issue on the radar (McVeigh, et al. 2006). In short, social advocacy groups need to have a role not only in getting laws passed but also in the implementation and maintenance of the use of those laws.

Summary of What We Know and Current Gaps in The Research

Unfortunately, while we do know a lot about why these laws are needed, how the legislation went into place, the legal arguments over the laws, the role of social movement organizations, and the role the policies play, we do not know a lot about the effect that these policies have in practice. Here is some of what we do know. People are more willing to come forward with reports to the police when they feel that the police will take the report seriously and as legitimate (Stotzer, 2010). Rebecca Stozer looked at sexual orientation-related hate crimes on college campuses and found that the combination of both the state and the individual school having hate crime laws and policies that included sexual orientation led to confidence that law enforcement would take the report seriously (Stotzer, 2010). This was important to students because it indicated that not only was the hate crime recognized by the law but that the officers that would be taking the report would come from an agency that would recognize that law and thus the legitimacy of their report. In cases where the university did not have such a

policy, there was not confidence that university police would take the report seriously and thus there was no more reporting than in cases where neither the state nor the university had policies recognizing and protecting on the basis of sexual orientation (Stotzer, 2010). This indicates that a change in law alone is not enough to increase citizen reporting, but that agency level policies are necessary to convince victims that the individual officers who will take the report will take the report seriously (Stotzer, 2010).

Hence, the presence of agency hate crime policies should increase police identification of hate crimes and encourage more citizen reporting. When this is not the case, victim reporting goes down. This is due both to victims not reporting to police due to a lack of confidence in how the report will be handled and police agencies often not investigating crimes as hate crimes that should have been investigated as such—which further drives the perception in victims that law enforcement will not handle the cases correctly anyway (Nolan & Akiyama, 1999).

Clearance rates are also instructive here. The initial entrance point for consideration as a hate crime is the initial officer, but once under consideration as a hate crime these cases were cleared at a higher rate than comparable non-bias motivated offenses in New York City (Garofalo & Martin, 1993). This was due to a special police response that emphasized investigation and arrest. More investigative time was given to bias crimes as compared to non-bias crimes with higher rates of follow up interviews with the victim, additional interviews after that initial follow up, more canvasing of the area for witnesses, and more instances of having victims look at pictures of suspects (Garofalo & Martin, 1993). Arrests were two and two thirds times more likely in bias

cases as opposed to non-bias cases. This resulted from both increased investigation time and also a greater willingness to make an arrest given the investigative resources expended and public attention to the case (Garofalo & Martin, 1993). This indicates that once cases are viewed as hate crimes, they are taken seriously, and thus clearance rates are a key way of measuring the extent to which hate crime legislation is actually being used to affect and demonstrate the "institutionalization and settling" of the concept (Lyons & Roberts 2014). This is true both for hate crime in general and for specific protected groups inside of hate crime laws which can explain different findings in regards to clearance rates. Unlike Garofalo and Martin (1993), Lyons and Roberts (2014) in a national study using NIBRS data found that, as an overall category, hate crimes are less likely to be cleared than similar non-bias crimes; however, the clearance rate differs by hate crime type (Lyons & Roberts, 2014). Specifically, only non-race or non-ethnic hate crimes are less likely to be cleared (Lyons & Roberts, 2014), suggesting that the more established the concept, the more likely it is for the case to be actively investigated. So the impact depends on how settled and accepted the policy is.

Future Research

This research provides a good starting point for additional research into the effect of policies, but there is still a lot of additional research needed to study implementation and to help police develop evidence-based policy for responding to hate crime. Generally speaking, there still remains a lack of evaluative research, basic research, and theory in regards to hate crimes (Shively, 2005). Another gap is understanding how hate crime

26

policies affect how officers enforce the law (Mason, et al. 2015). Recommended law

enforcement action includes training all officers in the agency to recognize hate crime,

seeking out state and federal assistance, and encouraging the participation of the

community (Shively, 2005). These responses need to be tested for efficacy. The literature

to date has made a compelling case for the need for hate crime legislation, and much has

been done to put that in place. However, the evaluation of these efforts is lagging

(Shively, 2005). Although identified hate crimes have a higher clearance rate, it is not

known how the mechanisms of the police response and policy affect these clearance

rates, and this is an area for further research (Lyons & Roberts, 2014). Additionally,

while literature has identified common components in hate crime policies, it has not

systematically established or tested a way of determining which policies are more

effective than others or the effect sizes of the various components. Nor has it

systematically established a ranking system for which components are included the most

or how comprehensive the written policies are. Finally, little is known about the state of

implementation of hate crime laws into agency policy and practice. Jenness and Grattet

(2005) provided a first look at this issue with a study of hate crime policy implementation

in the state of California. California has been a leader in hate crime legislation and yet at

the time of the study nearly 45% of police agencies in California had no written hate

crime policy. Aside from California, the extent of policy adoption is an unknown. As of

this writing, no other study has examined the extent to which hate crime law has been

implemented in a state or nationwide. Additional research is needed which this study

would provide by providing a case study in another state with strong hate crime

legislation. Are these policies being implemented on a widespread basis, and if so what does their content look like? This is the key question that this study will address.

CHAPTER THREE- METHODOLOGY

This study fills the gap in existing literature by examining written hate crime policies adopted by police agencies in the state of Maryland and conducting a content analysis of those polices to rate the policies on how comprehensive they are. This provides an examination of how well hate crime legislation is being implemented in the state of Maryland, measured both by the number of agencies that have written policies and the content of those policies, and provides a basis for further study into how to best craft written policies to increase reporting. After this rating of policy comprehensiveness was created, it was matched with general descriptive information about the jurisdiction to provide a first look at what kinds of agencies and jurisdictions have the most comprehensive policies. This analysis was also conducted with jurisdictions that do not have a written hate crime policy to examine characteristics of jurisdictions that do have hate crime policies as compared to those who do not. The two main outputs from this study, a rating of policy comprehensiveness, both by policy and by policy component, and a general sketch of which jurisdictions have written policies and the most comprehensive policies, serve as an evaluation of the implementation of hate crime law by police agencies in Maryland and as an important bedrock to further research in this area.

The units of analysis for this study were county-level police agencies in the state of Maryland, of which there are 23, along with the Baltimore City Police Department (Baltimore City is Maryland's largest city and is treated administratively as a county) and the Maryland State Police, for a total of 25 agencies. (The rational for the selection of these agencies is addressed latter in this section). Information on these agencies is as follows.

Table 1: Agency information and hate crime reporting[5]

Agency	Agency size Total/sworn	Service population 2014	Hate crime reports 2013	Hate crime reports 2014	Violent crime 2014
Total	15,118/12643	5,773,552	252	139	26,202
Allegany	32/28	73,299	1	0	201
Anne Arundel County	952/713	561,031	23	1	2263
Baltimore County	2,066/1,833	828,871	93	48	4042
Baltimore City	3156/2779	623,513	13	1	8432
Calvert	160/133	91,047	0	0	131
Caroline	33/28	32,662	0	0	105
Carroll	151/114	167,966	2	1	367
Cecil	98/79	102,296	0	0	496
Charles	420/296	154,633	4	4	546
Dorchester	42/38	32,717	2	1	142
Frederick	231/170	243,718	11	5	606
Garrett	54/29	29,897	1	1	68
Harford County	379/287	250,706	9	10	611
Howard County	648/465	309,341	51	21	614
Kent	23/20	19,915	0	0	46
Montgomery County	1,746/1,267	1,029,182	28	40	1738
Prince George's County	1,931/1,697	898,019	7	3	4128
Queen Anne	65/60	48,773	2	0	109
Somerset	26/23	26,270	0	0	71
St Mary	273/138	110,842	3	0	263
Talbot	32/29	38,020	0	0	101
Washington	246/95	150,339	0	0	479
Wicomico	105/85	101,594	2	2	453
Worcester	60/48	51,756	0	1	190
State Police	2,189	NA	-	-	-

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[5] (Hate/Bias Report, 2012; Hate/Bias Report, 2013; Scherer & Ables, "2014 Uniform Crime Report ", 2015)

There are several reasons to focus on agencies rather than individual officers or investigators. While it is true that individual discretion plays an important role, the enforcement of hate crime law does not jump straight from state legislatures to individual law enforcement officers. Police agency policies serve as a "crucial link in the chain" between the law and the street level enforcement of the law (Jenness & Grattet, 2005, p. 338). Agency policy is necessary to overcome the anti-innovation bias of practitioners who are more comfortable with continuing what they have done in the past instead of adopting new practices (Jenness & Grattet, 2005). Thus, the police agency is being evaluated as a unit because this study is concerned with the agency-level policies that govern how that particular agency views the enforcement of laws against bias motivated offenses.

Study location

Maryland was selected because it is a state with strong legislative support for the policing of hate crimes and a state with comprehensive hate crime legislation, two factors that both provide a necessary background to evaluating the strength of policy without a weakness in the underlying law overshadowing any issues at the level of individual organizations. If a state lacks legislation against bias motivated offenses or if this legislation is in need of reform, the individual agency's options for responding to bias motivated offenses will clearly be limited.

Maryland was also selected because it serves as a comparative case study to California, the only other state where a similar policy analysis has been conducted. Both Maryland and California have strong hate crime legislation. If the results from the studies are similar, this would suggest that any shortcomings in implementation in these states may portend similar or larger problems with implementation in other states. By selecting Maryland, a state with strong laws in a different geographic region, this study improves the understanding of the nature of policy implementation and increases the generalizability of the findings.

Maryland passed hate crime legislation in 1988 to include race, religious beliefs, or national origin. The law was updated in 2005 to include sexual orientation and gender identity (Equality Maryland, 2016). In 2009 the law was updated to also include gender, disability, and homelessness, making Maryland the first to include homelessness as a protected class, Rein (2009). Maryland's legislation now states:

"Because of another's race, color, religious beliefs, sexual orientation, gender, disability, or national origin, or because another is homeless, a person may not:

(1)   (i) commit a crime or attempt to commit a crime against that person;

(ii) damage the real or personal property of that person;

 (iii) deface, damage, or destroy, or attempt to deface, damage, or destroy the real or personal property of that person; or

 (iv) burn or attempt to burn an object on the real or personal property of that person; or

(2) commit a violation of item (1) of this section that:

(i) except as provided in item (ii) of this item, involves a separate crime that is a felony; or

 (ii) results in the death of the victim."[6]

Additionally, The Public Safety Article Title 2-307 mandates that all law enforcement agencies provide the Maryland State Police with information regarding incidents that are potentially hate crimes (Hate/Bias Report, 2012). One critical point on which to assess the quality of a state's hate crime legislation is the inclusion of sexual orientation because as cited earlier hate crimes on the basis of sexual orientation constitute the third largest category of hate crimes by raw count and the largest category per capita (Rubenstein 2004). Yet as of February 2017, 15 states did not have hate crime legislation that includes sexual orientation (HRC, 2017) and 5 did not have hate crime laws at all (Shen, 2017).

