
The Context of Minority Group Threat: Race, Institutions, and Complying with Hate Crime Law

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A wealth of research suggests a direct association between minority group size and government social control, such as arrest or imprisonment rates. Prior work in this vein, however, gives scant attention to (1) types of law that explicitly address intergroup conflict and (2) regional variation in the salience of minority group threat. At the same time, research on organizational responses to law indicates that institutional linkages to legal environments dictate policy innovation and compliance, yet the relevance of such linkages for law enforcement agencies is less clear. The present research investigates these themes by focusing on law enforcement responses to hate crime in the United States. Data from a sample of large municipal and county policing agencies and their degree of compliance with the federal Hate Crimes Statistics Act are analyzed. Main effects models show that compliance with federal hate crime law is less likely in places with larger black populations, an intriguing finding in light of extant work suggesting that both formal social control and race-based hate crime offending are typically more prevalent where more blacks reside. This effect of black population size on compliance with hate crime law, however, is contingent on region. A positive correlation in the Northeast contrasts with an inverse association in the South. The findings also suggest that organizational facets of law enforcement agencies, notably their engagement in community policing, are associated with compliance. The results elaborate and qualify group threat explanations of government social control and contribute to a burgeoning literature on the utility of organizational theory in the realm of law enforcement.

Most states and the federal government have enacted some form of hate crimes legislation (Jeness & Grattet 2001), yet there exists significant variation in the degree to which local law enforcement agencies enforce and comply with these laws. Participation in the federal Hate Crimes Statistics Act (HCSA, 1990), for instance, is considerably higher among policing agencies in the

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Northeast and the West relative to the South and Midwest (McVeigh et al. 2003). Hate crime reporting appears particularly scant in the historic “Black Belt” states. For example, only one law enforcement agency in Alabama and Mississippi combined submitted a hate crime incident report in 2000 (U.S. Department of Justice 2000: Table 12). But to what extent police compliance with hate crime law departs from compliance with general crime reporting mandates, and whether variation in compliance is at all attributable to minority group size, remains unknown. The task of the present research is to exploit jurisdictional variation in police compliance with the HCSA to investigate the impact of minority group size on an understudied and arguably undertheorized facet of social control—the formal social control of intergroup conflict.

Prior research demonstrates a robust association between minority group size in a geographic area and levels of government social control. The size of the black population, in particular, is positively associated with arrest rates (Liska, Chamlin et al. 1985), incarceration rates (Myers 1990), police force size (Kent & Jacobs 2005), police mobilization (Earl et al. 2003) and expenditures (Jackson & Carroll 1987), legalization of capital punishment (Jacobs & Carmichael 2002), and support for punitive policies (Baumer et al. 2003). This association between minority group size and criminal law is most frequently interpreted through the lens of group threat theory (Blalock 1967), which posits that large minority populations threaten the majority group’s hold on power, and thus state sanctions are employed to obviate such threats (Liska 1992).

Despite extensive research in this theoretical tradition, at least two questions concerning the breadth and context of group threat theory persist. First, research almost exclusively employs minority group threat to explain types of social control that disproportionately affect racial minorities, such as incarceration rates (Greenberg & West 2001), felon disenfranchisement laws (Behrens et al. 2003), or minority arrest rates (Eitle et al. 2002). Less research, however, investigates the association between minority group threat and facets of social control designed to *protect* minority populations, such as hate crime laws. Disputes that largely entail majority group offenders and minority group victims, such as hate crimes (Messner et al. 2004), constitute “upward law” (Black 1976:21–2) and may thus elicit minimal law enforcement. The present research builds on Black’s insight in conjunction with the group threat thesis as advanced in the areas of law enforcement (Jackson 1989), civil rights law (Vines 1964), and prejudice (Taylor 1998; Quillian 1996) to suggest that minority group size increases the use of law that adversely impacts minority groups but decreases the use of law aimed at protecting minorities. Law enforcement compliance with hate crime law is a useful venue for empirically investigating that proposition.

Hate crime laws explicitly address intergroup crime entailing animus (B. Levin 2001) and exhibit vast variation in their enforcement (McVeigh et al. 2003). In addition, compliance with hate crime law is both variable and a direct outcome of police decision-making, and whether police record crimes informs broader questions germane to government social control (Black 1970, 1976). Assessing compliance with federal hate crime law allows for a better understanding of how policing agencies implement laws that were championed by marginalized groups and that may be viewed as protecting minority populations. Police department *non*compliance with the HCSA, particularly when that agency complies with other federal data collection mandates, illustrates an ambivalence or aversion toward laws that address crime motivated by bigotry. To that end, and in line with research on crime reporting as an important facet of government social control (Kitsuse & Cicourel 1963; Black 1970, 1971; Erikson 1966; see Borg & Parker 2001 on clearance rates), investigating compliance with hate crime law is a salient issue for investigating state responses to intergroup conflict.¹

Beyond this inquiry into the context of minority group threat as pertaining to hate crime law, this research also casts light on a burgeoning issue in the study of state social control and the gap between legal codes and their actual implementation. Jenness and Grattet (2005) draw attention to this gap between law in the books and law in action in their recent work on organizational permeability and policy implementation. Consonant with ideas germane to organizations and law (Edelman 1990, 1992) and community policing (e.g., Greene 2000), Jenness and Grattet suggest that policy innovations are implemented where organizations are more “permeable,” or where an organization is more susceptible to community influence and where the organization’s culture aligns with a policy innovation. It remains less clear whether organizational permeability, indicated through police-community interaction, predicts actual compliance with hate crime initiatives above and beyond compliance with general crime reporting initiatives. The association, or lack thereof, between organizational structure or culture and legal outcomes bears on arguments concerning the utility of organizational theory in the realm of law enforcement (Katz 2001; Crank & Langworthy 1992) and the efficacy of hate

¹ Scholars of hate and bias crime further suggest that hate crime reporting, as requested by the HCSA, indicates “law enforcement’s commitment to hate crime policing” (Jenness & Grattet 2001:140). The U.S. Department of Justice (2002) also sees hate crime reporting by law enforcement agencies as a precursor to enforcing hate crime law. I do not suggest that police compliance with hate crime law is a direct measure of hate crime law enforcement, but there is conceptual overlap from the perspective of both hate crime scholars and the state.

crime law. I examine the association between compliance with federal hate crime law and one facet of law enforcement organization, the degree to which community policing is implemented, while statistically accounting for compliance with government requests for general crime data.

In sum, this work investigates variation in compliance with hate crime law to test (1) the impact of minority group size on the social control of intergroup conflict, (2) whether regional variation exists in this association, and (3) the relationship between police-community linkages and the efficacy of hate crime law. The following section reviews existing work on hate crime law and its implementation, noting unexplored questions in this area of inquiry. I then return to the questions introduced above to generate three hypotheses derived from group threat and institutional theories. Finally, I test these hypotheses using data on large U.S. policing agencies.

Hate Crime Law and Implementation

Hate crimes legislation surfaced on the legal landscape in the early 1980s and quickly diffused across the United States during the subsequent two decades (Morsch 1991; Grattet et al. 1998; Soule & Earl 2001). By 2000, more than 40 states and the federal government had enacted some form of hate or bias crimes legislation, although the specific provisions and groups protected under hate crime statutes differ from state to state (Jenness & Grattet 2001; Jacobs & Potter 1998).

Hate crime laws typically take one of two forms.² One type of hate crime law deals with criminal sanctions, often prescribing penalties for crimes motivated in whole or in part by prejudice or bigotry based on race, religion, ethnicity, sexual orientation, or a number of other group-defining characteristics (U.S. Department of Justice 2002; Jenness & Grattet 2001). For example, in 1994, President Bill Clinton signed into law the Hate Crimes Sentencing Enhancement Act, as part of the 1994 Violent Crime Control and Law Enforcement Act (Public Law 103–322), which increased penalties for federal crimes where the victim was selected because of his or her race, color, religion, national origin, ethnicity, gender, sexual orientation, or disability.³

² Jacobs and Potter 1998 and Wang 1995 suggest three categories: substantive laws, penalty enhancement statutes, and reporting statutes. I collapse the first two categories because they both deal with criminal offenses as opposed to data collection.

³ See Grattet et alia 1998 and Jenness and Grattet 2001 for a detailed review of hate crime laws in the United States. Since the focus of this work is data collection statutes, I omit further discussion of penalty enhancement and related criminal statutes.

A second type of hate crime law is administrative in nature and mandates the collection of hate crime data by local law enforcement. The most recognizable data collection statute is the HCSA, which I analyze in this research. Former President George H. W. Bush signed the HCSA into law amidst largely bipartisan support in 1990.⁴ The HCSA requires the U.S. Department of Justice (DOJ) to acquire and publish data about crimes that manifest prejudice based on certain group-defining characteristics.

