LAW ENFORCEMENT OFFICERS' ENDORSEMENT OF THE BIAS
CATEGORIZATION OF CRIME SCENARIOS: A PROSPECTIVE STUDY OF
DIFFERENCES BETWEEN DISABILITY AND OTHER PROTECTED CATEGORIES

By

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A DISSERTATION PRESENTED TO THE GRADUATE SCHOOL
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"History will have to record that the greatest tragedy of this period…was not the vitriolic words and violent actions of the bad people but the appalling silence and indifference of the good people" Dr. Martin Luther King, Jr. This dissertation is dedicated to all people with disabilities who have been the victim of a crime--may the words contained on these pages serve as a voice.

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People with disabilities were included in the Hate Crime Statistics Act in 1996.

Data available for the 7 years since inclusion in the act document 199 cases of bias

crimes committed against an individual because of his or her disability status. Odds ratio

analyses reveals that a person with a disability is 150 times less likely to be the victim of

a bias crime than for race. The disproportionately lower incidence of bias crimes for

people with disabilities is surprising considering people with disabilities experience a

70% unemployment rate, live in poverty at a rate 2-3 times greater than the general

population, and are victims of crime at a rate as high as 10 times the general population.

This research study modified a Hate Crime Survey that consisted of crimes

scenarios from each of four protected categories to include crimes scenarios where the

victim was a person with a disability. The survey was administered to 184 law

enforcement officers along with the Attitudes Towards Disabled Persons (ATDP) scale,

the Contact with Disabled Persons (CDP) scale, and a brief demographic survey. The data were analyzed using a two-way, repeated measures ANOVA and a multiple regression analysis.

The results of the study show that an individual's membership in a protected category and law enforcement officer attitude towards people with disabilities contributes to a law enforcement officer's agreement with classifying a crime as a hate crime. Future research studies should seek to expand the scope of the study and replicate results in addition to exploring the effect of law enforcement officer training on the investigation of hate crimes committed against people with disabilities.

CHAPTER 1
INTRODUCTION

Persons with disabilities represent the largest single minority group in the United States. Approximately 54 million Americans, or 20% of the United States population, have a disability (National Council on Disability, 2000). It is anticipated that the proportion of persons with disabilities will increase as the population ages (National Council on Disability, 2000). US Census projected population data shows an increasing trend in the proportion of individuals of retirement age, age 65 and up. Specifically, it is anticipated that by the year 2030, approximately 20% of the United States population will be retirees, compared to 12.5% currently (U.S. Census Bureau, 2004). Considering that approximately 50% of persons over the age of 65 report various health impairments, the proportion of people with disabilities in the United States will increase exponentially. Some of the problems experienced by people with disabilities include the highest rate of unemployment (National Organization on Disability, 2003), abject poverty at a rate 2-3 times greater than the general population (National Organization on Disability), and crime victimization at a rate 2-10 times greater than the general population and for longer periods of time (Baladerian, 1991; Hiday, Swartz, Swanson, Borum, & Wagner, 1999; Nosek, Howland, Rintala, Young, & Chanpong., 1997; Sobsey & Doe, 1991; Sullivan & Knutson, 1998). As a result, the problems faced by people with disabilities will be augmented on a national level as the population ages.

Persons with disabilities (PWD) experience a 68% unemployment rate, as a group

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(National Organization on Disability, 2003). Only 32% of persons with disabilities are employed on a full-time or part-time basis compared to 81% of people without a disability (National Organization on Disability) and more people with disabilities are working in part-time employment without benefits (National Council on Disability, 2000).

In addition to the low rate of employment, people with disabilities are 2-3 times more likely to live in poverty (National Organization on Disability, 2003). Individuals with disabilities live with higher levels of poverty, 29% versus 10% in the general population (National Council on Disability, 2000) and persons with severe disabilities are three times more likely (33%) to live at or below the poverty line ($15,000 or less) than a person without a disability (10%) (National Organization on Disability). The 2004 Progress Report on National Disability Policy estimates that approximately 40% of the persons receiving Temporary Assistance for Needy Families (TANF), also known as "Welfare," during 2003-2004 had a disability (National Council on Disability, 2004). The same report projected the percentage to be much higher presently. Because persons with disabilities often reside in poverty, they are forced to live in low income neighborhoods (Burger & Youkeles, 2004). Low income neighborhoods are often associated with higher rates of crime (Burger & Youkeles).

It is suggested in the literature that people with disabilities are victims of crime at a rate that is higher than the general population; some conservative estimates suggest the rate is between 2-3 times higher while others suggest the rate is as much as 10 times higher (Baladerian, 2001; Hiday et al., 1999; Sobsey & Doe, 1991; Sullivan & Knutson, 1998). Moreover, people with disabilities experience victimization and abuse for longer

periods of time (Nosek et al., 1997). Although the rate of crime committed against people with disabilities is estimated to be considerably higher than the general population, a study conducted in Boston, Massachusetts estimated that approximately 5% of the perpetrators of crimes against persons with disabilities are prosecuted compared to a 70% prosecution rate for the general population (Mishra, 2001). He reported that some of the reasons provided for the alarmingly low prosecution rate of perpetrators of crimes against people with disabilities include: (1) police are concerned about how people with disabilities will "hold up" in court; (2) police believe that people with disabilities have poor memories and do not comprehend the importance of telling the truth; (3) prosecutors are concerned that juries will disregard the testimony of a person with a disability; and (4) victims with disabilities may embellish their accounts to the police. Mishra's contentions that people with disabilities are believed to have poor memories and do not comprehend the importance of telling the truth was supported by Bailey, Barr, and Bunting (2001). The belief that people with disabilities may embellish their accounts to the police was initially proposed by researchers at the Roeher Institute (1993).

People with disabilities were included as a protected category in the Hate Crime Statistics Act in 1997 (McMahon, West, Lewis, Armstrong, & Conway, 2004). Since that time, the number of hate crimes reported to the FBI where the victim was chosen because of his or her disability status has been remarkably low. A recent study (McMahon et al.) of hate crimes reported between 1997 and 2002 concluded that a person with a disability is 350 times less likely to be the victim of a hate crime than if the victim was African American (McMahon et al.).   It is possible that people with disabilities simply are not victims of hate or bias crime at a rate comparable to other protected categories. However,

if the reported rates are accurate indications, hate crimes represent less than one half of one percent of the crimes committed against people with disabilities (McMahon et al.). This statistic, although possible, is unlikely given the estimates of general crime committed against people with disabilities.

This chapter will include: (1) the context of bias crimes committed against people with disabilities; (2) a statement of the research problem and discussion of its significance; (3) a brief overview of the literature; (4) how the proposed research will address at least one of the theories proposed by McMahon et al.(2004); and (5) research questions to be answered.

Statement of the Problem

It's possible that people with disabilities are victims of bias crimes at a substantially lower rate than other protected groups. Although possible, the examples of discrimination discussed previously contribute to disability theorists suggesting that this is an unlikely explanation (McMahon et al., 2004). Merton's four factors that influence crime reporting can be used to conceptualize the points at which alternative explanations can be considered (Bureau of Justice Statistics, 2000).

Robert Merton, a criminologist, used the term "successive layers of error" to describe the problems associated with documenting and collecting records of crime from law enforcement (Bureau of Justice Statistics, 2000). McDevitt categorized Merton's components of error into four categories: 1) factors which discourage victims from reporting, 2) factors which affect police decision making, 3) political influences which affect agency crime reporting, and 4) legislative differences in determining the type of offense (Bureau of Justice Statistics).

Barriers to hate crime reporting can be further compartmentalized into two categories: 1) individual inhibitors, and 2) police disincentives (Bureau of Justice Statistics, 2000). Individual inhibitors consist of factors that affect a "person's willingness and likelihood of contacting law enforcement" (Bureau of Justice Statistics, p.34). Police disincentives consist of departmental or personal factors, "which interfere with accurate law enforcement identification or recording of a bias crime" (Bureau of Justice Statistics, p. 34). Individual inhibitors and police disincentives are of particular concern when exploring possible explanations for why crimes committed against persons with disabilities go unreported. These two categories of factors that affect victim reporting and police decision making will be examined more closely.

Factors that affect whether a victim reports a crime or individual inhibitors, include: 1) the victim's awareness that a crime has been committed (Block, 1974); 2) the victim's belief that the crime is serious enough to warrant law enforcement attention (Gove, Hughes, & Geerken, 1985); 3) The victim's belief that law enforcement can do something about the crime, including the victim's confidence in law enforcement (Bureau of Justice Statistics, 2000; Gove et al., 1985); and 4) the victim's relationship to the perpetrator (Bureau of Justice Statistics).

It has been suggested that the ability of people with disabilities to comprehend the criminal act (McMahon et al., 2004), community resources (McMahon et al.), and mistrust that the criminal justice system will investigate, arrest and prosecute perpetrators (Mishra, 2001) function as individual inhibitors to reporting a crime. Additionally, reporting might be affected by the fact that perpetrators of crimes against persons with disabilities are often family members, neighbors, and persons with whom the individual

is acquainted because of their disability (Baladerian, 2001; Sobsey & Doe, 1991).

Clearly, underreporting by a victim with a disability is a valid concern not just from the

perspective of disability rights activists but criminologists, as well.

The second category consists of police disincentives or those factors that affect

police decision making. These factors consist of: 1) whether the officer has sufficient

evidence to indicate a crime has been committed; 2) whether the victim wishes to

formally have the perpetrator charged; 3) the seriousness of the crime; and 4) the level of

professionalism of the department (Gove et al., 1985).

Significance of the Study

Research regarding possible explanations for underreporting of bias crimes

committed against people with disabilities is of particular significance to rehabilitation

researchers and educators because the reasons for including people with disabilities in the

act were based on a set of assumptions rather than hard data (McMahon et al., 2004).

Consequently, it is possible that legislators might conclude that the low number of crimes

reported since inclusion is evidence that the problem is not as large as was originally

anticipated. Given this possibility, it is important to determine whether there might be

competing explanations. Specifically, it is important to determine whether law

enforcement decision-making is affecting reported rates of bias crimes against persons

with disabilities and to determine what factors influence law enforcement judgment. At a

societal level, an enhanced understanding of criminal investigation provides insight into

the larger issue of accessibility to law enforcement by people with disabilities who are

victim of any crime. In addition, access to the criminal justice system is a fundamental

right necessary to guarantee the rights afforded to all citizens under the constitution

(Schneider, 2005).

Disability was included as a protected category over other groups such as gender, children, police officers, union members, and the elderly who also lobbied for inclusion under the act and whose request was denied. Disability was included in the act for four reasons, the first and most persuasive was the enactment of the Americans with Disabilities Act (ADA), which included disability as a standard in civil rights and discrimination law within the federal government (McMahon et al., 2004). The other reasons disability was included consist of: (1) the fact that there are approximately 54 million American citizens with a disability; (2) citizens with disabilities have a degree of collective identity in American society (National Council on Disability, 2000; Shapiro, 1994); and (3) the historical evidence of discrimination.

The historical documentation of discrimination against persons with disabilities is put succinctly by Smart (2001) who concluded that "No other racial, cultural, ethnic, linguistic, religious, political, national, sexual orientation, or gender group has experienced this pervasive degree of generalized prejudice and discrimination" (Smart, p.72), which included killing babies with disabilities, forced sterilization of persons with disabilities, institutionalization, mass murder, sexual abuse in families, assisted suicides, physical abuse in institutions, aversive conditioning, electro-convulsive therapy, psychosurgery, experimentation, excessive medication (Goffman, 1963; Lifton, 1986;;Smart). Because the primary purpose of the Hate Crime Statistics Act is to collect data to determine the extent of the problem (Bureau of Justice Statistics, 2000), it is possible that disability will be removed as a protected class due to the low numbers reported. Moreover, although speculation exists as to the reason for the low numbers (Berkeleyan, 2002; McMahon et al., 2004; Sherry, 2003; Sorensen, 2001), no research

has been conducted to date to substantiate the theories posited by disability advocates to explain the possible reasons for the low numbers.

Overview of the Literature

Attitudes have been discussed in the literature as affecting law enforcement's reporting of bias crimes (Levin, 1992; Nolan & Akiyama , 1999). In one study that reviewed 452 criminal investigations, it was discovered that investigators missed evidence of a bias crime in approximately 96% of the cases (Levin). Another study consisting of a series of focus groups with police officers reported that individual attitudes and beliefs about bias crimes was the second most influential factor in determining whether a bias crime was reported by law enforcement (Nolan & Akiyama).

It has been suggested that attitudes are the most important construct to the field of social psychology (Petty, Wegener, & Fabrigar, 1997). Attitudes, the "categorization of an object along an evaluative dimension" (Fazio, Chen, McDonel, & Sherman, 1982, p. 341), are believed to influence behavior automatically (Ajzen, 2001; Fazio & Williams, 1986; Fazio et al., 1982; Fazio & Zanna, 1981) or through a complex deliberative process that requires the opportunity and determination to evaluate information (Fazio & Towles-Schwen, 1999; Kruglanski & Freund, 1983; Sanbonmatsu & Fazio, 1990). The generalstudy of attitudes has been used by disability researchers to explain the pervasive discrimination against people with disabilities.

Research on the study of attitudes it relates to disabilities has been robust with particular emphasis on those factors that are associated with negative attitudes, and how those attitudes impact the ability of people with disabilities to participate in society (employment, independent living, and others.) Research on attitudes towards people with disabilities suggests they tend to vary as a function of 1) gender (Chesler, 1965; Siller,

1963; Yuker, Block, & Campbell, 1960) with females reporting more positive attitudes than males; 2) age (Ryan, 1981; Siller, 1963; Yuker, Block, & Younng, 1966) with younger and middle aged individuals reporting more positive attitudes than post-adolescent and seniors; 3) education (Gosse & Sheppard, 1979; Yuker et al., 1966) with more positive attitudes being associated with higher education levels; and 4) occupation (Chubon, 1982; English & Oberle, 1971; Pederson & Carlson, 1981; Wills, 1978) with surprisingly more negative attitudes among individuals in the helping professions and unequal status relationships.

Contact theory (Allport, 1954/1979) was originally proposed to understand what factors prevent the formation of negative attitudes and, moreover, the mechanism whereby negative attitudes can be changed. Research designed to understand the conditions whereby contact functions to change attitudes also resulted in the development of theories to explain the formation of negative attitudes. Specifically, it was theorized that the absence of the conditions necessary for positive attitude change would result in the formation of negative attitudes. For example, a series of research studies discovered that individuals in the helping professions (Wills, 1978), including rehabilitation personnel (Chubon; 1982; Pederson & Carlson, 1981), have more negative attitudes towards people with disabilities. It has been suggested that any relationship where one individual is in an inferior status or dependent relationship can function to increase negative attitudes (Amir, 1969), which can be said of the nature of the relationship between rehabilitation professionals and people with disabilities (Wills). Extending this theory to law enforcement, the nature of the relationship between a member of law

enforcement and crime victim is one where the law enforcement officer is in a position of authority and the crime victim in an inferior or dependent role. Therefore, it is logical to hypothesize that police officers, like other helping professionals, can form negative attitudes towards people with disabilities; and, these attitudes can influence their behavior.

Research Questions

As mentioned previously, one possible explanation for the relatively low numbers of hate crimes reported is the possibility that law enforcement officer's (LEO) may have learned to regard people with disabilities as vulnerable (McMahon et al., 2004; Sorensen, 2001). Therefore, when presented with evidence of a crime committed against a person with a disability, the individual focuses more on the victimization of the individual and less on the bias aspect of the crime. If this is the case, when presented with an actual bias crime scene scenario with key elements of bias motivation, the individual's level of agreement about whether a crime should be classified as a hate crime will be lower when the victim is a person with a disability that when the victim is an individual in another protected category.Gender may also influence the level of agreement with classifying a crime as a bias crime. Miller (2001) found a significant difference in the mean agreement score on the Hate Crime Survey between male and female criminology students. The literature on attitude and disability also documents a difference in attitude across gender (Ryan, 1981; Siller, 1963; Yuker & Block, 1986; Yuker, et. al., 1966)

1. **Research Question One:** Does law enforcement officers' level of agreement with hate crime classification vary across protected category?

2. **Research Question Two:** Does law enforcement officers' mean level of agreement with hate crime classification vary by gender?

3. **Research Question Three:** Is there an interaction between protected category and gender on law enforcement officers' mean level of agreement with hate crime enhancement?

4. **Research Question Four:** Does age, attitudes towards persons with disabilities, and contact with persons with disabilities provide predictive ability for law enforcement officers' agreement with hate crime enhancement for persons with disabilities?

CHAPTER 2
LITERATURE REVIEW

This chapter is a review of the literature concerning bias crimes committed against people with disabilities. The major theoretical areas that underlie this investigation include discussions on basic human rights, crime, attitudes, contact theory, and bias motivated crime. The conversation on human rights provides the foundation for the discussion on crime, bias crime and the severity of bias crime relative to other forms of crime. The discussion of attitude includes a general overview of attitudes, the relationships between attitudes and behavior, particularly judgment, and contact theory as it relates to the formation and change of attitudes. Once the theoretical framework is established, a discussion on bias crime will include a definition of bias motivated crime, why bias crimes are considered more serious than other forms of crime, profile(s) of hate crime perpetrators, theories about why people commit bias crimes, and bias crime reporting. Special focus will be placed on bias crimes committed against people with disabilities.

Theoretical Background

Human Rights

Modern study of human rights are believed to have originated from the writings of theorists like John Locke, St. Thomas Aquinas, and others, who believed that basic human rights originated from natural law (Higgins, 1954; Pegis, 1948). As a result, basic human rights consisted of freedom and equality. Higgins believed that natural law, which

guides humankind's behavior, also defines our existence as social beings, which is inevitable.

However, man is incapable of always respecting the basic human rights of others, which is why society requires laws and the authority to enforce laws, which is regarded as part of a society's core value system. The core value system of the United States of America is embedded in its constitution and guarantees that each citizen is free and equal. Because freedom and equality represents an important aspect of American society, any crime that violates these values strikes at the core of its value system. Society also places a great emphasis on protecting the basic human rights of citizens who are incapable of protecting their rights individually. As discussed previously, bias crimes, in particular, are more serious because of the intent of the offender. But, when a bias crime is committed against a protected class of citizens, it warrants particularly close attention.

Natural law

The historical underpinnings of basic human rights has been credited, in part, to John Locke. Locke challenged what was referred to as the *divine right of kings* during his lifetime, which stated that kings were chosen by God (Locke, 1690/1968; Miller, 1996). Commoners were believed to be born into servitude and, as such, had no rights or freedoms other than those granted by kings (Miller). Locke argued that natural law "legislates freedom, equality, and therefore inherent rights for all." (Miller, p. 510). According to St. Thomas Aquinas, natural law originates from the belief that human beings are, by nature, rational beings, and this rationality is derived from God (Aquinas, 1264/1905; Higgins, 1954; Pegis, 1948). Further, human beings should behave in a way that is consistent with their rational nature (Pegis). Artistotle had a different view of the origin of natural law than Aquinas (Aristotle, 350 B.C./ 1962). He believed natural law

"is derived from the natural order of the world and (the) built-in tendencies of human nature" (Miller, 1996, p.499). The difference in Aquinas' view of natural law can be attributed to the influence of his Christian beliefs (Miller).

According to Higgins (1954), natural law commands that individuals treat other human beings with the same regard they have for themselves. Higgins asserted that humans are not required to love each other to the same degree they love themselves. However, he believed that natural law requires human kind to love each other with the same quality of benevolence (Higgins). This premise is embodied in the proverb, *Do unto others as you would have them do unto you.* Higgins maintains that this is a basic principle of human conduct that cannot be compromised for the good of society.

