

THE DANGEROUS INTERSECTION OF YOUTH AND HATE CRIME

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Abstract

Crime data collected by the Federal Bureau of Investigation clearly shows a disturbing image of the youthful hate crime offender. With over 13.2 percent of hate crimes occurring at schools or colleges, and close to two-thirds of known hate crime offenders being under the age of 24, schools must arm themselves with knowledge about crimes motivated by prejudice and bias. This study will examine data at the state and national level to learn: what is a hate crime; the characteristics of hate crime victims and offenders; and what can schools do to prevent and respond to bias incidents and hate crimes.

Background

In 1990, Congress passed the “Hate Crimes Statistics Act,” which required the collection of data on crimes motivated by a prejudice against race, religion, sexual orientation or ethnicity. Since that time, the Federal Bureau of Investigation, through its Uniform Crime Reporting (UCR) Program, has collected data from police departments nationwide. Although hate crime continues to be under-reported for a variety of reasons, patterns of data relative to hate crime offenders and victims have emerged.

According to 2005 UCR data, the third most common location nationwide for a hate crime to occur is in on a school or college campus. This fact clearly indicates that hate crime is impacting our students and our schools. With over 13.2 percent of hate crimes occurring at schools or colleges, and close to two-thirds of known hate crime offenders being under the age of 24, schools must arm themselves with knowledge about crimes motivated by bias and prejudice.

Findings

As we begin to look at hate crime data, an underlying question begins to emerge, specifically, what is a hate crime? Unfortunately, there is no standard legal definition of a hate crime. Each state is able to address (or not address) how hate crimes are classified and prosecuted. All but one state (Wyoming) have some type of legislation addressing hate crimes. Of the remaining 49 states and the District of Columbia, there are a number of differences between existing hate crime statutes. All statutes address one or more of the following:

1. Groups that are protected (e.g., religion, race or ethnicity, gender, disability, and sexual orientation).
2. A range of predicate or underlying crimes (e.g., assault).
3. A requirement that hate or bias motivated the offense.
4. Penalty enhancements.
5. Provisions for civil remedies.
6. Requirements for data collection.
7. Training requirements for law enforcement personnel.¹

¹ Shively & Mulford. (2007). Hate crime in America: The debate continues. *NIJ Journal* 257 (2007): 8-13.

The following table highlights the similarities of state statutes.²

Table 1. Comparison of state statutes

State Hate Crime Statutes	Number of States
Protected Classes: Race, Religion and Ethnicity	45
Disability	32
Sexual Orientation	32
Gender	28
Other (Political Affiliation, Age, Transgender and/or Gender Identity)	19
Civil Action	32
Data Collection	28
Training for Law Enforcement Personnel	14

The United States Department of Justice’s Federal Law Enforcement Training Commission (FLETC) is responsible for training members of law enforcement departments nationwide. In its Hate/Bias Crimes Training Program, FLETC breaks hate crime offenders into three categories:

1. Thrill-seekers: These offenders are motivated by a need to experience a thrill or gain bragging rights among their peers. Most often, thrill-seeking offenders are juveniles.
2. Reactive offenders: These offenders are motivated by a need to protect their way of life or to avenge a perceived threat or insult. Reactive offenders are most often middle-aged, white males who have resided in their community for all or most of their lives. They feel that their home, community or way of life is at risk by the introduction of new races, religions, lifestyles, etc.
3. Mission offenders: These offenders are often members of organized hate groups. They are consumed with their hatred and desire the complete annihilation of members of hated groups of people. Mission offenders are the most violent group of offenders; they are also the rarest type of hate crime offender.³

Researchers Jack McDevitt, Jack Levin and Susan Bennett expanded the above offender typology to include four categories: thrill-seeking, defensive, retaliatory, and mission. Their typology only differs from the FLETC typology in that “Reactive” offenders are split into two groups, i.e., defensive and retaliatory offenders. Their research validates FLETC’s data that thrill-seekers are the most prevalent type of offender,