The Attorney General shall acquire data, for the calendar year 1990 and each of the succeeding four calendar years, about crimes that manifest evidence of prejudice based on race, religion, sexual orientation, or ethnicity, including where appropriate the crimes of murder, non-negligent manslaughter; forcible rape; aggravated assault, simple assault, intimidation; arson; and destruction, damage or vandalism of property (Hate Crimes Statistics Act, sec. b[1], 28 USC 534 [1990]).

Four years later, as part of the Violent Crime Control and Law Enforcement Act of 1994, the HCSA was modified to include disability among the protected categories (Public Law 103–322) and was later amended to be carried out “for each calendar year” instead of “the succeeding four years” (Church Arson Prevention Act of 1996; Public Law 104–155). Since the HCSA called for the collection of crime data, the FBI’s Uniform Crime Reporting (UCR) program undertook the responsibility of collecting and disseminating hate crime information.

The HCSA has been plagued with problems, partly resulting from the requirement that the federal government gather and disseminate information on hate crime while participation by local law enforcement remains voluntary. The crime reporting program received tenuous support from local law enforcement agencies in its infancy, with fewer than 3,000 police departments covering less than 50 percent of the U.S. population participating in 1991. The number of agencies and the population covered by reporting agencies increased sharply between 1991 and 1996, particularly after 1994, when the collection of hate crime data became

⁴ The congressional record suggests there was some opposition to the statute, mostly concerning the inclusion of sexual orientation in the bill. An agreement was eventually reached, but only if the act included statements explicitly addressing the issue of homosexuality. Thus, section 2 of the law reads as follows:

(a) Congress finds that (1) the American family life is the foundation of American Society, (2) Federal policy should encourage the well-being, financial security, and health of the American family, (3) Schools should not de-emphasize the critical value of American family life, (b) Nothing in this Act shall be construed, nor shall any funds appropriated to carry out the purpose of the Act be used to promote or encourage homosexuality (Hate Crimes Statistics Act, sec. 2, 28 USC 534 [1990]).

a permanent fixture of the UCRs. Law enforcement agency participation then tapered off and even decreased for a few years before leveling off between 1999 and 2002. By 2002, more than 12,000 law enforcement agencies representing more than 85 percent of the U.S. population participated in the program, although participation was not randomly distributed across the United States (McVeigh et al. 2003).

The passage of hate crime laws generated a sizeable research literature on their implementation and enforcement, with extant work largely examining two issues. One body of research investigates the process of labeling crimes as “hate crimes,” focusing on how frontline personnel assess the role of hatred or bias in the incident (Martin 1995, 1996; Boyd et al. 1996; Bell 2002). A second line of research explains geographic variation in compliance with hate crime initiatives and hate crime reporting (Haider-Markel 1998; Medoff 1999; McVeigh et al. 2003). McVeigh and colleagues (2003), for instance, treat hate crime reporting as a successful outcome of social movement mobilization, finding higher reporting where there is greater civil rights activism, particularly in Democratic strongholds where civil rights issues resonate with political elites.

While prior research on hate crime policing provides insight into police officers’ views on hate crime and factors influencing reporting, the present research goes beyond prior work in two distinct ways. First, empirical research on hate crime reporting treats either states (Haider-Markel 1998; Medoff 1999) or counties (McVeigh et al. 2003) as the units of analysis. As a consequence, prior work does not investigate potentially important interstitial variables such as organizational characteristics of law enforcement agencies. The law enforcement agency, as opposed to the state or county, ultimately decides how many hate crimes occurred in a jurisdiction and whether to report these to the state. Incorporating organizational characteristics that are salient in the realm of administrative law (Edelman 1992; Kelly & Dobbin 1999) is potentially fruitful for understanding implementation in criminal law as well (Crank & Langworthy 1992). Further, Jenness and Grattet (2005) find that institutional characteristics of criminal justice agencies partly explain police department implementation of written hate crime policies. Building on this insight, I examine how the institutional arrangements of law enforcement agencies influence law enforcement actions, in this case compliance with federal law.

Second, research largely frames the investigation of hate crime law as a case study for policy implementation (Jenness & Grattet 2001; Grattet et al. 1998; Haider-Markel 1998) or social movement mobilization (McVeigh et al. 2003). At the same time, prior research on organizational compliance largely tests rational choice

(Braithwaite & Makkai 1991) or neo-institutional theories (Kelly & Dobbin 1998, 1999; Edelman et al. 1999; Dobbin, Sutton, et al. 1993; Gould 2001, 2005). I suggest that theories of formal social control provide theoretical leverage for explaining compliance by law enforcement agencies. The following sections expound the relevance of this theoretical framework for the study of hate crime law.

Theoretical Framework

Minority Group Threat and Hate Crime Law

A wealth of research on social control and criminal punishment suggests that the racial composition of places is a salient predictor of state social control. Scholars frequently interpret this association as evidence supporting group threat theory (Blalock 1967), or the specific variant of *racial* threat theory.⁵ The group threat thesis proffers that large minority populations constitute threats to majority groups and to existing social and political order (Blalock 1967) and that a minority underclass signals the potential for lawlessness (Chambliss & Seidman 1982). The state invokes criminal sanctions to suppress these threats, maintain the majority group's sphere of exclusiveness, limit minority group advancement, and maintain existing power arrangements (Liska 1992). Law is an instrument through which dominant (usually majority) groups maintain power and exercise control over "threatening" populations. Accordingly, group threat theory predicts higher levels of formal social control where minority group size is large.

Research largely supports this premise. The size of the minority, namely black, population is positively associated with several measures of state social control. Greenberg and West (2001), for example, find that states with larger black populations have higher incarceration rates, net of crime rates and economic conditions (see also Myers 1990). Jacobs and Carmichael (2002) similarly conclude that states with larger black populations more quickly legalized the death penalty following the *Gregg v. Georgia* (1976) Supreme Court decision that determined capital punishment was again constitutional after a brief pause. Black population size is also associated with the certainty of arrest (Liska, Chamlin et al. 1985), police presence and expenditures (Jackson 1989; Jackson & Carroll 1987; Liska, Lawrence et al. 1981), police force mobilization (Earl et al. 2003), criminal justice expenditures (Jacobs & Helms 1999), and

⁵ While the phrase *group threat theory* refers to the broad body of work on minority group relations, the variant of *racial threat* emphasizes competition and hostility along racial lines specifically.

support for capital punishment (Baumer et al. 2003). In each case, larger black populations are associated with punitive actions.

In a recent expansion of this perspective, Behrens et alia (2003) emphasize a political facet of group threat models in their work on felon disenfranchisement policies in the United States. According to the authors, “as subordinate groups grow in (relative) size, they may be able to leverage democratic political institutions to their advantage” (2003:574). Consonant with this idea and the racial threat hypothesis, Behrens and colleagues conclude that states passed felon disenfranchisement laws largely as a means to hinder black mobilization in the political sphere.

The conclusions of Behrens et alia (2003) raise an intriguing question concerning hate crime law: if laws that adversely impact black populations are implemented to disrupt political and legal mobilization, then how might criminal justice agencies respond to a type of law that deals with intergroup conflict and a type of crime that disproportionately involves minority group (often black) victims and majority group (white) offenders?⁶ On the one hand, the passage of hate crimes legislation may signal the state’s willingness to direct additional resources toward the problem of crime motivated by prejudice. On the other hand, legislatures may institute hate crime laws for symbolic purposes (Grattet et al. 1998:299), in which case policy may be decoupled from implementation and enforcement (Meyer & Rowan 1977; Edelman et al. 1999). What, then, does the group threat framework, and specifically the racial threat variant, predict concerning law enforcement compliance with hate crime law?

The logic of group threat theory suggests that the size of the black population is inversely associated with hate crime law compliance. That is, law enforcement agencies are less likely to comply with federal hate crime initiatives in jurisdictions with large black populations. This hypothesis aligns with prior research on resistance to social policies promoting minority group advancement (e.g., affirmative action). For instance, Giles and Evans’ analysis of public opinion data indicates that individuals “in counties with high black concentrations are significantly . . . more opposed to government policies aiding blacks than are respondents in counties with low black concentrations” (1986:477). Related work on Southern race relations court cases finds that pro-black (often pro-integration) decisions were inversely related to black population size (Vines 1964). This pattern agrees with related sociological research

⁶ Messner et alia’s (2004, e.g., pp.601–2) analysis of bias crime using National Incident Based Reporting System data finds that racial minorities are more likely to be victims of bias-motivated assaults. Blacks, for instance, are four times more likely than whites to be the victim of an assault motivated by bias. Blacks are more than six times more likely than whites to be the victim of a racially motivated bias crime.

finding greater resistance to race-targeting policies designed to promote racial equality among whites in largely black areas (Taylor 1998; Glaser 1994; Quillian 1996). If minority group presence decreases support for policies viewed as favorable to minorities, and hate crime law was largely championed by minority groups, then according to the group threat thesis the probability of complying with hate crime law decreases as minority group size increases. This hypothesis is intriguing and consequential in light of extant research indicating higher levels of hate crime offending where minority group size is increasing (Green et al. 1998).

