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Summary of the Project

Goals & objectives	The goal of this study is to enhance public safety and community well-being through effective identification, investigation, and prosecution of anti-LGBTQ hate crimes in Miami. This important goal was achieved by examining: victimization experiences, victim and offender characteristics, crime reporting outcomes, victimization consequences, case processing, as well as the criminal justice system's challenges and opportunities for reform. The project focuses on the hate crime victimization within Miami's Latine community.
Research questions	What is the prevalence of the anti-LGBTQ hate crime victimization? What are the victim and offender demographic characteristics? What are the barriers for crime reporting and for victim cooperation with law enforcement? What are the predictors of crime reporting? What are the consequences of victimization? How does the criminal justice system identify, process, and dispose of hate crimes? What are the challenges for reporting and case processing? What type of evidence is used by law enforcement for determining the hate motivation? What are the opportunities for reforming police and prosecutorial capacity for tackling hate crimes?
Research design	The study employs a mixed-methods design using quantitative and qualitative data from victim interviews, case file reviews, and practitioner interviews. 400 LGBTQ individuals who have been victims of a crime have been interviewed using a three-stage venue-based sampling. Furthermore, all hate crimes disposed of by the Miami-Dade State Attorney's Office between June 2005 and July 2019 (n = 23) were reviewed to collect data on specific offenses, case processing, and disposition outcomes. Finally, 10 semi-structured in-depth interviews were carried out with prosecutors, police detectives, and service providers to assess the practitioners' perceptions of the problem and opportunities for reforming the system.
Applicability of the research	The research yielded significant recommendations for law enforcement, the LGBTQ advocacy groups, and the research and academic community. The findings help police and prosecutors develop more effective internal policies and practices for identifying and investigating hate crimes, processing them accordingly, and providing assistance to crime victims. This increased awareness will likely bolster confidence in the justice system, and have significant justice and public safety implications through increased reporting and cooperation with police and prosecutors.

Participants & partners	400 LGBTQ individuals took part in this research by participating in in-person interviews. The project was implemented in partnership with SAVE LGBT, the Miami-Dade State Attorney's Office, the Miami-Dade Police Department, and the Ohio State University.
Changes in design	No notable changes have been made to the original design of the project.

Outcomes

Activities	*LGBTQ in-person interviews*: 875 screeners and 400 interviews conducted in October 2018 - December 2019
	Prosecutorial case file review: 23 hate crimes disposed of by the Miami-Dade State Attorney's Office in June 2005-July 2019
	Practitioner semi-structured interviews: 5 prosecutors handling hate crimes; 2 police detectives; 2 victim specialists
Findings	*Victimization*
	48% of 875 screened respondents experienced victimization in Miami-Dade County (hereafter Miami) within the prior five years
	An estimated 3,859 violent and property offenses are committed against LGBTQ persons in Miami annually
	30% of 400 victimized respondents interviewed experienced physical or sexual assault
	52% of physical assaults are perpetrated by non-strangers
	95% of victims report being victimized because of their LGBTQ identity
	Crime reporting and case processing
	34% of respondents were concerned with crime reporting to the police
	15% of all incidents—60 out of 400 incidents—were reported to police; 45% of violent and property crimes were reported
	35% of reported incidents—21 out of 60 incidents—resulted in arrest
	23% of reported incidents—14 out of 60 incidents—resulted in prosecution, but not necessarily as a hate crime
	Friends' encouragement to report crime is by far the strongest predictor of crime reporting; it increases crime reporting at least tenfold

Consequences of victimization

13% of victims began to avoid LGBTQ venues or friends because of the incident

23% of victims had to change their housing because of the incident

35% of victims try to act more "straight" because of the incident

Experiencing crimes involving the use of a weapon is the strongest predictor of forced relocation

Hate crime prosecution

Out of 23 hate crimes processed by the Miami-Dade State Attorney's office in 2005-2019, 11 involved anti-LGBTQ bias, six were anti-Jewish or Islamophobic, five were motivated by racial or ethnic prejudice, and one was trigged by bias against a homeless person with mental health illness

Victims of reported hate crimes tend to be younger, male, and black, while offenders are older and mainly "Hispanic" (as identified by the police)

Most hate crime cases are initiated by law enforcement based on media coverage of bias-motivated incidents

Law enforcement over-relies on basic investigative tactics, while making almost no use of social media in identifying hate crimes and demonstrating the hate motive

Police and victim testimony, confessions, offense location, and symbols are commonly used as evidence of hate motivation, with only one disposed case relying on evidence from a YouTube video

Prosecutors struggle with victim engagement, especially if the victim is LGBTQ

Crimes involving a physical manifestation of harm and ones perpetrated by strangers are markedly more likely to result in arrest and prosecution

If evidence is strong and readily available, prosecutors are willing to use hate crime enhancement

Hate crime enhancement is not used as a plea-bargaining chip

Limitations	While the research team made all reasonable efforts to improve recruitment (e.g., by providing incentives, using professional interviewers who specialize in the LGBTQ population surveys, conducting a study in a large city with a sizable LGBTQ Latine population), the 17.3% response rate still makes generalizability of the victim interview findings difficult, even if it represents a clear advancement in studying hard-to-reach populations. The venue-based sampling approach is a strength of this research; yet this

approach needs additional testing and documentation of challenges to improve its application in the fields of criminology and criminal justice.

Artifacts	
List of products	The project has or will yield: (1) Final Research Report, (2) Research Summary and Policy Brief, (3) series of presentations to disseminate findings, (4) social media postings, and (5) three journal publications.
Data sets	1. SPSS Dataset of 400 LGBTQ interview results 2. Codebook for 400 LGBTQ interview results 3. SPSS Dataset of 875 screened respondents 4. Codebook for 875 screened respondents 5. Excel spreadsheet for 23 hate crime cases disposed of by the Miami-Dade State Attorney's Office 6. Word document with practitioner interview transcripts 7. Data collection instruments
Dissemination	To make the findings available to a larger audience, the FIU LGBTQA Initiative and SAVE LGBT have been engaged in the process of dissemination and community engagement.

Requests for additional information about the research described in this report should be directed to bkutatel@fiu.edu

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Introduction

Social scientists who study hate crime quickly discover two vastly different narratives about the prevalence and nature of hate-motivated offending. On the one hand, relying on official criminal justice statistics, such as UCR or state-level hate crime reports (e.g., DCJS, 2019; Florida Attorney General, 2019), we might reasonably conclude that hate crimes rarely occur. Indeed, some prosecutors believe that hate crimes happen rarely because they see so few arrests and prosecutions (King, 2008). On the other hand, we would reach a markedly different conclusion if we listened to the narratives of hate crime victims. For example, the hate crime victimization rate, as estimated by the National Crime Victimization Survey, far exceeds what is reported in police reports. For some groups, such as lesbian, gay, bisexual, transgender, queer, or gender nonconforming individuals (hereafter, LGBTQ), the prevalence of victimization is substantially higher than in the general population (Herek, Gillis, & Cogan, 1999). Despite the perception that society is becoming more accepting of LGBTQ persons (Gallup, 2020; Pew Research Center, 2013), a recent review shows that victimization disparities have not improved since the 1990s (when they were first measured), and that, in fact, some forms of victimization have worsened (McKay, 2017). Such a 'knowledge gap' between the accounts of victims and the law enforcement agencies tasked with protecting them is problematic: if the victimization narrative is accurate, then police and prosecutors may significantly underestimate the scope of the problem.

Two decades ago, Green and colleagues published an influential paper which described the difficulties of measuring hate crimes and called for extending the existing research to new groups and settings (Green, McFalls, & Smith, 2001). The scholarly response to this call has been slow, most likely due to practical difficulties associated with data collection. Responding to their call, this research focuses on a demographic group thought to be at particularly high risk of hate crime victimization—the LGBTQ community. Recent data show that sexual minorities are more likely to be targets of hate crimes than any other minority group (Park & Mykhyalyshyn, 2016), and sexual orientation bias victimizations involve greater incidence of violence and serious injury (Briones-Robinson, Powers, & Socia, 2016). The focus is further narrowed to the Latine LGBTQ population.[1] It was not possible to find a single study on hate crimes that focuses on a Latine population, who are slated to become over 21% of the U.S. population by 2030 (Vespa, Armstrong, & Medina, 2018). It also does not help that the racial/ethnic disparity research has traditionally treated Latine as a homogeneous group. To view Latine as a monolithic cultural group would be misguided, especially on metrics related to views towards gender norms and sexuality (Corrales, 2015).[2] The problem is further exacerbated by the lack of adequate theorizing to explain anti-LGBTQ hate victimization (Walters, 2011), especially within the Latin-American community, as most theoretical work is built around the "white dominance" thesis and assumes perpetrators are strangers.

There are other compelling reasons for focusing on Latine when studying anti-LGBTQ offending. According to the 2017 Gallup poll, at 6.1%, Latine continue to be the single race or

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[1] The term "Latine" uses a gender-neutral *e*, which replaces the gendered endings *a* and *o* (Latina/Latino). This term is increasingly used within the Latine LGBTQ community.

[2] For example, a 2015 report on LGBT rights and attitudes in Latin America shows that some countries are comparably progressive (e.g., Colombia) while others are less accommodating and tolerant (e.g., Dominican Republic).

ethnic group most likely to identify as LGBT (Newport, 2018).[3] It is possible that the higher rate of queer identities—in tandem with the issues of traditional gender roles, hypermasculinity, and machismo (Glass & Owen, 2010; Mosher & Tomkins, 1988)—places LGBTQ Latine at a higher risk of victimization. Recent BJS data (Masucci & Langton, 2017) show that while more than half (53%) of hate crime victimizations were against whites, Latine experienced a much higher rate of violent hate crime victimization (1.3 per 1,000) than non-Hispanic whites (0.7 per 1,000).

The call by Green and colleagues for new research on hate crimes also included new settings. Miami and its surrounding area is a revealing setting for investigating hate crimes because it epitomizes the knowledge gap discussed above. According to 2018 law enforcement data, only 17 hate crimes against LGBTQ persons were reported in Miami-Dade County (Florida Attorney General, 2019). Yet, the 2005 Miami study shows that 99% of LGBTQ youth had experienced verbal and/or physical harassment; and in a 2007 follow-up study, 53% of bullied youth said that they had not told anyone about their experience (Alliance for GLBTQ Youth, 2020). A more recent study also shows that 27% of Miami residents still believe that homosexuality "should be discouraged", and 36% oppose or strongly oppose same-sex marriage (Pew Research Center, 2014). Although it is unknown to what extent anti-LGBTQ sentiments translate into hate-motivated offending, one would think that these views hinder victim's ability to report crime and seek help.

The existing research provides only a limited understanding to what extent the official crime statistics reflect actual experiences of sexual and gender minority victims. Most of the existing hate crimes research focuses on race and uses macro-level geographic units (e.g., census tracts or counties), but far less is known about anti-LGBTQ victimization patterns at the individual level. Prior research suggests that racially and religiously-motivated hate crimes are more likely to be influenced by an antecedent event than homophobic offending (King & Sutton, 2013), thus, making the generalizability of findings from one type of hate crime to another questionable. The research is also lacking when it comes to explaining how hate crime cases are handled by law enforcement, how cases get classified as hate crimes, what challenges these cases pose for prosecution, and what role victims play in case processing and disposition. Extant research typically looks at the front and back ends of the justice process and case processing in different jurisdictions, and studies rarely examine holistically how cases flow through the sequence of decision points.

To fill this critical knowledge gap, new data and methods have been adopted. First, 400 Latine LGBTQ individuals have been interviewed face-to-face in English or Spanish to provide the primary data for this research. These individuals were selected employing a *three-stage venue-based sampling* method, used in public health research to produce a probability sample of a hidden and elusive population based on venues associated with the population (Ford et al., 2009). Second, prosecutorial case files were reviewed to capture crime, victim, and offender characteristics, and to document the process for classifying offenses as hate crimes and the types of evidence most typically used to demonstrate bias motivation (e.g., previous emails indicating hatred, witness testimony, language used by the perpetrator, photos from the crime scene). Third, prosecutors, police detectives and victim service providers were interviewed to identify the challenges faced by criminal justice practitioners tasked with identifying, classifying, investigating, and disposing of these cases, as well as their views about how to reform the

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[3] A much greater percentage of Latine Millennials (22%) identify as LGBTQ compared with African Americans (14%), whites (13%), and Asian Americans (9%). Overall, approximately 14% of Millennials identify as LGBTQ (Newport, 2018).

system.

Theoretical Foundation

The lack of criminological theorizing of anti-LGBTQ hate crimes left a significant void in the literature. Arguably, the most widely cited theory of hate crime is the "defended neighborhoods" thesis, which still has not lost its relevance (see e.g., Mills, 2020, for the most recent application of this theory). This theory suggests that hate crimes escalate when and where racial minorities move into traditionally white neighborhoods (Bowling, 1994; Green, Strolovitch, & Wong, 1998a; Lyons, 2007). Racially motivated hate crimes are a part of a backlash by some whites who lament the loss of traditionally white turf. This perspective has been illuminating, especially when applied to racially-motivate hate crimes, which are the most frequently reported type of hate crime, according to U.S. official statistics (e.g., UCR). Yet the "defended neighborhoods" thesis appears inadequate when studying hate crimes motivated by victims' sexual orientation or gender identity because, unlike racial and ethnic minorities, LGBTQ people are not always visibly different and they are part of the same race as the dominant community members. Nor would this theory apply to studying hate crimes in Miami, where the vast majority of residents are Latine and/or immigrants. As Stacey, Carbone-López and Rosenfeld (2011) argue: "Although political conflict centers largely on illegal immigration, in practice legal and illegal immigrants are not easily distinguished, nor are immigrants readily distinguished from co-ethnic residents who resemble the new arrivals in language, customs, and appearance" (p. 293).

Perry (2001) provides a more applicable explanation of hate offending against sexual and gender minorities. She argues that hate crime is better understood as the extreme form of discrimination which emulates from a culture of marginalization of people who act, look, or think differently. Being different means that these undesirable individuals need to be resisted and pushed out because they are, simply, feared. Therefore, hate crimes can be understood as an expression of anger and resentment for threatening dominant normality. While racial and ethnic minorities may be viewed as posing a physical threat, LGBTQ individuals may be viewed as threatening traditional family values and encroaching heterosexual cultural norms. One might assume that homophobia and transphobia manifest themselves through the urge to defend traditional family values, especially if historically heterosexual neighborhoods experience a marked increase in LGBTQ residents. This argument is an extension of traditional conflict theory, which largely focused on the black-white divide while ignoring the Latine community (Graham et al., 2020).

"Intersectionality" provides another useful conceptual framework about anti-LGBTQ hate crime offending and victimization. This framework—developed by feminist scholars of color to challenge the dominant focus on middle-class, educated, white women (Shields, 2008)—refers to the ways in which social positions and group memberships overlap and change the experiences of social identity. Legal scholar and critical race theorist, Kimberlé Crenshaw, coined this term in the late 1980s to explain how multiple forms of inequality compound themselves to create obstacles that are not understood by conventional ways of thinking (Crenshaw, 1989). In this sense, the LGBTQ identity is not a self-contained unit; it is a relationship among multiple identities that can shape victimization, reporting, and help-seeking experiences, including sexual orientation, gender identity, ethnicity, country of origin, income, education, and immigration status among others. For example, the 2017 Gallup poll of 340,604 randomly selected adults concluded that, since 2012, LGBT identification has been more

common among those with lower incomes and Latine (Newport, 2018) and this higher identification can have varied victimization and reporting consequences.
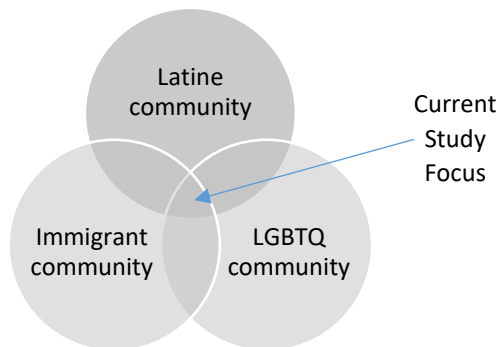
While this work uses LGBTQ as an umbrella term, each of these letters represents a unique group of individuals with subpopulations based on race, ethnicity, socioeconomic status, geographic location, age, and other attributes (Graham et al., 2011). Informed by this rationale, the present research placed its focus on LGBTQ Latine immigrant individuals in one urban center. Each of these three intertwined identities likely shapes victimization, crime reporting, case processing, and post-victimization coping outcomes differently as compared to their combined effects. It is possible that being a Latine creates additional victimization triggers because of stereotypical commitment to gender norms and expression among Latine (Glass & Owen, 2010; Gómez & Marin, 1996; Mosher & Tomkins, 1988). Similarly, there might be a relationship between an immigrant identity and reporting crime to law enforcement. On the one hand, immigrants may be more fearful of the police because of immigration concerns, among others (although recent research finds no evidence of systematic crime reporting bias among foreign-born, first-generation immigrants, as compared to their U.S.-born peers; see Bersani & Piquero, 2017). On the other hand, immigrant experiences with the police in their countries of origin may have been so grossly negative, once moved to the United States, these individuals may hold an overly positive view about law enforcement. This positive outlook, in turn, may encourage greater crime reporting and help-seeking among immigrant victims. Such a scenario might be especially true for LGBTQ individuals who come from places where their gender expression and sexual orientation make them a subject of scorn, ridicule, violence and even police brutality. While Latin America has some of the most progressive laws for LGBTQ protection and the growing number of LGBTQ politicians (especially in Colombia, see Corrales, 2015), the region also has the highest rates of violence against the LGBTQ community (Brochetto, 2017). Moving to the United States may afford many freedoms, including opportunities for expressing one's own sexuality and gender identity; yet embracing these opportunities may place LGBTQ individuals in jeopardy if their families and communities continue to be intolerant. Understanding such attributional relationships and interdependencies holds the key to expanding our conceptualization of the problem as well as to preventing these crimes and assisting the victims.

Prior Research

Background: While there is no agreed-upon definition of what constitutes a hate crime (Walters, 2011), the Federal Bureau of Investigation defines it as a "criminal offense against a person or

property motivated in whole or in part by an offender's bias against a race, religion, disability, sexual orientation, ethnicity, gender, or gender identity." In the United States, these crimes are generally handled by local prosecutorial offices. However, the federal prosecutors may pursue hate crime cases if local jurisdictions are unwilling or unable to prosecute these crimes.

Hate crime law is firmly institutionalized in the United States (Jenness & Grattet, 2001) and although some observers note that "the passage of anti-LGBT hate crime legislation does not necessarily translate into policy enforcement" (Scheuerman, Parris, Faupel, & Werum, 2020. p. 32), at present, nearly every state and the federal government have some form of hate crime law on the books. In addition, the federal Hate Crimes Statistics Act (HCSA, 1990) mandates that local police report and collect data on hate crimes and provide this information to the FBI for inclusion in its annual Uniform Crime Report. Such data collection efforts on a national scale, along with independent efforts by major police departments such as New York City and Chicago, have enabled a program of research on when, where, and why these crimes occur (Dunbar, 2006; Green et al, 2001; Green et al., 1998a; Green, Glaser, & Rich, 1998b; Lyons, 2007).

The following review is organized into five sections: (1) hate crime victimization, (2) hate crime reporting, (3) consequences of hate crime victimization, (4) hate crime identification, and (5) hate crime case processing. An effort was made to look for relevant research outside the field of criminology and criminal justice, and beyond U.S.-based studies, as to not overlook important advancements in hate crimes research experienced in the fields of public health, psychology, pathology, and economics internationally. This step was needed because the criminological field appears to lag behind other disciplines, especially when it comes to studying hate crimes motivated by victims' sexual orientation or gender identity.

