Police Officers' Perceptions of Gender-Motivated Violence in Canada

by

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Abstract

Police officers' perceptions of gender-motivated violence against women have been overlooked in hate crime research. In an attempt to fill a gap in the hate crime, violence against women, and policing hate crime literature, I examine how nine police officers understand gender-motivated violence in Canada using vignettes, sentence-competition tasks, and an interview guide. Here, participants are asked about their perceptions of and experience with hate crime and gender-motivated hate crime against women. Results indicate that the majority of participants do not perceive hypothetical instance of violence against women as hate crime, all of which is a product of: victim-perpetrator relationships, ambiguous motives and alternative motives, and definitional constraints with legal terms. Equally, factors and conditions that influence police officers' perceptions relate to: the typical victims of hate notion, police routine and experience with hate crime and gender-motivated violence, hate crime legislation, hate crime policies and procedures for police, and hate crime training for police.

Key words: Gender motivated-hate crime against women; male violence against women; hate crime; policing hate crime; policing gender-motivated hate crime against women

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1. Introduction and Purpose

Dragged behind a pick-up truck, James Byrd Jr., an African American man, was murdered by three White men in Jasper, Texas. Robbed, pistol-whipped, and tortured, Matthew Shepard, a young gay college student, was tied to a fence and left for dead in Laramie, Wyoming. Four schoolgirls and their female teacher were shot to death by two male classmates at Westside Middle School in Jonesboro, Arkansas (McPhail, 2003). Each of these horrific events sparked national debates about the causes of and solutions to such violence. While the first two crimes, motivated by racism and homophobia, were publicly regarded as hate crime, the third was deemed to be very different from the others. As Jenness and Grattet (2001) noted in a similar context ten years ago,

> In contrast to these two incidents, the murder of four young girls in a Jonesboro, Arkansas schoolyard in March of 1998 generally has not been viewed as a hate crime, despite the revelation that the young boys in custody for the killings sought to shoot girls because it was girls that angered them. That is, they selected their victims on the basis of gender. *Time Magazine* (Labi, 1998) referred to it as a "youth crime" and *Newsweek* (McCormick, 1998) called it a "schoolyard crime." Because of this framing, the incident triggered a different set of legal and policy discussions, most often in terms of school violence and the debate over gun control. (p. 7)

The inconsistencies between how each of these crimes were generally viewed, reported, and discussed illustrates the debate of whether or not gender bias-motivated violence *can* and *should* be included under the rubric of hate crime policy (McPhail, 2003). Although U.S. and Canadian hate crime legislation now recognizes 'gender' and 'sex' as protected categories, debates continue today. One key component of the argument, however, remains untouched – police perceptions of gender-motivated hate crime against women.

Many scholars have examined the debates for and against the inclusion of gender in hate crime legislation. Those arguing in favour make the theoretical case that male violence against women does fit the definition of 'hate crime' (Angelari, 1994; Ault, 1997; Copeland & Wolfe,

1991; DeKeseredy, 2009; McPhail, 2003; Pendo, 1994; Perry, 2001;Taylor 1996; Weisburd &

Levin, 1994). McPhail (2003), however, reminds us that:

> …currently, much of the literature on gender-bias violence consists of conceptual
> arguments within legal circles and little empirical research. (p. 275)

Research has not sufficiently explored the possibility of violence against women as hate crime,

nor has it examined practitioners' perceptions of this position (DeKeseredy, 2009; Gelber, 2000;

McPhail, 2003; McPhail & DiNitto, 2005). Furthermore, to the best of my knowledge, police

perceptions of gender-motivated hate crime have never received empirical attention.

Surprisingly, no Canadian research has explored how police officers perceive gender-motivated

violence, even though they are practitioners with discretionary authority to identify and

investigate what is and is not a hate crime (Bell, 2002, 2009). Therefore, this study attempts to

fill a gap in the literature on gender-motivated violence, hate/bias crime, and policing hate/bias

crime by exploring how police officers from a large police service in the southeastern region of

Ontario, Canada perceive gender-motivated violence against women.[1] In so doing, I pose the

following research questions:

> (1) Do police officers, the frontline practitioners with the discretionary power to identify
>
> hate crime, perceive violence against women as hate crime?
>
> (2) What factors and conditions influence their perceptions of gender-motivated hate
>
> crime against women?

These questions will be addressed in a qualitative study using masculinity theories with a sample

of nine police officers from a single police service in the southeastern region of Ontario, Canada.

In chapter two, I will begin with a review of the literature concerning gender-motivated

violence, hate crime, and policing hate crime. Here, the following topics will be examined: hate

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[1] The terms 'hate crime', 'bias crime', 'gender-motivated violence', 'gender-motivated hate crime', and similar
terminology will be used interchangeably throughout this paper.

crime definitions; debates surrounding gender-motivated violence as a type of hate crime; hate crime policy, legislation, and police initiatives; and the challenges of investigating and policing both hate crime and gender-motivated hate crime against women.

In chapter three, the theoretical framework and methodology will be detailed. First, I will outline the theoretical approach to understand the context in which police officers respond to gender-motivated hate crime against women. Second, the specific qualitative method will be addressed, as well as a detailed description of the recruitment process, structure of the interviews, data collection, and analysis processes.

Chapter four will be an outline of the analysis of results, all of which will include a sample profile and brief description of the participants, as well as the themes that emerged following each section of the interviews.

In chapter five, the discussion and conclusions will be addressed, outlining a summary of themes and their implication, limitations and strength of the study, and implications for both the policing field and the violence against women movement.

2. Policing Gender-Motivated Violence against Women in Canada: A Review of the Literature

Overall, this literature review will: (1) present specific factors that condition and influence police officers when they investigate hate crime and gender-motivated hate crimes against women; and (2) provide the historical and legal context in which police officers investigate both hate crime and gender-motivated hate crime against women. To do so, I will first contextualize the term 'hate crime', as well as address the consequences associated with such crime. Next, I will discuss the basic arguments for and against gender as hate crime, the policy history of gender in the context of hate crime, and police initiatives to combat such violence. In the subsequent section, the challenges of policing gender-motivated hate crimes will

be addressed. Here, I will present the individual and institutional challenges of investigating

gender-motivated hate crime as they relate to police culture and practices.

Overall, this literature review will provide the historical, social, legal, and investigative

context in which police officers are challenged to respond to hate crimes in general, and gender-

motivated hate crimes against women specifically.

2.1 Contextualizing Hate Crime

The brutal and premeditated murder of James Byrd Jr., Matthew Shepard, and five

females from Jonesboro, Arkansas remind us that bias-motivated violence still occurs, regardless

of whether police officers investigate them as hate crime. Likewise, these acts of violence were

a reminder that the U.S. was not the "kinder, gentler nation" once imagined (Perry, 2001).

During this surge of violence, citizens began to wonder: What is a hate crime and why is it worth

discussing?

2.1.1 Defining Hate Crime

While there are multiple definitions of hate crime, the Ontario Police College (2011), for

example, defines 'hate' as "intense dislike and extreme hostility" (p. 14); police services across

Canada refer to the *Criminal Code* Section 718.2 (sentencing enhancements) (Ontario Police

College, 2007). Although there is no offense called 'hate crime' in Canada, the Ontario Police

College (OPC) teaches police officers to understand hate crime as a criminal occurrence

committed against a person or property where there is:

> evidence that the offence was motivated by bias, prejudice or hate based on race, national
> or ethnic origin, language, colour, religion, sex, age, mental or physical disability, sexual
> orientation, or any other similar factor. (Criminal Code, 1985, s. 718.2)

Noticeably, the protected category of 'gender' is not included in the teachings of hate crime, nor

is it codified in Canadian hate crime legislation. The *Code* does however reference 'sex' as a

protected status category, which encompasses both women and men. Nevertheless, Perry (2011)

and other hate crime scholars provide a more in-depth and sociological explanation of hate

crime.

> Hate crimes (also known as bias-motivated crimes) occur when a perpetrator targets a victim because of his of his or her perceived membership in a certain social group, usually defined by racial groups, religion, sexual orientation, disability, class, ethnicity, nationality, age, gender, gender identity, or political affiliation. They are associated with criminal acts that are seen to have been motivated by hatred of one or more of the types above, or of their derivatives. Incidents may involve physical assault, damage to property, bullying, harassment, verbal abuse or insults, or offensive graffiti or letters (hate mail). (p. 367)

Furthermore, hate crimes are generally directed towards groups of people who: (1) are not valued

by the majority of society; (2) suffer discrimination in other arenas; and (3) do not have full

access to remedy social, political, and economic injustice (Copeland & Wolfe, 1991). In this

respect, hate crimes are used as mechanisms of power and oppression, fueled by "indifference"

and the need to reaffirm the precarious hierarchies that characterize a given social order. Hate

crimes are used with the intention of re-establishing the threatened (real or imagined) hegemony

of a perpetrators' group, while "appropriating" the subordinate identity of the victim's group

(Perry, 2001). Even though hate crimes serve a purpose, a perpetrator will typically maintain "a

subjective opinion, preference, or inclination that is formed without reasonable justification and

that influences an individual's or group's ability to evaluate a particular situation objectively or

accurately – a preference for or against" (Perry, 2011, p. 365). Nevertheless, the overall

rationale of hate crime is to reassert dominant positions in unstable social hierarchies, all of

which lead to serious consequences (Perry, 2001).

2.1.2 Impact of Hate Crime

Hate crimes are distinct in their effects as they are far worse than similarly egregious

crimes (Craig-Henderson, 2009). The separating factor of hate crimes from others is the fact that

hate crimes "hurt more" (Iganski, 2009). More specifically, hate crimes impact society on three interconnected levels: (1) the direct victim; (2) the targeted community group of the direct victim; and (3) intergroup relations (Lim, 2009). Each of the abovementioned will now be explored in further detail.

First, in comparison to non-hate-motivated crimes, greater emotional and physical harm are often linked to crimes inspired by hate because of their very violent nature (Iganski, 2001). For example, hate crimes in comparison to non-hate crimes are seven times more likely to involve a physical attack on a person (Levin, 2002), two times more likely to cause injury, and four times more likely to result in hospitalization (Jenness & Broad, 1997; Levin & McDevitt, 1993, 2002). Moreover, direct victims of hate crimes typically endure greater psychological and emotional harm than victims of parallel crimes (Iganski & Lagou, 2009). In particular, hate crimes are psychologically intrusive in nature, making it difficult for victims post-victimization. This is because hate crimes intentionally challenge an individual's freedom, equality, dignity, and identity (Perry, 2001). Understandably, victims of hate crimes typically report feelings of shock, fear, anxiety, depression, and panic attacks (Iganski & Lagou, 2009). Victims also experience the feeling of anger, shame, guilt, frustrations (Craig-Henderson, 2009), difficulty sleeping, experience feelings of a loss of confidence, feelings of vulnerability, (Herek & Berril, 1992), and worry about future victimization (Iganski & Lagou, 2009). Overall, hate crime victims experience greater emotional harm because they know that they were victimized because of their perceived membership in a particular social group (Craig-Henderson, 2009).

Second, hate crimes "hurt more" than traditional crimes because they are "message crimes" intended to intimidate the victim and members who share similar characteristics (i.e., race, ethnicity, religion, sexual orientation, or gender, to name a few) (Gelber, 2002; Lim, 2009).

In other words, the purpose of hate crime is not only to attack an individual, but also to attack an individual because he or she is, or is perceived to be, a member of the targeted community with the goal of sending a message to his or her community (Gelber, 2002; Lim, 2009). Consequently, hate crimes have very harmful effects on surrounding communities because "victims of hate crime are attacked not as individuals, but as symbols. They are attacked to send a message to the rest of their community" (Lim, 2009, p. 107). People who are not directly involved in the incident, but are members of the targeted social group, are affected as well. For example, members of the victim's 'in-group' may hear about the incident and learn that the victim was targeted because of his or her membership in a shared social group (Craig-Henderson, 2009), thus rupturing a community's sense of unity, while simultaneously creating group-based divisions and provoking intergroup violence (Wang, 1997). Overall, the initial attack will be a message that any member of the in-group could be next (Perry, 2001). In this respect, the victim's in-group is likely to experience negative reactions, such as an increase in fear and suspicion, a decrease in the quality of intergroup relationships, and an increase in the potential for retaliatory intergroup aggression, to name a few (Craig-Henderson, 2009; Perry, 2001).

Third, hate crimes "hurt more" than traditional crimes because they fracture interethnic or interracial relations within the larger society. Even if an individual is not a direct victim of the hate crime act, the targeted community may experience feelings of being intimidated, isolated, and unprotected (Lim, 2009). This is because hate crimes violate a community's concern for its general security of its members and property. As Lim (2009) notes,

> Bias-motivated crimes can have negative impacts on communities because they fracture a community's sense of harmony and commonality by creating group-based divisions that not only hinder social interaction, but also incite intergroup violence (Wang, 1997). Failing to recognize and adequately address hate crime can also inflame isolated incidents

into widespread community tension and intergroup conflict, potentially polarizing cities (Anti-Defamation League, 1994). Bias crimes not only violate a community's general concern for the security of its members and their property, but also the shared values of equality among citizens in a heterogeneous society. (p. 118)

Police services in Ontario, Canada also recognize the distinctiveness of hate crimes, as well as the impact it has on the individual victim and on communities to which they belong. For example, the Ontario Police College (2007) published a recent document, titled "Responding to Hate Crime: An Ontario Police Officer's Guide to Investigation and Prevention". Here, the document describes how:

> Hate crimes are often especially brutal or injurious; victim(s) usually feel traumatized and terrified; families of victims often feel frustrated and powerless; others in the community who share the victim's characteristics may feel victimized and vulnerable; hate incidents can escalate and prompt retaliatory action, and; hate crimes and hate/bias incidents create community wide unrest. (OPC, 2007, p. 5)

In sum, this section described how hate crimes are used as mechanisms of power and oppression, with the intention of re-establishing the threatened (real or imagined) hegemony of a perpetrators' group, all while "appropriating" the subordinate identity of the victim's group (Perry, 2001). As well, I outlined how hate crimes are distinct in their effects. That is, hate crimes are far worse than similarly egregious crimes (Craig-Henderson, 2009; Iganski, 2009). More specifically, this section explored how hate crimes impact society on three interconnected levels: (1) the direct victim; (2) the targeted community group of the direct victim; and (3) intergroup relations (Lim, 2009). I have not however discussed violence against women in the context of hate crime.

Although 'gender' and 'sex' are currently recognized as protected categories under hate crime legislation in the U.S. and Canada, there has been tremendous resistance to recognizing female-directed violence as hate crime (Pendo, 1994), both at the social, political, and legal level

(DeKeseredy, 2009; Jenness, 2004), and most likely at the policing level as well. As Jenness (2004) reminds us,

> …gender is best envisioned as a 'second-class citizen' in social, political, and legal discourse in the United States that speaks directly to the larger problem of violence motivated by bigotry and manifest as discrimination (i.e., bias-motivated violence). (p. 182-183)

In following section, I will outline the arguments for and against gender inclusion in hate crime legislation.

2.3 Gender-Motivated Hate Crime against Women: The Debate

Historically, the majority of hate crime discourse has been gender-blind with more attention paid to crimes committed on the basis of one's race, religion, sexual orientation, or ethnicity/national origin (McPhail, 2003; McPhail & DiNitto, 2005). In response, women's rights groups rallied together and debates on the issue began. These debates emerged primarily around the following questions and sub-questions:

(1) Is there a connection between gender and hate crime policy?

(2) If so, can violence against women be recognized under current hate crime policy?

    a. Can the category of gender fit within the hate/bias crime model?

    b. Should current hate/bias crime legislation be extended as a way of protecting women from abusive men?

        i. If so, will adding gender stretch the hate/bias crime model too thin?

Drawing upon these thought-provoking questions, this section will address the arguments for and against including 'gender' as a motivation for hate crime against women. The purpose of this section is not only to provide the rationales for or against the inclusion of gender in hate crime legislation, but also to bring to the fore the arguments that police officers may consider when putting theory into practice.

2.3.1 Arguments against Gender Fitting in Hate Crime Legislation

Among the chief reasons that critics exclude 'gender' as a protected status category under hate crime legislation are: violence between men and women does not always occur between strangers, does not target a minority whom the perpetrator hates, and does not necessarily frighten beyond the initial target, thus instilling fear in other members of the group (Lynch, 2005; McPhail, 2003). Furthermore, opponents of hate crime law claim that 'gender' is too cumbersome of a category and male crimes against women are so frequent that it may take the focus off of other hate crimes. It is also argued that gender should not be included in hate crime legislation because violence against women is already accounted for in the Violence Against Women Act (VAWA) (Lynch, 2005). These arguments will be explored in further detail.

2.3.1.1 Victim-Perpetrator Relationship

In accordance with commonly understood attributes of hate crime, for a crime to be defined as such, the victim and perpetrator ought to be strangers (Gelber, 2000; Lynch, 2005; McPhail, 2003). Since crimes against women are often perpetrated by someone the victim knows, opponents argue that gender does not qualify as a motivator for a hate crime because it is not consistent with the definition of a hate crime (Gelber, 2000; McPhail, 2003). Lawrence (1999), however, provides a valuable rebuttal for this exclusion of gender as he said,

> The existence of a prior relationship between victim and perpetrator, moreover, is not incompatible with the existence of a bias crime. The lack of prior relationship may be a description of most bias crimes, but it is not a *sine qua non* [an indispensable and essential action, condition, or ingredient] for all bias crimes. (p. 16)

Certainly many hate crimes are committed against neighbours of coworkers. For example, Juan Varela, a Mexican-American male, was gunned down by his White Anglo-Saxon neighbour on May 6, 2010 after screaming at him, "You fucking Mexican, go back to Mexico". Varela's

brother and mother watched the murder happen right outside of the victim's home (Tucson Citizen, 2011).

With this example in mind, making a prior relationship a disqualifying factor of hate crime status would exempt these types of crime (McPhail, 2003). Similarly, men who hate or maintain bias towards women can be in heterosexual relationships (Lynch, 2005). Thus, even though many women know the men who hurt them, the victim-perpetrator relationship should not take away from the fact that women experience similar forms of victimization to "traditional" hate/bias crime victims (Gelber, 2000).

Furthermore, critics argue that men in intimate relationships "love" their female victims or may come to hate that particular woman, but not all women (Lynch, 2005; McPhail, 2003). This myth also suggests that woman abuse and rape are "crimes of passion," that intimate partner abuse is a "private, family affair," and that women who are battered, raped, or killed "had it coming to them", and not because the male perpetrator "hates" or maintains a particular bias towards women in general (Copeland & Wolfe, 1991). Still, these critiques fail to understand that gender-motivated hate crimes against women are part and parcel of the issues raised by opponents of gender inclusion, in that such violence *may* constitute "crimes of passion" for example. However, some instances of male violence against women coincide with the theoretical underpinnings of hate crime: domination, subordination, patriarchy, hyper-erotic nationalism, White supremacy, and a predatory corporate capitalism (DeKeseredy, 2009). Equally, critics fail to recognize that *some* men abuse women "for being uppity, for getting out of line, for failing to recognize 'one's place', for assuming sexual freedom, or for behaving no more provocative than walking down the wrong road at night in the wrong part of town and presenting a convenient isolated target for group hatred and rage" (Brownmiller, 1975, p. 281). In this

respect, and as stated previously, both hate crimes and some instances of male violence against women are used as mechanisms of power and oppression, as well as used with the intention of re-establishing the threatened (real or imagined) hegemony of a perpetrators' group, all while "appropriating" the subordinate identity of the victim's group (Perry, 2001).