² Source: *The Anti-Defamation League state hate crime statutory provisions* (2006), available at: http://www.adl.org/99hatecrime/state_hate_crime_laws.pdf

³ Federal Law Enforcement Training Center. (1993). *Student handbook*. Artesia, NM and Glynco, GA.

and mission offenders are the least prevalent type.⁴ Specifically, out of the 169 cases analyzed in their study, 112 of the offenders were classified as thrill-seekers, as indicated in the table below:

Table 2. Type of offender and prevalence

Type of Offender	Prevalence
Thrill-seeking	66 percent
Defensive	25 percent
Retaliatory	8 percent
Mission	1 percent

While we can be thankful that mission offenders represent the smallest percentage of hate crime offenders, we must look at the largest group of offenders – thrill-seekers. Most thrill-seeking offenders are young, white males. That is not to say that white females and people of color do not commit hate crimes – they do, but not at the same rate as white males. Where race was identified in 2005 UCR hate crime data, 61.5 percent of offenders were white.⁵ As for age, a number of different studies point to youthful offenders committing the bulk of hate crimes across America.

According to National Incident-Based Reporting System (NIBRS): “Younger offenders were responsible for most hate crimes. Thirty-one percent of violent offenders and 46 percent of property offenders were under age 18.⁶ By 2005, the percentage of violent youthful offenders increased, as did the number of youthful victims. Specifically, in surveying the victims of bias crimes in 2005, offenders with a perceived age between 12 and 20 was 66.2 percent for the 1,037,560 single-offender victims of the same age range. For the 411, 720 multiple-offender victims surveyed, the percentage of offenders perceived to be 12 to 20 year olds was 65.8 percent.⁷

In looking at where hate crimes are most likely to occur, schools or colleges were the third most likely location at 13.5 percent of reported hate crimes.⁸ Individual states report even more startling findings. In New Jersey, for example, hate crimes occur most often in schools than at any other location. Hate crimes occurring

⁴ McDevitt, Levin, & Bennett. (2002). Hate crime offenders: An expanded typology. *Journal of Social Issues* 58 (2002): 303-317.

⁵ “Table 9,” *Hate Crime Statistics 2005*, Washington, DC: U.S. Department of Justice, Federal Bureau of Investigation, October 2006, Table 9, available at <http://www.fbi.gov/ucr/hc2005/table9.htm>

⁶ FBI’s National Incident-Based Reporting Program, 1997-1999, available at <http://www.ojp.usdoj.gov/bjs/abstract/hcrn99.htm>

⁷ “Tables 41 and 47,” *Criminal Victimization in the United States, 2005 Statistical Tables*, Washington, DC: U.S. Department of Justice, Office of Justice Programs, Tables 41 and 47, available at <http://www.ojp.usdoj.gov/bjs/abstract/cvusst.htm>

⁸ “Location Type Table,” *Hate Crime Statistics 2005*, Washington, DC: U.S. Department of Justice, Federal Bureau of Investigation, October, 2006, Location Type, available at <http://www.fbi.gov/ucr/hc2005/locationtype.htm>

in school buildings accounted for 26 percent of all reported hate crime in New Jersey.⁹ Pennsylvania has a similar incidence rate on school or college campuses, at 22.5 percent of all reported hate crime locations. Schools and colleges are the second most likely location for hate crimes to occur in Pennsylvania.¹⁰

Summary and Conclusions

The fact that hate crimes are most likely to involve youthful offenders and victims, and are extremely likely to occur in or around our schools must be a wakeup call for anyone concerned with school safety. Schools must educate students on the importance of treating others with respect. This is the first step in combating bullying, harassment, hate crimes and a variety of other violent criminal offenses. School officials should arm themselves with the knowledge of what constitutes a hate crime in their state and/or community.¹¹ Many school-based incidents of verbal harassment and physical violence rise to the level of criminal activity. When that criminal activity is directed towards a person or group of persons because of one or more protected class, that criminal activity may also be charged as a hate crime. Students who perpetrate criminal activities, including but not limited to hate crimes, must understand the serious nature of their actions.