Hate Crime Victimization

Researchers have traditionally relied on four types of data sources to study hate crime victimization—law enforcement reporting, national public surveys, local news and social media data, and interviews and surveys through convenience sampling. These sources are valuable as they provide an essential foundation for research, advocacy, and policy work, including passing new legislation. Still, however, they all carry significant limitations especially for studying anti-LGBTQ hate offending.

Law enforcement reporting: By far, the FBI's Uniform Crime Reporting (UCR) data have been most widely utilized. The 2018 FBI data show 7,036 reported single-bias incidents involving 8,646 victims. Among these, 59.6% were motivated by victims' actual or perceived race/ethnicity/ancestry, 18.7% by religion, 16.7% by sexual orientation, 2.2% by gender identity, 2.1% by disability, and 0.7% by gender. Despite our temptation, Green, McFalls, and Smith (2001) argue that "one cannot … compare victimization rates across target groups unless one is prepared to make the strong assumption that victims in both groups are equally likely to make their experiences known to reporting agencies" (p. 492). Arguably, anti-LGBTQ hate crimes are less likely to be reported to the police, than those motivated by racism or Islamophobia and anti-Semitism. Unlike racial minorities, and in some cases religious minorities (e.g., wearing kippah or hijab), reporting victimization for LGBTQ person requires revealing one's sexual orientation or gender identity. Recent estimates show that 83% of sexual minorities conceal their sexual orientation from all or most people (Pachankis & Bränström, 2019) and 37% of victimized LGBTQ individuals did not report an incident of discrimination or violence against them to the police because they "did not want to reveal [their] sexual orientation and/or gender identity" (Fundamental Rights Agency, 2014). But even with low reporting levels, the number of anti-

LGBTQ hate crimes is typically the second (if sexual orientation and gender identity are combined), or at least the third, most frequently reported type of hate crime in official statistics.[4]

In addition to this national data collection effort, a number of states independently publish annual reports on hate crimes. For example, New York State reported 525 incidents in 2018. The most frequently reported bias motivations for hate crimes against individuals were anti-black (22.2%), anti-Jewish (20.8%), and anti-gay (18.5%) bias (DCJS, 2019). Comparable figures for Florida are strikingly lower. Although Florida has surpassed New York in terms of its population size,[5] the 2018 Florida data indicate only 168 reported hate crimes. Hate crimes motivated by the victim's race/color represent 43.5% of these crimes, followed by sexual orientation at 29.2%, and then religion at 18.4% (Florida Attorney General, 2019).[6] Another striking difference emerges when comparing trends in hate crime reporting: while New York State has shown consistency in hate crime reporting in recent years (ranging between 503 cases and 598; see Appendix 1), Florida has been reporting a steady decline in hate crime reporting from 2002 (306 cases) to 2014 (73 cases), with a sizable and gradual increase since 2014.[7] This trend volatility in Florida is consistent across bias motivation categories. It remains unclear, however, whether the variation in the number of hate crimes over time is due to changes in victimization, crime reporting, offense classification, or reporting data to the FBI by local law enforcement agencies. Research finds that while UCR data undercount most crimes, hate crimes are particularly underreported, especially for some groups. Ruback, Gladfelter, and Lantz (2018) report that UCR data underestimated hate crime rates by a factor of 1.6.

In the absence of more robust hate crime data, UCR continues to be widely utilized in the social sciences. One study used the 2000-2004 UCR data to examine the extent to which anti-Latine hate crimes are elevated with a simultaneous growth in Latine population. Stacey, Carbone-López, and Rosenfeld (2011) found a positive relationship between state-level variation in anti-Latine hate crimes and immigration. They also showed that in states where Latine are more numerous, hate crimes against them were less common. These results were explained through the minority threat framework, which implies that growth in a potentially threatening group triggers increased actions by the dominant groups to control the newcomers. This research is enlightening, particularly due to its focus on anti-Latine hate crimes, which had moved the field beyond the black-white dichotomy. Yet by focusing on a national picture of only reported crimes and relying on a homogenous determination of Latine, this study overlooks local contexts, nor does it tell us anything about anti-LGBTQ hate crime victimization.

Official crime data at the city and county level has also helped advance the hate crimes field of research. Dunbar (2006) examined the impact of hate crimes on lesbian and gay victims, reviewing 1,538 hate crimes committed in Los Angeles in 1994-1995. Data came from the Los

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[4] Some local prosecutor's offices report that anti-LGBTQ hate crimes are, in fact, the most common hate offenses they handle. For example, the Brooklyn District Attorney reports that among 70 cases processed by its Hate Crimes Unit over a recent two-year period, top targeted groups were LGBTQ individuals (34%), Jewish persons (30%) and African-Americans (14%). For more information, visit http://www.brooklynda.org/hate-crimes-bureau/

[5] The 2018 U.S. Census population estimate: Florida – 21,299,325; New York – 19,542,209.

[6] Note that Florida's Hate Crime Law covers any felony or misdemeanor, including property crimes, where the commission of such offense "evidences prejudice based on the race, color, ancestry, ethnicity, religion, sexual orientation, national origin, mental or physical disability, or advanced age of the victim." Fla. Stat. § 775.085(1)(a). The statute does not cover gender identity as a protected class.

[7] There were 102 cases in 2015, 124 cases in 2016, 169 cases in 2017, and 168 cases in 2018 (see Florida Attorney General, 2019, Table 5 on p. 11). Furthermore, out of 168 Florida cases from 2018, 43 were reported from Miami-Dade, with the Miami Beach Police Department responsible for reporting 24 cases, 10 of which were motivated by the victim's sexual orientation (see Florida Attorney General, 2019, table 7 on p. 17-20).

Angeles County Human Relations Commission and included information about crimes flagged as biased-related offenses by a police officer.[8] The research found that higher rates of assault, sexual assault, sexual harassment, and stalking characterized hate crimes committed on the basis of sexual orientation, as compared to other-biased motivated crimes. This research is particularly interesting because, in the mid-1990s, most states excluded sexual orientation from the state hate crime statutes, and the inclusion of sexual orientation in the federal hate crime law was rejected by the U.S. Senate in the late 1990s. Anti-LGBTQ hate crimes data collection in Los Angeles is one of the pioneering efforts leading to similar efforts in the rest of the country. At the same time, generalizing these findings to contemporary American society would be unadvisable, and it is unfortunate that this work did not prompt a sizable body of subsequent research.

Police data continues to be the dominant data source for studying hate crime. Most recently, Mills used data from the New York Police Department's Hate Crimes Task Force to investigate hate crimes committed in 1995-2010. This work resulted in a series of articles focusing on anti-Jewish (2020a), racially-motivated (2020b) and homophobic hate crimes (2019) which were published in leading social science journals. Mills found that anti-Jewish crimes were more likely to occur in communities that are more socially organized and with better economic condition (2020a). Her work also found further support for the defended neighborhood perspective in explaining anti-Black, anti-Hispanic, and anti-nonwhite hate crime, although she also found that anti-white hate crimes were associated with neighborhoods with a greater Black population (2020b). Finally, using the same data source, Mills (2019) looked into "anti-gay" hate crimes and concluded that gay visibility and increasing gay populations over time predicted higher levels of anti-gay hate crime. Anti-gay hate crimes were also more likely to occur in more disadvantaged and lower socioeconomic status communities. These important neighborhood-level studies were an extension of an earlier work by Green and colleagues (1998a; 1998b) which also used data from NYPD. While the work of Green and colleagues relied on data from the early 90s, Mill's work uses data on reported hate crimes from at least a decade ago, making it difficult to judge the applicability of their findings to more recent hate crime experiences.

Law enforcement data is also commonly used to study hate crime victimization outside the United States. Van Kesteren (2016) used data from 14 Western European nations to assess risk factors of victimization, and found that young age and migrant status are the strongest risk factors of hate crime victimization at the individual level. At the macro level, the relative size of migrant communities per region (229 European regions included in the study) stands out as the most important factor explaining variance in hate crime prevalence. The author notes a remarkable similarity of the findings with those from relevant U.S.-based studies.

National public surveys: Researchers and policy makers also commonly rely on the Bureau of Justice Statistics' (BJS) National Crime Victimization (NCVS) which has collected data on crimes motivated by hate since 2003. Similar to the FBI Uniform Crime Reporting (UCR), NCVS also relies on the hate crime definition established by the Hate Crime Statistics Act (28 U.S.C. § 534): "crimes that manifest evidence of prejudice based on race, gender or gender identity, religion, disability, sexual orientation, or ethnicity." The NCVS measures and reports "crimes perceived by victims to be motivated by an offender's bias against them for belonging to or being associated with a group largely identified by these characteristics" (Masucci & Langton,

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[8] "For an offense to be classified as a hate crime, one of two pathways had to be initiated by the victim. Specifically, the victim needed to have reported the offense to a law enforcement officer, have the officer then note the incident as bias-related on the crime report, have the precinct hate crimes officer review and affirm the crime as bias-related, and then report the crime to the Los Angeles County Human Relations Commission" (Dunbar, 2006, p. 325-326).

2017, p. 1). Recent BJS reporting on this topic shows that there were, on average, 250,000 hate crime victimizations each year from 2004-2015, and nearly all of the victims (98.7%) cited offenders' use of hate language as evidence of a hate crime (Masucci & Langton, 2017). Nearly half (46%) of violent hate crime victimizations were committed by a stranger. Young persons, ages 12 to 17, had a higher rate of victimization than persons age 50 or older. Persons in households in the lowest income bracket had a higher rate of victimization than all other income categories. This finding is consistent with earlier BJS reporting using the NCVS data, which showed that young people, those with low incomes, those living in urban areas, and those never married, separated, or divorced report experiencing hate crimes at higher rates (Harlow, 2005). NCVS has been continuously used by social scientists to study hate crimes (Lauritsen, 2005), although the focus has been limited to racially-motivated (see e.g., Lanz, Gladfelter, & Ruback, 2017; Zaykowski, 2010) and religiously-motivated offending (see e.g., Walfield, Socia, & Powers, 2017).

Another national survey, the General Social Survey (GSS), has also been used to study hate crimes. Implemented by the University of Chicago since 1972, GSS contains a standard core of demographic, behavioral, and attitudinal questions, as well as topics of special interest, including crime and violence. Relying on the GSS data, Alden and Parker (2005) examined whether macro level indicators of attitudes toward gays and lesbians and whether gender views have effects on incidents of hate crime. They found that homophobia and gender stratification directly influence the incidents of hate crime victimization.

The Youth Risk Behavior Survey (YRBS) has also been utilized to study hate crimes. The survey is conducted biennially among local, state, and nationally representative samples of U.S. high school students in grades 9 through 12. In 2017, 10 states (Colorado, Delaware, Hawaii, Maine, Maryland, Massachusetts, Michigan, Rhode Island, Vermont, Wisconsin) and nine large urban school districts (Boston, Broward County, Cleveland, Detroit, District of Columbia, Los Angeles, New York City, San Diego, San Francisco) piloted a measure of transgender identity. Data show that transgender persons have an especially high risk of violent victimization (Johns et al., 2019).

One recent study looks into respondents' levels of being worried about racial hate crime victimization. Graham and colleagues (2020) used a nationally representative sample of 1,000 panel members matched based on gender, age, race, and education to primarily investigate respondents' worrying about police brutality. Among other notable findings, they also found that equal percentages of black and Hispanic respondents, 38.7% and 38.1%, respectively, expressed "worrying a lot" about such victimization, as compared to only 7.9% of white respondents (see Table 1). As such, rather than falling midway between Blacks and whites, Hispanics' concerns about racial hate crime victimization more closely reflects those of Blacks. It is unclear, however, to what extent these levels of worry are reflective of a hate crime victimization or generalizable to the Latine LGBTQ victims of hate crime. It is especially unclear how Latine interpreted the questionnaire wording of "being a victim of a racial/hate crime," which does not mention ethnicity. Given the overlap between race and ethnicity, this question may have been differently construed by black versus white Hispanics.

Local news and social media data: The media coverage of hate crimes provides a valuable data source for scientific inquiry. Researchers have commonly linked hate crimes with news reporting and social media. Müller and Schwarz' recent studies (2019a, 2019b) examined how social media contributes to hate offending by drawing data from Twitter and Facebook, in the United States and Germany, respectively. The first study explored whether social media activated hatred

of minorities, coinciding with Donald Trump's political rise. The researchers report that an increase in Twitter usage was associated with a marked increase in anti-Muslim hate crimes since the launch of Trump's presidential campaign. Additionally, Trump's tweets about Islam-related topics were highly correlated with anti-Muslim hate crimes (Müller & Schwarz, 2019a). The same research team investigated the relationship between anti-refugee sentiment on Facebook and hate crimes against refugees in Germany. They first found that such sentiments predicted crimes against refugees in otherwise similar municipalities with higher social media usage. However, after exploiting exogenous variation in major Facebook and internet outages, the correlation between social media and hate crime faded away (Müller & Schwarz, 2019b). Data from Twitter also formed the basis for anti-Muslim hate crime research in the United Kingdom. Based on the analysis of 500 tweets from 100 Twitter users, Awan (2014) reports that Muslims are being viewed and targeted by perpetrators of online abuse via the Twitter search engine, and he calls for additional strategies to curb the online Islamophobia. This emerging line of research offers a valuable lens through which to study hate offending, enriching empirical evidence on how social media hate speech influences real-life behavior.

The media is also of interest because the coverage of certain events can fuel hate sentiments and subsequent offending. Mass media has been linked to causing violence across geographical and temporal contexts. Yanagizawa-Drott's (2014) groundbreaking work used a unique village-level data set from Rwanda to estimate the impact of a popular radio station that encouraged the genocide against the Tutsi minority population. The study showed that the broadcasts had a significant effect on participation in killings by both militia groups and ordinary civilians. Approximately 10% of the overall violence was attributed to the radio station. Similar findings have been reported when studying the role of media during Nazi Germany. Researchers found that radio propaganda incited anti-Jewish violence and denunciations of Jews to authorities by ordinary citizens (Adena, Enikolopov, Petrova, Santarosa, & Zhuravskaya, 2015). It was not possible to find published work focusing on the relationship between the media and, specifically, anti-LGBTQ hate offending.

Surveys through convenience sampling: Recruiting a scientifically sound cohort of LGBTQ respondents is an enduring research challenge with studies typically relying on nonprobability sampling methods (Ford et al., 2009). Perhaps the most important data collection effort on anti-LGBTQ hate victimization was implemented by the European Union (Fundamental Rights Agency, 2014). In 2012, researchers collected web-based survey data on hate crime and discrimination against LGBT persons from 93,079 respondents across 28 European nations. Their analysis highlighted major concerns: almost half (47 %) of all respondents say that they had felt discriminated against or harassed on the grounds of sexual orientation in the prior twelve months, and 6 % of all respondents were attacked or threatened with violence, which they thought happened partly or entirely because they were perceived to be LGBT. Not all countries had similar experiences, however; those living in Belgium, the Czech Republic, Denmark, Finland, Luxembourg, the Netherlands, Spain, and Sweden indicated far lesser violence, harassment, and discrimination.

Anti-LGBTQ hate crimes research in the United States has a longer history tracing back to at least the mid-1990s, although the scale of data collection has been much more limited; most of this work has been done either in California or New York. For example, Herek, Gillis, and Cogan (1999) collected data about victimization experiences from 147 lesbian, gay, and bisexual individuals in the Sacramento area. Forty-one percent reported experiencing a bias-related crime since age 16, with another 10% reporting an attempted bias crime (Herek, et al., 1999). This

study also showed that being unemployed, reporting lower annual income, having a lower educational level, being male, and being out of the closet to a larger circle of friends and relatives served as significant predictors of anti-gay, lesbian, and bisexual hate crime victimization. At the same time, victims' race/ethnicity, number of years since coming out, height, and weight, or being in a relationship did not predict hate crime or non-bias victimization.

The 2015 U.S. Transgender Survey (USTS) also included questions about victimization. The survey is based on 27,715 respondents who completed an online survey in English and Spanish. Data showed that 46% of respondents in the sample reported verbal harassment, and 9% reported experiencing physical attack(s) in the past year because of being transgender (James et al., 2016). Physical attacks include grabbing them, throwing something at them, punching them, or using a weapon against them for any reason. As one of the victims writes, "*When people have tried to grope me in the street or have verbally harassed me, it's usually either because they see me as a sexual target or because they can't figure out whether I am a 'man' or a 'woman' and they think they have the right to demand an explanation*" (James et al., 2016, p. 201). This important survey, coupled with valuable direct quotes,[9] provided an essential data source for policymakers to learn about various safety, health, and employment challenges faced by transgender Americans, even if generalizing this data to non-transgender victims is not possible.

Other studies looked across LGBTQ subgroups, even if the scope is much more limited. Meyer (2008; 2010) conducted in-depth interviews with 44 people who experienced anti-LGBT violence in New York City. The study showed that middle-class white respondents were more likely than low-income people of color to perceive their violent experiences as severe, even though the latter experienced more physical violence than the former (Meyer, 2010). In a related study that relied on the same sample, Meyer also examined how violent experiences differed along race, class, and gender lines, and concluded that LGBTQ people of color often found it more difficult than white gay men to determine whether violence was based on their sexuality (Meyer, 2008). This important work speaks to the issue of intersectionality discussed earlier and provides a rare empirical assessment of the perceptions of poor and working-class LGBTQ people of color with the perceptions of white, middle-class, LGBTQ people. Yet a convenient sampling design and a small number of respondents makes it difficult to generalize the findings; it also does not tell us about how crimes are reported and what are the criminal justice systems' responses to these offenses.

Reporting Hate Crimes

Failure to report hate crimes to the police has grave consequences for the victim and the criminal justice system. Recent data, however, suggest that hate crimes are less likely than non-bias crimes to be reported to the police (Lantz, Gladfelter & Ruback, 2017), and hate crime reporting has been decreasing in the United States (while it has been increasing in England and Wales, see Myers & Lantz, 2020). Available evidence indicates even more serious underreporting of crimes against LGBTQ persons, especially if these crimes are motivated by an anti-LGBTQ bias. Herek and colleagues surveyed 2,259 respondents, 83% of whom described themselves as "gay or homosexual," and found that hate crimes were markedly less likely than non-bias crimes to be reported to law enforcement (Herek et al., 1999). Lesbians reported 36% of their hate-crime victimizations but 68% of other victimizations, and gay men reported 46% of hate-crime victimizations but 72% of other victimizations.

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[9] While the survey contained mainly closed-ended questions, respondents were also given the opportunity to provide write-in responses. Hence this valuable quote.

The problem of underreporting persists since the mid-90s. As recent data showed, the majority of LGBT students harassed or assaulted in school did not report the incident, largely because of doubts that their concerns would be affectively addressed or because of fear that reporting the incident would make the situation worse (Kosciw, Greytak, Palmer, & Boesen, 2014). Similarly, the National Coalition of Anti-Violence Programs' annual hate violence report found that, while hate-crime related homicides and reports of hate-crime related injuries rose, fewer LGBTQ survivors reported these crimes to law enforcement. The number of survivors who reported to the police dropped from 54% in 2014 to 41% in 2015 (Waters, Jindasurat, & Wolfe, 2016). Whenever the victims did go to the police, 80% of them said they were met with hostility or indifference from authorities (Waters et al., 2016). Similarly, Briones-Robinson and colleagues (2016) found that 70.7% of anti-LGBTQ hate crimes did not come to the attention of law enforcement.

The European survey mentioned earlier also taps into the issues of reporting (Fundamental Rights Agency, 2014). Queer Europeans rarely report their experiences of discrimination or violence to the police or any other agency, largely because they believed nothing would happen if they reported such incidents to the authorities (59%). In addition, four in 10 respondents said the reason for not reporting the most recent incident is that such incidents 'happen all the time' and, therefore, are not worth reporting (44%). More than a third thought that the incident would not be taken seriously (37%), and an equal number was concerned about revealing their sexual orientation or gender identity (37%; see Figure 25, p. 49). Bisexual men had a particularly high rate of non-reporting due to their reluctance to disclose their sexual orientation (56%), followed by gay men (39%), and lesbian respondents had the lowest such rate (28%, see Figure 26, p. 49).