Humans as social beings

Humankind is considered by many theorists to be social beings (Higgins, 1954; Miller, 1996). The foundation of this belief lies in the understanding that humankind is not fully self-sufficient, and requires interaction with other humans in a social setting (Higgins). However, if humankind is to co-exist in a social setting, then individual needs must not abound. In order to curtail the pursuit of individual rights lest they infringe upon the rights of others, a social contract is required. A social contract is an agreement between its members where, like any contract, each individual preserves certain rights at the cost of others (Miller). "Thus I see it is to my advantage to submit myself to government, to obey laws, etc., if thereby I can secure my fundamental rights and freedoms…" (Miller, p. 511). Locke believed that the social contract logically followed the state of nature (Locke, 1690/1968; Miller). The main purpose then of a social contract is the secure freedom and equality for all.

In contrast to the view that humankind is basically rational, the Calvinist view believes that man is naturally selfish, weak, and corrupt. (Clark, 1970; The Heidelberg Catechism, 1563/1988; Higgins, 1954). For these reasons, humankind is unwilling to set aside personal interests for the good of society (Higgins). Therefore, when an individual violates the rights of another person, it is believed that permissiveness on the part of society has brought out his basic selfish instincts (Clark). According to the Calvinist view, humankind will respond to coercion (Higgins) as well as God's grace, which is viewed as irresistible. However, it is the responsibility of society to respond to violations with discipline to control humankind's basic selfish instincts (Clark).

Although the Calvinist view has a different premise from that of Locke, the outcome was generally the same. Locke maintained that individuals cannot live in a state of freedom and equality for three important reasons: (1) individuals don't pay enough attention to the rational natural law; (2) the selfish concerns of individuals would result in a biased application of the principles of natural law; and (3) individuals require authority so natural law can be meaningfully enforced (Locke, 1690/1968; Miller, 1996).

Locke maintained that members of a society give *tacit consent* to its social contract. Tacit consent is consent that is assumed by an individual's participation in a society (Locke, 1690/1968; Miller, 1996). When humankind participates in society, they agree to adhere to its laws and rules as well as give the state the authority and power to enforce its laws and rules (Higgins, 1954).

Authority to secure human rights.According to Higgins (1954) society must have the power to compel individual members to cooperate on a permanent basis. The power granted to society to compel others to obey and enforce laws is authority (Higgins). The

need for authority is considered to be self-evident and an essential component of any

society (Higgins). Higgins asserted that in order for a society to work, its members must

be aware of the commonly agreed upon good sought individually and collectively and

how the laws are designed to safeguard these pursuits (Higgins). The laws of a particular

society therefore can be thought of as representing not only the rights of its citizens but

the authority of the state to enforce the laws and punish those citizens who violate the

rights of individual members of that society (Higgins).

Social justice

 John Locke has been referred to as "the spiritual father of the constitution" (Miller, 1996,

p. 516) because Thomas Jefferson stated that his intent was to embody the social and

political principles of Locke in the Declaration of Independence (Miller). The philosophy

of individualism can be found in the first ten amendments to the constitution of the

United States (Miller) and it is clear that the values held by United States citizens at the

time the Declaration was written were deeply influenced by Locke's ideas (Miller).

Freedom for all individuals is a value that is guaranteed to all United States citizens in its

creed and is protected under the constitution as an inalienable right (Hutchins, 1952).

When the United States declared that all people are created equal as part of its foundation

for declaring independence, it became part of the country's core value system (Hutchins).

The liberties afforded American citizens under its constitution were considered necessary

for humankind to develop the qualities within each other regarded as good. As such, the

fundamental premise underlying the liberties afforded Americans is the previously

discussed belief that man is essentially good and if given the chance will develop into a

kind and gentle human being (Clark, 1970). These liberties also represent the American

citizen's emphasis on the individual's quest for actualization and individual liberty and freedom as necessary for individuals to pursue self-actualization (Higgins, 1954).

The individual rights of a society are formalized and codified into what Artistotle referred to as *conventional law* (Aquinas, 350 B.C./1962) and Aquinas referred to as *human law* (Aquinas, 1264/1905); which are laws, created by citizens, to protect person and property, also referred to as basic human rights derived from natural law (Higgins, 1954). These *human* or *conventional* laws are codified natural laws and first foundational laws (Higgins; Miller, 1996).

The same declaration that guarantees equal rights also recognizes that governments are instituted among men to secure these rights (Hutchins, 1952).   Therefore, the United States Constitution guarantees defense of its citizens against discrimination, abuse of power, and harm to person or property (Hutchins). Citizens have the right to ask their government to enforce their constitutional rights (Hutchins). As a result, government is charged with upholding the rights of its citizens, which is the enforcement of *human or conventional* laws (Miller, 1996). The enforcement of laws is how society guarantees that the core value system is upheld and protected for all citizens. The process of ensuring equal rights through enforcement is a major component of social justice (Higgins, 1954).

Equality and bias

The discussion on equality in the previous section is significant because it represents the core value system of the United States. However, there are other means of identifying the core value system of a society. According to Lawrence (1999), the range of bias that is tolerated and accepted by a nation or other politically organized society is a statement of what that society values and, more important, its sense of equality (Lawrence). Because equality and bias are considered to be at opposite ends of the spectrum a society that

values equality cannot tolerate bias. In other words, society cannot theoretically value

equality and tolerate bias at the same time. Consequently, any time bias functions to

violate basic human rights, the act is considered a serious offense.

Crime

Gottfredson and Hirschi (1990) presented *a general theory of crime* in which they

asserted that discipline dependent definitions of crime reflect the interest of the

discipline. For example, economists view crime as being economically determined,

sociologists view crime as being socially determined, and psychologists view crime as

determined by psychopathology, etc. As a result, Gottfredson and Hirschi offered the

following general definition of crime: "behaviors that are attempts to satisfy immediate

needs rather than delaying gratification." Gottfredson and Hirschi's theory of crime has

been criticized in the literature because their theory of why people commit crime is based

solely on self-control (Baron, 2003). The intent here is to adopt the definition and not

discuss the merits of the theory by weighing the pros and cons of self-control as an

etiology of criminal behavior. Because, placed within the context of the previous

discussion on social justice, Gottfredson and Hirschi's definition of crime is consistent

with the idea that in general terms crime is a discourse to social justice. At the level of the

individual, crime is behavior that meets an individual need at the risk of violating the

social contract.Punishment

When an individual commits a crime against person or property, the act is said to

reflect not only on the character of the individual but also on that of society (Clark,

1970). Consequently, how a society responds to the criminal behavior is also a reflection

on society (Clark). Therefore, when an individual violates the rights of another person, it

is believed that permissiveness has brought out his basic selfish instincts (Clark).

Consequently, the individual is not acting according to the commonly agreed upon good (Higgins, 1954) and society must respond with discipline to control the individual's basic selfish instincts (Clark).

Two schools of punishment theory exist, the retributionist theory and the consequentialist theory (Lawrence, 1999). The consequentialist theory is a utilitarian theory that believes punishment is justified to the extent that it improves society, for example reducing crime. The retribution theory is a deontological approach to punishment and supports giving the criminal his "just desserts." Further, the retributionist believes that the offender deserves to be punished because he has violated the norms of society (Lawrence). Theorists such as Hegel supported punishment by asserting that the offender has the *right* to be punished because society respects the individual as an autonomous being and punishes him for his *choice* to break the law (Hegel, 1807/1967). Kant believed in the idea that an offender has an obligation to society (Kant, 1797/1999). He believed there was a substantial benefit to citizens for obeying the laws of society (Kant; Miller, 1996). When a citizen breaks the law, he incurs a debt to society, which is repaid through punishment. It is clear that widespread support exists for punishment across theoretical backgrounds. However, it is also accepted that for punishment to be morally justifiable, the severity of the punishment must fit the severity of the crime (Lawrence).

The notion that the severity of punishment must fit the crime is easier than the adage "an eye for an eye." The measure used by criminal justice theorists is to place punishment along the continuum of all punishment, if it falls at the same point on the continuum occupied by the crime along the continuum of all crimes, then it is believed to

be just (Lawrence, 1999). In simpler terms, it is the "relative amount of punishment corresponding to the relative amount of crime." (Lawrence, p. 48).

Theorists look to culpability and harm caused to society to evaluate the severity of the crime. Culpability refers to the state of mind or *mens rea,* of the offender, the more purposeful the conduct, the more severe the penalty (Lawrence, 1999). Conversely, reckless conduct is considered less severe than conduct that is purposeful in nature. Although culpability is a generally accepted principle in evaluating severity, criminal law doctrine provides little direction about the issue of harm. As a result, evaluating harm relies more heavily on theory (Lawrence).

Lawrence (1999) asserts that there are three theories that focus on how to measure the harm committed by a particular crime, they is the ex-ante analysis, the ex-post facto measuring of harm, and the living standard analysis. The ex-ante analysis is a means of assessing the relative risk preference of a rational person. Applied, the analysis concludes that the least harmful crime is the one that a rational person would risk facing. The ex-post facto method ranks what the victim lost in the commission of the crime. The living standards analysis (LSA) was designed to establish vocabulary for the discussion of harm and form a set of principles or standards. The two key variables in establishing harm based on the LSA are (1) the severity of the crimes invasion on personal interest, and (2) the various kinds of interests that may be violated, such as personal safety, protection of material possessions, etc. The discussion on crime severity will continue with the application of theory to evaluate the severity of bias crime.

Crime and protected classes

Human kind generally agrees that "the rights of individuals persist even if their rights are overridden by physical force" (Higgins, 1954, p. 492). In other words, rights exist for

individuals whether they have the physical ability to protect them or not. Examples of

citizens who are viewed as being particularly vulnerable and less able to protect their

rights are children, the elderly and people with disabilities (Behnke, Winick, & Perez,

2000). Because these groups of people are less able to protect themselves than other

groups in society, society places a high value on ensuring their health and well-being

(Behnke et al.). An example of this in practice is mandatory reporting laws. Most states

have mandatory reporting laws for healthcare professionals that require the reporting of

known or suspected abuse of individuals in these protected classes (Behnke et al.).

Society takes the interests of citizens in these protected classes so seriously that

mandatory reporting laws outweigh an individual's right to privacy and privileged

communication with healthcare professionals (Behnke et al.). Additionally, crimes

committed against individuals in protected classes are considered more severe in nature

(Higgins).

Crime and people with disabilities

A review of the literature suggests that the prevalence for violence among children and

adults with disabilities is higher than the general population in terms of the rate,

frequency, duration. Further, the offender profile is different when the victim has a

disability than for similar crimes where the victim does not have a disability. Moreover,

differences exist across age, type of abuse, and disability category.

Rate of crime. Researchers estimate that the incidence of violent crime in general

against adults and children with disabilities is two and a half times that in the general

population (Baladerian, 2001; Hiday, Swartz, Swanson, Borum, & Wagner, 1999; Sobsey

& Doe, 1991; Sullivan & Knutson, 1998). Regarding incidences of sexual abuse in

particular, the estimated prevalence is five to ten times that in the general population

(Sobsey & Doe). In an Australian study of individuals with intellectual disabilities,

Wilson and Brewer (1992) concluded that rate of sexual assault was 10.7 times higher,

robbery was 12.8 times higher, and overall violent crime was 4.2 times higher than the

general population.

Frequency. There is a fair amount of consistency in the research concerning the

frequency and duration of incidences of abuse sustained by persons with disabilities. In

the Sobsey & Doe (1991) study on sexual abuse, they reported that of the participants

reporting sexual abuse, approximately 20% reported a single incident, 20% reported

between five and ten incidences, and 49.6% reported greater than ten incidences (Sobsey

& Doe). In addition, 9.7% of the participants reported the abuse as "repeated" (Sobsey &

Doe). In a study conducted by Sullivan & Knutson (1998), persons with disabilities

experienced an increased duration of abuse and neglect.

Duration. Research on abuse and neglect of women with disabilities identified similar

findings. In a study of 946 women with disabilities who participated in the National

Study of Women with Physical Disabilities, 62% of the women reported they had

experienced some form of sexual, emotional, or physical abuse (Nosek et al., 1997). The

percentage of women experiencing abuse was the same for a group of non-disabled

controls. However, women with disabilities reported experiencing the abuse for longer

periods of time (3.9 years) compared to women without a disability (2.5 years) (Young,

Nosek, Howland, Chanpong, & Rintala, 1997). In addition, women with disabilities

experienced forms of abuse that were disability related such as withholding: (1)

medication, (2) transportation, (3) assistance with activities of daily living, and (4)

equipment for ambulation (Nosek et al.).

Perpetrator characteristics. Research suggests that the perpetrators of crimes against persons with disabilities are often family members, neighbors, and acquaintances the person has because of their disability. The Federal Bureau of Investigation in their hate crime data reporting guidelines state that reporting decreases when the victim knows the perpetrator (Federal Bureau of Investigation, 1999b). Often, the victim fears retribution from the perpetrator in the form of further abuse, neglect or an interruption of services (Sobsey & Doe, 1991). In addition, victims may be reluctant to report crimes because they believe the report lacks value and will not be taken seriously at any level of the criminal justice system (Luckasson, 1992), a perception that appears to have some validity (Mishra, 2001).

Sobsey and Doe (1991) found that in 56% of the reported cases of abuse the perpetrator had a relationship to the person with a disability, which is consistent with data from non-disabled victims. However, in the other 44% of the cases, the reported abusers had a relationship with the victim that was specific to the disability. In 27.7% of the cases, the perpetrator was a personal care attendant, residential care staff, hospital staff, psychiatrist, and so on (Sobsey & Doe). Other perpetrator categories included transportation providers, therapeutic foster parents, and other persons with disabilities (Sobsey & Doe). Although the percentage of cases where the perpetrator is a family member or friend is consistent with the national average, the results of this study suggests the percentage of crime against persons with disabilites where the perpetrator in known to the victim could be as high as 100%. This is not difficult to conceive when 2/3 of the respondents to the Harris survey reported that their disability results in social isolation (National Council on Disability, 2000). This places persons with disabilities almost

exclusively in contact with persons known to them such as family, friends, and caregivers.

In the Sullivan and Knutson (1998) review of abuse of children with disabilities, 98% of the perpetrators were family members. In the Sobsey & Doe (1991) study, although 95.6% of the victims knew of the perpetrator, 65.9% of the cases went unreported to law enforcement by the victim (Sobsey & Doe). Other reasons for charges not being filed included refusal by the police in 19% of the cases, refusal by the prosecutors in 5.5% of the cases, and court dismissal in 2.2% of the cases (Sobsey & Doe). Of the cases that were reported, 22% were charged and of the alleged perpetrators charged, only 36% were convicted of the offense.

Disability category. Research has also found higher incidences of abuse in specific disability categories. For example, Sullivan and Knutson (1998) found that 62.1% of the children in the communicative disorder category of their study were abused by someone in the family compared to 39.4% in the non-disabled group. The communication category in the Sullivan and Knutson study included children who were deaf. This finding is consistent with that of Sullivan, Vernon, and Scanlan (1987, as cited in Sobsey & Doe, 1991) who reported a review of research suggesting that 54% of deaf boys and 50% of deaf girls have been sexually abused as children. Muccigrosso (1991) in a review of literature suggested that 90-99% of individuals with developmental disabilities have been sexually abused by the time they turn 18.

Much of the research conducted on abuse against persons with disabilities in the United States has been on the prevalence of abuse in children with developmental disabilities (Nosek, 1996). This may explain the passage of the Crime Victims with

Disabilities Awareness Act in 1998. The Act reported that research had been conducted

suggesting the incidence of abuse among individuals with developmental disabilities is

four to ten times higher than the general population. However, it was noted that the

studies were conducted in other countries (Canada, Australia, and England) and Congress

was not aware of the extent of the problem in the United States. Although Congress

mandated that data collection begin within two years of the passage of the act, the first

data collection for individuals with developmental disabilities in the National Crime

Victims Survey began in January, 2004 (Crime Victims with Disabilities Awareness Act

of 1998, P.L. 105-301). However, the act is specific to developmental disabilities.

Presently, data is being collected in the United States on hate crimes committed against

all disability categories and any crime committed against individuals with developmental

disabilities.

Attitudes

Gordon Allport stated that attitudes are "the single most indispensable construct in social

psychology" (Allport, 1935 p. 798). The volume of research since that time on attitude

structure and function, attitude-behavior relationships, and attitude change supports

Allport's claim.

Attitude theorists have considered the role and function of attitudes for some time.

It is generally accepted that one of the major functions of attitudes is to organize or

structure an otherwise chaotic universe (Katz, 1960; Smith, Bruner, & White, 1956).

From an evolutionary perspective, attitudes represent a process whereby humankind can

"size-up" events or objects in the environment, what is referred to as an object-evaluation

association (Fazio, Sanbonmatsu, Powell, & Kardes, 1986; Smith et al.). From an

evolutionary perspective, humankind used the object-evaluation association as a means to

forego reflective thought about an object and guide behavior quickly as a means of survival. This section will address some working definitions of attitudes, the process whereby attitudes are formed, and the complex association between attitudes and behavior.

Definition of attitude

The most basic definition of attitude is a general evaluation or summary evaluation of an object (Petty et al., 1997). Two early definitions were provided by Thurstone (1931) and Allport (1935). Thurstone's early and well known (Petty et al., 1997) definition of attitude was "affect for or against a psychological object" (Thurstone, 1931, p. 261). The term affect was used by researchers at that time in the same way attitude is now used (Ajzen, 2001). Today, affect is used to describe general moods and specific emotions (Ajzen). In 1935, Allport offered an expanded definition as "a mental or neural state of readiness, organized through experience, exerting a directive or dynamic influence upon the individual's response to all objects and situations with which it is related" (Allport, p. 810). Ajzen & Fishbein (1980) reported that there were in excess of 500 definitions of attitude. In an attempt to bring focus to the breadth of attitude definitions, Fazio et al. (1982) suggested that all definitions of attitude include "the notion that an attitude involves categorization of an object along an evaluative dimension." (Fazio et al., p.341).

Attitude and behavior

Fazio et al. (1982) suggested that earlier research was focused on *whether* there was a relationship between attitudes and behavior (Corey, 1937; LaPiere, 1934; Wicker, 1969). Moreover, little evidence existed of congruence between attitude and behavior. Conversely, evidence suggested the two may be incongruent (Wicker). Even though evidence suggested an attitude-behavior relationship didn't exist, attitude research

continued as if there was a relationship (Ajzen, 2001). Since the research of LaPiere, Corey (1937), and Wicker that focused on *whether* a relationship existed, research has focused on *when* attitudes might predict behavior or what are the moderators in the attitude-behavior relationship (Fazio & Towles-Schwen, 1999) and it was suggested by Fazio et al. that future research in this are should focus on *how* attitudes guide behavior. The MODE model of the attitude-behavior process is an example of the focus of how attitudes guide behavior and is explained in greater depth in the next section.

Attitude-behavior processes. Two classes or attitude behavior processes exist that provide a conceptual framework for understanding the mechanism of how attitude influences behavior, a spontaneous process and a deliberative attitude to behavior process (Fazio & Towles-Schwen, 1999). The difference between the two processes can be conceptualized as the difference between a process whereby1) there is an immediate influence of attitude on behavior as with the spontaneous process or 2) a process whereby a conscious evaluation occurs considering the alternatives of behavior as with the deliberative attitude to behavior process (Fazio & Towles-Schwen).

Spontaneous process. Support for the theory of the automatic activation of attitudes is present in the literature. The theory, originally proposed in the 1980s by Fazio and his colleagues, is focused on the automatic activation of attitude from memories. Put simply, the model asserts that an individual's behavior is influenced by an individual's perception of an attitude object and the context or situation in which the object is encountered (Fazio & Williams, 1986). According to the model, attitudes are also thought to influence perception of the object such that a selective processing occurs (Fazio & Williams). The processing of the attitude object is selective to the extent that it's

consistent with the individual' attitude (Fazio & Williams). The key component to the model is the accessibility of the attitude from memory. When activated from memory, the attitude is believed to affect both perception and behavior (Fazio & Williams).

