



# Crime & Punishment

James Alan Fox on criminal behavior and the justice system

CRIME PATTERNS AND TRENDS

## Hate crime figures - Truly unbelievable

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Maria Cramer's [examination](#) of the implausibly low hate crime figures for Massachusetts communities highlights a pervasive and systematic problem in measuring acts of violence and vandalism motivated by bias and intolerance related to race, ethnicity, religion, gender, sexual orientation or disability. However, the troubling portrayal of undercounting reflects only half the story. The reporting problems in Massachusetts may be bad, but they are far worse elsewhere.

Cramer focused almost exclusively on differences in hate crime reporting among cities and towns in the Commonwealth of Massachusetts. Yet, even with the apparent lack of compliance among many jurisdictions statewide, Massachusetts still ranks high among the states around the country -- 9th highest nationally in terms of reported hate crimes per 100,000 population. In 2009, the rate for Massachusetts (5.05) was more than twice the national average (2.37). This, of course, begs the question: how badly would our state rank if the reporting levels were more consistent with reality?

Ever since the awful days of violence and disorder prompted by forced busing in order to desegregate city schools, Boston has struggled to shed its ugly reputation for racism. And, although our state has been singularly progressive in recognizing same-sex marriage, the potential for backlash always exists when breaking down barriers.

Before jumping to conclusions, consider where some other states rank nationally. The three states that sit at the very bottom, with the lowest reported rates of hate crime, are Georgia, Mississippi, and Alabama! This fact alone suggests that the FBI's hate crime report, mandated by Congressional act in 1990, may not worth the cyberspace in which it resides.

Comparing the official police reports to estimates from victim surveys further illustrates how unreliable hate crime measurement can be. According to the [Bureau of Justice Statistics](#), almost 200,000 Americans are victimized annually by hate crimes, of which nearly half are reported to the police. Yet, according to the FBI, the number of incidents submitted by law enforcement around the country is less than 10,000 annually. Although the victimization counts are likely inflated (as some victims may falsely impute bias motivation), the FBI hate crime reports are clearly suspect. At best, they may be used to track trends for a particular jurisdiction; but even then, changes in investigative practices can significantly alter the figures.

When the FBI's Uniform Crime Reporting program was established 80 years ago, it was decided wisely to base the measurement of crime levels on those offenses that are most easily discernible. The original seven so-called Part I crimes (homicide, rape, robbery, aggravated assault, burglary, larceny and auto theft) are relatively clear when or soon after they are reported to the police.

Then In 1979, Congress mandated that arson be added as a Part I crime, expecting that such a designation would bring needed attention to the growing scourge of profit-motivated fire setting. However, the arson data have been exceptionally unreliable. The determination that a fire resulted from arson requires some investigation. If and when such a determination is made, the monthly crime tally may have already been submitted.

Similarly, the determination that a reported crime involves a bias motivation comes only after investigation. The time lag and sometimes ambiguous interpretation of motive renders these statistics exceptionally unreliable and inaccurate. If anything, high levels of hate crime may be a positive, reflecting diligence in identifying and combating this insidious crime as opposed to ignoring it.

Sadly, it seems clear that there is far too much hate crime to go around. What shows up in the FBI's hate crime data depends on how diligently and thoroughly police departments investigate and diligently they report.