Determinants of crime reporting have also been studied. Offense severity has been repeatedly identified as the strongest indicator of victims' likelihood to report crime, whether the victimization took place in the United States (see e.g., Hart & Rennison, 2003; Tarling & Morris, 2010; Walfield et al., 2017) or abroad (e.g., Zhang, Messner, & Liu, 2007, for crime reporting in urban China). When looking specifically at hate crimes against sexual minorities, Briones-Robinson and colleagues (2016) report that the victimization severity, the use of a weapon, and the value of stolen property were the strongest indicators of reporting to the police. While this research did not focus on victim demographic attributes, a closer examination of regression results indicated that victims who were black, older, employed, and with higher levels of education were more likely to report crime to the police (see Table 3, p. 1701).

Contextual and geographic factors also influence hate crime reporting. Briones-Robinson and colleagues (2016) showed that crimes that were committed in the southern region of the United States were more likely to be reported to the police. Also, based on the analysis of state-level data drawn primarily from the U.S. Census between 1995 and 2008, Scheuerman and colleagues (2020) found that anti-LGBT hate crimes were more likely to be reported in more urbanized states and in states with a greater pro-LGBT social activism. Similarly, McVeigh, Welch, and Bjarnason's research (2003) suggests that the presence of resourceful civil rights organizations in a county is associated with a higher number of reported hate crimes.

Characteristics of the police environment matter as well, both from the standpoint of classifying crimes as hate crimes and for reporting them to federal agencies. Nolan and Akiyama (1999, 2002) identified a number of what they termed "encouraging" and "discouraging" forces influencing police reporting of hate crimes at the agency and individual level. Among these were the desire to diffuse racial tensions within the department, the belief that identifying an incident

as a hate crime would improve safety, and the majority opinion in the department that hate crimes are morally wrong. Additionally, characteristics of the social environment matter. Factors such as the race/ethnicity and social organization of the minority in a jurisdiction influence outcome related to classifying incidents as hate crimes and hate crime reporting (Bell, 2002b; King, 2007; McVeigh, Welch, & Bjarnason, 2003). Police departments with significant community engagement are more proactive in their implementation and enforcement of hate crime policies (Jenness & Grattet, 2005; Nolan & Akiyama, 1999).

More recent data also show that a healthy police-community relationship holds the key to greater hate crime reporting. Wiedlitzka and colleagues (2018) found that positive perceptions of police legitimacy and police cooperation are associated with the victim's decision to report hate crimes, although the willingness to cooperate with the police substantially mediated the relationship between police legitimacy and crime reporting. Interestingly, none of the demographic variables, except for age, was significantly associated with reporting hate crime to police. This included no effects associated with victim's gender, income, education, employment, marital status, religion, citizenship, or immigration status (measured as foreign-born or not).

One of the most cited studies on crime reporting focuses on long-term trends based on national crime surveys. Using data from 1973 to 2005, Baumer and Lauritsen (2010) showed significant increases in the likelihood of police notification for sexual assault crimes as well as for other forms of assault (note, however, that data from 2003 to 2015 has shown a decrease in overall crime reporting in the United States, see Myers & Lantz, 2020). While this research is not examining hate crime reporting *per se*, its focus on reporting stranger versus non-stranger violence is highly relevant for the present study. These researchers observed that police notifications for acquaintance and intimate-partner violence declined in the 1970s and early 1980s, and then increased markedly since the mid-1980s. The most notable change in reporting occurred for incidents of family violence: the reporting of family violence doubled in the early 2000s, as compared to the early 1970s. It will be important to see to what extent the victim-offender relationship affects hate crime reporting, especially within the LGBTQ community context. It is possible that the vast majority of bias-motivated offenses perpetrated by family members still go unreported. This assumption is consistent with prior research on the general public, which found that crimes committed by strangers were more likely to be reported than those committed by non-strangers (Hart & Rennison, 2003).

Consequences of Hate Crime Victimization

Previous studies on the consequences of victimization have examined various psychological, physical and economic harms of victimization for specific offenses, including white-collar crimes (Shover, Foxx, & Mills, 2006), identity theft (Golladay & Holtfreter, 2017), bullying (Hinduja & Patchin, 2007; Moore et al., 2017), rape (Tjaden & Thoennes, 2006), sexual assault (Kaukinen & DeMaris, 2005), and stalking (Sheridan & Lyndon, 2012). This topic was also examined by several demographic groups such as Native Americans (Turanovic & Pratt, 2017), children (Bouffard & Koeppel, 2014; Reijntjes, Kamphuis, Prinzie, & Telch, 2010), the elderly (Cook, Skogan, Cook, & Antunes, 1978), and transgender persons (Clements-Nolle, Marx, & Katz, 2006). Vicarious or indirect victimization is yet another angle of this line of research. Existing studies have documented how individuals can suffer adverse substance use and mental health consequences even by witnessing violence or discrimination (Agnew, 2002; Allison, Adalf, & Mates, 1997; Rosenthal, 2000). Whenever researchers turned their attention to investigating the impact of hate crimes, they mainly adopted a lens capturing health

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consequences of such victimization. The extant research rarely examined socio-behavioral implications of anti-LGBTQ hate crime victimization, although it is very likely that victims' identity, social networks, and gender expressions are also affected by bias-motivated negative experiences.

Even though the social science research on the consequences of hate crime victimization may still be viewed as undersized, some of the earlier works trace back as far as to the late 1980s and the early 1990s. In their pioneering study, Garnets, Herek and Levy (1990) explored psychosocial challenges faced by lesbian and gay survivors of hate crimes, their partners (to whom this early work refers to as "lovers" or "significant others"), and the gay community as a whole. They observed that a positive sense of self as a gay man, lesbian, or bisexual person is integral to coping effectively with the stresses caused by victimization. Subsequently, Herek and colleagues expanded this research by comparing the levels of psychological distress among (a) lesbian, gay, and bisexual victims of hate crimes, (b) victims of other kinds of crime, and (c) non-victims (Herek et al., 1999). Lesbian and gay victims of an assault or other person crimes triggered by their sexual orientation reported significantly more symptoms of depression, traumatic stress, anxiety, and anger than did other respondents who experienced non-bias person crimes or no crimes at all. Other researchers also find that bias crime victims experience more severe psychological sequelae, and for a longer period of time, than victims of similar non-hate crimes (McKinley, Balboni, Garcia, & Gu, 2001). Comparable data from middle-school students show similar effects. Poteat and Espelage (2007) reported that being the target of homophobic victimization has significant psychological and social consequences for students. Homophobic incidents predicted increased anxiety and depression, personal distress, and lower sense of belongingness at school among male victims, and higher levels of withdrawal among females. Finally, based on interviews with 392 male-to-female and 123 female-to-male transgender individuals, Clements-Nolle and colleagues (2008) found that gender-based discrimination and gender-based victimization were positively associated with attempted suicide.

Consequences of hate crime victimization have also been examined at a neighborhood level. Duncan and Hatzenbuehler (2014) linked high school students' survey responses with the official anti-LGBTQ assault data from the Boston Police Department. Their research found that sexual minority youths residing in neighborhoods with higher rates of LGBT assaults were more likely to experience suicidal ideation and suicide attempts than were those residing in neighborhoods with lower LGBT assault hate crime rates. The authors argue that an effective community-level suicide-prevention program should take into account the neighborhood contexts with anti-LGBT hate crime prevalence being an important factor.

One study, although not specifically focusing on hate crimes, examined social consequences of violent victimization. Wallace and Ménard (2017) used data from the National Longitudinal Study of Adolescent to Adult Health to examine the effects of violent victimization on friendships. Their findings showed that experiencing violent victimization is associated with a decrease in number of friends, and these effects are magnified for female respondents and for individuals with depression symptoms. Social networks are particularly important for LGBTQ individuals, many of whom do not have the same family support as do their straight peers. Family rejection related to queer identities is an interpersonal stressor that may negatively affect every aspect of an LGBTQ person's life. A recent study finds that 42.3% of self-identified transgender or gender nonconforming individuals reported a suicide attempt, 26.3% reported misusing drugs or alcohol to cope with transgender-related discrimination, and the odds of such behavior increased substantially with higher levels of family rejection (Klein & Golub, 2016).

British researchers have also examined the degrees to which different hate crime protected groups experience psychological and physical harm as a result of victimization. Williams and Tregidga (2014) suggest that negative impacts of hate crimes are not homogeneous across offenses motivated by victims' gender, age, race, religion, disability, sexual orientation, and gender identity (transgender). Among these seven victim types, transgender victims emerged as exceptionally susceptible to psychological and physical harm caused by hate-crime victimization. This finding is consistent with contemporaneous qualitative research in the transgender community in the American Midwest. Jauk (2013) showed that violence impedes the quality of transgender persons' lives on a daily basis, and that violent harassments are most likely if individuals visibly transgress gender norms. The study also shows that transgender survivors are coping with their victimization both negatively (resignation, depression, constraints in mobility, and gender presentation) and positively (active resistance through community building, self-policing, and creative arts).

This sizable body of work on victimization consequences provides a solid foundation for the current research, both methodologically and substantively. The review showed that the current dominant focus on health and economic consequences of various forms of victimization needs updating with new work that captures experiences of hate crime victims. The lack of research on socio-cultural consequences of anti-LGBTQ hate crime victimization seems particularly problematic as a myopic focus on health and economic effects creates an imbalanced view of the issue. As mentioned earlier, the LGBTQ victims of crime and discrimination rely on their community networks for survival. Diminishing those ties can have grave health and financial consequences for the individuals experiencing biased offending. Community ties will likely suffer if a crime forces these victims to relocate, abandon LGBTQ networks, or succumb to heteronormativity pressures by emasculating or effeminizing queer outlook and behavior.

Identification and Classification of Hate Crimes

"Even when victims suspect a bias motivation, law enforcement personnel and agencies presently lack an objective standard by which to evaluate whether a particular crime or other incident is bias-motivated" (Clawson, 2014, para 4). What should count as a hate crime is an important legal and empirical question, which is still far from being answered. The FBI's guidelines classify an offense as a hate crime if, after careful investigation, there is "sufficient evidence to lead a reasonable and prudent person to conclude that the offender's actions were motivated, in whole or in part, by his or her bias" (FBI, 2017). However, the "reasonable and prudent person" standard does not easily solve the disconnect between victims' and law enforcement professionals' views about whether the crimes are in fact motivated by hate and should be classified as such. Some observers argue that "anti-LGBT hate crimes in particular face a wide gap between their occurrence and the willingness of law enforcement to label those acts as hate crimes" (Scheuerman, et al., 2020, p. 31).

The classification of offenses as hate crimes presents a unique problem for police and prosecutors because the specific motive for a crime is not always clear (Nolan & Akiyama, 1999; Bell, 2002a). This classification requires that police not only record details of the crime itself, but also consider the motivation of the offender at the time of the offense—a task not part of their typical reporting requirements (Bell, 2002a; Cronin, McDevitt, Farrell, & Nolan, 2007). While in a subset of cases the motivation might seem straightforward (e.g., painting swastikas on a Jewish temple or hanging a noose on black person's house), more often such cases are rife with ambiguity. Further complicating the issue is the lack of statutory guidelines that clearly define what constitutes evidence of bias as a motivation (Bell, 2002a).

For a crime to be classified as a hate crime in the NCVS, the victim must report at least

one of three types of evidence that the act was motivated by hate: (1) the offender used hate language; (2) the offender left behind hate symbols; or (3) police confirmed that the incident was a hate crime (Masucci & Langton, 2017). The use of hate language is also routinely used in law enforcement to flag hate crimes and pursue their prosecution. Researchers found that verbal slurs were the most common types of evidence used by prosecutors (Levin, Rabrenovic, Ferraro, Doran, & Methe, 2007).

Research has identified several factors that influence police willingness to classify offenses as hate crimes. Lantz and colleagues (2017) report that the police are less likely to take further action for hate crimes, compared to non-hate crimes. Hate crimes most likely to result in arrest are those that fit the profile of a "stereotypical" hate crime: violent incidents, incidents committed by hate groups, and incidents involving white offenders and black victims. Victims' perception of police bias also matters. Briones-Robinson and colleagues (2016) attributed greater nonreporting to victims' perceptions of police bias. Whenever the incidents were reported, in only 20.4% of cases involving victims of sexual orientation bias resulted in a formal police report. Similarly, King's earlier works showed that law enforcement responses to hate crimes differ by location, and these responses are influenced by the size of the Black population (2007) as well as the overall population size and the levels of political conservativism and Christian fundamentalism (2008).

Prosecution of Hate Crimes

Only a handful of empirical studies have focused on hate crime prosecution (Byers, Warren-Gordon, & Jones, 2012), with almost no research using case-level data (King, 2009, p. 537). One of the few exceptions is Phillips' (2009) examination of prosecutors' case files for hate crimes occurring in a New Jersey county in 2001-2004. Phillips focused on the utility of a hate crime typology, not the nuances of hate crime prosecution. Phillips found that 30 hate crimes cases were referred for prosecution and case files were available for only 25 of them. She concluded that cases motivated by religion or by multiple biases were more likely to result in conviction than those motivated by race. Convictions were also more likely in cases involving property crimes and juvenile defendants, although the reason was unclear. More recent data also suggest that the type of underlying offense affects hate crime processing. Lanz and colleagues (2017) showed that crimes most resembling "true" or "normal" hate crimes are most likely to result in an arrest. Such crimes included violent incidents, incidents committed by hate groups, and incidents involving white offenders and black victims.

Other studies suggest that context influences charging decisions, but existing research is unclear if context matters. One line of inquiry in this area relies on surveys of district attorneys' offices or interviews with prosecutors. The 2001 National Survey of Prosecutors asked if respondents' offices had prosecuted a hate crime in the last 12 months. Analysis by Byers and colleagues (2012) showed that laws governing a jurisdiction were an important determinant of whether a hate crime would be prosecuted. Prosecution was more frequent in states with more expansive laws, such as those covering sexual orientation and institutional vandalism. The strongest predictor of prosecution was the assignment of someone in the prosecutor's office to community activity. This finding is congruent with other research (King, 2008), although neither study could pin down the reason for the importance of community liaisons. Converging evidence from these two studies suggests that prosecutors' offices with stronger ties to the community—or at least that attend more closely to crime occurrences in the community—are more likely to classify offenses as hate crimes. While this may mean that close prosecutorial ties to the community increase the ease and efficiency of prosecution of hate crimes against victims from

within the community, it also raises the possibility that pressure from the community or advocacy groups influences prosecutorial decision making. Research has demonstrated that community members or social movements can influence the enactment of hate crime statutes (e.g., Haider-Markel, 1998; Jenness, 2007), and research investigating whether they can have the same influence on the prosecution of individual cases would be informative. It is clear that new data from other sources are required to make sense of the correlations identified in prior survey research.

Prosecutor's decisions have also been addressed using qualitative methods (King, 2008; McPhail & Jenness, 2005). McPhail and Jenness (2005) inquired about prosecutors' decision-making processes. In their interviews, prosecutors denied being influenced by current conviction rates, electoral politics, community sentiment, or pressure from targeted groups, the media, or victims and victims' families in making their decision. Consistent with previous research, prosecutors reported that their decisions to go forward with a charge of a hate crime were part of a strategic assessment wherein they sought to minimize the risk of losing in court and decrease case complexity (Albonetti, 1987). Punishment is one facet of risk and complexity in the decision about whether or not to add a hate crime enhancement to initial charges. If the addition of hate crime charges would not appreciably increase the punishment, prosecutors were less likely to include it. Thus, prosecutors might be more likely to consider including hate crimes enhancements for lower-level offenses, since the increase in severity of the potential punishment would be greater than for higher-level offenses. Some researchers suggest that prosecutors trying to balance the costs of prosecution and likelihood of conviction against the seriousness of the offense may be less likely to include hate crime enhancers for low-level crimes (Byers et al., 2012). This leaves open the question of which types of offenses are more likely to result in hate crime charges and why these differences exist.

For cases going to trial, additional hate crime considerations exist. McPhail and Jenness (2005) note that having to prove hate as a motive increases the riskiness of a trial. Based on the content of their prosecutorial interviews, they suggest that an alternative strategy is to introduce the hate element to the jury without having to prove it (i.e., without charging as a hate crime) to invoke outrage against the defendant. Prosecutors might also introduce the hate element during sentencing. For example, if obtaining a conviction for a given hate crime charge is less likely than for a non-hate-related charge, prosecutors might save their arguments about motivation for sentencing. This approach might secure a conviction while at the same time potentially increasing punishment. If so, it may be that different considerations come into play for cases perceived as more likely to go to trial and cases more likely to be pleaded out.

Two other methodologies have been employed to study prosecution: vignettes and open sources. Haider-Markel (2002) questioned prosecutors via crime vignettes and found, intuitively, that they are more likely to prosecute a hypothetical crime committed against a gay man as a hate crime in states with hate crime policies covering sexual orientation. Charging was also more likely when the jurisdiction had a smaller population of fundamentalist Protestants, when the DA viewed hate crimes as a serious problem, and when prosecutors perceived that victim reporting rates were higher (perhaps suggesting greater subsequent collaboration). Levin and colleagues (2007) analyzed newspaper reports on court cases involving hate crimes and recorded the types of evidence in cases involving adult and teenage defendants. For both adults and teenagers, verbal slurs were the most common types of evidence, followed by the presence of an eyewitness, location evidence, and confessions. The likelihood of other types of evidence being present varied based on the age of the defendant. While this study is important because it

represents a first step in examining the influence of evidence in hate crimes cases, the fact that it relies solely on cases represented in the media severely restricts the conclusions which can be drawn. Given that the media chooses which cases to cover, cases represented in the media may differ in important ways from the majority of hate crimes processed in the criminal justice system (Fetzer & Fernandez-Lanier, 2008; Levin et al,, 2007). A detailed analysis of the types of evidence present in criminal cases and their relationship to various dispositions based on case files may provide more generalizable data.

Taken together, while this research provides important insights into hate crime victimization, reporting, and case processing, fresh data and novel scientific approaches are sorely needed to meaningfully advance our understanding of anti-LGBTQ hate-motivated offending and victimization in recent years. The studies reviewed above rely on old data, limited localities (e.g., California or New York), and small sample sizes, which limits their generalizability. Existing data sources are also lacking key variables that help better explain hate crime victimization. For example, it is impossible to determine immigration status using existing data sources such as the UCR and the NCVS, and so it is unclear to what extent immigrants may be vulnerable to victimization (Stacey, Carbone-López, & Rosenfeld, 2011). Furthermore, most research efforts focused on racially-motivated hate crimes, which does not explain victimization based on sexual orientation or gender identity. Researchers that used only the official criminal justice statistics overlook crimes that go unreported or are not processed as hate crimes, which might well be the vast majority of them. It is undeniable that "hate crimes" is one broad label that amalgamates diverse offenses, motivational factors, and victim and offender characteristics. Therefore, studying these crimes effectively requires a targeted sample, individualized measurements, and novel data collection approaches.

Current Study

  The purpose of this research is threefold. First, the study aims to document the nature and scope of anti-LGBTQ victimization and crime reporting using the recent survey data from 400 respondents. In contrast to the previous studies that have focused primarily on the experiences of white gay men (Meyer, 2010), this research examines the experiences within the Latine community in Miami-Dade County (hereafter, Miami), where hate-crime research has been especially limited. Miami is unique in the sense that the minority population makes up most of its populace: 65% Hispanic, 19% black, and 15% non-Hispanic white (U.S. Census, 2010). Miami also has a large majority of foreign-born citizens. Although Miami's demographics may appear unique, many cities will have higher concentrations of Latine populations in the coming years (Colby & Ortman, 2015), making this research in Miami informative for other large U.S. cities.