Research on the spontaneous process has focused on the accessibility of attitude from memory, the strength of association, speed of access, and the factors that influence each of these. Fazio and Zanna (1981) suggest that the manner in which attitudes are formed plays a large role in the extent to which attitudes influence behavior. If an attitude is formed through direct contact with the attitude object, that attitude will have a stronger influence on behavior than if the attitude was formed without a behavioral experience (Devine, 1989). It is noteworthy that criticism emerged on the selective processing effects of attitudes because research has failed to provide clear support for the theory with results being inconsistent or weak (Ajzen, 2001).Fazio et al. (1982) maintained that an attitude must first be accessed from memory for it to have any influence over behavior. Further, the accessibility of an attitude from memory is directly related to the strength of association. This led to an exploration of the factors that contributed to the strength of association. Measures of attitude strength used in research studies consist of resistance to counter-persuasion, the clarity and definition of the attitude, and reported confidence in the attitude (Schuman & Johnson, 1979). Fazio and Zanna (1981) reported evidence that of the three strength-indicators mentioned, an individual's reported confidence in an attitude and the clarity and definition of the attitude have a positive correlation with the number of direct behavioral experiences with the attitude object. Fazio et al. reported that repeated attitudinal expression also functions to strengthen the association between the attitude and object as evidenced by increased accessibility and behavior consistent with

the attitude. The results of this study are particularly relevant because as mentioned in Fazio et al. the presentation of an attitude can elicit the same attitude the survey is designed to assess. Fazio et al. also demonstrated that direct experience with the attitude object is more likely than indirect experience to be accessed when later observing the attitude object and more likely to influence behavior.

Roskos-Ewoldsen and Fazio (1992) discovered that the strongest attitudes from memory are more likely to attract the attention of the observer. In the Roskos-Ewoldsen and Fazio study, when subjects were presented with a visual display of objects, the objects were more likely to be noticed if there was an associated evaluation from memory. Roskos-Ewoldsen and Fazio concluded that attitudes serve as an orienting function. Moreover, attitudes can influence the processing of visual information. Conversely, the visual stimulus can activate the attitude from memory (Roskos-Ewoldsen & Fazio).

Deliberative process. The deliberative process model focuses on the individual's focus on the attributes or raw data instead of a preexisting attitude (Fazio & Towles-Schwen, 1999). The most common deliberative process model is Ajzen's (1991) Theory of Planned Behavior and its predecessor, the Theory of Reasoned Action (Ajzen & Fishbein, 1980). The theory is based on the belief that human kind is rational and makes use of available information (Ajzen & Fishbein). Further, that human kind weighs the pros and cons of options available to them before making a decision (Ajzen & Fishbein).

The MODE model. MODE is an acronym for Motivation and Opportunity as DEterminants (Fazio & Towles-Schwen, 1999). The MODE model was developed by Fazio in an attempt to integrate both the spontaneous and deliberative process theories (Fazio, 1990). The MODE is considered an application of Kruglanski's theory of lay

epistemics (Sanbonmatsu & Fazio, 1990). Kruglanski's research on this theory attempted to understand the general process whereby individuals acquire knowledge (Sanbonmatsu & Fazio). Kruglanski theorized that knowledge consists of the content of knowledge and the confidence each individual places in the content (Kruglanski & Freund, 1983). The process whereby individuals gain confidence in the content is that of hypothesis generation and validation (Kruglanski & Freund). Humankind has three individual needs that motivate an individual to engage in the process of hypothesis formation and validation: (1) 'fear of invalidity', (2) the need for structure, and (3) the need for specific conclusions (Kruglanski & Freund) These needs provide the necessary motivation necessary for an individual to engage in careful reflection and deliberation to arrive at a valid conclusion (Sanbonmatsu & Fazio). Sanbonmatsu and Fazio concluded that the same needs theorized by Kruglanski and Freund provided the motivation necessary for an individual to engage in an attribute-based decision as opposed to an attitude-based decision (Sanbonmatsu & Fazio). Opportunity is considered a prerequisite to deliberation in the MODE model (Fazio & Towles-Schwen) and has been manipulated experimentally with the use of time. (Kruglanski & Freund; Sanbonmatsu & Fazio).

Kruglanski and Freund (1983) experimentally manipulated motivation by enhancing the fear of invalidity. In the study, participants were informed that their selection would be compared to other participants and they would have to explain their decisions to the other participants and the investigator (Fazio & Towles-Schwen, 1999; Kruglanski & Freund). In a similar study, Schuette and Fazio (1990) experimentally manipulated the motivation of participants to engage in a deliberate process by informing participants their responses to a survey would be compared to a panel of social scientists

and later discussed with them. The results of both studies provided evidence that individuals can engage in careful and reflective deliberation and ignore potentially biasing attitudes when motivated (Fazio & Towles-Schwen).

Kruglanski and Freund (1983) and Jamieson and Zanna (1989) experimentally manipulated opportunity by adding time pressure to the participants. In both studies, participant decision-making was influenced by personal attitudes when time-pressure was a factor. This provides support for the belief that sufficient opportunity, time, is required for careful and reflective deliberation to occur (Fazio & Towles-Schwen, 1999).

Attitudes towards persons with disabilities

Attitudes towards people with disabilities tend to vary as a function of gender, age, education, and occupation, to name a few. Although there are other correlates in the literature such as personality, locus of control, and so on. the focus here will be on those factors that may have a relationship to attitudes as they relate to perception of bias crime.

Research has demonstrated that women tend to report more positive attitudes towards people with physical disabilities than do men (Chesler, 1965; Siller, 1963; Yuker et al., 1960). A possible explanation for this difference was proposed by Siller who theorized that women may feel a different amount of social pressure to convey a socially acceptable attitude. However, the number of studies showing females with more positive attitudes is decreasing over time with 20% of the studies showed positive attitudes in the 1980's versus 59% of the studies before 1970, resulting in the conclusion that the gap that exists between men and women appears to be closing over time (Yuker & Block, 1986).

The relationship between age and attitudes towards people with disabilities is more complex than gender. Ryan (1981) reviewed the literature and concluded that attitudes are positive during early childhood through adolescence (Siller, 1963) at which point they

show a trend towards becoming more negative. Attitudes again show a change in a

positive direction from early to late adulthood and then decline when reaching senior

years (Ryan). Yuker et al. (1966) cautioned that the relationship between age and attitude

may be confounded by other variables. Yuker & Block (1986) suggested that education

level and contact with persons with disabilities were confounding with age.

Education is believed to be a confounding variable with age (Yuker & Block, 1986)

although the results are inconsistent (Tsang, Chan, & Chan, 2004). The number of years

of education an individual has appears to be related to more positive attitudes toward

people with disabilities (Gosse & Sheppard, 1979; Yuker et al., 1966). Yuker and Block

(1986) maintain after a review of the literature that the confounding effect of age and

education appears strongest under the age of 25. Education was not found to have a

significant effect on the attitudes of occupational therapy students in Hong Kong (Lee,

Paterson, & Chan, 1994). However, the positive effect of occupational therapy

curriculum on attitudes has been observed in America and Hong Kong (Estes, Deyer,

Hansen, & Russell, 1991; Lee et al.).

Attitudes towards persons with disabilities also vary with occupation. Although

many individuals believe *a priori* that individuals who work in the helping professions

have more positive attitudes that does not bear itself out in the literature. Data indicates

that individuals in the helping professions have a more negative attitude towards people

with disabilities than the general population (Brodwin & Orange, 2002; Chubon, 1982;

Livneh & Cook, 2005; Wills, 1978).

Pederson and Carlson (1981) and Chubon (1982) documented negative attitudes of

people with disabilities by rehabilitation personnel. It has been suggested that negative

attitudes among rehabilitation professionals may have to do with the nature of the contact

between the professional and client. Specifically, in rehabilitation settings the nature of

the relationship between the rehabilitation professional and client with a disability is one

of inferior status and dependence (Amir, 1969). Further, the person with a disability is

not necessarily at his/her best when working with the rehabilitation professional, which

can also contribute to the formation of a negative attitude (Wills, 1978).

In a study of professions other than human service professionals, English and Oberle

(1971) reported that attitudes towards persons with disabilities by airline stewardesses

were more negative than typists. The results of these studies support the hypothesis that

certain types of contact are related to increased negative attitudes towards persons with

disabilities. However, the relationship between contact and attitude is complex and

warrants a more detailed exploration.

Contact Theory

The idea of contact was originally discussed by Lee and Humphrey in their analysis

of the Detroit riot of 1943 (Allport, 1954/1979). At that time, it was observed that amidst

the riot, white and black workers in the war plants worked peacefully, white and black

students at Wayne University continued to attend classes together and white and black

neighbors avoided participating in riots (Allport, 1954/1979). This phenomenon,

provided the underpinnings for the development of a contact hypothesis in the 1950's and

1960's the goal of which was to integrate racial and ethnic minorities (Allport; Amir,

1969; Smart, 2001).

In the formative years of contact theory, it was believed that contact of any type between

members of the minority and majority group would change attitudes, resulting in

behavior change, particularly that of prejudice (Dixon, Durrheim, & Tredoux, 2005;

Smart, 2001). However, Allport (1954/1979) emphasized that the relationship between contact and out-group evaluations was not simple. As a result, he outlined a taxonomy of 'optimal' factors for contact. Dixon et. al. organized the factors as follows: Contact should: (1) be regular and frequent; (2) involve a balance of in-group and out-group members; (3) have genuine acquaintance potential; (4) occur across a variety of social settings and situations; (5) be free from competition; (6) be evaluated by the participants as important; (7) involve individuals regarding each other as having equal status; (8) involve non-stereotypic members of the out-group; (8) be organized around a superordinate goal; (9) be sanctioned by local or cultural norms and institutions; (10) be free from negative emotions such as anxiety; (11) be personalized and involve genuine friendship formation, and (12) be with an individual regarded as representative or typical of the out-group.

A key component of Allport's (1954/1979) taxonomy is the recognition that quality of contact was as important as quantity for positive changes in attitude to occur (Islam & Hewstone, 1993), which was later supported by research (Amir, 1969). The contact theory research paradigm has been very productive since the 1960's (Dixon et al., 2005). Even though contact theory has been touted as the most effective strategy in psychology for improving relations between in and out groups (Dovidio, Gaertner, & Kawakami, 2003), the theory is far from perfect.

Dixon et al. (2005) provide a critical evaluation of the research and remind contact theorists that research since the 1960's has demonstrated the *paradox* of contact theory, simply, some types of contact function to change attitudes in a positive direction whereas other types of contact change attitudes in a negative direction (Dixon et al.). The process

whereby contact can serve to increase negative attitudes is multifaceted. Dixon et al. recently suggested that there is a tendency for "informal systems of preferential segregation" (p. 704) to re-emerge following optimal contact. Additionally, it is widely accepted that any deviation from optimal contact can result in no change in attitude or a change in a negative direction. Some of the conditions include: 1) whether the contact was perceived as superficial or intimate, 2) pleasant or unpleasant, and 3) the person with a disability is perceived as being representative of the disability group as a whole or atypical (Islam & Hewstone, 1993). Additionally, contact where the outgroup member is in an inferior or dependent status can function to increase negative attitudes (Amir, 1969) a hypothesis that has been used to explain an increase in negative attitudes among health care professionals (Wills, 1978).

Bias Crime

What is a bias crime?

The term bias crime is synonymous with hate crime. The terms are used interchangeably in the literature although bias crime is generally considered the most appropriate name (Bureau of Justice Statistics, 2000; Federal Bureau of Investigation, 1999b; Lawrence, 1999; McMahon et al., 2004). "Bias is a preformed negative attitude toward a group based on race, religion, ethnicity/national origin, sexual orientation, or disability status" (McMahon et al., p. 68) A bias crime is a crime against person or property that is motivated in whole or in part based on the offender's bias." (McMahon et al., p. 68)

The process of determining if a crime is a bias crime is a two tiered process (Federal Bureau of Investigation, 1999b). The investigating officer determines whether there was any indication that bias was the motivation of the alleged perpetrator. If the answer to the

question is yes, then the case is designated as a "suspected bias incident." A second review is conducted by an officer trained in the investigation of bias motivated crimes and he or she makes the final decision. The criteria for categorizing a crime as a hate crime at the second tier is more stringent. To classify a crime as a hate crime, the objective facts must lead a reasonable and prudent person to conclude that the perpetrator's actions were motivated by bias. The *victim-* related criteria for classification include: (1) membership in a targeted group; (2) active role or advocacy in a community group; (3) representation of victims group in the community; (4) previous records of victimization; or (5) visitation to a high tension community. The *perpetrator*-related criteria are: (1) presence or comments, gestures or written statements supporting bias; (2) appreciation of crime impact upon the victim; (3) membership in a hate group; or (4) previous record as a perpetrator.

Bias crimes are also two-tiered in nature (Lawrence, 1999). The first tier consists of a crime that is committed against person or property, such as assault and battery or robbery, which Lawrence also refers to as parallel crimes. The second tier involves the addition of bias motivation, also referred to as an enhancement. It is important to clarify that a bias crime is not a category by itself. If a crime is determined beyond a reasonable doubt to have been motivated by bias, then the bias motivation carries a *sentence enhancement*. For example, an offender may be found guilty of the crime of assault and battery, which carries a minimum sentence of 5 year in prison. However, if the offender is found guilty of choosing the victim based on his or her membership in a protected group bias, the sentence can be enhanced to a minimum mandatory sentence of 10 years.

In 1990, then President George Bush signed into law the Hate Crime Statistics Act (HCSA), which requires the Attorney General to collect data on crimes committed where the victims are chosen based on their membership in a race, religion, ethnicity, or sexual orientation (Perry, 2001). In 1997, disability was included as a protected category in the Act (McMahon et al., 2004). However, there is disparity across states in terms of what constitutes a protected class. Minnesota, for example, includes gender, age, and national origin in their legislation. Oregon protects based on "perceived" race, sexual orientation, color, religion, national origin, marital status, political affiliation of beliefs, membership or activity in or on behalf of a labor organization or against a labor organization, age, physical or mental handicap, economic or social status, or citizenship. In 2001, Perry noted that of the 50 states, only 21 included disability in the hate crime statutes.

Why bias crime is more serious

The idea that bias crimes are more severe and require sentence enhancements is a controversial topic. Proponents of sentencing enhancement for bias crimes argue that bias crimes are more severe thus warranting more severe sentences. The following analysis will show the logic of the argument.

Applying the features of a bias crime to the theory of determining crime severity discussed previously, Lawrence (1999) asserts that the increased severity of bias crimes becomes clear. In terms of culpability, offenders who are motivated by bias are more likely to cause harm (more likely to commit assaults and the assaults are often more violent). Moreover, the motivation of the perpetrator of a hate crime violates the equality principle, which is one of the most deeply held tenets in our culture and, consequently our legal system (Lawrence). When the Ex-Ante Analysis is applied, the question is "would a rational person risk a parallel crime before he or she would risk a bias crime?"

The answer to the question is almost certainly yes. The living standards analysis applied to bias crimes results in a potential threat to dignity, autonomy, and perceived threat to physical safety. Theories of Why People Commit Bias Crime

Realistic conflict

The realistic conflict theory maintains that competition for scarce but necessary resources results in hostility and conflict between groups (Levine & Campbell, 1972). The realistic conflict theory is a matter of economics (Brehm, Kassin, & Fein, 2005). If one group acquires more resources, such as land, homes, jobs, etc, the group with less resources becomes frustrated (Brehm et al.). The group with resources becomes protective over their possessions and the resulting conflict escalates.

Relative deprivation

The theory of relative deprivation suggests that there is more to prejudice than conflict, as suggested in the realistic conflict model (Brehm et al., 2005). The theory of relative deprivation supports the idea that the mere perception of an imbalance in resources, power or opportunity will result in conflict (Davis 1959; Katz, 1981; Walker & Smith, 2002). For example, what matters to the proverbial Jones' is not the type of car they drive, but whether their car is smaller in size than the one the Brady's drive. The theory can also be extended to the perception of job opportunities for one group versus another, etc.

Social identity

The theory of social identity is predicated on the research of Henry Tajfel (Tajfel, Billing, Bundy, and Flament, 1971). Tajfel et al. conducted an experiment with high school boys in Bristol, England. The young male participants were randomly assigned to one of two groups. The groups did not compete for scarce resources nor were they

frustrated by perceived differences. The boys had no history together as a group and yet Tajfel et al. found that participants consistently awarded more points to members of their in-group than their out-group, a pattern he termed in-group favoritism. Tajfel and Turner developed the theory of social identity to explain the in-group favoritism they observed (Brehm et al., 2005; Tajfel, 1982). The theory is based on the premise that each individual strives to enhance his or her self-esteem. Further, self- esteem can be enhanced through personal identity or social identity (Brehm et al.). Personal identity can be achieved through personal achievement whereas social identity is achieved through the achievements of the group and favoritism towards the in-group. Similarly, favoritism can also be enhanced by disparaging the out-group (Turner, Brown, & Tajfel, 1979).

Social learning

Social learning theory was originally proposed by Albert Bandura (1977) to explain how behavior is learned. Influenced by the results of the classic *Bobo doll experiment* where Bandura, Ross, and Ross (1961) observed that children who watched adults aggressing on an inflatable doll (punching, kicking, etc) displayed more aggression towards the doll later than controls who did not observe the parents treatment of the doll. Social learning theory claims that behavior is not learned merely through reinforcement schedule of reward and punishment. Rather, behavior is also learned by observing others and being reinforced vicariously. Consequently, targeted violence towards specific groups is observed and the violence is modeled.

Psychodynamic

 Much research has been devoted to describing the "prejudiced personality" as the agent of hatred (Allport, 1979). Some controversy exists over the investigation of the prejudiced personality. For one, although many acts of hatred are committed by

individuals with a prejudiced personality, not all individuals with prejudiced personalities commit acts of hatred. Therefore, identifying a personality type can create the same stereotypes this line of research aims to eliminate. Further, Yuker (1988) asserts that research efforts are better spent elsewhere as personality types are relatively intractable to change. That said, the psychodynamics of the prejudice personality warrant some attention for a comprehensive discussion of bias crime.

Insecurity appears to be at the root of the prejudiced personality (Allport, 1954/1979). Theoretically, insecurity stems from a fear of: self, instincts, consciousness, change, and the social environment. The etiology of insecurity stems from unmet needs from parents resulting in unresolved infantile conflicts or a persistent pattern of failure in adult life. Regardless of the etiology, an observable personality pattern appears to emerge from the described "threat orientation." (Allport, p.396). Allport asserted that any personality that feels threatened is most likely going to develop patterns of ego-alienation and a longing for definiteness, safety, and authority. "the ego simply fails to integrate the myriad of impulses that arise within the personality and the myriad of environmental presses without. This failure engenders feelings of insecurity, and these feelings engender, in turn, repression." (Allport, p. 397).

The individual with a prejudiced personality is unable to consciously cope with conflicts as they arise, so he represses then, in whole or in part, which results in them being fragmented, forgotten or not faced at all. The consequences of repression are: 1) ambivalence towards parents; 2) moralism; 3) dichotomization; 4) a need for definiteness; 5) externalization of conflict; 6) institutionalism; and 7) authoritarianism. (Allport, 1954/1979). *Ambivalence.* According to Allport (1954/1979) research shows

that individuals who are ambivalent towards their parents have a tendency to come from homes where punishment, obedience, and threat of rejection abound, an environment where power prevails instead of love. The individual learns from reward and punishment that he or she is incapable of full acceptance of the self because he or she must constantly avoid failure. Identification with parents is often difficult because parents from this type of environment often do not meet the needs of the child. In a family situation such as this, threat hangs over the child at all times.

Moralism. Allport (1954/1979) also asserted that prejudiced personalities often take a strict moral view. These individuals insist on conventional mores and virtues such as cleanliness, good manners and purity. Conversely, prejudiced personalites are intolerant of transgression of the conventional mores and virtues. This can be viewed also as intolerance of weakness and of minority groups. For example, the Nazis charged the Jews with violating conventional codes by accusing them of dirtiness and immorality. Allport asserts that this widespread propaganda was used to justify the torture and exportation of the Jews.

Dichotomization. Research also suggests that both prejudiced children and adults more than non-prejudiced controls tend to polarize the world into good and bad (Allport, 1954/1979). For example, there are only two kinds of women, good and bad. Further, the belief exists that there is only one correct way of doing anything. Consequently, there is little room for ambiguity; rather, the world is viewed categorically as being good or bad.

