



I1 An Empirical Test of a Bias Crime Offender Typology

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The learning objective of this presentation is to introduce the ideas of offender motivation and level on culpability in the instance of bias motivated crimes.

Proposition: That a more refined analysis of offender motivation and level of culpability will result in improved decision-making by members of the criminal justice system.

This paper will present the results of an empirical test of a suggested typology of hate crime offenders. Previous research has suggested that there are three major motivations for hate crime offenders and that these motivations could be associated with different offender typologies. This research suggested that bias crime offenders could be seen as individuals who commit their crimes for the “thrill” or excitement involved, others who see the crime as “defending” their turf from outsiders, and a very small number are associated with organized hate groups and have made their life’s “mission” to change the world. This typology has been widely used by law enforcement, including the FBI, and is part of the national hate crime training curriculum. However, to date this typology has never been empirically tested. This paper presents a test of this hypothesis using data from the Boston Police Department’s bias crime investigation unit. Researchers from Northeastern University reviewed the case files from 169 investigations conducted between 1991-1992, where bias crime offenders were known. Research assistants classified each case by the motivation of the offender; this classification was subject to inter-rater reliability and was found robust. Each case was classified according to the original typology and to see how each case might be classified and how many cases did not fit with the original typology. The research supports the original typology but does suggest some subcategories that may have been overlooked in the original. The research also suggests that certain characteristics of the crime can help local law enforcement officials make a designation as to which category of the typology the incident is likely to fall. The research also investigates the role of offender in the incident. Many local decision makers (e.g., judges, prosecutors and police) have a difficulty in attribution of culpability for bias crimes. Since many bias crimes are group events where more than one offender is involved, the level of culpability of each offender may and often does vary. Many local criminal justice decision makers find themselves in a difficult position of needing to send a strong public message that bias crimes will not be tolerated while believing that some of those involved in the incident had less culpability than others. This paper presents a scale of culpability where each offender can be located and punishment can be affixed in accordance with the level of culpability. The paper suggests a four level model including those who would be consider “leaders,” those who go along but would most likely not be involved if someone else did not assume a leadership role, “Fellow Travelers,” those who disagree with the actions of the group but for a variety of reasons can’t disassociate themselves from the group, Unwilling Participants, and finally those who at significant personal risk attempt to intervene and stop the incident “Heros.” These categories can be used to differentiate among the various participants in most bias crimes and to then assist the determination of the level of punishment that should be allocated. This framework can be used outside the criminal justice system and is being utilized in other settings such as schools and universities. Finally, the paper attempts to combine the offender typology with the culpability model to suggest how groups of offenders from each typology area might vary in terms of culpability and the implications of these differences for public policy. This paper suggests that the way bias crimes are being investigated and prosecuted at present is rather limited. By considering the motivation of offenders and the culpability of those involved, the major decision maker in the criminal justice system would be able to employ a more equitable and effective decision making process.

Bias Crime, Hate Crimes, Offender Motivation