  The second purpose of this study is to use recent data from prosecutorial case files and interviews with prosecutors and the police to assess hate crime processing nuances, including the nature of hate crimes, offender motivation and characteristics, how and when cases get classified as hate crimes, the most typical types of evidence used to demonstrate bias motivation, the frequency of hate crime enhancer becoming a plea bargaining tool, and the disposition of these cases by the criminal justice system. The analysis of the case files provides an opportunity to juxtapose the results with those from LGBTQ victim surveys to examine the gap between reported and unreported hate crimes. Unlike racially-motivated crimes, perpetrators of hate crimes against LGBTQ individuals are often family members (e.g., older brothers, cousins, or a parent) or persons close to the family whose motivations are driven in part by their desire to uphold traditional values of sexuality and gender expression.

  Victim characteristics, such as immigration or socioeconomic status are also likely to matter when it comes to victimization and reporting. Immigrants might be less likely to report the crimes given possible language, cultural, and immigration concerns, and especially if the crimes are perpetrated by family members. That is, moving to the United States may afford many freedoms, including opportunities for expressing one's own sexuality and gender identity; however, embracing these opportunities may place LGBTQ individuals in jeopardy if their families and communities are less tolerant of their sexual orientation or lifestyle. Previous research has also shown that victims with lower socio-economic status are more likely to diminish their victimization experience and less likely to seek help (Meyer, 2010); therefore, it is possible that crime reporting is less likely for victims with lower levels of income and education, which will be directly tested in this study. Despite this body of research, we have limited understanding how anti-LGBTQ hate crimes are committed, reported, and prosecuted, thus, making it difficult to develop specific hypotheses. The present study is an exploratory effort to understand the problem and examine the influence of various demographic, behavioral, and victimization factors over the nature of victimization, crime reporting, and the consequences of victimization.

  This research also aims to advance sampling and data collection methodologies used in the criminological literature to study hate crime victimization. While health and social science research on sexual minority individuals typically rely on nonprobability community venue samples (Salway et al., 2019), the present study employs an innovative sampling strategy—*three-stage venue-based sampling*. Venue-based sampling is a multi-stage sampling method that produces a probability sample of a hidden and elusive population based on venues associated with the population. The assumption underlying this approach is that every member of a

population frequenting a venue has an equal, known probability of being included in the sample. Venue-based sampling has advantages over other probability and non-probability sampling methods (Muhib et al., 2001; Ford et al., 2012; Leon et al., 2016), and is considered to be a well-established method for creating probability samples of LGBTQ individuals (Valleroy et al., 2000; Gov, 2012), including within the Latine LGBTQ community (Stueve, O'Donnell, Duran, San Doval, & Blome, 2001).

Specific research questions include:
1. What is the prevalence of the anti-LGBTQ hate crime victimization?
2. What are the victim and offender demographic characteristics?
3. What are the barriers for crime reporting and for victim cooperation with law enforcement?
4. What are the predictors of crime reporting?
5. What are the consequences of victimization?
6. How does the criminal justice system identify, process, and dispose of hate crimes?
7. What are the challenges for reporting and case processing?
8. What type of evidence is used by law enforcement for determining the hate motivation?
9. What are the opportunities for improving the police and prosecutorial capacity for detecting and tackling hate crimes?

Data

The study relies on the original data collected from victim interviews, prosecutorial case file reviews, and practitioner interviews. Each data source is discussed in detail next.

LGBTQ Victim Interviews

The main data source for this study is the interview with 400 Latine LGBTQ individuals who have experienced what they perceived as a crime within the five years preceding the interview.[10] To recruit the respondents, the study relied on the screener with six conditional questions. Specifically, only the respondents who (a) are 18 and older, (b) reside in Miami, (c) are Latine, (d) identify themselves as LGBTQ, (e) experienced victimization, and (f) have not had more than two drinks (as per the Institutional Review Board requirement) were selected for the full interview. Overall, there were 875 respondents screened, and 400 (45.7%) of them met the selection criteria and participated in an in-person interview. The interviews were carried out by five experienced interviewers, four of whom are Spanish-English bilingual. Overall, 89.5% of interviews were conducted in Spanish, which means that these respondents either had limited English proficiency or preferred to converse in Spanish. Data were collected from October 2018 through December 2019. To encourage a higher response rate, respondents received a $40 gift card upon the completion of the interview.

Venue-Based Sampling: Venue-based sampling is a "multistage probability sampling design that uses standard outreach techniques and standard survey methods to systematically enumerate, sample, and survey hard-to-reach populations" (Ford et al., 2009, p. 357). The sample design contained three stages.

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[10] When determining the sample size, prior literature was reviewed, which lead to one study specifically focusing on Latino men who have sex with men (MSM). Stueve and colleagues (2001) interviewed 400 respondents across 32 venues in New York City. Although the focus of their research was on demographic and sexual risk profiles, their sample of 400 provided sufficient statistical power to detect various significant results. In addition to being informed by this 2001 study, limiting the current study's sample size to 400 was also determined by the anticipated costs associated with recruiting study participants.

In stage one, a list of events and venues associated with Miami's LGBTQ community was constructed based on online search and with help from 20 key informants reflecting the socioeconomic, cultural, and "outness" diversity in this community. This process led to the identification of 58 venues and 17 upcoming events. Efforts were made to diversify the venues and events, while considering the practical constraints of recruiting sufficient number of respondents; prior research on men who have sex with men (MSM) shows that venue of recruitment matters when it comes to disclosing private information, such as HIV status and alcohol use (Grov, 2012).

In stage two, the venues were confirmed by ethnographic observations. Research teams visited each venue at preset hours to count the number of individuals entering the venue, the times when most individuals enter, and individuals' observable characteristics. To characterize individuals likely to be attending a venue, two types of data were collected. Observable characteristics, such as gender, perceived ethnicity, and approximate age, were collected for a set number of individuals entering the venue. Researchers engaged in conversations with a random selection of individuals entering the venue about their sexual orientation, gender identity, ethnicity, Miami residency, and frequency of attending the venue. This was done to gauge the probability of recruiting qualified respondents at a given venue.

In stage three, a calendar of data collection dates at events and venues was constructed. Data from stage two were used to determine which venues have sufficient numbers of persons attending the venue to make data collection feasible. After considering logistical challenges (e.g., costs associated with travel to venues with a small number of potential respondents), the research team settled on carrying out the interviews in 20 venues that were still in operation (LGBTQ venues are prone to moving or closing), and which would have allowed sampling from at least 50 possible LGBTQ respondents within a two-hour window. Stage two also informed the best days of the week and times for recruitment. To create the calendar, listed venues were randomly selected and matched to a date. Events occurring within the data collection timeframe were automatically included on the calendar although several gala events were excluded due to the cost associated with entering the venue, improbability of finding a private area for interviewing, or the possible lack of cooperation with event organizers.

Finally, in the absence of comparable data on the LGBTQ population's demographic attitudes, adjusting selection biases through propensity score weighting was not possible; yet future sampling frames should consider adopting this strategy for assessing the quality of their samples, which will likely result in at least modest reductions in the final sample size.

Respondent Selection and Interview: To conduct the interviews, research team members approached individuals entering an event or venue using a random number chart.[11] If the individual did not engage or did not agree to complete the screener, the interviewers went onto to the next randomly selected individual. Out of 5,072 individuals who had been approached by researchers, 875 (17.3%) completed the screener, and 400 (7.9%) participated in the interview. While the 17.3% response rate may be viewed low by social science standards, in light of the previous studies that utilized non-probability sampling approaches that carry especially high risks of selection bias (see Prior Research), this response rate represents an important advancement toward producing generalizable knowledge on hard-to-reach and hidden populations. Random selection of individuals and interviewing continued until the set number of interviews associated with a calendar date and event or venue was reached. Overall, individuals

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[11] These charts also helped determine the number of respondents approached.

who completed the screener responded very positively to the goals of the research project: all 400 respondents who qualified for the interview and were verbally read the informed consent (which also explained the scope of the project) agreed to participate in the interview. Interviews took place in a private, secure setting and well away from others entering the event or venue to ensure respondents' confidentiality. At times, this required pausing the interview and relocating to a new private space. Interviews lasted between 20 and 45 minutes. Most interviews (75.5%) took place at LGBTQ venues,[12] while 24.5% occurred at LGBTQ events.[13] To help respondents with complex or sensitive questions (e.g., list of concerns for not reporting a crime or income categories), interviewers used laminated flashcards with a large-size font.

Instrument: The instrument consists of the study screener and the full questionnaire. The screener includes items about respondents' age, residency, race and ethnicity, country of origin, LGBTQ identity, marital status, victimization (yes/no, and by offense type), and alcohol consumption six hours prior to the interview (to ensure that respondents would be able to provide informed consent). Qualified respondents were selected for the full interview. The full questionnaire consists of six sections: (1) demographic characteristics, (2) outness, risk-taking and substance dependence, (3) victimization experience, (4) interactions with the criminal justice system, (5) access to health and medical services, and (6) income and U.S. residency status. The measures of demographic characteristics, employment and living situations have been adapted from the Peer Outreach Questionnaire (Williams et al., 2012; Fujimoto, Williams, & Ross, 2015). Measures of *outness* about sexual orientation or gender identity have been adapted from the Nebraska Outness Scale, which has shown good internal reliability, as well as discriminant, convergent, and predictive validity (Meidlinger & Hope, 2014). Finally, the measures of LGBTQ-motivated crimes have been adapted from those developed by Waldo and colleagues (1998). The interview instrument was developed in English, translated into Spanish, and back-translated into English to ensure the accuracy of translation. Over the summer of 2018, the instrument was piloted in both languages and revised accordingly. The terminology and concepts used in the instrument were also validated by local victim advocacy groups and community members. The study screener and the full questionnaire are included in the Appendix. For discussion of specific items, see Analysis Plan below.

Prosecutorial Case File Review

Data on hate crime reporting and processing is difficult to come by creating tremendous challenges for both scientific inquiry and policy development. As Clawson writes: "law enforcement personnel and agencies simply lack a process or mechanism by which to compile meaningful, useful data that may be reported and that can be used to develop a standard against which to measure and that can be used to track trends" (2014, para 5). Obtaining reliable administrative data from Miami's criminal justice agencies was not possible, which necessitated data collection from prosecutorial case files.

The Miami-Dade State Attorney's Office provided access to prosecutorial case files for criminal cases processed as hate crimes in Miami between 2005 and 2019 (15 years). There were 23 criminal cases, which either were disposed of as hate crimes or for which a hate crime enhancer was a consideration at some point of case processing. These 23 cases included those motivated by victims' race, religion, sexual orientation, mental disability, or homelessness.

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[12] These venues include: Azucar, Bailo, Café Cuba, Palace, Jamboree, and Miami Lesbian Bar. Several other venues identified through observations closed before launching the data collection.
[13] These events include: Beach Pride, Hialeah Pride, Gay8 "Gay Ocho" Festival, and Haulover Park events.

Among them, 11 involved crimes motivated by victims' sexual orientation.

The information from case files was obtained and recorded following a standardized data collection tool used in other jurisdictions (see Kutateladze & Andiloro, 2014; Kutateladze, Lawson, & Andiloro, 2015). The tool was modified to more effectively capture the information on hate crime enhancement and to allow recording additional qualitative information. Then it was piloted with select case files and discussed with prosecutors, a process resulting in adding new fields, revising others, and dropping some. The resulting instrument contains 41 quantitative and qualitative data fields, capturing the characteristics of a *case* (e.g., top charge at arrest, evidence type and nature, and disposition type), *defendant* (e.g., prior record, substance use and mental health note, and defense counsel type), and *victim* (race/ethnicity, injury, and relationship type with an offender). Generally, more information was available about defendants if the forensic evaluation was conducted because some of these cases included extensive notes from psychiatrists describing possible traumas, mental health diagnoses, and childhood experiences.

To conduct the review, paper files of criminal cases were brought into in a private conference room and stored in locked cabinets in-between the review sessions. Only one person, the principal investigator, conducted all reviews to ensure the consistency in recording information. Case files ranged from a 50-page folder to multi-box case documents. While an examination of most cases took approximately an hour, a few cases required between three and five hours to review. Given that files within the folders and boxes were not organized, prosecutors were called upon to assist with finding relevant documents, decipher difficult-to-read handwriting, and clarify various notes.

Practitioner Semi-Structured Interviews

To gauge the criminal justice system's challenges and opportunities for reforming it, 10 practitioners were interviewed, all of whom were identified through a combination of key informants' referrals and snowball sampling. Although the small sample size and sampling method preclude a claim of representativeness, this design is consistent with previous qualitative research on prosecutorial perspectives about hate crimes (see e.g., McPhail & Jenness, 2005, interviewed 16 prosecutors; and King, 2008, interviewed 11 prosecutors). Moreover, the sample included all practitioners who had any direct experience with hate crime cases—five prosecutors who handle hate crime cases in the Miami-Dade State Attorney's Office, three detectives from the Miami-Dade Police Department (MDPD), one victim liaison from the prosecutor's office, and one victim liaison from the police department. Including respondents outside these groups would not have yielded reliable insights. Among the interviewed practitioners, five were white, four "Hispanic", and one African American. In terms of gender, four respondents were female and six were male. Two of the respondents revealed being gay during the course of the interview. These practitioners had between two and 30+ years of experience and varied levels of seniority within their office/agency.

The interviews were carried out in person by the principal investigator with support from a research assistant who took verbatim notes. Each interview lasted between 40 and 95 minutes. The resulting transcript contains 84 single-spaced pages of notes. While a questionnaire was used to guide the interview (see Appendix), all of these interviews had a form of a discussion during which it was not uncommon for the respondent to ask questions, both clarifying and substantive, to the interviewer.

The semi-structured interview instrument has 37 open-ended questions organized in two broad sections. The first section—*hate crime case processing*—includes questions on collaboration with police, factors considered in determining hate motivation, and the role of the

enhancer in plea negotiations, among others. The second section—*challenges and opportunities for reform*—covers questions about the barriers to hate crime reporting and prosecution, legislative and training opportunities for improving crime reporting and prosecution, and the role of social media and technology in identifying hate-motivated offending and gathering evidence to establish offenders' bias. At the end of the interview, practitioners were also asked logistical questions about conducting case file reviews.

Because practitioner interviews and case file reviewers were closely related, it was difficult to determine the sequence of data collection. At times, insights from the case file review provided powerful tools for engaging in a productive discussion with respondents. On the flip side, practitioner interviews were also an important source of information about how to best capture data from criminal case files. Given this interdependency, case file reviews and practitioner interviews were carried out concurrently between July 2018 and December 2019.

Analysis Plan

This mixed method research combines quantitative and qualitative approaches. The quantitative analysis consists of two sections—descriptive and bivariate quantitative analysis and multivariate quantitative analysis. These quantitative portions of the analysis are based on the LGBTQ victim interview data. The qualitative portion of the analysis focuses on case file reviews and practitioner interviews. All three forms of the analyses are described next.

Descriptive and bivariate quantitative analysis

The LGBTQ interview data was analyzed with two datasets. The first dataset contains all screened cases (*n* = 875), which was examined descriptively to establish the *prevalence* of LGBTQ victimization in Miami, and to explore the nature of victimization (e.g., sexual assault or robbery). The remaining quantitative analyses focused on the data of 400 LGBTQ respondents who qualified for the full interview (see "LGBTQ Victim Interviews" for selection criteria). These data were assessed descriptively to gauge the respondents': (a) sexual orientation; (b) race and ethnicity; (c) country of origin; (d) age and marital status; (e) education, income, employment and housing; (f) immigration; (g) substance use; (h) "being out" level and social life; (i) nature and scope of victimization; (j) crime reporting behavior; and (k) case processing nuances.

Multivariate quantitative analysis

Dependent Variables

Multivariate analyses were organized around two areas of interest: (a) crime reporting and (b) consequences of victimization. Five relevant dichotomous outcome measures are discussed below alongside their coding.

First, two related measures of crime reporting have been tapped into. The first measure assesses if a victim was concerned about reporting crime, and the second measure focuses on whether an incident was reported to the police by a victim or a third party. *Reporting concerns*, is a dichotomous variable based on the interview question: *Did you have concerns about reporting the incident to the police?* It was coded 1 if the victim expressed being concerned, and 0 if the victim was not concerned. *Police notification*, is a dichotomous variable based on the interview question: *Did you or anyone else report the incident to the police?*" The variable was coded 1 for incidents reported to the police by victims or third parties, and coded 0 for incidents not reported.

Second, the analyses include three measures of socio-behavioral consequences of

victimization. The term "socio-behavioral" is used in this study to refer to human motivations, activities, psychological processes, and interactions (with families, friends, coworkers, communities, and larger societies), as well as to potential changes in these behaviors/processes due to victimization. These measures include *forced relocation*, *social isolation,* and *acting "straight"*. *Forced relocation*, is a dichotomous measure of displacement caused by the incident. Respondents were asked: *Did you move to live elsewhere because of the incident?* The variable was coded 1 if the victim changed housing, and coded 0 if she/he/they did not relocate. *Social isolation* measures victims' avoidance of their social network due to concern caused by their victimization. Respondents were asked: *Did you avoid LGBTQ/GNC venues or friends because of the incident?* If victims continued interacting with their network, it was coded 0, and if they report avoiding LGBTQ venues or friends, it was coded 1. Finally, the seventh outcome variable, *acting "straight"*, is based on the interview question: *Did you try to act more "straight" because of the incident? By this we mean, for example, wearing a different type of clothes or changing mannerisms*. If respondents acted as normal, their responses were coded 0, and if they reported acting more "straight", it was coded 1.

Table 1: List of dependent variables and their codes for multivariate analyses

Interest Area		Variable	Description	Coding
Reporting of crime	1	Reporting concerns	Being concerned about crime reporting to the police	0=was not concerned 1=was concerned
	2	Police notification	Crime reported to the police by victim of third parties	0=crime was not reported 1=crime was reported
Consequences of victimization	3	Forced relocation	Had to move because of the incident	0=did not have to move 1=had to move
	4	Social isolation	Avoid LGBTQ venues or friends because of the incident	0=does not avoid 1=avoids
	5	Acting straight	Acting more "straight" because of the incident	0=did not have to act straight 1=had to act straight

Independent and Control Variables

The lack of relevant research about the Latine LGBTQ community's victimization, coupled with inadequate theorizing on this topic, limits our ability to meaningfully distinguish between independent and control variables. This exploratory research treats all variables as potential predictors of the outcomes of interest to understand what factors explain the outcomes of interest listed above. The analysis captures various attributes of victims' demographics, behavior and victimization.

A standard measure of victim's *age* was included as a continuous variable that reflects the age of the victim at the time of the interview. Previous research suggest that victim's age is positively associated with the likelihood of crime reporting (Baumer & Laurisen, 2010; Hart & Rennison, 2003; van Kesteren, 2016), including hate crime reporting (Wiedlitzka et al, 2018). Given that the study focuses on Latine, there was no opportunity to capture race or ethnicity as meaningful variables. Instead, the research echoes the reality that 52.71% of Miami residents are of Cuban origin (Miami-Dade County, 2011), and includes a dichotomous measure juxtaposing Cubans (scored 1) with respondents who originated from other Latin American countries (all grouped into a single reference category). Any further disaggregation, while of interest, was not

feasible due to small cell sizes. This dichotomization is supported by previous research on Miami's immigrant population which repeatedly found Cubans most represented in economic, political, and other positions of power (Aranda, Hughes, & Sabogal, 2014; Portes & Stepick 1993), while experiencing the greatest upward mobility (Vaquera & Aranda, 2017), and in which other immigrants consider them as their reference group when thinking about economic and political success (Stepick, Grenier, Castro, & Dunn, 2003).

The analysis does not include the traditional demographic measure of gender—male versus female, because binary sex does not reflect a more nuanced and, at times fluid, nature of gender within the LGBTQ community.