As articulated in the previous section, hate crime laws do not solely focus on race. However, I focus on black population size in this research for three reasons. First, extant work on criminal punishment finds that black population size is associated with levels of social control more so than the presence of other minority groups, such as Hispanics (e.g., Jacobs & Carmichael 2002 on the death penalty; see Taylor 1998 on race prejudice and minority population size). Related research on labor markets and intergroup conflict also suggests that immigration and competition over jobs has cultivated greater violence against blacks than other groups (Olzak 1989, 1992). Bobo and Hutchings (1996) further contend that conflict with blacks is greater than other forms of intergroup conflict due to the depth of interracial relations throughout U.S. history.

Second, Blalock (1967) suggests that minority group size is of paramount importance for theories emphasizing threat. Blacks in the United States represent a numerically large minority constituency relative to other minority groups, such as homosexuals or religious minorities (e.g., Jews or Muslims). Given that numeric size is an intricate component of the group threat framework, elevated perceptions of threat may arise only from numerically large minority groups.

Third, available data on hate crime offenses suggest that blacks are more prone to hate crime victimization than other groups (U.S. Department of Justice 2002). Accordingly, majority groups may perceive blacks as receiving more protection from hate crime laws. This is particularly relevant in light of prior work finding more heated opposition to government involvement in programs perceived as benefiting blacks (Quillian 1996).

In short, I suggest that at least one predictor of formal social control, the racial composition of places, should have an entirely different effect for laws that are protective of minorities than for laws that disproportionately sanction minorities. Yet I also argue that the effect of black population size on police compliance with hate crimes legislation is contingent on social context.

The Context of Minority Group Threat

The association between minority group threat and hate crime law compliance is likely conditioned by cultural differences associated with geographic region. Specifically, I suggest that black population size is strongly associated with hate crime law compliance in the South, and to a lesser extent the Midwest, relative to the Northeast and the West. Two rationales underlie this hypothesis.

First, classic group threat formulations view discrimination and threat as developing historically (Blumer 1958), and hence minority group threat is more consequential in the wake of intergroup conflict. Prior work focusing on the South during both the pre- and post-civil rights movement shows strong support for racial threat arguments with respect to voting registration (Matthews & Prothro 1963), judicial decisionmaking (Vines 1964), and electoral support for segregationist or right-wing candidates (Heard 1952; Giles & Buckner 1993, 1996). Moreover, Jackson (1986, 1989; see 1992 for discussion) suggests that minority group size has a particularly strong association with police expenditures in the South, where interracial conflict has been especially heated (see also Kent & Jacobs 2005:736). Related work on the contingent nature of minority group threat yields comparable findings concerning culture and minority group size. The statistical relationship between black population size and death sentences, for instance, is contingent on the historical legacy of lynching (Jacobs et al. 2005). Given the interracial turmoil pervading the American South throughout much of its history and cultural continuity with respect to discrimination and social control practices (Wacquant 2000; Zimring 2003), perceptions of threat may influence law in the South more so than other regions. Hence, hate crime laws could meet the greatest resistance in Southern jurisdictions with large black populations. This remains at present an unanswered, yet empirically testable proposition.

Second, group threat theory largely views prejudice and social control as reactionary mechanisms to mitigate potential power acquisitions by “subordinate” groups (Blalock 1967). To that end, threat is typically indicated by minority group size and the perceived acquisition of minority group political power (Behrens et al. 2003). Relative to other regions, the South is characterized by a large black population, and blacks have greater representation in the U.S. Congress relative to the West or Northeast. The only region equivalent to the South with respect to black representation in Congress is the Midwest.⁷ The Midwest is intriguing in this regard because it ranks second to the South on factors theoretically

⁷ For instance, 11 members of the Black Congressional Caucus are from the Midwest, and 20 are from the South (figures from 109th Congress). These numbers exceed the West and Northeast both absolutely and proportionately.

associated with hate crime law outcomes, such as political conservatism⁸ and black political representation (see footnote 7). The prevalence of hate crime reporting in the Midwest is also comparable to the South and lags behind the Northeast and West (McVeigh et al. 2003). Yet the role of racial threat in the Midwest receives little attention in the respective literatures on prejudice and law, and in this case at the confluence of these themes in hate crime law.

Regional variation in the relationship between black population size and legal outcomes is consequential because it tempers the notion that minority group size ubiquitously indicates threat. Rather, and in line with original formulations of group position and collective threat models (Blumer 1958), minority group size is predictive of prejudice and social control in the wake of historically adverse relations where groups have defined their position relative to one another. Theoretically, such a relationship contextualizes the concept of minority group threat. Such a contextual association does not imply that race relations are homogeneous within regions. The underlying assumption is that, *on average*, black population size connotes greater threat in the South and Midwest relative to the Northeast and West.

Institutional Arrangements and Hate Crime Law Compliance

Institutional accounts of social control (Savelsberg 1994; Sutton 2000) and neo-institutional research on organizational responses to law (Edelman 1990, 1992; Kelly & Dobbin 1999) maintain that the institutional arrangements of states or organizations are critical for understanding government social control and policy implementation. By institutional arrangements I refer to links between government agencies and the public sphere, the degree of bureaucratization, means of organizing office practices and handling workloads, differentiation in the division of labor, and connections with other agencies. Just as organizational characteristics differ among profit-seeking organizations, variation also exists across law enforcement agencies (Maguire 2003), and such differentiation may be associated with responses to policy innovations in a legal field (Jenness & Grattet 2005). Neo-institutional scholarship in the United States demonstrates that organizations often mediate the effect of law on society and that various organizational types respond to law differently (Edelman 1990, 1992; Kelly & Dobbin 1999; Edelman et al. 1999). Edelman's (1992) research on organizational responses to equal employment opportunity and affirmative action laws, for example, finds that organizations with linkages

⁸ McVeigh et al. (2003) suggest an association between conservatism and hate crime reporting. To that end, in the 2000 presidential election both the South and Midwest favored (President) George Bush to Al Gore, as measured by proportionate electoral votes.

to the public sphere implement policies at higher rates than private-sector businesses. From this perspective, linkages to the legal environment render the organization more or less susceptible to influence from the public sphere.

Organizational attributes may thus be associated with law enforcement responses to hate crime. In this case, I give particular attention to one element of law enforcement organization: the degree to which the law enforcement agency organizes around the concept of community policing. The degree of communication between law enforcement agencies and their communities is potentially salient for two reasons. First, departments engaging in community policing are generally more responsive to proactive initiatives (Kelling & Coles 1996; Friedmann 1992; Goldstein 1990; Kelling & Moore 1988; Fielding 1995; Eck 2003; National Research Council 2004; Greene 2000) such as identifying increases in specific types of crime. It follows that provisions of the HCSA would align with a policing philosophy that takes seriously the acquisition and analysis of crime information to identify hot spots. Second, and of particular theoretical importance, just as personnel professionals in the private sector act as windows to the legal environment and help translate legal norms into organizational policies (Edelman 1990; Dobbin, Edelman, et al. 1988), community liaisons are similarly positioned to respond to the demands of their local environment. Elaborating networks and increasing connections among groups in an institutional environment, which is consonant with the community policing ideal, results in new organizational structures, procedures, or policies (Crank & Langworthy 1992). To this end, Jenness and Grattet (2005) expound the concept of organizational permeability, or the susceptibility of an organization to its social or legal environment. The authors specifically point to the community-organization nexus as a salient facet of permeability, largely because organizations with linkages to their community increase exposure to external demands. Jenness and Grattet (2005) find that hate crime policies, in turn, are positively associated with the level of police-community interaction. Building on this insight, I examine the influence of community policing on compliance with hate crime law independent of the department's propensity to comply with other federal crime reporting programs. The data for this analysis are presented in the following section, and the hypotheses are formally stated in Table 1.

Data

The primary data set for this analysis is the 2000 Law Enforcement Management Statistics Survey of Law Enforcement

Table 1. Hypotheses Predicting Hate Crime Law Compliance

Main Effects Hypotheses	
Hypothesis 1	Black population size is inversely associated with hate crime law compliance.
Hypothesis 2	Community policing is positively associated with hate crime law compliance.
Interaction Hypothesis	
Hypothesis 3	A stronger and negative association between black population size and hate crime law compliance exists in Midwestern and Southern jurisdictions relative to the West and Northeast.