Maryland is also a large state with a population of 5,773,552, ranking number 19 in the United States by population (US Census Bureau, 2010), providing an adequate test base for this study. As of 2010, 58.2% of the population was white, 29.4% was black or African American, 0.4% was American Indian, 5.5% was Asian, and 6.5% was some other race or two or more races. Just over 8.2% was Hispanic or Latino (US Census Bureau, 2010). As shown by these numbers, Maryland is a diverse state which also makes it an attractive state to use as a case study, both because race based hate crimes

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[6] (Md. CRIMINAL LAW Code Ann. § 10-304)

constitute the largest category of hate crime but also because it also helps reflect racial diversity from differing parts of the U.S.

Study Population

County level agencies plus Baltimore City and the state police were selected for this study for three primary reasons. First, hate crime reporting in Maryland occurs at the county level, meaning that county agencies and Baltimore City report their own hate crime data and collect hate crime data from other municipalities within their jurisdictions. The Maryland State Police are then responsible for receiving the county reports. The Maryland State Police can also be involved in the investigation of hate crimes, but there is no separate reporting section for state police investigations of hate crimes. Thus, all hate crimes in Maryland's annual report fall under one of the counties or Baltimore City.

Second, because of this reporting structure these agencies have the clearest mandate to have hate crime policies under the law in Maryland. While not explicitly required to have a written policy on hate crimes, they are required to submit reports of hate crimes to the state police. The state then publishes an annual report on hate crime and reports hate crime to the FBI for their hate crime reporting program. Because the reporting is centered on the county level, hate crimes that take place in sub-jurisdictions within a county are reported under the county for the annual report. The reporting at the county level means that not all sub-jurisdictions would need to investigate hate crimes on their own but some may rather rely on the county law enforcement agency to do so. If a smaller police agency within a county does not investigate hate crimes on its own but

rather brings in the county level law enforcement agency to handle the investigation, it is less important that they have their own hate crime policy. Beyond that, even if they did have their own hate crime policy, while it could be coded for comprehensiveness, there would be limited ability to evaluate that agency against other jurisdictional characteristics where those are measured at the county level.

Thirdly, the study agencies are the primary law enforcement agencies for the state and combined provide police coverage for the full state and Maryland's largest population center in Baltimore City. Of the 19,467 law enforcement personnel from Maryland's 5 regions in the year 2014, 15,118 of them, or 77.66%, were from the agencies included in this study. For these reasons, this study focused on the county level agencies plus Baltimore City and the state police.

Content Analysis Methodology

The first task of this study is to establish a measure of comprehensiveness for agency policies on bias motivated offenses which serves as the dependent variable. The data used to establish the level of comprehensiveness was created by a content analysis of agency policies on hate crimes. This process started by going to the literature and looking for other areas of police written policy that had been studied and analyzed using content analysis. One strong area of research dealt with police policies on high speed pursuits. Like written policies on hate crimes, written policies on high speed chases provide police guidance on how to handle a situation that often will draw a high amount of public

attention and additional challenges to police decision making. Two studies in particular

served as helpful reference points for developing this coding scheme.

The first was a 1992 study rating policies for 49 state level police agencies

(Hawaii does not have one) and the 15 largest municipal police agencies in the U.S.,

along a scale of likely to pursue to not likely to pursue (Kennedy, 1992). The study

identified relevant policy elements and then coded the policies in one of five ways on

each point: left blank (if the policy did not include that policy element), should be

followed, must be followed, is optional, or should not be followed. Policy elements were

included in the coding if at least one agency included in the study included it; this

ensured that all policy elements were included even if they were only rarely addressed.

This process allowed the policy elements to be cataloged and counted, showing which

topics were addressed and how frequently. Next, the agency's policies were rated on a

five point scale depending on the rating of their policy elements. The present study takes

a similar approach by explicitly including any policy area that is included in at least one

agency policy. Because the rating scale is based on policy comprehensiveness, it is

important not to leave out any policy elements that agencies may have, and this change

protects against that problem. If any policy element was found that was not supported by

the literature, it would be included but noted as such.

The second study was a 2006 study which provided a descriptive analysis of state

agencies' written policies on high speed pursuits (Hicks, 2006). In this case, a list of

elements was generated to form a standard, or best practice, policy that included policy

elements from highly comprehensive agencies and elements that the research literature

said should be included. Policies were then coded using those policy areas and a binary coding system: 1 if the element was included and 0 if the element was not included. The output of the study was an evaluation of which elements were included the most and which were the most excluded. Again, this current study will use a similar process for creating categories for the coding scheme and then coding the policies for comprehensiveness. One important difference is that this current study will not use a binary coding system for policy items but rather provide for more variation as to how fully a topic area is addressed.

Eight specific content areas have been identified using work done by Cronin et al. (2007) as a starting point to identify what components written policies on bias motivated offenses should contain. Their study identified key decision points in the reporting process including the initial classification, the secondary review, and factors that affect both of these such as training and specialization of the investigation process. All eight specific content areas relate to content that would reduce ambiguity and provide law enforcement officers in the agency more clarity during these key decision points. As noted previously, ambiguity and a lack of clarity have been complaints from law enforcement officers regarding hate crime law so written policy elements that help to reduce that ambiguity and provide clarity are important and for that reason are the starting point here. The policies were coded using these eight components with a ninth content area added during the process.

These components were then evaluated together to provide a comparative scale of comprehensiveness between agencies. The comparative total score (rating of 1/9 to 9/9)

reflects the inclusion of all 9 components in a comprehensive manner. Agencies that did not respond or did not provide a written policy were categorized into three groups: no response given to repeated inquiry, no written policy, or, declined to provide written policy. Agencies that never responded or that responded but declined access to their policy were excluded from the study as the status of their implementation is unknown as is any information regarding the nature of any policy they may have. Agencies that do not have a written policy were included in the study and evaluated along with characteristics of the jurisdiction that may be related to having a policy on hate crimes, but they were not included in the analysis of policy comprehensiveness as there is nothing to code. This ranking was adjusted if additional components were identified.

A coding scheme has been developed that rates if a policy element has been addressed or not and if so, the level of comprehensiveness with which that policy element was addressed. This coding scheme is explained in detail below and is designed to allow other-researchers to use the same coding scheme and achieve the same results. Explanations of what must be present to code at differing levels is provided. For most of the areas, the elements are mechanical in nature which decreases the potential for variation in coding. For elements that might experience more variation, additional explanation is provided.

Efforts were made to include all 23 county level agencies in Maryland plus Baltimore's police agency and the state police in the content analysis. Policies that were publicly available from agencies' websites or social media were identified. When the policy was not available online, calls were be made to the agency requesting the policy.

Requests for the written policies were then mailed and or emailed out to all agencies requesting their written policies on bias motivated offenses or hate crimes. Responses were given a unique identifier so as not to identify the agencies in the research, this was provided to the agencies to encourage participation in the study.

Basic Content Analysis by Robert P Weber provided a framework for the coding process in which a coding scheme is developed and then tested and assessed for accuracy and reliability. The coding rules are revised based on the initial testing and then tested again with the process repeated until the coding scheme is able to accurately and reliably code the material (Weber, 1990). This process was followed in this study to test the initial coding scheme on several agencies hate crime policies and to revise the coding scheme based on these results. The process of revising the coding scheme focused on four rules:

1. The items on the list are driven by existing theory and knowledge on hate crimes and the police response to them.

2. All items on the list are found in at least one of the police agency policies. This provides a level of control by ensuring that the item is not only backed by theory but actually in use. It also helps ensure that the agencies are getting credit for items that they do have.

3. Coding continued until all parts of agency polices could fit under one of the coding areas ensuring no policy area was excluded. For example, during the coding process references were made in agency policies to victims and special consideration when working with them. This content led to the creation of a content area on victims after which point all such content had a content area to be coded under.

4. The grading scales of all elements were evaluated for their ability to accurately represent the degree of differentiation in how agencies handled each policy area.

This process of coding all policies and revising the coding scheme resulted in 9 coding areas and grading scales ranging from a 2-point scale to a 8-point scale. During the process, one new policy area was added and several policy areas were adjusted, some in wording and some in the rating scale, to capture more variation in responses. In all, the changes served to capture more detail and distinctions in the policies. The coding scheme in its final form is included below including an explanation of the importance of each policy area:

A: Definition of animus based crime that includes all groups protected under state law. (Maximum score of 1.0 on an (8 point scale)

Maryland's law currently protects on the basis of eight characteristics: race, color, religious beliefs, sexual orientation, gender, disability, national origin, or homelessness. Over time the number of protected groups has been updated in the legislation, but this may not be reflected in agency policy. In many cases, adding additional classes can be politically controversial, and local police agencies may resist acknowledging the change in the law by deciding not to update their written policies. The agency could also fail to update its written policy simply because it does not see the issue as being relevant to their community and thus not worth the effort. Whatever the reason, failing to update the written policy would be expected to contribute to a lack of clarity over which groups are protected and which are not, leading to lower levels of enforcement in situations where the individual belongs to a group that actually is covered under the law but which the

officers involved do not know is covered. Hence, agencies received a score of 0.125 for each of the eight protected categories identified in their policy up to a maximum score of 1.0.