Whenever a crime occurs on a school or college campus, school administrators must immediately contact the police department which has jurisdiction over that campus, so that appropriate action may be taken. This is true of hate crime activity as well. It is also important that school administrators take immediate action to notify the faculty, staff and student body that such activity is not tolerated and that the perpetrators will be punished up to and including pressing criminal charges, if applicable. It is important that this announcement happen for two reasons. First, a message must be sent to the perpetrators and future would-be perpetrators that engaging in these types of activities will not only subject them to school punishments, but may also end in their arrest and conviction. Secondly, and most importantly, a message must be sent to the victim that the school is standing with the victim in support. Failure to do so will send a very different message to the victim – a message that the school does not care about the victim and, possibly, that the school believes that the victim deserved to be treated in this way.

Nobel Peace Prize winner and Holocaust survivor Elie Wiesel summed this thought up in his Nobel Acceptance Speech with these words:

And that is why I swore never to be silent whenever wherever human beings endure suffering and humiliation. We must take sides. Neutrality helps the oppressor, never the victim. Silence encourages the tormentor, never the tormented. Sometimes we must interfere. When human lives are endangered, when human dignity is in jeopardy, national borders and sensitivities become irrelevant. Wherever men and women are persecuted because of their race, religion, or political views, that place must - at that moment - become the center of the universe.¹²

⁹ “Section Twelve: Bias Incident Summary,” *2005 Uniform Crime Report*, New Jersey: The State of New Jersey, Department of Law and Public Safety, August, 2006, available at <http://www.state.nj.us/lps/njsp/info/ucr2005/pdf/2005-sect-12.pdf>

¹⁰ “Hate Crime Data,” *Pennsylvania Uniform Crime Reporting System*, Harrisburg, PA: Commonwealth of Pennsylvania, Pennsylvania State Police, Uniform Crime Reporting Unit, available at <http://ucr.psp.state.pa.us/UCR/Reporting/Annual/AnnualFrames.asp?year=2005>

¹¹ Individual municipalities may have local ordinances which provide greater protection than state laws.

¹² Wiesel, Elie, *Nobel Acceptance Speech*, Oslo, Norway, December, 1986, available at <http://www.eliewiesel/foundation.org/ElieWiesel/speech.html>

Silence does not erase the hate crime from having taken place, nor does it erase the memory of the crime. Silence allows hate to continue to fester and grow, and gives tacit permission for future hate crimes to occur. Taking this concept one step further underscores the need for every instance of bullying and harassment to be addressed. Whether it is a classmate telling another student to “knock it off” when teasing another student, or a teacher admonishing a student for using a slur or epithet, or an administrator disciplining a student and notifying police for vandalizing school property, or verbally or physically attacking another student, these actions stop the cycle of hate.

School administrators must be deliberate in making their campus a place where each and every student is safe and respected. Students must learn to adhere to the philosophy of treating self and others with respect. This can be accomplished through a variety of curricular and extracurricular programs which address civility and respect, and are available gratis or for purchase from various governmental agencies and companies. It is important to select a program with measurable success, as well as a program that is suitable to the unique needs of individual schools.

According to a UNESCO report on global ethics, the philosophy of “Golden Rule” is present in all major faiths and cultures of the world.

[i]t is part of the fundamental moral teachings of each of the great traditions that one should treat others as one would want to be treated oneself. Some version of this "Golden Rule" finds explicit expression in Confucianism, Taoism, Hinduism, Buddhism, Zoroastrianism, Judaism, Christianity and Islam, and is implicit in the practices of other faiths.¹³

By applying this philosophy of treating others with the same respect one gives to self to school climate, improvements would become readily apparent. School administrators must set the stage for creating an environment that supports dignity, civility and respect for all persons.

¹³ “New Global Ethics: The Power of Culture,” *The Report of the World Commission on Culture and Development*, UNESCO Report 1995, available at http://kvc.minbuza.nl/uk/archive/report/chapter1_3.html