2.3.1.2 Core Status Classes of Hate Crime and Data Collection Efforts

Another argument frequently cited in the renunciation of gender as a protected status category is the fact that most instances of violence against women do not involve the targeting of a minority group whom the perpetrator hates (Lynch, 2005). In fact, given that the triad of race, ethnicity, and religion are considered the "standard" or "core" status classes of a hate/bias crime, the United States' hate crime policy was tailored around these categories.

Further resistance to the inclusion of gender in hate crime legislation stems from the fear that its inclusion may stretch hate crime legislation too far and thus, distort hate crime statistics. In part, this is because critics argue that violence against women is so prevalent that its inclusion as a status category would make the other status categories (i.e., race, ethnicity, and religion) look less important and less frequent in comparison (McPhail, 2003). Ultimately, the collection of data on hate crimes may be overwhelmingly difficult to maintain if gender is added as a status category. Goldscheid (1999), however, responded to this argument by saying:

> Perhaps the principal or underlying objection to treating domestic violence and sexual assaults as civil rights cases is the staggering number of those crimes committed each year. Yet it would be an absurd perversion of our justice system if the prevalence of a problem became the justification for ignoring it. (p. 151)

Additionally, opponents of gender inclusion argue that violence against women may involve variations and crossovers of criminal offenses, all of which make it more difficult to for police officers to identify as hate crime. For example, a domestic violence situation may involve an assault, a sexual assault, and/or homicide (Gelber, 2000). In a similar vein, much of what

could be classified as gender-based hate crime may be intersectional. Hate crimes based on

race/ethnicity, religion, sexual orientation, and other categories typically overlap gender, given

that "no one is just their gender separate from their race, class, sexual orientation, and beyond"

(Lynch, 2005, p.4). That being said, the diverse and complex nature of such violence makes it a

challenge to define domestic violence as a 'hate crime'. Both Gelber (2000) and Lynch (2005),

however, provide helpful rebuttals to these assertions,

> …many crimes involve a crossover of categories. For example, if a black gay man is
> attacked in a hate crime, it may be impossible to determine to what extent the attack
> occurred because he was black and to what extent the attack occurred because he was
> gay. (Gelber, 2000, p. 278)

> Yes, gender is a complex category for crime motivation, but just because gender-based
> hate crime is a difficult category to deal with does not make its prevalence any less, and
> since when was the presence of too many crimes good reason to not address it? To say
> that having hate crime laws for gender bias would overwhelm the system merely
> indicates the urgency of confronting such hate violence… (Lynch, 2005, p. 4)

2.3.1.3 Violence Against Women Act (VAWA)

Additionally, opponents argue that the Violence Against Women Act (VAWA) and

special laws already address violence against women, such as sexual assault and domestic

violence laws assault laws (McPhail, 2003). The VAWA, for example, is U.S. federal legislation

passed by President Bill Clinton on September 13, 1994. Supported by a number of advocacy

organizations (e.g., the National Organization for Women, National Coalition Against Sexual

Assault, National Coalition Against Domestic Violence, and Legal Momentum), the act provided

$1.6 billion to enhance the investigation and prosecution of violent crimes against women

(Violence Against Women and Department of Justice Reauthorization Act, 2005). Moreover,

the act imposed automatic and mandatory restitution on those convicted, as well as allowed for

civil redress in cases that prosecutors chose to leave unprosecuted (Violence Against Women

and Department of Justice Reauthorization Act, 2005). Due to the existence of such legislation,

opponents of gender inclusion argue that the VAWA already addresses the issue of violence against women. They strengthen their argument by drawing on the success of VAWA, namely that it has been said that VAWA dramatically improved prevention programs and police responses to such violence, increased local services and shelters for battered women, and provided housing resources to prevent victims from becoming homeless, among many other benefits (National Network to end Domestic Violence, 2006). DeKeseredy (2009), however, provides the following perspective:

> One of the most popular pieces of U.S. legislation is the Violence Against Women Act, but most American programs dealing with the results of woman abuse operate on shoestring budgets. Worse, for a long and complicated set of reasons, those who try to provide services for abused women find that to maintain funded facilities they must conform to strict governmental requirements. (p. 157)

Although the VAWA is intended to protect women from male violence, a large gap still exists between victims' needs and adequate resources (Campaign for Funding to End Domestic and Sexual Violence, 2011). As few services and programs are available for women in need, female victims may not receive the "protection" or aid that opponents of gender inclusion in hate crime legislation so frequently discuss. That being said, the argument that the VAWA already protects females from male violence against women is rather weak, given that: (1) such programs and services are already operating on thin and restrictive budgets and (2) the "protection" of women under "special" laws and legislation should not negate from the fact that new programs and new theoretical approaches are needed to understand, reduce, and respond to such violence.

2.3.2 Arguments for Gender Fitting in Hate Crime Legislation

In short, critics' reservations to the inclusion of gender as a status category within hate crime legislation are questionable at best. Although this debate persists, what is not in dispute is the fact that women frequently experience excessive violence similar to that experienced by

other groups recognized as hate crime status groups. That is, traditional hate crime victims and

female victims of gender-motivated violence experience similar forms of victimization; both

result in serious psychological, physical, social, and economic impacts, not only for the victims,

but for their families and society as well (Johnson, 2006; Perry, 2001). In this respect, gender-

motivated violence is indistinguishable from hate crime because both are intended to intimidate

and control a larger class of people rather than just the direct victims (DeKeseredy, 2009). The

following presents additional reasons as to why violence against women constitutes hate crime.

2.3.2.1 Motiveless Crimes and Lack of Provocation

Gender fits within the hate crime paradigm because numerous instances of violence

against women, similar to hate crimes, are considered "motiveless crimes." For example, the

random assault or murder of a woman without an "evident" motive (e.g., robbery or sexual

assault) is consistent with the characteristics associated with a traditional hate/bias crime. The

brutal killings of fourteen females from l'École Polytechnique de Montreal are a perfect example

of a "motiveless" crime (DeKeseredy, 2009), in the traditional sense. There was no reason for the

attacks, other than the victims' shared identity (i.e., being women). Equally, in numerous cases

of violence against women, the motive, if any, can be linked to a man's desire for control and

power, sheer hatred, and anger towards women (Copeland & Wolfe, 1991). At the very least,

women are victimized because of their gender; attacks are by no means random. Female victims

of gender-motivated crimes do not provoke the attacker; rather, they are chosen because of how

they are supposed to behave (DeKeseredy, Perry, & Schwartz, 2007).

2.3.2.2 Hate/Bias Language

"Minorities" per se are not the only ones who experience hate/bias language; women

worldwide endure similar forms of hate rhetoric by men (Perry, 2003). Women, a historically

oppressed group, must also combat messages of inferiority (Cowan & Hodge, 1996) because of

the use of sexual innuendos, verbal humiliations, and threats of violence, for example, are used

by men to terrorize them (Cowan & Hodge, 1996). Equally, bias language such as "bitch,"

"whore", and "slut" – terms which are often used in the context of violent attacks – are

unquestionably hate/bias messages because they are intended to disgrace, intimidate, and harass

women (DeKeseredy, 2009). Such remarks are also constant reminders of gender significance

and how a woman's behaviour is closely monitored and typified (DeKeseredy, Perry, &

Schwartz, 2007; Perry, 2003). Certainly, this form of expression targets a woman's femininity

specifically and is common in cases of domestic abuse (McPhail, 2003).

2.3.2.3 Impact of Gender-Motivated Violence

Some men abuse women with the intention of maintaining women's second-class

citizenship and subordinate status, all of which is equivalent to race-based crimes (Gerstenfeld,

2004; Perry, 2003). Stated previously, scholars recognized that some men engage in gender-

motivated violence to send a message and to keep women "in their place" (Perry, 2001). As a

result of these messages of inferiority, the social impacts are far reaching (Jenness & Broad,

1997; Levin & McDevitt, 1993, 2002). For example, female victims of spousal violence are

more likely than men to experience negative emotional consequences, fear for their lives,

experience multiple assaults, and suffer lost productivity (Johnson, 2006). Similarly, hate crime

victims also experience intense and prolonged forms of psychological and physical trauma

(Copeland & Wolfe, 1991). Furthermore, both victims of gender-motivated crimes and victims

of hate crime experience similar psychological consequences. Consequences include, but are not

limited to, the following: (1) suffering lowered self-esteem and loss of confidence; (2) suffering

depression, anxiety attacks, and sleeping problems; (3) suffering shame, guilt, and confusion;

and (4) fearing for their lives and feeling vulnerable (Copeland & Wolfe, 1991; Craig-

Henderson, 2009; Herek & Berril, 1992; Iganski & Lagou, 2009; Johnson, 2006; Perry, 2001).

Likewise, the physical consequences of gender-motivated violence are just as alarming as hate

crimes. For instance, women, in comparison to male victims, are more than two times more

likely to be physically injured by partner, six times more likely to receive medical attention, five

times more likely to be hospitalized due to injuries, three times more likely to have to take time

off paid or unpaid work to deal with the consequences, and twice as likely to report chronic and

ongoing assaults (Johnson, 2006). Therefore, both victims of gender-motivated violence and

victims of hate crimes share similar psychological, emotional, and psychological consequences

(McPhail, 2003).

Last of all, a key characteristic of hate crime is that the impact of such crime extends far

beyond the direct victim. As Perry (2001) so eloquently describes this key hate crime feature,

> …hate crime is a crime like no other. Its dynamics both constitute and are constitutive of
> actors beyond the immediate victims and offenders. It is implicated not merely in the
> relationship between the direct 'participants,' but also in the relationship between the
> different communities to which they belong. The damage involved goes far beyond
> physical or financial damages. It reaches into the community to create fear, hostility, and
> suspicion. (p. 10)

As I previously explained, hate crimes are message crimes intended to terrorize all members of a

target group in which the direct victim, real or perceived, belongs to (Perry, 2001). In relation to

violence against women however, most male-female relationships remain private and behind

closed doors (DeKeseredy, 2009). As such, it is argued that violence against women does not

terrorize other women beyond the direct victim. In other words, if no one sees the violence, fear

cannot extend to other women (Lynch, 2005). Lynch (2005), however, provides a helpful

criticism,

Believing that relationship violence remains private and does not intimidate beyond the initial victim ignores the cultural message contained within that violence. (p. 3)

Indeed, gender-motivated violence affects women as a group similar to the ways in which "traditional" communities are affected by hate/bias (Gelber, 2000) because they are deliberate acts of intimidation against a historically oppressed group (Cogan, 2002). Violence against women does not only affect one woman; it strikes entire communities of women – both nationally and internationally – because such violence is used as a tool to intimidate and challenge women's identity and self-worth (Craig & Waldo, 2007; Rayburn, Mendoza, & Davison, 2003; Saucier, Brown, Mitchell & Cawman, 2006). In this sense, it is common for female victims to live their lives governed by the fear of being victimized or re-victimized (Copeland & Wolfe, 1991). Gender-motivated violence can instill fear into the minds of numerous women, regardless of previous victimizations or the very private nature of such violence, because women may hear about violence against other women. Consequently, various forms of anxiety, paired with a constant threat of violence, restrict women's movement, given that women are told that they should not go out alone at night, they should watch what they wear, and they should "act" like women (McPhail, 2003). Therefore, this form of control is undoubtedly, at the very core, hate-motivated (Perry, 2003).

In sum, the arguments for and against gender inclusion in a hate crime paradigm raise serious questions, both in terms of Canadian policy implications, as well how gender-motivated violence is policed. The purpose of this section was not only to provide the rationales for and against the inclusion of gender in a hate crime paradigm, but also to address the arguments that police officers may or may not consider when putting theory into practice.

In the following section, I will outline the political efforts to combat hate crimes. In particular, this section will outline the policy history of the inclusion of gender within hate crime

discourses, as well as the data-collection efforts on the part of police officers. Accordingly, the purpose of this section is to present a few historical contingencies that may drastically reduce police officers' likelihood of identifying, gathering data, and policing instances of violence against women under hate crime legislation.

2.4 Hate Crime Legislation and Gender

In response to various instances of hate/bias motivated violence in the late 20th century, organized lobby groups petitioned for social justice. As McPhail (2003) discussed it:

> …social movement organizations have provided the primary impetus to much hate crime policy. These organizations were outraged by the violence perpetrated against their members. Keeping informal statistics was often a way to begin to address the problem. However, as advocacy groups began to gather momentum and political clout, the organizations frequently turned to the government for action and remedies. (p. 127)

Strong lobbying efforts by the Coalition on Hate Crimes Prevention persuaded the U.S. President to recognize the scope and character of hate crime. Consequently, then President George Bush signed the federal Hate Crime Statistics Act (HCSA) into law in the spring of 1990 which mandated the Attorney General's office to collect data on crimes motivated by the victim's race, religion, ethnicity, or sexual orientation (Perry, 2001). Gender, however, was noticeably absent from the bill (McPhail, 2003). This is particularly ironic given that several women's rights groups were integral in those lobbying efforts (Jenness, 2004).

As early as 1988, the National Organization for Women (NOW) was advocating for the inclusion of 'gender' in U.S. hate crime legislation. For example, during the HCSA hearing in 1988, then President Molly Yard of NOW submitted written testimony that sought to amend the HCSA by adding 'gender' as a protected category (McPhail, 2003). Yard also presented research and drew on feminist theory to illustrate that the majority of violence against women is committed by misogynistic men. She also described rape and heterosexual domestic violence as

tools of political oppression intended to keep women subordinate. Moreover, she pointed out

that two states (California and Minnesota) already include gender in their hate crime laws

(McPhail, 2003). Yard continued to describe the many parallels between hate crimes and

violence against women.

> Just as ethnic, religious, homophobic, and racist violence is motivated by hate, so also are
> rape, wife abuse, and anti abortion terrorism and a host of other crimes directed at
> women. Until we accept this concept as a nation and act on the obvious, we cannot truly
> understand the scope and misogyny in American society and begin to eradicate the
> problem and eliminate the tragic and shameful results. (Yard, 1988, p. 17)

Regardless of Yard's strong testimony, gender as a status category was not adopted under hate

crime policy. An editorial in a women's advocacy newsletter documented this deliberate

exclusion from the HCSA (McPhail, 2003).

> In the winter of 1989, the National Organization for Women and the National Coalition
> Against Domestic Violence sought to rectify the exclusion of women from the bill
> through a series of meetings with the Coalition on Hate Crimes. Aside from the absence
> of any women's groups, the Coalition on Hate Crimes is an otherwise broad coalition of
> civil rights, religious, peace, gay, and ethnic rights groups. In response to the women's
> arguments for inclusion, the member organizations of the Coalition on Hate Crimes were
> polled. They agreed unanimously that they would not support a Hate Crimes Bill that
> included gender. The Hate Crimes Coalition then cancelled all future meetings with the
> women's rights groups. (de Santis, 1990, p. 1)

Reasons offered for the exclusion of women were both strategic and ideological. For example,

coalition members feared that adding gender would delay passage of the hate crime bill

(Copeland & Wolfe, 1991; McPhail, 2003). Coalitions were also concerned that the inclusion of

gender would open the door for other groups, such as age and disability. Furthermore, it was

argued that statistics-gathering requirements would become too cumbersome due to the

prevalence of violence women. As a result, gender was not included as a category for protection

in the HCSA, and statistics on gender-bias-motivated crime were not reported at the federal level

with other crimes (McPhail, 2003). Even at the state level, gender was often omitted. For

example, the Anti-Defamation League (ADL) formulated a hate crime model statute in 1981 that

many states adopted. This statute, however, did not include gender as a protected status

category, in spite of the fact that the first hate crime law passed in 1978 in California included

gender as a category (McPhail, 2003). It is arguably that gender's exclusion from the HCSA

may have been a result of Congress addressing violence against women in a separate bill – the

Violence Against Women Act (VAWA) – which was passed in 1994 (McPhail, 2003).

Finally, after numerous debates, there was a paradigm shift. In 1994, Congress passed a

sentence enhancement law, the *Hate Crime Sentencing Enhancement Act* of 1994 (HCSEA),

which called for enhancing sentences for hate crimes. For the first time in federal policy, gender

was included in the directory of protected statuses (McPhail, 2003). Equally, the *Local Law*

Enforcement Enhancement Act (formerly the *Hate Crime Prevention Act*) expanded hate crime

coverage by including the categories of gender, sexual orientation, and disability. The *Act* also

expanded the application of hate crime law to a greater sphere than previously permitted

(McPhail, 2003). Most recently, the *Matthew Shepard and James Byrd, Jr. Hate Crimes*

Prevention Act (HCPA) expanded the 1969 U.S. federal hate-crime law to include crimes

motivated by gender, sexual orientation identity, or disability (HCR, 2009).[2] The HCPA has also

permitted federal law enforcement officials to become involved in hate crime investigations and

prosecutions when local agencies seek assistance, or when states do not include the categories of

gender, sexual orientation, gender identity, and disability under state legislation (HCR, 2009).

Similarly, Canada passed legislation to increase the penalties for crimes motivated by hate. That

is, upon sentencing, the provisions of Section 718.2 of the *Criminal Code* call for an increased

sentence when hate is determined to be an aggravating circumstance. For law enforcement

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[2] The *Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act* (HCPA) was passed on October 22, 2009 and signed into law by President Barack Obama on October 28, 2009.

services across Canada, this *Bill* meant that they must refer to the *Criminal Code* Section 718.2

(sentencing enhancements) for clarity of such hate crime definitions (Ontario Police College,

2007).

Even though Canadian hate crime legislation, police agency definitions, and data-

collecting measures do not recognize 'gender' as a status category, the status category of 'sex' is

included, and is intended to protect women (and men) from bias motivated violence. And in

substitute of a 'hate crime' offence, "Part VIII: Offences Against the Person and Reputation" of

the Canadian *Criminal Code* encompasses an offence titled 'Hate Propaganda' (Department of

Justice Canada, 2010), which is defined as:

> ….any written, verbal, or electronic material that advocates or promotes genocide against
> any identifiable group or makes statements that are likely to promote hate against any
> identifiable group because of colour, race, religion, ethnic origin or sexual orientation
> (Ontario Police College, 2007, p. 3)

Within this umbrella term, police officers enforce three criminal offences, which include:

advocating genocide, public incitement of hatred, and wilful promotion of hatred. The *Code* also

outlines mischief in relation to religious property (Dauvergne & Brennan, 2011), which could be

deemed as a 'hate crime' offence. Here, 'Genocide' is defined as:

> …any of the following acts committed with intent to destroy in whole or in part any
> identifiable group, namely,
> > (a) killing members of the group; or
> > (b) deliberately inflicting on the group conditions of life calculated to bring about
> > its physical destruction. (Criminal Code, 1985, s. 318.2)

'Public incitement of hatred' is defined as:

> …communicating statements in any public place, incites hatred against any identifiable
> group where such incitement is likely to lead to a breach of the peace. (Criminal Code,
> 1985, s. 319.1)

'Wilful promotion of hatred' is defined as:

> …communicating statements, other than in private conversation, wilfully promotes hatred against any identifiable group. (Criminal Code, 1985, s. 319.2)

'Identifiable group' is defined as:

> …any section of the public distinguished by colour, race, religion, ethnic origin or sexual orientation. (Criminal Code, 1985, s. 318.4)

'Mischief in relation to religious property' is defined as:

> …commits mischief in relation to property that is a building, structure or part thereof that is primarily used for religious worship, including a church, mosque, synagogue or temple, or an object associated with religious worship located in or on the grounds of such a building or structure, or a cemetery, if the commission of the mischief is motivated by bias, prejudice or hate based on religion, race, colour or national or ethnic origin. (Criminal Code, 1985, s. 430 (4.1))

In sum, although women are now protected under some U.S. and Canadian hate crime legislation, hate crime policy has historically excluded them from such statutes. This inconsistency is but one factor that challenges the policing of hate crime perpetrated against women. The following section will address another key challenging factor: the ways in which police officers have been trained to identify and investigate hate crimes. Here, I suggest that while hate crime training may be offered, there are no indications that it is either ongoing or covers issues relating to gender-motivated hate crime.