B: List of indicators that an animus based crime has been committed. (Maximum score of 1.0 on a 5 point scale)

No indicators given: 0

One indicator provided: .25

Two indicators provided: .50

Three indicators provided: .75

Four or more indicators provided: 1.00

Does the policy provide an idea of what kind of indicators should trigger additional investigation of a crime as a bias motivated offense? Examples of such indicators from Maryland's 2012 hate bias report include: perceptions of the victim/witnesses about the nature of the incident, any statements from the offender to indicate bias, differences between the victim and offender, if the victim was engaged in an activity that would promote their group, if the crime happened on a day of significance to the victim's group, and the absence of any other clear motive (Hate/Bias Report, 2012). Higher levels of clarity should result in higher levels of enforcement of the law as officers are more aware of when to seek additional investigative assistance for a crime that is potentially a bias motivated offense. Hate crime can be committed in different ways and target different groups. Four indicators provide space for the agency to provide more context for officers without providing an exhaustive list. This was also influenced

by a recognition that trying to list all indicators could backfire as officers might take a list that is too large to mean that only those indicators count, as opposed to the indicators providing examples of what to look for. Finally, the average number of indicators provided in the policies was 4.4 so measuring up to 4 is in line with the average level of coverage for this item.

C: Any special investigative procedure for hate crimes. (Maximum score of 1.0 on a 3 point scale)

None mentioned: (0)

Policy on initial investigative process only: (.5)

Policy on initial investigative process plus policy on follow up to point of resolution or discharge of case: (1)

If a bias motivated offense is suspected, what is the investigative process? If any special unit or investigator exist, when are they called in? Who makes that recommendation or decision? Is there any review process in place for cases that were initially flagged as bias motivated offenses but were later not investigated as such? These questions are all very relevant to what might "fall through the cracks" at the agency level. To get .5, the agency must specify the initial investigative process and to get full score the agency must specify the process until the case is cleared or discharged. Having this additional detail helps make sure cases are not improperly discharged from investigation but are properly handled from start to finish. Rankings of zero, .5 and 1 made sense here as there are only two general areas of substance we are looking for: are there details on

the initial investigative policy, and do those details extend all the way to discharge of the case?

D: Any special reporting procedures for hate crimes. (Maximum score of 1.0 on a 3 point scale) None included: 0

Only 1 of the two: 0.5

Two of two: 1.0

Once a crime has been investigated as a hate crime, what are the internal reporting procedures? Are there any special reporting procedures for the state? Do they participate in the FBI's reporting system? The reporting procedure is important because it relates both to the investigative process, and also because it is important to understanding the bigger picture for bias motivated offenses both at the state level and the national level. Maryland is a state that collects hate crime data at the state level and then reports that to the FBI. Thus, the question regarding reporting to the FBI is answered by participation in reporting to the state. Maximum coverage for this policy area would include, internal reporting and reporting at the state level (with reporting at the federal level included in that). While agencies might share information about hate crimes committed in their jurisdictions with others, official reporting for counts of hate crimes is going to fall into one of these two levels. It is important to note that reporting at the state level is required by law in Maryland, however, agencies may report hate crime to the state police and yet not note that practice in their written policy.

E: Designation of investigation responsibility (Maximum score of 1.0 on a 3 point scale)

Not included: 0

Responsibility for investigation included but no additional investigative involvement identified .5

Responsibility for investigation included to include additional investigative involvement: 1.

The goal is to provide a ranking on the comprehensiveness of the policy, not necessarily the type of strategy that was used by the agency. To get .5, the policy must specify who has responsibility for the investigation but not provide for any additional investigative involvement. To get a score of one, the agency must specify both investigative responsibility and provide for additional investigative involvement—for example, mandating the deployment of a supervisor. This refers to the assignment of anyone, be it a special investigator, special unit, or supervisor, beyond the initial party designated to take the report. While not ranking on specific strategies, the literature is very clear that multiple parties need to be involved in the investigative process to cast a wide net in potential cases and then narrow down. For this reason, it was important to only give .5 if no additional investigative involvement was specified. The ranking scale stayed the same because here two there are only two general things we are looking for: was investigative responsibility identified, and was the next layer of investigative responsibility also identified.

F: Any special training for hate crime identification/investigators. (Maximum score of 1.0 on a 3 point scale)

No reference to training: 0

Only general for everyone or only specialized training for designated unit or investigator(s): .5

General training for everyone and specialized training for designated unit or investigator(s): 1.

Is there any designated training for hate crimes that everyone in the agency receives? Is there any designated training for hate crimes that only selected members of the agency receive? Training may be available even if it is not listed in the policy; however, listing it in the policy is important to ensuring that training is built into the agency's policy on bias motivated offenses and is available consistently. Two levels of training are possible here: training that everyone gets and a more in-depth training that special investigators or supervisors would get. It is important to note that this ranking does not speak or attempt to speak to the nature or quality of the training itself, just to if they specify both levels of training or not. Again, as per the literature, there is a need to cast a wide net for identification of crimes as potential hate crimes initially and then select down to cases that meet the definition. This process would call for two levels of training; if either one is present the agency get a score of .5, if it spells out both they get a 1.

G: Any special emphasis on hate crime conveyed in the policy. (Maximum score of 1.0 on a 3 point scale)

Yes: 1 point

Partial: .5 points.

No: zero points

Does the policy make any statement about the importance of enforcing bias motivated offenses as such or convey any additional special emphases to the problem? This is a feature that many agencies may not have and would seem more likely in agencies where bias motivated offenses are seen as a prevalent problem in the community. Partial points are possible for policies that include wording that indicates special importance but that stops short of making a separate statement as to the importance of hate crimes, (for example phrases like "immediately respond" or "aggressively investigate" which convey special importance but are not separate statements on why there is a special emphasis on hate crime). A separate statement may look like this: "The X county police department has no tolerance of hate crimes directed at individuals or groups based upon protected characteristics. These crimes infringe upon the rights of our citizens, harms their well-being, and harms the community. Our department will take immediate action to respond to any reports of hate crimes and will take them seriously." Statements may differ in length and content and may be broken into several small statements. The important characteristic is that they convey support for policing hate crime and provide a statement independent of a mechanical function of the policy such as the legal definition of hate crime or the reporting process. It is a statement that could be left out without reducing the process explained in the policy, but its omission lessens the tone of the policy.

H: Any references to outside partners or resources. (Maximum score of 1.0 on a 3 point scale)

Not included: 0

Reference to one outside resource on any of the following levels: state, federal, community, or advocacy groups .5

References to at least two outside resources: state, federal, community, or advocacy groups: 1.

Does the policy reference state or federal level resources on bias motivated offenses or provide references to community groups or advocacy groups that work with specific populations who are more likely to be targeted for bias motivated offenses? This is a policy component that would go beyond how the agency enforces the law, but it is important both in evaluating the range of information available to officers and in terms of what resources officers could easily point victims to. One challenge for this ranking is that different agencies may or may not have access to community or advocacy groups. In contrast, all agencies would have access to the same state and federal groups, though they may prioritize a local resource over those depending on availability. Because of this and because this measure is here to show that they have considered and included outside resources as opposed to exactly what those look like, the rating scale was limited to .5 for referencing just one outside resource and 1 for referencing two or more.

I: References to victims and their needs: i.e., the policy indicates that hate crime has a special impact on the victim, indicates that hate crime has a special impact on the community, designates additional resources for victims, and/or designates special care when working with victims. (Maximum score of 1.0 on a 5 point scale)

Mentions none: 0

Mentions one: .25

Mentions 2: .50

Mentions 3: .75

Mentions 4: 1.0

This was a new coding area that was not derived from Cronin et al. (2007). It was added because the coding process revealed that many agencies specifically talked about protecting the needs of victims. This is a need that is very much present in the literature so the idea that this area is something that should be covered in the written policy is also consistent with the literature. The scoring for this category broke down content talking about victims into four sub-categories. Each of these categories deals with specific references to victims or impacts on the community due to the victimization. One thing to note is that while the previous category talked about references to outside partners or resources, the reference in the third sub-category here is specifically referencing resources that are being offered to the victim.

Analysis of Agency and Community Factors Related to the Presence of a Policy and Policy Comprehensiveness

The content analysis created a score for policy comprehensiveness. At this point, we know more about the content and characteristics of the police agencies' policies. However, to gain additional insight into any patterns of disparities in how the implementation of these policies goes forward, this score was correlated with selected agency and community characteristics, as was the presence or absence of a hate crime policy.

The following characteristics look at the nature of the police agency and the communities they serve and are identified in theory as being significant to implementation of hate crime policies (Nolan & Akiyama, 1999; Hall, 2012; Jenness & Grattet, 2005). They include the following considerations and expected relationships:

Political leanings: Hate crime can often be seen as a politicized topic which could then affect priorities in the agency. The political leaning of the jurisdiction was measured using the percentage of registered voters who are registered as Democrats. Nolan & Akiyama (1999) found that political considerations regarding support for hate crime and belief in the worthiness of the protected minority groups played a role in both departments' and individual officers' stances on recording hate crimes, and Hall (2012) found that an agency's desire to effectively respond to hate crime was just as important as its capacity to do so. It was expected that jurisdictions that were left leaning (i.e., those having a higher percentage of registered Democrats) would be more likely to have a policy and to have a comprehensive policy.

Population size: This variable was measured using Maryland's 2014 Uniform Crime Report. [7] There is no direct finding linking population size to hate crime reporting or hate crime policies. With that said, studies have consistently noted the importance of

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[7] Some have hypothesized that the ethnic heterogeneity of a jurisdiction is also related to the rigor with which police agencies pursue hate crimes. However, Jenness and Grattet (2005) found that the impact of ethnic heterogeneity disappears when measures of organizational capacity, agency size and commitment to community policing are included. Additionally, as hate crime laws have expanded beyond only offering protections based on race the importance of measuring ethnic heterogeneity becomes less clear as this measure does not look at other forms of diversity which could impact the rate of hate crimes. For both of these reasons, this study does not include a measure of ethnic heterogeneity.

community feedback and pressures on police departments in terms of the presence of human rights commissions in the community (Jenness & Grattet, 2005), desire and ability to invoke protections (Hall, 2012), and department responsiveness and relationship to the community (Nolan & Akiyama, 1999). While these factors are not exclusive to large communities, they seem more likely to exist or to have additional weight in large communities. Large communities are likely to have larger numbers of people falling into protected classes simply as a function of their size and thus more likely to have a base on which to build advocacy and interest groups to have the police address the issue. As such, it was expected that agencies that service a larger population would be more likely to have policies on hate crimes.