Agencies (LEMAS, hereafter),⁹ a mail survey of law enforcement agencies conducted in summer 2000 (U.S. Department of Justice 2001). The survey includes detailed organizational data on law enforcement agencies, including department staffing, various functions of the agency, police force demographics, and management and personnel.

The 2000 LEMAS survey is a stratified random sample of law enforcement agencies containing information on 2,985 agencies, including the respective state patrols, municipal and county police departments, sheriffs' departments, and special police such as campus departments and tribal police in Native American communities.¹⁰ A questionnaire was mailed to 3,132 policing agencies. Approximately 67 agencies were "out-of-scope"¹¹ and a total of 2,985 agencies responded, for a response rate of 97.4 percent. Respondents included 1,925 municipal police departments, 36 county police agencies, 961 sheriffs' departments, 14 tribal police departments, and 49 state police departments. In this work I focus only on large municipal and county policing agencies. The analysis includes only large police departments because they deal with a sizeable proportion of interpersonal offenses in the United States (National Research Council 2004:49) and very small police departments may encounter few intergroup crimes, including hate crimes. Moreover, since organizational size is associated with organizational complexity (Langworthy 1986; Maguire 2003), the focus on community policing may have little relevance for very small departments.¹² The LEMAS methodology divides the sample

⁹ These data were obtained from the Inter-University Consortium for Political and Social Research (ICPSR #3565).

¹⁰ Larger law enforcement agencies were oversampled in this survey (see U.S. Department of Justice 2001 for discussion of sampling strata and number of agencies included).

¹¹ Out-of-scope agencies for the 2000 survey included agencies that had disbanded since the previous survey or those that should not have been in the universe of cases (U.S. Department of Justice 2001).

¹² Some agencies in the LEMAS data, for instance, have no full-time sworn officers. As a consequence, the community policing measure is likely inapplicable to such agencies.

into “self-representing” and “non-self-representing” agencies, where the former consists of policing agencies with 100 or more sworn full-time equivalent employees.¹³ I include only these self-representing agencies (100 or more full-time equivalent officers) in this analysis.

Sheriffs’ departments were not included in the analysis for two reasons. First, I sought to avoid overlapping jurisdictions. Sheriffs’ departments may include a populated city yet patrol largely rural areas outside of a major metropolitan area. Second, municipal and county police departments largely have law enforcement responsibilities, whereas sheriffs’ departments are responsible for staffing local courts and jails or transporting suspects in custody. Focusing solely on municipal and county agencies allows for an analysis of departments with confined jurisdictions having the primary responsibility for law enforcement and investigation in their jurisdictions.

Variables

Dependent Variable

The dependent variable indicates whether or not the policing agency complied with the provisions of the HCSA in 2000. This information was furnished by the DOJ and then merged with the LEMAS data.¹⁴ The HCSA requires the U. S. Attorney General to collect information on the prevalence of hate crime in the United States, yet participation in this program is largely voluntary.¹⁵ As argued above, the study of crime reporting informs broader ideas on state social control (Kitsuse & Cicourel 1963; Black 1970, 1971; Erikson 1966). Hate crime law is a state response to intergroup conflict, and compliance is both variable and a direct outcome of police decisionmaking. The task of the present research is to assess jurisdictional variation in police compliance with this law to investigate the respective impact of minority group threat and police-community interaction on the formal social control of crime motivated by bigotry.

I measure hate crime law compliance using two separate measures. One outcome variable indicates *any compliance* with federal hate crime law. Law enforcement agencies are requested to send quarterly reports, and hence some agencies “partly comply” by

¹³ “Full-time equivalent” is determined by summing the number of sworn full-time employees with one-half the number of sworn part-time employees.

¹⁴ Hate crime reporting data are furnished by the FBI and were obtained from the ICPSR (study #3444).

¹⁵ It is “largely” voluntary because states may impose requirements beyond this federal initiative.

submitting data one, two, or three quarters during the year. Using this measure of any compliance, all agencies that submitted hate crime data in compliance with the HCSA at least one quarter during the year are coded 1, with absolute noncompliers coded 0. This variable has the advantage of isolating those agencies that failed to comply at all in 2000. The second measure is derived from the same data, but only those agencies that reported all four quarters during 2000 are coded 1, while noncompliers and partial compliers represent the reference group (coded 0). I refer to this variable as *full compliance*. The full compliance measure isolates those agencies that fully complied as opposed to those that may have ceremonially submitted data one or two quarters during the year. In addition, this variable includes a larger reference group (those coded 0), which provides statistical leverage when assessing race-region interaction effects. As described below, the very small number of complete noncompliers in the West and Northeast limits the statistical power to assess some statistical interactions of theoretical interest.¹⁶

It is possible, if not likely (McDevitt et al. 2000; J. Levin 2002:14), that many agencies comply with the law by formally submitting data yet report “zero” hate crime offenses for the quarter or year. Without corroborating victimization data on hate crime offending, it is impossible to discern whether no hate crimes occurred or whether police refuse to categorize offenses as “hate crimes.” To this end, I do not measure the *number* of hate crimes reported as employed in prior research (McVeigh et al. 2003; Medoff 1999), as this entails assumptions about rates of actual hate crime offending. When using the categorical measure of compliance, all agencies, whether or not they actually experienced crimes potentially motivated by bigotry, can show a minimal level of compliance with the HCSA regardless of the actual prevalence of hate crime incidents. The dependent variable thus has the advantage of making no assumptions about hate crime offending levels, as agencies can comply with the law by reporting zero hate crime offenses. Importantly, the models account for law enforcement agency participation in the general UCR program. With this important control variable in the analysis, I maintain that noncompliance with the HCSA when accounting for the degree of compliance with crime reporting generally indicates an aversion toward the specific hate crime mandate.

¹⁶ Multinomial logistic regression models using three categories in the outcome variable (full compliance, partial compliance, no compliance) yielded the same substantive findings (these models are available from the author upon request). But as illustrated below, using the two separate variables was advantageous when assessing the robustness of the interaction effects.

Independent Variables

The independent variables of primary interest in this analysis are black population size in the jurisdiction, regional location of the police department, and the police department's organizational structure commensurate with community policing. Black population size is measured using 2000 U.S. Census data, calculated as the percentage of the population identifying as black in the police department's jurisdiction (cities for municipal agencies and counties for county agencies). Region is coded according to the four categories used by the U.S. Census Bureau.¹⁷

Community policing is operationalized using a battery of questions from the LEMAS survey concerning specific activities or structures in place that align with community policing ideals. Although the concept of community policing is difficult to define (Greene & Mastroski 1988; Eck & Rosenbaum 1994) and nuances exist across law enforcement jurisdictions, a set of common characteristics underlie community policing. For instance, policing scholars associate community policing with an emphasis on problem-solving (Fielding 1995; Maguire 2003:126; Goldstein 1990; Skogan et al. 1999), citizen involvement (Friedmann 1992; Trojanowicz & Bucqueroux 1990), assignment of officers to specific geographic areas (Fielding 1995:198–9; Maguire 2003:124–6; Friedmann 1992; Kelling & Moore 1988; Skogan et al. 1999), and evaluation of citizen satisfaction with police performance (Glensor & Peak 1998). Accordingly, implementing community policing requires police officer training and educating citizens. The LEMAS data provide measures consonant with these dimensions of community policing, which I use to create a community policing index comprising 11 indicators. The 11 dummy indicators were summed to create a community policing index with a standardized Cronbach's alpha reliability value of 0.67.¹⁸

¹⁷ The Northeast region includes Connecticut, Maine, Massachusetts, New Jersey, New Hampshire, New York, Pennsylvania, Rhode Island, and Vermont. The Midwest includes Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota and Wisconsin. The West includes Alaska, Arizona, California, Colorado, Hawaii, Idaho, Montana, New Mexico, Nevada, Oregon, Utah, Washington, and Wyoming. The South includes Alabama, Arkansas, Delaware, the District of Columbia, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and West Virginia.