2.5 Investigating Hate Crime and Gender-Motivated Violence: Police Procedures and Training

Law enforcement agencies across the U.S. and Canada have developed a variety of approaches to investigate hate crime, with the most common being the centralized and decentralized approaches. The most common way of investigating hate crime, however, is through the decentralized approach (Bell, 2009). Many Canadian police services use a decentralized approach when investigating hate crime because it is less resource-consuming than a centralized hate crime unit. Rather than developing and training a group of officers from one

police service, the decentralized approach involves sending a small group of officers,

representing every geographic unit or division in the department, to specialized hate crime

training. After extensive training, officers are considered hate crime experts as they investigate

all hate crimes in a designated area (Bell, 2009). What follows is an example of such an

initiative. A summary of the centralized approach will also be addressed.

2.5.1 Decentralized Approach

When responding to potential hate crime using the decentralized approach, some of what

police officers do is comparable to what they do when responding to crimes not motivated by

bias or hatred. For example, once a victim has reported the crime to police, a patrol officer will

then respond to the call, secure the crime scene, collect evidence, and/or arrest any perpetrators

remaining on scene (Bell, 2009). During this time, the responding officer may be required to

offer assistance to the victim. The task of responding to, classifying, and investigating hate

crime, however, is distinct from the role police must play when responding to other crimes (Bell,

2009). It is during this process when police officers are faced with various challenges (Bell,

2001, 2009). For example, after the victim has been tended to, the responding officer must use

their discretion to establish whether a criminal report will be filed and, more importantly,

whether the file will be reported as a possible hate crime (Bell, 2009).

When determining if a crime was motivated, whole or in part, by bias or hatred, the

police look for obvious factors that include: (1) absence of other motivations; (2) the

perpetrator's stated motivation; (3) whether the incident occurred on a holiday of particular

significant (e.g., Yom Kippur, Eid al-Adha, and Vesākha); (4) any indication that the

demographics of the area may have lead to the incident; and (5) the use of offensive words or

symbols that may suggest bias against the victim (Bell, 2009). Next, police officers typically use

a three-step identification approach when investigating hate crime. Here, police officers first ask themselves if the incident motivated by hate. If the answer is "yes", or if the "suspected" identity was the principle motive, then the officers identify further details about the principle motivation (Silver, 2006).

If the officer does not report the incident as a hate crime, the criminal inquiry ends at this point, all of which limits the possibility of further investigation (Bell, 2009). If a report is filed, a police detective is then assigned to the case. The police detective, similar to the responding officer, is given the discretion to decide whether the potential hate crime is worthy of further investigation (Bell, 2009). Likewise, if the detective deems the case worthy of further investigation, police investigators must gather evidence to support criminal charges (Bell, 2009).

Officers who identify further details in a hate crime case are typically specialized hate crime officers from a particular police service. In Ontario, Canada, for example, specialized hate crime officers may be members of the Hate Crime and Extremism Investigative Team (HCEIT), which is currently made up of officers from eleven police services with the purpose of collecting, evaluating, and disseminating information and intelligence concerning matters involving hate propaganda, the promotion of genocide, hate motivated crimes, and the diverse variants of criminal extremism (Hate Crime Community Working Group, 2006). Furthermore, members of the HCEIT provide specialized investigative support, assist with officer training, and produce frontline educational materials for hate-related crimes (Hate Crime Community Working Group, 2006).

2.5.2 Centralized Approach

Some police services in Canada use the centralized approach when combating hate crime in larger metropolitan areas. For example, Toronto has a Police Hate Crime Unit that is part of

Intelligence Services. Established in 1993, this specialized unit provides support to frontline officers and investigative units throughout the city. The unit also monitors hate-motivated crimes with the purpose of aiding and identifying crimes and criminals (Toronto Police Service, 2011). Likewise, the Vancouver Police Department also has a hate crime unit that provides support to both the Patrol Division and Investigative Sections throughout the city, as well as develops and delivers training for law enforcement personnel, coordinates with community groups, and participates in education and prevention programs (Vancouver Police Department, 2011).

2.5.3 Hate Crime Training

Although specialized hate crime officers and units seem like a worthy policing initiative, it is often frontline officers who are the first responders to such crimes (Bell, 2009). Thus, it is important to recognize how frontline officers respond to potential hate crimes. For that reason, the Ontario Police College (OPC) provides its recruiting officers with specific training to respond to hate crime (see Appendix I).

While it appears as though police officers in Canada receive extensive hate crime training, literature from the Ontario Police College suggests that gender-motivated violence is not included in their curriculum. Furthermore, even though hate crime legislation, policing training and procedures are in place to aid officers who respond to hate crime, Bell (2009) reminds us:

> The mere passage of hate crime statutes does not ensure that the law will be enforced. Hate crimes often require detailed investigations, both by police and hate crime victims. (p. 40)

Indeed, although legislative measures may be in place to protect hate crime victims, the fact of the matter is that hate crime victims rarely report to police (Cogan, 2002; Roberts, 1995; Perry,

2001). This underreporting is also exacerbated in the context of gender-motivated hate crime against women, all of which will be discussed in the subsequent section. In this respect, this section will briefly outline the limitations of hate crime data as it relates to policing hate crime and gender-motivated hate crime against women.

2.6 Underreporting Hate Crime and Gender

In a recently published article by CBC News, the headline provided a disturbing yet gripping caption – "Hate crime reports jump by 42% in Canada". The online article then offered the following data,

> The number of hate crimes reported to Canadian police rose 42 per cent in 2009 on top of a 35 per cent increase the previous year, Statistics Canada reported Tuesday. (CBC.ca, 2011)

Hate crimes, however, are among the most underreported forms of criminality (Roberts, 1995; Perry, 2001; Cogan, 2002). For example, recent data from the U.S. National Crime Victimization Survey on bias victimization found that only 44% of bias crimes were reported to police (Harlow, 2005). In Canada, self-reported information from the 2009 General Social Survey suggests that about one-third (34%) of incidents were reported to police (Dauvergne & Brennan, 2011). Thus, while CBC News reports a 42 per cent increase of hate crimes in 2009, these official hate crime statistics do not accurately reflect the actual number of hate crime instances in Canada; hate crime figures actually underestimate the true prevalence of such crimes (Roberts, 1995).

Likewise, just over one-third of spousal assaults and less than ten percent of victims of sexual assault reported it to police in 2004 (Johnson, 2006). These numbers, however, are gross underestimates of gender-motivated hate crimes against women. In particular, the Uniform Crime Reports (UCR), a nationwide cooperative statistical effort, categorizes 'sex' as 'other

motivations', which account for just four percent of all hate crimes reported in 2009 (Dauvergne & Brennan, 2011).[3] Equally, UCR2.2 statistics are as troubling. For example, only six crimes motivated by sex were reported to police in 2009. The data, however, does not tell us if the victims were male or female. Hypothetically, if all six crimes were female-motivated in 2009, the data still indicates that female victims of gender-motivated hate crime are much less likely than "typical" hate crime victims (who also rarely recognize themselves as hate crime victims) to perceive themselves as hate crime victims. Thus, Canadian statistics indicate that female victims of gender-motivated hate crime are more reluctant than the already reluctant victims of race-based, religious-based, and sexual orientation-based crimes to report such incidents (Dauvergne & Brennan, 2011).

Despite any effort by police to protect women from male abusers, such instances often go unreported because many women never call police for assistance (Morley & Mullender, 1994; Stanko, 1995). Certainly, it is a challenge for police officers to respond to and report instances of violence against women as hate crime when female victims, similar to typical hate crime victims, do not recognize themselves as victims of hate. Nevertheless, hate crimes investigations are complex in nature (Bell, 2009). Frontline officers are faced with numerous issues when responding to hate crime and most certainly gender-motivated hate crime, all of which will be discussed in the subsequent section.

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[3] Canadian police services reported 1,473 hate crimes in 2009, which was an increase of 42% from the previous year (Dauvergne & Brennan, 2011). This increase of hate crimes reported to police was driven primarily by a higher number of incidents in four of Canada's largest census metropolitan areas: Ottawa (+83), Toronto (+79), Kitchener-Cambridge-Waterloo (+62), and Montreal (+61). And while the number of violent hate crimes rose in 2009, an increase in the number of non-violent hate crimes was more substantial. Overall, mischief was the most common type of hate crime, which accounted for more than half (54%) of all incidents. As well, race or ethnicity was the most common motivation for police-reported hate crime (54%) in 2009, followed by religion (29%) and sexual orientation (13%). The remaining four percent of incidents targeted a variety of other factors (i.e., 'Other motivations') such as language, mental or physical disability, and sex, to name a few (Dauvergne & Brennan, 2011). Since police-reported hate crime data first became available 2006, these proportions have remained relatively stable (Dauvergne & Brennan, 2011).

2.7 Complexity of Investigating Hate Crime Investigations and Gender-Motivated Violence

As McPhail (2003) noted almost a decade ago, "the story of the intersection between gender and hate crime policy has been tumultuous and controversial. The debate continues today" (p. 126). One reason why the concepts of hate crime *and* gender-motivated hate crime have been so controversial is because of "the difficulties of determining motivation of a potential bias crime primarily relate to ambiguity, uncertainty, and infrequency associated with decision making" (Cronin, McDevitt, Farrell, & Nolan, III, 2007, p. 217). With this in mind, the purpose of this section is to address the complexities and barriers of policing hate crime and gender-motivated hate crime against women, both from a theoretical and practical lens. Equally, this section will reveal how each of the previously stated factors (i.e., ambiguity, uncertainty, and infrequency associated with decision making) is further complicated when 'gender' is added as a motive of hate.

2.7.1 Ambiguity, Uncertainty, and Infrequency Associated with Identifying Hate Crime and Gender

Hate crime investigations are typically the most complex of all criminal investigations. Not only are hate crimes difficult to identify, it is particularly trying for officers to gather the necessary evidence to support a hate/bias motive (Bell, 2002, Hall, 2010). That being said, Cronin, McDevitt, Farrell, & Nolan, III (2007) provide a simple and concise explanation of the challenges face by frontline officers when identifying bias motivation.

> Most of the difficulties in identifying bias crimes stem from requiring department personnel to make judgments about motivation. Although the motivation for a crime is a part of many investigations, it is not necessary for police officers to identify motivation to report most crimes. For example, determining the motivation for a motor vehicle theft is not necessary for police agencies in recording and reporting that crime to the FBI. In the case of bias crime, however, identifying motivation is necessary for any such crime to be identified and reported, given that the motivation defines the criminal action as being bias motivated. The difficulties of determining motivation of a potential bias crime primarily

> relate to ambiguity, uncertainty, and infrequency associated with decision making. (p. 217)

Police officers are then faced with the challenge of gathering sufficient evidence – outlined in the *Criminal Code* – to support a bias motive (Bell, 2009).

Even though legislative definitions seem clear, concise, and easy to police (see pages 24 to 25), the term 'hate crime' is much more complex than the *criminal* act of mean-spirited prejudice and bigotry. For many, the term 'hate' is a subjective human emotion that is difficult to operationalize, characterize, and thus prove. Undeniably, it is a challenge to prove that someone felt a particular sentiment when engaging in criminal activity (McPhail, 2003). And in the context of gender-motivated hate crime, it may be near impossible to prove that a husband was motivated by hatred while abusing his wife, given the very intimate nature of the relationship (Perry, 2008). Furthermore, the term 'hate' may be an inaccurate depiction of how an offender truly felt during the commission of an offence. For example, a perpetrator may not have been motivated by hate while assaulting an individual, but instead be sending a message to a person perceived as "different" (Perry, 2008). Equally, a man may not attack a woman because he hates her, but rather, to send a message and to keep her "in her place" (Perry, 2001).

Moreover, since hate crimes are considered infrequent events (Bell, 2002; Perry, 2001), patrol officers rarely gain the experience needed to investigate such incidents (Bell, 2001, 2009; Hall, 2010). Chances are they will have never developed a routine to identify and classify potential hate crimes as they may have with more common types of crime (Cronin, McDevitt, Farrell, & Nolan, III, 2007). Police officers may never develop a routine to know what they are looking for, they may not know what kinds of questions to ask victims, suspects, and witnesses, or what kinds of cues help identify bias motivation (Cronin, McDevitt, Farrell, & Nolan, III, 2007). In the context of gender-motivated hate crime against women, these types of crimes are

considered even rarer than hate crimes (DeKeseredy, 2009). Thus, police officers may be even more challenged to investigate such instances as hate crime.

In addition, when officers arrive at a potential hate crime scene, many details of the incident are not available to them. For example, the perpetrator is not present, there are few, if any, eyewitnesses, and only the victim may be present.[4] Frontline patrol officers are then faced with the task of making an appropriate judgment usually based on uncertainties and biased beliefs (Cronin, McDevitt, Farrell, & Nolan, III, 2007). Consequently, the victim and officer may *instead* identify several alternative motivations for the crime. For example, both the victim and responding officer may believe that a "reasonable" motive for a crime was that it was just opportunistic, or that the perpetrator was simply intoxicated, or even that the offense was just a domestic assault whereas the victim may believe that it was motivated by hate (Bell, 2009). Likewise, an ambiguous motive may be a result of a 'multiple-motivation crime' involving incidents where bias was only one of several motivations (Cronin, McDevitt, Farrell, & Nolan, III, 2007).

When investigating instances of violence against women, it may be even more difficult for officers to identify a motive of hatred, as well as collect evidence to support such a motive. Not only are gender-motivated hate crimes against women seen as infrequent events (DeKeseredy, 2009), law enforcement agencies in Canada routinely police instances of domestic violence by means of a mandatory charging policy framework (Department of Justice Canada, 2006), not through a hate crime lens. One could also argue that mandatory charging policies – that require police officers to charge perpetrators of intimate partner abuse – influence Canadian

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[4] Research suggests that victims are reluctant to identity a crime as a hate crime because of feelings of future vulnerability (Christmann & Wong, 2010; Iganski, 2001; Roberts, 1995; Perry, 2001). This makes it increasingly difficult to identify and subsequently, gather evidence to support the claim that in fact, the crime was a hate crime (Bell, 2009).

police officers perceptions of gender-motivated hate crime. Frontline officers may be more

likely to lay traditional domestic abuse charges when responding to gender-motivated violence,

given that their routine commonly consists of applying charges of assault, sexual assault,

criminal harassment, threats of violence, forcible confinement, trafficking in persons, and

homicide (Johnson, 2006). Thus, police officers who respond to such gender-motivated crimes

are faced with additional challenges since it is much more complex than the routine of working

within the framework mandatory charging policies.

Arguably, because of the very complex nature of hate crimes, police officers may be

reluctant to investigate such crimes, and even less likely to investigate gender-motivated hate

crime against women. If police officers do not recognize that bias beliefs are entrenched in the

structural and cultural milieu in which groups interact (Perry, 2001), they may also find it hard to

identify and police violence against women under hate crime legislation. Based on this

framework, the following segment will outline, in detail, police officers' reluctance to respond to

both hate crime, and violence against women as hate crime.

2.8 Reluctance to Police Hate Crime and Gender-Motivated Violence

Within police culture, however, there is a general reluctance to identify hate motivation

(Bell, 2002, 2009; Boyd, Berk, & Hamner, 1996; Hall, 2010; Saucier, Brown, Mitchell &

Cawman, 2006). Arguably, this general reluctance is amplified in the context of gender-

motivated hate crime against women, all of which will be discussed.

Research suggests that police officers in North America hold stereotypical perceptions

about minority groups, which results in over-policing, racial profiling, excessive use of police

force, and/or under-policing (Bell, 2002). Likewise, studies have found that police officers from

England, Wales, and the U.S. are reluctant to enforce hate crime legislation (Bell, 2002; John,

2003; Hall, 2005, 2009). Researchers have found that there is often a substantial "disconnect" between what police departments reported investigating and what was included in the official statistics (Cronin, McDevitt, Farrell, & Nolan, III, 2007; McDevitt, Balboni, & Bennett, 2000). This suggests that there is an under-classification of crimes has hate crimes and a reluctance to report crimes as hate crimes. Reasons for this reluctance are widespread, but beyond the scope of this thesis.

This reluctance extends to violence against women, in that some police officers are reluctant to investigate 'traditional' instances of violence against women, let alone gender-motivated hate crime against women. For instance, while police services – in many countries – have adopted policies to lay traditional criminal charges in domestic violence cases, police officers are still under-enforcing the law (Huisman, Martinez, & Wilson, 2005; Kazarian, Crichlow, & Bradford, 2007). One reason for this discrepancy is that police officers generally perceive the criminal justice system as an extremely clumsy tool for dealing with domestic violence (Hoyle & Sanders, 2000). Another reason why some officers are reluctant to police violence against women, and most certainly gender-motivated hate crime against women, is because of the ideologies and practices within some police departments, all of which represent increased militarization, police culture (e.g., us-versus-them), lack of racial and gender diversity, and racial profiling (Huisman, Martinez, & Wilson, 2005). Indeed, police services in North America have traditionally been White, male dominated organizations reflective of society's mainstream values and ideologies (Bell, 2001, 2009; Hall, 2005, 2010; Huisman, Martinez, & Wilson, 2005; John, 2003). Police officers are generally your everyday man or woman who shares normative social ethos representative of sexism and racism (Hall, 2010). There is even

evidence indicating that the hidden curriculum of some police academy training programs continues to encourage hegemonic masculinity (Prokos & Padavic, 2002).

Police culture is not immune to pre-conceived biases about who are considered the typical perpetrators and victims (Bell, 2009), nor are they susceptible to misogynistic attitudes (Katz, 2006). For example, Canadian statistics suggest that race or ethnicity, religion, and sexual orientation are the most common motivations for police-reported hate crime (Dauvergne & Brennan, 2011). That being said, it may be that police officers are reluctant to investigate gender-motivated hate crimes against women because they are not the "typical" hate crime victims.