Agency size: Agency size is measured using the information on police agencies from Maryland's 2014 Uniform Crime Report. Agency size impacts the level of resources available to the department and this level of organizational capacity has been shown to be related to the policing of hate crime (Jenness & Grattet, 2005; Hall, 2012; Nolan & Akiyama, 1999). It also affects the level of bureaucracy and support personnel which could affect the policy making system (Nolan & Akiyama, 1999). Larger agencies are also more likely to have specialized units which would impact how hate crime polices are implemented. It was thus expected that larger agencies would have more comprehensive policies.

Agency commitment to community policing: This variable was measured using a similar approach to Jenness and Grattet (2005) who used six questions from the federal Law Enforcement Management and Administrative Statistics survey (LEMAS) to

establish six community policing practices and then measured based on the total number of practices employed by the agency. The section in LEMAS on community policing now includes eight questions asking about the use of community policing practices (these are yes/no items) and two follow up questions on the numbers of officers engaged in these activities. The two follow up questions were dropped, as they were not relevant to the question of commitment, leaving eight measures of the use of community policing practices that were combined giving police agencies a possible high score of eight. The eight questions are: As of January 1, 2013, what best describes your agency's written mission statement? (no written statement, no community policing, with community policing) During the 12-month period ending December 31, 2012, what proportion of full time sworn personnel received at least 8 hours of training on community policing issues? (all-none in service) During the 12-month period ending December 31, 2012, what proportion of full time sworn personnel received at least 8 hours of training on community policing issues? (all-none academy) During the 12-month period ending December 31, 2012, did your agency actively encourage patrol officers to engage in SARA type problem solving projects? (yes/no) As of January 1, 2013, did your agency include collaborative problem solving projects in the evaluation criteria of patrol officers? (yes/no) During the 12-month period ending December 31, 2012, did your agency have a problem-solving partnership or written agreement with any local civic, business, or governmental organizations? (yes/ no) During the 12-month period ending December 31, 2012, did your agency regularly assign the same patrol officers' primary responsibility for a particular area or beat within your agency's jurisdiction? (yes/no)

And, during the 12-month period ending December 31, 2012, did your agency utilize

information from a survey of local residents about crime, fear of crime, or satisfaction

with law enforcement? (yes/no) Based on results from Jenness and Grattet (2005), it is

expected that agencies with a commitment to community policing are likely to have

stronger policies on hate crimes.[8] Note, however, that not all agencies could be used for

this portion of the analysis because they are not all included in the LEMAS survey, which

covers all agencies with 100 or more officers but only a random sample of smaller

agencies. From our sample of 23 agencies, 15 were included in the LEMAS and used for

this analysis.

Level of violent crime in the jurisdiction as measured using UCR data on violent

crime rates: The level of violent crime may affect the agency's view on what kind of

policies they need to have in place as they respond to the perceived level of the problem

in the community (Nolan & Akiyama 1999). Jenness and Grattet (2005) found that when

evaluated independently, the level of violent crime had a statistically significant positive

impact on adoption of a hate crime policy. However, they also found that the relationship

between crime rate and hate crime policies ceased to be statistically significant once other

factors were accounted for and that their measure of organizational perviousness had

more explanatory power then violent crime (Jenness & Grattet, 2005). In both cases, a

higher perception of violent crime in general was the basis for those in the department

having a perception that there was a problem with inter-group violence, and they were

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[8] It is important to note that Jenness and Grattet did not measure community policing on
its own (as is done here) but rather as part of their measure of organizational perviousness
(discussed earlier).

thus more likely to see the need for a hate crime policy. Given these results, it was expected that jurisdictions with higher levels of violent crime were likely to have a policy. However, I did expect this relationship to be more tenuous than those for structural characteristics of agencies and communities.

To assess the relationships between these agency / community factors and policy adoption, the means of these variables will be compared between agencies with and without policies using an independent samples T test. Spearman rank-order correlations will then be used to assess how agency and community factors relate to the comprehensiveness of the policies adopted by agencies. The goal of this analysis is to compare the rank order in policy comprehensiveness to the rank order of community or agency characteristics and thus Spearman's rank order correlation is a logical fit for this analysis. Additionally, this analysis starts with a small data set meaning it is more sensitive to outliers. Spearman's rank-order correlation is less susceptible to the impact of outliers (and does not make any assumptions about the distribution of the variables) and is thus preferable to using Pearson correlations given the small sample size. Including a descriptive analysis of the characteristics of the agencies and jurisdictions will provide additional direction for further research as this study is just the first step of this evaluation process as described in the limitations section that follows.

Measures of The Relationship Between Having a Policy on Hate Crime Reporting

To further build on the established relationship between hate crime reporting and having a hate crime policy, this study looked to two indicators of the impact that having a

written policy has on reporting. The first was hate crime reporting patterns over three years, 2013-2015. The prevalence of any hate crime reporting for these three years was compared to the presence or absence of a written policy using a chi-square test. Next, hate crime policy was compared to hate crime reporting rates in context of the overall violent crime rate in the community. This analysis controlled for the possibility that places with higher levels of violent crime were more likely to have hate crimes. The mean ratio of reported hate crimes to reported violent crimes was compared using an independent samples T test grouping those agencies with a policy and those without a written policy. In addition, a chi-square test was conducted to examine whether agencies with policies tend to be above or below the median value on the hate crime to violent crime ratio.

Limitations

One immediate limitation that is important to note is that this study does not attempt to prove that high levels of policy comprehensiveness result in higher levels of reporting of hate crimes as such or an increase in potential hate crimes being flagged for investigation. For this link to be tested, a systematic method for rating the comprehensiveness of policies needs to be created which is being done here. Prior studies, advocacy groups, and governmental groups have made recommendations as to what characteristics should be included but what does not exist is a measure of comprehensiveness that includes all of these characteristics and that can be used to rate the level of strength for the policy. This is provided here and is one of the contributions

of this study. Further study would be needed to test the hypothesis that more comprehensive policies would indeed have a positive effect on the enforcement of the law.

Additionally, this study does not attempt to explain why or how agencies develop more comprehensive policies or how and why they come to have a written policy. This study will examine several characteristics of the areas and agencies, and this will provide additional information about the kinds of agencies and jurisdictions that have or do not have a written policy and those that have the most and least comprehensive policies. This will provide tests of hypotheses about the types of agencies and jurisdictions that are likely to have the strongest policies to combat hate crime, and it will attempt to provide further validation of relationships shown in prior studies. However, further research would be needed to explore the process of agencies developing these policies and the factors that facilitate or impede this process.

To some extent, the fact that this is a case study only looking at one state is a limitation, however, this limitation is arguably mitigated by the selection of a state that is significant from the standpoint of generalizing findings and making inferences about the state of hate crime policy implementation throughout the U.S. more broadly. As a state with well-developed hate crime legislation, results from Maryland should be comparable to the results from Jenness and Grattet's study in California and thus help to establish a base line for expected policy adoption in states with well-developed legislation for bias motivated offenses. States with lesser legislative commitments to responding to hate crime would be expected to have levels of policy adoption that are at best similar to--and

more likely below that--of states with well-developed legislation. Thus, establishing the level of policy adoption in Maryland would be useful to speculating about the broader picture in the U.S.

Finally, the sample is limited to county agencies, Baltimore, and the state police, which means that the results are based on a small sample. Having a smaller sample may reduce the ability to reach statistical significance and for this reason statistical inferences will be based on the 0.10 level of statistical significance for probability levels as opposed to the more traditional cutoff of 0.05. Additional case studies of other states or a national level study will be needed to overcome that limitation and to further our understanding of which agencies tend to both have a hate crime policy and then to have a comprehensive hate crime policy.

CHAPTER FOUR- ANALYSIS AND RESULTS

Prevalence

Twenty-five agencies were contacted during the data collection phase and all 25 agencies responded to that request for information. Two agencies responded but declined to indicate if they did or did not have a hate crime policy, making them ineligible for inclusion in this study. Excluding those two agencies left 92% of the original sample. Of these 23 agencies, 13 reported that they did have a hate crime policy and provided it for analysis. Ten agencies reported that they had no hate crime policy. Of those 10, two agencies were in the process of developing hate crime policies which was noted in the analysis. Thus, at the time of the study, 56.5% of police agencies studied here had written policies on hate crimes. If we include the two agencies that are currently working on adding written hate crime policies, that number climbs to 65.2% having a written policy on hate crimes.

Even in a state with strong legislation including robust definitions of hate crimes, annual reports on hate crimes, and mandatory reporting on hate crimes to the state, only 56%, of agencies at the county level currently have written policies on hate crimes. As discussed earlier, prior research has shown that having a policy is important to the identification of hate crimes and agency implementation of hate crime legislation (Nolan

& Akiyama, 1999, Grattet & Jenness, 2008, Cronin et al, 2007). Clearly, work still exists to ensure that police agencies get to the stage of having a hate crime policy.

Comprehensiveness of the policies

For the 13 agencies that did have hate crime policies, these policies were coded using the method explained previously in the methodology section. The results of this coding process are displayed in Table 2. The counties are numbered in the vertical column to the left from most to least comprehensive. The 9 policy areas are displayed across the top of the table labeled with an abbreviation that is reflective of the category. A listing of the abbreviations and the associated categories directly follows after the table. Following the last item is the total score for the policy as calculated for each agency, followed by the percent of total comprehensiveness (i.e., the agency's total score was divided by the maximum possible score, and the result was converted to a percentage). Reading from left to right by row displays how a given agency scored on each policy item. Reading top to bottom per column displays the results across agencies per policy item. The bottom rows display first the total cumulative score for a given policy area out of a maximum possible score of 13 (total of one per each of the 13 agencies). Next the rank order for each policy area is provided showing how comprehensively each item was covered compared to the others. Following that is the total percentage towards full potential coverage for that policy area followed by the average score for that policy area across the agencies.

