

Running Head: Race, Gender, and Sexual Orientation in Hate Crime Victimization

The Importance of Race and Gender Membership in Sexual Orientation

Hate Crime Victimization and Reportage:

Identity Politics or Identity Risk?

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## Abstract

One thousand five hundred thirty eight hate crimes committed in Los Angeles County were reviewed. Differences between sexual orientation and other hate crime categories were considered for offense severity, reportage to law enforcement, and victim impact. The type of offense varied between crimes classified for sexual orientation ( $n = 551$ ) and other bias motivated crimes ( $n = 987$ ). Assault, sexual assault, sexual harassment, and stalking were predictive of sexual orientation hate crimes. Sexual orientation bias crimes evidenced greater severity of violence to the person and impact upon victim level of functioning. More violent forms of aggression were predictive of gay and lesbian victim's under-reportage to law enforcement. For sexual orientation offenses, victim gender and race/ethnicity differences were predictive of the base rates of crime reportage as well. These findings are considered in terms of a group-risk hypothesis, encountered by "multiple outgroup" persons, that influences help seeking behavior and ingroup identity.

Hate crimes are an important social problem in contemporary U.S. society. It has been argued that hate crimes substantially impact the lives of the individual victim and the larger social context in which they occur (Herek & Berrill, 1992; Levin & McDevitt, 1993). As Bell (2003) has observed, bias motivated aggression constitutes a "public health risk." Accordingly there has been a concerted effort by community organizations and law enforcement to respond to persons of diverse cultural backgrounds who are the victims of sexual orientation hate crimes. As part of this initiative, the current study sought to identify what characteristics, if any, distinguished sexual orientation hate crimes from other bias motivated hate crimes, as well as to determine whether the victim's gender and race/ethnicity influenced reportage of the offense to law enforcement.

#### Issues Concerning the Base Rates of Gay and Lesbian Hate Crime Victimization

Research addressing the experiences of gay and lesbian hate crime victims is of concern to researchers, clinicians, and policy makers. At the same time, what is actually known about hate crimes targeting gay men and lesbians is compromised, in part by the opposition of political conservatives to the inclusion of sexual orientation as a category under the federal hate crimes law. Likewise, sexual orientation continues to be excluded from many state hate crime statutes as well. Inclusion of sexual orientation in the federal hate crime law has been rejected by the U.S. Senate during the late 1990s, even while hate crimes targeting gays and lesbians have increased during this same period (Akiyama & Nolan, 1999).

Research on gay and lesbian hate crime victimization has focused upon qualitative and self-report methods. These studies, while important, have not examined hate crimes against gays and lesbians in comparison with similar offenses motivated by race/ethnic or religious bias. In addition, discerning the trends and characteristics of hate crime victimization from Federal crime

data is problematic. Akiyama and Nolan (1999) have cautioned against relying upon the US Uniform Crime Report data in detecting patterns of crime victimization. The limited utility of hate crime statistics underscores how little can be inferred about the issue of under-reportage (Meredith Watts, personal communication, August 23, 2001). It would therefore be useful to include data collected by community based organizations (CBOs) that serve hate crime victims. Comparing law enforcement and CBO data can provide a more complete examination of the patterns of intergroup violence and magnitude of harm experienced by the victims of hate crimes.

There is little information on how demographic differences influence risk for hate crime victimization. As Berk, Boyd, and Hammer (1992) have noted, "Very little is known about risk factors for hate-motivated crimes. Even in the case of race, where skin color and other physical features are relevant, no quantitative estimates exist that separate the impact of race from other related risk factors" (p 137). As such, there has been limited opportunity to examine the hypothesized incremental risk for violence faced by multiple outgroup victims of hate crimes. Additionally research is needed that considers the base rates for the type of offense committed against gay and lesbian hate crime victims as compared to other bias motivated offenses, most notably race, ethnicity, and religion. From a theoretical and practical perspective, it would be useful to know whether there are meaningful between-group differences in terms of hate crime victimization. If all hate crimes are alike, then the null hypothesis would reveal few, if any differences in terms of frequency or severity of these offenses, irrespective of the targeted victim group.

It has been hypothesized that hate crimes against gay men and lesbians are more severe than other forms of bias-motivated aggression (Miller & Humphries, 1980; Garnets, Herek, & Levy, 1992). Medical personnel observe that gay men and lesbians are often victims of assault, frequently with weapons, that result in life-impairing conditions that include head trauma, rape, and multiple fracture injuries (Comstock, 1991). Herek, Gillis, Cogan, and Glunt, (1996) have noted in a retrospective self-report study that hate crimes targeting gay men and lesbians are more psychologically impairing than similar non bias-motivated crimes.

A largely unexplored issue concerns what factors influence the help-seeking behaviors of hate crime victims in reporting the offense to law enforcement agencies. Help-seeking refers to the process by which individuals resolve problems that compromise their level of functioning via utilization of legal, financial, community, and institutional resources. The reporting of a hate crime to law enforcement is an essential step in victim help seeking. This is not inconsequential, as involvement of law enforcement is essential for the activation of victim-witness services to obtain needed medical and mental health treatment, as well as the arrest and prosecution of the offender.