The "typical victim syndrome" may have a devastating effect on hate crime investigations because unlike most traditional crimes, police officers play a different role when responding to such crimes. Specifically, police officers have additional discretion to identify what is and is not considered a hate crime. This discretion may be problematic when policing violence against women under hate crime legislation, given that women are not considered the typical victims (DeKeseredy, 2009). Furthermore, as stated previously, some police officers are reluctant to investigate both hate crime *and* violence against women in general, let alone gender-motivated hate crime against women. Thus, since police officers may be reluctant to investigate 'traditional' instances of violence against women and even more reluctant to investigate 'traditional' hate crimes, they may be even more reluctant to investigate gender-motivated hate crime against women.

2.9 Summary of the Literature Review

This literature review provided the historical, cultural, legal, and investigative context in which police officers are challenged to respond to hate crimes and gender-motivated hate crimes

against women. In support of this assertion, I first addressed the concept of 'hate crime' and the arguments for and against gender-motivated hate crime against women, not only to provide the rationales for or against the inclusion of gender in a hate crime paradigm, but also to bring to the fore the arguments that police officers may consider investigating gender-motivated hate crime against women. Following this, the policy history of gender and hate crime were addressed. In outlining the policy history of the inclusion of gender within hate crime discourses, this section described a few historical contingencies that may drastically reduce the process of identifying, gathering data, and policing instances of violence against women under hate crime legislation. Next, in discussing the police initiative to combat hate crime, I suggest that while it appears as though police officers in Canada receive extensive hate crime training, the fact of the matter is that gender-motivated hate crime against women is not included in the curriculum.

In the subsequent section, the challenges of policing gender-motivated hate crimes were addressed. Among the barriers is the fact that hate crimes are rarely reported to police (Roberts, 1995; Perry, 2001; Cogan, 2002). Indeed, this underreporting is also exacerbated in the context of gender-motivated hate crime against women. This chapter also discussed how hate crimes are typically more complex to investigate than other crimes because they are difficult to identify and gather evidence to support a hate/bias motive (Bell, 2002, Hall, 2010), all of which are further complicated by the addition of gender motivation into the mix. As well, this chapter outlined how mandatory charging policies may influence Canadian police officers perceptions of gender-motivated hate crime. That is, officers may be more likely to lay traditional or primary charges when responding to gender-motivated violence (Johnson, 2006). Moreover, I discussed the challenges of investigating gender-motivated hate crime as it relates to police culture. Here, I suggest that there is a general reluctance within the White, male-dominated police culture to

identify hate motivation (Bell, 2002, 2009; Boyd, Berk, & Hamner, 1996; Hall, 2010; Saucier, Brown, Mitchell & Cawman, 2006). Likewise, some police officers are also reluctant to investigate violence against women (Huisman, Martinez, & Wilson, 2005; Kazarian, Crichlow, & Bradford, 2007). In the context of male violence against women as hate crime, police may be even more reluctant to investigate such crimes because women are not considered the 'traditional' hate crime victim, nor do police officers routinely investigate such cases as hate crimes (DeKeseredey, 2009).

Although U.S. and Canadian hate crime legislation recognize women as a protected category, the fact of the matter is that hate crime laws do not enforce themselves; police officers do (Bell, 2009). However, despite the important roles police officers play in any hate crime investigation, Canadian research has not empirically examined police officers' response to hate crime generally, or perceptions of gender-motivated violence against women specifically. Therefore, this thesis attempts to fill a much needed criminological gap in the literature on gender-motivated violence, hate/bias crime, and policing hate/bias crime. In so doing, the subsequent section will lay the theoretical and methodological groundings for which the study was conducted.

3. Theory and Methodology

3.1 Theoretical Framework

The brutal killings of fourteen females from l'École Polytechnique de Montreal (Brennan, 2010) and the murder and maiming of a combined twelve women in a Pittsburgh fitness classroom (Martinez, 2009) symbolize the way in which hate crimes are used as a mechanism of power and oppression, fuelled by the need to reaffirm the precarious hierarchies that characterize a given social order. This is evident because these hate crimes were intended

to: (1) re-establish the threatened (real or imagined) hegemony of the perpetrators' group, while

"appropriating" the subordinate identity of the victim's group (Perry, 2001); and (2) intimidate

and control a larger class of females, and not just the victims (DeKeseredy, 2009). Certainly,

many women and girls belong to "target groups" and their horrendous experiences are "part and

parcel of a larger hate crime problem" (Jenness, 2004, p. 189) in the U.S., Canada, and

internationally (DeKeseredy, 2009). For example, at least 60 women are killed every year in

Canada, with the bulk of females being victims of intimate femicide (Ellis & DeKeseredy, 1997).

In the U.S., approximately four women are killed every day by an intimate male partner (Stout,

2001) and at least eleven percent of women in North America are physically assaulted by their

male cohabiting partner each year (DeKeseredy, 2008). Thus, what Gelles and Straus (1988)

stated over 20 years ago still holds true for Canadian women and girls today:

> You are more likely to be physically assaulted, beaten, and killed in your own home at
> the hands of a loved one than anyplace else, or by anyone else in society. (p. 18)

In spite of these intentional acts of intimidation, there is a tremendous resistance to recognizing

female-directed violence as hate crime (Pendo, 1994), both at the social, political, and legal level

(DeKeseredy, 2009; Jenness, 2004), and most likely at the policing level as well. Arguably,

since gender-motivated hate crime is statistically normal, policy-makers, practitioners and

laypersons perceive it as an "ordinary" part of North American culture, not a hate/bias crime

(Ferber, 2004; Katz, 2006).

3.1.1 Normalizing the Subordination of Women

The subordination of women is historically embedded in the social fabric of society

(Connell & Messerschmidt, 2005; Daly & Chesney-Lind, 1988; Katz, 2006; Sokoloff & Dupont,

2005). Social inequalities and sexism are created and maintained through the process of social

construction, even in contemporary democratic societies (Kallen, 2004; Perry, 2001). Kallen

(2004) so elegantly describes the social construct of gender by stating that invalidation myths

> …have historically been used to justify the erroneous and invalidating belief that men are superior to women: women are the weaker sex; women are by nature emotional and submissive, and are innately predisposed to adopt 'mothering' roles (child-bearing, nursing and the like). Men, by contrast, are the stronger and more aggressive sex; the natural protectors of women and children; and are innately predisposed to be thinkers and decision-makers in public life. (p. 43)

These myths imply that the subordination of women is justifiable: females are perceived as

inferior because of their sex. In reality however, the subordinate status of women is a social

construct, based upon gender, which is a culturally defined sex role of difference (Kallen, 2004).

Assumptions about innate, sex-based female inferiority have been used, historically, by dominant

male authority to deny women the same opportunity, rewards, and esteem. Certainly, these

unequal treatments violate women's' fundamental rights to freedom, equality, and human

dignity, all of which perpetuate the social construct of gender and the subordination of women

(Kallen, 2004). In this respect, male dominated culture perpetuates biased assumptions about the

"proper roles" for women, as well as their "natural place" in society.

Understandably, police services, organizational structures dominated by men, are not

immune from the degradation of women. Law enforcement agencies in North America are

actually a reflection of society's sexist values and racist ideologies (Bell, 2009; Hall, 2010).

Certainly, as Miller (1998) argues,

> …given the ideological preoccupation with masculinity in policing…any behaviour that appears tied to femininity, weakness, or subjectivity is suspect and denigrated. (p. 96)

3.1.2 Police Culture and Masculinity

Police departments, like many other male-dominated occupations, define themselves

though masculinity and the subordination of women (Hunt, 1990; Martin & Jurik, 1996; Prokos

& Padavic, 2002). In fact, masculinity is an ethos that lies deep within the fundamentals of

policing itself (Waddington, 1999). In support of this perspective, U.S. research suggests that

hegemonic masculinity is a central defining concept in their culture of police work (Prokos &

Padavic, 2002). Empirical research even suggests that police officer recruits are taught that

dominant masculinity is necessary to perform their duties as cops. Specifically, as Prokos &

Padavic (2002) note,

> While there may be no law against women (or bitches) entering the police academy, the
> hidden curriculum there taught recruits that dominant masculinity is necessary to
> performing their duties as cops. Women's presence at the academy facilitated these
> lessons by indicating the boundaries surrounding masculinity (accomplished through
> differentiation) and by highlighting masculinity's superiority over things not-masculine.
> Specifically, male students learned that it is acceptable to exclude women, that women
> are naturally very different from men and thus can be treated differently, that denigrating
> and objectifying women is commonplace and expected, and that they can disregard
> women in authority. (p. 455)

These sexist ideologies typically reflect the mainstream notion that gender-motivated violence is

only a result of men's assumed right to control and demand obedience from their female partners

(Copeland & Wolfe, 1991), and not a symptom of hatred and bias towards women. Cultural

support reaffirms this notion, in that "men who assault their wives are actually living up to

cultural prescriptions that are cherished in Western society – aggressiveness, male dominance,

and female subordination – and they are using physical force as a means to enforcing that

dominance" (Dobash & Dobash, 1979, p. 24), not because men hate women in general. That

being said, police officers, too, may perceive violence against women as a power struggle

between intimate parties and not a hate crime, given that research suggests that male officers

typically equate women with feminine moral virtues, the domestic realm, formal rules,

administration, social service, cleanliness, and emotions (Hunt, 1990). Arguably then, the very

fabric that makes up a police institution represents male masculinity and male domination over

women (Hunt, 1990; Martin & Jurik, 1996; Prokos & Padavic, 2002), all of which may contribute to their perceptions of gender-motivated hate crime against women.

In sum, North American police officers are your everyday men and women who have grown up in a misogynistic and sexist society. We all have (Katz, 2006). Throughout our personal lives, social settings, and institutional arrangements, men have historically maintained the economic, social, and political power (Katz, 2006) to control, through physical or coercive force, women's sexuality, labour, and civic participation (Daly & Chesney-Lind, 1988). Consequently, since male violence against women is statistically normal (DeKeseredy, 2009; Katz, 2006), it may be the case that police officers do not perceive such instances as hate/bias-motivated. Furthermore, given that research suggests that police officers enable a sexist 'cult of masculinity', it remains to be seen if police officers perceive violence against women as hate crime, or if they adhere to the mainstream belief that male violence against women is simply a symptom of male control and dominance over "their" women (DeKeseredy, 2009).

Nevertheless, to the best of my knowledge, little or no empirical research has examined whether police officers perceive violence against women as hate/bias-motivated. That being said, I found it most suitable to use an in-depth qualitative approach to study police officers' perceptions of gender-motivated violence in Canada.

3.2 Methodology

To understand if police officers perceive violence against women as hate/bias crime, as well as what factors shape their perceptions, I conducted semi-structured qualitative interviews with a sample of nine middle to upper ranking police officers from one police service in the southeastern region of Ontario, Canada. In order to recruit police officer participants, I initially contacted the Chief Administrative Officer at a police service in the Greater Toronto Area and

sent my thesis proposal with a request for assistance. As weeks passed by, I did not receive a

reply, in spite of several email reminders. I soon realized the challenges of recruiting police

participants for my study. I next went directly to the Superintendent of Police Operations. He

responded almost immediately and agreed to help recruit police officers for my study.

Shortly after, a convenience sample of nine police officers was then attained through

"word of mouth" tactics. As well, a letter of invitation was sent to police officer via email.

Interviews were conducted during the months of December, January, and February of 2010-2011

at four police stations in the southeastern region of Ontario. Interviews were arranged via email

communications, and interview sessions took approximately 45 minutes to complete and were

not restricted by time requirements. At the outset, participants were asked to read and sign a

consent form (see Appendix II). Next, participants were asked if the interview could be audio

recorded for quality assurance purposes. I then described the nature of the study and how the

interviews would be conducted in three segments.

3.2.1 Vignettes

In the first segment, participants were asked to read five originally constructed vignettes

featuring instances of violence against women and decide whether they were or were not hate

crimes (see Appendix III). Follow-up questions were administered after the first round of

questions specifically about the vignette as a way of understanding why vignettes were or were

not considered hate/bias crimes.[5] Each vignette used in this thesis was slightly different,

although every traditional hate crime attribute was present in each situation. Traditional hate

crime variables (i.e., hate language, absence of motive, excessive violence, lack of provocation,

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[5] Follow-up questions included: (1) is this incident a hate/bias crime; (2) why or why not is this incident a hate/bias crime; and (3) what does or does not make this incident a hate/bias crime? Other follow-up questions were asked, dependent on participants' initial response.

long-term harm, and intimidation of an entire group) were integrated as a way of examining if participants would identify these hate crime traits in the context of violence against women.

The only variable manipulation in all five vignettes was the nature of the victim-perpetrator relationship. The logic behind this manipulation was that a major component of hate crime is that the perpetrator and victim are strangers (Lynch, 2005; McPhail, 2003; Perry, 2001). I was interested in examining if this notion was relevant when exploring police officers' perceptions of gender-motivated hate crimes against women. For that reason, one vignette incorporated two strangers, another featured a one-month intimate relationship, one more included a lengthy intimate relationship, another involved a cohabiting intimate relationship, and another included a nine-year marriage. In an effort to reduce the possibly of participants identifying or anticipating the change in relationship types, vignettes were presented in random order.

Vignettes were chosen for this study because past research on perceptions of hate crime have used similar approaches (see Cowan and Hodge, 1996; Marcus-Newhall, Blake, & Baumann, 2002; Miller, 2001; Rayburn, Mendoza, & Davison, 2003; Saucier, Brown, Mitchell & Cawman, 2006). These studies provide a strong methodological approach to understanding perceptions of hate/bias crimes. Specifically, I used a person perception vignette method, which was found to be particularly useful in the investigation of hate crimes because of the sensitive nature of such a topic (see Rayburn, Mendoza, & Davison, 2003). Moreover, vignettes aid in capturing police officers' automatic perceptions of gender-motivated hate crime against women. By manipulating hate crime variables in each vignette, I can uncover a substantial understanding of hate crime perceptions in general (as per Cowan & Hodge, 1996). Likewise, I could uncover

hate crime variables that specifically influenced police officers' perceptions of gender-motivated hate crime against women.

3.2.2 Sentence Completion Tasks

In the second segment, sentence completion tasks were voluntarily completed by participants, all in an effort to uncover their basic understanding of hate crime, victims, and perpetrators (see Appendix IV). To do this, I followed Craig and Waldo's (1996) sentence completion task model. I asked participants the following questions: (1) the typical hate crime involves...; (2) the typical hate crime is committed against...; (3) the typical hate crime is committed because...; (4) the typical victim of a hate crime can be described as....; and (5) the typical perpetrator of a hate crime can be described as... (Craig & Waldo, 1996). Follow-up questions were then administered, depending on how participants answered the open-ended question.[6]

3.2.3 Interview Guide

To finish, I asked the participants a series of close-ended questions regarding hate crime, violence against women, and their police experiences with responding to hate crime and violence against women (see Appendix V). Initially, I explored police officers' characteristics and policing experience, all in an effort to understand if and how they influence perceptions of gender-motivated hate crime against women. Previous hate crime research supports the inclusion of demographic questions (see Cowan & Hodge, 1996).

Participants were first asked their official rank, title, and how long they had been police officers. Participants were also asked to provide a brief history of their career, discuss the type of calls they most frequently respond to, and their experience with investigating hate crimes.

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[6] Examples of follow-up questions include: (1) how do you know what you know; (2) where do people learn to hate; and (3) why do people commit hate/bias crimes?

Participants were next asked to define their working definition of hate crime, what resources are available to investigate hate crime, and whether there is special hate crime training for officers. Participants were then asked their position on the inclusion of gender into the definition of hate crime, what evidence is needed to classify a crime as hate crime, and what type of reactions they or their colleagues have encountered when investigating such crimes. To finish, participants were asked if the political climate or media influence the investigation of hate crimes, and what affects whether a police officer identifies a crime as hate-motivated. Follow-up questions, similar to the questions asked for the sentence-completion tasks, were also administered, depending on participants' initial responses. And upon completion of each interview, participants were debriefed and thanked for their contribution. All participant questions were then answered.

3.2.4 Analyzing the Data

After conducting each interview, audio recorded interviews were transcribed. Next, in uncovering and developing themes from the interviews, I conducted an analysis of the data. Data was analyzed by examining the transcribed notes and quotations from each participant. Here, I analyzed each response as it related to my research questions. A combination of the simultaneous and thematic coding techniques were then used, all of which involved applying multiple codes to data. For example, the first code was used to identify the general theme of the data, such as violence against women cannot be hate crime. The second code then identified the more specific or secondary theme, such as hate crime victims are typically based on one's race, religion, and ethnicity, not gender or sex.

During the next stage of the analysis, I identified the common overarching themes and sorted all of the data by general themes. Here, I organized the data into a three-column table.

Column one included the original interview notes and quotations. Column two was used to take notes about what I believed that participants were trying to express. Column three included the codes. Once I completed this stage of the analysis, I examined all of the codes to determine which ones were consistently surfacing. Once the common secondary themes were identified, I sorted the dated based on those themes. Each interview was then organized by major theme and secondary themes, as well as supporting quotes and side notes. I then looked for the big picture of how each and every theme connected, all of which will be discussed in the subsequent section.

4. Analysis of Results

The data analysis will begin with an overall description of the sample and brief introduction to each participant. I will then present the results of this study. Here, the data and analysis of vignettes will illustrate why participants did or did not perceive the vignettes as hate crimes. Recurring themes from this segment of the interview will be revealed, such as: language and violence, motive and provocation, impact of the incident, victim-perpetrator relationships, ambiguous motives, alternative motives, and definitional constraints with legal terms. Next, I will outline the data and analysis of the sentence completion tasks, as well as the data and analysis of the interview guide. The following themes will then be revealed and explained in detail: police routine and experience with hate crime and gender-motivated violence, hate crime legislation in Canada, hate crime policies and procedures for police, and hate crime training for police.

4.1 Sample Profile and Participant Demographics

Participant demographics were rather diverse, considering the extent of the study. In particular, three female and six male police officers participated in the study. Two male participants were Black and the remaining seven were White. Participants also held the

following police titles: Superintendent, Staff Sergeant, Detective/Sergeant, Detective, Sergeant, and Police Constable. Participants' years of policing experience ranged from 9 years to 29 year, with a mean of approximately 20 years. Participants also worked in a variety of police units, including homicide, drugs, domestic violence, uniform patrol, threat assessment, intelligence, operations, youth investigations, and adult investigations. The following is a detailed list of participant demographics:

- Police Constable, Youth Officer, 9 years policing experience;

- Police Constable, Diversity Coordinator, 20 years policing experience;

- Patrol Sergeant, 24 years policing experience;

- Frontline Staff Sergeant, 20 years policing experience;

- Frontline Staff Sergeants, 21 years policing experience;

- Detective, Threat Assessment Coordinator, 22 years policing experience;

- Detective Sergeant, Domestic Violence Coordinator and Domestic Violence Bail Unit Coordinator, 19 years policing experience;

- Detective Sergeants, Offender Management Unit and Vulnerable Persons Unit, 29 years policing experience; and

- Superintendent of Policing Operations in West District, 20 years policing experience.

4.2 Data and Analysis of Vignettes

Overwhelmingly, the majority of participants did not perceive these hypothetical instances of violence against women as hate-motivated. Recurring themes began to emerge after participants discussed each vignette. That is, those who perceived the vignettes as hate crime noted that the bias language and ensuing violence, motiveless crimes and lack of provocation, impact of the incident, and victim-perpetrator relationship established the perpetrators' hate-

motivation. On the other hand, those who do not perceive the vignettes as hate crime did so because of the following observations: (1) the perpetrator was simply violent and controlling; (2) motive was ambiguous, all or which led to alternative motives; (3) the typical victims of hate crime are not women; and (4) gender-motivated hate crimes does not fit with strict legislative interpretations. Each of these themes will be discussed in detail.