¹⁸ These 11 dummy indicators (presence coded 1; absence coded 0) measure whether the agency (1) encouraged problem-solving projects, (2) assigned detectives based on geography, (3) conducted a citizen academy, (4) formed problem-solving groups, (5) assigned officers to areas or beats, (6) included problem-solving in evaluation criteria, (7) trained citizens, (8) surveyed public satisfaction, (9) had eight or more hours of community policing training for new officers, (10) had community policing training for in-service personnel, and (11) had community policing training for civilian personnel. The indicators largely agree with the 11 measures of community policing utilized by the Police Foundation (Annan 1994; see Maguire 2003:126, Table 6.3). Both indexes probe about citizen training,

The models include a number of statistical controls that are potentially correlated with both hate crime law compliance and community policing. Since larger departments may have additional resources to direct toward hate crime policing, I control for police department size and resources as indicated by the number of full-time sworn officers employed by the department.¹⁹ I also measure department professionalization because better educated police forces may be more attuned to changes in federal and state law and thus more likely to implement policies or comply with federal mandates. I measure professionalization by the minimum education requirements for new police recruits. This is an ordinal variable ranging from 0 (no requirements) to 4 (four-year college degree required). In addition, the models include a control variable for police officer heterogeneity relative to the area served by the police department. This measure rests on the proposition that hate crime laws may receive greater attention where minority groups are well-represented in the police organization. I thus include a dummy variable where a value of 1 indicates that the proportion of black police officers exceeds the black proportion of the city (for municipal agencies) or county (for county agencies). A value of 0 indicates lesser or equal representation of blacks on the police force relative to the community.²⁰ Beyond these characteristics of the police department, I also control for the employment rate in the city to account for economic conditions, since employment security may buffer perceptions of threat. The percentage of the city or county population residing in rural areas is also statistically controlled because crime rates, intergroup contact, and community policing are all potentially correlated with rural versus urban location.

Finally, I include two additional control variables. First, some states have hate crime data collection statutes independent of the HCSA. I thus include a dummy variable indicating whether a state

assigned beats, conducting surveys, engaging in problem-solving strategies, and forming problem-solving groups. The Police Foundation survey includes an enforcement measure (enforcing civil and code violations), which the present index does not.

¹⁹ In other analyses, I also controlled for jurisdiction population size and the department's operating budget. Both of these indicators were highly collinear with the number of full-time sworn police officers (which is included in the model). Including either population size or operating budget did not alter the coefficient size or significance for the focal independent variables. In addition, the measure of police department size was positively skewed, and I thus take the log of this variable because the logged indicator more closely approximates a normal distribution. Using the logged versus unlogged variable had no substantive bearing on any other coefficient in the model in the other analyses.

²⁰ An indicator representing the relative number of blacks on the police department is not used because that variable is highly collinear with black population size ($r = 0.87$). The relative number of black officers used in the analysis accounts for proportional representation while not entailing this degree of collinearity. Analyses including the proportion of black officers show that the race-region interaction remains significant when controlling for the proportion of black officers. These results are available from the author upon request.

Table 2. Descriptive Statistics for Dependent and Independent Variables for Large Policing Agencies* in the United States

Variables	Valid <i>N</i>	Range	Mean (Standard Deviation)
Dependent			
Full compliance—police department reported hate crime all four quarters in 2000	520	0–1	0.78 (0.42)
Any compliance—police department reported hate crime at least one quarter in 2000	520	0–1	0.86 (0.35)
Independent			
Hate crime data collection statute	520	0–1	0.68 (0.47)
Full-time equivalent police officers (logged)	520	4.61–10.51	5.45 (0.87)
Black officers exceed the number of blacks in city/county population (proportionately)	520	0–1	0.17 (0.37)
Officer minimum education requirements	520	0–4	1.40 (0.77)
Months that the department submitted any crime data to the DOJ	520	0–12	11.37 (2.60)
Community policing index	514	0–11	5.82 (2.35)
Civilian employment rate	520	83.89–98.43	93.33 (2.78)
Percent rural	519	0–100	1.72 (8.10)
Percent black	520	0.30–93.39	18.51 (18.56)
Region	520		
Northeast		0–1	0.24 (0.43)
Midwest		0–1	0.18 (0.39)
South		0–1	0.36 (0.48)
West		0–1	0.21 (0.41)

*Large policing agencies refer to those with 100 or more full-time equivalent officers.

statute is present, as this could increase police department compliance with the HCSA for all departments in the state. Second, the models account for whether the department reported crime other than hate crime. I measure this by the number of months the law enforcement agency submitted any crime data in conjunction with the UCRs in 2000. This is an important statistical control because it is feasible that police departments that do not respond to hate crime initiatives may not respond to *any* federal crime reporting mandates, which would suggest no specific aversion toward hate crime laws. Descriptive statistics for all variables are provided in Table 2.²¹

Method and Modeling

To test the effects of race, region, and community policing on compliance with the HCSA independent of other explanatory variables, I employ binary logistic regression. Logistic regression models are appropriate for dichotomous outcomes and allow for both categorical and continuous independent variables. Coefficients

²¹ There is little multicollinearity among independent variables. Black population size is correlated with the employment rate ($r = -0.52$), but no other variables in the main effects models are highly correlated. Not surprisingly, the interaction terms for race and region are correlated with their component parts (approximately 0.7) but not to a degree that would pose problems of interpretation (Jaccard & Turrisi 2003). Collinearity is reduced and the results are consistent when centering the percent black variable.

in logistic models can also be interpreted as odds that indicate the change in the likelihood of the outcome variable per unit change in the predictor variable (Bohrnstedt & Knoke 1994:342). Since the units of analysis (law enforcement agencies) are nested within states, the independence assumption of regression analysis could be violated, thus potentially yielding correlated errors and inflated *t*-values. All analyses thus account for such nesting of agencies within states by adjusting the standard errors using the Huber-White sandwich estimate of variance (Rogers 1993) via the “cluster” option in Stata 9.1.²²

Findings

Figure 1 illustrates regional variation in hate crime law compliance when accounting for general crime reporting and the presence of a state hate crime law. The bars in Figure 1 indicate the percentage of law enforcement agencies within each region that complied with federal government requests for general crime information but did *not* comply with the hate crime provision as stipulated by the HCSA.²³ The black and white patterned bars refer to comparisons of all large policing agencies in the sample, while the gray bars represent comparisons when excluding states without hate crimes legislation in 2000.²⁴ This comparison indicates that law enforcement agencies in the Northeast and West are less likely than the South and Midwest to discern general crime reporting from hate crime reporting. Only 2 percent of policing agencies in the Northeast and another 5 percent in the West did

²² An additional methodological note warrants attention here. I considered using ordered logit models predicting the number of quarters for which the department complied in 2000. However, the likelihood-ratio test for proportional odds was rejected, suggesting that a unit increase in an independent variable on the probability of a unit increase in the outcome variable is unequal for all levels of the outcome variable. This is not surprising, given the distribution of that dependent variable (few partial compliers). While the substantive results in those models were consistent, the ordered logit model was not employed because the proportional odds assumption was rejected. Also, weighting is not a significant issue in this analysis because the LEMAS methodology solicits data on all large policing agencies (Hickman & Reaves 2003). However, a final weight was assigned to these departments to adjust for potential nonresponse bias. Weighted and unweighted coefficients yield the same substantive results, and the weighted coefficients are available from the author upon request. I report the unweighted coefficients in the text because Winship and Radbill 1994 suggest that unweighted estimates are preferred when sample selection criteria are not a function of the dependent variable.

²³ Specifically, this variable was coded 1 if the policing agency at least partly complied with the UCR general crime reporting mandate (submitted data one or more months) while not *at all* complying with the hate crime provision (as requested in the HCSA). Figure 1 thus shows cases where there is a disparity—the agency reported *general* crime but not *hate* crime.

²⁴ These seven states are Arkansas, Georgia, Indiana, New Mexico, South Carolina, Utah, and Wyoming.

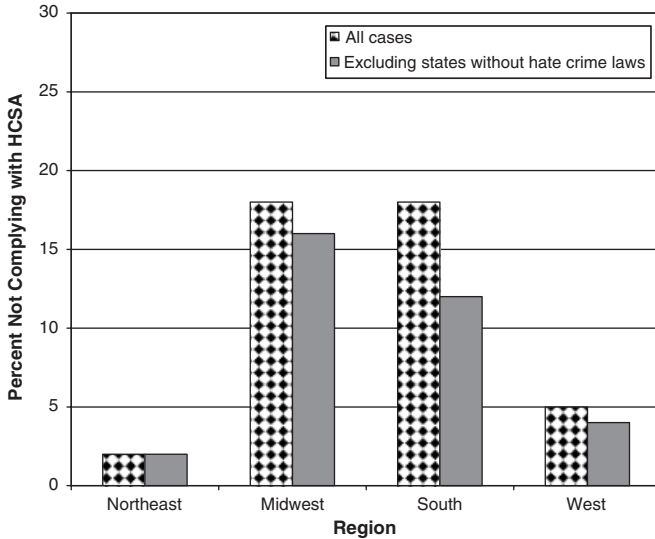


Figure 1. Law Enforcement Agencies Complying with the UCR But Not the HCSA by Region for All Cases and Excluding States Without Hate Crime Laws.

not comply with the provisions of the HCSA, relative to non-compliance rates of 18 percent in the South and Midwest each.²⁵ These results change very little when omitting states without hate crime laws (Figure 1, gray bars), where the percentages for the South and Midwest decrease to 16 and 12 percent, respectively, while the Northeast and West remain below 5 percent. Regional variation in compliance with hate crime law is thus apparent, even when accounting for state laws and general crime reporting.