Victims' socio-economic status was tapped by three measures of education, employment, and income. *Education* measures the number of completed years of schooling, including college and post-secondary education. *Full-time employment* indicates if the victim worked at least 20 days in the past month (e.g., a typical five-day work week), as opposed to being unemployed or having worked less than five days a week (coded 0). The *income* variable came from an ordinal variable with multiple categories which were ultimately grouped into three income groups: low (earning less than $1,000 a month, coded 0), middle ($1,000-$5,999 a month, coded 1), and high ($6,000 a month, coded 1). "Low income" closely approximates the 2017 federal poverty line of $12,060 per year for the household size of one person. Given the recency of data collection, there was no need for adjusting for inflation.

Four dichotomous indicators of household structure and immigration were considered— *married/partnered*, *residential stability*, *lived with family*, and *new immigrant.* *Married/partnered* shows whether the victim was in a relationship (scored 1), as opposed to being single, divorced, separated, or widowed (all grouped into a single reference category). *Residential stability* represents if the victim lived in the same residence for at least 12 months preceding the interview (scored 1). *Lived with family* shows if the respondent lived with family members (however they defined this concept) at the time of the incident (coded 1), as opposed to living alone (reference category). *New immigrant* is a dichotomous measure indicating if the respondent has lived in the United States for less than five years (scored 1), as opposed to at least five years, including being born in the United States (reference category). Other researchers have found a positive relationship between the size of an immigrant community and hate crime occurrence, whether in the United States (Stacey, Carbone-López, & Rosenfeld, 2011) or in Europe (van Kesteren, 2016). The *new immigrant* measure is more relevant for the current sample than a traditional variable capturing if one is an immigrant, or the size of an immigrant population. Nine out of every 10 respondents in the sample have immigrated to the United State from another country (*n* = 358; 89.7%) while only 41 respondents were U.S.-born. Furthermore, although the instrument also included a question about the legal status in the United States, only 28 respondents (i.e., 8% of all self-reported immigrants) stated that they did not hold valid visas, green cards, or citizenship. A lack of variance and considerations for model parsimony (with a sample of only 400 respondents) resulted in the exclusion of these two immigration variables from multi-variate modeling.

Four LGBTQ-specific measures were also captured: *transgender*, *outness*, *recognizability*, and *avoidance of LGBTQ topics*. *Transgender* is a dichotomous measure comparing transgender respondents (coded 1) to self-identified gay, lesbian, bisexual, queer, or GNC respondents (all grouped into a single reference category). This dichotomization was necessary due to small cell sizes and higher propensity of victimization among transgender individuals (Johns et al., 2019). The measure of *outness* about sexual orientation or gender

identity was adapted from the Nebraska Outness Scale (Meidlinger & Hope, 2014) and it is a continuous variable based on the average of scores ranging from 0 to 100 based on five "Outness" questions. These questions ask respondents to estimate a percentage of (a) immediate family, (b) extended family, (c) social network, (d) coworkers, and (e) strangers who might be aware of the respondents' sexual orientation or gender identity. A related predictor—LGBTQ *recognizability*—is an eleven-point scale where 0 indicates "very difficult" and 10 indicates "very easy" to guess the victims' sexual orientation or gender identity. *Avoidance of LGBTQ topics* is another 11-point measure where 0 indicates that the respondent "never" avoids these topics and 10 indicates that one "always" avoids discussing them. The measures of outness and comfort level with sexuality are important because they might be closely related to the likelihood of violent victimization, crime reporting and consequences of victimization.

The analysis also examines the influence of respondents' social lives and substance use over the outcomes of interest. Respondents who go out before 10pm or do not go out (grouped as a reference category) were compared to those who *go out between 10pm and midnight* and to those who *go out post-midnight* (each coded 1). Additionally, two substance use measures have been employed, focusing on drug and alcohol consumption. A continuous measure of the *drug use* frequency in the past six months was included in the models. Also, those who report no alcohol use (reference category) were compared to the others who report *some alcohol use* (once a week or less, scored 1) and *frequent alcohol use* (every day or few times a week, scored 1).

Several attributes of offenders and the nature of crime, as reported by victims, were also included in the models. A dichotomous measure of *offender is stranger* captures whether the offender was an acquittance, partner, friend, relative, parent, or sibling (grouped into a single reference category), or a stranger (coded 1). The more common assumption about hate crime offending is that perpetrators are strangers (see Messner, McHugh, & Felson, 2004). When looking at the general public, earlier research also found that crimes committed by strangers were more likely to be reported than those committed by non-strangers (Hart & Rennison, 2003).

Three measures of crime severity were adopted—*violent/property victimization*, *weapon used,* and *prior victimization*. The first of these two measures looks into violent/property victimization versus verbal assault only. Respondents were asked: *In the last five years, have you been the victim of a crime or an attempted crime?[14] If "yes": which of the following best describes the nature of the incident against you? Were you...? 1. physically assaulted (e.g., beaten up, kicked, or physically attacked); 2. sexually assaulted; 3. verbally assaulted (e.g., had derogatory names yelled at you); 4. chased/stalked/followed (e.g., in person, via phone, social media); 5. robbed (e.g., of credit cards, money, or possessions); 6. burglarized (e.g., your house, apartment, car), or others (please specify).* The resultant data were recoded into "violent/property victimization" (combining responses for answer choices 1, 2, 4, 5, and 6) versus "verbal assault only" (including only responses to answer choice 3). If the respondent indicated verbal assault as well as violent victimization, the response was recorded as "violent victimization." Verbal assault only was coded 0, and violent victimization was coded 1. The second measure of crime severity—*weapon used*—was also added, with no weapon used coded 0 and the use of a gun, knife, or other weapon during the incident coded 1. Finally, to assess the nature of reoccurring victimization, respondents were also asked how often they experience

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[14] "Attempted crime" was added to the instrument after the pilot, which showed that respondents wanted to know if an attempt (e.g., "threw a bottle at me but missed me") was also counted as a crime.

similar victimization within a five-year period. Their responses were captured as a continuous measure of *prior victimization*.

The analyses also include three proxy measures for hate crime. The first measure, *due to LGBTQ identity*, is based on the following interview question: "*You mentioned that you were the victim of a crime in the past five years. Do you believe the crime was committed because of your sexual orientation or gender identity?*" If so, responses were coded 1. The second hate crime proxy measure, *name calling*, is also a dichotomous measure based on the interview question: "*Did the person who committed this crime against you call you a derogatory name at the time of the incident? I'm asking about a derogatory name referring to your sexual orientation or gender identity*." If the name calling occurred, responses were coded 1. The third hate crime proxy measure—*homo/transphobic comments*—indicates the possibility of hate-motivated offending as it shows that the offender made negative comments about the victims' appearance or mannerisms that implied that they believed the victim was an LGBTQ individual. The respondents were asked: "*Did the person who committed this crime against you call you a derogatory name at the time of the incident? I'm asking about a derogatory name referring to your sexual orientation or gender identity*." Their no-answer was coded 0, and yes was coded 1.

The awareness about the incident and support of family members and friends were also captured. Respondents were asked if their (1) family members knew about the incident, (2) family members encouraged them to report the incident to the police, (3) friends know about the incident, and (4) friends encouraged them to report the incident. Out of these four predictors, given the needs to make the models as parsimonious as possible, only two stronger predictors were included in the analyses—*family know* and *friends encourage reporting*. Both measures are dichotomous (no = 0, yes = 1).

Multivariate Modelling Strategy

Four distinct models were estimated for each outcome of interest. The first model includes a battery of victim attributional and behavioral predictors only, such as *age*, *Transgender* and *drug use*. The second model consists of only victimization predictors, for example, *weapon used*, *prior victimization* and *friends encourage reporting* the incident. The third model combines models 1 and 2. This three-step modeling strategy enables the examination of the extent to which victimization predictors mediate the association between victim characteristics and the outcomes of interest. The fourth model—the full model—also contains post-victimization measures of *forced relocation*, *social isolation*, and *acting straight*, which are also used as dependent variables for assessing consequences of victimization.

Using a conceptual modeling approach, some earlier outcomes became predictors for subsequent models. For example, *reporting concerns*, which is one of the key dependent variables, became yet another predictor for *police notification*, and then both of these outcomes turned into predictors for examining consequences of victimization. Sequence of the events was considered in model building, making earlier models more parsimonious than subsequent ones.

Missing Data

Just like with any other survey research, the present dataset also contains missing values for nearly all variables (completers' models included between 245 and 303 cases). To deal with missing data, multiple imputations were used. Logistic regression analyses were performed on five imputed datasets and the results were combined into overall estimates. This procedure has

been used widely to handle missing data (Allison, 2002), including when studying hate crimes against sexual minorities (e.g., Briones-Robinson et al, 2016). Next, these estimates were compared to the coefficients from the completers' dataset (with missing data) and, while not identical, the overall results were consistent. The regression tables also present the findings for the full model, as described earlier, based on the sample of completers (last column).

Statistical Significance Threshold

Due to the number of categorical predictors included in each model, a statistical significance level of .10 is used and as such, 90% confidence intervals were estimated. This approach has been used previously in studying hate crime victimization (see e.g., Walfield et al., 2017). Although confidence intervals for odds ratio were omitted from the regression tables due to table size issues, they are available upon request.

Qualitative analysis

Data from case file reviews and practitioner interviews were analyzed qualitatively. Given the lack of published research on prosecutorial decision making in and perspectives about hate crime cases (McPhail & DiNitto, 2005), this work is exploratory, making qualitative research especially appropriate. Data from case file reviews and practitioner interviews were analyzed through the Directed Qualitative Content Analysis (QCA) method (Assarroudi et al., 2018). Unlike conventional content analysis, where coding categories are derived from the text data, Directed QCA analysis starts with a theory or prior research findings as guidance for initial codes (Hsieh & Shannon, 2005). For example, earlier studies showed that prosecutors rely on verbal slurs as the most common types of evidence, followed by the presence of an eyewitness, location evidence, and confessions (Levin et al., 2007). Accordingly, the analysis looked into whether such evidentiary factors are still dominant, or if social media has begun to play a larger role in gathering evidence of prejudice.

A priori thematic codes were created based on research questions informed by prior research and research team members' experience of working with prosecutors (see Richardson & Kutateladze, 2020; Kutateladze & Andiloro, 2014; Kutateladze, Meldrum, Richardson, & Stemen, 2018). For example, for case file reviews, the codes were created to assess what type of evidence is being used to demonstrate hate motivation, to what extent offender and victim attributes were different, at what point of case processing the enhancement is being added or dropped, and how often hate crime enhancers are used as a plea bargaining chip. For practitioner interviews, the codes aimed at assessing challenges with hate crime identification and case processing. These preliminary codes have evolved through data analyses.

Finally, the study relied on an axial coding approach to code for specific relationships among the themes (Strauss & Corbin, 1990). This approach was especially useful for this research given subtle interdependencies across the issues of interest. For example, prosecutorial discretion over using the hate designation emerged as a clearly defined theme; yet this theme also related to training needs on hate crime and how to engage with the LGBTQ community. Examining such relationships led to a better understanding of the hate crime victimization, reporting, consequences for victims, case processing challenges, and opportunities for reform.

Results

PART 1: LGBTQ Victim Interviews

Screening Results for 875 Respondents

Among all 875 screened respondents, the five-year victimization rate is 47.8% (see Table 2). Overall, 418 respondents have experienced what they have perceived as some form of victimization. Verbal assault was the most common offense type ($n = 270$; 30.86% of all screened respondents), followed by physical assault ($n = 111$; 12.7% of all screened respondents). These results include all screened respondents who are also non-Miami residents ($n = 159$), heterosexual ($n = 34$), and white ($n = 16$).

If examining only violent and property crimes, 148 out of 875 screened respondents reported such victimization (16.91%).

What does this victimization rate tell us about the prevalence of these crimes in the LGBTQ population of Miami?

The 2012-2014 Gallup estimate (Newport & Gates, 2015) shows that 4.2% of the Miami metropolitan area's residents identify themselves as LGBT. In 2019, according to the U.S. Census, Miami-Dade had 2,716,900 residents. The combination of these two data points suggests that there are an estimated 114,109 LGBT individuals residing in Miami-Dade. The overall 47.8% victimization rate suggests that there were 54,544 incidents in the county over a five-year period, or **10,909 incidents annually**.

When looking specifically at violent or property crimes and excluding "verbal assaults only," there were 148 such incidents (i.e., a 16.91% five-year victimization rate) which translates into 19,296 violent or property victimizations over a five-year period, or **3,859 offenses annually**.

Note that 34 out of 875 screened respondents identified themselves as heterosexual. It is unclear whether all of these individuals are in fact straight or many were simply uncomfortable revealing their sexual orientation or gender identity. If we are to exclude these individuals from the sample of 875, the victimization rate would be slightly higher. As such, more conservative estimates are presented here.

Table 2: Victimization among all screened respondents ($n = 875$)

	Count	Percent among screened $n = 875$	Percent among all victimized $n = 418$	Percent among victimized beyond verbal assault $n = 148$
1 Verbal assault	270	30.86	64.59	-
2 Physical assault	111	12.69	26.56	75.00
3 Sexual assault	13	1.49	3.11	8.78
4 Burglary	10	1.14	2.39	6.76
5 Stalking	6	0.69	1.44	4.05
6 Robbery	4	0.46	0.96	2.70
7 Other	4	0.46	0.96	2.70
Sub-total victimized	418	47.77%	100%	100%
Sub-total not victimized	457	52.23%	-	-
Total	875	100%	-	-

Out of 875 screened respondents, 651 were Miami residents, Latine, and LGBTQ. Among these individuals, 400 people (61.4%) reported some form of victimization within the prior five years.[15] The rest of the analyses will focus on these 400 respondents.

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[15] The majority of the Miami-residing, Latine, LGBTQ sample of 651 respondents comprised of gay men (77.7%), followed by bi-sexual (11.4%), Lesbian (5.5%), Transgender (4.5%), Queer (0.6%), and "Other/non-Heterosexual" (0.3%) respondents (e.g., "gender-fluid"). In terms of country of origin or ancestry, 50.2% of the sample is Cuban, 9.8% Venezuelan, 9.3% Colombian, 7.9% Puerto Rican, 5.0% Honduran, 5.0% Nicaraguan, 4% Dominican, and 8.7% "Other Latine". The majority of respondents are single (56.0%), while 25.3% are in a relationship with a boy/girlfriend, 14% are married, 3.4% are divorced/separated, and 0.5% are widowed. Out of respondents who are partnered or married, 217 were involved with a same-sex person and 32 were involved with a person of opposite sex.

Interview Results for 400 Respondents

Section 1A: Sexual Orientation

The sample of this research consists predominantly of gay men (80.3%), with lesbians being considerably underrepresented (4.8%). A 2017 Gallup poll showed that 4.5% of adult Americans identified as LGBTQ with 5.1% of women identifying as LGBTQ, compared with 3.9% of men (Newport, 2018).[16] The underrepresentation of lesbian respondents in the sample is largely driven by the venue-based sampling design because Miami's LGBTQ venues are more likely to be frequented by gay men rather than lesbians. The sample also included 33 individuals who identified as "bi-sexual" and 23 transgender respondents. The "other" LGBTQ identity included "gender-fluid" and "gender-non-conforming" individuals.

Table 3: Sexual orientation and gender identity categories

		Count	Percent
1	Gay	321	80.25
2	Bisexual	33	8.25
3	Transgender	23	5.75
4	Lesbian	19	4.75
5	Queer	2	0.50
6	Other	2	0.50
	Total	400	100%

Section 1B: Race and Ethnicity

In terms of the race/ethnicity, nine out of every 10 respondents identified themselves as Hispanic or Latine without specifying their racial identity. Only 6.0% of respondents identified themselves as White Hispanics and 4.3% as Black Hispanics.

Table 4: Racial/ethnic breakdown

		Count	Percent
1	Latine	359	89.75
2	White Hispanic	24	6.00
3	Black Hispanic	17	4.25
	Total	400	100%

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[16] Among the *Millennials* (1980-1999), 8.2% of Americans identify themselves as LGBTQ, followed by the *Generation X* (1965-1979) at 3.5%, the *Baby Boomers* (1956-1964) at 2.4%, and the *Traditionalists* (1913-1945) at 1.4% (Newport, 2018).

Section 1C: Country of Origin

Slightly more than half of respondents are Cuban (51.3%), followed by Colombians (10.3%) and Venezuelans (9.3%). Based on the 2010 U.S. Census data for Miami (Miami-Dade County, 2011), 52.7% of local residents identified themselves as Cubans, which is similar to the representation of Cubans in the LGBTQ sample. However, the percentages of Colombians, Venezuelans, and Puerto Ricans are noticeably higher in the sample than for those in the Census data. The difference is particularly large for Venezuelans (9.3% in the *sample* versus 2.9% in *the Census*) which can be explained by an explosive increase in Miami's Venezuelan population in the aftermath of the political and economic crisis in Venezuela in recent years (Osorio, 2019). Since 2010, the number of Puerto Ricans migrating to Miami has also grown which, in part, is attributable to the displacement triggered by the 2017 and 2018 Hurricanes Irma and Maria, which brought significant devastations to the island (Hinojosa, Román, & Meléndez, 2018).

Table 5: Country of origin or ancestry in the sample and the 2010 U.S. Census for Hispanics in Miami-Dade

		LGBTQ Sample		2010 U.S. Census for Miami-Dade	
		Count	Percent	Count	Percent
1	Cuban	205	51.25	856,007	52.71
2	Colombian	41	10.25	114,701	7.06
3	Venezuelan	37	9.25	46,851	2.89
4	Puerto Rican	28	7.00	92,358	5.69
5	Honduran	17	4.25	54,192	3.34
6	Nicaraguan	14	3.50	105,495	6.50
7	Mexican	7	1.75	51,736	3.19
8	Dominican	6	1.50	57,999	3.57
9	Argentinian	6	1.50	28,612	1.76
10	Costa Rican	4	1.00	6,736	0.41
11	Ecuadorian	4	1.00	19,832	1.22
12	Guatemalan	3	0.75	19,771	1.22
13	Chilean	2	0.50	11,452	0.71
14	Belizean	2	0.50	*unknown*	*unknown*
15	Brazilian	2	0.50	*unknown*	*unknown*
16	Salvadoran	2	0.50	17,692	1.09
17	Other	20	5.00	*unknown*	*unknown*
Total		400	100%	1,623,859	100%

Section 1D: Age and Marital Status

Respondents represent all age groups, excluding those who were less than 18 at the time of the interview due to informed consent considerations. Although the youngest respondents are 18 and the oldest is 77, the vast majority of them are in their 20s and 30s (*mean* = 27.7, *SD* = 11.3, *median* = 36, *mode* = 34).

The majority of respondents are single (55.3%), and among 157 respondents currently in a relationship, 21 are married to the opposite sex. These 21 individuals include 12 gay men, four bisexuals, three lesbians, one transgender, and one queer person. Transgender individuals appear most likely, and lesbians least likely, to be single, although these numbers should be interpreted with caution due to very small cell sample sizes.

Table 6: Marital status, overall and by LGBTQ category

		Overall Count	Overall Percent	*Gay*	*Bisexual*	*Transgender*	*Lesbian*	*Queer*	*Other*
1	Single	221	55.25	182	18	16	5	0	0
2	Partnered	92	23.00	68	8	4	10	2	0
3	Married	65	16.25	56	3	2	3	0	1
4	Divorced/separated	16	4.00	10	3	0	1	0	1
5	Widowed	2	0.50	2	0	0	0	0	0
6	*Missing*	4	1.00	-	-	-	-	-	-
	Total	400	100%	318	32	22	19	2	2

In terms of the educational attainment, the sample is also diverse. While 44 (11.1%) of respondents have less than a high school diploma, 90 respondents (22.7%) hold a high school diploma as their highest degree, and two-thirds have some form of college education (66.5%). On average, respondents had nearly 15 years of schooling (*mean* = 14.9, *SD* = 4.7, *median* = 15, *mode* = 12).