Need for definiteness. It has been observed that prejudiced individuals have a thought pattern consistent with their way of thinking (Allport, 1954/1979). Put more simply, individuals who are prejudiced, are prejudice in their way of thinking about everything.

In a study of memory traces using truncated pyramids, Fisher (1951) observed that individuals who were higher in prejudice tended to form simplified memory traces of an unusual object such as the truncated pyramid. Individuals lower in prejudice were more likely to identify the object as unusual and not easy to classify. Other studies demonstrated that individuals high in prejudice were less likely to say "I don't know" during an experiment and more likely to cling to known images for longer periods of time (Frenkel-Brunswik, 1949). This line of research led to the theory that individuals high in prejudice have a perseverative thought process, meaning that "old and tried solutions are considered safe anchorage." (Allport, 1954/1979, p.402).

Externalization. Individuals high in prejudice have also been found to project or externalize more than individuals low in prejudice (Allport, 1954/1979). Allport maintained that individuals suffering from ego-alienation avoid introspection in favor of looking outward, "it is better to think of things happening to him rather than caused by him" (p. 404), consequently, individuals high in prejudice do not view themselves as injuring or hating others, rather it is others who injure or hate them.

Institutionalization. Individuals high in prejudice like order but more importantly, social order (Allport, 1954/1979). Consequently, these individuals are more dedicated to institutions than those lower in prejudice (Allport). Stagner (1944) discussed nationalism as a form of membership in an institution. Further, prejudiced individuals would distrust those with liberal political perspectives and political reformers because they are attempting to destroy the institution that functions to provide protection to a way of life and, ultimately, to protect the individual (Allport; Stagner, 1944)*Authoritarianism*. The prejudiced personality is prone to authoritarianism. That is, society should be orderly,

powerful and authoritative. To this end, nationalism, as discussed in the previous section, is consistent with this belief. A society that places emphasis on the individual results in uncertainty and change. According to Allport "the consequence of personal freedom they find unpredictable." (1954/1979, p.406). The prejudiced personality looks to hierarchy in authority to remedy the messiness of individualism. Power structures are definite and function to make life predictable.

Ethnocentrism. Ethnocentrism maintains that "one group is the center of everything, and all others are scaled and rated with reference to it "(Sumner, 1960, p. 27). Therefore, if one's group is believed to be superior intellectually, psychologically and physically (Atkinson, Morten, & Sue, 1998) all other groups are inherently inferior. In its extreme form, ethnocentrism can lead to bias or discrimination, of which hate crime is an example (McMahon et al., 2004).

Perpetrators of Bias Crime

The theories of why people commit hate crimes can be seen to emerge in what is known about the typology of offenders of bias crime. Hate crime offenders tend to be white males between the ages of 13 and 24 (Anderson, Dyson, & Brooks, 2002; McDevitt, Levin, & Bennett, 2002). Levin and McDevitt (1993) suggested that offenders who commit bias crimes are motivated by three different factors that result in three separate typologies. These three typologies include: 1) the *thrill seeker*, who is motivated by power and excitement, 2) the *defensive* who is motivated by defending ones turf or resources, and 3) the *mission*, who believes he or she is on a crusade to rid the world of groups considered evil or inferior. In 2002, McDevitt (Bureau of Justice Statistics, 2000) included *retaliatory* as a fourth typology of hate crime offender. The retaliatory offender

is motivated by a desire to avenge their group as a result of a perceived assault or

degradation.

Bias Crime Reporting

McDevitt (Bureau of Justice Statistics, 2000) outlined a process of bias crime

reporting, which can be "conceptualized as a series of decision points." (Bureau of

Justice Statistics, p. 34). The following is a list of the decision points:

1. *Victim understanding* that a crime has been committed
2. *Victim Recognition* that hate may be a motivating factor
3. Victim or another party solicits *law enforcement intervention*
4. Victim or another party *communicates with law enforcement* about motivation of the crime
5. *Law enforcement recognizes* the element of hate
6. *Law enforcement documents* the element of hate, and as appropriate, charges suspect with civil rights of hate/bias offense
7. *Law enforcement records* the incident and submits the information to the Uniform Crime Reports (UCR), Hate Crime Reporting Unit.

<div align="right">(Bureau of Justice Statistics, p. 34).</div>

In a 1987 study conducted by McDevitt and his colleagues (Bureau of Justice Statistics,

2000), 452 bias incidents handled by the Boston Police Department were examined.

McDevitt found that only 19 or 4.2% of the cases were appropriately identified as bias

incidents by reporting officers (Levin, 1992). Levin asserted that critics of police officer

reporting cite prejudice as the main factor influencing misidentification of bias

incidences. Nolan and Akiyama (1999) conducted a series of focus groups with 147

police officers from four jurisdictions from the Northeast, West, Central and Southern

United States. Two precincts participated in bias crime reporting and two precincts did

not participate. The results of the study consisted of variables that affected whether the

agency and the *individual* reported a bias crime. The number one factor affecting whether

an *agency* participated in bias crime reporting was "Shared *attitudes/beliefs* about hate

crime reporting." (Nolan & Akiyama, p. 120). The number one factor affecting individual

reporting was supportive *organizational policies* and procedures. The number two factor

affecting whether an individual officer reported a hate crime was "individual *attitudes*

and *beliefs* about hate crime reporting." (Nolan & Akiyama, p.121).

Victim Selection

Another aspect of criminal investigation is that of perpetrator motivation.

McMahon et al. (2004) discussed the differences between crimes motivated by group

animus and those by motivated by actuarial opportunity. An actuarial crime refers to the

offender's evaluation of potential crime victims in terms of their ability to defend

themselves (McMahon et al.). Although these crimes may appear to be spontaneous in

nature, the predatory nature of the offender still engages in a process whereby he or she

selects prey.

In contrast to actuarial crimes, group animus refers to the offender's selection of a

crime victim because of their membership in a group; rather what that potential victim

symbolizes (McMahon et al., 2004). Animus is an important component of victim

selection to bias crime classification because according to law enforcement, if animus is

not present, then a bias crime has not been committed (McMahon et al.).

Problems with Bias Crime Data

Many problems exist with the reporting and collection of bias crime data (Bureau of

Justice Statistics, 2000). Some of the problems that interfere with the accurate reporting

of bias crimes include: 1) voluntary reporting by law enforcement agencies; 2) variability

in definition and reporting format by state and local jurisdiction; and 3) Supreme Court

decisions that affect the criminal investigation itself.

Although the Hate Crime Statistics Act of 1990 requires the Federal government to

collect data on bias crimes, participation in the reporting is voluntary. Moreover, of those

agencies that participate, 83% "reported 'zero' hate crimes occurred in their jurisdiction" (Bureau of Justice Statistics, 2000, p.13). More importantly, McDevitt's research study involved interviews of police officers from "zero" reporting agencies who reported "they had been directly involved in bias crime investigations and had recorded them as such" (Bureau of Justice Statistics, p. 37). Specifically, 31% of the respondents who worked in jurisdictions that reported 'zero' hate crimes believe that their department investigated one or more hate crimes (Bureau of Justice Statistics). Even more interesting, 37.1% of the respondents who worked in jurisdictions that did not report to the UCR believed their jurisdiction had investigated one or more hate crimes (Bureau of Justice Statistics, 2000).

Another problem related to hate crime statistics is the definition. The definition of a bias crime often varies from state/local jurisdiction (Bureau of Justice Statistics, 2000). Further, although the FBI has started moving away from the UCR, which collects more summary data, to the National Incident Based Reporting System (NIBRS), which collects incident specific data, there is much variability across states/jurisdictions as to which reporting system is used (Bureau of Justice Statistics). As a result, crimes are reported using either the UCR or the NIBRS system, resulting in significant variability in the data collected.

Prior to the US Supreme Court Decision on *Apprendi v. New Jersey*, the sentencing enhancement for a crime suspected to be based on animus was presented by the prosecuting attorney and determined by the sentencing judge, which requires a preponderance of the evidence (Hoffman, 2003). In *Apprendi v. New Jersey*, Apprendi's sentence was enhanced from a 5-10 year minimum to a 10-20 year minimum after the sentencing judge determined the preponderance of evidence supported the victims were

chosen based on group animus. Apprendi appealed the case to the U.S. Supreme Court

and the sentence was overturned. The majority decision written by Justice Paul Stevens

stated that due process required by the fourteenth amendment requires that any

enhancement of sentence beyond that allowed by statute must be submitted to the jury

and proved beyond a reasonable doubt (Hoffman, 2003; Oyez, 2000). If prosecutors are

required to collect evidence of group animus, which is difficult to prove, to prove beyond

a reasonable doubt, then it is possible prosecuting attorneys will scrutinize cases more

closely. Although no investigation has been conducted to look at this, anecdotal

comments from a Florida LEO investigating hate crimes supported the difficulty in

substantiating bias motivation to a prosecuting attorney (M. Endara, personal

communication, August 7, 2005).

Bias Crime and People with Disabilities

As discussed previously, people with disabilities were included in the Hate Crime

Statistics Act in 1996 although data collection didn't begin until 1997. McMahon et al.

(2004) collected the entire universe of data from the period 1997-2001, a total of five

years. Although lack of complete participation of law enforcement agencies prevents a

complete universe, McMahon et al. estimated that the 12,000 law enforcement agencies

that participated across 49 states represented jurisdictions that cover approximately 85%

of the U.S. population.A total of 41,442 bias crimes were reported for the five-year

period (McMahon et al., 2004). The majority of the crimes were committed because of

race (22,030), followed

by religion (7,846), sexual orientation (6,371), ethnicity (5,428), and disability (127). The

relative risk of victimization was assessed by calculating a within-group odds-ratio for

type of hate crime and location. The relative risk for a racially based bias crime (1.19)

was 350 times that of disability (.002) (McMahon et al.). The most common types of hate crimes were simple assault, intimidation, and property damage, which was consistent across all categories. However, the risk for simple assault was greater for people with disabilities than for any other group (McMahon et al.). The top three locations where bias crimes were committed were personal residence, street, and other. Although these top three were consistent across categories, people with disabilities were at greatest risk in their residence, followed by college campuses and government buildings.

McMahon et al. (2004) asserted that it is unlikely people with disabilities experience bias crimes at a rate lower than other protected categories. In fact, many disability theorists are looking to the issue of underreporting as a possible explanation for the relatively low risk of bias crime for people with disabilities (Berkeleyan, 2002; McMahon et al.; Sherry, 2003; Sorensen, 2001).

McMahon et al. (2004) offers the following possible explanations for underreporting of bias crimes:

(1) Disability was included as a protected category almost six years after the development of the initial system for hate crime reporting, consequently, only half of the states included disability in their hate crime legislation; (2) the marginal status of people with disabilities results in lack of accessibility to the criminal justice system so law enforcement has little experience working with people with disabilities and people with disabilities lack attention from law enforcement; (3) the lack of appellate cases dealing with disability in hate crime legislation; (4) the perpetrators of crimes against people with disabilities are often known to them e.g. family members, caretakers, etc. and victims are less likely to report a crime to law enforcement when the offender is know to the victim;

and (5) if reports to law enforcement do not result in prosecution and conviction, people with disabilities will lose faith in law enforcement and the benefits of reporting will not outweigh the risk association with # 4. Problems with bias crime data discussed previously, also apply to people with disabilities. An analysis of the problems with bias crime data for people with disabilities will be presented below.

As mentioned previously, people with disabilities are included in bias crime legislation in approximately 21, roughly half, of the United States (Perry, 2001). Yet, this doesn't appear to impact the reporting of bias crimes against people with disabilities. For example, the data from 1997 to 2003 was analyzed by state (Federal Bureau of Investigation, 2003, 2002, 2001, 2000, 1999a, 1998, 1997). A total of 199 bias crimes committed against a person with a disability were reported. Twenty-two states reported no bias crimes, which included Florida, Georgia, and Iowa, each of which have bias crime legislation including people with disabilities. Conversely, California, Washington and Wisconsin do not have bias crime legislation but have each reported at least one bias crime during this period. The largest number of crimes reported was from the state of South Carolina, who reported 32 (or 16% of the total) bias motivated crimes. The South Carolina and Tennessee were the only two states in the southeast that reported any bias crimes against PWD during the period. The top three states reporting for the period were South Carolina with 32, California with 21, and Tennessee with 18. The fact that two of the top three reporting states are located in the southeast when the other southeast states did not report any bias crime incidents is suspect. Additionally, of the top three states, California doesn't have legislation allowing sentencing enhancement for bias crimes

committed against persons with disabilities. From this analysis, there appears to be no

pattern for which states report and no explanation for the disparity across states.

Bias Crime and Gender

There are factors associated with gender motivated hate crimes that warrant

discussion here. First, at the time disability was included in the Hate Crime Statistics Act,

a number of other groups lobbied for inclusion in the Act, including gender, children, and

the elderly (McMahon et al., 2004). Although gender was not included in the

reauthorization of the act, approximately 20 states include gender in state-level hate

crime legislation. As a result, hate crimes motivated by animus towards gender are

monitored by the Southern Poverty Law Center as well as other local interest groups and

researchers.

Individuals who opposed the inclusion of gender in the Hate Crime Statistics Act

cited the following reasons: 1) Perpetrators of a hate crime have little of no relationship

to the victim. Because crimes against women are often perpetrated by individuals known

to them, crimes against women don't fit the hate crime model; 2) special laws already

exist that address violence against women; 3) the addition of gender into the hate crime

category will overwhelm data collection; and 4) men who attack women do not

necessarily hate them. (McPhail, 2002). The first objection, perpetrators of a hate crimes

have little or no relationship to the victim, is of particular interest to this discussion

because: 1) research suggests that the overwhelming majority of perpetrators of crimes

against people with disabilities are known to them; and 2) the notion that a perpetrator of

a hate crime can not know the victim is a misinformed belief (Bureau of Justice Statistics,

2000; Lawrence, 1999; National Institute of Justice, 1999). In fact, perpetrators of hate

crimes can be neighbors or co-workers (McPhail, 2002). If misinformation purporting

that perpetrators of hate crimes will can not be known to the victim, then victims of gender and disability motivated hate crimes are at a disadvantage because the dynamics of the crime do not fit the accepted profile, albeit misinformed, of a hate crime.

Another similarity is the prosecution rate for perpetrators of crime against women. As stated, individuals who oppose the inclusion of gender in the HCSA use the fact that special laws are already in effect that address violence against women. However, with these "special laws," is it estimated that more than half of all rape prosecutions result in acquittal or the case is dismissed. Moreover, approximately 98% of rape victims will never see the perpetrator apprehended, convicted, and incarcerated (McPhail, 2002). These statistics are similar to those reported by Mishra (2001) on prosecution rates for perpetrators of crimes against persons with disabilities.

The belief that men who attack women are not perpetrators of a hate crime because they do not "hate" women is another example of common misinformation on hate crimes. Victim selection has to do with bias and prejudice not hate. Franklin (1998) discovered through interviews of perpetrators of assault on gay men that motivation was rarely as simple as "hatred" of homosexuality alone. The Franklin interviews revealed that the crime was often used as a means to alleviate boredom, garner social approval, and demonstrate masculinity. Evidence of similarities between gender and disability motivated hate crimes exists in the literature. It appears that misinformation regarding: 1) the relationship between the perpetrator and the victim; 2) prosecution rates for perpetrators of crime against women and PWDs is disproportionately lower than the general population; and 3) motivation to commit hate crimes is complex and possibly misunderstood.

Vulnerability as a Negative Attitude

It has been suggested that people with disabilities may be perceived as victims (McMahon et al., 2004; Sorensen, 2001). McMahon et al. asserts that disability experts attribute the perception of vulnerability of people with disabilities to negative attitudes. If people with disabilities are perceived as vulnerable or victims, the process of teasing out whether the perpetrator was motivated by actuarial reasons or animus may become increasingly more difficult.

The definition of a bias crime is one that is committed in whole or in part by the offender's bias. Therefore, even if there are bias indicators at a crime scene of a person with a disability, having elements of both bias and actuarial motivation could make the elements of the crime scene ambiguous, at best. Attitude accessibility theory suggests that if the law enforcement officer holds the attitude that people with disabilities are more vulnerable, being in the presence of a person with a disability might activate that attitude and become the salient feature of the investigation. From a more practical perspective, the ambiguity created by having bias crime indicators and actuarial indicators would result in the officer deferring to a state attorney whose job is to gather "enough" evidence of bias motivation, often defined as 3-4 bias incidents in a sequence (M. Endara, personal communication, August 7, 2005), to prove bias beyond a reasonable doubt.

Summary and Conclusion

Bias crimes have garnered the attention of American citizens over the past decade. Bias crimes are regarded as being more severe than other crimes because of the attempt on behalf of the perpetrator to marginalize a particular group of citizens, thereby sending a clear message to all members of the targeted group. For this reason, bias motivated crimes strike at the very heart of the American value that all men are created equal.

People with disabilities were recently included as a protected category in the Hate Crime Statistics Act, in part, because of the longstanding history of negative attitudes, prejudice and discrimination against people with disabilities in areas such as employment, poverty, etc. Since its inclusion, the number of bias crimes committed against people with disabilities is disproportionately lower than other protected categories.

It has been suggested that no other group of citizens has been treated with the same degree of prejudice and discrimination than people with disabilities. Evidence exists that people with disabilities have the highest rate of unemployment of any protected class of citizens, live in poverty at a rate disproportionate to the general population, and experience crime at a rate and duration disproportionate to the general population. As the first class of citizens targeted for extinction by Nazi physicians, it is arguable that people with disabilities were the first victims of bias motivated crime during World War II. Given the history of prejudice and discrimination of people with disabilities, data suggesting that people with disabilities in the United States are victims of bias crimes at a rate disproportionately lower than other protected categories are highly suspect (McMahon et al., 2004). Although it is reasonable to entertain the idea that people with disabilities are not victims of bias crimes at the same rate as other protected categories, the pervasiveness and prevalence of inequality in other areas demands this conclusion be drawn only after other possible explanations have been explored. Research attempting to explain inequality for people with disabilities in other areas has resulted in a substantial amount of evidence that attitudes may be a significant factor in determining how people perceive and behave towards people with disabilities.

Although not consistent in the research, it is accepted among attitude theorists that attitudes influence perception and behavior. Negative attitudes towards people with disabilities are well documented in the literature. Attitudes appear to vary as a function of gender, age, education and occupation. Contact theory suggests that contact between an individual in an official capacity where the person with a disability is in a dependent role can result in the forming of negative attitudes. Law enforcement is regarded as a helping profession where the interaction with people with disabilities is in a dependent role. Research has documented that an overwhelming number of crimes with bias indicators were missed by law enforcement officials during the investigation. It has been suggested that attitudes could influence the perception of whether a crime should be enhanced as a bias crime.

If people with disabilities are victims of hate crimes more frequently than the number of cases reported, then the hate crime reporting framework discussed earlier suggests that the problem with underreporting could reside with the individual victim or with law enforcement. The first four of McDevitt's series of *decision points in bias crime reporting* deal with factors that influence victim reporting of a crime to law enforcement (Bureau of Justice Statistics, 2000). The first two points deal with the victim's understanding that a bias crime has been committed and recognition by the victim that bias may be a motivating factor. These decision points in hate crime reporting beg the question(s) Are people with disabilities aware that they can be a victim of a hate crime?" If so, "Are people with disabilities aware of the bias indicators to present to law enforcement during and interview?" Further, inequality present in prosecution and conviction rates of offenders of crimes against persons with disabilities can result in

diminished faith that law enforcement will respond appropriately to a report and render the victim reluctant to report the crime to law enforcement. These questions, although relevant to this discussion, lie outside the scope of this project.