4.2.1 Vignettes are Potential Hate Crimes

Across the vignettes, very few participants perceived violence against women as hate crime. With the exception of vignette three, only two or three participants perceived each instance of violence against women as hate-motivated. When a vignette was identified as a hate crime, reasons given for this classification were fairly consistent. Overall, participants noted that the bias language and consequent violence, motiveless crime and lack of provocation, and impact of the violence were clear indicators that the vignettes were hate crimes. Participants did however discuss how the nature of the victim-perpetrator relationship (i.e., stranger-on-stranger attack) in vignette three constituted hate. The following is a more detailed look at each of these reasons.

4.2.1.1 Language and Violence

This small group of participants consistently described how the vignettes were gender-motivated hate crime because the perpetrator's biased language and consequent violence towards the victim demonstrated his mindset and attitude towards women. As Superintendent Harris put it,

> He makes comments, he categorizes…her and others, and again, he has a sort of superiority, he's the one that…makes the money so he feels there's some sense of entitlement, and…his comment is, you know, 'typical of you housewives', so he certainly has this certain opinion that he is superior and she is some sort of an inferior category, and of course, the violence of the crime, and for such petty reasons. So, certainly I would

say, based on his comments, and ultimately his actions, yeah, it is definitely hate motivated from my perspective. (Superintendent Harris, male)[7]

A few participants recognized the name calling as messages of inferiority and how the perpetrator's language (i.e., "…fucking bitch", "…dirty whore", "Don't you ever leave me like that! I own you", and "Typical of you housewives") were intended to intimidate, control, and put women back into their inferior roles, all of which constituted hate crime.   As Constable Shaw noted,

> Why I would say that [that vignette two is a hate crime]? Only in some of the remarks that he made – "You're typical housewives". So…that is obviously where his mindset is for the role of women and he actually has the role of what a woman should be. (Constable Shaw, female)

In sum, some participants believed that the hateful language illustrated the perpetrators' mens reas and bias towards women, all of which are definitive characteristics of a hate crime.

4.2.1.2 Motiveless Crime and Lack of Provocation

A few participants described how there was no motive for the crime, nor did the victim did not provoke the attack. Consider the following perspective:

> There doesn't seem to be any other motive except to cause fear in her. (Detective Hockings, male)

In support of this perspective, Superintendent Harris provided two noteworthy statements.

> On the surface of it, it says there seems to be no motive for this crime, yet when he refers to her as…a "fucking bitch" and "dirty whore" during the attack, I think that the purpose of the attack becomes apparent: He just doesn't like women and he is being violent. (Superintendent Harris, male)

> He is blaming her for something that is apparently unconnected to her actions…he is transferring some of his blame to her. It [the vignette] doesn't say why he lost his job, but he can't say there is something wrong with her, it is just circumstance. (Superintendent Harris, male)

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[7] As a way of protecting the identity of participants, their names were replaced by pseudonyms. Also, when participants refer to "he" and "her", they are referring to the perpetrator and victim in the hypothetical vignettes.

Since there appeared to be no obvious motive for the attack, nor did the victim provoke the

attack, a few participants believed that these particular instances of violence against women

could constitute hate crime. Participants acknowledged this particular aspect of hate crime.

4.2.1.3 Impact of the Incident

A small group of participants explained how the victim was not only affected by the

crime, but also other members of the group to which the victim belonged, women as a class,

were affected as well. As Constable Shaw put it,

> I think in all of all of these [vignettes]…there is a similarity between how it affects the
> community and how it affects the women long term. So…it's changing the perspective, I
> mean, when you see hate crime, it's a group of people that feel like they are ostracized in
> society right, and how society now view them. So…that is similar throughout all of
> them. (Constable Shaw, female)

Participants also noted how people who are in no way involved in the incident, but are members

of the targeted group, are affected as well.

> I can definitely see where there can be an argument for…domestic violence being a crime
> against women in general and making them feel unsafe. (Detective Hockings, male)

Likewise, as participants described, an individual assault may be a warning sign to others like the

victim because they may hear about the incident and learn that the victim was targeted simply

because of their membership in a perceived social group. As a result, the initial hate crime may

be a sad reminder that any other member of the 'in-group' could be next, putting the entire

community on notice. Consider the following statements:

> …I definitely think its hate motivated. He's definitely got a bias against women, he
> has…definitely an opinion that he's superior and has some sort of power or ownership
> over…females, and obviously the impact of what he did was certainly to create fear in the
> victim in this case and the friends of the victim so…it has all the…trappings of a hate
> crime… (Superintendent Harris, male)

> For me speaking now as a woman, I could feel victimized just like the communities in some of these scenarios felt victimized. So it was never towards them [the direct victim]…but not they feel that are the victim of a hate crime. (Constable Shaw, female)

Overall, participants recognized this particular aspect of a hate crime. They identified how the abuse of one woman can instill fear into the minds of numerous women, and how a sense of fear and vulnerability can amplify in the minds of countless women, regardless of whether they were previously victimized or whether the violence was committed behind closed doors.

4.2.1.4 Victim-Perpetrator Relationship

Unlike all other vignettes, the majority of participants perceived vignette three as a hate crime. It appears that the distinguishing factor in this vignette was the nature of victim-perpetrator relationship. As Staff Sergeant Levy, a participant who consistently described how each and every vignette could not constitute hate crime, noted:

> We're getting closer to…establishing what the mens rea or the motivation is. You know, it [the victim-offender relationship] allows you [police officers] to fill-in information in your head… (Staff Sergeant Levy, male)

Staff Sergeant Levy was referring to how vignette three involved a random attack against a stranger, rather than violence in the context of an intimate relationship. In this respect, the majority of participants made note of this particular relationship and discussed how the perpetrator had no obvious reason to attack the victim. This position parallels that of opponents to the inclusion of gender as bias motivated who demand that, for an act to be considered a hate crime, the perpetrator and target ought to be strangers. Often times, the victim-perpetrator relationship is an exclusionary criterion for what is or is not a crime motivated by hatred (Lynch, 2005); hate crime is thought to be possible only where the parties involved do not know one another, or have no prior relationship. Consider the following statement:

> This one I would consider more of a hate crime. It's a stranger relationship between the victim and the perpetrator, there doesn't seem to be…any other motive except to cause

fear…in her, and as a result, causing fear in other women that lived in the area because it was a stranger on stranger attack. (Detective Hockings, male)

Many participants seemed to accept this notion by agreeing that the nature of the victim-perpetrator relationship made it apparent that vignette three was a hate crime.

In sum, very few participants perceived the hypothetical instances of violence against women as hate crime. For those who did, however, they tended to offer similar rationales for the inclusion of gender as is found in the literature, such as: bias language and ensuing violence, motiveless crime and lack of victim provocation, and the extent to which an initial attack impacts a community. Furthermore, many participants did in fact agree with a key argument for the *exclusion* of gender fitting a hate crime paradigm – the victim-perpetrator relationship. That is, the majority of participants noted that vignette three, a "random" attack, could be considered a hate crime.

4.2.2 Vignettes are not Potential Hate Crimes

By and large, the majority of participants did not perceive the hypothetical incidents as hate crimes. Participants provided consistent rationales for this perspective. Specifically, participants generally viewed the perpetrators as violent individuals struggling to maintain his dominance, which ultimately led to the attacks against individual women. Participants also noted that the perpetrators' motive was ambiguous, and in turn, outlined alternative or "reasonable" motives for the crime. The issue of racial or religious groups, rather than gender groups, as the typical hate victims was also addressed. Moreover, participants described how extreme forms of violence such as genocide and promotion of hatred could only be deemed hate crimes, all of which stemmed from restrictive legalistic interpretation. These themes will now be outlined in detail.

4.2.2.1 The Violent and Controlling Perpetrator

The majority of participants discussed how the perpetrator was merely a violent, aggressive, and controlling individual who spontaneously attacked one female rather than attacking a female because he hated women in general. As Sergeant Carter put it,

> It's a domestic…incidence, a domestic violence incident, and he is a bully, and she is …she is the closest thing that he can direct his anger at, I guess. And again, I don't think…that's…hate crime. (Sergeant Carter, female)

Likewise, most participants perceived the vignettes as a power struggle between two intimate parties, which ultimately resulted in an assault and not a hate crime. Consider the following statement:

> I…look at this as a situation where a male subject, just so happens to be a male subject, demonstrates controlling behaviour, impulsive behaviour, violent behaviour, but to define it as a hate…crime per se, I just can't make this correlation. (Staff Sergeant Levy, male)

Overall, participants' statements suggest that the perpetrator is simply an aggressive and controlling individual, which seems to lead them to argue that the vignettes are domestic incidents rather than hate crimes. Thus, this data seems to imply that for these officers, when a perpetrator is viewed as a bully who generally expresses his aggression on the nearest target, the incident is classified as a domestic incident rather than a hate crime. Ironically, participant responses reflect the disconnect between violence against women and hate crime. Participants' understanding of such violence as "crimes of control" actually contradicts their inability and unwillingness to see it as a hate crime. Theoretically and conceptually, participants' description of these incidents of these incidents fall within the definition of a hate crime (i.e., participants describe violence against women as a symptom of male domination, female subordination, patriarchy, hyper-erotic nationalism, White supremacy). Participants, however, fail to define violence against women as such.

4.2.2.2 Ambiguous Motive and Alternative Motives

Many participants noted that there was not enough information to conclude with confidence that the crime was motivated by hatred or bias. As Staff Sergeant Levy stated:

> There is not enough….information to draw *that* specific conclusion [that the perpetrator in the vignettes was motivated by hatred]. (Sergeant Levy, male)

In other words, participants could not determine the perpetrator's *mens rea* of hatred based on one incident.

> It's hard for me to draw the…to connect those dots in between the two [between the motive and crime] based on one incident. (Detective Sergeant Davis, male)

Equally, participants discussed how they were unsure if the perpetrator was motivated by a particular bias or hatred because his mindset was ambiguous. For example, Staff Sergeant Gellar noted,

> We don't know his mindset so you can't say that [that it was a hate crime]. (Staff Sergeant Gellar, female)

Taken as a whole, since participants did not know the perpetrator's mindset, they found it difficult to establish a motive of hate. Staff Sergeant Levy provided a noteworthy statement in support of this perspective.

> …there is not enough background information in…in terms of we have one situation with…with some gaps, obviously in the information. I don't…see…enough information to…establish how long they have been in a relationship. I don't have any other…corroborating…facts that support…a leap and logic to suggest it is a hate crime. (Staff Sergeant Levy, male)

These perceptions highlight what is often seen as a key challenge of policing hate crime. For example, the literature discusses how the term 'hate' is rather difficult to enforce, given the difficulties associated with determining motivation of a potential hate crime, all of which relate to ambiguity, uncertainty, and infrequency associated with decision making (Cronin, McDevitt, Farrell, & Nolan, III, 2007; Hall, 2010; Perry, 2001). Consequently, officers may instead discover alternative motivations for a hate crime. For example, a "reasonable" motive may be

that the crime was opportunistic, or that the perpetrator was violent and intoxicated, or even that

the offense was "just an assault" (Bell, 2009). Likewise, many participants identified alternative

motives for the crime, such as alcohol use, loss of employment, or individual perpetrator traits

(i.e., violent, aggressive, impulsive, and controlling). For instance, Staff Sergeant Levy stated:

> I think that what we have is an individual with a…with a drinking problem, with a
> propensity for violence…when he gets drinking, perhaps jealousy, and…and for those
> reasons, I, you know, I wouldn't, I wouldn't be comfortable making that [motive of hate],
> drawing that conclusion just based on what is written on the page. (Staff Sergeant Levy,
> male)

Overall, many participants were reluctant to establish a motive of hate based on one incident. As

a result, it appeared as though participants looked for alternative motives, all as a way of

discrediting a motive of hatred. As well, if the vignettes presented an obvious alternative motive,

the majority of participants were instinctively drawn to it.

4.2.2.3 Typical Victims of Hate

The majority of participants discussed the difficulty of defining violence against women

as hate crime because they generally perceived such crimes as attacks against racial or religious

groups. As Sergeant Carter noted,

> I've never thought of hate crime as crimes against… women before. I've never viewed it
> that way before. Hate crime to me, when I think of hate crime, I think of graffiti
> against… cultures, against Jewish people, against Blacks, against, you
> know…synagogues… (Sergeant Carter, female)

In this respect, it appears as though participants found it difficult to define violence against

women as hate crime because they identify race, ethnicity, and religion as core victim groups,

not gender or sex. Consider the following statements:

> …we always view hate crime as maybe something against race… (Constable Shaw,
> female)

> I still see a hate crime as a religious type of…you know, like an attack against a religion and an attack against a group of… people from a certain…ethnicity. (Detective Sergeant Davis, male)

Taken as a whole, it seems that participants' general understanding of the "typical" hate crime victim has affected their ability to identify women as hate crime victims. Since participants generally perceive hate crime as race or religious-based crime, they have trouble defining violence against women as hate/bias crime.

4.2.2.4 Lack of Fit with Strict Legislative Interpretation

A few participants constantly referred to the Canadian *Criminal Code* when asked about their perception of each vignette. For example, when asking Detective Sergeant Gellar if vignette one was a hate crime, she immediately stated:

> How is a hate crime defined in the criminal code? (Detective Sergeant Gellar, female)

One participant even stated that police officers have to go by the literal definition of a hate crime, all of which makes it a challenge to identify violence against women as hate crime. Consider the following perspective:

> ...when you interview…police officers, because we deal with the…literal definitions…of the specific term, it makes it a little more difficult to…look at…violence, specifically violence against women, violence against anybody, as…as hate biased... (Staff Sergeant Levy, male)

Similarly, one participant discussed how hate crimes are considered 'genocide' while others defined hate crime as 'promotion of hatred'.

> …this is the same sort of…person in a crisis situation and doesn't excuse the violence that he commits, but it is not…I don't think he went into the house after losing his job…to promote, you know, hatred against women. It's…a domestic violence situation which I, you know, see as different from what I view as hate crime. (Detective Hockings, male)

It appears as though these perspectives represent narrow and legalistic hate crime definitions from the Canadian *Criminal Code* (i.e., promoting genocide, public incitement of hatred, willful

promotion of hatred, and mischief in relation to religious property), all of which do not recognize

that bias beliefs are entrenched in the structural and cultural milieu in which groups interact.

Some police officers in this study do not seem to understand the socio-cultural contexts within

which these crimes occur, nor do they recognize that hate crimes act as a mechanism of power,

especially in the context of gender-motivated hate crime against women. This may an indication

of police officers' overreliance on the *Criminal Code*, especially for crimes that they do not

routinely handle.

In sum, the majority of participants did not perceive the hypothetical instances of

violence against women as hate crime. Participants outline most, if not all, of the rationales for

excluding gender from a hate crime paradigm, such as: male violence against women is

motivated by power and control, not "hate"; a motive of "hate" is ambiguous; hate crimes relate

to race, religion, and sexual orientation, not gender; and police officers rely on restrictive

legislative definitions when investigating hate crimes, a non-routine call.

4.2.3 Summary Analysis of Vignettes

At this stage of the analysis, it is clear that participants' perceptions illustrate the complex

process of hate crime investigations, all of which is enhanced when gender motivation is added

to the mix. Indeed, the majority of participants did not perceive the hypothetical instances of

violence against women as hate crime. While this may be the case, I did reveal police officers'

rationales for or against the inclusion of gender in a hate crime paradigm. Based on these

factors, police perceptions seemed to be influenced by both broader cultural interpretations of

gender, as well as by the structural constraints of their job and the law that they enforce. This

notion will be further explored in the subsequent section, as well as the thought that the law,

official policies and procedures, prior training, routine, and practices shaped participants'

perceptions of hate crime in general, and gender-motivated hate crime against women specifically.

4.3 Data and Analysis of Sentence Completion Tasks

In an effort to understand the influences on participants' perceptions of hate crime in general, police officers voluntarily participated in sentence completion tasks (see Appendix IV). This section will reveal participants' responses to each of the five sentence completion tasks, as well as provide an analysis of the overall themes, comparisons, and differences in perceptions by addressing participants' understanding of hate crime, the "typical" perpetrators of hate crime, and the "typical" victims of hate crime. These themes will be discussed in detail.

4.3.1 Understanding Hate Crime

Participants generally understood what constitutes a hate crime. For example, participants agreed that the purpose of a hate crime is to attack a particular group of people, whether it is against one individual or a group of people, in an effort to promote bias or hatred towards that targeted group. In addition, participants explained how hate crimes do not have to involve interpersonal violence; they can involve attacks against physical structures representative of a particular group. As Constable Shaw suggests,

> It can be committed against an individual, or…a physical place that represents *that*…so if its religion it could be a synagogue or a building, you know…a physical structure of some sort. (Constable Shaw, female)

Participants also noted that a hate crime is not an attack against someone's personality or individual trait, but rather is motivated because of someone's perceived membership in a marginalized group. Consider the following statements:

> You can constitute hate crime against a group versus an individual. (Constable Watt, male)

> It is not necessarily an individual. An individual may be targeted because of who they are and they represent the larger group… (Sergeant Carter, female)

> There is a target. And…it's not a…target against a personality, you know everyone gets meshed in under the same…the same thing based on race, religion, ethnic background, etc. (Constable Shaw, female)

Participants also offered their own thoughtful analyses of why hate crimes are committed. In particular, the majority of participants believed that hate crimes are primarily committed because of ignorance. Consider Superintendent Harris's statement:

> Well, the first word that comes to my mind is ignorance. I think…like I look at things that I have experienced…during my career, like I think, you know, I look at your vignettes and you see the guy who lost his job and he blames his wife for the situation he's in, it's…a form of ignorance. When I think back to 9/11 and what happened after 9/11, everybody…well there was some…you know…certainly some sensitivity and there were hate crime perpetrated against Muslims just because they were Muslims, not knowing that, hey, there is a distinction, and you can't, you know…you wouldn't want to be all classified in one group. That is exactly what some of our people were doing. So…you know, I think there was just a lack of knowledge and ignorance. I think that is what it really comes down to. I think that we don't take the time to…to learn. (Superintendent Harris, male)

Taken as a whole, participants suggested that some people are simply close-minded, ignorant, and un-accepting. Participants also explained how people make assumptions about a particular group of people perceived as different from them, instead of taking the time to see life from an alternative perspective. As Detective Hockings put it,

> There are people or groups of people who…aren't open minded to other persons of groups of persons who are different from themselves and are un-accepting of other people's beliefs. (Detective Hockings, male)

Some participants also noted that cultural upbringing, personal experiences, education, or lack of education are major reasons as to why hate crimes occur. Consider the following perspectives:

> I think it still goes back to upbringing, because if you are raised in a house where…Black people are viewed as being…stupid and ignorant, that is going to be your thought and your feelings. (Detective Sergeant Gellar, female)

> There could be a lot of reasons. It could be…obviously upbringing. You know, if you have a father who was a Neo-Nazi and you've been brought up to think that way, then obviously you grow up with those beliefs. It could be…something that happened to you, and instead of associating it to…a person, you have now associated it to a group. There are lots of reasons. Educations…lack of education, yeah…just a lack of knowledge. (Constable Shaw, female)

4.3.2 Typical Perpetrators of Hate

Participants expressed their interpretations of the "typical" hate crime perpetrators. In particular, the majority of participants believed that anyone could be a perpetrator of a hate crime, as well as the fact that hate crime perpetrators are not simply individuals lacking education; they can be highly educated as well.