Herek and his colleagues have noted that gay and lesbian victims of bias crimes often do not report the offense to law enforcement (Herek et al., 1996). Dunbar (2000) has further noted the role of victim deindividuation, as reflected by the drop-off in law enforcement reportage, for multiple perpetrator hate crime offenses. Victim help-seeking may also vary for diverse cultural groups in terms of accessing mental health and medical services. Liu (1995) has reported differences in help-seeking behaviors for victims of hate incidents, noting that informal activities such as talking with friends and reporting the event to family members was more frequently employed than reliance upon institutional resources such as seeking counseling, educational, or

legal supports. She also found that help seeking varied by the victim's race/ethnicity, with African Americans more likely to utilize prayer and support groups than Whites. Garnets (1997) has commented that an individual's "multiple minority" status (as characterized by social categories such as gender, sexual orientation, and race/ethnicity) may be related to more severe forms of hate crime victimization and may mediate the capacity of the victim to respond to and recover from the event. It is conceivable that multiple outgroup persons may be particularly reluctant to turn to law enforcement agencies in the wake of victimization due to sexual orientation.

### Research Questions

Two inter-related questions concerning hate crime victimization were examined. The first of these considered whether the bias intent of the offense – i.e., the targeting of victim due to race/ethnic, religious, or sexual orientation - revealed differences in the severity of the offense. The second question sought to determine whether the race and gender of gay men and lesbian hate crime victims was related to their reportage of the offense to law enforcement vis-à-vis community based organizations. The specific questions examined were: (1) are sexual orientation hate crimes more severe than crimes motivated by race/ethnic or religious bias? (2) does the type of aggression perpetrated against gay men and lesbians differ from that of other hate crime victims? (3) do "multiple outgroup" gays and lesbians experience more severe forms of crime victimization? (4) do gender and race/ethnic differences moderate victim help-seeking activity, as indicated by reportage of the offense to law enforcement? and (5) is the type of hate aggression predictive of victims who reported the offense to law enforcement versus community based organizations?

### Method

One thousand five hundred thirty eight hate crimes cases reported to the Los Angeles County Human Relations Commission for the years of 1994 and 1995 were included in the study. For an offense to be classified as a hate crime, one of two pathways had to be initiated by the victim. Specifically, the victim needed to have reported the offense to a law enforcement officer, have the officer then note the incident as bias-related on the crime report, have the precinct hate crimes officer review and affirm the crime as bias-related, and then report the crime to the Los Angeles County Human Relations Commission. In Los Angeles County there are numerous independent policing agencies. These include the Los Angeles Police Department, which has jurisdiction for the city of Los Angeles, and the Los Angeles Sheriff's Department, which has jurisdiction for areas of the county not included in the City of Los Angeles (such as the city of West Hollywood). In addition to these two agencies, there are numerous municipalities in the metropolitan area which maintain independent police departments. These law enforcement agencies are found in both economically marginalized communities and affluent suburban communities. All of these agencies report hate crime infractions to the Los Angeles Human Relations Commission. Once reported to the Commission, the incident is then reviewed by a staff member of the hate crime unit, who independently determines the validity of the claim, and whether the offense meets the legal standard according to California State law. An alternative pathway for reports to be included in the hate crime data base requires that the victim contact the Anti-Violence Project of the Los Angeles Gay and Lesbian Center (LAGLC) and participate in an individual interview and assessment with a staff member responsible for hate crime victim assistance. At this point the victim is advised of their option to report the incident to local law enforcement, if this had not yet occurred. The staff member in turn must determine whether the incident meets the criteria as a hate crime and then document and submit the report

to the Los Angeles Human Relations Commission. The incident is then reviewed by the same staff persons responsible for review of hate crime reports recorded by law enforcement. Human Relations staff determines whether the offense meets the legal criteria for a hate crime. This two-step process allows for the removal of incidents that do not include both a criminal offense and an identifiable bias intent. For 1994, 81.21% of the incidents reported to the LA County Human Relations Commission were classified as a hate crime; for 1995, 74.03% of the incidents were deemed to meet the legal standard.

The classification of the bias motivation of the offense (e.g., race, religious, and sexual orientation) was determined by the initial incident responder, who had direct contact with the victim. For crimes reported to law enforcement this was done by a uniformed officer on the scene. Incidents reported to the LA Gay and Lesbian Center were classified by the intake staff of the Anti-Violence Project. None of the initial crime classifications were contested by the staff of the Los Angeles County Human Relations Commission.

### *Procedure*

Analysis of the human relations documents examined the specific bias intent (religion, sexual orientation, national origin, for example) of the crime. Offender characteristics of age, race/ethnicity, and gender were also coded. The characteristics of the index crime were rated in terms of a variety of behavioral characteristics, which were used to compute the estimated crime severity on the Cormier-Lang Scale. Research on violence has frequently been accomplished via record review (Hare and Hakstian, 1989). The hate crime offenses were content-analyzed by members of a research team composed of 6 trained psychology students. Each hate crime case was coded for 18 specific acts of aggression; these included violence to the person (e.g., sexual assault) and property (e.g., vandalism); these are included in Table 1 below. Ratings were assigned via a classification manual that included

Penal Code information on the offenses and the additional criteria from the Cormier-Lang measure. The author provided training and weekly consultation in the coding of the human relations documents.