To assess respondents' income, they were shown a flashcard at the end of the interview which included seven income groups (see Table 6). Respondents were asked: "*Which of the following best describes the amount of income you received from work and other sources in the past 30 days?*" Nearly half of them (48.8%) received less than $2,000 a month through work or other means.

Table 7: Income

		Count	Percent
1	No income	13	3.25
2	<$1,000	50	12.50
3	$1,000-$1,999	132	33.00
4	$2,000-$3,499	105	26.25
5	$3,500-$5,999	69	17.25
6	$6,000-$10,000	20	5.00
7	>$10,000	5	1.25
8	*Don't know/missing*	6	1.50
	Total	400	100%

Furthermore, 24 respondents (6.0%) were unemployed at the time of the interview; 180 respondents (45.3%) worked five days a week, while 42 respondents (10.6%) worked every day (*mean* = 19.6, *SD* = 7.5, *median* = 20, *mode* = 20). When it comes to work days, 55.4% of respondents reported having worked on average at least 40 hours a week (*mean* = 30.5, *SD* = 17.8, *median* = 40, *mode* = 40). Eight respondents said that they were not paid for the work they had performed in 30 days prior to the interview.

Nearly half of the respondents (44.8%) live in their own house or apartment, 36% live or stay with their family/relatives, and 18.5% live or stay with their friends. Overall, 12 respondents classified themselves as homeless.

Nearly nine out of every 10 respondents have immigrated to the United State from another country (*n* = 358; 89.7%). while 41 respondents are U.S.-born. Among 356 immigrants, a third (34.3%) have been in the United States for five years or less (*mean* = 12.7, *SD* = 11.20, *median* = 10, *mode* = 4, *minimum* = 0, *maximum* = 58). A small number of respondents (*n* = 28; 8% of all immigrants) do not have a legal status to be in the United States, while the rest hold valid visas, green cards, or citizenship.

Figure 1: Immigration and documentation status among immigrants
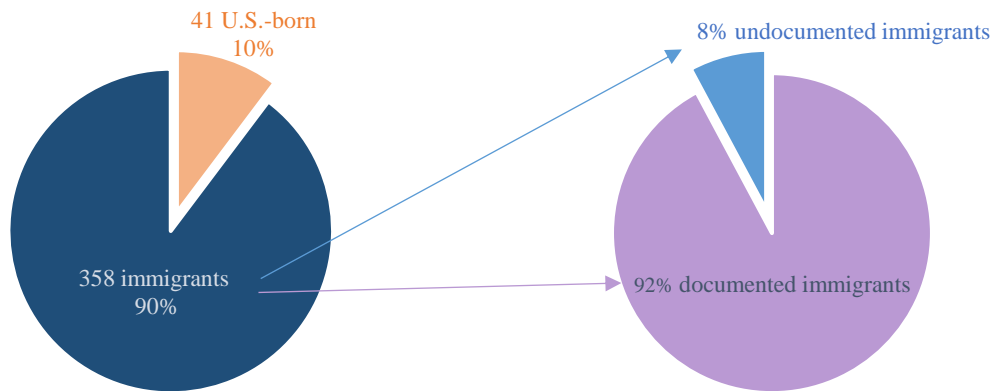
Section 1G: Substance Use

Nearly three quarters of the respondents reported no drug use within the prior six months, with nearly 20% reported having used drugs "other than those required for medical reasons" between one and 10 times within the same time period and 6.8% reported using drugs even more frequently (*mean = 5.3, SD = 23.2, median = 0, mode = 0, minimum = 0, maximum = 180*).

Table 8: Drug use in past six months

		Count	Percent
1	Zero times	292	73.00
2	One through 10 times	77	19.25
3	More than 10 times	27	6.75
4	*Missing*	4	1.00
	Total	400	100%

Marijuana is the most commonly used drug among the respondents: 58.3% report having used this drug over the prior six months (note that because the respondents were asked about most frequently-used drugs, it is possible that other drugs are also being used by these respondents, albeit less often). Almost a third of those who report drug use consumed cocaine (31.48%) as a most frequently used drug and very few report using crystal meth or flakka (see Table 9). Most drug use occurs within respondents' own house or apartment (25.9%) or a club (24.07%; see Table 10). In response to the question whether respondents "*can get through the week without using drugs*," seven responded that they were not able to do so. Also, five of them said they were "*able to stop using drugs.*" Some respondents had been involved with the criminal justice system for drug use or sale: 20 respondents said they had been "*arrested for the possession of illegal drugs.*"

Table 9: Type of drugs used most frequently within the past six months

		Count	Percent
1	Marijuana	63	58.33
2	Cocaine	34	31.48
3	Ecstasy	6	5.56
4	Crystal meth/Tina	3	2.78
5	Flakka	1	0.93
6	Others	1	0.93
7	*Missing*	0	0.00
	Total	108	100%

Table 10: Location for drug use

		Count	Percent
1	Own house/apt.	28	25.93
2	Club	26	24.07
3	Friend's house/apt.	16	14.81
4	Bar	10	9.26
5	Outdoors	6	5.56
6	Vehicle	3	2.78
7	Elsewhere	4	3.70
8	*Missing*	15	13.89
Total		108	100%

Respondents consume alcohol at different frequencies.[17] Nearly 90% of respondents reported having a drink at some frequency over the prior six months, while 11% say they never used alcohol. Nearly half of respondents (54.8%) consume alcohol every day or at least a few times a week, while 18.5% consume it once a week and 12.3% consume it once a month or less often. No questions were asked about the type of alcohol used or typical quantity consumed.

Table 11: Alcohol use frequency

		Count	Percent
1	Never drink	44	11.00
2	Once a month or less	61	15.25
3	Once a week	74	18.50
4	Every day or a few times a week	219	54.75
5	*Missing*	2	0.50
Total		400	100%

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[17] Question wording: "*In the past 6 months, how often do you usually have any kind of drink containing alcohol? By a drink, we mean half an ounce of absolute alcohol (e.g., a 12 ounce can or glass of beer or cooler, a 5-ounce glass of wine, or a dink containing one shot of liquor).*"

Section 1H: Being Out and Social Life

Respondents' level of "outness" was measured using the Nebraska Outness Scale (Meidlinger & Hope, 2014). The scale assesses one's openness about the LGBTQ status. Respondents were asked five questions about what percentage of their (1) immediate family, (2) extended family, (3) social network, (4) coworkers, and (5) strangers were aware of one's sexual orientation or gender identity. These five items were averaged to produce the 100-point outness scale with good internal reliability ($a = .78$).

On average, the respondents' outness level was high even if a small percentage of them were deeply closeted (*mean = 79.56, SD = 23.81, median = 87.50, mode = 100, minimum = 0, maximum = 100, 25th percentile = 67.63, 50th percentile = 87.50, 75th percentile = 100.00*). Only 3.5% of the sample had an outness score of 20 or less (i.e., on average, only 20% or few people in all of these five categories knew about their LGBTQ status).

Additionally, respondents were given two 10-point Likert-type scales to respond to these two questions:

1. How difficult or easy it is for others to guess your sexual orientation or gender identity?	0 = *very easy* 10 = *very difficult*	*mean = 5.82, SD = 23.81, median = 3.91, mode = 5, minimum = 0, maximum = 10, percentiles: 25th = 4.00, 50th = 6.00, 75th = 8.00*
2. How often do you avoid talking about topics related to your sexual orientation or gender identity?	0 = *never* 10 = *always*	*mean = 5.27, SD = 3.91, median = 5.0, mode = 0, minimum = 0, maximum = 5, percentiles: 25th = 1.00, 50th = 5.00, 75th = 9.00*

Respondents were also asked about the timing of the day/night they usually go out to socialize. While ten people state they do not usually go out (despite being at the LGBTQ event or venue at the time of the interview), the majority of them go out between 10pm and midnight (56.8%). Nearly a quarter (24.0%) go out between midnight and 2am, and only a handful do so after 2am (1.0%).

Table 12: Timing of going out to socialize

		Count	Percent
1	Before 10pm	63	15.75
2	Between 10pm and midnight	227	56.75
3	Between midnight and 2am	96	24.00
4	After 2am	4	1.00
5	*Don't go out*	10	2.50
Total		400	100%

Section 1I: Victimization

Among the 400 victimized individuals, 63.8% were victims of a verbal assault while 26.5% were victims of physical assault and 3% victims of sexual assault (see Table 13).[18] Nearly all victims (94.7%) viewed their LGBTQ identity as a motivator of an offense.[19] In fact, nine out of every 10 victims (90.9%) report being called an offensive term referring to their sexual orientation or gender identity. The current data highlight a real possibility that the vast majority of incidents against LGBTQ individuals are in fact motivated by biases based on sexual orientation or gender identity. Overall, 77.5% of the sample state that the person who committed this crime made negative comments about their appearance or mannerisms that implied they believed the victim was an LGBTQ person. Most of the name-calling (96.9%) was done in person although, in rare instances (3.1%), social media and other means were also used.

Overall, in 98.2% of cases, victims either believed that (a) the victimization was due to their LGBTQ status, (b) there was a name-calling during the commission of a crime, or (c) a perpetrator made homo- or trans-phobic comments. In only seven out of 400 cases, none of these three outcomes took place. It is unclear to what extent these proxy measures can be used to argue that victims in fact experienced an anti-LGBTQ hate crime victimization in each and every case. On the one hand, it is possible that name calling or hateful language was used at the time of a crime, but the initiation or commission of that crime had nothing to do with an anti-LGBTQ bias. On the other hand, it is also possible that the offender was motivated by hatred toward this community but the victim has no realization of this fact. To complicate the issue even further, even the law enforcement designation of a hate crime does not always guarantee that the crime was in fact motivated by biases (see Part 3). All of these possibilities highlight the point that hate crime research is based on proxies of hate crime, and while the margin of error might not be large, it is certainly real. This important caveat should be kept in mind when interpreting the results of this research to explain hate victimization.

Table 13: Victimization among interviewed respondents

		Count	Percent
1	Verbal assault	255	63.75
2	Physical assault	106	26.50
3	Sexual assault	12	3.00
4	Burglary	8	2.00
5	Stalking	6	1.50

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[18] According to the Hate Crime Florida (2017, table 2), there were 16 aggravated assaults, 13 simple assaults, six intimidations, five destruction/damage/vandalism of property, which were motivated by sexual orientation and reported by Florida's law enforcement agencies between January 1, 2017 and December 31, 2017. Out of these 40 offenses, 15 were reported from Miami-Dade County, and nine out of these 15 offenses were reported by the Miami Beach Police Department. Only one sexual orientation-motivated offense was reported by the Miami-Dade Police Department; it was aggravated assault. Note that Florida's Hate Crime Law does not cover gender identity. The statute currently covers (1) race, (2) religion, (3) national origin, (4) mental disability, (5) sexual orientation, and (6) advanced age. This also excluded gender and physical disability.

[19] This finding is consistent with the reporting from the BJS's National Crime Victimization Survey (NCVS) from 2004-2015, which shows that most victims (98.7%) cited offenders' use of hate language as evidence of a hate crime (Masucci & Langton, 2017). Earlier research on this topic suggests that "survivors of bias victimization may tend to interpret all of the negative events in their lives as resulting from sexual prejudice" (Herek et al., 1999, see p. 950).

	Overall Count	Overall Percent
6 Robbery	4	1.00
7 Other	3	0.75
8 *Missing*	6	1.50
Total	400	100%

The survey data also suggests the reoccurring nature of the LGBTQ victimization. Three quarters (76.0%) of the sample report that they have experienced at least one other similar incident. On average, respondents have been victimized five times over the five-year period (*mean* = 5.31, *SD* = 10.06, *median* = 3.00, *mode* = 1). Four out of every 10 respondents (40.6%) state that their last victimization was part of an "ongoing argument, conflict, or problem," while 59.4% describe their latest victimization as a stand-alone incident. Most incidents were recent: 72.0% of the respondents state that their latest victimization occurred within the past 12 months, and, for 20.1%, it occurred within the past 60 days (*mean* = 12.74 months, *SD* = 13.57, *median* = 8.00 months, *mode* = 12 months). In 12.5% of cases, an offender used a gun, knife, or other type of weapon during the incident.

Most crimes took place on the street, including parks, beaches, and sidewalks (45.0%), but significant numbers occurred at the workplace (15.8%), the victim's home or apartment (15.3%), a club, bar, restaurant, or other social venue (9.3%), or at the house or apartment of the victim's friends or family (6.25%). Most physical assaults took place in the street or victim's apartment.

Table 14: Location of the last incident

	Overall Count	Overall Percent	Verbal assault	Physical assault	Sexual assault	Burglary	Stalking	Robbery	Other
1 Street	180	45.00	113	50	4	5	2	4	0
2 Workplace	63	15.75	46	9	3	0	3	0	0
3 Home/apartment	61	15.25	34	24	2	1	0	0	0
4 Club/bar	37	9.25	25	9	1	0	0	0	1
5 Family/friend home	25	6.25	14	8	2	0	0	0	0
6 Vehicle	6	1.50	3	1	0	1	0	0	1
7 Elsewhere	26	6.50	18	5	0	1	1	0	1
8 *Missing*	2	0.50	2	0	0	0	0	0	0
Total	400	100%	255	106	12	8	6	4	3

Note: Data on offense type are missing for six cases (*n* = 394).

When it comes to offenders' identity and the relationship type with the victim, data show that half of the offenders are strangers (49.5%), which leaves another half of the offenders who are known to the victim (51.5%). Roughly equal numbers of LGBTQ people are victimized by acquaintances, partners, or friends: 11.0% of crimes are committed by acquaintances (which includes coworkers, neighbors, classmates, and the friends of family, among others); 10.8% are committed by partners (which includes spouses, boyfriends and girlfriends); and 10.0% are committed by friends (some of whom are also co-workers). Other family members—such as

parents, siblings, and relatives—form another tier of offenders. Nearly 15% of the sample report being victimized by them: 9.0% of crimes are committed by parents (one or both parents); 3.0% of crimes are perpetrated by relatives (including cousins, nephews, uncles and aunts); and 2.8% are carried out by siblings (typically by brothers). The "other" category, which is responsible for 4% of offenses, includes co-workers, supervisors, and even police officers.[20]

Table 15: Relationship with an offender

		Count	Percent
1	Stranger	198	49.50
2	Acquaintance	56	14.00
3	Partner	42	10.50
4	Friend	40	10.00
5	Parent	36	9.00
6	Relative	12	3.00
7	Sibling	11	2.75
8	Other	5	1.25
	Total	400	100%

Despite very small sample cell sizes for LGBTQ groups beyond gay men, potentially important trends emerge. For example, out of 23 transgender respondents in the sample, 18 (78.3%) were victimized by strangers, which is a much higher percentage than that for gay men (50.5%) and for lesbians (36.8%). Bisexuals, on the other hand, appear least likely to be victimized by strangers (24.2%).

Table 16: Relationship with an offender by LGBTQ category

		Count	Percent	Gay	Bisexual	Transgender	Lesbian	Queer	Other
1	Stranger	198	49.50	162	8	18	7	1	2
2	Acquaintance	56	14.00	43	6	1	5	1	0
3	Partner	42	10.50	36	3	2	1	0	0
4	Friend	40	10.00	31	4	2	3	0	0
5	Parent	36	9.00	26	8	0	2	0	0
6	Relative	12	3.00	12	0	0	0	0	0
7	Sibling	11	2.75	8	2	0	1	0	0
8	Other	5	1.25	3	2	0	0	0	0
	Total	400	100%	321	33	23	19	2	2

Data also points to a possible relationship between the offender identity and the nature of offending. For example, out of 12 sexual assaults, nine (75.5%) are perpetrated by a stranger or

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[20] Three offenses, in which victims described police offers as perpetrators, include one physical assault, one sexual assault, and one verbal assault.

an acquaintance. Also, parents, siblings, or relatives never appear to commit sexual assaults, and instead they use verbal and physical assaults against their LGBTQ family members or relatives.

Table 17: Relationship with an offender by victimization type

		Count	Percent	Verbal assault	Physical assault	Sexual assault	Burglary	Stalking	Robbery	Other
1	Stranger	198	49.50	121	51	6	6	4	4	2
2	Acquaintance	56	14.00	40	10	3	1	0	0	1
3	Partner	42	10.50	22	16	2	1	1	0	0
4	Friend	40	10.00	26	12	0	0	1	0	0
5	Parent	36	9.00	26	10	0	0	0	0	0
6	Relative	12	3.00	8	4	0	0	0	0	0
7	Sibling	11	2.75	9	2	0	0	0	0	0
8	Other	5	1.25	3	1	1	0	0	0	0
	Total	400	100%	255	106	12	8	6	4	3

Note: Data on offense type are missing for six cases (*n* = 394).

In 46.3% of cases, at the time of the last incident, victims lived together with their parents or other family members. In 47.7% of cases, family members knew about the incident, and in 79.1% of cases, friends knew about the incident, suggesting that LGBTQ victims are more likely to share about their victimization experience with their friends rather than family members. In 41.9% of cases, friends encouraged the victim to report the incident to the police.[21]

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[21] While the respondents were also asked if they received the encouragement from their families to report the incident to the police, nearly half of the sample did not answer the question.

Two thirds of the sample (66.2%) report that they <u>were not</u> concerned about reporting the incident to the police, while a third (33.8%) were concerned. Among 135 respondents who were concerned with reporting, some say they were worried about potential reprisal or retaliation by the perpetrator (34.8%), or that they did not feel the crime was important enough (23.0%), or even that they wanted to deal with the incident through another agency or on a personal level (8.9%). Fewer respondents also mentioned possible police harassment (4.4%), a low likelihood of arresting an offender (4.4%), or worries about revealing their sexual orientation or gender identity (4.4%) as primary reasons for being concerned with reporting the incident to law enforcement. A few others also talked about their immigration concerns or that the police were a perpetrator which made it difficult to report the crime to the agency.

Table 18: Primary reason for not reporting crime among those concerned with reporting ($n = 135$)

		Count	Percent
1	Worried about potential reprisal or retaliation by the perpetrator	47	34.81
2	Did not feel the crime was important enough	31	22.96
3	Preferred to deal with it through another agency or on a personal level	12	8.89
4	Worried about being harassed by the police	6	4.44
5	Doubtful about the police making arrest anyway	6	4.44
6	Concerns about revealing sexual orientation or gender identity	6	4.44
7	Other reason or concern (e.g., immigration or police being an assailant)	15	11.11
8	*Missing*	12	8.89
Total		135	100%

The Bureau of Justice Statistics special report on hate crime reporting (Harlow, 2005) shows that 43.7% of hate crime victims did not report the crime to police because they dealt with the problem another way; 25.8% said the crime was not important enough; 12% thought that police would not help; 5.4% said the police could not do anything (see Table 7). The discrepancy between the BJS data and the present study might be that the former includes all types of hate crimes (including those motivated by race, ethnicity and religion) while the present research only focuses on the LGBTQ sample in Miami. It is possible that sexual and gender minorities are much more concerned about reprisal or retaliation by the perpetrator than the national sample.

Although the consequences of victimization might be many and diverse, the respondents were asked four questions about having to (1) relocate, (2) start acting stereotypically "straight", (3) avoid LGBTQ places to minimize risk, and (4) call an ambulance because of their experience with the crime.

Data showed that 91 respondents (22.9%) had to move to live elsewhere, 138 (34.5%) had to try to act more "straight" because of the incident (e.g., by wearing a different type of clothes or changing mannerisms), 53 (13.3%) started to avoid LGBTQ venues because of a crime, and 33 (8.3%) had to call an ambulance to receive the urgent medical care.