> It could be anybody, I think. And speaking of lack of education, it could be someone who is highly educated right? It could be…you know, the person next door and that the thing right. You never really know who is amongst you in society or what their beliefs are…or what they stand for. I don't think that anybody can be labeled…you know, you can't pick them of a crowd. That's what makes it kind of dangerous. (Constable Shaw, female)

Alternatively, some participants were more specific, noting that the typical perpetrator of a hate crime is usually a White male who is in a position of superiority, or intends to reach or retain a particular position of power. Consider the following statements:

> I would say mostly they [hate crime perpetrators] would be men because I think men still have that power and control issue right. (Detective Sergeant Gellar, female)

> The typical perpetrator is typically a male. The typical perpetrator grows up in a…what most people would consider a well balanced…environment. (Constable Watt, male)

In various ways, participants discussed how male criminality is a way of "doing gender" and responding to emasculating forces (i.e., individuals who are undermining straight, White male hegemony), as well as a way of demonstrating their manliness to the 'Other'. Participants implied and often stated outright that hate crime is a tool by which White males can respond to a

perceived threat from minority competitors, as well as reaffirm their place in a complex and

unstable social hierarchy. As Superintendent Harris noted,

> When you talk about hate crime, what the public would identify with hate crime and
> what…police…would typically identify with hate crime, most of what our experiences
> have been are with male White supremacy, White…White group…because, certainly in
> North American, and even in my experience growing up, you know, White…Anglo
> Saxon Protestant males or W.A.S.P.S. were the predominant…race…and certainly
> around here. And I can remember that growing up, I can remember going to…public
> school, you may have one or two visible minorities and I think… I remember counting,
> and I am talking about back in grade twelve or thirteen, in my high school, 16 000, you
> probably had less than ten visible minorities from my last high school. And that's…mid
> to late…early eighty. So…this community, Durham Region, Toronto, has changed
> incredibly over the last several years and I think the same can be said for a lot of
> communities across North America. But why do I think it's that? I think they're the
> group that are misinformed, ignorant, threatened, they want to hold on to what they think
> was their dominance. I think you see that too…and I'm, the more we talk about the more
> broad…topic of…domestic violence, I think its male no matter what it is. I think that
> crosses all…religious or ethnic backgrounds. (Superintendent Harris, male)

Again, participants perceived hate crime as a defense mechanism by which individuals protect

themselves against racial threats, but not threats from women as a class. These absences are as

telling as the hate crime variables that they do mention.

4.3.3 Typical Victims of Hate

A range of participants expressed their interpretations of the "typical" hate crime victims.

That is to say, a few participants discussed how anyone can be a victim of a hate crime because

anyone can feel victimized, whether or not they are a member of a target group. As Constable

Shaw put it,

> Even if you aren't in that group [hate crime victim group], so for me, if I saw a hate
> crime against…certain ethnic backgrounds or religious…structure, I mean I would feel
> victimized because our society is still like that, even though I have no emotional ties to
> that. So anybody could feel like a victim. (Constable Shaw, female)

Participants also described how hate crime victims are typically perceived as different

from the norm, less fortunate, and have very little social power. The majority of participants

then noted that when thinking about the "typical" hate crime victim, they automatically relate

such a connection to race, religion, and sexual orientation. For example, as Constable Shaw and

Staff Sergeant Levy noted,

> …we [as a society] always view hate crime as maybe something against race…
> (Constable Shaw, female)

> Well it certainly depends on…on circumstances. A lot of…hate crime is based on
> religion, colour…sexuality. (Staff Sergeant Levy, male)

4.3.4 Summary Analysis of Sentence Completion Tasks

After analyzing the results from the sentence completion tasks, it became clear that

participants were well informed about hate crime in general, as well as the "typical" perpetrators

of such crimes. That is, participants discussed how cultural upbringing, life experiences, and the

construct of the 'Other' facilitate the unequal distribution of resources, all of which create

hierarchies along divisions such as race, sexuality, and class. Participants did however note that

they instinctually thought of race, religion, and sexual orientation as typical hate crime victims.

These discussions suggest that participants understand hate crime in racial terms and not along

gendered lines, given that participants did not voluntary speak of gender, male dominance

against women, or social patriarchy when asked to describe the "typical" hate crime victim.

These finding imply that officers' perceptions embody the conventional belief that such crimes

are only committed on the basis of one's race, religion, and ethnicity.

The aforementioned may explain why participants did not, of their own accord, include

gender in their definitions, explanations, or descriptions of hate crime. Nevertheless, in order to

paint a more lucid picture of police officers' perceptions of gender-motivated hate crime against

women, an analysis of the policing experiences is offered, which will follow below.

4.4 Data and Analysis of the Interview Guide

After asking participants various questions about their policing experiences, it became more apparent that hate crime investigations are complicated processes in which officers rely on the law, official policies and procedures, prior training, routine, and practices to shape their decisions and establish the 'facts' of a given case. Along these lines, this section will outline how these influences shape participants' perceptions of gender-motivated hate crime against women. In doing so, the subsequent section is ordered as follows: police routine and experience with hate crime and gender-motivated violence; hate crime legislation in Canada; hate crime policies and procedures for police; and hate crime training for police. This section will also reveal participants' responses to a very crucial question: What is your own position on the inclusion of gender into the definition of hate crime?

4.4.1 Police Routine and Experience with Hate Crime and Gender-Motivated Violence

The majority of participants agreed that they have gained very little experience with responding to hate crime, given that they rarely occur. However, every participant, with the exception of one police officer, was involved in a hate crime case, whether it was responding to, identifying, or investigating such crimes. For example, participants responded to mischief calls in which a swastika sign was spray painted on a church, dealt with racial slurs written on a garage, investigated assaults motivated by race and religion, and responded to a police officer being attacked because she was perceived as a lesbian. Participants also described how the most obvious hate crimes seen by police were damage done to religious sites other property damage, and, following 9/11, to mosques and other Muslim places of worship specifically. Consider Sergeant Carter's experience with hate crimes:

> It would be…one person or one group of people targeting…another…group or culture. And targeting could mean…violence against that group, or it could mean…graffiti against…on their homes or their place of worship or their…cemeteries or…whatever, targeting a larger group, not a group of women though. (Sergeant Carter, female)

Overall, most participants only responded to "traditional" hate crimes involving crimes committed on the basis of a victims' race, religion, or sexual orientation. Reasonably so, it appears as though these particular hate crime experiences have narrowed their vision of what constitutes a hate crime – race, religion, and sexual orientation. As Superintendent Harris even noted,

> The typical victim in my experience would be, again…as a result of religion, sexual orientation, or colour. (Superintendent Harris, male)

Based on these findings, it appears as though participants' experiences responding to hate crime have influenced their perceptions of hate crime in general, as well as their perception of gender-motivated hate crime against women. For example, when asking participants about their experiences with policing violence against women, they immediately discussed how "domestics" are the most frequent and common police call. For the thousands of domestic incidents that participants responded to, however, never was one investigated as a hate crime.

Furthermore, participants briefly discussed how they are bound by mandatory charging policies when responding to cases of gender-motivated violence, whereby officers are more likely to lay traditional or primary charges than hate crimes charges. For that very reason, one could argue that the routine of policing mandatory charging policies influences officers' perception of gender-motivated violence. Police officers may never consider an instance of violence against women as hate-motivated because of the very nature of the policing framework they must work within.

In sum, even though most participants responded to hate crime calls, never did they investigate an instance of violence against women as hate crime, nor was an instance of violence against women investigated as a hate crime by any member of their police service. This may be

a result of two overlapping explanations: (1) participants have only responded to traditional hate

crime calls, thus influencing their perception of the typical hate crime victims and (2) the use of

mandatory charging policies has reduced their ability to perceive violence against women as hate

crime. Based on these findings, it appears that participants' routine and policing experiences (or

lack of experience) have shaped their perception of both hate crime and gender-motivated hate

crime against women. While this may be true, the fact of the matter is that police officers' hate

crime routine and policing experience may be guided by specific legislation and policies, all of

which will now be discussed.

4.4.2 Hate Crime Legislation in Canada

The majority of participants discussed how the Canadian *Criminal Code* is the main

resource for investigating and identifying hate crimes. As Superintendent Harris noted,

> Well, again, it would…you would have to, like…for us, as police officers, we would
> have to go to our…our Criminal Code. So…you know, the typical hate crime
> is…delineated, the actual hate crime…is delineated within our criminal code, so …it is
> codified, it says what a hate crime is. As far as what we would look for…for hate
> motivation, it's it is spelled out in…section 718. So there are sentencing principles that
> have to be considered during the sentencing phase. (Superintendent Harris, male)

A few participants also discussed how the evidence in a hate crime case should suggest a

perpetrator's extreme hatred; others noted that hate crimes involve the promotion of hatred in a

public place. Consider the following perspectives:

> In Canada, hate crime is defined as…extreme hate and fuelling indifference. (Staff
> Sergeant Willis, male)

> Hate crime is…inciting genocide, death…against another group or person. (Constable
> Watt, male)

Understandably, these participants were referring to criminal offenses outlined under section 318

and 319 of the *Criminal Code* - advocating genocide, public incitement of hatred, and wilful

promotion of hatred. Again, it appears that participants are framing their concept of 'hate crime'

in a manner similar to the definitions outlined in from *Code*. Likewise, participants seem to rely

on the crimes listed above to explain their legalistic approach. For example, Superintendent

Harris provided the following statement as it related to genocide, a codified criminal offense:

> Something that happened at…at l'École Polytechnique, would I consider that…should
> that be a type of hate crime? We have a mass killing…and based on…you know, hatred
> towards…an identified group, yeah, absolutely I would. That should be a hate crime,
> prosecuted as such. Like you know, whether you call that genocide or not, that's
> where…you are getting to. (Superintendent Harris, male)

However, the majority of participants again noted that evidence in a hate crime case should point

towards some cultural or racial bias and not violence against women.

> …I would have to look at the criminal code to be 100 percent sure, but I am
> guessing…race…racial slurs, slander in a newspaper or…graffiti…that's derogatory
> towards that group. (Sergeant Carter, female)

This finding comes as no surprise because section 318(4) of the *Criminal Code* defines

"identifiable groups" of hate crime as those distinguished by colour, race, religion, ethnic origin,

or sexual orientation.

Based on these findings, it appears as though hate crime laws and legislation have a

considerable influence on how police officers perceive hate crime in general, as well as gender-

motivated hate crime against women. Police officers' commitment to the Canadian *Criminal

Code* seems to be a major influence on their perception of hate crime and gender-motivated hate

crime against women. Since the *Code* is narrow in scope, police officers may find it difficult to

equate violence against women with hate crime. As such, they may be less likely to investigate

instances of violence against women as hate crime.

4.4.3 Hate Crime Policies and Procedures for Police Officers

Most participants agreed that police officers require specific evidence to classify a crime

as a hate crime. That is, the evidence must be sufficient to substantiate the motive of the crime.

The evidence must also suggest that the crime was deliberately committed against an intended

target and thus motivated by hate or bias. Detective Sergeant Geller and Superintendent Harris

support this viewpoint as they provided the following statements:

> Well you'll need evidence that…it was…perpetuated against the victim only because of that particular aspect. (Detective Sergeant Geller, female)

> …evidence that the offense was motivated by some sort bias or prejudice or hate…based on unidentified factors. (Superintendent Harris, male)

Participants also described the nature of the evidence that would suffice, for example, verbal

utterances or signs (i.e., spray paint on buildings or property damage) or the perpetrator's attire

(i.e., Skinheads shaving their heads and wearing jackets with swastika logos). In this respect,

participants noted that an act of intimidation or violence is not enough to substantial a motive of

hate because hate motivation (mens rea) must also be proven.

Based on these findings, participants were well informed about the evidence needed to

identify hate crime. Even so, it appeared as though the tedious policies and procedures of

investigating hate crime influences their perception of hate crime. As Staff Sergeant Levy put it,

> From a policing perspective, my experience has been…trying to…figure out…put the puzzle together in order to present it for a court in a specific…in a…fashion…that removes any kind of reasonable doubt…because…it's very formal…and the threshold in order to succeed is very…really quite high. So unless you can…and we use various techniques to try and establish that…whether through undercover investigations, wiretap investigations, just the collection of evidence, witness statements, all of these things factor into…our ability to…establish whether it was a hate crime or not…or whether it is just a crime or not, those are the things we have to do to establish any kind of crime. When you put it in the hate category, the threshold moves even higher. (Staff Sergeant Levy, male)

On another note, participants involved in the practice of identifying hate crime also discussed the

review process. For example, as Constable Watt noted,

> What happens is when you show up initially…it's treated as a mischief right. Somebody spray paints on your…on your house, it's treated as a mischief. Then, you take it to the

> detective officers for the reporting detective log, and then they have to determine whether it reached that…reaches that threshold right. (Constable Watt, male)

Likewise, participants discussed how a responding officer must outline in a report that they suspect a crime may be motivated by hate. The responding officer must then take the report to a detective officer who will determine if the crime meets the hate crime threshold outlined in the Canadian *Criminal Code*.

Nevertheless, very few participants were clear about the review process. Participants were aware that they had to provide a detailed report to a detective, but were unsure what happened next. Consider the following statement:

> The way that it would work here is…in a report, I would outline my suspicions of it being a hate crime. And what would then happens is…we actually have officers that, and I don't know if you know this or not, or if you've have been told, we have a hate crime officer here, or two maybe, and then it would go to them. So as far as any follow-ups…on that, I don't know. But I would definitely outline my suspicions…if it was a hate crime. (Constable Shaw, female)

In sum, participants appeared to be inhibited by the monotonous process of gathering evidence to classify crimes as hate crime, as well meeting the high threshold outlined in the *Criminal Code*. However, only a small handful of participants even mentioned the process by which hate crimes are reviewed. This finding may be a result of the fact that hate crimes are rarely reported in the community that participants police, or a result of the complex nature of identifying and investigating such crimes.

Indeed, since gender-motivated hate crimes are considered more complex and even rarer than traditional hate crimes (DeKeseredy, Perry, & Schwartz, 2007; DeKeseredy, 2009), such categorizations may be rejected at either of the two steps of the three- step identification

process.[8] Likewise, there is a high probability that frontline officers and reviewing detectives

will find it difficult to establish a gender-biased motive with the tedious process of identifying

hate crimes. That being said, hate crime policies and procedures may inhibit police officers from

classifying gender-motivated violence against women as hate crime, given that they may not

think that they can gather substantial evidence to meet the high thresholds outlined in each of the

three steps.

4.4.4 Hate Crime Training for Police Officers

While the majority participants were unsure if there was ongoing and/or mandatory hate

crime training, three noted that there was no training at all. Those who were unsure as to

whether there was training discussed how recruits do receive diversity training at the Ontario

Police College (OPC). These participants, however, were unsure if this particular training

focused on hate crime issues in general, or gender-motivated hate crime specifically.

Other participants were more direct, noting that there has not been any special police

training for identifying hate crimes, given that both the hate crime legislation and training are

politically driven and that hate crimes are not a top priority. Participants also mentioned that

their police service has to prioritize, and since hate crimes rarely occur, there is no need to use

already scarce resources on a rarely occurring event. As Sergeant Carter so aptly noted,

> We have bloc training every year…once a year where we re-qualify for firearms and use
> of force options and all of that and I know…anything that comes up over the past year,
> current legislation that's important that's very new, we get updates on, and you know
> what I can't…think as to…we may have had somebody come and talk to us about it once,
> but honestly it's not…it doesn't happen that often or if it does, you know, it's not
> reported but…I would tend to think…a lot of domestic violence is not reported for a lot
> of different reasons. I don't think the hate crime thing would fit the same way…I don't
> think there is as much of it. (Sergeant Carter, female)

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[8] Here, police officers first ask themselves if the incident motivated by hate (Silver, 2006). If the answer is "yes", or
if the "suspected" identity was the principle motive, then the officers identify further details about the principle
motivation (Silver, 2006).

Overall, these officers did not feel that more hate crime training was needed, especially gender-

motivated hate crime training because they rarely occur. For example, when asked if police

officers should receive more hate crime training, Constable Watt provided the following

statement:

> I don't because…you know, we might have…I don't know…800 laws in the criminal
> code. It would be unrealistic to think that we have…special training for every single law.
> (Constable Watt, male)

Participants did, however, discuss how specialized hate crime units receive specific training

because such crimes are automatically reported to their intelligence branch. As Staff Sergeant

Levy noted,

> The only people that would…probably receive that type of training would be those
> people who are assigned to…our hate crime unit…in…in our intelligence section. In
> terms of…formal training that…I can point to, we have a…we have a…it's called HCEIT
> …Hate Crime…something…Investigative Team, it's a provincial respondent team
> through intelligence unit…and there are…conferences every year and every service is
> invited to, and we have a…I believe we have a member that's assigned to that. (Staff
> Sergeant Levy, male)

Interestingly enough, Staff Sergeant Levy was describing the Hate Crime and Extremism

Investigative Team (HCEIT), which is not a regional hate crime unit, but rather is a team made

up of officers from 11 Ontario police services with the purpose of collecting, evaluating, and

disseminating information and intelligence concerning matters involving hate propaganda, the

promotion of genocide, hate motivated crimes, and the diverse variants of criminal extremism

(Hate Crime Community Working Group, 2006). Furthermore, HCEIT provides specialized

investigative support, assist with officer training, and produces frontline educational materials

for hate-related crimes (Hate Crime Community Working Group, 2006).

Based on this finding, the organizational structure that participants were describing

resembles the most common way of investigating hate crimes in the U.S., the decentralized

approach. As participants noted, this approach is less demanding of resources than a centralized

hate crime unit because a small group of officers representing every geographic unit or division

in the department receives specialized hate crime training. And after extensive training, officers

are considered hate crime experts and investigate all hate crimes in their designated area (Bell,

2009).

In sum, it appears as though there is no mandatory or ongoing hate crime training for

police officers. Moreover, many participants do not seem to think that additional hate crime

training is needed, given that they think that hate crime rarely occur. Nevertheless, police

officers did discuss how their region has a hate crime officer and is part of the Hate Crime and

Extremism Investigative Team (HCEIT), which represents the decentralized hate crime

approach. Based on these findings, it seems as though the lack of hate crime training and the use

of one officer as the hate crime "expert" influences participants' indifference to hate crime in

general. Furthermore, the lack of hate crime training and gender-motivated hate crime training

likely affects how police officers perceive and in turn investigate such crimes. Not only do they

perceive these crimes as a low in priority, they may not have been trained to use the proper

investigation tools to identify such crimes, especially identifying such crimes if they are

motivated by gender.

4.4.5 Police Perceptions of Gender-Motivated Violence

The majority of participants believed that violence against women *could* be investigated

as hate. Participants even admitted that they responded to domestic calls that could have been

considered hate crimes. These participants, however, were very reluctant to identify violence

against women as hate crime.