### *Materials*

*Crime Scene Behavioral and Demographic Characteristics:* Each case was coded for victim and offender demographic information (e.g. race/ethnicity and gender), and law enforcement reportage status of hate crimes committed during 1994 and 1995 in Los Angeles County.

*Victim Functional Impact:* An estimate of the impact upon daily life functioning for the victim was determined with an external criterion rating method. To accomplish this, the professional staff ( $n = 22$ ) of the Victim Witness Assistance Program of the Los Angeles County District Attorney's Office was surveyed to provide a severity of impact rating for the 18 acts of aggression noted in the crime report (these are listed in Table 1 below). These individuals provide direct human service consultation and medical referral to the victims of violent crimes for Los Angeles County. Typically, they interact with clients during the acute post-event phase of crime victimization. Each act of aggression was rated on a Likert-type scale, as derived from the Axis 4 rating system for severity of psychosocial stress, as first proposed in the Diagnostic and Statistical Manual-Third Edition, Revised (DSM-III-R) classification system (APA, 1988). The rating range for severity of functional impact for each individual act of aggression ranged from 60 (catastrophic) to 10 (not at all). This rating methodology provided an estimate of the victim's post-event impairment, based upon to the type of aggression reported in the crime report. For example, assault with a deadly weapon had a rating value of 52.23 (falling in the range of catastrophic-to-extreme), physical assault (extreme to severe impact) had a mean of 45.47, whereas being the target of printed humor or hate speech had an impact value of 27.28

(moderate-to-mild impact). Using these rating values, an estimate of post-event victim impact was derived. This was determined by aggregating the individual acts of aggression identified for the offense, as reported in the crime report. The mean Functional Victim Impact score was 69 ( $SD = 21$ ) with range from 27 to 204 and a 95% confidence interval of 69.33 to 72.11. The mean inter-rater kappa for the types of aggression was .76 ( $SD = .08$ , range = .98 to .61). The forms of aggression for the total hate crimes in 1994 and 1995, as well as the frequencies for the three primary categories for sexual orientation, race/ethnicity, and religious group are reported in Table 1.

*Severity of Index Crime:* The Cormier-Lang Crime Index was used to assess severity of the hate offense. This rating scale is derived from an earlier system developed by Akman and Normandeau (1967) to quantify the severity of criminal activity in terms of violence to person and property. As Quinsey, Harris, Rice and Cormier (1998) note, "This system can be used when only official police 'rap sheet' information is available" (p. 250); they make the point that this system provides information not only about the severity of the offense but also about the offender's capacity for violence, implicitly. The rating system is organized into Category One offenses, representing values assigned for severity of violent and aggressive crimes against the person; assault with a weapon, for example, has a rating value of 3 while sexual assault has a rating value of 10. Category Two ratings include non-physically aggressive and property-oriented crimes (e.g. verbal threat, with a rating value of 2). In this system, a total value for all criminal activity for the index offense is computed. In the present study, aggregate values for Category One (violent), Category Two (property/non-violent), and total crime severity scores were computed for the entire sample, based upon the rating values reported by Quinsey, Webster, Rice and Cormier (1998). The aggregate total score for the index (hate) offense yielded

a weighted value 6.61 ( $SD = 3.77$ ) with a range from 1 to 38; the confidence interval of .95 was 6.39 to 6.78. The weighted score for the Category One violent offenses was 3.24 ( $SD = 4.33$ ), with a range of 0 to 36 with a confidence interval of 2.92 to 3.38. Category Two non-violent offenses had a mean weighting of 3.33 ( $SD = 2.65$ ), with a range from 0 to 15 and confidence interval of 3.29 to 3.43.

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Table 1 About Here

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### Results

Of the 1,538 hate crime cases reported by the Los Angeles County Human Relations Commission, 551 (35.8%) were classified as offenses motivated by sexual orientation bias. Eight hundred and ten (52.7%) of the reported hate crimes were classified for race/ethnic bias and 170 crimes were classified for religious bias (11.1%). There were 4 hate crimes classified for gender (.3 percent) and 3 hate crimes classified for disability (.2%). Offense ratings on the Cormier-Lang scale indicated that 56% of the reported hate crimes meeting one or more of the criterion to be classified as a violent offense; 89% of all hate crimes met one or more of the Cormier-Lang criteria for non-violent offenses. Frequently, this was related to the presence of hate speech which co-occurred with a violent crime against the person.

