
SSID

Briefing Paper

Hate Crimes on the College Campus

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A hate crime can be defined as a criminal incident ranging from threats to bombings to physical assault that are specifically motivated by biases such as racial, anti-Semitism, or sexual orientation. The media has presented a growing, disturbing trend of hate crimes in the United States, including those that occur on college and university campuses. In fact, occurrences of hate crimes on the college and university campuses have been consistently steady. Saying this, incidence of hate crimes on college and university campuses is most certainly a problem and must be dealt with by administration, faculty, staff, and campus law enforcement.

In 1998, the Federal Bureau of Investigation conducted a study specific to the problem of hate crimes on the college campus. The study included 450 higher education institutions from 40 states. Of the 450 institutions surveyed, 222 or 49% reported an incident of a hate crime during 1998. In total, these 222 higher education institutions reported 241 incidents of hate crimes in 1998. These hate crimes included 137 racially motivated hate crimes, 43 anti-Semitic hate crimes, 39 sexual orientation hate crimes, and 22 hate crimes committed for other reasons.

Also in 1998, the International Association of College Law Enforcement Administrators (IACLEA) surveyed 411 campuses in the United States. Of the surveyed campuses, 88 reported to having a hate crime on campus in 1998. In fact, those colleges who reported a hate crime experienced on average 3.8 hate crimes in the given year. This survey listed five categories for a hate crime: 1) race, 2) religion, 3) disability, 4) sexual orientation, and 5) ethnicity/national origin. It did not include hate crimes where the motive was gender related.

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Though these numbers may not seem severe, the problem is very present. It has been estimated that almost one million college students experience racially or ethnically motivated violence annually. One of the reasons for the low “reported” numbers is proving the crime was actually a hate crime. For example, the hate crime murder of Matthew Shepard was thought to have been motivated by something other than bias. At the beginning of the investigation, aggravated robbery was the considered motive. Upon further investigation, it turned out to be a hate crime. Another reason for the low numbers is the reluctance of higher education institutions to label a campus crime as a hate crime due to the bad publicity.

There are multiple factors that contribute to the occurrences of hate crimes. These factors include, but are not limited to, ideas such as: 1) lack of knowledge, 2) peer group influence, 3) peer group acceptance, 4) rivalry between groups or individuals, increase in minority groups, and 5) increase or decrease in minority opportunities. All of these factors contribute to an environment susceptible to a hate crime with the seed of misunderstanding firmly planted in the situation, fertilized and cultivated by perceived wrongs, and the harvested product being the culmination of a hate crime.

The culmination of a hate crime comes in many faces, from racially motivated words painted on campus walls to murder. The following list contains several federal and state cases involving hate crimes, showing the varied *modus operandi* involved in hate crimes.

1. *States v. Samar*: James Samar was indicted for using anti-Semitic slurs and threatening three students with one of these threats being a death threat. He also presented photographs of the holocaust during World War II, stating that the photos were “a reminder of what happened to your relatives because they too made a mockery of Christianity.” Mr. Samar entered into a plea agreement.

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2. *United States v. Machado*: A former student was convicted of writing and sending a racially motivated e-mail that included threats to 59 college students of Asian descent.
3. *State of Maine v. Tozier*: A current student exclaimed anti-gay statements and threats toward a student working in the campus student lounge. The altercation became physical with Mr. Tozier choking the student three separate times. Mr. Tozier signed a consent decree in a civil rights case brought on behalf of the student and the citizens of Maine by Maine's Attorney General.
4. *United States v. Lombardi*: This case involved a non-student who detonated two pipe bombs on a traditionally African-American public university campus. After each bombing incident, racially motivated telephone calls of a violent nature were made to local television stations.
5. *State of Maine v. Masotta*: Three white students left a racist and threatening message on an African-American student's answering machine. The message said, "I wonder what you're gonna look like dead? Dead. I wonder if when you die you'll lose your color? Like the blood starts to leave your body and your gonna ... start deteriorating and blood starts to leave you skin ... You get the picture? You're *** dead." The three white students signed consent orders in a civil rights case brought on behalf of the African-American student and the citizens of Maine.
6. *United States v. Little*: Robert Allen Little was charged with detonating a pipe bomb in the dorm room of two African-American students. "KKK" was painted on the detonating device. The bomb extensively damaged the dorm room and destroyed the property of the two students. Mr. Little returned to the dorm after the pipe bombing and left a threatening note on the door of another African-American student. He was sentenced to 12 years in prison, fined \$12,000, and ordered to pay restitution.

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The Bureau of Justice Assistance in their *Hate Crime Series* has compiled a list of five problems that face higher education institutions concerning hate crimes. Problem 1 is that campus police must have adequate training in order to recognize and handle a hate crime. Campus police who have not received adequate training may not recognize the presence of a hate crime and investigate the crime improperly as a result.

Problem 2 involves the reporting of hate crimes. In order for proper investigations to occur and positive programs be implemented to prevent hate crimes, victims, students, faculty, and administration must report the possibility of a crime being a hate crime. This could create short-term negative public reaction but would help instigate a long-term safer environment for the campus as a whole.

Problem 3 is that police do not report hate crimes to the campus administration. In many cases, this is simply the lack of protocol for reporting such events to the administration. It is of vital importance that the campus police report all possible hate crimes to the administration to prepare for possible media inquiries and most importantly for the implementation of new programs that recognize and assist in the prevention of hate crimes on campus.

Problem 4 is similar to Problem 3 in that it involves the lack of a communication protocol. Students, staff, and faculty do not report hate crime incidents up the administrative ladder. A protocol must be established in order for remedies to be made. This creates an environment that is helpful to all involved from the victim, campus law enforcement, and administration.

Problem 5 is that administrators do not disseminate information concerning hate crimes to the campus community. It is important that vital and correct information be given to the campus community. This prevents misinformation from being spread as well as establishes the environment that such actions will not be tolerated on or off the campus grounds.

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The literature concerning hate crimes on the college campus clearly shows the presence of a problem. The admission of the problem is the first step in attempting to find a solution. As explained earlier, many administrators, faculty, and students are hesitant to categorize a criminal event as a hate crime for varied reasons. This stigma must be removed, creating openness in the discussion of hate crimes on the college campus. Once the problem is out, a predetermined protocol with defined lines of communication must be established, involving the entire campus community.

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