Available literature suggests that a number of factors could influence the recognition of hate by a police officer, including (1) the U.S. Supreme Court case *Apprendi vs. New Jersey*, may have resulted in greater scrutiny of evidence presented by law enforcement to the state attorney's office because of the increased burden of proving bias motivation beyond a reasonable doubt instead of as a preponderance of evidence; (2) attitudes about hate crime reporting by the law enforcement agency, which may include the state attorney's office, affect the reporting of bias motivated crimes; and (3) the attitudes of the investigating police officer has been suggested to be the second most important factor as to whether a crime is reported as a bias crime.

The focus of this investigation is on the fifth of McDevitt's series of *decision points in bias crime reporting*, whether law enforcement recognizes the element of hate?, particularly, when the crime is committed against a person with a disability (Bureau of Justice Statistics, 2000). This study will investigate law enforcement officers' level of agreement about whether a series of crime scenarios should be enhanced as a bias crime if the victim is a person with a disability, compared to crime scenarios where the victim's protected category is race, gender, religion or sexual orientation. Further, this project will investigate whether law enforcement officer agreement with bias crime enhancement varies as a function of the gender of the participant, moreover, whether an interaction exists between gender and protected category. Finally, this investigation will explore whether the level of agreement with bias crime enhancement can be predicted by the age

of the law enforcement officer, law enforcement officer attitudes toward people with

disabilities, and law enforcement officer contact with people with disabilities

CHAPTER 3
METHODOLOGY

This chapter describes the methods used in the present study to determine whether

law enforcement officer attitudes about hate crimes vary across protected category. The

major areas addressed in this chapter include the research questions, research design,

participants, instrumentation, procedures and data collection.

Research Questions

5. **Research Question One:** Does law enforcement officers' level of agreement with hate crime classification vary across protected category?

6. **Research Question Two:** Does law enforcement officers' mean level of agreement with hate crime classification vary by gender?

7. **Research Question Three:** Is there an interaction between protected category and gender on law enforcement officers' mean level of agreement with hate crime enhancement?

8. **Research Question Four:** Does age, attitudes towards persons with disabilities, and contact with persons with disabilities provide predictive ability for law enforcement officers' agreement with hate crime enhancement for persons with disabilities?

Research Design

A quantitative correlational design was used that employed a convenience sample.

Participants were asked to complete a Modified Hate Crime Survey (MHCS), the

Attitudes towards Disabled Persons (ATDP-A) scale-Form A, the Modified version of the

Contact with Disabled Persons Scale (CDP), and a demographic questionnaire.

Participants

The goal of the project was to recruit two hundred and forty Law Enforcement Officer

(LEO) participants from the Alachua County Sheriff's department. The sample size was

determined by conducting a power analysis for a repeated measures analysis of variance

(ANOVA) and a multiple regression analysis. Degrees of freedom for the F-ratio (u) was

determined by calculating (k-1) (r-1) where k and r are the number of levels of interacting

main effects (Cohen, 1988). In the present study, u= (5-1) (2-1) = 4. The number of

participants required to find a small effect size f=.10 (Cohen, 1988) with u=4 with power

of .80 and an alpha level of .05 is 240 (Cohen, 1988).

The regression analysis was designed with 3 predictors in the model. A sample size

of 51 is required to detect a squared multiple correlation coefficient of R^2=.20 with power

= .80 and a type-II error rate α = .05. However, the .95 confidence interval with a sample

size of 51 is R^2 +/- .20, which means there is a 95% chance the squared multiple

correlation will be between .00 and .40, which is too wide. The sample size required to

achieve a 95% confidence interval +/- .10 is 200, which means there is a 95% chance the

squared multiple correlation will be between .10 and .30. A sample size of 240 is

sufficient to achieve this confidence band.

A brief overview of the nature of the research, type of instruments and time

required was made to all prospective participants. Law Enforcement Officers reviewed

the informed consent form from the Institutional Review Board (IRB) and signed consent

forms were obtained prior to participants taking the instruments.

Instruments

The instruments used in this research study included: 1) the Modified Hate Crime

Survey (MHCS), a survey designed to measure attitudes towards hate crime scenarios

from each of 5 protected categories (race, religion, sexual orientation, gender and

disability); 2) the ATDP-A, a self-report measure of attitudes towards people with

disabilities; 3) the Wang (1998) version of the CDP (Yuker & Hurley, 1987), a measure of contact with persons with disabilities; and 4) a demographic questionnaire.

The Modified Hate Crime Survey

The Hate Crime Survey was constructed by Alexandra Miller (2001) to study whether criminal justice students' agreement with labeling crime scenarios as hate crimes would differ from students in other disciplines. The original survey consists of 20 actual hate crime scenarios reported to the FBI and offenses tracked by the Southern Poverty Law Center included in its annual report, *Klanwatch* (Miller, 2001). The 20 items included five scenarios from each of four protected categories: race, religion, sexual orientation, and gender. Participants rate on a 7-point scale their level of agreement for whether each crime scenario constitutes a hate crime. This survey was of particular interest for this research study for the following reasons: (1) the survey included gender as a protected category which, as stated in Chapter 2, has similarities to disability; (2) it is the only survey designed to look for differences across protected categories; and (3) the author of the survey agreed to allow modification of the survey to include people with disabilities.

Miller's (2001) Hate Crime Survey was modified to: (1) include 5 crime scenarios that involve a bias crime committed against a person with a disability, (2) include five crime scenarios (one scenario for each protected category) that did not have any bias crime indicators, and (3) modify the remaining scenarios so they were balanced with regard to the type of indicator and severity of crime (SEE Appendix A). The five bias crime scenarios introduced in the modified version include a sensory disability, a mental disability, a developmental disability, an infectious disease, and a neuromuscular disability. Although the disabilities represented are not inclusive of all types of

disabilities, each of the five scenarios consisted of a different category of disability that spans at least physical, sensory and mental disabilities. Miller (2001) obtained the crime scenarios for the original survey from the Southern Poverty Law Center. When contacted, they do not track crimes committed against people with disabilities as with other protected categories. Therefore, the crime scenarios were obtained from a review of available literature that reported specifics on hate crimes committed against people with disabilities.

One possible flaw with the original Hate Crime Survey constructed by Miller (2001) consists of the content of the scenarios. In a national survey of police officers and police officer supervisors, McDevitt learned from 610 respondents that graffiti or bias symbols at the crime scene, offender membership in a hate group, and bias charged language constituted the top three most important factors in determining whether a crime was potentially motivated by bias (Bureau of Justice Statistics, 2000). In other words, the above factors indicate to an officer that bias motivation is possible and are considered cues to investigate further. There was disparity across protected categories in the crime scenarios in Miller's (2001) survey. For example, only one of the crime scenarios in the gender category included a bias indicator whereas all but one of the scenarios in the religion category included a bias indicator. As a result, the crime scenarios were modified only to include at least one of the top three bias indicators described in the McDevitt study (Bureau of Justice Statistics). The goal was to maintain the integrity of the original crime scenarios as much as possible. Therefore, if a bias indicator was present, it was not changed. However, bias indicators were added to those scenarios where no indicator was present. The items from each protected category include one item where the offender is a

member of a hate group, one scenario where graffiti or bias symbols are present at the

crime scene and three scenarios where bias language is used verbally or in writing. There

is one exception to this rule. The religion category has two crime scenarios where bias

symbols are present and no indicators where the perpetrators were members of a hate

group. In order to make the religion category consistent with the other categories, it

would require removing a bias indicator from the original survey. It was believed that

maintaining the integrity of the scenarios was more important than further altering an

aspect of the scenario to correct a difference of one bias indicator.

Another possible flaw with the MHCS was the severity or heinousness of the crime

scenarios in terms of balance across protected categories. There is no standardized

instrument for measuring the severity of crime scenarios (Welner, 1998, 2003). However,

Welner (2003) devised a measure that is currently being field tested. Welner (2003) uses

a three-point scale to measure severity of a crime. The lowest point on the scale is a

measure of absence of severity, "not depraved." Because the goal was to balance crime

scenario severity of the MHCS, the "not severe" point on the scale was modified to

measure "somewhat severe." The items on the MHCS were used to create an assessment

of severity (SEE Appendix E). The assessment was given to a panel of 3 experts who

rated each item in terms of somewhat heinous, heinous, and very heinous. Comments

from the first review indicated the following pattern of severity: 1) murder and rape were

considered "very heinous", 2) assault/battery and physical harm was considered

"heinous", and 3) verbal threats, name calling, and graffiti, was considered somewhat

heinous. The scale was modified so that each protected category had two crime scenarios

in the very heinous category and at least one item in each of the heinous and somewhat

heinous categories with the exception of religion, which had three items in the somewhat

heinous category. The final survey was reviewed by the expert panel a second time and

there was 100% agreement among the panel as to the balance of severity across

categories.

Responses. A seven-point Likert-scale is used by the participant to indicate their

level of agreement/disagreement with the assertion that each crime scenario constitutes a

bias crime. The scale ranges from 1 (strongly disagree) to 7 (strongly agree). There are no

anchors for 2, 3, 4, 5, and 6. The participants are asked to circle the number that

corresponds to their level of agreement along the scale.

Scoring. The scores of all 30 items on the Modified Hate Crime Survey were

summed and yield a total raw score ranging from thirty to two hundred and ten: the lower

the score, the lower the agreement and the higher the score the greater the agreement. A

subscale score was calculated for each of the five protected categories. The subscale

scores can range from five to thirty-five: Again, the lower the score, the lower the

agreement and the higher the score the greater the agreement.

Reliability. Miller (2001) conducted a pilot study using 304 criminology students

on the original survey. She reported a .94 alpha reliability for the scale.

A total of 27 Law Enforcement Officers were recruited to participate in the pilot

study of the instrument. The instrument was administered on two separate days in the

same location, The Kirkpatrick Criminal Justice Training Center in Gainesville, Florida.

Both administrations of the instrument were done immediately before a training session

began.The law enforcement participants were given an opportunity to read the consent

form and ask questions before signing the informed consent form and. Once all the

participants completed the survey, they were given an opportunity to provide feedback to the principle investigator on the survey instrument. Comments made by participants included: 1) some items lacked information, and 2) one of the crime scenarios should be modified so at least one of the victims was Caucasian. The first comment that some items lacked information pertained specifically to the items that were designed to eliminate bias crime indicators. The second comment concerning the inclusion of a bias crime involving a Caucasian victim appeared to be a philosophical issue of one officer that was not shared by the other officers. As a result, it was not determined to have a significant bearing on the instrument.

Reliability. The results of the pilot study of 27 participants revealed a Cronbach's alpha for the total scale of .89. The alpha coefficients for the subscales were .70 for race, .62 for disability, .72 for gender, .64 for religion, and .63 for sexual preference. The lower than desired internal consistency for the subscales can be attributed to the low number of items for each subscale (e.g. 6) and that each subscale contains one item that is designed to not have any bias crime indicators in the crime scenario.

Validity. A Repeated Measures ANOVA was conducted and found that the between-subjects effects was significant at $F(26,1070) = .76$, $p<.001$. Pairwise comparisons found that the non-bias indicator scenarios were significantly different than each of the protected categories at $p<.001$. The mean score for the non-bias indicator subscale was 10, which is equivalent to a 2 on the scale. This indicates that participants were able to distinguish between bias and non-bias crime scenarios. Additionally, it suggests that participants were truthful in their responses.

Attitudes toward Disabled Persons Scale (ATDP)

The ATDP is a self-report measure of an individual's attitudes towards people with disabilities and is the most widely used measure of general attitudes towards persons with disabilities (Antonak & Livneh, 1988). It was developed as a unidimensional scale of attitudes. The scale is designed primarily to measure attitudes towards persons with disabilities (Antonak & Livneh, 1988).The scale was originally published in 1960 as a 20-item scale (Yuker, Block, & Campbell, 1960). The original scale, Form-O was altered and published in 1962 (Yuker, Block, Younng, 1966) as a 30-item scale with two Forms, A and B. Each scale takes approximately 10 minutes to administer although the scale is untimed.

One criticism of the ATDP was the language used. Specifically, the wording of the scale had not been updated since the emergence of person first language. However, Pruett modified the ATDP Form-A to person first language in 2004 (SEE Appendix C).

Responses. The ATDP utilizes a six-point Likert-scale for individuals to indicate their agreement or disagreement with each item. The scale ranges from -3 ("I disagree very much"), -2 ("I disagree pretty much"), -1 ("I disagree a little"), +1 (I agree a little), +2 ("I agree pretty much"), to +3 ("I agree very much"). Individuals are asked to circle the response at the right of each statement based on how they feel in each case.

Scoring. Form-A of the ATDP yields a summated scale score. The scoring for twelve items on Form-A must be reversed (Items 5, 9, 12, 14, 17, 19, 21, 23, 24, 25, and 29). Once the scoring for these items is reversed, the scores for all 30 items are summed, and the sign of the sum is reversed. The raw score is scaled by adding a constant (90) to the sum thereby ensuring the total score isn't a negative value. The range of possible scores is 0 to 180. A lower number reflects more negative attitudes towards people with

disabilities and a higher number reflects more positive attitudes towards persons with disabilities (Yuker & Block, 1986; Yuker et al., 1966).

Reliability. The test-retest reliability estimates of forms O, A, and B range from +.66 to +.89. Alternate form reliability between forms A and B was reported to be +.85 and split-half reliability ranged from +.72 to +.89 for the three versions (Antonak & Livneh, 1988).

Validity. Content validation was conducted through an extensive extraction of statements made about individuals with disabilities in the literature followed by psychologists reviewing the items for relevance to put into the scale (Antonak & Livneh, 1988). Item analyses were then conducted to test for item discrimination. Scores were correlated to demographic variables such as age, gender, and education to establish construct and criterion related validity. The authors found a positive relationship between education and attitude, gender and attitude with female attitudes being more positive than males and no relationship between scale scores and age (Antonak & Livneh, 1988). Although the authors of the ATDP claim that the dimension measured is unidimensional, other empirical factorial studies found that the three forms of the scale may contain between two and nine independent factors, which suggests the scale is susceptible to variance from changes other than attitude (Antonak & Livneh, 1988), affecting the validity of the instrument. Additional criticism reflects problems with scores clustering at the top and bottom end of the range (Antonak, 1980), suggesting little variation and spread and questionable item discrimination. Nevertheless, the ATDP was used in this study because of the amount of research on the scale, despite these weaknesses.

Contact with Disabled Persons Scale (CDP)

The CDP scale is a 20-item self-report inventory that uses a five-point Likert scale to measure the amount of contact a participant has had with people with disabilities (Yuker & Hurley, 1987). As stated in Chapter 2, Allport (1954/1978) described that contact between an individual and a member of an out-group that meets certain criteria can serve to reduce prejudice. Recent research on contact theory (Dixon, et. al., 2005) emphasizes the importance of the quality of contact in addition to the quantity of contact. More recent developments on scales that measure contact have focused on both quantity and quality of contact with out-group members (Islam & Hewstone, 1993). However, these scales do not measure contact with persons with disabilities. Modifying the CDP to measure quality of contact or modifying the Islam & Hewstone (1993) scale to include people with disabilities is beyond the scope of this project. At this time, the CDP is the only scale in existence to measure contact with persons with disabilities.

Responses. Participants are asked to read each item and then indicate the corresponding quantity of contact that corresponds to the item 1 (never), 2 (once or twice), 3 (a few times), 4 (often), or 5 (very often) by circling the appropriate number. Like the ATDP, the CDP was modified by Wang (1998) to include person first language. The Wang version of the CDP was used in this study. See Appendix D for a copy of the modified CDP.

Scoring. The scores of all 20 items on the CDP are summed and yield a total raw score ranging from twenty to one hundred: the lower the score, the lower the quantity of contact with persons with disabilities and the higher the score the greater the amount of contact.

Reliability. Reliability coefficients reported for the CDP range from .87-.93 between the original and modified versions of the scale demonstrating good reliability of the scale. Yuker and Hurley (1987) reported a split-half reliability of .93 and Cronbach's alpha of .92. Wang (1998) reported a Cronbach's alpha of .87 for the modified version and Pruett (2004) reported a two-week test-retest reliability of .90 and a Cronbach's alpha of .91.

Demographic Questionnaire

The demographic questionnaire was designed to elicit specific background information about the participants that could be related to attitudes about hate crimes and people with disabilities. The demographic questionnaire is designed to collect more demographic data than was utilized in this study (SEE Appendix B). Although each of the demographic variables is relevant to this study, including each factor in the regression model will require a sample size necessary to achieve sufficient power that is unrealistic for this study but helpful in future studies designed to increase the sample size. The items in the demographic questionnaire are designed to gather information on gender, age, ethnicity, race, education, law enforcement experience, and qualitative aspects of contact with people with disabilities. This study utilized gender and age in the data analysis. Gender has specific relevance in the literature to both perception of hate crimes and attitudes towards people with disabilities. Miller (2001) found differences between males and females on the level of agreement with the hate crime scenarios on the hate crime survey. Further, females have been found to have more positive attitudes towards people with disabilities (Yuker & Block, 1986). As mentioned previously, Yuker & Block (1986) discuss that level of education is probably the single greatest factor that predicts attitudes towards persons with disabilities.

Data Collection Procedure

There are 250 sworn Law Enforcement Officers (LEO) employed by the Alachua County Sheriff's Department. Of those 250 LEO's, 27 consented to participate in the pilot study and 184 consented to participate in the present study. The convenience sample of 184 LEO's were participating in a routine bi-monthly training at the Kirkpatrick Law Enforcement Officer Training Center in Gainesville, Florida. The bi-monthly training was designed to provide continuing education units to maintain LEO certification. LEO certification in Florida requires specific training in human diversity. The present study was used to partially fulfill the human diversity training requirement.

The instruments were designed in the form of a packet to ease in the administration in a group setting. The were placed in the following order: The Modified Hate Crime Survey (MHCS), Demographic Questionnaire, ATDP-A, and the CDP scale. Each participant received a consent form with a description of the research study and the survey instruments, in that order, held together with a paper clip. The principal investigator was present for each data collection.

Prior to taking the instruments, the investigator introduced himself by name and as a student at the University of Florida. Participants were instructed to 1) read the Research Protocol and ask questions to clarify points of confusion, 2) sign two copies of the informed consent form as required by the University of Florida Institutional Review Board-Psychology (IRB-02) if volunteering for the research study, one for the investigator and the other for the law enforcement officer, 3) take the surveys in the order they are presented, 4) when completed, bring the survey packet to the investigator.

When participants returned the packet to the investigator, the consent forms were separated from the participant questionnaires. Participants were reminded to keep their

copy of the informed consent on which there is contact information if they have any

questions or concerns at a later date.

Data Analysis

- **Research Question One**: Does law enforcement officers' level of agreement with hate crime classification vary across protected category?
- **Research Question Two**: Does law enforcement officers' mean level of agreement with hate crime classification vary by gender?
- **Research Question Three**: Is there an interaction between protected category and gender on law enforcement officers' mean level of agreement with hate crime enhancement?

Analysis Related to Research Questions One, Two, and Three

A two-way analysis of variance (ANOVA) was used to examine whether the mean

of scores on level of agreement with hate crime enhancement vary across protected

category or gender and whether the two variables interact. The Two-Way ANOVA was

used to answer the first research question, which is to determine is there is *main effect* of

protected category on mean agreement with hate crime enhancement scores; the second

research question which is whether there is a *main effect* of gender on mean agreement

with hate crime enhancement scores; and the third research question, which is whether

gender and protected category *interact* or whether the effect of protected category

depends on gender.

- **Research Question Four**: Does age, attitudes towards persons with disabilities, and contact with persons with disabilities provide predictive ability for law enforcement officers' agreement with hate crime enhancement for person's with disabilities?

Analysis Related to Research Question Four

A multiple regression analysis was utilized to answer research question four. As

such, the goal will be to model level of agreement with the subscale score of people with

disabilities as a function of age, attitude score, and quantity of contact score.

Although the ATDP and the CDP utilize Likert scales to measure the constructs, respectively, data from both scales have been analyzed as interval scales. The literature documents analyzing ATDP data (Pruett, 2004; Satcher & Gamble, 2002) and CDP data (Pruett, 2004; Wang, 1998) as an interval scale.