Gay men constituted 30% of the total group of hate crime victims between 1994 and the end of 1995. Lesbians represented approximately 6% and transgender victims less than 1% of the sample. For gay and lesbian hate crime victims, 50% of the sample was identified as Euro-White, 9% as African American, 5% as Asian-Pacific, and 24% as Latino. Of the 810 hate crimes motivated by race/ethnic bias, African Americans constituted 43.8% of the identified

victims, with Asian-Pacifics representing 10.9%, Latinos 21.8%, Euro-Whites 20.8% and other ethnic groups (including multi-ethnic persons) 2.9%. Of the 170 hate crimes motivated by religious bias, Euro-Whites represented 73.5% of the victims, with African Americans representing 11.8, Latinos 2.9, and Asian-Pacifics, 6% of the victim group; 6% of the victims of bias crimes were of multi-ethnic or of other (e.g., middle-eastern) background.

In roughly one-third of the bias crimes, there was no identified perpetrator (28%), with 39% of the offenses occurring between a victim and perpetrator of the same race/ethnic group; in one-third (33%) of the cases, the hate crime occurred across race/ethnic lines. Findings for significance testing of within- and across- perpetrator-victim ethnic group categories were not different for the Cormier-Lang offense severity scores or for the Victim Functional Impact ratings.

Comparison of the Cormier-Lang scores by hate crime classification was examined via a 2X3 (violent and non-violent crime severity by race/ethnic, religious, and sexual orientation crime classification) ANOVA. Results yielded a significant main effect for the Cormier-Lang Category One scores for violent crimes  $F(2, 1528) = 71.26, p < .001$ ; Scheffe contrasts indicated that sexual orientation crimes ( $M = 4.69$ ) were more severe for crimes against the person than both race/ethnic ( $M = 2.78$ ) and religious ( $M = .68$ ) hate crimes; race/ethnic hate crimes were also more severe than religious hate crimes. For non-violent crimes, the Cormier-Lang Category Two scores also varied by hate crime classification category  $F(2, 1528) = 54.75, p < .001$ ; computed Scheffe contrast revealed that hate crimes classified for religion were more severe ( $M = 6.15$ ) than either race/ethnicity ( $M = 3.37$ ) or sexual orientation ( $M = 2.43$ ) crime classifications. Typically sexual orientation offenses included more extensive (and costly) forms of property damage and vandalism. These findings are summarized in Table 2.

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Table 2 About Here

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For the entire hate crime sample, the Victim Functional Impact ratings was correlated with the Cormier-Lang total score  $r = .76, p < .001$  and Cormier-Lang Category One ratings, for offenses for violence against the person  $r = .63, p < .001$  and Category Two (non-physically violent and property) crimes  $r = .32, p < .001$ . Results of a Oneway ANOVA for Victim Functional Impact by hate crime classification (race/ethnic, religious, and sexual orientation) was significant  $F(2, 1527) = 14.19, p < .001$ , post-hoc Scheffe contrasts revealed a significant difference between Victim Functional Impact ratings for sexual orientation ( $M = 72.84$ ) and religious crime classifications ( $M = 66.68$ ), but not by race ( $M = 69.13$ ). To determine whether the type of aggression perpetrated during the hate crime varied between sexual orientation and other crime categories, the 18 acts of aggression identified in the crime report were entered into a logistic regression model with the bias crime classification category (sexual orientation and other hate crime classifications) serving as the dependent variable. Findings revealed that the type of aggression varied significantly for hate crimes classified for sexual orientation  $X^2 = 26.5, p < .001$ . Assault (Wald = 9.47,  $r = .06$ , Exp = 1.08), sexual assault (Wald = 16.75,  $r = .10$ , Exp = 1.16), sexual harassment/attempted assault (Wald = 6.02,  $r = .06$ , Exp = 1.18), and stalking (Wald = 41.17,  $r = .05$ , Exp = 2.32), were predictors of crimes motivated by sexual orientation bias. Assault with a deadly weapon (Wald = 23.74,  $r = -.11$ , Exp = .79), being a target of either printed (Wald = 40.89,  $r = -.14$ , Exp = .93) or verbal (Wald = 32.38,  $r = -.13$ , Exp = .92) hate speech, and hate graffiti activity (Wald = 41.93,  $r = -.14$ , Exp = .68), were predictive of hate crime classification for non-sexual orientation bias motivation.

The second primary question that was examined concerned whether race/ethnic and gender differences influenced the severity of victimization for sexual orientation hate crimes. This was examined in terms of severity of the offense and crime reportage. To examine within-group differences, as proposed in research questions 3, 4, and 5, analyses were computed with only hate crimes classified for sexual orientation. Between gender and race/ethnic group differences were examined by classifying crime victims for gender (male and female) and race/ethnic group (euro-White and persons of color). The severity of the crime by victim gender/race group was computed, employing the Cormier-Lang scores in a 2X4 ANOVA (violent and non-violent crime severity scores by gender/race groups). Results revealed a significant main effect for Cormier-Lang ratings for violent crimes  $F(3, 488) = 4.63, p < .003$  and non-violent crimes  $F(3, 488) = 2.93, p < .03$ . Computed Scheffe contrasts indicated that for violent crime ratings, lesbians of color were the victims of more violent crimes against the person ( $M = 7.49$ ) than the other three victim groups. The crime severity ratings for property crimes did not reveal significant between-group differences. Victim Functional Impact ratings were also computed for the four victim groups. Results of a 1X4 oneway ANOVA (Victim Functional Impact ratings by gender/race groups) was not significant. The computed Victim Functional Impact score for White men ( $n = 237$ ) was 72.34, for men of color ( $n = 189$ ) 72.43, for lesbians of color ( $n = 51$ ) 73.90, and for White lesbians ( $n = 62$ ) 70.26.