Table 3 reports the coefficients for partial and full compliance with the HCSA regressed on the focal independent and control variables, including a control for propensity to report any crime data. The bivariate correlation depicted in Figure 1 largely persists when controlling for legal, organizational, and community factors in the logistic regression model. The odds of any compliance (Model 1) in the South and Midwest decrease by approximately 80 percent ($e^{-1.802}$ and $e^{-1.727}$) relative to the West and Northeast. In addition, the coefficients in Model 1 suggest that any compliance with the HCSA is positively correlated with general crime reporting ($b = 0.255$) and the presence of a data collection statute ($b = 2.990$). However, the number of black officers relative to the general population, officer minimum education requirements,

²⁵ The compliance rate in the West is partly driven by California, the most populous state with the most law enforcement agencies included in this comparison. When omitting California, the percentage in Figure 1 (for all cases) increases to 12 percent, which is greater than the Northeast but still less than the South and Midwest (both at 18 percent).

Table 3. Logistic Regression Coefficients for Analyses of Large Municipal and County Policing Agencies (With Adjusted Standard Errors): Compliance With the HCSA on Organizational, Community, and Regional Predictor Variables

Variable	Level of Compliance (Model)					
	Any (1)	Full (2)	Any (3)	Full (4)	Any (5)	Full (6)
Months reporting crime data to UCR	0.253*** (0.041)	0.262** (0.077)	0.268*** (0.045)	0.270*** (0.079)	0.299*** (0.060)	0.273*** (0.081)
Hate crime data collection statute	2.990*** (0.685)	1.528*** (0.567)	2.908*** (0.679)	1.465** (0.554)	2.946*** (0.697)	1.391* (0.538)
Full-time equivalent officers (logged)	0.386# (0.204)	0.365* (0.183)	0.417# (0.219)	0.398* (0.188)	0.291 (0.248)	0.350# (0.205)
More black officers relative to jurisdiction population	-0.177 (0.568)	0.641 (0.513)	-0.482 (0.616)	0.468 (0.528)	0.361 (0.595)	0.700 (0.510)
Officer minimum education requirements	0.212 (0.301)	0.235 (0.239)	-0.018 (0.257)	0.146 (0.233)	0.038 (0.261)	0.152 (0.243)
Employment rate	-0.002 (0.064)	0.023 (0.045)	-0.096 (0.068)	-0.048 (0.061)	-0.119# (0.071)	-0.035 (0.064)
Percent rural	-0.025 (0.017)	-0.022 (0.015)	-0.049*** (0.017)	-0.041* (0.016)	-0.037# (0.021)	-0.041* (0.016)
South	-1.802* (0.861)	-0.620 (0.701)	-1.542# (0.885)	-0.410 (0.679)	1.402 (1.068)	0.785 (0.729)
Midwest	-1.727* (0.800)	-1.538* (0.732)	-1.776* (0.865)	-1.529* (0.737)	.735 (1.309)	-1.473# (0.793)
Community policing			0.200*** (0.070)	0.059 (0.057)	0.235*** (0.075)	0.064 (0.061)
Percent black			-0.028* (0.011)	-0.018# (0.011)	0.568** (0.197)	0.020 (0.018)
Percent black* South					-0.607** (0.197)	-0.060*** (0.019)
Percent black* Midwest					-0.593** (0.202)	-0.017 (0.025)
Constant	-3.090 (6.314)	-6.412 (4.210)	5.310 (6.474)	0.191 (5.614)	4.843 (6.717)	-1.320 (5.769)
N	519	519	513	513	513	513
-2 Log Likelihood	264.14	406.55	245.19	390.25	230.61	380.30

Note: Standard errors are in parentheses. All models adjust the standard errors for nesting of units within states using the cluster option in Stata 9.1.

$p < 0.10$, * $p < 0.05$, ** $p < 0.01$, *** $p \leq 0.001$ (all tests two-tailed).

the employment rate, and the percent rural are not significantly associated with this compliance measure. The results are similar when predicting full compliance relative to non- and partial compliance (Model 2). The only notable exception is that the dummy variable for the South is no longer statistically significant in Model 2, suggesting that Southern jurisdiction is a better predictor of any compliance than full compliance. That is, police departments in the South are less likely than those in the Northeast and West to comply one or more quarters, but Southern departments that do report hate crime data tend to fully comply at rates comparable to the West and Northeast, net of the statistical controls.²⁶

²⁶ Additional tests were employed to test if regional effects are attributable to the presence of hate groups (data furnished by the Southern Poverty Law Center). Models that include the number of hate groups, measured as a raw number or per capita, indicate no significant association between hate crime law compliance and the presence of hate groups. Moreover, including that variable does not alter the regional effects shown in Table 3.

Models 3 and 4 in Table 3 add community policing and black population size to the respective equations. Looking first at any compliance (Model 3), the hypothesis predicting a significant association between hate crime law compliance and community policing finds support in this model. Each unit increase in the community policing index increases the odds of any compliance with the HCSA by 22 percent ($e^{0.200}$). Moreover, black population size is negatively associated with this measure of compliance. Each percentage increase in black population size decreases the odds of compliance by about 3 percent ($e^{-0.028}$). Also noteworthy in this model is that the effect of Southern region weakens relative to Model 1 when black population size is considered.²⁷

The results are not as strong when predicting full compliance with the HCSA (Model 4). Coefficients are in the same direction as in Model 3, but Model 4 suggests that community policing does not significantly distinguish full compliance from non- and partial compliance.²⁸ In similar fashion, black population size has a weaker effect with respect to coefficient size and significance when predicting full compliance (Model 4) compared to any compliance (Model 3). The picture that emerges from these models is that region, community policing, and racial demographics significantly predict whether law enforcement agencies comply at all with federal hate crime law. Race, region, and community policing, however, are less salient when distinguishing between full and partial compliers.

To further understand the association between race, region, and law enforcement responses to hate crime, Models 5 and 6 report the interaction coefficients between race and region. The coefficients for any hate crime law compliance (Model 5) should be interpreted cautiously. Very few police departments in the West

²⁷ Additional analyses not shown here but available from the author upon request indicate that the reduction in slope and significance of "South" is attributable to the addition of percent black to the model and not to the inclusion of community policing. And the effect of percent black on compliance retains its size and statistical significance when including proxy measures of interracial violence. In supplementary analyses that statistically control for the average number of white-on-black, black-on-white, nonwhite-on-white, or white-on-nonwhite homicides for 1998, 1999, and 2000, none of these measures of interracial violence are significantly associated with compliance, and none significantly improve model fit. Accordingly, they are omitted from the models. And analyses using the change in percent black between 1990 and 2000 instead of the contemporaneous measure of black population size yield similar results. The only notable difference is that the interaction between change in percent black and South does not reach statistical significance for the full compliance outcome variable, although it is significant for the any compliance dependent variable. Consistent with the concept of political threat, particularly as detailed by Blalock 1967, I present the findings for contemporaneous black population size.

²⁸ Supplementary analyses show that both community policing and black population size are significant ($p < 0.05$) when comparing full compliers to complete noncompliers, but neither variable significantly distinguishes partial from full compliers. Those results are available from the author upon request.

and Northeast were coded as complete noncompliers, and thus some coefficients and standard errors appear unusually large.²⁹ Mindful of this limitation, the coefficients are consistent with the hypothesis that black population size is negatively associated with hate crime law compliance in the South and the Midwest relative to the West and Northeast. Model 6, which compares complete compliers to partial and noncompliers, provides more stable coefficients because the reference category is not plagued by extremely small numbers. With one exception, the results in Model 6 reflect those in Model 5. A significant race-region interaction is apparent, but it appears isolated to the South. The main effect for percent black (0.020) indicates a positive correlation between black population size and full compliance in the Northeast and West. Yet a sizeable negative effect is apparent for the South, where each percentage increase in black population size is associated with a 4 percent decrease ($e^{0.02-0.06}$) in the odds of full compliance. Black population size thus influences hate crime law compliance, but the effect is not ubiquitous.³⁰

The contingent association between black population size and hate crime law compliance is illustrated in Figure 2.³¹ This figure shows the predicted probabilities of full compliance with the HCSA by percent black and region. As depicted in the figure, compliance

²⁹ Notably, the main effect of percent black in Model 5 ($b = 0.568$) suggests that a 1 percent increase in black population size yields a 76 percent increase in compliance for agencies in the Northeast and West. This appears unusually large, likely due to the small number of cases in those regions that fail to at least partially comply.