Limitations

This study contains limitations with regards to internal and external validity. First, the results have limited generalizability. Although practical, the use of law enforcement officers from Gainesville, Florida limits the results to only Deputy Sheriff's from Gainesville, Florida. Second, legislation varies from across states as to what constitutes a protected category. Specifically, the state of Florida does not have legislation that allows for courts to enhance a sentence if the perpetrator commits a crime against a person with a disability because of bias. As a result, there are variables outside the control of this study that can influence the interpretation of bias crime indicators.

Limitations also exist with the internal validity of the study. First, the use of self-report measures can introduce an element of response bias into the study. Self-report measures, particularly with attitude measures of surveys of sensitive information can elicit respondents answering in a manner that is socially acceptable. Social desirability is not controlled for in this study. As a result, it isn't possible to determine what extent participant's responses were influenced by social desirability. A second limitation is the nature of the study itself. The methodology of the study did not allow for causal interpretation of the data.

CHAPTER 4
RESULTS

The primary focus of this study was to determine whether group membership

influenced law enforcement officer agreement to categorize a crime as a bias crime and to

determine what factors influenced their decision. The study utilized a sample of 184

certified law enforcement officers LEOs. The following research questions were

addressed:

1. **Research Question One:** Does law enforcement officer level of agreement with
   hate crime classification vary across protected category?

2. **Research Question Two:** Does law enforcement officer mean level of agreement
   with hate crime classification vary by gender?

3. **Research Question Three:** Is there an interaction between protected category and
   gender on law enforcement officer mean level of agreement with hate crime
   classification?

4. **Research Question Four:** Does age, attitudes towards persons with disabilities,
   and contact with persons with disabilities provide predictive ability for law
   enforcement officers' agreement with hate crime enhancement for persons with
   disabilities?

The first three questions were answered by conducting a two-way (repeated

measure) ANOVA and a series of one-way ANOVA's as post-hoc analyses. Protected

category and gender were included in the ANOVA model to answer questions 1 and 2

while the interaction term in the model was used to answer question 3. Question 4 was

answered by modeling the MHCS disability sub-scale score as a function of the CDP

score, ATDP-A score, and age of LEO.

Response to non-hate crime scenarios. A crime scenario was included in each protected category that did not include indicators of a bias crime. There were a total of five crime scenarios that were not hate crimes. A separate sub-category consisting of these items was formed for the purpose of analysis. The non-bias crime scenarios were rated markedly lower on the scale compared to the bias crime items ($M = 10.17$, $SD = 4.67$, *Range* = 5 to 31) (See Figure 4.1). The ANOVA indicated a significant interaction across all categories, including the non-hate items $F(5,1096) = 589.26$, $p > .001$. Levene's test was significant $F(5,1096) = 17.51$, $p > .001$ indicating the assumption of equal variances had been violated. Tamhane's test was used to correct for the violation and the mean score difference between non-hate items and the five sub-scales were significant $p < .001$. These results are consistent with the pilot study results for the same items and provided evidence of the discriminant-validity of participant responses to the instrument.

The non-hate crime items were removed from the analysis when the ANOVA's for subsequent analyses were performed. The initial purpose of the non-hate crime items was to establish LEO's ability to discriminate between hate crime and non-hate crime items. Once established, the items were eliminated from the sub-scale scores for each protected category. The aim of the study was to look for variability across similar items. It was believed the non-hate crime items would introduce unnecessary variability into the subscales. Therefore, no other analysis in this study included the non-hate crime items.

Two-way ANOVA. A 5 x 2 two-way (repeated measures) ANOVA was conducted to evaluate the effect of five protected category and gender on law enforcement officer

Table 4.1: Analysis of Variance for Mean MHCS Sub-scale Scores

Source	df	F	η_p^2	p
		Between subjects		
Category	4	25.15	.10	.001*
Gender	1	17.79	.02	.001*
Category X Gender	4	.73	<.01	.570
S within-group error	893	(19.77)		

Note: Values enclosed in parentheses represent mean square errors. η_p^2 denotes partial eta squared. An asterisk * indicates significant results *p* <.01.

MHCS scores. The ANOVA indicated no significant interaction between protected category and gender F(4,893) = .733, p > .05, partial eta square (ηp2) = .003, but significant main effects for protected category F(4,893) = 25.15, p < .001, ηp2 = .10, and gender, F(1,893) = 17.79, p < .001, ηp2 = .02 (See Table 4.1). The multiple correlation coefficient squared or R2 is a measure of the strength of relationship. The multiple correlation coefficient squared for the 5 x 2 two-way ANOVA model was R2 = .29 and the adjusted R2 for the model was adjusted R2 = .28.

A Levene's test of unequal variance was conducted to determine whether the assumption of equal error variance had been violated. Levene's test was significant F(9,893) = 9.87, p < .001 indicating the assumption had been violated concluding the error variance is not equal across groups. A one-way ANOVA was conducted for protected category and gender separately to explore whether the violation of equal variance occurred in both analyses.

Research Questions

Research question #1: Does law enforcement officer level of agreement with hate crime classification vary across protected category?

Differences in responses across protected category. As stated previously, the main effect of protected category was significant $F(4,893) = 25.15$, $p < .001$, $\eta_p^2 = .10$ (See Table 4.1). The results of the one way ANOVA for protected category was also significant, $F(4,913) = 83.64$, $p < .001$ (See Table 4.2). The η_p^2 is a measure of effect size or strength of relationship. It is a measure of variance that is uniquely accounted for by a particular variable:

$$\eta_p^2 = SS_{effect} / (SS_{effect} + SS_{error})$$

The effect size for protected category was moderate-large $\eta_p^2 = .10$ (Pallant, 2005)

Table 4.2: One-way Analysis of Variance for Mean MHCS Sub-scale Scores by Protected Category

Source	df	F	η_p^2	p
		Between subjects		
Category	4	83.64	.27	.001*
S within-group error	913	(20.41)		

Note: Values enclosed in parentheses represent mean square errors η_p^2 denotes partial eta squared. An asterisk * indicates significant results $p < .01$

A Levene's test of unequal variance was conducted to determine whether the assumption of equal error variances had been violated. Levene's test for protected categories was significant $F(4,913) = 22.56$, $p < .001$ indicating the assumption had been violated and the error variance is not equal across groups.

The violation of equal variance assumption was addressed in two ways: first, the large sample size functions to counteract the effects of the assumption on the type I error rate, and second, post-hoc analyses were chosen to take the violation into account. The Tamhane test is considered one of the more conservative tests when the equal error variance assumption has been violated (Green & Salkind, 2003) and adjusts the degrees of freedom to account for the violation. For the multiple comparison tests, the difference between the mean disability sub-scale score and that for race, religion, and sexual orientation was statistically significant p < .001. The difference between disability and gender was not statistically significant.

Participants taking the Modified Hate Crime Survey (MHCS) agreed with categorizing a crime as a bias crime less often when the crime was committed against a person with a disability (*M* = 26.32, *SD* = 5.13, *Range* = 8 to 35, 95% *CI* 25.57 to 27.07), than when the bias crime scenario was committed against a person because of sexual orientation (*M* = 28.79, *SD* = 4.40, *Range* = 16 to 35, 95% *CI* 28.15 to 29.43), religion (*M* = 31.00, *SD* = 3.76, *Range* = 14 to 35, 95% *CI* 38.52 to 23.48), or race (*M* = 32.86, *SD* = 3.07, *Range* = 20 to 35, 95% *CI* 32.42 to 33.31). The mean response for gender was similar to disability in terms of mean score, variability and range of responses (*M* = 25.68, *SD* = 5.72, *Range* = 9 to 35, 95% *CI* 24.85 to 26.52). (See Figure 4.1)
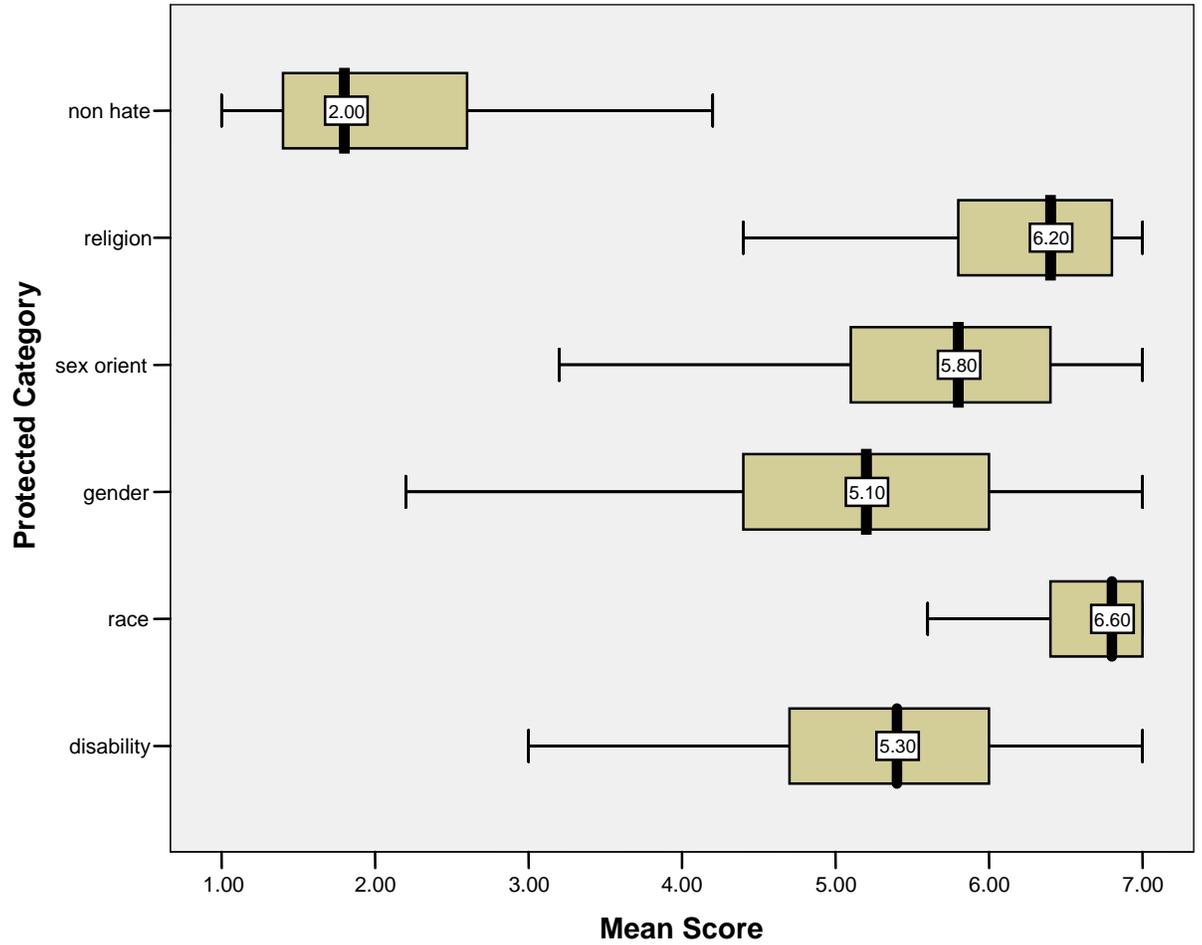
Note: Values on solid line in center of the box represent mean score of the subscale, the box represents one standard deviation from the mean, and the line or "whisker" represents the 95% confidence band. The protected categories are religion (religion), sexual orientation (sex orient), gender (gender), race (race), and disability (disability). The non-hate crime item category (non-hate) is not a protected category. Those items that did not have bias crime indicators were separated into a separate category to illustrate the LEO ability to distinguish between items with and without bias crime indicators.

Figure 4.1: Mean MHCS Subscale Score by Protected Category

Table 4.3: One-way Analysis of Variance for Mean MHCS Sub-scale Scores by Gender

Source	df	F	η_p^2	p
		Between subjects		
Gender	1	12.97	.01	.001*
S within-group error	901	(27.04)		

Note: Values enclosed in parentheses represent mean square errors. η_p^2 denotes partial eta squared. An asterisk * indicates significant results *p* <.01

The mean score for each of the subscales corresponds to the following point on the

seven-point scale: race, 6.6, religion, 6.2, sexual orientation, 5.8, disability, 5.3, and

gender, 5.1. (See Figure 4.1) It is noteworthy that the same trend noted with mean scores

was evident with the variability in the data with the exception of disability and gender,

which were reversed: race (*SD* = 3.067), religion (*SD* = 3.790), sexual orientation (*SD* =

4.399), disability (*SD* = 5.139) and gender (*SD* = 5.690) (See Figure 4.1).

Research question #2: Does law enforcement officer mean level of agreement with hate crime classification vary by gender?

Differences across gender. The 5 x 2 ANOVA was significant for gender, $F(1,893)$

= 17.79, $p < .001$, $\eta_p^2 = .02$ (See Table 4.1). The one-way ANOVA for gender was also

significant, $F(1,901) = 12.97$, $p < .001$, $\eta_p^2 = .01$ (See Table 4.3). The effect size for

gender was small $\eta_p^2 = .02$ (Pallant, 2005). The Levene test was significant $F(1,901) =$

7.78, $p < .05$ indicating the assumption of equal variance was violated.

Research question #3: Is there an interaction between protected category and gender on law enforcement officer mean level of agreement with hate crime enhancement?

The 5 x 2 two-way ANOVA was conducted to determine whether an interaction existed between protected category and gender. The ANOVA for gender X category interaction was not significant $F(4,893) = .73$, $p > .05$. (See Figure 4.2) (See Table 4.1)

Research question #4: Does age, attitudes towards persons with disabilities, and contact with persons with disabilities provide predictive ability for law enforcement officers' agreement with hate crime enhancement for persons with disabilities?

It was hypothesized that age, contact with people with disabilities, and attitudes toward people with disabilities would provide some prediction of the MHCS subscale score for disability.

Table 4.4: Summary of Multiple Regression Analysis for Variables Predicting Level of Agreement with Bias Crime Enhancement (N = 166)

Variable	*B*	*SE B*	β
Age	-.006	.045	-.010
CDP Score	.041	.033	.097
ATDP-A	.038	.019	.159

Note: R2 for the multiple regression model was .041 and the adjusted R2 was .023.

Table 4.5: Analysis of Variance for Mean MHCS Sub-scale Scores by Race, Gender,
Race X Gender

Source	df	F	η_p^2	p
		Between subjects		
Race	1	2.96	<.01	.086
Gender	1	3.07	<.01	.080
Race X Gender	1	.11	<.01	.744
S within-group error	1074	(75.18)		

Note: Values enclosed in parentheses represent mean square errors η_p^2 reported is a partial eta squared.

Where γ = predicted MHCS-Disability subscale score, α = the intercept, β_1 = the slope for ATDP-A score, β_2 = the slope for the CDP score, and β_3 = the slope for age. The model was not significant $F(3,162) = 2.29$, $p > .05$ (See Table 4.4) (See Figure 4.3). The MHCS-disability subscale score prediction equation including the three predictor variables is as follows: *Predicted MHCS-disability subscale score* = 19.66 – [Age (.01)] + [CDP (.04)] + [ATDP-A (.04)]. The unstandardized regression equation allows prediction of the MHCS Disability Subscale score from the three predictor variables used in the present study. The multiple correlation coefficient squared or R^2 is a measure of the strength of relationship. The multiple correlation coefficient squared for the multiple regression model was $R^2 = .04$ and the adjusted R^2 for the model was adjusted $R^2 = .02$.

Additional Analyses

Variation of Mean Scores Across Protected Category for Race and Gender

It appeared from examining the data that a relationship existed between race and gender with regard to MHCS subscale mean scores. Additional analyses were necessary to determine whether the observed differences were significant.

A 2 X 2, two-way ANOVA was conducted to determine whether the mean level of agreement with bias crime enhancement depended on gender and race. The ANOVA indicated no significant interaction between gender and race $F(1,1074) = .107, p > .05$, no significant main effects for gender $F(1,1074) = 3.07, p > .05$, or race, $F(1,1074) = 2.96, p > .05$ (See Table 4.5).

Variation of Mean Scores Across Severity of Crime and Type of Crime Indicator

As reported in Chapter 3, the crime scenarios were balanced with regard to severity of crime. The scale was modified so that each protected category had two crime scenarios in the very heinous category and at least one item in each of the heinous and somewhat heinous categories with the exception of religion, which has three items in the somewhat heinous category. The pattern of severity that emerged from the expert panel was as follows: 1) murder and rape were considered "very heinous", 2) assault/battery and physical harm were considered "heinous", and 3) verbal threats, name calling and graffiti, were considered somewhat heinous. This includes the MHCS items where bias crime indicators were intentionally removed.

A one way ANOVA was conducted to determine whether MHCS mean scores varied across severity of crime and the results were significant $F(2,547) = 40.97, p > .001,$ $\eta_p^2 = .13.$ (See Table 4.6). The Levene statistic for the model was not significant indicating the assumption of equal variances was not violated. Post-hoc comparisons

were conducted with Bonferroni correction to control the group-wise error rate. The mean score difference between property damage and verbal threats ($M = 6.23$, $SD = .79$) and both the physical harm items ($M = 5.51$, $SD = .87$) and the murder/rape/torture items ($M = 5.62$, $SD = .79$) was significant $p < .001$. The difference between the physical harm and murder/rape/torture items was not significant.

Crime scenarios were also balanced with regard to type of bias crime symbols at the crime scene. Each protected category includes one item where the offender is a member of a hate group, one scenario where graffiti or bias symbols are present at the crime scene and three scenarios where bias language is used verbally or in writing. There is one exception to this rule. The religion category has two crime scenarios where bias symbols are present and no indicators where the perpetrators were members of a hate group. Table 4.6: One-way Analysis of Variance for Mean MHCS Sub-scale Scores by Severity of Crime

Source	df	F	η_p^2	p
Between subjects				
Severity	2	40.97	.13	.001*
S within-group error	547	(.67)		

Note: Values enclosed in parentheses represent mean square errors η_p^2 reported is a partial eta squared. An asterisk * indicates significant results $p < .01$

Table 4.7: One-way Analysis of Variance for Mean MHCS Sub-scale Scores by Bias
Crime Indicator

Source	df	F	η_p^2	p
Between subjects				
Indicator	2	68.65	.20	.001*
S within-group error	547	(.90)		

Note: 1) Values enclosed in parentheses represent mean square errors 2) η_p^2 reported is a partial eta squared. An asterisk * indicates significant results $p < .01$

A one way ANOVA was conducted to determine whether mean scores varied across type of crime indicator and the results were significant $F(2,547) = 68.65$, $p > .001$, $\eta_p^2 = .20$ (See Table 4.7). The Levene statistic for the model was significant indicating the assumption of equal variances was violated. Post-hoc comparisons were conducted with the Tamhane test to control for the violation of equal variance assumption. The mean score for language ($M = 6.19$, $SD = .76$) was significantly different $p < .001$ from both bias symbols ($M = 5.14$, $SD = .98$) and the hate group membership of the perpetrator ($M = 5.24$, $SD = 1.08$). The difference between the bias symbols and group membership items was not significant (See Table 4.7).

CHAPTER 5
SUMMARY AND CONCLUSION

Summary

People with disabilities have been subjected to negative attitudes, prejudice and

discrimination throughout history. Evidence of this lies in the fact that PWD experience

abject poverty, employment discrimination, and crime victimization at rates greater than

the general population. The number of hate crimes reported for PWD is surprisingly

much lower than other protected categories, a trend inconsistent with prejudicial

treatment that often occurs in other areas of their lives. If the investigation of a hate crime

involving a victim with a disability is subjected to the same forms of prejudicial

treatment, the lower than expected number of hate crimes reported could be the result of

underreporting. One possible explanation for underreporting of hate crimes is if law

enforcement officers fail to recognize the elements of a hate crime.