For gay and lesbian victims, it was found that 72% of the crimes were reported to law enforcement. By comparison, hate crimes motivated by race/ethnic and religious bias were much more frequently reported to law enforcement. For all non-sexual orientation bias crimes, 95.7% of African Americans, 100% of Asian-Pacifics, 98.9% of Euro-Whites, 96.7% of Latinos and 97.7% of multi-ethnic victims reporting to law enforcement agencies – vis-à-vis community

based organizations. No differences were found by gender for these victims, with 97% of men and 96% of women victims reporting the bias offense to law enforcement. For sexual orientation crimes, matching of victim and perpetrator by race/ethnicity did not change the likelihood of crime reportage in terms of the offender being of the same race/ethnic ingroup as their victim. Ethnic/race ingroup perpetrators were reported by their victims in 69.8% of the cases while perpetrators of hate crimes by ethnic/racial outgroups were reported by the victim to law enforcement in 71.1% of the cases. For sexual orientation hate crimes a significant difference in law enforcement reportage existed for the gender of the victim. Sixty-six percent of the lesbian victims reported the offense to law enforcement as compared to 74% of victimized gay men who reported the crime to law enforcement  $\chi^2 = 3.93, p < .04$ . The remaining 26% of the cases were reported to the Anti-Violence Project of the LAGLC. Using the same grouping scheme as noted above for victims of sexual orientation crimes, significance testing for gender/race by law enforcement reportage was computed. Significant between race/ethnic differences in likelihood of reportage to law enforcement were noted. It was found that 81% of gay White men reported the event to law enforcement, as compared to 71% of White lesbians; 66% of Gay men of color, and only 52% of lesbians of color  $\chi^2 = 16.57, p < .0008$ . These results are reported in Table 3.

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Table 3 About Here

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To determine the role that the type of aggression played in law enforcement reportage, the 18 behavioral hate acts were entered into a logistic regression model. This allowed for an estimate of whether specific types of hate aggression were predictive of crime reportage to law enforcement versus a community agency (research question five). The (dependent) variable was

coded for victims who reported the offense to law enforcement versus those that reported the offense to the LA Gay Lesbian Center. The overall model was significant  $\chi^2 = 31.06, p < .0001$ . Results showed that physical assault (Wald = 5.49,  $r = -.09$ , Exp = .98), sexual assault (Wald = 5.55,  $r = -.09$ , Exp = .96), assault with a deadly weapon (Wald = 10.69,  $r = -.14$ , Exp = .96), and verbal threat of harm (Wald = 9.07,  $r = -.12$ , Exp = .97) were all significant predictors of the offense not being reported to law enforcement.

Based upon the findings that gender, race/ethnicity, and severity of the bias offense all reduced the probability of crime reportage, a post-hoc hierarchical logistic regression model was employed to examine the collective impact of these variables upon reporting the offense to law enforcement. The model used crime reportage (i.e. reporting to law enforcement agencies versus reporting to the LA Gay and Lesbian Center) as the dependent variable with the Cormier-Lang scores, Victim Functional Impact ratings, and the gender/race grouping of the victim as the predictor variables. On step one, the Cormier-Lang scores for severity of violent (Category One) and non-violent (Category Two) crimes were entered, Victim Functional Impact ratings were entered on step two. On step three the victim's gender/race grouping was entered. Results indicated that gender/race status of the victim was a significant predictor of law enforcement reportage after the estimated severity of the crime and Victim Functional Impact ratings had been entered into the equation  $\chi^2 = 10.35, p < .001$ . Two significant predictors were identified; these were the Cormier-Lang rating of severity of crimes against the person (Wald = 8.96,  $r = -.13$ , Exp = .90) and victim gender/race category (Wald = 10.18,  $r = -.14$ , Exp = .70). This is reported in Table 4.

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Table 4 About Here

## Discussion

### Patterns of Hate Victimization: Symbolic or Real?

The current findings indicate that meaningful differences exist for victims of sexual orientation hate crimes when compared to other hate crime victims, in terms of the nature of the offense and the estimated severity of the offense upon victim functioning. Findings revealed that within-group gender and race/ethnic differences played a role in reportage of the offense to law enforcement as well as for severity of crimes against the person, but not for ratings of the severity of (subsequent) victim functional impact. Similarity of the race/ethnicity of the perpetrator and victim for sexual orientation hate crimes, which was found in roughly one-half of the offenses where there was an identified suspect, did not influence law enforcement reportage, nor did it result in more severe forms of crime victimization. The multiple outgroup status of the victim may therefore be of greater salience in the initiation of help-seeking behavior rather than in the impact of the crime itself for victims of sexual orientation hate crimes.