Section 1K: Police Response and Case Processing

In 60 out of 400 cases (15.1%), the incident was reported to the police by the victim or someone else. In 28 of those 60 reported cases (46.6%), the police officer asked the victim if she/he/they was an LGBTQ individual. In 26 of those 60 reported cases (43.3%), the police also asked if the victim thought the crime was due to their sexual orientation or gender identity. In 37 of those reported cases (61.1%), the victim told the police about being LGBTQ, even if not being asked directly. In 30 of the 60 cases reported to the police (50.0%), the police informed the victim about the progress of the investigation, and in 17 cases (28.3%) the police made a referral to a victim service provider. Overall, 14 respondents (23.3%) said the police treated them worse because of their sexual orientation or gender identity.

To the victims' knowledge, in 21 cases (35.0%), an arrest was made and in 14 cases (23.3%) the offender was prosecuted. In all 14 cases, victims testified against a defendant, although 10 of those testimonies were due to victims having to comply with the subpoena. Note that these arrests and prosecutions do not mean that the cases were classified as hate crimes at any point of case processing.

Only 44 victims out of 60 cases reported to the police responded to the question about being satisfied with the police handling of the case, and 18 of them (40.9%) expressed their satisfaction with the police while 26 (59.1%) expressed their dissatisfaction.

Section 1L: Predicting Crime Reporting

This section explores how various victim demographic attributes, victim behavioral measures, and victimization experiences are associated with crime reporting. Two related dichotomous measures of reporting have been tapped into. The first measure assesses if a victim was concerned about reporting a crime, and the second measure focuses on whether the police were notified by the victim or a third party. As shown in Section 1J, two-thirds of the sample (66.2%) stated that they <u>were not</u> concerned about reporting the incident to the police, while one third (33.8%) expressed concern. The severity of victimization influences the extent to which victims are concerned with crime reporting. When broken down by crime severity, data showed that 44.6% of those who had experienced violent and property victimization expressed concern, while only 27.8% of the respondents who had been verbally assaulted expressed concern.

Among 135 respondents who were concerned with reporting, some say they were worried about potential reprisal or retaliation by the perpetrator (34.8%), or that they did not feel the crime was important enough (23.0%), or even that they wanted to deal with the incident through another agency or on a personal level (8.9%). Other concerns included possible police harassment (4.4%), a low likelihood of arresting an offender (4.4%), or reluctance to reveal sexual orientation or gender identity (4.4%).

<u>In 60 out of 400 cases (15.1%), the incident was reported to the police</u> by the victim or someone else. Crime reporting rates range widely depending on the nature of victimization with property crimes being most likely to be reported, followed by sexual assault and stalking, and then by incidents involving verbal assault only. Data showed that 31.7% of victims who experienced more serious crimes such as robbery (75.0%; 3 cases), burglary (62.5%; 5 cases), physical assault (30.2%; 32 cases), sexual assault (16.7%; 2 cases), and stalking/intimidation (16.7%; 1 case) reported the incident to the police, as compared to only 6.3% of victims who endured verbal assaults.

Table 19: Descriptive statistics – reporting crime

	M/%	SD
Dependent variables		
Reporting concerns	.34	.47
Police notification	.15	.36
Victim attributional and behavioral predictors		
Age	37.70	11.26
Cuban	.52	.50
Education	14.90	4.68
Full-time employment	.79	.41
Income - *low*	15.8%	-
- *mid*	76.5%	-
- *high*	6.3%	-
Married/partnered	.40	.49
Residential stability	.82	.38
Lived with family	.39	.49
New immigrant	.33	.47
Transgender	.06	.23
Outness	79.56	23.81
Recognizability	5.82	3.27
Avoidance of LGBTQ topics	5.27	3.91

Drug use	5.26	23.23
Alcohol use - *none*	11.0%	-
- *some*	32.5%	-
- *frequent*	56.0%	-
Victimization predictors		
Offender is stranger	.49	.50
Violent/property crime	.35	.48
Weapon used	.13	.33
Due to LGBTQ identity	.95	.22
Name calling	.91	.29
Homo/transphobic comments	.78	.42
Prior victimization	5.31	10.06
Family know	.47	.50
Friends encourage reporting	.42	.49
Post-victimization predictors		
Forced relocation	.23	.42
Social isolation	.13	.34
Acting "straight"	.35	.48

DV1: Reporting concerns

Dependent variable

Reporting concerns is a dichotomous variable based on the interview question "*Did you have concerns about reporting the incident to the police?*" It was coded 1 if the victim expressed being concerned, and 0 if the victim was not concerned.

Predictors

To predict *reporting concerns*, the analysis includes three sets of predictors, grouped under victim demographic and behavioral attributes, victimization characteristics, and post-victimization characteristics. The first set consists of: (1) *age*, (2) *Cuban*, (3) *education*, (4) *full-time employment*, (5) *income* (low/middle/high), (6) *married/partnered*, (7) *residential stability*, (8) *lived with family*, (9) *new immigrant*, (10) *transgender*, (11) *outness*, (12) *recognizability*, (13) *avoidance of LGBTQ topics*, (14) *drug use*, and (15) *alcohol use* (none/some/frequent). The second set, victimization predictors, include: (16) *offender is stranger*, (17) *violent/property victimization*, (18) *weapon used*, (19) *due to LGBTQ identity*, (20) *name calling*, (21) *homo/transphobic comments*, (22) *prior victimization*, (23) *family know*, and (24) *friends encourage*. *Family encourage* and *friends know* were excluded due to multicollinearity with stronger predictors retained in the models. The final set of predictors, post-victimization characteristics, includes three measures: (25) *forced relocation*, (26) *social isolation*, and (27) *acting straight*. These three measures were also included because it is possible that these consequences have triggered or exacerbated being concerned about crime reporting.

Four models were developed. The first one included only victim predictors; the second only victimization predictors; the third combined models 1 and 2; the fourth model—the full model—also added post-victimization predictors. Finally, the full model was replicated with the completers' dataset to ensure overall consistency in coefficients between the original data and imputed data analyses (see last column in Table 20).

Model 1, including only victim demographic and behavioral attributes as predictors, shows that victims are *more likely* to be concerned with crime reporting when the victim is older, has fewer years of education, is single, is more "closeted", has a less recognizable LGBTQ identity, and is more uncomfortable discussing queer topics. In terms of effect sizes, a one-unit increase in victims' age is associated with an estimated 2% increase in the odds of being concerned with crime reporting (OR=1.02, $p = 0.08$). Furthermore, a one-unit increase in the years of education is associated with an estimated 8% decrease $(1 – 0.92)$ in these odds (OR=.92, $p = 0.01$). Being married or partnered also decreases the odds of being concerned by an estimated 41% (OR=.59, $p = 0.04$). A one-unit increase in *outness* and *recognizability* is associated with an estimated 1% (OR=.99, $p = 0.07$) and 15% (OR=.85, $p < 0.001$) decrease, respectively, while *avoidance of LGBTQ topics* is associated with an estimated 19% increase (OR=1.19, $p < 0.001$) in the odds of being concerned with crime reporting. *New immigrant* showed a sizable effect on the outcome measure, but this variable did not reach a statistical significance threshold (OR=1.49, $p = 0.13$). Additional analyses indicated that the effect of *new immigrant* is mediated by *outness*, and after removing the latter from subsequent analysis, data showed that being in the United States for less than five years is associated with an estimated 59% increase in the odds of being concerned (OR=1.59, $p = 0.07$).

Model 2, including only victimization attributes as predictors, shows that victims are *more likely* to be concerned with crime reporting when: the victim suffered violent or property victimization, the victim <u>did not</u> associate their victimization to LGBTQ identity, the victimization involved homophobic or transphobic comments, the family did not know about the incident, and friends encouraged reporting. Specifically, experiencing violent/property victimization is associated with an estimated 103% increase in the odds of being concerned about crime reporting (OR=2.03, $p = 0.01$). Victim's perception that the crime was motivated by anti-LGBTQ bias is associated with an estimated 75% decrease $(1 – 0.25)$ in the odds (OR=.25, $p = 0.03$), while the use of homo/transphobic comments at the time of the incident increased the odds by 102% (OR=2.02, $p = 0.05$). Family members' awareness about the incident is associated with a 42% decrease in the odds of being concerned with crime reporting (OR=.58, $p = 0.03$). Surprisingly, however, friends' encouragement to report crime was associated with an estimated 173% increase (OR=2.73, $p < 0.001$) in the odds of being concerned with crime reporting.

The third and fourth models largely confirmed these effects, with only one additional significant predictor—*income*. Interestingly, higher income is associated with decreased odds of being concerned with crime reporting. Compared to *low-income* (earning less than $1,000 a month), both *middle*-income ($1,000-$5,999), and *high*-income (at least $6,000) categories are associated with an estimated 67% decrease in the odds of being concerned with crime reporting (OR=.33 for both, $p = 0.08$ and 0.04, respectively). These results were fully consistent with the completers' full model. None of the models suggests that post-victimization measures significantly influence the outcome measure.

Overall, all four models are fairly well-fitted, explaining between 15.4% and 46.3% of the variance in the outcome measure. Victim characteristics emerged as much stronger predictors (Model 1's *Negelkerke r^2*=23.6%), compared to victimization predictors (Model 2 r^2=15.4%),

and post-victimization predictors added very little additional explained variance (increased from $r^2=32.0\%$ for Model 3, to $r^2=33.7\%$ for Model 4).

Table 20: Predicting victims' concerns about crime reporting

	1. Victim		2. Victimization		3. Victim + Victimization		4. Full model		Completers data (*n* = 245)	
	Odds Ratio	SE	Odds Ratio	SE	Odds Ratio	SE	Odds Ratio	SE	Odds Ratio	SE
Victim										
Age	1.02 †	.01	-	-	1.02	.01	1.01	.01	1.02	.02
Cuban	.79	.25	-	-	.86	.27	.86	.28	.63	.40
Education	.92 **	.03	-	-	.94 *	.03	.94 *	.03	.90 *	.05
Full-time employment	.98	.31	-	-	.99	.33	1.02	.34	1.13	.46
Mid-income	.46	.60	-	-	.36	.63	.33 †	.64	.21 †	.94
High-income	.45	.50	-	-	.38 †	.53	.33 *	.54	.19 *	.81
Married/partnered	.59 *	.25	-	-	.68	.27	.66	.28	.42 *	.41
Residential stability	1.20	.33	-	-	1.16	.37	1.16	.37	1.93	.55
Lived with family	.75	.25	-	-	.75	.28	.68	.29	1.17	.41
New immigrant	1.49	.27	-	-	1.48	.28	1.42	.29	1.54	.41
Transgender	1.54	.53	-	-	.90	.57	1.06	.58	1.31	.74
Outness	.99 †	.01	-	-	.99 *	.01	.99 †	.01	.99	.01
Recognizability	.85 ***	.04	-	-	.87 ***	.04	.87 ***	.05	.89 *	.07
Avoidance of LGBTQ topics	1.19 ***	.03	-	-	1.20 ***	.04	1.20 ***	.04	1.29 **	.06
Drug use	.99	.01	-	-	.99	.01	.99	.01	.98	.02
Some alcohol use	.98	.40	-	-	1.12	.42	1.15	.43	1.44	.61
Frequent alcohol use	1.26	.27	-	-	1.16	.29	1.08	.29	1.23	.42
Victimization										
Offender is stranger	-	-	1.27	.23	1.39	.27	1.48	.27	1.40	.40
Violent/property crime	-	-	2.03 **	.26	2.28 **	.30	2.18 **	.30	2.89 *	.45
Weapon used	-	-	.76	.38	.73	.42	.67	.43	.39 †	.57
Due to LGBTQ identity	-	-	.25 *	.62	.52	.70	.43	.71	.27	1.11
Name calling	-	-	1.88	.50	1.91	.55	2.00	.55	2.80	.83
Homo/transphobic comments	-	-	2.02 **	.36	1.62	.39	1.62	.40	.88	.55
Prior victimization	-	-	1.00	.01	1.00	.01	1.00	.01	.98	.02
Family know	-	-	.58 *	.25	.63 †	.29	.60 †	.29	.48 †	.43
Friends encourage reporting	-	-	2.73 ***	.28	2.36 **	.31	2.37 **	.31	4.63 ***	.44
Post-victimization										
Forced relocation	-	-	-	-	-	-	1.25	.34	1.25	.46
Social isolation	-	-	-	-	-	-	1.59	.40	1.39	.56
Acting straight	-	-	-	-	-	-	1.52	.30	.87	.46
Intercept	3.11	1.02	.33	.28	1.35		1.33	1.24	4.14	1.81
(Averaged) Negelkerke R²	23.6%		15.4%		32.0%		33.7%		46.3%	

†*p* ≤ 0.1. **p* ≤ 0.05. ***p* ≤ 0.01. ****p* ≤ 0.001.

Dependent variable

Police notification is a dichotomous variable based on the interview question "*Did you or anyone else report the incident to the police?*" The variable was coded 1 for incidents reported to the police by victims or third parties (e.g., family member, friend, or eyewitness), and coded 0 for incidents not reported.

Predictors

To predict *crime reporting*, the analysis includes three sets of predictors, grouped under victim demographic and behavioral attributes, victimization characteristics, and post-victimization characteristics. The first set consists of: (1) *age*, (2) *Cuban*, (3) *education*, (4) *full-time employment*, (5) *income* (low/middle/high), (6) *married/partnered*, (7) *residential stability*, (8) *lived with family*, (9) *new immigrant*, (10) *transgender*, (11) *outness*, (12) *recognizability*, (13) *avoidance of LGBTQ topics*, (14) *drug use*, and (15) *alcohol use* (none/some/frequent). The second set, victimization predictors, includes: (16) *offender is stranger*, (17) *violent victimization*, (18) *weapon used*, (19) *due to LGBTQ identity*, (20) *name calling*, (21) *homo/transphobic comments*, (22) *prior victimization*, (23) *family know*, and (24) *friends encourage*. *Family encourage* and *friends know* were excluded due to multicollinearity with stronger predictors retained in the models. However, *reporting concerns*, which served as an outcome measure for the previous models is included as an additional predictor (25) for *crime reporting*. The final set of predictors, post-victimization characteristics, includes three measures: (26) *forced relocation*, (27) *social isolation*, and (28) *acting straight*. These three measures were also included because it is possible that these consequences have triggered crime reporting.

Four models were developed. The first one included only victim predictors; the second only victimization predictors; the third combined models 1 and 2; the fourth model—the full model—also added the three post-victimization predictors. Finally, the full model was replicated with the completers' dataset (see last column in Table 21).

Results

Model 1, including only victim demographic and behavioral attributes as predictors, shows that the incident is *more likely* to be reported to the police by the victim or third parties, when the victim is older, is not Cuban, has fewer years of education, has lower income (as opposed to high income), and is transgender. More specifically, every one-unit increase in respondents' age is associated with a 3% increase in the odds of reporting crime to the police (*OR*=1.03, $p = 0.03$). The odds of crime reporting for Cubans is 45% lower (1 – 0.55), compared to the odds of crime reporting by non-Cuban Latine victims (*OR*=0.55, $p = 0.07$). The results also show that a one-unit increase in education is associated with an estimated 7% decrease (1 – 0.93) in the odds of crime reporting (*OR*=0.93, $p = 0.05$). Being within the lower income range is associated with an estimated 66% decrease in reporting, as compared to those within the high-income group (*OR*=0.34, $p = 0.05$). Finally, trans-victimization is associated with an estimated 365% increase in the odds of crime reporting, as compared to other subgroups within the LGBTQ community (*OR*=4.35, $p = 0.01$). None of the other LGBTQ-related measures—*outness*, *recognizability*, or *avoidance of LGBTQ topics*— emerged as significant predictors of crime reporting in this model. After excluding a mediation variable—*transgender*—from the analysis, *recognizability* emerged as a significant predictor, with every one-unit increase in LGBTQ

recognizability being associated with an estimated 9% decrease in crime reporting (OR=0.91, p = 0.04).

Model 2, which included only victimization characteristics as the predictors, shows that the crime is *more likely* to be reported to the police, when: the victim experienced violent/property crime, a weapon was used, the victim's family knows about the crime, friends encourage crime reporting, and the victim is not concerned about crime reporting. In terms of effect sizes, experiencing violent victimization and the use of a weapon at the time of the incident is associated with an estimated 383% and 114% increase, respectively, in the odds of reporting crime to police (OR=4.83, p < 0.001; and OR=2.14, p = 0.08). Family members' awareness of victimization is associated with an estimated 181% increase in the odds of crime reporting (OR=2.81, p = 0.01). The friends' encouragement to report crime is associated with an estimated 994% increase in the odds of crime reporting (OR=10.94, p < 0.001). Finally, being concerned about negative consequences of crime reporting is associated with an estimated 70% decrease (1 – 0.30) in the odds of reporting crime to police (OR=0.30, p < 0.001).

When combining victim and victimization variables (Model 3), three additional predictors emerged—*married/partnered*, *recognizability,* and *drug use*. Being married or partnered is associated with an estimated 63% decrease in crime reporting (OR=0.37, p = 0.04). Furthermore, with every one-unit increase in LGBTQ recognizability, the odds of crime reporting decreased by an estimated 11% (OR=0.89, p = 0.08). Finally, with a one-unit increase in drug use, the odds of crime reporting increased by 1% (OR=1.01, p = 0.08).

In the full model, *social isolation* also emerged as a significant predictor of crime reporting, with crimes that forced victims to avoid LGBTQ friends or venues being markedly more likely to become known to the police (OR=3.50, p = 0.04). Also, despite the overall consistency between the results based on the analyses of imputed data and completers' data, there was one outlier. *Forced relocation* reduced the odds of crime reporting in the completers model (OR=0.27, p = 0.09), yet the coefficient was above 1 (OR=1.31, p = 0.60) in the imputed model. Therefore, any interpretation of the results of this predictor will be omitted.

Finally, the use of a weapon during the commission of a crime did not show a statistically significant effect (12.5% of victims reported such violence). As expected, the effect of *weapon used* was significantly mediated by the dichotomous measure of *violent victimization*. After removing the latter from the analyses, the use of weapon drastically increased the odds of crime reporting (OR=3.24, p = 0.02).

In terms of the goodness of fit of these models, unlike the *reporting concerns* models, where victims' attributional predictors explained greater variance in the outcome, as compared to victimization predictors, the opposite is the case for *crime reporting*. For crime reporting, victimization predictors were overall more predictive (Model 2's *Negelkerke* r^2=42.6%), than victims' attributional predictors (Model 1 r^2=19.1%). The overall fitness of the models was strong, explaining between 19.1% and 64.6% of the variance in the dependent variable (see Table 21).