Table 2: Policy scores[9]

County	A Define	B Indicate	C Investigate	D Report	E Designate	F Training	G Emphasis	H Partners	I Victims	total	total %
#1	1	1	1	1	1	1	1	.5	1	8.5	94.44%
#2	0.875	1	1	1	1	0	1	1	1	7.88	87.56%
#3	.75	1	1	1	1	0	.5	1	1	7.25	80.56%
#4	.5	1	1	1	1	0	1	1	1	7.5	83.33%
#5	1	1	1	0.5	1	0	1	.5	1	7.0	77.78%
#6	.625	1	.5	1	1	.5	.5	1	1	7.13	79.17%
#7	.625	1	1	1	1	0	1	0	1	6.63	73.67%
#8	.5	.5	1	1	1	0	1	.5	.75	6.25	69.45%
#9	.625	0	1	1	1	0	.5	1	0	5.13	57.00%
#10	.625	.25	1	1	1	0	0	.5	.75	5.13	57.00%
#11	.625	.25	1	1	1	0	.5	0	.75	5.13	57.00%
#12	.625	1	.5	1	1	0	0	0	.25	4.38	48.67%
#13	.5	0	1	1	1	0	.5	0	.25	4.25	47.22%
Total	8.88	9	12	12.5	13	1.5	8.5	7	9.75	82.13	70.20%
rank	#6	#5	#3	#2	#1	#9	#7	#8	#4		
%	68.31%	69.23%	92.31%	96.15%	100%	11.54%	65.38%	53.85%	75%		
Average score	0.68	0.69	0.92	0.96	1	.12	.65	0.54	0.75		

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[9] A= definition of hate crime, B= indicators of hate crime, C= any special investigative procedure, D= any special reporting procedure, E= designation of investigative responsibility F= any special training for hate crime investigation, G= any special emphasis conveyed in the policy H= any reference to outside partners or resources, I= references to victims and their needs

Of the 13 policies:

1 agency scored between 90%-100%

3 agencies scored between 80%-90%

3 agencies scored between 70%-80%

1 agencies scored between 60%-70%

3 agencies scored between 50%-60%

2 agencies scored between 40%-50%

The clear majority of policies fall into the top half of potential scores. Only 2 policies scored under 50% with 11 scoring over 50%. Overall, the trend is that agencies that do have policies tend to cover most of the content areas to some degree and many of those fully. On the other hand, the same numbers also show the need for improvement. Almost half of the agencies do not have a policy. Of those that do, 5 of 13 have a comprehensiveness score under 60%, and 9 of 13 (a clear majority) have policy scores under 80%.

Components of Hate Crime Policy

The following are the results by policy item reporting on the item and what was found for each of the nine policy areas.

<u>A: Definition of animus based crime that includes all groups protected under state law</u>

This item was unique because it was at once the most fundamental part of the policy and also the one that was must vulnerable to becoming outdated due to changes in the law. A policy on hate crime must define what forms of bias motivation can be grounds for investigating the crime as a hate crime. Every policy evaluated had a definition of hate crimes that included which groups were covered. The challenge in relation to this component is that the list of which groups were protected often stopped short of what was covered by the law. This could be a combination of: #1 agencies including more well-known protected groups while leaving out ones that are not often thought of in the context of hate crimes; and #2 changes to the law adding groups that are then not captured by the agencies' policies. Maryland law covers eight characteristics. Four of them (race, religious belief, sexual orientation, and national origin) were always covered. Of the remaining four, all of which were added by the legislature after the initial law, disability was included nine times, homelessness was included four times, and color and gender were included three times each.

B: List of indicators that an animus based crime has been committed.

All but two agencies provided at least one potential indicator for determining if a hate crime was committed or not. The agencies that did not provide any indicators at all both fell into the bottom five policies overall. Two agencies took the approach of stating that the perception of the victim that the crime was a hate crime was the only indication necessary to start the investigation as such. This approach could have closed off the chance for them to list other indicators, potentially disadvantaging their policy on this

point. Eight agencies got full points for listing four indicators or more and one additional agency received partial points for listing two.

C: Any special investigative procedure for hate crimes.

This component was the third most comprehensively covered. To receive a partial score, the policy had to cover the process of the initial investigation. To receive the full score, the policy had to continue to the point of final resolution of the case. Eleven policies received a full score for covering the process all the way to resolution of the case. Two policies stopped short, only explaining the process of the initial investigation and the start of follow up investigation but nothing in regards to final resolution of the case or the process of closing unresolved hate crime cases.

D: Any special reporting procedures for hate crimes.

Reporting was measured on three levels: internal, state, and federal. Internal reporting is necessary for hate crimes to be recorded and investigated as such. Internal reporting is also the needed foundation for any further reporting at the state or federal level. All agencies included statements on the process for internal hate crime reporting. Turning next to state level reporting, Maryland by law requires reporting on hate crimes for its annual report and this legal requirement was often cited in the polices when describing reporting to the state. Twelve policies specifically listed state level reporting and only one did not. We know that the one jurisdiction that did not list reporting at the state level still follows the reporting mandate, but if you did not know the law you would not know that they report hate crimes to the state level just from reading the policy. Finally, there is reporting to the federal level which is handled at the state level and is

covered by the police departments reporting to the state level and thus does not need to be mentioned in the policies. Reporting was the second most comprehensively covered policy area.

E: Designation of investigation responsibility

Best practice for hate crime reporting suggests that there needs to be at least two levels of review for classification of crimes as hate crimes. Specifically, there needs to be an initial investigative responsibility and an additional level of supervisory or investigative review that then confirms that designation as a hate crime. This was the only policy component that was fully covered in all policies. Every policy scored full points for both designating the investigative responsibility of the initial officer and specifying the role of supervisors and other investigative personnel. One important point to note is that this did not measure the specific nature of secondary review, rather just that something was there. As an example, a hate crimes unit, mandatory supervisor involvement, or a designated investigative officer would all have satisfied the requirement for a second layer of review in this coding process. With that said, we do know that all of these policies do include initial and additional investigative responsibility which is important in and of itself.

F: Any special training for hate crime identification/investigators.

Training was the least included policy element out of the nine studied. Only two agencies included any mention of training and of those two only one received a full score for training. This finding does not mean that training on hate crimes does not happen in any of the other 11 agencies, just that it is not included in the policy. With that said, not

including references to training in the policy is concerning because it leaves open the question of how much training is happening and who is getting it. Overall, coverage for this policy component only reached 11.54% of its full potential and came in last of the policy components.

G: Any special emphasis conveyed in the policy.

Written policies have the potential to be only mechanical in nature, spelling out definitions and instructions without much being said about why a specific issue needs a policy or is important. Special emphasis highlights policies that went beyond simply stating what the policy was to additional statements that explained why the issue was important and conveyed enhanced importance in following and implementing the policy. Six policies got full points for this, including strong statements emphasizing the need to deal with hate crime and special consideration to doing so. Four policies received half credit for this component. These four policies included combinations of wording such as "thoroughly investigated," "promptly respond," "immediately respond," or "aggressively investigate" which indicated some level of special emphasis but not to the point of a separate statement as to special importance. In total, this amounted to 10 agencies providing some level of language that conveyed special emphasis. The other three did not include any such language. The combined scores represented 65.38% towards full comprehensiveness for this policy component in all 13 policies, ranking this item as the 7th most comprehensively covered.

H: Any references to outside partners or resources.

Responses to this item included a range of community groups or resources for victims outside of the agency. Policies only had to list one to get partial credit and only two to get full credit. Five agencies received a full score on this item, four agencies got partial points for this item, and the remaining 4 did not include any reference to outside resources. It is worth noting that the agency that scored the highest overall lost half a point here as it only included one reference to an outside group. This item could be one that would be easier to overlook as it is not focused internally but rather referring outside the agency. This is reflected in the overall score; this item was ranked 8th overall coming in only over training.

I: References to victims and their needs

This policy element was made up of four components with each one needing to be present for the policy to receive a full score. Of those four components, additional resources to the victim and special care when working with the victim were both included in 11 out of the 13 policies. These were the two, action based of the four components, and they were included more often than the two non-action based components. Next, statements highlighting the special impact on victims was included in 10 policies. One could argue that citing additional resources for victims and special care when working with the victims both assume and imply a special impact on the victim. However, these 10 policies went beyond that to specifically state that these crimes have an additional impact on the victim. The last component was special impact on the community. This was listed in 7 policies. This component was broader than the others, looking beyond the specific victim to ways in which the larger community is impacted by hate crimes. This

component was the least common, and it was only included in policies that also included the other three components. Overall, this item was the fourth most comprehensively covered component and was 75% of the way to full comprehensive coverage collectively across all policies.

Total comprehensiveness for policies as a cumulative count

Thirteen policies with nine policy areas generated a total of 117 potential points if the full point was scored in all policy areas in all policies. In total, the agencies accumulated 82.13 points or 70.20% of the full potential. If we were to exclude training from the analysis, which was by far the least included item, we would have 104 total possible points and a score of 80.63 for a total of 77.53% of the full potential. Either way, it is clear that the policies in Maryland are touching on all these policy areas more often than not with the exception of training. I will discuss later how agencies can build on this base to flush out the remaining gaps in policies.

Agency and Community Characteristics

After developing the policy scores for all agencies, the agency status on hate crimes (whether they had a policy and if they did the score of that policy) was then compared to several agency and community characteristics that are expected to be correlated to hate crime policy. For each variable, the relationship to having a policy is described first followed by the relationship to having a higher level of comprehensiveness among those who did have a policy. For the community characteristics analysis, the state police are not included as the area covered by the state police would simply be a

combination of the other communities in the analysis. For this reason, the state police are not included in the analysis for political leaning, population size, or level of violent crime. The state police are included in the agency size and community policing analysis.

Political leanings:

Political leaning was coded using the political registration of voters, tracking the percentage of voters who were registered as Democrats at the county level.[10] Jurisdictions that had a policy were represented by 2, those without a policy were represented with a 1. The state police were not included in either analysis, providing a sample of 22 for the first analysis and 12 for the second.

An independent-samples t-test was conducted to compare the percentage of Democratic voters in jurisdictions with and without a written hate crime policy. There was a significant difference (t value = -2.953, p=.009) in the scores for those without a hate crime policy (M=45.99%, SD=8.83) and those with a hate crime policy (M=62.84%, SD=17.23). These results suggest that political affiliation is related to the presence or absence of a written hate crime policy. Specifically, those with a higher percentage of registered Democrats were more likely to have a written hate crime policy.

The list of jurisdictions was narrowed to only look at 12 jurisdictions with a written policy using the same measure for political affiliations as with the full list. In this case, the indicator for having a policy was replaced by the score for how comprehensive the policy was.