These findings suggest that the demographic characteristics of gay and lesbian hate crime victims may influence reportage to law enforcement. It was found that multiple memberships in traditional outgroups had an additive effect in reducing the probability of reporting the hate crime to law enforcement. These findings indicate that “multiple minority group” individuals are at greater risk in terms of both frequency and severity of hate crime victimization.

### Implications for Public Policy

These findings, particularly when put into the current context of post 9-11 society, holds implication for public policy. Put simply, law enforcement lacks the needed credibility to serve as an ally to victims of sexual orientation bias crimes. Confronting the heterosexism of

institutions such as law enforcement and victims' services needs to be given serious attention.

When we consider that some of the perpetrators of hate crimes reported to the Los Angeles Gay and Lesbian Center were on duty uniformed police officers, the logic of gay and lesbian victims declining to approach law enforcement is not hard to follow. Specifically, the multiple minority risk of ethnic gay and lesbian hate crime victims described by Garnets (1997) is reflected in the declining probability of law enforcement reportage for lesbians of color. Institutional actions need to include not only staff training to alleviate bias against gays and lesbians, but also requires the external monitoring of precinct activity in neighborhoods with visible gay and lesbian populations, as well as the active enforcement of policies to remove officers who taunt, harass, and harm gay men, lesbians, and as our findings suggest, persons of multiple minority status.

A rigorous examination of how bias crimes are identified by the responding officer needs to be undertaken. As I have suggested elsewhere (Dunbar, 2002), first responders (i.e., law enforcement) need to be skilled in effectively identifying bias-motivated crimes. This requires the competence to apply legal and motivation principles at the crime scene, as well as the intergroup competence to interview suspects and victims. The issue of interviewing, debriefing, and assisting the victims of sexual orientation hate crimes is critical if law enforcement is to be seen as a credible ally in addressing intergroup violence.

An issue that remains unexamined concerns the potentially substantial number of victims of sexual orientation hate crimes who do not notify any agency, be it law enforcement or a community-based organization. It should be clearly kept in mind that the current data only reflect the preference of help-seeking through a social service agency rather than law enforcement. Victims who were not legally – such as undocumented persons - or emotionally

prepared to recount their crimes to others remain completely unaccounted for in the current findings and, more broadly, in our understanding of the problem of hate violence. Herek and his colleagues (Herek, Gillis, Cogan, & Glunt., 1996) have also noted that other socio-demographic factors inclusive of economic level and age may play a role in the risk for victimization. These same factors may also be expected to play a role in help-seeking activities such as reporting the offense to law enforcement. It has been speculated that many victims of sexual orientation bias crimes may restrict help-seeking to that of informal social networks and immediate family (Gillis, 2001). This strategy, however, does not serve to help the victim in regards to pressing medical or legal needs (McLaughlin, 1999) and may therefore be insufficient to address the psychosocial problems that are a consequence of bias-motivated violence.

The current findings indicate that victims of race/ethnic and religious motivated hate crimes in almost all cases reported the offense to law enforcement rather than to a community based organization (again, victims who did not contact either law enforcement or CBOs remain unaccounted for). The current findings underscore the significant efforts of a Community Based Organization – the Los Angeles Gay and Lesbian Center – to systematically document hate crime victimization in a manner which is distinctly different from other organizations concerned with intergroup and advocacy issues. It is wholly plausible that programs focusing upon “at risk” religious and racial/ethnic groups (e.g. middle-eastern persons) could similarly identify trends of under-reportage as found in the current study. To date, in one of the largest metropolitan areas of the US, an effort to document hate crime victims who do not contact law enforcement has not been undertaken.

The issue of reporting hate crimes to law enforcement is not an unimportant matter. Information on hate crime activity gathered by Community Based Organizations is viewed as

less reliable, given the questions concerning the objectivity of advocacy groups to screen out complaints which do not clearly meet the standards of crime classification employed by specialized law enforcement personnel. Additionally CBOs do not possess the resources of the criminal justice system to apprehend and prosecute the offenders of bias-motivated crimes.

#### Limitations of the Current Study

There are several caveats to the conclusions drawn from this study. For one, comparisons are only drawn as to the base rates of one historically oppressed group – gay men and lesbians – with other similarly oppressed groups – i.e., religious, ethnic, and racial minorities. Comparison to a sample of heterosexual crime victims is unfortunately missing in the current analyses. While it is tempting to presume that victims of race/ethnic hate crimes are heterosexual, there is no valid reason to believe this. Hence the question of how the current findings would compare to the experiences of heterosexual hate crime victims, or heterosexual crime victims in general, is not answered.

The idea of weighting and aggregating behavioral characteristics of crime events is not without debate. However, this strategy has been found in the forensic literature for the past 30 years, as illustrated by the original research of Akman and Normandeau (1967) that formed the basis of the Cormier-Lang rating system, used in the current study. The aggregation of severity and impact scores further help to capture the complex nature of aggression and violence. The interested (i.e. concerned) reader needs to keep in mind that these estimates concern determining the severity of the singular index crime and do not measure minor events (*vis-à-vis* a singular traumatic event) over time. Aggregating life events is likewise an established research strategy in the study of stress (Lazarus & Folkman, 1984) and adjustment (Holmes & Rahe, 1967) in general. The current author agrees with Sears (1986) that the study of intergroup relations

necessitates studying persons throughout the lifespan, rather than presume that analog studies conducted with undergraduate students are explanatory of the issues of bias motivated aggression in our society. Often the world we live in is absent a control group.