While the majority noted that violence against women *could* be investigated as hate

crime, very few agreed that it *should* be investigated as such for an array of reasons. For

example, participants discussed how police officers must consider the totality of any criminal

investigation before laying a charge(s). Since hate crime investigations are much more complex

and time consuming than traditional crimes, it becomes an even greater challenge for officers to

lay hate crime charges after one incident. Similarly, participants explained the difficulty of

identifying the bias motive at first glance. Detective Sergeant Davis provided a noteworthy

statement.

> If you want to…you know, to prove a hate crime, you would be certainly looking at a…at a bigger case, more involved case, more complex, more investigation…you have to prove it! And is there a judge that's gonna believe what you're saying? What would be the reason to go down the road of a hate crime? (Detective Sergeant Davis, male)

Seeing as how hate crimes are very complex investigations, police officers may be more apt to

lay alternative or "reasonable" charges. As one participant noted, officers must weigh the time it

takes to identify a hate crime and what the overall outcome will be. He then provided the

following perspective:

> To prove…in court a hate crime or an assault, which one is the easiest one? Which one is the more traditional and…straightforward? To prove a hate crime, you have quite the case on your hands. (Detective Sergeant Davis, male)

Only a few participants believed that violence against women should not be investigated

as hate crime. Participant responses were rather diverse, but the overall theme was that women

should not be added to hate crime legislation because people will always have biases and always

hate others. Staff Sergeant Willis provided the following perspective:

> Violence against women is not hate. It would be a…disservice to hate crime legislation and only take away from the spirit of a hate crime…genocide and irrational contempt. (Staff Sergeant Willis, male)

Constable Watt also provided the following statement:

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> …I don't think it's needed [including gender as a protected category under hate crime legislation]. I think we have…more than enough…girth…in the current laws…that I don't think that the hate crime would do anything…for it. (Constable Watt, male)

Participants even suggested that men may treat women differently, but it cannot constitute a hate crime because it does not involve extreme hatred. Likewise, another participant discussed how the intimate relationship aspect of violence against women makes it difficult to define as hate crime, again because this is taken as evidence of a "loving" rather than a "hating" relationship. As Sergeant Carter noted,

> I don't think...you can...broaden those individual issues that happen in an intimate relationship, which most of the time...domestics are. To encompass that the perpetrator or the suspect hates all women...I don't think you can....I don't think you can make it that broad, so I... I don't think it's the same thing. So I think they are apples and oranges. I don't think you can put it under that heading, in my opinion. (Sergeant Cater, female)

4.4.6 Summary Analysis of Interview Guide

In sum, police perceptions seem to be shaped by both broader cultural interpretations of hate crime and gender, as well as by the structural constraints of their job. While it became apparent that participants had a solid understanding of the hate crime in general, as well as the "typical" perpetrators of such crimes, participants did however conform to normative interpretations of hate crime victims and motives behind male violence against women. In particular, officers noted that they automatically connected race, religion, and sexual orientation with the "typical" hate crime victim, as well as how male violence against women is a result of men asserting or reasserting their dominance, and not because they hate or hold a particular bias towards women.

Furthermore, police perceptions illustrated the complex process of any hate crime investigation, as well how the law, official policies and procedures, prior training, routine, and

practices shaped participants' decisions and establish the 'facts' of a given case. More importantly, these factors were magnified when adding 'gender' to the equation.

5. Discussion and Conclusion

This study attempted to fill a gap in the literature on gender-motivated violence, hate/bias crime, and policing hate/bias crime by exploring how police officers from a large police service in the southeastern region of Ontario, Canada perceive gender-motivated violence against women. In so doing, I posed the following two research questions:

(1) Do police officers, the frontline practitioners with the discretionary power to identify hate crime, perceive violence against women as hate crime?

(2) What factors and conditions influence their perceptions of gender-motivated hate crime against women?

In this section, I will discuss the results of this study as they related to the two research questions, as well as how participants' perceptions parallel with the current hate crime literature. First, I will discuss whether participants perceive violence against women. Here, reoccurring themes include: language and violence, motive and provocation, impact of the incident, victim-perpetrator relationships, ambiguous motives, alternative motives, and definitional constraints with legal terms. In order to attend to the second research question (i.e., what factors and conditions influence police officers' perceptions of gender-motivated hate crime against women?), I will address the following themes: the "typical" victims of hate, police routine and experience with hate crime and gender-motivated violence, hate crime legislation in Canada, hate crime policies and procedures for police, and hate crime training for police. I will then discuss the limitations and strengths of this study. What follows are the implications this study present for police services, as well as future research directions.

5.1 Violence against Women as Hate Crime: Police Perceptions

Police officers in this study did not recognize violence against women as hate crime. The majority of participants did not perceive the hypothetical instances of violence against women as hate crimes. For those who did however, they outlined most, if not all, of the rationales for gender fitting a hate crime paradigm, such as: bias language and ensuing violence, motiveless crime and lack of victim provocation, and the extent to which an initial attack impacts a community. These perspectives reflect the arguments for the inclusion of gender in hate crime legislation (see Copeland & Wolf, 1991; DeKeseredy, 2009; DeKeseredy, Perry, & Schwartz, 2007; Lynch, 2005; McPhail, 2003).

Near the end of the interview, participants were directly asked if they perceived violence against women as hate crime. Interestingly enough, the majority of participants believed that violence against women could be investigated as hate. However, even though participants' perceptions began to change, they were very reluctant to identify violence against women as hate crime. That is, although the majority noted that violence against women *could* be investigated as hate crime, very few agreed that it *should* be investigated as such. Reasons for this perspective varied, but included the following themes: ambiguous motives, alternative motives, and definitional constraints with legal terms. These findings come as no surprise, given that very few participants perceived the hypothetical instances of violence against women as hate crime. Furthermore, many participants did in fact adhere to a key argument for the *exclusion* of gender fitting a hate crime paradigm – the victim-perpetrator relationship. That is, the majority of participants suggested that vignette three, a "random" attack, could be considered a hate crime, unlike the remaining four vignettes that featured intimate male violence against women. Overall, these perspectives parallel the arguments for the exclusion of gender in hate crime legislation

(see Copeland & Wolf, 1991; DeKeseredy, 2009; DeKeseredy, Perry, & Schwartz, 2007; Gelber, 2000; Lynch, 2005; McPhail, 2003).

Based on these findings, the majority of participants did not perceive violence against women as hate crime. Nonetheless, participants did in fact reveal police officers' rationales for or against the inclusion of gender in a hate crime paradigm, all of which exemplify which theories stand tall in practice. Certain factors and conditions did however influence their perceptions of gender-motivated hate crime against women, all of which will now be discussed.

5.2 Typical Victims of Hate

Participants' general understanding of hate crime and the "typical" perpetrators of such crimes was fairly consistent with the hate crime literature. That is, participants discussed how cultural upbringing, life experiences, and the construct of the 'Other' facilitates the unequal distribution of resources and White power in a way that appears to be an acceptable and expected way of life, all of which create hierarchies along divisions such as race, sexuality, and class (Perry, 2001). Participants also described hate crime as a tool by which White males can respond to a perceived threat from minority competitors, as well as reaffirm their place in a complex and unstable social hierarchy (Blazak, 2009; Ferber, 2009; Perry, 2001). In this respect, participants' understanding of a hate crime paralleled the hate crime literature, in that hate crimes are messages of inferiority intended to intimidate a victim and members of their shared social group. As participants described, hate crimes also involve violence and intimidation, and are typically directed towards already stigmatized and marginalized social groups (Perry, 2001), *and* are directed towards a victim because of their perceived membership or affiliation with a "subordinate" group, not because of an individual trait (Lim, 2009). Overall, participants discussed most, if not all, of these theoretical attributes of hate crime.

In all three segments of the interview, however, participants consistently stated that hate crimes relate to race, religion, and sexual orientation, and not gender. This assumption comes as no surprise because the majority of hate crime discourse has historically been gender-blind, whereas much attention has been paid to crimes committed on the basis of one's race, religion, sexual orientation, or ethnicity/national origin (McPhail, 2003; McPhail & DiNitto, 2005). That being said, participants framed their ideas in much the same way as the hate crime literature, in that: (1) the triad of race, ethnicity, and religion are considered the "standard" or "core" status attributes of a hate/bias crime (Perry, 2001; McPhail, 2003); and (2) hate crimes are typically committed on the basis of one's race, religion, sexual orientation, or ethnicity/national origin (McPhail, 2003; McPhail & DiNitto, 2005; Perry, 2001).

Participants also agreed that male violence against women is motivated by power and control, not "hate". This perspective may be a symptom of the masculinist structure inherent in police culture, all of which reflect society's sexist and racist ideologies (Bell, 2009; Hall, 2010). That is, officers' sexist beliefs illustrate the mainstream notion that gender-motivated violence is simply framed by logic of male patriarchy (DeKeseredy, 2009). Ironically, participants' understanding of such violence as "crimes of control" actually contradicts their inability and unwillingness to see it as a hate crime. Theoretically and conceptually, participants' description of these incidents fall within the definition of a hate crime (i.e., participants describe violence against women as a symptom of male domination, female subordination, patriarchy, hyper-erotic nationalism, White supremacy). Participants, however, failed to define violence against women as such.

Overall, participants' general understanding of the typical hate crime victim and motive for male violence against women shaped their perceptions of gender-motivated hate crime

against women, all of which stems from: (1) the broader cultural interpretations of hate crime and gender; and (2) the police culture which is a reflection of society's sexist and racist values.

5.3 Police Routine and Experience with Hate Crime and Gender-Motivated Violence

Most participants agreed that they have gained very little experience with responding to hate crime, given that hate crimes rarely occur within the community they police, or from a more critical perspective, because hate crimes are rarely reported (Cogan, 2002; Dauvergne & Brennan, 2011; Harlow, 2001; Johnson, 2006; Miller, 2001; Perry, 2001; Roberts, 1995). These perspectives reflect the current hate crime literature in that hate crimes, for various reasons, are rarely reported to police (see Cogan, 2002; Perry, 2001; Roberts, 1995). This underreporting, however, is exacerbated in the context of gender-motivated hate crime against women. For example, Canadian statistics indicate that female victims of gender-motivated hate crime are even more reluctant to report hate crime than the already reluctant victims of race-based, religious-based, and sexual orientation-based crimes (Dauvergne & Brennan, 2011). Participant perspectives reflected this notion in that for the thousands of domestic incidents participants responded to, never was one investigated as a hate crime, nor was an instance of violence against women investigated as a hate crime by any member of their police service.

Based on this finding, it is clear that participants' routine and policing experience (or lack of experience) has shaped their perception of both hate crimes and gender-motivated hate crime against women. Participants' lack the experience with investigating violence against women as hate crime shaped their perceptions. This may be a result of police officers only responding to traditional hate crime calls, as well as use of mandatory charging policies when responding to gender-motivated crimes. In turn, police officers did not perceive violence against women as hate crime because they did not have experience with responding to such crimes.

5.4 Hate Crime Legislation in Canada

In drawing comparisons from all three sections of the interview, it appears as though police officers rely on restrictive legalistic definitions when investigating hate crimes, a non-routine call. For example, many participants perceived hate crime as it is codified in the *Criminal Code*. That is, throughout the entire interview, many participants believed that the typical hate crime involves the incitement of genocide promotion of hatred. This finding comes as no surprise, given that the Canadian *Criminal Code* codifies 'advocating genocide', 'public incitement of hatred', and 'wilful promotion of hatred' under hate crime legislation. Since participants are upholders of the *Code*, it is understandable that they typically perceived 'Hate Propaganda' offenses as hate crimes and not crimes involving male violence against women.

Overall, participants' commitment to the *Criminal Code* is a major influence on their perception of hate crime and gender-motivated hate crime against women. Since the *Code* is narrow in scope, police officers find it difficult to correlate violence against women with hate crime. As such, they may be less likely to investigate instances of violence against women as hate crime.

5.5 Hate Crime Policies and Procedures for Police Officers

Participants were well aware of the procedures in which police officers investigate hate crime, given that the majority of them had responded to such incidents. In all of these cases, participants discussed how they used the three-step process for identifying and reviewing potential hate crime, as well referred to both the *Criminal Code* and special hate crime officers for support, all of which represents the common decentralized approach. Nevertheless, participants appeared to be inhibited by the complex and monotonous process of gathering evidence to classify crimes as hate crime, as well meeting the high threshold outline in the

Criminal Code. Many participants were also under the impression that they could not gather substantial evidence to meet the high thresholds outlined in each of the three steps. That being said, it appears as though hate crime policies and procedures influenced participants' perceptions of gender-motivated hate crimes against women. Since hate crimes are generally difficult to investigate, there is a high probability that both frontline officers and reviewing detectives will find it even more difficult to establish a gender-biased motive with the tedious process of identifying such crimes.

5.6 Hate Crime Training for Police Officers

It appears as though there is no mandatory or ongoing hate crime training for police officers, nor does hate crime training at the Ontario Police College (OPC) include gender-motivated violence in their hate crime training curriculum. Police officers did however discuss how their region has a hate crime officer and is part of the Hate Crime and Extremism Investigative Team (HCEIT), which represents the decentralized hate crime approach. Based on these findings, the lack of hate crime training and the use of one officer as a hate crime "expert" influences participants' indifference to hate crime and gender-motivated hate crime against women. Specifically, the lack of hate crime training and gender-motivated hate crime training affects how police officers perceive and investigate the motive behind such instances. In turn, not only do they perceive these crimes as ambiguous and low in priority, but they may not have been trained to use the proper investigation tools to identify such crimes. Consequently, many participants did not seem to think that additional hate crime training was needed, given that hate crime rarely occur.

In sum, while this study may not be representative of police officers' perceptions of gender-motivated violence in Canada, and most not in North America, it does however illustrate

how hate crimes are complex phenomena that law enforcement agencies find difficult to police,

given the ambiguity, uncertainty, and infrequency associated with determining motive (Bell,

2002; Bell, 2009; Cronin, McDevitt, Farrell, & Nolan, III, 2007; Hall, 2010). Indeed, this study

suggests that police officers are typical men and women, reflective of North America's

normative sexist and racist beliefs, who depend on the law, official policies and procedures, prior

training, routine, and practices when investigating all crimes, and even more so for hate crimes

(Bell, 2009). The results of this study also suggest that adding gender to the mix of motivations

further complicates the already difficult job of policing any criminal investigation (Bell, 2002).

The following is a brief description of implications for both the policing field and the

violence against women movement, all of which have implications for future research. First

though, I will outline the limitations and strengths of the current study.

5.7 Limitations and Strengths

Like any qualitative or quantitative examination, this study is not without limitations.

That being said, the following are a detailed list of the limitations of this study, all of which have

been taken into consideration during the analysis of the results:

- This study is not generalizable, nor is it representative of police officers' perceptions of

  hate crime, violence against women, and gender-motivated hate crimes against women in

  Canada. Nevertheless, quantifying such a dynamic and theoretical research project was

  unfitting, given that: (1) 'hate crime' is a complex term with multiple meanings; (2)

  different people provide different meaning to *any* experience, term, and object, to name a

  few; and (3) such meanings are dynamic and constantly changing (Cho & Trent, 2006;

  Denzin & Lincoln, 2008). Thus, since 'hate crime' is difficult to define, operationalize

  and ultimately codify (Perry, 2001; McPhail, 2003; Copeland & Wolfe, 1991), unraveling

police officers' perceptions of gender-motivated hate crime against women via quantitative methods would have been an inappropriate method of explaining the three-dimensional intersectionality between the nature of human interactions, meaning that they assign, and their own personal experiences (Braithwaite, 1993; Young, 2004).

- Participants were attained though "word of mouth" tactics and a letter of invitation via email. This may have been problematic for the following reasons: (1) upon completion of an interview, participants may have told other potential participants, who may also maintain similar beliefs and perspectives as their colleagues/friends, about the nature of the study, how they responded to questions, and the overall purpose of the study; and (2) since a high-ranking police official disseminated the letter of invitation to his colleagues, other officers may have felt obligated to participant in the study, and only a select few officers may have received an invitation. Nevertheless, the participant sample was diverse (see page 45 and 46).

- As a way of recruiting police officers for the study, I had an in-depth conversation with one of the participants prior to conducting the interview. For that very reason, this particular officer was well aware of the nature of the study. Not only did he seem more prepared than other participants for the interview, his responses may have actually skewed the results. While this may be true, the fact of the matter is that his responses did not affect the overall results of the study because the majority of participants, unlike this particular participant, did not perceive violence against women as hate crime.

- From theory to methodology, my research agenda was not impartial, nor was it bias free. However, in an effort to forewarn the reader of such biases, the theoretical framework and analysis summaries were organized in a manner that illustrated my subjectivity

through use of transparency. That is, I provided the theoretical framework to investigate

police perceptions of gender-motivated hate crime against women. Similarly, from

interview segment to segment, I systematically outlined an initial understanding of

participants' perceptions. The purpose of this was not only to provide the reader with an

understanding of some of the key issues and connections surrounding the issues of

policing hate crime and violence against women, but also to demonstrate how I, just like

every other researcher (consciously or unconsciously), am subjective in my formulation

of theory when conducting social research (Becker, 1995; Denzin & Lincoln, 2008).

- While some argue that qualitative research is unscientific, hard to replicate, subjective,

    and exploratory in comparison to quantitative research that represents isolation, cause and

    effect, operationalization, choices of research practices depend on the questions that are

    asked, context, availability, and what I can do in a particular setting (Denzin & Lincoln,

    2008). Thus, while this study is not a quantitative representation of police perceptions of

    gender-motivated hate crimes against women, it is however a qualitative exploration with

    the purpose of uncovering the multiple meanings which police officers assign to such a

    novel criminological issue (Becker, 1955; Denzin & Lincoln, 2008). Likewise, I chose to

    conduct the interview in three segments (i.e., vignettes, sentence completion tasks, and an

    interview guide) as a way of asking participants numerous yet similar questions. This

    interactive investigative technique was done to: (1) provide myself with the tools and

    techniques to interpret response in various manners (Denzin & Lincoln, 2008); and (2)

    uncover a deeper understanding of complex and multiple meanings of terms such as 'hate

    crime', 'male violence against women', and 'gender-motivated hate crimes' (Becker,

    1995). However, this methodological approach may be problematic, given that the

framing of the questions (i.e., hate crime variables in the vignettes were manipulated, and

many of the same questions were asked in different ways) may have affected

participants' perceptions of gender-motivated hate crime. While this may be true,

participants overwhelmingly did not perceive violence against women from a hate crime

lenses, nor did they think that violence against women *should* be classified as such.

Overall, even though this study may be limited in scope, the results do however provide a list of

very beneficial recommendations that police services should take into consideration when

responding to hate crime and gender-motivated hate crimes against women. That being said, the

following section will outline key policing initiatives when responding to such violence.

5.8 New Initiatives to Police Hate Crime

From a very general perspective, the results of this study suggest that the legal definition

of 'hate crime' must be universalized in Canada. In particular, in replacement of the narrow and

restrictive definitions of hate crime, a more comprehensive sociological definition is needed.