1. It has been the goal of this research to determine whether a law enforcement officer
    is less likely to agree with the bias enhancement of a crime if the victim is a person
    with a disability compared to other protected classes. To that end, the Hate Crime
    Survey instrument (Miller, 2001) was modified to include scenarios of bias crimes
    committed against PWD. The MHCS instrument was administered to 184 sworn
    and certified law enforcement officers employed by the Alachua County Sheriff's
    department. The following is a summary of specific findings:

2. The mean score for level of agreement with endorsement of bias crime
    classification appears to be influenced by protected category. The mean score
    among LEO's was significantly lower for crimes committed against a person
    because of a disability than for crimes committed because of the victim's race,
    religion, or sexual orientation. In addition, the variability in the data was greater for
    disability, gender and sexual orientation categories compared to the race and
    religion categories. The difference in level of agreement among law enforcement
    officers was not significant between disability and gender. Protected category
    accounted for 10% of the variance in the data. The partial eta squared of .10 is

conservatively regarded as a medium to large effect size (Green & Salkind, 2003). Although the difference between disability and race, religion, and sexual orientation is statistically significant, it is important to comment on the practical significance of the difference. The mean score for the disability sub-scale corresponds to a 5.1 on the 7 point scale, which places the mean score on the agreement half of the scale. Therefore, although the extent of agreement is less, the mean score is closer to agreement with bias crime categorization than non-agreement. Additionally, the seven point scale was useful in detecting small variations in the agreement with bias crime categorization but it is unclear how that translates into differences in decision-making in the field.

3. Overall MHCS score appears to be influenced by gender. Although this finding is consistent with the results found by Miller (2001), it should be interpreted with caution. The assumption of equal variance was violated and the sample size for females (n=12) was substantially smaller than for males (n= 161). Although the trend in this study was for females to rate crime scenarios higher than males, gender accounted for only 2% of the variance in the data, which is considered a small effect size (Green & Salkind, 2003).

4. There does not appear to be a protected category X gender interaction. The category by gender interaction in the ANOVA model was not significant $p > .05$. Although an interaction does not exist, it is important to point out that the ANOVA model including both gender and protected category as factors accounted for 28% of the variance in the data.

5. Attitudes towards persons with disabilities, age, and contact with people with disabilities does not appear to contribute any information towards the prediction of MHCS-disability subscale score. However, the lack of significance could be an issue of power. The regression model required 240 subjects to have sufficient power .80 to detect a small effect size. 184 LEO's consented to participate in this study. However, due to missing data, the total sample for the multiple regression model was N = 166.

6. The mean law enforcement officer attitude towards people with disabilities was higher than expected given the literature on contact and attitude. The nature of the relationship between a LEO and a PWD is that of unequal status. Therefore, it would be hypothesized that police officer attitudes would be more negative because the nature of the relationship is not consistent with Allport's (1954) criteria for the formation of positive attitudes (Amir, 1969; Dixon et. al., 2005) and is consistent with other professions where negative attitudes have been reported in the literature (Wills, 1978). The mean attitude score on a scale of 0 to 180 was 126 ($M = 126$, $SD = 21.48$) with 95% CI of the scores between 84 and 168.

7. The MHCS mean score appears to vary as a function of severity of crime and type of bias crime indicators present. The results showed that damage to property and threats (the least severe of the crimes) had a significantly higher mean score than the more severe categories of physical harm, rape, torture, and murder.

Additionally, means scores for crime scenarios with bias language were significantly higher than for crime scenes with bias symbols of an individual's membership in a hate group. One officer, in a post-survey discussion, indicated that items involving language often convey the intent of the perpetrator. For example, bias symbols and group membership may be indicators of a bias crime but in order to build a case to prove motive, it's necessary to have proof of intent. This supports the discussion on *Apprendi v. New Jersey* in terms of the increased burden to prove motivation when building a case for sentence enhancement.

Discussion

The major aim of this study was to determine whether law enforcement officer agreement with bias crime enhancement would vary as a function of protected category. Moreover, the study attempted to isolate some of the variables that might account for the variation in MHCS disability sub-scale scores. Several interesting patterns emerged from the data. 1) The strongest agreement with bias crime enhancement was for race and religion followed by sexual orientation, and lastly gender and disability; 2) the variability in the data was smallest for the race category, followed by religion, sexual orientation, gender and disability, in that order; 3) mean scores tended to be higher for females than for males; 4) Attitudes towards people with disabilities, age and contact does not allow for any prediction of the variance of crime scenarios in the disability category.*Agreement with bias crime enhancement.* Findings of this study suggest that law enforcement officer agreement to enhance a crime as a bias crime may vary depending on the victim's membership in a protected class. Specifically, law enforcement officers may perceive bias crime indicators differently if the victim was chosen because of his or her disability or because of gender compared to race, religion, and sexual orientation. Conversely, officer agreement with bias enhancement may be higher for protected classes such as race, religion, and sexual orientation. There are several explanations that may account for the variability in the data across protected categories, including: 1) law enforcement

officers' may have greater exposure to hate crimes committed against people in protected classes other than persons with disabilities; 2) Gender and race trends; 3) the theory that persons with disabilities are often perceived by others as victims and helpless. As a result, crimes against persons with disabilities are often considered crimes of opportunity rather than bias crimes, and 4) The psychometric properties of the MHCS instrument.

Increased exposure. There are several possible explanations to explain why LEO's may have greater exposure to hate crimes committed against people in protected classes other than PWD. 1) The number of hate crimes reported each year is largest for race, followed by religion, sexual orientation, ethnicity and disability, in that order. Given the fact that hate crimes based on race are reported more often, it is reasonable that LEO's have more experience with race based hate crimes than with other categories, and may therefore tend to recognize the elements of hate crimes or bias indicators more often for crimes committed against victims in those categories. 2) Race, religion, and ethnicity were included in the first congressional hearings on hate crime in 1985 (McPhail, 2002). However, between 1985 and the passing of the act in 1990, the influence of gay, lesbian, bisexual and transgendered (GLBT) organizations prompted congressional hearings on anti-gay violence, which resulted in sexual orientation being included in the passing of the Act in 1990. Although sexual orientation was included in the initial passing of the act in 1990, anti-gay violence was introduced in the discussions later than race, religion and ethnic violence (McPhail, 2002). Disability was included in the Hate Crime Statistics Act 7 years after the initial passing of the Act. Although gender isn't included in the Act, it is recognized as a protected category in bias crime legislation in approximately 20 states and advocates lobbied for the inclusion of gender at the time disability was included.

Moreover, individuals who opposed the inclusion of gender in federal hate crime legislation referenced the fact that perpetrators of gender based crimes are often known to the victim, a characteristic shared by perpetrators of crimes against people with disabilities. The late entry of discussions on disability and gender as protected categories results in decreased exposure to discussions for those protected classes. Further, the information LEO's receive may be misinformation. For example, the fact that the perpetrator-victim relationship is often used as a reason for non-inclusion might function to reinforce biases, which in turn may result in a LEO's resistance to classify an incident as a hate crime. 3). Historical evidence of race, religion and sexual orientation-based hate crimes has been prominently reflected in media coverage for those crimes. For example, in 1998, James Byrd, an African American, was tied to a car and dragged to his death in Jasper, Texas. In the same year, Matthew Shephard, a homosexual male, was beaten to death in Laramie, Wyoming. The Byrd and Shephard case received widespread media coverage, with good reason. However, in the same year, the Department of Justice received 23 reports of hate crimes committed against a person because of disability. Three of the cases were reported from the state of Texas. Yet none of these stories were reported in the media.

The proportion of crimes reported in the race, religion and sexual orientation categories, the late inclusion of disability in the federal legislation, and lack of media coverage may all have resulted in LEO's receiving less exposure to disability motivated hate crimes and the characteristics associated with them. If true, LEO's may have less knowledge about hate crimes against persons with disabilities and less experience working with a crime victim with a disability.

Gender and race trends It appears that females scores on the MHCS overall were higher than for their male counterparts. Although the difference was significant, the small effect size and the lack of significant with gender x category interaction offer little support for further exploration of gender. Additionally, it appears that there is not a significant difference between Caucasian and non-Caucasian participants.

Persons with disabilities perceived by as victims. It has been suggested that people with disabilities may be perceived as victims (McMahon, et. al., 2004; Sorensen, 2001). McMahon et. al. reported that disability experts attribute the perception of vulnerability of people with disabilities as a possible explanation for the low number of reported hate crimes. If people with disabilities are perceived as vulnerable or victims, the process of LEO's determining whether the perpetrator was motivated by actuarial reasons or animus becomes increasingly more difficult.A bias crime is one that is committed in whole or in part by the offender's bias. However, the process of gathering information to prove the perpetrator acted out of animus becomes increasingly more difficult if there are multiple motivations. Therefore, even if there are bias indicators at a crime scene involving a person with a disability, having elements of both bias and actuarial motivation could make the bias indicators seem ambiguous. As a matter of course, the other motivating factors may become the salient feature of the investigation. Although there is evidence that perpetrators of hate crimes may have multiple motivations for committing the criminal act (McPhail, 2002) the complexity of multiple perpetrator motivation may influence LEO decision-making more if they believe a person with a disability cannot be the victim of a hate crime. Conversely, LEO's may focus more on the aspects of a crime scene that supports the belief that PWD are victims of actuarial crimes because of their

vulnerability. From a practical standpoint, if evidence of hate crime motivation must be robust for a prosecuting attorney to prove it beyond a reasonable doubt to a jury, the complexity of multiple motivations may make proving hate motivation difficult. This may explain why the highest agreement with hate crime enhancement was for crime scenarios involving bias language because it conveyed the intent of the perpetrator.

The MHCS instrument Another possible explanation for the variability in the data is the modification of the MHCS instrument. The scenarios were modified to ensure that they were balanced with regard to the number and type of bias crime indicators and severity of the crime. However, the reliability of the sub-scales was lower than ideal with the disability subscale having an internal consistency of $\alpha = .61$. With a large portion of the variability resulting from error, further exploration is needed to determine what other factors contribute to LEO decision-making. It is possible that balancing the crime scenarios with regard to bias crime indicators resulted in the disability and gender items lacking face validity. For example, MHCS item #5, "A Caucasian woman is found raped and murdered and covered in a flag that is painted with the word bitch" was modified from the original version "A woman is found raped and murdered" to include graffiti at the crime scene. However, that graffiti may not correspond well to actual bias crimes committed against a women. The item mean ($M = 3.59$, $SD = 2.12$) was considerably lower than the scale mean ($M = 5.13$, $SD = 1.71$) for gender.

Another component of the instrument that may account for the variability is the apparent ceiling effect for the race and religion subscales. Although one possible explanation for the lower amount of variability with these subscales is more confidence in rating crime scenarios falling in these protected classes, it can also be a function of a

ceiling effect. A problem with side effects is that it functions to reduce overall variability and the scales items ability to discriminate.

Attitude, age, and contact as predictors. The fact that attitudes towards people with disabilities, age, and contact with people with disabilities was not found to significantly predict LEO's agreement with bias crime classification of disability hate crimes is interesting. As stated previously, one possible explanation could be the lack of power to detect a meaningful effect size. However, it is possible that attitudes and contact with people with disabilities must be situation specific. For example, the result of McDevitt's (Bureau of Justice Statistics, 2000) survey of police officers suggests that police officer attitudes is an important factor in determining whether a crime is categorized as a hate crime. However, the police officers were referring to police officer attitudes about hate crimes, not about the individual. Therefore, although it was hypothesized that attitudes concerning PWD may provide some prediction, it is possible that the ATDP-A and the CDP are too general as measures and need to be situation specific. For example, neither the ATDP-A or the CDP ask questions specific to crime or victimization of people with disabilities. Therefore, it's possible that familiarity with investigating crimes where the victim is a PWD would be a better predictor of agreement with the classification of a disability motivated bias crime.

It was interesting to find generally more positive attitudes towards people with disabilities among the LEO's in this study. Although Allport's (1954) theory suggests that contact functions to moderate prejudice, it has been theorized that the contact must be of equal status; otherwise the contact can form negative attitudes (Amir, 1969; Dixon et. al., 2005) which has been used to explain negative attitudes among health

professionals, etc. However, the nature of the relationship between a victim with a disability and LEO is one of unequal status and yet law enforcement officer attitudes towards people with disabilities appear to be related to contact. Moreover, the findings appear to refute the theories of Allport (1954) and Amir (1969) and are consistent with the results of the meta-analysis performed by Pettigrew and Tropp (2006) that shows contact of any type functions to form positive attitudes. It is also important to recall that the attitude and contact scales do not measure the constructs relative to law enforcement. Therefore, although the nature of the relationship is one of unequal status, a high CDP score does not necessarily mean it is measuring unequal status relationships. It could be measuring equal status from contact with a friend, spouse, or other family member. Finally, the higher than expected attitude scores for LEO's may be attributable to the high number of officers reporting training on disability issues, specifically, 81% of the 126 participants who answered the question concerning training reported training on disability issues.

Law enforcement officers also rated crimes involving bias language and verbal threats higher than for crimes with bias symbols or the perpetrators membership in a hate group. Taking into consideration LEO comments, it appears that language may be a particularly important component of the crime scenario in establishing the intent of the perpetrator. As a result, future modifications of the MHCS instrument should consider crime scenarios that include more than one bias indicator and ensure there is evidence of intent.

Limitations

The following limitations were recognized in the present study regarding the

external validity, reliability and validity of the instrument, assumption violations,

response bias, and research design.

1. External validity. The convenience sample used suggests that the sample is probably not representative of all law enforcement officers. This prevents the results from being generalized beyond the Alachua County Sheriff's Department.

2. Instrument Reliability. Although the MHCS yielded an alpha coefficient of .81, the alpha coefficient for the subscales ranged from .72 to .61 with the highest reliability for the race sub-scale and the lowest for the disability sub-scale. The lower internal consistency of the sub-scales can result in an underestimation of the amount of variability in the subscale accounted for by attitudes and other variables. Moreover, lower reliability can also reduce power making thereby making detection of relationships difficult. It is noteworthy that the alpha coefficient for the overall scale increases to .88 with the non-hate items removed from the analysis.

3. Assumption violations. Although the Tamhane, Dennett T3, and Games-Howell tests were used to account for unequal variance, the violation of the assumption is noteworthy and the results should be interpreted with caution.

4. Instrument validity. It is important to recognize that this research project utilized crime scene scenarios, which have little resemblance to actual bias crime investigation. In other words, law enforcement officers rarely are in a position where they are forced to make a decision on a crime where he or she cannot investigate further and gather additional information. In addition, the apparent ceiling effect with the race and religion subscales may account for the lower variability with those subscales.

5. Response bias. Although there is evidence that LEO's were truthful in their responses, the fact that some of the officers were reluctant to sign their forms, missing data, and comments by training officers suggests that participants may not have been forthright in their responses.

6. Research design. The present research study did not employ an experimental research design. Therefore, the relationships observed do not allow for causal interpretation.

The limitations in this study suggest that any results should be interpreted with

caution. The modest reliability of the instrument suggests that it may not be measuring

the effect of protected category on bias crime enhancement or the large amount of error

variance could be the result of a response bias, such as defensiveness, from participants. The validity of the instrument has yet to be established. The instrument was initially created for criminal justice students and this is the first research study where it was administered to LEO's. As a result, it is unclear what impact a lower mean agreement score on the MHCS-disability subscale has on an officer's investigation of a crime scene or decision to arrest an alleged perpetrator for a hate crime or not. The significant results of the study should also be interpreted with caution. The assumption of equal variance was violated. Although this was accounted for in post-hoc analyses, it is noteworthy and future studies should consider this in the research design. Because the study did not use an experimental design, the resulting relationships in the data do not allow for causal interpretation. This should also be addressed in future research.It's also necessary to weigh the limitations with the positive aspects of this research study. No published research study has ever surveyed law enforcement officers on factors that contribute to law enforcement officer agreement with bias crime enhancement. Moreover, no study has ever measured LEO attitudes towards or contact with people with disabilities. Over the two month period, the training officers appeared to become increasingly more comfortable with discussing the research study and offer useful feedback on the instrument they heard from officers after completing the survey. This information has proven to be invaluable in the interpretation of the data and will most probably guide the approach to measurement with future projects.

Recommendations for Future Research

This research is a first step toward understanding why the number of reported bias crimes against persons with disabilities is considerably lower than other protected categories. Generally, future research efforts should focus on: 1) the sample and research

design so results can be generalized beyond the scope of this study 2) improvement of the

MHCS instrument, 3) exploration of factors that will contribute to the prediction of the

differences observed in this study.

Sample. First, a larger, more representative sample would allow for replication of

the results in this study and for the results of future studies to be generalized beyond the

Alachua County Sheriff's department. Future studies should also increase the sample size

for the regression analysis to have sufficient power to detect a relationship between the

predictor and outcome variables.

Perpetrator profile. Greater insight into the perpetrators of hate crimes against a person

with a disability is needed. Approximately 200 hate crimes have been reported through

2003. A qualitative analysis of court documents such as depositions, investigative reports,

etc. could provide some insight into whether the perpetrators fit one more of the profiles

reported by McDevitt, Levin and Bennett (2002) or whether a different profile exists,

similar to the perpetrators of parallel crimes against people with disabilities. Perpetrator

information of this kind is a necessary precursor to formal law enforcement officer

training. Moreover, the validity of gender and disability bias crime items require a deeper

understanding of the contributing factors of bias crime classification in those cases and an

exploration of how they differ from race, religion, and sexual orientation bias crimes.

Research design. As mentioned previously, of the 126 participants who answered

the questions concerning training, 81% reported participating in training on disability

issues and yet only 54% reported participating in training on the investigation of a hate

crime. Clearly, there is a need for further training with the Alachua County Sheriff's

department on the investigation of hate crimes. Moreover, an experimental design such as

a Solomon four-group design would be able to determine the effect of training on police officer agreement.

Instrument reliability and validity. Future work on the MHCS should explore the temporal stability of the instrument with a series of test-retest reliability experiments. Future validity studies could create a larger item pool and involve law enforcement

officers in choosing the items for inclusion in the scale. Additionally, a Guttman scale (agree versus disagree) could be used to evaluate the predictive validity or practical implications of the MHCS.State attorney participants. Although the focus of this study was on factors that affect police decision making, anecdotal comments from law enforcement officers suggest that the LEO often consults the state attorney's office who ultimately charges the alleged perpetrator. Therefore, future studies should involve the local state attorney's office that work with the LEO's to ascertain what they contribute to any variance across categories.

Involvement of people with disabilities. Although this research project has focused on law enforcement officer decision-making, future studies should explore victim variables that affect reporting such as: 1) Are people with disabilities aware they can be the victim of a hate crime? 2) Are advocacy groups (e.g. Centers for Independent Living, Developmental Disabilities Councils, etc) aware that persons with disabilities can be the victim of a hate crime and, if so, do they monitor crime in their respective area or provide advocacy services to persons with disabilities who have been the victim of a crime? It is possible that a lack of awareness of hate crimes against persons with disabilities has resulted in a lower likelihood that the victims themselves advocate for hate crime designations.

Law enforcement officer. A research study exploring the relationship between MHCS scores and judgment or decision making would provide important information to law enforcement. As stated previously, the decision to classify a crime as a bias crime is a dichotomous outcome, it either is or it isn't. Future research should explore the use of the MHCS as a predictor variable for a dichotomous outcome, classify as a hate crime or not. Law enforcement officers may also provide additional insight into variables that may account for police officer decision-making. A focus group of law enforcement officers may prove to be useful in identifying additional factors to measure in future studies.

Future studies should also look at a larger sample size to include additional predictor variables in the model. For example, hate crime investigation training, experience investigating hate crimes, experience investigating crimes involving victims with disabilities (situation specific contact), attitudes about persons with disabilities as potential victims of hate crimes, years of LEO experience, disability training, agency practice and policy, and state legislation are potential variables that may account for a larger portion of the variance.

Implications for Practice and Education

The results of this study may have implications for: 1) law enforcement, 2) crime victim advocates, 3) rehabilitation counselors, and 4) rehabilitation counselor educators and researchers. This section contains suggestions for each of these professional groups in terms of recommendations for practice, policies, procedures, continuing education training, and education.