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[10] District Voter Counts Report (2016)

A Spearman's rank-order correlation was run to determine the relationship between the political leanings of 12 jurisdictions and the level of comprehensiveness of their hate crime policy. There was only a weak negative correlation between leaning more Democratic and having a comprehensive policy which was not statistically significant (rs=-.123, p=.704).

Population size:

Population was taken from Maryland's 2014 Uniform Crime Report (Scherer and Ables, 2015). This was first compared to if the jurisdiction had a hate crime policy, with those with having a policy represented by a 2 and those without a policy noted as 1. The state police were not included in either analysis, providing a sample of 22 for the first analysis and 12 for the second.

An independent-samples t-test was conducted to compare the population size in jurisdictions with and without a written hate crime policy. There was a significant difference (t value= -3.487, p=.005) in the scores for those without a hate crime policy (M=64,124.70, SD=42,052.12) and those with a hate crime policy (M=421,118.50, SD=351,653.34). These results suggest that population size is related to the presence of absence of a written hate crime policy. Specifically, those with a larger population were more likely to have a written hate crime policy.

A Spearman's rank-order correlation was run to determine the relationship between 12 jurisdictions' population size and the level of comprehensiveness of their hate crime policy. There was only a weak positive correlation between population size and the level of comprehensiveness, which was not statistically significant (rs=.102, p=.753).

Agency size:

Agency size was measured using data from Maryland's 2014 Uniform Crime Report on the total size of the agency including sworn officers and staff.[11] That count was compared to the indication of if the jurisdiction had a hate crime policy, with a notation of 2 if they did have a policy and a notation of 1 if they did not. The state police were included for both analyses, providing a sample of 23 for the first analysis and 13 for the second.

An independent-samples t-test was conducted to compare the agency size in jurisdictions with and without a written hate crime policy. There was a significant difference (t value = -3.375, p=.005) in the scores for those without a hate crime policy (M=98.80, SD=93.20) and those with a hate crime policy (M=1,066.69, SD=1028.60). These results suggest that agency size is related to the presence or absence of a written hate crime policy. Specifically, those with a larger agency size were more likely to have a written hate crime policy.

A Spearman's rank-order correlation was run to determine the relationship between agency size and policy comprehensiveness for the 13 agencies that reported having a hate crime policy. There was a very small positive correlation between agency size and comprehensiveness which was not statistically significant (rs= .022, p=.943).

Agency commitment to community policing:

The measure for community policing was limited by the fact that many police agencies in Maryland were not included in the LEMAS (LEMAS, 2013). LEMAS

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[11] Scherer and Ables (2015)

includes all agencies with 100 or more officers but only a national sample of agencies

with fewer than 100 officers, thus not all agencies participating in this study were

included. (Turning to previous years of LEMAS was not effective as they included even

fewer of the agencies.) In all, only 15 agencies were included in this study and included

in the LEMAS survey. All items on community policing from the survey were included

and a joint score of commitment to community policing was calculated based on those

elements. This produced 8 items with the lowest possible score being zero and the highest

possible score being eight. Any findings here must be considered in light of the

limitations on the size of the sample which is reduced on this question as compared to the

sample for comparable questions in this study. It must also be noted that the selection

process skewed the sample towards those with a policy. Larger agencies are more likely

to have a hate crime policy and larger agencies are more likely to be included in LEMAS.

Thus, many of the agencies without a hate crime policy were also not included in the

LEMAS survey. As before, the presence of a policy was noted as 2 and the absence of

one was noted as 1 for the analysis.

An independent-samples t-test was conducted to compare the commitment to

community policing in jurisdictions with and without a written hate crime policy. There

was no significant difference (t value=.276, p=.787) in the scores for those without a hate

crime policy (M=4.38, SD=2.14) and those with a hate crime policy (M=4.12, SD=1.49).

It could be suggested that the state police might engage in different practices because

they are state as opposed to a local agency and thus the evaluation was run again

excluding the state police. Under that analysis, there was still no significant difference (t

value=.026, p=.979) in the scores for those without a hate crime policy (M=4.38, SD=2.14) and those with a hate crime policy (M=4.36, SD=1.37). These results suggest that commitment to community policing is not related to the presence or absence of a written hate crime policy, at least not in the present sample. However again, the selection sensitivity due to the relation of having a policy to department size and the small sample mean that the results here must be taken with caution.

A Spearman's rank-order correlation was run to determine the relationship between the commitment to community policing in 10 jurisdictions and the level of comprehensiveness of their hate crime policy. There was a weak negative correlation between the level of commitment to community policing and the level of policy comprehensiveness that was not statistically significant. (rs= -.140, p=.700).

Again, we ran the numbers with the state police removed, in that case the result was a modest negative correlation between the level of commitment to community policing and the level of policy comprehensiveness that was not statistically significant. (rs= -.210, p=.588).

Level of violent crime in the jurisdiction:

The level of violent crime in each jurisdiction was generated using Maryland's 2014 Uniform Crime Report.[12] The violent crime count included murder, rape, robbery, and aggravated assault and was reported as a rate per 100,000. This measure of crime was first examined in relation to if the jurisdiction had a hate crime policy, with the presence of a hate crime policy noted as 2 and the absence of one noted as 1.

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[12] (Scherer & Ables, "2014 Uniform Crime Report ", 2015)

An independent-samples t-test was conducted to compare the level of violent crime in jurisdictions with and without a written hate crime policy. There was no statistically significant difference in the scores (t value=-1.42, p=.171) for those without a hate crime policy (M=277.85, SD=83.81) and those with a hate crime policy (M=423.89, SD=314.94), though the latter group had an average violent crime rate that was just over 50% higher. These results suggest that the level of violent crime is not conclusively related to the presence or absence of a written hate crime policy, at least not at a level that rises to the level of statistical significance in this sample.

A Spearman's rank-order correlation was run to determine the relationship between the level of UCR violent crime in 12 jurisdictions and the level of comprehensiveness of their hate crime policy. The state police were not included in this analysis. There was a weak negative correlation between the level of UCR violent crime and the level of policy comprehensiveness that was not statistically significant. (rs= -.182, p=.571).

Impact of Having a Policy on Hate Crime Reporting

As noted at the beginning of the results section, 10 agencies out of 23 had no written policy on hate crimes. From previous research, we know that not having a policy has an impact on hate crime reporting and we looked to support that finding by looking for supportive evidence of that finding here.

Policy status compared to hate crime reporting

The first evaluation looked at the correlation between having a written hate crime policy and hate crime reporting in 22 jurisdictions, state police not included, over the course of three years, 2013-2015. The reporting was categorized in one of four conditions. Those who did not report any hate crime for any of the years were categorized as one. Those who reported hate crime in only one of the three years were categorized as two. Those who reported hate crime in two of the three years were categorized as three, and those who reported hate crime in all three years were categorized as four. Having no hate crime policy was noted as 1, and the presence of a hate crime policy was noted as 2. The relationship between these variables was then tested using a chi-square test of association.

Table 3: Level of reporting and presence of a hate crime policy

		No Policy	Policy	Total
No reported hate crime	Count	3	1	4
	Expected count	1.8	2.2	4
Reported hate crime in 1 of 3 years	Count	3	1	4
	Expected count	1.8	2.2	4
Reported hate crime in 2 of 3 years	Count	4	0	4
	Expected count	1.8	2.2	4
Reported hate crime in 3 of 3 years	Count	0	10	10
	Expected count	4.5	5.5	10
Total	Count	10	12	22
	Expected count	10	12	22
Likelihood ratio	.000			
Symmetric measure	Cramers V	.851	.001	

With 7 cells with expected counts less than 5, we use the Likelihood ratio by which the test does produce a statistically significant result at .000. The measure of

association is very high at .851 with a significance level of .001. This is very high, almost to the point of a perfect relationship, indicating that the lack of hate crime reporting is overwhelmingly correlated with not having a policy. As shown in the table above, this association was largely attributable to the fact that all the agencies that reported hate crimes consistently across all years had a hate crime policy.

Policy status as compared to hate crime accounting for the rate of UCR violent crime

Next, the presence of a hate crime policy was compared to the reporting of hate crime accounting for the rate of violent crime using 2014 data. The rate of hate crime per 100,000 was divided by the rate of violent crime per 100,000 and, for use as a scaling factor, the result multiplied by 100. This provided an indicator of the level of hate crime relative to the level of violent crime in the area. This is important because one jurisdiction might have a higher reported count of hate crime not because of better hate crime policies and reporting practices but because they simply have more crime in general. Thus, taking the level of violent crime into account provides a better picture of who has the highest rate of reporting. This informs the level of hate crime they reported in context of the level of violent crime they reported. This was compared to the presence of a hate crime policy, noted by 2 with the absence of a hate crime policy noted by 1.

An independent-samples t-test was conducted to compare the rate of hate crime reporting, controlling for the overall crime rate, in jurisdictions with and without a written hate crime policy. There was no statistically significant difference t value = -

1.609, p=.127) in the scores for those without a hate crime policy (M=0.27, SD=0.50)

and those with a hate crime policy (M=0.84, SD=1.10), though the latter group did have a

mean that was over twice as high.

An alternative test was run by categorizing agencies as above or below the

median on the hate crime to violent crime ratio measure and testing the association of this

indicator with the presence of a hate crime policy using a chi-square test.

Table 4: Level of hate crime controlling for level of violent crime by presence of

hate crime policy

		No policy	Policy	Total
Below the median	Count	7	2	9
	Expected count	4.1	4.9	9
Above the median	Count	3	10	13
	Expected count	5.9	7.1	13
Total	Count	10	12	22
	Expected count	10	12	22
Fishers exact test (2 sided)	.027			
Symmetric measure	Phi	.540	.011	

With 2 cells with expected counts less than 5, we use the Fishers exact test by which the test does produce a statistically significant result at p=.027. The measure of association is strong at .540 with a significance level of .011. Running the analysis this way helps to counter the problem caused by those not reporting any hate crime (which creates non-normality in the data) and lessens the effect of high variability in the ratio measure. This test shows again a relationship between the level of hate crime reporting and having a policy.