Thus, hate crime must be acknowledged, understood, and policed as:

> …any act of intimidation, harassment, physical force directed against any person, or
> family, or their property or advocate, motivated by either in whole or in part by hostility
> to their real or perceived race, ethnic background, national origin, religious belief, sex
> [and gender], age, disability, or sexual orientation, with the intention of causing fear or
> intimidation, or to deter the free exercise, or enjoyment of any rights or privileges.
> (California Department of Justice, 1986, as cited in Copeland & Wolfe, 1991, p.8)

If scholars, practitioners, and policymakers can agree on a universal hate crime definition similar

to the aforementioned, police officers, like other people, may be less confused about what

constitutes 'hate crime'. Equally, police officers may be less reluctant to investigate the already

ambiguous and fluctuating term if one universal definition can establish itself over time. If

police officers are less reluctant to investigate hate crime in general, they may also be less

reluctant to investigate male violence against women as hate crime.

For police officers to better recognize that *some* crimes against women constitute hate/bias crimes, 'gender' or 'sex' as a protected category must be included in all facets of Canadian hate crime legislation. That is, there must be consistency in how hate crime are defined, both under the *Code's* sentencing enhancements and "classification" of hate crime identifiable groups. If these requirements have been met, police officers may be more willing to investigate instances of violence against women as hate/bias crime. The results of this study parallel these recommendations.

Similarly, to better understand the causes and consequences of hate crime in general and gender-motivated hate crime specifically, McPhail (2003) reminds us that:

> Better data collection must be mandated to enable researchers and advocates to track the number of hate crimes reported, the number of hate crimes charged, and the subsequent number of prosecutions, both successful and unsuccessful, including the category of gender. (p. 141)

In so doing, new training materials must be developed for law enforcement personnel that address gender-motivated hate crime issues specifically (McPhail, 2003). Likewise, results of this study suggest that frontline officers, not only specialized hate crime officers or members of a metropolitan hate crime unit, should receive ongoing and mandatory training to identify hate crimes and gender-motivated hate crimes against women. As McPhail and DiNitto (2005) note, training should list gender based epithets that commonly target a women's gender, which include:

- The fact that domestic violence is often directed against women when they are pregnant, when their gender is most apparent, and when they are particularly vulnerable
- Describe how patterns of violence against women can be established through the perpetrator's serial beatings of female partners and the documentation of serial restraining orders
- Note that when one woman is victimized, women in the surrounding community often become more fearful
- Explain that gender is a characteristic that cannot be changed to avoid being targeted similar to other hate crime categories

- Describe that often, the perpetrator is not looking for the next person to harm, but the next women
- Point out that hate crimes and violence against women are used for both proving masculinity and male bonding; and
- Demonstrate that the victimized women often represent her gender to the perpetrator. (McPhail & DiNitto, 2005, p. 1182)

The results of this study also suggest that police training initiatives should include more comprehensive theories about hate/bias motives as they relate to: (1) the link between men attempting to achieve hegemonic forms of masculinity; and (2) the gendered nature of all hate crimes (Bufkin, 1999). Likewise, frontline police officers must be educated about the categories of animus and discriminatory hate crime motivations (Lawrence, 1999) because as McPhail and DiNitto (2005) remind us,

> it is easier to see and prove that a woman was discriminatorily selected because of her gender than it is to prove that she was selected because of the perpetrator's hatred of women as a class. (p. 1183)

The results of this study also emphasize that training of law enforcement personnel must include the notion that multiple status categories are necessary to determine the intersectionality between gender and other status categories, such as race, religion, and sexual orientation (McPhail, 2003). Moreover, it is important to educate police officers about the successful prosecution of cases where gender bias was the basis for hate (McPhail & DiNitto, 2005). This way, not only will hate crime training initiatives be validated, police officers may recognize – from a practical perceptive – that hate crimes and gender-motivated hate crimes are a battle worth fighting. In this manner, police officers may garner more courage and strength to adhere to the following initiative:

> Training in gender-bias crimes must also include public awareness and education. Common perceptions of violence against women lead members of the public to ask, 'What was she wearing when she was raped?' in stances of sexual assault and, 'Why doesn't she just leave?' in instances of domestic violence. Through the lens of the hate crime paradigm, more appropriate questions would look at the motivations of the

perpetrator rather than the victim, asking, 'Did he select a victim based on gender?' and 'Does he have a pattern of assaults upon women?' (McPhail, 2003, p. 141-142)

Most importantly, the effectiveness of such training must be evaluated (McPhail, 2003), annually or semi-annually. Police officers must document what works and what does not work.

5.9 Future Research

As DeKeseredy (2009) noted less than five years ago:

…it may seem painfully obvious, but worth stating again nonetheless: more empirical, theoretical, and political work on gender-bias hate crime is needed. Of course, the same can be easily said about any given type of hate crime throughout the twentieth century (Perry, 2006). Nevertheless, as is the case with all types of social scientific inquiry, regardless of how much attention is devoted to hate crime, the study of any variant of this social problem will always be incomplete. (p. 166)

Much more research is needed to better understand all aspects of violence against women as hate crime. Specifically, research should document the nature and frequency of hate crime in Canada as a way of justifying hate crime training initiatives for police officers.   Research could include surveys of police and prosecutors as a way of determining their level of knowledge and commitment to prosecuting gender-motivated hate crime (McPhail, 2003). Equally, more research is needed to better understand the multiple status categories necessary to determine the intersectionality between gender and other status categories such as race, religion, and sexual orientation (McPhail, 2003). Research will aid in educating women's advocacy groups about gender-motivated violence in hate crime policy as a way of monitoring such policy implementations, as well as the training of law enforcement officials (McPhail, 2003). Furthermore, more research may help educate staff of battered women shelters and sexual assault programs. This is important because they often train police officers about the connections between hate crime and violence against women (McPhail & DiNitto, 2005). Lastly, more empirical, theoretical, and political work on gender-bias hate crime will enable scholars,

policymakers, practitioners, and laypersons to write editorials and educate the public about how

violence against women can be viewed through a hate crime lens (McPhail & DiNitto, 2005).

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Appendix I

Police officers arriving on the scene should act immediately to:

- Secure the scene

- Stabilize the victim (s) and request medical attention when necessary

- Ensure the safety of the victim(s), witness(es) and suspect(s)

- Preserve the crime scene, collect and photograph physical evidence such as:

  o hate literature

  o spray paint cans

  o threatening letters

  o symbolic objects used by hate groups (e.g., swastikas, crosses)

- Identify criminal evidence on the victim

- Request the assistance of cultural interpreters/translators when needed

- Conduct a preliminary investigation; record information on:

  o identity of suspected offenders(s)

  o identity of witnesses, including those no longer at the scene

  o prior occurrences in this area or with this victim

  o statements made by suspects – exact wording is critical

- Arrest the suspect(s), if reasonable grounds exist (OPC, 2007, p. 6).

After taking immediate action, police officers should:

- Whenever practical, assign only one officer to interview the victim(s) to minimize

  trauma;

- Explain to victim(s) and witnesses the likely sequence of events, including contact with

  investigators and the possibility of media coverage

- Refer victim(s) to support services in the community; provide written resource lists when possible

- Advise victim(s) how to contact the police to obtain further information on the case

- Report the suspected hate crime to the supervision on duty immediately

- Refer media representatives to the supervisor on duty or media relations officer

- Document the incident thoroughly noting any particular hate indicator and quoting exact wording of statements made by suspects

- Provide the occurrence number to the victim(s) and provide them information for a special contact person (OPC, 2007, p. 7).

When conducting a thorough follow-up investigation, officers should:

- Interview victim(s) and witnesses thoroughly and respectfully

- Secure evidence by taking photos of offensive graffiti or other symbols of hate/bias

- Document the circumstances and apparent motives surrounding the event

- Encourage victim(s) to complete a victim impact statement

- Locate and arrest any suspected offender(s) not apprehended at the scene

- Provide their supervisor or media relations officer with information that can be responsibility reported to the media

- Inform victim(s) of what is likely to happen during the continuing investigation

- Appeal to witnesses to come forward by canvassing the community

- Consider reward for information about the incident when possible

- Consider possible use and support of Crime Stoppers agencies

- Identify and seek advice from one of the Crown attorneys designated to prosecute hate/bias motivated crimes in Ontario

- Coordinate with other police services in the area to assess patterns of hate crimes and determine if organized hate groups are involved

- Collaborate with the responding officers to complete any written reports required by their service, as well as OPP

- Notify the municipality to clean up offensive graffiti/signs so as not to re-offend the victim(s)/community. Obtain estimate for cost of the removal of the graffiti to assist the crown in recovering costs through restitution towards the appropriate entity (OPC, 2007, p. 7).

The Ontario Police College (2007) also outlines key indicators that a hate crime may have been committed. Specifically, police officers evaluating a suspect's motive must consider the following bias indicators:

- Perceptions of the victim(s) and witnesses about the crime

- The suspect's comments, gestures, or written statements that reflect bias, including graffiti or other symbols

- Any differences between suspect and victim, whether actual or perceived by the suspect

- Similar incidents in the same location or neighbourhood to determine whether a pattern exists

- Whether the victim was engaged in activities promoting his/her groups or community – for example, by clothing or conduct

- Whether the incident coincided with a date of particular significance (cultural, historical, religious or social)

- Involvement of organized hate groups or their members

- Absence of any other motive such as economic gain (OPC, 2007, p. 8).

Canadian police officers may also use online police training, specifically for investigating hate and bias crimes. Know as the Canadian Police Knowledge Network (CPKN), this online training solution for police and law enforcement personnel is said to deliver highly effective, economical, and engaging e-learning course to meet the needs of frontline officers (CPKN, 2011a). The CPKN also provides two courses regarding hate and bias crime investigation, and hate crimes awareness (CPKN, 2011b).

The purpose of these online training modules is to provide officers with the necessary information to: (1) recognize hate/bias motivated crime; (2) gather the necessary evidence required to prosecute; and (3) follow reporting requirements (CPKN, 2011b). Upon completion of the most current hate crime course, police officer should be able to:

- Recognize that Canada is a pluralistic and diverse community, discrimination exists and law enforcement has a responsibility to respond to it

- Differentiate between hate and bias crimes and incidents

- Recall reasons why hate and bias crimes/incidents occur

- Understand sections of the Criminal Code of Canada that deal with investigating hate propaganda

- Understand what is required to successfully investigate hate propaganda

- Recall how crimes of hate and bias can impact both the individual and the community

- Recognize factors that will prove a crime was motivated by hate allowing you to invoke Section 718.2

- Recall the responsibilities of police officers while attending, investigating, and writing reports of hate crimes and hate propaganda

- Recognize the importance of a partnership between the community and law enforcement

- Identify ideologies of hate/extremist groups

- Identify characteristics of organized hate/extremist groups

- Understand that the Internet is a powerful tool for hate mongers and hate groups

- Understand that the Internet is an excellent source of intelligence for law enforcement

  (CPKN, 2011b, p.1).

Appendix II

UOIT
CHALLENGE INNOVATE CONNECT

CONSENT FORM
POLICE PERCEPTIONS OF GENDER-MOTIVATED VIOLENCE IN CANADA

University of Ontario Institute of Technology
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This is a study of police perceptions of gender-bias crimes in Canada. Interviews will be conducted in the fall and winter of 2010/2011. The aim of this study is to contribute to the criminological literature on violence against women and hate crime.

The study is being conducted by Graduate Student Ryan Scrivens (Principal Investigator) and Dr. Barbara Perry (Supervisor) of the University of Ontario Institute of Technology (UOIT). If you have any questions that will help you understand the study, please contact Ryan at **Ryan.Scrivens@uoit.ca** or **(416) 473-4084**. For additional questions, Dr. Perry may be contacted at Barbara.Perry@uoit.ca. Any questions about your rights as a research participant can be addressed to the Compliance Officer at UOIT (Compliance@uoit.ca). The file number for this research is 10-039.

This 45 minute interview is completely voluntary. You do not have to be involved in the study if you do not want to. You may also withdraw from the study at any time without consequence. Your responses to the questions at this point will be erased from the audiotape as you watch. Your answers will be kept confidential and stored appropriately. No one will be able to identify you as a participant. When the study has been completed, any questions that you have will be answered. You will then indicate that you have had all questions answered. Lastly, you may be sent a copy of the final work upon request.

The study will be conducted in three sections. In the first section, you will be asked to read five scenarios. The interviewer will then ask you a series of open-ended questions about those scenarios. In the second and third segment, you will be asked to participate in sentence completion tasks and a series of close-ended questions. Please answer each question as honestly as you can.

If you consent to participating in this research, and you understand your rights and any benefits involved in participating in this research, please sign below.

_____   _____   _____
PARTICIPANT NAME   **PARTICIPANT SIGNATURE**   **DATE**

Appendix III

Vignette One

Edward took the day off work to be with long-time girlfriend Sheila. Edward planned a romantic day of walking along the waterfront, enjoying a picnic lunch, and going to a fancy restaurant for dinner. Up until dinner, the couple was having a wonderful time. But as the two sat down in the restaurant, Edward ordered a few drinks. This was problematic because he was known as an aggressive drinker. Sheila didn't say anything though. She felt that Edward had given her an amazing day and was allowed to have a drink or two.

After numerous drinks, Edward became belligerent. He began commenting on Sheila's body, and even told her that he wanted to have sex with some of her girlfriends. Sheila was enraged! She got up and walked right out of the restaurant. Edward soon followed. Outside, Edward grabbed Sheila by the arm and yanked her towards his car. "Who the fuck do you think you are? You're just some stupid bitch, just like every other broad I know!" At this point, Edward gripped Shelia by the throat. "Don't you ever leave me like that! I own you!" Sheila suddenly felt a punch to her face; Edward had just broken her nose.

For the next few months, Sheila was in considerable pain and didn't leave her house much. When her friends came over to visit, they saw her in pain. Although Sheila never told them what really happened, they had their suspicions. And as a result of this traumatic event, Sheila's friends began to question the very decency of men. For months, the fear of being victimized was in the back of their minds.

Vignette Two

Evan and Rita had been married for nine years. Over the course of their marriage, Evan became abusive. Similar to other women in abusive relationships, Rita thought that the aggression might stop. Sadly though, it only got worse.

One night, Evan came home after a terrible day at work. Dinner wasn't ready for him. Immediately, Evan screamed at Rita. "Hurry the fuck up and make me dinner. I shouldn't even be saying this. You should just know your role! If you can't make dinner, what the fuck are you good for?" Rita sat silently at the dinner table while Evan began to eat. Suddenly, Evan stood up, flipped the table over, and roared, "You call this dinner? What the fuck is this shit? I work long days to provide for us and this is all you can make? Typical of you housewives!" In a fit of rage, Evan grabbed a steak knife and stabbed his crying wife in her chest.

Evan fled the scene while Rita dragged her body to a phone. Luckily, Rita survived, but her life would never be the same again; for months, Rita lay in stable condition. And just as unfortunate, police never found Evan. As her story made frontline national news, Rita and other women felt very unsafe.

Vignette Three

At approximately 1:30AM on a Sunday morning, Fiona got into an argument with her boyfriend. As a result, Fiona decided to walk home. As she passed by a dark city park, she was suddenly attacked at knifepoint. Trying to scream for help, the man dragged Fiona's struggling body into the park. The hooded man then beat her within inches of her life. In the morning, the woman's unconscious body was found by two joggers. Police were called to investigate the crime scene.

During an interview with Fiona, police discovered that she was not sexually assaulted. As well, none of her personal belongings were taken. It appeared as though the attack was a

motiveless crime. Fiona also told police officers that the perpetrator kept referring to her as a "fucking bitch" and a "dirty whore" during the attack.

As a result of the attack, Fiona suffered tremendous pain in her lower spine. Doctors told her that her back would never be the same again. And not only was Fiona fearful of her own wellbeing, women in the neighbourhood were also afraid of walking through the park at night. Overall, the whole community was affected by this random act of violence.

Vignette Four

On a Monday afternoon, Jerry lost his job. After ten years of loyal service, Jerry was another victim of company downsizing. On his way home, Jerry didn't know how he would break the news to Ann, his long-time cohabiting partner. Instead of going home, Jerry drove around the snowy streets to think. When Jerry finally built up the courage to come home, he walked through the front door with his head down. Ann instantly asked what was wrong. Jerry wouldn't reply. She became worried and continued asking what was wrong. But the more she asked, the more he became irritated. Finally, Jerry lashed out and told her that he just lost his job.

"I lost my goddamn job! Now we're going to lose everything! And it's all your fault we have no money to fall back on! You're just like every other woman! Spending all of us men's hard earned money on bullshit!" Ann was speechless. As she tried to speak, nothing came out. All she could do was cry. "Don't you fucking cry! It's your fault we have nothing!" shouted Jerry as he opened the front door. "Get out! Get out of my house. I never want to see you here again!" Jerry then grabbed Ann by the hair, heaving her out the door. Ann slipped down the icy steps and broke her leg in two places. A neighbour saw the occurrence and immediately called 9-1-1.

Police later arrested Jerry while Ann lay in the hospital. Neighbours were outraged by the brutality of the incident. Women in the neighbourhood were traumatized by the fact that Ann had to be in a wheel chair for five months. This incident affected women in the community because Ann did nothing to provoke the attack.

Vignette Five

Tom and Susan had been in an intimate relationship for about a month and everything was going well. Even though Susan recognized that Tom was misogynistic at times, she just shrugged it off. One night, after a long day of work, Tom showed up at Susan's home with anger in his eyes.

"I tried calling you five times! Why didn't you pick up?" shouted Tom with assertiveness in his tone. "I'm having trouble with my phone connection today" replied Susan with confusion. "Are you stupid? You should've tried calling from another phone! You're just like the rest of them! Chicks like you can never do anything right! You are so conniving. For all I know, your phone is fine!" Tom then pushed Susan with so much force that she fell back, hitting her head on the hallway table.

Susan spent the rest of the night in the hospital with a serious concussion. And not only did she have headaches for months, she had to take a leave of absence from work due to psychological stress.

Appendix IV

Sentence Completions Tasks

1.   The typical hate crime involves…

2. The typical hate crime is committed against…

3. The typical hate crime is committed because…

4. The typical perpetrator of a hate crime is…

5. The typical victim of hate crime can be described as…

Appendix V

Interview Guide

1. What is your official title?

2. How long have you been a police officer?

3. What types of calls do you most frequently deal with? What experiences have you had with identifying bias crimes?

4. What is your working definition of a bias crime/hate crime?

5. What resources are available to you as a police officer for the identification of bias crimes?

6. Has there been special training for identifying bias crime/hate crime? If so, have you attended any?

7. What is your own position on the inclusion of gender (into the definition of bias crime/hate crime)?

8. What offenses would you classify as gender-biased? How easy or difficult is it to define gender-motivated crimes?

9. Are domestic assault cases considered gender-biased offenses? Why or why not?

10. What kind of evidence is needed to classify a crime as gender-motivated bias?

11. What kind of reaction (positive or negative) have you encountered in trying to identify bias/hate crimes? What about gender-biased crimes?

12. Does the political climate of the region influence whether bias crime (or gender-biased crime) cases are investigated? If yes, how?

13. Does the media influence whether bias crime (or gender-biased crime) cases are investigated? If yes, how?

14. What affects whether a police officer identifies a crime as bias-motivated?

15. Is there anything else you would like to add in regard to bias crimes/hate crimes and

    gender-bias crimes?