Law enforcement agencies would benefit from examining the policies and procedures of the agency as well as the training of law enforcement officers. Nolan & Akiyama (1999) mention organizational policies and procedures as the number one factor

in determining hate crime reporting by LEO's. Agency policy that mandates specific training on disability issues and hate crime investigation, including disability motivated hate crimes, could increase LEO recognition of disability motivated hate crimes. Law enforcement administration could also consider policies that require a crime victim advocate trained in the investigation of disability motivated hate crimes to respond with a LEO to the interview the victim.

Most jurisdictions have one or more programs consisting of Crime Victim Advocates that provide assistance to victims of crime. These programs may be funded through the United States Department of Justice or through state or local government monies. These agencies often work in close contact with law enforcement agencies and LEO's. In fact, some agencies are co-located with the law enforcement agency. Crime Victims Advocates would probably also benefit from training similar to LEO's in terms of disability awareness with a particular emphasis on factors that affect individual reporting and techniques for interviewing crime victims with disabilities.

Post Traumatic Stress Disorder (PTSD) quite often develops following hate crime victimization (Cheng, 2004; Craig-Henderson, Kellina, & Sloan, 2002); Kaysen, Lostutter, & Goines, 2005)). If disability motivated hate crimes go unreported, it may be more likely that the residual psychological effects of the crime may go undiagnosed and untreated. If a person with a disability is experiencing post-traumatic stress disorder and the rehabilitation counselor is unaware, the untreated condition can interfere with the rehabilitation plan (Cheng, 2004). Moreover, PTSD can interfere with an individual's ability to function in the work environment (Keim, Malesky, & Strauser, 2003) and with overall life satisfaction (Keim, et. al.). Rehabilitation counselors might wish to inquire

about criminal victimization during intake assessments. Moreover, the policies of the vocational rehabilitation agency may want to reflect a similar interest in gathering data on the criminal victimization of their clients with disabilities.

Rehabilitation counselor educators might wish to consider incorporating information on disability motivated hate crime into the pre-service training curriculum.For example, educators might create opportunities to role-play interviewing of a crime victim in counseling skills and techniques classes. Additionally, various issues related to hate crimes and other types of victimization could be addressed in courses on ethics, diagnosis and treatment of mental disorders, treatment planning and case management, human growth and development, and evaluation and assessment. Moreover, a crime victim advocacy program can serve as a practicum site for the development of counseling skills.

The maintenance of the Certified Rehabilitation Counselor through continuing education provides another avenue for keeping the rehabilitation professional updated on advancements in knowledge about disability motivated hate crimes. Professional conferences and journals provide an excellent opportunity to educate professionals in rehabilitation counseling as well as professionals in other counseling disciplines.

Conclusion

Although disability experts speculated as to the reasons for the low numbers of disability motivated hate crimes, no evidence existed before now to substantiate these explanations or to refute the alternative, that people with disabilities are simply not victims of hate crimes at a rate similar to other protected classes. The results of this study suggest that LEO's may not recognize the elements of a hate crime to the same degree when it involves a person with a disability. Moreover, LEO's may be less certain of their thoughts on hate crime categorization when the victim is a person with a disability.

This awareness has implications for future research. Continuing to ask questions about the factors that influence law enforcement officer decision making is important. Moreover, there are a number of questions concerning factors that affect reporting of crimes by PWD. A greater understanding of law enforcement and victim variables is necessary to understand the overall validity of the hate crime data collected. Further, interventions in the form of training, education, and advocacy are necessary to adequately estimate the extent of the problem in the lives of people with disabilities.

The importance of this study to the lived experience of people with disabilities should not go unstated. Never before have LEO's in the United States been surveyed on the combined issues of crime against people with disabilities, attitudes towards people with disabilities, and contact with people with disabilities. The results of this research suggest the need for further training and awareness of LEO, involvement of disability experts in crime victim advocacy, and the development of understanding and recognition of hate crimes among persons with disabilities. The result of these interventions can and should be to facilitate participation in the criminal justice process in a manner accessible for a crime victim with a disability. Accessibility is meant to mean more than physical accessibility. It is about attitudinal accessibility, process accessibility, and the like. It is the recognition, the awareness, that there are factors that deter participation by persons with disabilities. More importantly, persons with disabilities have a right to expect equal participation in the criminal justice system when their civil liberties have been violated in the same way they have a right to expect equal liberties.

**The Modified
Hate Crime Survey
(MHCS)**

INSTRUCTIONS

The purpose of this study is to gather information from a wide range of people on crime-scene related issues. The crime scenarios presented in this survey are actual crimes that were committed in different areas of the United States.

There is only one section to the survey, consisting of a total of thirty crime scenarios.

Read each case scenario and then indicate, using the scale below, your opinion of the likelihood that each crime scenario constituted a hate crime. We are simply looking for your opinion (i.e., the degree to which you personally agree the crime scenario presented constitutes a hate crime).

A hate crime is defined as" a criminal offense committed against person or property that is motivated in whole or in part, by the offender's bias."

The scale below is an example of the scale you will be asked to use to rate the crimes scenarios in the survey. Please familiarize yourself with the scale before taking the survey.

Strongly Agree						Strongly Disagree
1	2	3	4	5	6	7

If you feel the crime scenario absolutely constituted a hate crime circle a "1"on the scale following the item. If you feel the crime scenario absolutely did not constitute a hate crime circlet a "7" on the scale following the item. The other numbers on the scale indicate partial agreement or partial disagreement with these statements.

The survey should take you approximately 15 minutes to complete. Please rate all the items.

Crime Scenario	Strongly Disagree						Strongly Agree
1. A man who was blind was crossing the street in front of a local program for the blind when two men grabbed his cane and beat him.	1	2	3	4	5	6	7
2. A group of women is attacked by assailants from a white supremacist group for wearing men's clothing.	1	2	3	4	5	6	7
3. Three employees were killed in the bombing of a Muslim businessman's office.	1	2	3	4	5	6	7
4. A woman enters an elevator in her apartment building and is battered by an unknown assailant.	1	2	3	4	5	6	7
5. A Caucasian woman is found raped and murdered and covered in a flag that is painted with the word "bitch."	1	2	3	4	5	6	7
6. A cross is burned in front of a couple' house. The couple happens to be white, however, they have adopted an African American baby.	1	2	3	4	5	6	7
7. The parents of a child who contracted HIV/AIDS from a transfusion, had the windows of their car smashed in and a note was found stating "people with AIDS aren't welcome in the neighborhood."	1	2	3	4	5	6	7
8. A white man yelling racial slurs hits a black man with a shovel.	1	2	3	4	5	6	7
9. A gay, lesbian, bisexual and transgender (GLBT) community center is set on fire killing three members of the GLBT community.	1	2	3	4	5	6	7
10. A Muslim man awakes to "all Muslims are terrorists" painted on his house.	1	2	3	4	5	6	7
11. A black man is chased by four white men from the Klu Klux Klan who threw rocks and bottles at him, eventually killing him.	1	2	3	4	5	6	7

Please proceed to page 3

Crime Scenario	Strongly Disagree						Strongly Agree
12. A male with schizophrenia is the victim of an assault and battery while waiting at a local bus stop.	1	2	3	4	5	6	7
13. A homosexual is attacked by a group of three men in the parking lot outside his place of employment.	1	2	3	4	5	6	7
14. A man with cerebral palsy was stuffed into a garbage can with taunts of "you belong in the trash you cripple."	1	2	3	4	5	6	7
15. Death threats are sent to several women members of the United States Congress with the message "women shouldn't hold political office."	1	2	3	4	5	6	7
16. A Jewish man is robbed and beaten while walking home from a local movie theater.	1	2	3	4	5	6	7
17. The word "queer" is painted on a gay couple's car and the windshield is smashed in.	1	2	3	4	5	6	7
18. While walking down the street, a gay couple is beaten and robbed of their money by three teens, each with a history of hate violence.	1	2	3	4	5	6	7
19. An Hispanic female is found beaten and unconscious in the restroom of a convenience store.	1	2	3	4	5	6	7
20. A man with a mental disability was kidnapped by nine men and women from a white supremacist group and tortured for three hours.	1	2	3	4	5	6	7
21. A Jewish synagogue is painted with swastikas.	1	2	3	4	5	6	7

Please proceed to page 4STOP

Crime Scenario	Strongly Disagree						Strongly Agree
22. While walking through campus, a woman is raped, mugged and is stabbed in the stomach and told "women shouldn't be educated."	1	2	3	4	5	6	7
23. A gay man is stabbed while being robbed in the park. The offender told the victim he was "robbing queers in the park."	1	2	3	4	5	6	7
24. A black man is found hanging from a tree with a black piece of canvas over his head; beneath him is a note that reads "death to all niggers."	1	2	3	4	5	6	7
25. Some of the Women's National Basketball Association (WNBA) players are threatened to be killed while playing a sport that is only for men.	1	2	3	4	5	6	7
26. The schoolmates of an 18-year-old high school student with a developmental disability soaked his lunch with urine and watched him eat it, telling him that "retards don't belong in this school."	1	2	3	4	5	6	7
27. A racist, threatening letter is sent to a black family that operates a hair salon, warning them to "stop making niggers" hair look like white people's.	1	2	3	4	5	6	7
28. A homosexual is found murdered and the word "faggot" is found carved in a nearby tree.	1	2	3	4	5	6	7
29. A threatening note is left at a Jewish Synagogue stating that all Jews should be executed.	1	2	3	4	5	6	7
30. Swastikas and anti-Semitic slurs are painted on an outside wall of a private country club next to the body of a Jewish member who was murdered.	1	2	3	4	5	6	7

DEMOGRAPHIC QUESTIONNAIRE

Law Enforcement Officer
Demographic Questionnaire

INSTRUCTIONS
The demographic questionnaire consists of three sections. Read the instructions at the top of each section and answer each question.

I. Place a check √ in the box next to gender, race, ethnicity, major and standing. Enter your age, in years in the blank space provided

Gender ❐ Male ❐ Female		**Age** _____ (in years)	
Ethnicity	**Race**	**Education**	**Law Enforcement Experience**
❐ Hispanic ❐ Non-Hispanic	❐ Caucasian ❐ African American ❐ Asian American ❐ Native American ❐ Other	❐ High School ❐ Associates Degree ❐ Bachelors Degree ❐ Masters Degree ❐ Post Graduate	_____ (in years)

II. Place a check √ in the box to the right of each question indicating your response.

Additional Questions		
Have you ever *interacted* with a person with a disability?	❐ Yes	❐ No
Have you ever *worked* with a person with a disability in a professional capacity where you were in a position of authority?	❐ Yes	❐ No
If you have come in contact with a person or persons with a disability, how would you most often evaluate the experience?	❐ Pleasant	❐ Unpleasant
How would you classify the level of the most meaningful interaction you have had with a PWD?	❐ Intimate	❐ Superficial

III. Place a check √ in the box to the right of each question indicating your response.

Additional Questions		
Have you ever been involved in an investigation where the victim was a person with a disability?	❐ Yes	❐ No
Have you ever *investigated* a hate crime?	❐ Yes	❐ No

Have you received specific training in the investigation of *hate crimes*?	❐ Yes	❐ No
Have you ever taken a course or participated in training on *disability* issues?	❐ Yes	❐ No

APPENDIX C
ATTITUDE TOWARDS DISABLED PERSONS SCALE

Read each statement below and circle the corresponding number according to how much you agree or disagree with it. Please mark every one.

+3 I Agree Very Much	-1 I Disagree a Little
+2 I Agree Pretty Much	-2 I Disagree Pretty Much
+1 I Agree a Little	-3 I Disagree Very Much

1. People with disabilities are often unfriendly.   -3 -2 -1 +1 +2 +3

2. People with disabilities should not have to compete for jobs   -3 -2 -1 +1 +2 +3
    with physically normal people.

3. People with disabilities are more emotional than other   -3 -2 -1 +1 +2 +3
    people.

4. Most persons with disabilities are more self-conscious than   -3 -2 -1 +1 +2 +3
    other people.

5. We should expect just as much from people with disabilities   -3 -2 -1 +1 +2 +3
    as from persons without disabilities.

6. Workers with disabilities cannot be as successful as other   -3 -2 -1 +1 +2 +3
    workers.

7. People with disabilities usually do not make much of a   -3 -2 -1 +1 +2 +3
    contribution to society.

8. Most people without disabilities would not want to marry   -3 -2 -1 +1 +2 +3
    anyone who has a physically disability.

9. People with disabilities show as much enthusiasm as other   -3 -2 -1 +1 +2 +3
    people.

10. Persons with a disability are usually more sensitive than   -3 -2 -1 +1 +2 +3
    other people.

11. Persons with a severe disability are usually untidy.   -3 -2 -1 +1 +2 +3

12. Most people with disabilities feel that they are as good as   -3 -2 -1 +1 +2 +3
    other people.

13. The driving test given to a person with a disability should be more severe than the one given to someone without a disability.   -3 -2 -1 +1 +2 +3

14. People with disabilities are usually sociable   -3 -2 -1 +1 +2 +3

15. Persons with a disability usually are not as conscientious as physically normal persons.   -3 -2 -1 +1 +2 +3

16. Persons with severe disabilities probably worry more about their health than those who have minor disabilities.   -3 -2 -1 +1 +2 +3

17. Most persons with disabilities are not dissatisfied with themselves.   -3 -2 -1 +1 +2 +3

18. There are more misfits among persons with disabilities than among those without disabilities.   -3 -2 -1 +1 +2 +3

19. Most persons with a disability do not get discouraged easily.   -3 -2 -1 +1 +2 +3

20. Most persons with a disability resent physically normal people.   -3 -2 -1 +1 +2 +3

21. Children with disabilities should compete with physically normal children.   -3 -2 -1 +1 +2 +3

22. Most persons with a disability can take care of themselves.   -3 -2 -1 +1 +2 +3

23. It would be best if persons with a disability would live and work with people without disabilities.   -3 -2 -1 +1 +2 +3

24. Most persons with severe disabilities are just as ambitious as physically normal persons.   -3 -2 -1 +1 +2 +3

25. People with disabilities are just as self-confident as other people.   -3 -2 -1 +1 +2 +3

26. Most persons with a disability want more affection and praise than other people.   -3 -2 -1 +1 +2 +3

27. Persons with a physical disability are often less intelligent than those who have no disability.   -3 -2 -1 +1 +2 +3

28. Most people with disabilities are different from people   -3 -2 -1 +1 +2 +3

without disabilities.

29. Persons with disabilities don't want any more sympathy than other people. -3   -2   -1   +1   +2   +3

30. The way people with disabilities act is irritating. -3   -2   -1   +1   +2   +3

CONTACT WITH DISABLED PERSONS SCALE

Please circle the number to the right of each statement indicating your answer to each question. Use a number from 1 to 5 to indicate the following:

1 = never; 2 = once or twice; 3 = a few times; 4 = often; 5 = very often.

1. How often have you had a long talk with a person with a disability?   1   2   3   4   5

2. How often have you had a brief conversation with persons with disabilities?   1   2   3   4   5

3. How often have you eaten a meal with a person with a physical disability?   1   2   3   4   5

4. How often have you contributed money to organizations that help persons with disabilities?   1   2   3   4   5

5. How often have persons with disabilities discussed their lives or problems with you?   1   2   3   4   5

6. How often have you discussed your life or problems with a person with a disability?   1   2   3   4   5

7. How often have you tried to help persons with disabilities with their problems?   1   2   3   4   5

8. How often have persons with disabilities tried to help you with your problems?   1   2   3   4   5

9. How often have you worked with a client, student or patient with a disability on the job?   1   2   3   4   5

10 How often have you worked with a co-worker with a disability?   1   2   3   4   5

11 How often has a friend with a disability visited you at your home?   1   2   3   4   5

12 How often have you visited persons with disabilities in their homes?   1   2   3   4   5

13 How often have you met a person with a disability you like?   1   2   3   4   5

14 How often have you met a person with a disability you dislike?   1   2   3   4   5

15 How often have you met a person with a disability that you admire?   1   2   3   4   5

16 How often have met a person with a disability for whom you feel sorry?   1   2   3   4   5

17 How often have you been annoyed or disturbed by the behavior of a person with a disability?   1   2   3   4   5

18 How often have you been pleased by the behavior of a person with a disability?   1   2   3   4   5

19 How often have you had pleasant experiences interacting with persons with disabilities?   1   2   3   4   5

20 How often have you had unpleasant experiences interacting with persons with disabilities?   1   2   3   4   5

APPENDIX E
ASSESSMENT OF HEINOUSNESS SURVEY

Instructions: The scale below contains 25 actual crime scenarios. Please indicate to the right of each item whether you believe the crime was somewhat heinous, heinous, or very heinous.

Crime Scenario	Somewhat Heinous	Heinous	Very Heinous
A man with a mental disability was kidnapped by nine men and women from a white supremacist group and tortured for three hours	1	2	3
A Caucasian woman is found raped, murdered and covered in a flag that is painted with the words "male dominance"	1	2	3
A homosexual is found murdered and the word "faggot" is found carved into a nearby tree	1	2	3
While walking down the street, a gay couple is beaten and robbed of their money by three teens, each with a history of hate violence	1	2	3
A racist, threatening letter is sent to a black family that operates a hair salon, warning them to "stop making niggers" hair look like white peoples	1	2	3
A group of women is attacked by assailants from a white supremacist group for wearing men's clothing	1	2	3
A Jewish synagogue is painted with swastikas	1	2	3
A black man is found hanging from a tree with a black piece of canvas over his head; beneath him is a note that reads "death to all niggers"	1	2	3
A Muslim man awakes to "all Muslims are terrorists" painted on his house	1	2	3
Death threats are sent to several women members of the United States Congress with the message "women shouldn't hold political office."	1	2	3
While walking through campus, a woman is raped, mugged and is stabbed in the stomach and told "women shouldn't be educated."	1	2	3

Crime Scenario	Somewhat Heinous	Heinous	Very Heinous
A cross is burned in front of a couple' house. The couple happens to be white, however, they have adopted an African American baby	1	2	3
The schoolmates of an 18-year-old high school student with a developmental disability soaked his lunch with urine and watched him eat it while the student with a disability was told "retards don't belong in this school."	1	2	3
The word "queer" is painted on a gay couples car and the windshield is smashed in	1	2	3
A black man is chased by four white men from the Klu Klux Klan who throw rocks and bottles at him, eventually killing him	1	2	3
Three employees were killed in the bombing of a Muslim businessman's office	1	2	3
The parents of a child who contracted HIV/AIDS from a blood transfusion, had the windows of their automobile smashed in and a note was found stating "people with AIDS aren't welcome in the neighborhood."	1	2	3
A gay man is stabbed while being robbed in the park. The offender told the victim he was "robbing queers in the park."	1	2	3
A man with cerebral palsy was stuffed into a garbage can with taunts of "you belong in the trash you cripple."	1	2	3
A man who was blind was crossing the street in front of a local program for the blind when two men grabbed his cane and beat him	1	2	3
Swastikas and anti-Semitic slurs are painted on an outside wall of a private country club next to the body of a Jewish member who was murdered	1	2	3

Crime Scenario	Somewhat Heinous	Heinous	Very Heinous
A threatening note is left at a Jewish Synagogue stating that all Jews should be executed	1	2	3
A gay, lesbian and bisexual (GLB) community center is set on fire killing three members of GLB community	1	2	3
A white man yelling racial slurs hits a black man with a shovel	1	2	3
Some of the Women's National Basketball Association (WNBA) players are threatened to be killed for playing a sport that is only for men	1	2	3

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BIOGRAPHICAL SKETCH

Frank Lane earned a Bachelor of Arts degree in psychology from St. Leo College in 1988 and a Master of Health Science Degree in rehabilitation and mental health counseling from the University of Florida in 2000. Mr. Lane began work towards his doctorate in rehabilitation science in 2000. He has over 18 years of experience in human services working with individuals with mental illness and physical disabilities, including six years as a practicing rehabilitation counselor in Gainesville, Florida. Mr. Lane's research interests include attitudes towards people with disabilities, contact as a mechanism for attitude change, and areas in society where attitudes function as a barrier to full participation by people with disabilities.