³⁰ A reviewer expressed concern that the inclusion of certain anomalous states could bias the findings because general crime reporting practices entail state-level variation. I thus ran Models 3, 5 and 6 in Table 3 for 48 separate analyses, each of which omits a single state. In each of these analyses, the black population size remains significantly and negatively associated with compliance (consistent with Model 3). The main effects coefficients for the South and Midwest (relative to the West and Northeast) remain negative in all cases. The statistical significance for "South," which was significant at a modest alpha level ($p < 0.10$) in model 3 of Table 3, drops below that threshold in 10 instances, and the Midwest effect drops below statistical significance in two instances (when omitting Illinois or New York). I then ran the interaction models (Models 5 and 6 of Table 3) when removing those 10 states (one by one). The interaction models do *not* change with respect to the approximate direction, size, and significance of the interaction coefficients. Hence, particular states may influence regional comparisons with respect to statistical significance, but there is no evidence that any single state influences (1) the effect of race on compliance, or (2) the race-region interaction effects. Furthermore, I ran Models 5 and 6 when excluding the seven states that did not have hate crime laws in 2000. Those results are entirely consistent with Table 3 in the text. Results from these supplementary analyses are available from the author upon request.

³¹ To capture the effect of percent black on compliance for all four regions in Figure 2, I reestimated Model 6 by using "South" as the reference category and including the other three regions and their interaction terms (with race) in the model. This model and its presentation in Figure 2 further justify grouping the Northeast and the West in Models 5 and 6 of Table 3, as they show very similar patterns. Figure 2 assigns mean values to all control variables to generate predicted probabilities of full compliance. Estimates were obtained using "Clarify" in Stata 9.1.

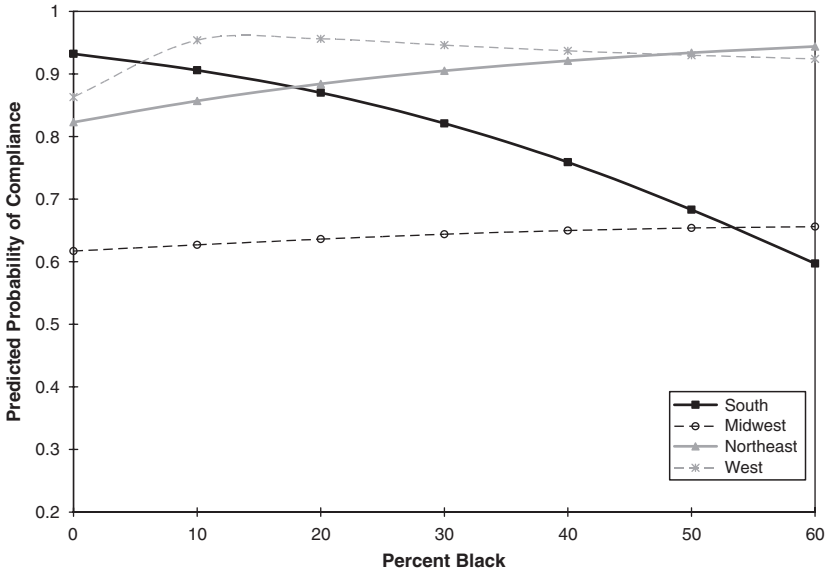


Figure 2. Predicted Probabilities of Full Compliance with the HCSA by Race and Region.

Note: Predicted probabilities were estimated using “Clarify” in Stata 9.1. All control variables were assigned mean values when calculating the probabilities.

with federal hate crime law increases with black population size in the Northeast. A similar pattern emerges for the West, albeit with a slight decline at larger values of black population size (but still remaining above 0.9). Law enforcement agencies in the Midwest, where no blacks reside, are the least likely to comply with the HCSA, and this effect changes very little as the percent black increases. The association in the South, however, is distinct. Holding all control variables constant, the predicted probability of fully complying with the HCSA among Southern law enforcement agencies, where blacks constitute 10 percent of the population, is about 0.90, which exceeds the predicted rate of compliance in the Northeast. Yet a nontrivial decline emerges as black population size increases. When the black population reaches 50 percent, the probability of compliance drops below 0.70, nearly paralleling the compliance rate for the Midwest.³²

To further clarify the race-region interaction, Table 4 shows the results of logistic regression analyses for any compliance (row 1) and full compliance (row 2) on black population size for all four regions separately. Results are not reported for any compliance in

³² The figure stops at 60 percent because three of four regions have few or no cases beyond that marker. Also, and as depicted in Table 5, there is evidence of nonlinearity in the South, where the slope levels off beyond that benchmark.

Table 4. Logistic Regression Coefficients (With Adjusted Standard Errors): Compliance With Federal Hate Crime Law on Black Population Size by Region

	Northeast	Midwest	South	West
Any compliance	—	-0.012 (0.015)	-0.035** (0.012)	—
Full compliance	0.038* (0.015)	0.003 (0.013)	-0.039*** (0.011)	0.440 (0.466)
<i>N</i>	125	95	189	111

Note: Standard errors in parentheses. Models adjust the standard errors for nesting of units within states using the cluster option in Stata 9.1.

* $p < 0.05$, ** $p < 0.01$, *** $p \leq 0.001$ (all tests two-tailed).

the Northeast and West because only five and six cases, respectively, would be in the reference category (noncompliance), yielding potentially unstable coefficients.³³ The logistic regression coefficients indicate that each percentage increase in black population size in the Northeast yields a 4 percent increase in the odds of hate crime law compliance ($e^{0.038}$). Interestingly, precisely the inverse is found when analyzing jurisdictions in the South. In that case (row 3, column 4), each percentage increase in black population size decreases the odds of full compliance by nearly 4 percent ($e^{-0.039}$). The analyses reported in Table 4 indicate no robust association between black population size and either measure of compliance in the Midwest or the West.

Finally, two additional points are germane to threat theory and hate crime law compliance. First, the association between black population size and compliance may be nonlinear in the South because this region includes many cases where blacks are the majority, and the association between race and threat is purportedly higher in the South. Where blacks constitute a majority of the population, they may assume greater political power, and thus policing agencies are more likely to comply with laws perceived as protecting minority populations. When introducing a squared term for percent black, the negative effect of black population size should become stronger and the quadratic term should be positive. A second and related point also concerns black political power. Blacks are more apt to hold positions of political authority, for instance by controlling the mayor's office, in cities with larger black populations. In line with the tenets of threat theory, the presence of a black mayor in the South should increase hate crime law compliance. Given that the black mayor variable is

³³ In both cases the coefficients are positive and significant, but the size of the coefficient and standard errors indicate that the analysis is biased by few cases in the reference category.

Table 5. Logistic Regression Coefficients (With Adjusted Standard Errors): Hate Crime Law Compliance on Black Population Size and Black Political Power in the South

	Any Compliance		Full Compliance	
	(1) Nonlinear Association	(2) Black Political Power ^a	(3) Nonlinear Association	(4) Black Political Power ^a
Percent black	-0.075** (0.026)	-0.058** (0.014)	-0.065* (0.029)	-0.059** (0.015)
Percent black squared	0.0005 [#] (0.0003)		0.0004 (0.0003)	
Black mayor		1.842** (0.539)		1.030 [#] (0.608)
Constant	3.157** (0.836)	3.226** (0.783)	2.826** (0.834)	3.151** (0.756)
N	189	147	189	133

Note: Standard errors in parentheses. Models adjust the standard errors for nesting of units within states using the cluster option in Stata 9.1.

[#] $p < 0.10$, * $p < 0.05$, ** $p < 0.01$.

^aCounty policing agencies are excluded in this analysis because mayors are specific to cities. Data were available only for cities with 50,000 population or more, and thus cities with fewer than 50,000 are excluded from analysis.

positively correlated with black population size ($r = 0.43$) in the South, the linear effect of percent black on compliance should become stronger when accounting for the presence of a black mayor.

These respective arguments find empirical support in the data (Table 5). Models 1 and 3 of Table 5 test for nonlinearity in the two compliance variables by including a quadratic term for percent black. In those models, the negative effect of percent black is stronger than in Table 4 and the quadratic coefficients are in the predicted direction (positive), although the quadratic does not reach statistical significance for the full compliance measure. The negative coefficients for black population size and the positive coefficients for the quadratic terms are consistent with threat theory. Black population size decreases compliance in the South, yet this effect weakens as blacks become the majority group. Models 2 and 4 in Table 5 show the linear association between black population size and compliance with the HCSA when controlling for the presence of a black mayor.³⁴ As expected, black political power increases the probability of Southern law enforcement agencies complying with federal hate crime law. Moreover, the linear effect

³⁴ The N is lower in this analysis because data on the presence of a black mayor, which are taken from the Joint Center for Political and Economic Studies, only includes information for cities of 50,000 or more people. Because mayors correspond to cities, county policing agencies and cities with fewer than 50,000 residents were excluded from Models 2 and 4 of Table 5.

of black population size is stronger when accounting for black political power.³⁵

Three main findings thus emerge from this investigation of hate crime law compliance. First, any compliance with hate crime law is positively associated with community policing, but community policing does not differentiate full compliers from partial compliers. Second, analysis of all cases in all regions shows that compliance is inversely associated with black population size, above and beyond the influence of legal, organizational, and regional factors. Third, the effect of black population size appears contingent on region. The percent black is negatively associated with measures of compliance in the South and positively associated in the Northeast, while conservative estimates indicate no robust association in the West and Midwest. Moreover, there is some evidence of nonlinearity in the black population size coefficient in the South. The results largely support Hypotheses 1 and 2 in Table 1, and partly support Hypothesis 3.