The current findings need to be considered in terms of the specific characteristics of the community where the study was conducted. Los Angeles, besides being a large metropolitan region, includes a highly diverse race/ethnic population, as well as several well-recognized communities with an established gay and lesbian population. The current results may not reflect crime patterns found in communities with a largely homogenous ethnic population or where there are no neighborhoods which are comprised mainly of gay men and lesbians.

#### Issues in Assessment and Intervention with Victims of Hate Crimes

This study has sought to consider within-group differences for gay and lesbian hate crime victims, rather than consider LGBT victims as a unitary population. The current findings underscore the importance of race and gender in victim help seeking. Likewise, gay and lesbian identity is a dynamic process, one that may be mediated by bias crime victimization. Certainly individual vulnerabilities are mediated by the stability and complexity of the ingroup identity of the person. The identity development status of hate crime victims is a crucial and unexplored issue, one that holds implications for victim identification and treatment. Cass (1979) and Troiden (1993) have viewed sexual orientation development as a succession of self-referenced status points, which ultimately result in a more coherent identity. For Cass (1979), gay and lesbian identity includes progression through self-reference of one's sexual orientation from sensitization, to identity confusion, to identity assumption, and finally resulting in identity commitment. For Troiden (1993), this evolution of a gay and lesbian identity is characterized by the employment of various strategies, such as denial, repair, avoidance, redefinition, and

acceptance. This latter strategy yields a fully integrated and healthy self-image as a gay male or lesbian.

These models of identity development can both be considered in terms of intergroup contact experiences. Victims of hate crimes at an Identity Diffusion stage of gay/lesbian identity (i.e. in which ingroup identity membership is ambivalent), may evidence substantial destabilization of identity coherence. A regressive identity solution for these victims would typically include internalized self-blame, with hate victimization being a consequence of an unhealthy lifestyle, resulting in the integration of societal stigmatization into his/her sexual identity. In contrast, for clients at a fully integrated stage of gay/lesbian identity - in the Cass model this is referred to as Identity Commitment – help-seeking and recovery could be expected to be significantly more efficacious. For persons with effective social supports and healthy self-regard, bias victimization may facilitate a more adaptive ingroup identity than had existed prior to the incident (McLaughlin, 1999). Help-seeking would typically be more comprehensive, as would utilization of one's social support system. As such, individual differences related to identity coherence may play a particularly important role in post-victimization recovery (Dunbar, 2001).

The current findings would suggest that hate crime reportage declines when the offense is particularly violent. This supports the observation of Huston et. al. (Huston, Anglin, Stratton, & Moore, 1997) that health care professionals, specifically emergency medicine staff, particularly need to understand the legal and psychological aspects of hate violence, as the current data implies that medical providers may be the only institutional stakeholders with whom many hate victims may come in contact. The findings of this study further illustrate how crime severity, a topic relatively well understood by researchers, and victim functional impact – arguably an issue

better conceptualized by mental health practitioners – may each uniquely influence the help-seeking behavior of victims of hate crimes. Other factors not accounted for in the current study, such as history of prior crime victimization and/or experiences of discrimination, may explain why members of some social groups are less likely to report hate crimes to law enforcement than others. The role of multiple outgroup status upon victim crime reportage supports the contention that both law enforcement and community agencies need to create greater accommodation and inclusion of persons of color, individuals for whom English is a second language, and women, particularly. Collectively, these efforts might help to bring more clearly into focus the experiences of individuals victimized by crimes due to their sexual orientation and emotional attachments as gay men and lesbians.

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Table 1 *Base Rates of Crime Characteristics of Hate Crime Victimization: Total Sample, Sexual Orientation, Race/Ethnicity, and Religious Groups*

| Form of Aggression              | Total Sample<br>( <i>n</i> = 1,538) | Sexual Orientation<br>( <i>n</i> = 551) | Race and Ethnicity<br>( <i>n</i> = 810) | Religion<br>( <i>n</i> = 170) |
|---------------------------------|-------------------------------------|---|---|-------------------------------|
| Physical assault                | 410<br>(28%)                        | 217<br>(53.2%)                          | 180<br>(44.1%)                          | 11<br>(2.7%)                  |
| Objects thrown at victim(s)     | 36<br>(2%)                          | 16<br>(47.1%)                           | 18<br>(52.9%)                           | 0                             |
| Assault with a deadly weapon    | 315<br>(21%)                        | 84<br>(%)                               | 227<br>(%)                              | 3<br>(%)                      |
| Sexual assault                  | 41<br>(3%)                          | 37<br>(90.2%)                           | 4<br>(9.8%)                             | 0                             |
| Sexual harassment/threat        | 24<br>(1.6%)                        | 22<br>(91.7%)                           | 2<br>(8.3%)                             | 0                             |
| Verbal threat of harm           | 380<br>(25%)                        | 162<br>(42.6%)                          | 198<br>(52.1%)                          | 20<br>(5.3%)                  |
| Target of verbal hate speech    | 946<br>(63%)                        | 342<br>(36.7%)                          | 564<br>(59.7%)                          | 39<br>(4.1%)                  |
| Target of printed hate speech.  | 209<br>(13%)                        | 21<br>(10%)                             | 95<br>(45.5%)                           | 93<br>(44.5%)                 |
| Arson                           | 8<br>(5%)                           | 1<br>(12.5%)                            | 6<br>(75%)                              | 1<br>(12.5%)                  |
| Bombing                         | 12<br>(%)                           | 1<br>(8.3%)                             | 6<br>(50%)                              | 5<br>(41.7%)                  |
| Chased away from a public space | 2<br>(.5%)                          | 1<br>(50%)                              | 1<br>(50%)                              | 0                             |