CHAPTER FIVE- DISCUSSION OF THE RESULTS

The first major result from the findings is more about what we did not find,

namely the absence of hate crime policies in many of the agencies. Ten agencies, or 43%,

did not have hate crime policies. That number will drop to 35% when the two agencies

with policies under development add their policies to the count, but still, in context, that

is a large number of agencies without a policy. Maryland is a state with robust hate crime

legislation, an annual report on hate crimes and a law mandating that jurisdictions

provide an annual report of hate crimes to the state police. If under these favorable

circumstances some agencies do not have a written policy on hate crimes, it is likely that

the number without a policy will be even higher in states with less robust hate crime

legislation or reporting requirements. In both the California study and this study, both

using states with comprehensive hate crime legislation, close to half of agencies do not

have a written policy. The current research on the topic clearly indicates that having

comprehensive laws on hate crime does not guaranty that departments will have

translated that into policy. This issue is significant because, as shown in previous

research, not having a written policy is detrimental to the identification of hate crimes

(Nolan & Akiyama, 1999; Grattet & Jenness, 2008; Cronin et al, 2007). One specific

challenge hate crimes policies can address is the issue of ambiguity which police often

cite as a challenge to enforcing hate crime legislation (Lyons & Roberts, 2014; Jenness &

Grattet, 2005). For those agencies without a written policy at all, there is a strong need to develop one. Agencies developing polices for the first time should be encouraged to follow more comprehensive models for policy and adopt strong ones from the beginning.

Indicators That Not Having a Policy Influences Reporting

Prior research has shown that having a hate crime policy positively impacts the ability to identify hate crimes. Data collected for this study provided the opportunity to further support that relationship. As shown in the results section, having a hate crime policy was positively correlated with hate crime reporting. Those with a hate crime policy were more likely to report a hate crime occurring in their jurisdiction over the course of the year while those without a hate crime policy were less likely to report any hate crime. It is certainly possible that in some of these cases there are no reports of hate crime because no incidents that should have been investigated as hate crimes were reported to the police; however, it clearly should be a large red flag when out of 24 cases of no hate crime reported by the jurisdiction for the year, 19 of them occurred in jurisdictions with no written policy. Put another way 43% of agencies in the sample did not have a hate crime policy and 79% of the reports of no hate crime corresponded to those 43%, a very clear and large disproportionate representation.

The presence of a hate crime policy was also positively correlated to having a higher count of hate crime relative to total UCR violent crime. This result was not as strong as the previous indicator. Nonetheless, this result was important because it showed that, even accounting for the level of crime in the jurisdiction, the level of

detected hate crime and the presence of a hate crime policy were positively correlated to each other. Both findings establish patterns that are highly suggestive that not having a written policy is related to lower levels of hate crime reporting. The pattern is seen most clearly when looking at the circumstances of cases of no hate crime reporting vs instances of consistent hate crime reporting. These patterns cannot prove causality but are in line with other findings that having a hate crime policy is important to the identification of hate crime as such and furthers the case that those agencies without a hate crime policy should develop one in order to properly enforce the law and protect those subjected to these crimes.

Factors That Are Related to Having a Written Hate Crime Policy

Five community or agency characteristics were examined to test their correlation with the presence of a written hate crime policy. It is important to note with the discussion of these findings that we are making an argument in regards to the correlation only, not to causality. It is also important to note that many of these characteristics overlap, and thus a correlation in one is likely to also appear in another. Finally, these tests were run with a small sample size of 22 or 23 each. With that said, three factors, political leanings, population size, and agency size, were found to be related to the presence of a hate crime policy. The more Democratically leaning the population (i.e., the more politically liberal), the larger the population, and the larger the agency size, the more likely the jurisdiction was to have a written hate crime policy. Of the three, population size had a slightly higher level of difference in means. In order of level of

difference using the T-values the relationship to having a written policy was: population size (-3.178), agency size (-2.950), and political leaning (-2.794). All three of these characteristics are highly related to each other. Jurisdictions with larger populations also tended to be more Democratic while those with small populations tended to be more Republican. Jurisdictions with larger populations also tended to have larger police agencies while small populations had much smaller agencies.

The level of violent crime returned a relationship between the means that was in the expected direction, but which was weaker and not as statistically robust. The mean crime rate per 100,000 was 52.56% higher in those jurisdictions with a hate crime policy as opposed to those without. However, it is worth noting that while higher the results do not return as statistically significant even at the .10 level. This is important as it suggests that agencies are not deciding if they need a hate crime policy based on the perception or assumption that higher levels of violence produce more hate crimes, thus creating the pressure and necessity for a hate crime policy. Rather, other factors appear to come into play in determining whether agencies have hate crime policies. This is also an important finding because one justification cited by police agencies for not developing a policy has been a lack of need (Jenness & Grattet 2005). If not having a hate crime policy truly was generated by lack of we should expect there to be a strong relationship between violent crime rate and the presence of a hate crime policy, and yet that was not the case here as no there was no statistically significant relationship detected here.

This examination of commitment to community policing was limited both by a small sample size and also by an inherent selection bias towards those with hate crime

policies as the smaller agencies without a policy were often not included in LEMAS. The result does not allow us to say anything definitive regarding the relationship between community policing and having a written policy, but the results do show that there was no clear relationship among the agencies in this study that were in LEMAS. The results speak to the challenges of assessing the nature of that relationship. Given the evidence for a relationship between agency size and having a hate crime policy, future studies looking at the relationship between community policing and hate crime should plan on using methods that will be as likely to capture the community policing practices of small agencies as those of large agencies.

Taken as a whole, these results suggest that the presence of a hate crime policy is likely not related to the level of crime in the jurisdiction, or at least not strongly, but rather that structural factors in the jurisdiction are more likely to have a relationship with the presence of a written hate crime policy. This would also suggest that advocates of strengthening responses to hate crime may want to focus their efforts on smaller county level agencies, jurisdictions which have smaller populations, smaller agency sizes, and fewer registered Democrats, as collectively these jurisdictions are less likely to have a written hate crime policy.

Factors That Are Related to Having a Comprehensive Hate Crime Policy.

Thus far, we have discussed the relationship between these five community and agency factors and the presence of a hate crime policy. While significant correlations were found for three of those characteristics, none of them held up when examining the

relationship between these characteristics and the comprehensiveness of policy. While political affiliation, population size, and agency size had notable correlations to having a policy, these did not correlate strongly to having a more comprehensive policy as compared to having a less comprehensive policy. This is a significant finding because it suggests that the level of policy comprehensiveness is not an extension of the decision to have a policy or not. If policy comprehensiveness was an extension on the trend for having a policy, we would expect to see a similar trend with policies being more likely to increase in comprehensives as the population and agency size increases and as the jurisdiction is more Democratically leaning. Instead we find comprehensive and less comprehensive policies dispersed amongst large and small agencies, large and small communities, and both conservative and liberal jurisdictions. If policy comprehensiveness is not an extension on the trend of having a policy, we must look to alternative explanations for how policies develop. Here prior research by Grattet, Jenness and Curry (1998) is relevant. They looked at the process of policy diffusion and found that model legislation supported by advocacy groups was important for early adopters, and that agencies that followed later often looked to existing policies as a guide for crafting their policy, often including more recent enhancement to policy. This process could help to explain why content of policies does not follow the same trend as adoption of policies. Late adopters have the opportunity to build off previous policies and thus jump ahead of them in terms of comprehensive coverage even when they were slower to add a policy. These current findings support this previous research and suggest that factors encouraging or discouraging policy development will differ from factors

84

influencing the content of the policy that is developed. It is important to note that while there is research indicating that having a policy is important to combating hate crime, the same empirical base does not exist for saying which policy elements are essential or the impact that having or not having a certain policy element might have. Thus those acting on the desire to put a policy in place can follow different models or differ in their own development without reflecting on their commitment to having a policy. With that in mind, we next turn to discussing what was found with those polices that were in place.

Discussion of Findings from the Content Analysis of Policies

The analysis of the written polices provided insight into the overall level of policy comprehensiveness and the level at which individual policy areas were addressed in the policies. Of the 13 policies, only two received a content score that was under 50% of the total possible points. Of those two that did score under 50%, both received content scores that were nearly at 50% with 48% and 47%. This showed a constant minimal level of policy coverage for those who had a policy that was near or over 50% of the way to full comprehensive coverage. All policies provided some level of definition of hate crimes, although in some cases the definition was not fully encompassing. All policies provided instruction for the investigative responsibility for hate crimes. All policies provided some level of instruction as to the investigative process, although not all provided coverage all the way to final disposition of the case. And all policies provided instruction for at least internal reporting of hate crimes with all but one also providing instruction for reporting to the state level. Put another way, all policies addressed what hate crime is, who is

responsible for investigating it, how that investigation process should function during the early stages, and instruction regarding reporting. Beyond that point, there was a wider range of policy variation. Still, even with that variation, some policies tracked very closely to each other in content which accounted for multiple policies having very similar scores. Three agencies scored in the 70%-80% range, three scored in the 50%-60% range and three scored in the 80%-90% range. What the overall spread in policy scores did show was that the policies within this one state did not follow any one model for what policy areas they would address. At the same time, there was evidence of clustering whereby some policies did follow a similar model. We know from Grattet, Jenness, and Curry (1998) that agencies often look to existing policies from other agencies when developing their own, and while in this case we only know how the policies scored and not the process of policy development, the end result points to this same practice.

If we were to take the actual total scores of all 13 policies and compare that to the potential full score of those 13, we find that the cumulative level of policy comprehensiveness was at 70%. While there is still room for improvement, this is a very solid base level for the existing hate crime policies in the state of Maryland.

The three policy areas with the largest need for additional coverage are: training, references to outside resources, and providing special emphasis. Training was by far the least referenced policy area. To put the size of the gap in perspective, training was mentioned, in part, in only two of the thirteen policies. Special emphasis was given, at least in part, in 11 of the 13 policies and references to outside partners were made, at least in part, in 9 of the 13 policies. Training on hate crimes is an important part of enforcing

hate crime law; if the training is not happening at all, then there is a larger problem that needs to be addressed. If the training is happening but simply not mentioned in the policy, then agencies should include reference to that in their policy. It is certainly possible that police agencies generally do not reference training in their policies, and this study did not compare the comprehensiveness of hate crime policy in Maryland to the comprehensives of other police department polices. With that said, even if training is left out of other policies (and thus the absence here would not be abnormal) agencies could certainly still include the reference to training. Doing so would provide a formal mandate for the training and, for those policies that are viewable by the public, would provide reassurance that the training is conducted. References to outside resources was not mentioned at all in 4 policies and is another area that could be enhanced. As referenced before in the literature review, lacking a clear signal that the department is committed to responding to hate crimes, ambiguity around hate crimes and the response to hate crimes, and a lack of training all serve as obstacles to officers responding to hate crimes (Nolan & Akiyama, 1999; Lyons & Roberts, 2014; Jenness & Grattet, 2005). Training directly fills one of those gaps and training and referring outside resources both help to show agency commitment and to combat ambiguity. Even if an area was lacking in local level outside resources, there are still state or federal level resources that could be referenced. Finally, special emphasis came in as the third least covered area. This was perhaps the least substantive policy area and yet one that conveys importance both to the public when the policies are visible to the public and also to those in the police agency. In some ways, having a policy on the matter already conveys special emphasis and yet many

87

departments took the step of also stating that special emphasis in the policy itself. Those lacking such language or that only have limited language that points in that direction could take a deliberate step of explaining that the issue is of importance and will be addressed by the agency.