Discussion and Conclusions

This research used the case of law enforcement agency compliance with the HCSA to answer questions germane to both the substantive topic of hate crime law and issues concerning race, institutional arrangements, and government social control. The empirical findings suggest that group threat theory provides a viable framework for understanding some of the variation in compliance with hate crime law in the United States, as law enforcement agencies in jurisdictions with larger black populations are less apt to comply with the HCSA. This negative statistical association indicates that scholars would be remiss to suggest greater government social control, or “more law,” to borrow Black’s (1976) phrase, where the relative size of the black population is large. The linkage between black population size and formal social control has almost exclusively taken this approach, suggesting a positive correlation between criminal law enforcement and the number of blacks. The present analysis suggests that black population size yields “less law” when legislation deals with intergroup conflict and stems from minority group mobilization. Group threat theory thus predicts the dormancy of criminal law as well as its enactment. In that respect, the present results parallel research

³⁵ When using the same 147 cases but omitting the black mayor variable, the effect of percent black on any compliance is -0.042 (compared to -0.058 when controlling for black mayor) and the percent black coefficient for full compliance is -0.049 (compared to -0.059 when controlling for black mayor). The correlation between the presence of a black mayor and the percent black in the city is $+0.43$ ($N = 147$).

on opposition to policies viewed as favoring minority groups, which finds greater disagreement with race-targeting policies among whites residing near large black populations (Giles & Evans 1986; Glaser 1994; Taylor 1998; Quillian 1996). Criminal laws that consider race and other group-defining characteristics face similar resistance where the black population is sizeable. Based on these findings, I hypothesize that policies designed to protect or foster mobility in minority communities may be stymied in precisely those places where intergroup relations are problematic. This hypothesis, although tentative in the absence of corroborating research, represents a potentially rewarding avenue for future research on law and intergroup relations.

A related theoretical proposition extending from this work is that racial threat increases formal social control when the sanction disproportionately befalls minority groups, but racial threat *decreases* the use of law perceived as protecting minorities. Future work may further test this proposition, for instance by examining if hate crime prosecution is less frequent in districts with large black populations. Such an investigation could more explicitly extend the present argument to the case of law enforcement and the mobilization of criminal hate crime statutes by law enforcement agents.

While this work partly supports the racial threat thesis, it does not utilize this framework uncritically. Research in this tradition gives limited attention to the context of minority group threat (for exceptions see Jackson 1989; Kent & Jacobs 2005) and the historical conditions predating perceived threat, which played a central role in early formulations of this paradigm (Blumer 1958). The present findings indicate no significant and negative association between black population size and hate crime law compliance outside of the American South. To that end, nearly the opposite relationship emerges when analyzing hate crime law compliance in the Northeast, where the percent black and compliance are positively associated (see Tables 3 and 4; also Figure 2). Yet in the South, which was the primary locus of slavery, Jim Crow laws, lynching, segregation, and subsequent civil rights struggles, race is particularly likely to color law enforcement practices. This contingency with respect to minority group threat and law aligns with recent claims that legacies of intergroup violence and prejudice condition the impact of current racial threat in the study of government social control (Jacobs et al. 2005). The breadth and robustness of the present argument can be further tested in other areas of criminal law, including the interaction between region and race in the study of incarceration, arrest, criminal justice expenditures, and sentencing. In each case, the current findings predict that race and criminal law outcomes are more strongly associated

in Southern relative to non-Southern jurisdictions. In addition, it is notable that the presence of a state hate crime law is a sizeable predictor of compliance. It remains unclear, however, what role race has played in state hate crimes legislation. Future research may examine the role of race, region, and institutional arrangements in crafting such legislation.

That black population size is positively associated with hate crime law compliance in the Northeast is also a noteworthy finding. I suggest three reasons why hate crime law compliance in this region increases with the relative number of blacks. First, while the Northeast has not been immune to interracial tension in recent or distant history, interracial conflict has been more thoroughly institutionalized in the American South, for instance through formal segregation. Hence, minority group size may not signify a threat to the same extent as areas with a deeper history of interracial conflict, in line with recent research (Jacobs et al. 2005). Second, differences in political party dominance and political support from racial minority constituencies in the South and Northeast (Carmines & Stimson 1989) may also clarify the disparate impact of race on hate crime law compliance. Hate crime reporting is more likely in liberal strongholds (McVeigh et al. 2003), and thus liberal political party dominance in the Northeast may act as a buffer against racial threat. Third, groups at the forefront of the hate crime law movement are more heavily concentrated in the Northeast relative to the South. Jewish advocacy groups, such as the Anti-Defamation League, have ardently supported hate crimes legislation (Jeness & Grattet 2001), and the Jewish population is proportionately higher in the Northeast relative to the American South (Jones et al. 2002). The presence of mobilized groups may foster greater compliance with hate crime law, and again complicate the nexus between black population size and legal outcomes.

Beyond the implications of this research for theories emphasizing minority group threat, the findings also bear on scholarship concerning the consequences of community policing and the incorporation of bureaucratic arrangements in the study of formal social control agencies. Community engagement with government institutions is a salient theme in recent research on civil society (Putnam 2000) and political culture (Skocpol & Fiorina 1999), as well as the criminal justice system (Friedmann 1992; Wilson & Kelling 1982; Kelling & Coles 1996). While the present research does not speak to the crime control utility of community-oriented law enforcement (see Kelling & Coles 1996; Skogan & Hartnett 1997; Harcourt 2001), the findings suggest an association between community policing and compliance with federal hate crime policy. The statistical relationship between community-oriented law

enforcement and hate crime law compliance supports Jenness and Grattet's (2005) argument that organizational permeability, or the extent to which an organization's structure and culture align with policy innovation, is an important explanatory factor in the study of organizational compliance. The present findings thus add to a burgeoning area of sociolegal inquiry assessing the utility of organizational theory in the realm of law enforcement (Crank & Langworthy 1992; Hagan 1989; Maguire 1997; Katz 2001; Jenness & Grattet 2001, 2005). Future work may engage this debate in more detail to further assess the salience of bureaucratic organization to law enforcement and social control outcomes, which prove influential in comparative research on punishment (Savelsberg 1994; Sutton 2000) and in studies of U.S. employment law (Edelman 1990, 1992; Kelly & Dobbin 1999; Edelman et al. 1999). Future research may consider police-community interaction in the context of other major law enforcement initiatives that solicit information and enforcement efforts at the local level, such as terrorism policies, violence against women and domestic abuse, or efforts to monitor racial profiling.

The method and variables utilized in this research have limitations. I could not account for how organized the black population was with respect to civil rights matters, or on hate crime specifically, in the respective jurisdictions. The present indicators of community policing, while in line with theoretical ideas concerning the organizational structure and culture of community policing, also say little about subtle differences in community policing practices. The meaning of *community* in the law enforcement literature, and in much social science research generally, is often an ill-defined concept (e.g., Friedmann 1992, on policing). Whether communities are expected to define the norms police enforce (Kelling & Coles 1996) or serve as a sources of reintegration (Braithwaite 1989) may have consequences for police-community relations and, in this case, the execution of hate crime policies. Future work investigating the meaning of *community* in law enforcement strategies and practices may draw attention to the nature of community interactions and consider with which segments of the population police interact.

Mindful of these limitations, this research nonetheless adds to the literature on group threat theories of law and social control as well as the efficacy of hate crime law. I utilized the case of hate crime law as a vehicle for understanding the conditions under which federal policies are put into practice at the local level and how local law enforcement agencies respond to laws dealing with intergroup conflict. Implementing hate crime law is not a color-blind process. An intriguing implication of these results is that hate crimes are possibly enforced the least where they are at highest risk

of occurrence. Race-based hate crimes are more prevalent in heterogeneous places, particularly in areas experiencing a recent influx of racial minorities (Green et al. 1998; Glaser et al. 2002), which according to the present research is where compliance with hate crime policy is least pronounced. This research thus contributes to debates concerning racial overtones in law enforcement by demonstrating that the nexus between race and law not only entails overenforcement (Kennedy 1997), but perhaps underprotection as well.

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