Table 1 (Continued)

Race, Gender, and Sexual Orientation in Hate Crime Victimization 29

|                                     |              |               |                |               |
|-------------------------------------|--------------|---------------|----------------|---------------|
| Victim(s) pursued by perpetrator(s) | 2<br>(.5%)   | 2<br>(100%)   | 0              | 0             |
| Denied access to building/facility  | 8<br>(%)     | 5<br>(62.5%)  | 3<br>(37.5%)   | 0             |
| Vandalism/damage to property        | 318<br>(19%) | 61<br>(19.2%) | 158<br>(49.7%) | 99<br>(31.1%) |
| Hate graffiti displayed.            | 192<br>(12%) | 14<br>(7.3%)  | 95<br>(49.5%)  | 83<br>(43.2%) |
| Stalking activity                   | 6<br>(%)     | 5<br>(83.3%)  | 1<br>(16.7%)   | 0             |
| Written threat of violence          | 47<br>(%)    | 4<br>(8.5%)   | 33<br>(70.2%)  | 10<br>(21.3%) |
| Robbery                             | 91<br>(5.9%) | 34<br>(37.4%) | 55<br>(60.4%)  | 2<br>(2.2%)   |

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Note: The total sample includes 4 offenses classified for gender (.3 percent) and 3 hate crimes classified for disability (.2%).

Table 2 ANOVA Results Cormier-Lang Crime Severity Estimates by Victim Group

|                                    | Gay/Lesbian<br>Victim Group |      | Race/Ethnicity<br>Victim Group |      | Religion<br>Victim Group |      | <i>F</i> |
|------------------------------------|-----------------------------|------|--------------------------------|------|--------------------------|------|----------|
|                                    | Mean                        | S.D. | Mean                           | S.D. | Mean                     | S.D. |          |
| Category One:<br>(Person Crimes)   | 4.69                        | 5.86 | 2.78                           | 2.96 | .68                      | 1.87 | 71.26*   |
| Category One:<br>(Property Crimes) | 2.43                        | 1.87 | 3.37                           | 2.42 | 6.15                     | 3.65 | 54.75*   |

\*  $p < .001$

*Table 3 Gay/Lesbian Victims: Law Enforcement Reportage by Race/Ethnicity and Gender*

| Victim Gender and<br>Race/Ethnic Categories | Cormier-Lang Offense Severity |                               | Victim<br>Functional<br>Impact | Crime Reportage<br>to Law<br>Enforcement <sup>b</sup> |                    |
|---|-------------------------------|-------------------------------|--------------------------------|---|--------------------|
|   | <i>N</i>                      | Person<br>Crimes <sup>a</sup> |                                |   | Property<br>Crimes |
| Euro-White Gay Men                          | 237                           | 4.25                          | 2.58                           | 72.34   | 81%                |
| Euro-White Lesbians                         | 62                            | 5.40                          | 2.56                           | 70.26   | 71%                |
| Gay Men of Color                            | 189                           | 5.06                          | 2.26                           | 72.43   | 66%                |
| Lesbians of Color                           | 51                            | 7.49                          | 2.32                           | 73.90   | 52%                |

<sup>a</sup>  $F(3, 488) = 2.93, p < .03$

<sup>b</sup>  $\chi^2 = 15.57, p < .0008$

*Table 4 Hierarchical Logistic Regression Results Predicting Law Enforcement Reportage of Sexual Orientation Hate Crimes*

| Step | Variable   | B    | Wald  | R      | Exp(B) |
|------|--|------|-------|--------|--------|
| 1.   | Cormier-Lang Offense Severity<br>Category One: Person Crimes   | -.10 | 8.966 | -.12*  | .90    |
|      | Cormier-Lang Offense Severity<br>Category Two: Property Crimes | -.04 | .27   | -.02   | .96    |
| 2.   | Severity of victim impact                                      | -.01 | .86   | .01    | 1.01   |
| 3.   | Victim race and gender   | -.32 | 10.18 | -.13** | .70    |

\*  $p < .01$       \*\*  $p < .001$      $\chi^2 = 10.35$      $p < .001$     Classification prediction: 73.54%

Note: On step four victim groups are classified for gender and race/ethnic categories (White and persons of color)

Eta squared

$\eta^2$