Overall, with the notable exception of training, most policy areas received a substantial level of coverage and many agencies covered them in a very comprehensive manner. Examples exist among current policies of comprehensive approaches to covering all these policy areas. Agencies looking to enhance their existing policies can look to this list of policy areas to evaluate gaps they may have and fill them. In the following section, recommendations for police agencies and policy advocates are provided.

Review of Limitations.

The above findings should be taken in consideration of the limitations mentioned previously in the limitations section of the methodology. This is a case study looking at one state and in that state looking at county level agencies. Because of that there is a small sample size to base the relationships with community and agency factors on. This was particularly true for the relationship to community policing. The analysis on relationships between agency and community characteristics and having a policy or the level of policy comprehensiveness are not able to prove cause and effect, only show the existence of a relationship that is statistically significant. Further research would be needed to build on those findings to establish a causal relationship between these factors and having a policy. Additionally, we cannot yet speak to the potential consequences of having or not having comprehensive coverage of policy areas as we do not know (and

this study does not address) the link between policy elements and effectiveness. That task will have to fall to future study.

CHAPTER SIX- CONCLUSIONS

Emerging only in the 1970s, hate crime legislation has grown into an established legal reality that has spread across the U.S. into state and federal law. Over time, additional protected groups have been added. While the state of hate crime law adoption is well known, the state of hate crime policy implementation is far murkier. Research has shown that having a written hate crime policy increases the rate of hate crime reporting but little is known about how many agencies have a policy or how comprehensive existing policies are.

This study provided the second comprehensive look at these issues, and the first to create a rating scale for hate crime policy comprehensiveness by examining the state of implementation of hate crime law in the state of Maryland. Maryland was selected for its comprehensive hate crime legislation and reporting requirements, signaling a state that should be well suited for follow through of that law from the books to practice. Specifically, implementation of hate crime law was examined in the form of police agency adoption of written policies on hate crimes. The study focused on the 25 major law enforcement agencies in the state--the county level agencies, the Baltimore City Police Department, and the Maryland State Police. Two agencies responded but declined to say if they did or did not have a hate crime policy leaving 23 agencies for the study. Of those 23 agencies, 13 had a written policy and 10 did not.

The results of the study first provide implications for the state of Maryland and here the results are decidedly mixed. Over half of the county level agencies plus the state police and Baltimore have hate crime policies already with two more jurisdictions on their way to joining the list of those with a policy. For those who do have a policy, they cover a collective 70% of what would constitute full comprehensiveness if all policies received a full score. This means that once agencies have a policy, the policy covers most of the important areas. Only two policies scored under 50% on the scale with both of those being close, 47% and 48%. Another positive note is that the policies were going beyond addressing only functional issues like definition of hate crime or delegation of investigation authority but also were citing policy areas like victim and community needs, outside resources, and special emphasis in the policy on the importance of responding to hate crime. On the other hand, there are still many agencies who do not have a policy at all with only two of those without a policy currently working to put one into place. For those that do have a policy, additional work is still needed to fill in gaps in policy coverage. Here, training stands out as the largest issue that was left out of the written policies, but other areas like the list of protected statuses under the law also need updating in many cases.

The results in Maryland have implications for the state of hate crime implementation nationally as well. In this study, 43% of contacted police agencies did not have a written hate crime policy. As of 2005 in California, 44% of contacted police agencies did not have a written hate crime policy. The present study in Maryland was the first to conduct a comprehensive rating of hate crime policy comprehensiveness on the

state level and so it is not possible to compare these results to other studies on this point. But given the similar finding on the percentage of agencies without a policy in California, it is reasonable to assume that like in Maryland many of the Californian agencies that did have policies had some room to improve their policies. We know that nationwide there is a problem with underreporting hate crime and that many agencies who do participate in reporting programs report zero hate crimes. Given that problem and given this research on the adoption of hate crime policies, it seems likely that lack of written policy adoption plays a significant role in under-reporting of hate crime. Maryland and California are both states with strong commitments to passing and enforcing hate crime law. While there are certainly other states with a similar level of commitment to taking action on hate crime (like New York), there are still others states with less comprehensive hate crime law or political environments that are less likely to prioritize the issue. If almost half of departments without a written policy in states like California and Maryland, then it is reasonable to assume that we would find similar or lower levels of policy adoption in most other states.

Building further on the above trend of hate crime underreporting, this study found that agencies with hate crime policies are more likely to report hate crimes, to do so constantly over time, and to report more hate crime relative to their level of overall violence. These patterns suggest the need both for further study into the impact of not having a hate crime policy on reporting and the need for further action by police agencies, states, and advocacy groups to push for greater levels of agencies having written policies on hate crime.

Turning to the question of community and departmental characteristics that are related to having a hate crime policy, this study helped to identify which police agencies are less likely to have a written hate crime policy. We found that smaller agencies, from smaller jurisdictions, and with populations that are more politically conservative are less likely to have hate crime policies. These jurisdictions also tended to have less crime then those with hate crime policies. However, while the first three characteristics were found to have significant relationships to having a hate crime policy, the same did not hold true for the crime rate. This would suggest that structural community and agency characteristics such as size of the agency or community and political leaning matter more to the adoption of written hate crime policy than the crime rate. It also provides details about the kinds of jurisdictions on which to focus efforts to further promote hate crime policies. Smaller agencies have less resources and thus may need more outside support to help in the development and adoption of a written hate crime policy. Or they may not see the need for such a policy and need additional informational needs to talk about the evidence on hate crime policies and the role they play in responding to hate crime. Finally, the relationship of these kinds of community and agency factors to hate crime policy needs further research and this is research that would benefit not only our understanding of hate crime policy but also our understanding of the adoption of written policies by police departments more generally. These findings lead to the following policy recommendations.

Policy Recommendations

For Maryland agencies

1 Adopt written policies on hate crimes for the agencies that currently do not have one. Two agencies are already on this path working on written policies and the rest could use the policy areas identified in this study to adopt their own written policies.

2 Review existing policies and expand on the policies for areas that are currently not addressed or partially addressed. For Maryland agencies, the big ones would be: updating definitions of hate crime to reflect current law, addressing the department's hate crime training in the written policy, adding additional language conveying special emphasis on the importance of responding to hate crime, and providing information in the policy on outside resources.

For police agencies nationwide

1 Police agencies without a written policy on hate crimes should develop one or seek assistance in developing one. While doing so, they should attempt to construct a policy that addresses the policy components listed here in a comprehensive manner.

2 Police agencies with hate crime policies should evaluate those polices to determine if they address the issue in a comprehensive manner and update their policies for elements that are not included or only partially covered.

For advocates/ lawmakers/state agencies

1 Conduct or sponsor evaluations of hate crime policies in your state to determine the level of policy adoption both in terms of the number of policies on hate crimes and the content of the policies that do exist.

2 Work with police agencies that do not have a written policy to develop one in line with the list of policy items that are evaluated here.

3 Work with police agencies that currently have hate crime policies to strengthen them and fill any gaps.

4 Offer model policies based on the hate crime legislation in the state so that the policy will best be able to cover general best practice and specific requirements and definitions in state law.

Research Going Forward

The findings of this study suggest four primary areas for future research. The first concerns replication of the policy analysis that was conducted in this study. The results of this study provide police agencies and advocates of hate crime polices in Maryland with a clear picture on where they stand on policy diffusion and policy comprehensiveness. However, we do not have that same picture for other states. Research seeking to determine if agencies have a hate crime policy and if they do the content of that policy could provide the same picture in other states and provide the information needed to advance policy adoption and policy enhancement, especially in states with weaker laws on the books.

The second area of research is into the importance of having a comprehensive policy. While this research provides a level of evaluation for the comprehensiveness of a policy, we do not know the impact that enhancing the written policy has on the identification of hate crimes or how police agencies handle hate crime investigations.

Policies that are more comprehensive provide additional information to those who reference the policy and provide more standards that those under the policy should follow. Even without evidence on the effects of enhancing written policies on hate crimes, there is good reason for police agencies to do so given what is already known about the need to reduce the barrier of ambiguity for officers. However, providing research in this area could strengthen the case for improving the level of comprehensiveness in current policies. Studies in this area should thus evaluate the impact of police comprehensiveness on the identification, reporting, and investigation of hate crimes.

The third area of research is into community and agency characteristics that are related to hate crime policies. If hate crime policy is going to be adopted into agencies that do not currently have one, which from these results are likely to be smaller agencies in jurisdictions with smaller populations that were more politically conservative, more needs to be understood about which one of those factors most encourages or inhibits the adoption of written hate crime polices or if it is instead the cumulative impact of those related characteristics. Efforts to encourage policy adoption could potentially be better directed to agencies that are most likely to need support or information to move towards adopting a written hate crime policy.

The fourth area of study is into the wider study of the process of policy adoption and the process by which written policies spread and are adopted. Given the current state of hate crime policy adoption as shown in this study and other limited research, there is a need for continued efforts to shed more light on this area and advance the adoption of

written policies. This period provides an opportunity not only for scholars interested in hate crimes but also those interested in the question of policy adoption more generally, and the findings from this area could help improve our understanding of how written policy is defused across the police agency landscape.

As a final thought, there is every indication that hate crime will continue to be an important issue for societies to tackle going into the future. Continuing the focus from law to application will be an important part of tackling that problem, an effort that this study set out to be a part of and that hopefully future research will continue to contribute to.

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