Table 21: Predicting police notification

	1.Victim			2.Victimization			3.Victim + Victimization			4.Full model			Completers data ($n = 245$)		
	Odds Ratio		SE	Odds Ratio		SE	Odds Ratio		SE	Odds Ratio		SE	Odds Ratio		SE
Victim															
Age	1.03	*	.01	-		-	1.03		.02	1.04		.02	1.01		.03
Cuban	.55	†	.33	-		-	.52		.44	.48	†	.45	.45		.62
Education	.93	*	.04	-		-	.94		.05	.94		.05	.95		.07
Full-time employment	1.55		.42	-		-	1.96		.55	2.14		.56	3.37		.79
Mid-income	.71		.65	-		-	.25		.90	.28		.91	.16		1.33
High-income	.34	*	.56	-		-	.10	**	.83	.10	**	.83	.11	*	1.16
Married/partnered	.58		.34	-		-	.37	*	.47	.33	*	.49	.17	*	.73
Residential stability	.57		.39	-		-	.63		.52	.71		.55	.57		.80
Lived with family	.79		.34	-		-	.60		.46	.56		.48	.50		.68
New immigrant	1.28		.37	-		-	1.02		.51	.94		.51	.84	*	.66
Transgender	4.35	**	.55	-		-	3.05	†	.70	3.63	†	.73	7.52		.97
Outness	1.00		.01	-		-	1.00		.01	1.00		.01	.98		.01
Recognizability	.94		.05	-		-	.89	†	.07	.88	†	.07	.87		.09
Avoidance of LGBTQ topics	.96		.04	-		-	.98		.05	.97		.06	.93		.08
Drug use	1.01		.01	-		-	1.01	†	.01	1.01		.01	1.02	†	.01
Some alcohol use	.62		.54	-		-	.75		.66	.70		.68	.56		.91
Frequent alcohol use	.92		.36	-		-	1.31		.48	1.21		.49	2.43		.68
Victimization															
Offender is stranger	-		-	1.33		.36	.94		.42	.86		.45	.73		.60
Violent/property crime	-		-	4.83	***	.39	6.45	***	.47	6.02	***	.48	13.92	***	.74
Weapon used	-		-	2.14	†	.43	2.15		.49	1.95		.51	2.92		.72
Due to LGBTQ identity	-		-	.76		.94	2.50		1.16	1.97		1.16	8.88		1.68
Name calling	-		-	.98		.70	.47		.83	.47		.85	.45		1.47
Homo/transphobic comments	-		-	2.01		.54	1.97		.63	1.94		.63	.46		.99
Prior victimization	-		-	1.00		.02	.99		.02	.99		.02	1.01		.03
Family know	-		-	2.81	**	.38	3.97	***	.48	3.73	**	.49	8.32	***	.75
Friends encourage reporting	-		-	10.94	***	.49	11.62	***	.58	12.70	***	.58	23.81	***	.81
Reporting concerns	-		-	.30	***	.40	.18	***	.50	.16	***	.51	.19	***	.69
Post-victimization															
Forced relocation	-		-	-		-	-		-	1.31		.50	.27	†	.77
Social isolation	-		-	-		-	-		-	3.50	*	.61	2.76		.86
Acting straight	-		-	-		-	-		-	.76		.53	.38		.70
Intercept	.70		1.29	.01		1.04	.07		.50	.08		1.96	.25		2.57
(Averaged) Negelkerke R^2	19.1%			42.6%			54.7%			56.2%			64.6%		

†$p \leq 0.1$. *$p \leq 0.05$. **$p \leq 0.01$. ***$p \leq 0.001$.

Law enforcement cannot function without crime reporting, and short of understanding what factors may improve or hinder crime reporting decisions, any effort toward developing effective crime control policies seems quixotic. From both policy and research standpoints, we need a better understanding about the determinants of crime reporting. Compared to this vast need, the existing body of research is underwhelming. This is especially the case when it comes to identifying factors leading to reporting hate crimes and, even more so, when these crimes are motivated by an anti-LGBTQ bias.

There are a couple of aspects of crime reporting that are fairly well documented. First, we know that offense severity is the strongest predictor of crime reporting (Hart & Rennison, 2003; Tarling & Morris, 2010; Walfield et al., 2017; Zhang, Messner & Liu, 2007). Second, when it comes to victims' demographic attributes, age also matters with older victims being more likely to report crime. Yet, at the micro level, not much is known beyond these two factors, and whenever researchers tried to examine the predictors of hate crimes, identifying significant predictors has been difficult. Most recently, Wiedlitzka and colleagues (2018) found that none of the demographic variables, except for age, was significantly associated with reporting hate crime to police. They found no effects relative to victims' gender, income, education, employment, marital status, religion, citizenship or immigration status.

The combination of this knowledge gap and the high prevalence of hate crime victimization (Masucci & Langton, 2017) warrants the present investigation. Because an examination of factors associated with reporting *all* types of hate crimes would be impractical (e.g., racist crimes are very different from homophobic crimes), the scope of this research is limited to crimes motivated by victims' sexual orientation and gender identity. The focus has been further narrowed to the LGBTQ Latine immigrant community of Miami. The Intersectionality framework discussed earlier (Crenshaw, 1989) suggests that multiple forms of inequality compound themselves to create experiences and peoples' responses to them. Hate crime victimization and post-victimization outcomes are likely influenced by victims' identity and contextual factors of victimization. Being an LGBTQ person, being an ethnic minority, and being an immigrant all present a unique set of challenges with crime reporting. When these attributes are combined, they may ameliorate or exacerbate each other's effects. By focusing on a specific sub-population, a more thorough examination of other victim, victimization and post-victimization factors became possible.

Anti-LGBTQ hate crime reporting

These data show that a third of all respondents, and nearly a half of those who experienced violent and property crimes, expressed being concerned with reporting their victimization to the police. Yet even when victims do not have such concerns, many crimes still go unreported. Out of 400 interviews, only 60 respondents (15.1%) told us that the police were notified. This estimate is much lower than what was previously reported with this population. The 2003-2014 NCVS data show that 29.3% of anti-LGBTQ hate crimes came to the attention of law enforcement (Briones-Robinson et al., 2016). The difference is explained by the fact that the NCVS includes data only for violent and property victimizations, while the present research examined a wider range of incidents. If we are to look only at person and property offenses (physical assaults, sexual assaults, robbery, burglary and stalking), these data also show that a comparable percentage of offenses (31.7%) were reported to the police by the victim or a third

party. As such, this similarity of hate crime reporting estimates between the present research and the NCVS data should enhance the applicability of findings beyond the Latine community.

Victim attributional predictors

This research finds several statistically significant predictors of crime reporting concerns and reporting the incident to the police, the two outcome measures of interest. Data showed that older respondents were more concerned with crime reporting and, yet, more likely to report crime. This finding is consistent with earlier observations (Baumer & Laurisen, 2010; Hart & Rennison, 2003; Wiedlitzka et al., 2018) and suggests that older victims take their safety more seriously, even in light of the same crime experienced by their younger peers. Others have argued that adolescents and young adults are at heightened vulnerability for risky behavior which slows down with age as individuals develop a stronger cognitive-control system (Steinberg, 2007). One can argue failure to notify the police is a form of risk taking because of the danger of possible subsequent victimization. At the same time, the effect of age was not large, and it was washed away for both outcome measures after including victimization predictors in the analyses.

The relationship between victims' socio-economic measures and crime reporting is also of interest. Limited prior research indicates that persons in households in the lowest income bracket are more likely to be victimized (Masucci & Langton, 2017), and that low-income LGBTQ people downplay the severity of violence against them (Meyer, 2018; 2010). These findings should also suggest that the normalization of harm may deter crime reporting. In fact, the recent NCVS data analyses reveal that hate crime victims are more likely to report the incident to the police whenever they are employed and have a higher educational degree (Briones-Robinson et al., 2016). In contrast, the present study shows that higher income is associated with *reduced* odds of (a) being concerned with crime reporting, and (b) crimes ultimately becoming known to the police. Another socio-economic measure—years of education—is also negatively associated with *reporting concerns* and *police notification* measures. Taken together, these findings suggest that higher socioeconomic status victims have other protective measures, such as stronger family and social networks, they rely upon when dealing with hate incidents. Victim's LGBTQ identity and Hispanic ethnicity may also provide an explanation for this finding. Assumptions that apply to the general public may not hold with this community, and especially in light of recent research that suggests the relationship between economic disadvantage and crime reporting is strongly influenced by victims' race (Zaykowski, Allain, & Campagna, 2019).

Data also show that being married or partnered reduces the odds of both outcome measures. One possible explanation for this finding is that those in a relationship may feel safer and less needy of protection. It can also be that some of the crimes are perpetrated by partners (10.5% of respondents) and such assaults may be deemed less severe, making the victims less likely to report the crime.

Some evidence emerged about Cubans being less likely than non-Cuban Latine to report crime. It is possible that Cubans have lower confidence in the police's ability to handle the case, than immigrants from other Latin American countries. Although limited research suggests that Latine confidence in local police is lower than among whites (Krogstad, 2014), it was not possible to find any study that looks into confidence in the police among Latine by country of origin. This finding emphasizes the need to examine Latine as a heterogeneous category when it comes to victimization, crime reporting and perceptions of the justice system.

Incidents targeting transgender respondents were also more likely to be reported to the police. While adding victimization predictors reduced the influence of *transgender* on crime reporting, overall, the effect of this variable has been sizable, at least threefold, when compared to other sexual and gender minorities. Such a vast difference in reporting behavior cannot be fully explained by transgender persons' more frequent and more violent victimization experiences—these factors have been accounted for by the models. A more likely explanation is that transgender respondents are especially concerned with their safety, and even worried for their lives. Recent estimates show that at least 26 transgender and GNC people were killed in the United States due to fatal violence in 2018 (Human Rights Campaign, 2019), and at least 30 in 2019 (Wareham, 2019). As our respondents told us during the interviews, they are well aware of the daily risks they face in every aspect of their lives, and some even shared stories about their transgender "family" members who had been killed. While our research team did not have the ability to systematically capture these valuable sentiments, it is obvious that the concern is real, and reporting a crime is viewed by many transgender people as the only means of survival. In fact, several transgender respondents conveyed a clear sense of responsibility to report individual incidents in order to protect not only oneself, but also the larger community.

The analyses included three additional predictors pertaining to the LGBTQ identity—the *outness* scale, *recognizability* as a queer person, and *avoidance* of topics abouts sexual orientation and gender identity. The more "closeted" respondents are, the more they are concerned with crime reporting. We know from the existing literature that a third of LGBTQ victims do not report the crime because this would entail revealing their sexual orientation (Fundamental Rights Agency, 2014). Coupled with an observation that at least eight out of 10 sexual minorities conceal their sexual orientation (Pachankis & Bränström, 2019), we might have an answer about why so few hate crimes become known to law enforcement. Similarly, respondents who think that their LGBTQ identity is more recognizable, and ones that feel comfortable talking about topics related to one's sexual orientation or gender identity (e.g., openly discussing their same-sex partner in public) exhibit markedly lower odds of being concerned with crime reporting.

Taken together, these results raise new questions about the possible link between coming out and being comfortable with a queer identity, on the one hand, and crime reporting and violence prevention, on the other. There is just one caveat: while *outness*, *recognizability* and *avoidance* are associated with victims' concerns about crime reporting, these predictors did not seem to influence crime reporting itself (except for *recognizability*, which reduced the odds of reporting). This finding highlights a lack of correlation between the experiences of being concerned and reporting crime ($r = -0.03$, $p = 0.5$). The question whether coming out can be an effective hate crime control strategy is an important one, meriting future investigations.

Victimization predictors

Three cross-cutting predictors were identified—*violent/property crime*, *family know* about the incident, and *friends encourage reporting*. The experience of violent victimization doubles the odds of being concerned and increases reporting odds at least four-fold. This is not surprising given that violent victimization likely increases concerns for one's safety, and probably also assures victims that the police would do something in response to the crime. Previous research suggests that crime seriousness matters when it comes to reporting, especially

whenever the victim is injured (see e.g., Hart & Rennison, 2003; Tarling & Morris, 2010; Zhang et al., 2007). The present study, while affirming the importance of offense seriousness for crime reporting, also found that the support of one's social network matters even more. In fact, friends' encouragement to report the incident to law enforcement has emerged as the strongest predictor of *police notification*, increasing this outcome at least tenfold. The finding highlights an important protective function friends have within the LGBTQ community, including when it comes to reporting crime and seeking help. Lytle, Silenzio, Homan, Schneider and Caine's recent research (2017) found that, among LGBTQ individuals who sought support in dealing with suicidal ideation, reaching out to a friend was most common.

Informing family members about the crime is also an influential determinant of crime reporting, albeit to a lesser extent. The present study reveals that family members' knowledge about the victimization reduces the likelihood of being concerned with crime reporting, and triples the odds of the incident becoming known to the police. This finding may also mean that it was family members, as opposed to victims, who notified police.

Non-significant predictors

A large number of predictors did not emerge as significant. First, the victim-offender relationship did seem to effect crime reporting. Previous research produced inconsistent results on this topic. For example, Felson, Messner and Hoskin (1999) found that offender-victim relationship did not influence victim reporting, while Briones-Robinson and colleagues' (2016) analysis of hate crimes data suggests that *unknown offender* reduces the odds of reporting incidents to the police. Although it is possible that victims would be especially reluctant to report crimes committed by family members, and this would be even more so among LGBTQ Latine immigrants, the sample size of 400 respondents did not permit the disaggregation of the results beyond the dichotomous measure of stranger versus non-stranger. One would assume that larger samples, and associated greater statistical power, will detect varied effects by victim-offender relationship type. Another surprising finding refers to prior victimization experience. Overall, there was a wide range of the number of prior victimizations (*mean* = 5.31, *SD* = 10.06, *median* = 3.00, *mode* = 1). Yet, not only was this predictor statistically insignificant, but the odds were consistently equal to one, further confirming the lack of relationship between prior victimization and hate crime reporting (also see Briones-Robinson et al., 2016). Finally, the use of a weapon during the commission of a crime did not show a statistically significant effect, although this variable served as a strong predictor after removing *violent victimization*, the mediating predictor, from the analysis. Consistent with recent hate crimes research (Briones-Robinson et al., 2016), the use of a weapon markedly increases the odds of police notification (although it did not change the influence of *weapons used* over *reporting concerns*).

Section 1M: Predicting Socio-Behavioral Consequences of Victimization

Although victimization can have negative health and economic effects on victims and their families (see Prior Research), this section focuses exclusively on socio-behavioral consequences of victimization for Latine LGBTQ individuals, an area of research which garnered much less social science attention. The term "socio-behavioral" is used in this study to refer to human motivations, activities, psychological processes and interactions (with families, friends, coworkers, communities, and larger societies) as well as to potential changes in these behaviors/processes due to victimization.

Three measures of socio-behavioral consequences of victimization have been tapped into. First, respondents were asked about forced post-victimization relocation, 91 of them (22.9%) stated that they had to move to live elsewhere because of the crime. Second, respondents were asked about whether they maintained their normal community ties; 53 (13.3%) started that they had to start avoiding LGBTQ venues or friends because of the incident. Finally, respondents were asked if they had to start acting stereotypically "straight" as a result of a crime; 138 (34.5%) had to do that by wearing a different type of clothes or changing mannerisms hoping to avoid revictimization.

Table 22: Descriptive statistics – consequences of victimization

	M/%	SD
Dependent variables		
Forced relocation	.23	.42
Social isolation	.13	.34
Acting "straight"	.35	.48
Victim attributional and behavioral predictors		
Age	37.70	11.26
Cuban	.52	.50
Education	14.90	4.68
Full-time employment	.79	.41
Income - *low*	15.8%	-
- *mid*	76.5%	-
- *high*	6.3%	-
Married/partnered	.40	.49
Residential stability	.82	.38
Lived with family	.39	.49
New immigrant	.33	.47
Transgender	.06	.23
Outness	79.56	23.81
Recognizability	5.82	3.27
Avoidance of LGBTQ topics	5.27	3.91
Go out - *none/before 10pm*	18.3%	-
- *10pm-midnight*	56.8%	-
- *post-midnight*	24.0%	-
Drug use	5.26	23.23
Alcohol use - *none*	11.0%	-
- *some*	32.5%	-
- *frequent*	56.0%	-
Victimization predictors		
Offender is stranger	.49	.50

Violent/property crime	.35	.48
Weapon used	.13	.33
Prior victimization	5.31	10.06
Family know	.47	.50
Friends encourage reporting	.42	.49
Reporting concerns	.34	.47
Police notification	.15	.36

DV 3: Forced relocation

Dependent variable

Forced relocation, is a dichotomous measure of displacement caused by the incident. Respondents were asked: *Did you move to live elsewhere because of the incident?* The variable was coded 1 if the victim changed housing, and coded 0 if there was no relocation.

Predictors

To predict *crime reporting*, the analysis includes a battery of victim demographic/behavioral attributes, a battery of victimization characteristics, and a battery of post-victimization predictors. The first battery of predictors includes: (1) *age*, (2) *Cuban*, (3) *education*, (4) *full-time employment*, (5) *income* (low/middle/high), (6) *married/partnered*, (7) *residential stability*,[22] (8) *lived with family*, (9) *new immigrant*, (10) *transgender*, (11) *outness*, (12) *recognizability*, (13) *avoidance of LGBTQ topics*, (14) *going out time* (before 10pm/10pm-midnight/post-midnight), (15) *drug use*, and (16) *alcohol use* (none/some/frequent). The second battery of predictors taps into victimization characteristics including: (17) *offender is stranger*, (18) *violent victimization*, (19) *weapon used*, (20) *prior victimization*, (21) *family know*, (22) *friends encourage*, (23) *reporting concerns,* and (24) *police notification. Friends know* was excluded due to multicollinearity concerns. The third model combines a battery of victim demographic/ behavioral and victimization characteristics. The full model also incorporates two measures of post-victimization, (25) *social isolation* and (26) *acting straight*, both of which are also used as dependent variables in follow-up models. The full model is replicated with the completers' data analysis (see Table 23, last two columns).

Results: Forced Relocation

Model 1, including victim attributes only shows that victims were *more likely* to be forced to live elsewhere because of the incident when the victim did not have residential stability, lived with family, or was a new immigrant. Specifically, having a residential stability is associated with an estimated 54% decrease ($1 - 0.46$) in the odds of forced relocation ($OR = 0.46$, $p \leq 0.01$). Living with family members is associated with an estimated 60% increase in the odds of forced relocation ($OR = 1.60$, $p = 0.07$). Being a new immigrant is associated with an estimated 64% increase in the odds of forced relocation ($OR = 1.64$, $p = 0.07$). Model 2, which included only victimization predictors, shows that the forced relocation is *more likely* when the offender is not a stranger, when a weapon was used during the incident, or family know about the incident. In terms of the effect size, an offender being a stranger is associated with an

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[22]Despite the conceptual similarity with the outcome measure, *residential stability* was included as a predictor for two reasons. One, the victimization-related relocation refers to the past five years while *residential stability* refers to the relocation in the past 12 months only. Second, the outcome measure refers to the relocation forced by the incident while *residential stability* covers relocation for any reason (e.g., save rent, purchase of the house, moving for college, and immigrating to the United States).

estimated 66% decrease (1 − 0.34) in the odds of forced relocation ($OR = 0.34$, $p \leq 0.001$). The use of a weapon is associated with an estimated 228% increase in the odds of forced relocation ($OR=3.28$, $p \leq 0.001$). Finally, family members' awareness about the incident is associated with an estimated 114% increase in the odds of forced relocation ($OR = 2.14$, $p \leq 0.01$). The third model, which combines victim and victimization predictors, largely retained these associations, although *transgender* also emerged as significant predictors. The odds of forced relocation is associated with an estimated 78% decrease when a victim is transgender ($OR = 0.22$, $p = 0.08$). The full model, while consistent with earlier models, also revealed that *social isolation* was strongly and positively associated with *forced relocation* ($OR = 3.23$, $p \leq 0.01$), although there was no statistically significant relationship between *acting "straight"* and *forced relocation*. Finally, the completers' data analysis suggests that marital status may also matter. Respondents exhibited a significantly higher likelihood of forced relocation if they were married or partnered ($OR = 1.92$, $p = 0.09$).

Table 23: Predicting forced relocation

	Victim Imputed data, $n = 400$		Victimization Imputed data, $n = 400$		Victim + Victimization Imputed data, $n = 400$		Full model Imputed data, $n = 400$		Full model Completers data, $n = 245$	
	Odds Ratio	SE	Odds Ratio	SE	Odds Ratio	SE	Odds Ratio	SE	Odds Ratio	SE
Victim										
Age	1.00	.01	-	-	1.00	.01	1.00	.01	1.01	.02
Cuban	1.22	.26	-	-	1.46	.29	1.43	.29	1.42	.38
Education	1.00	.03	-	-	1.01	.03	1.01	.03	1.02	.04
Full-time employment	1.07	.33	-	-	1.02	.35	1.04	.36	1.60	.45
Mid-income	1.82	.63	-	-	2.71	.71	2.70	.73	1.34	.90
High-income	1.09	.55	-	-	1.80	.63	1.57	.65	.97	.78
Married/partnered	1.30	.27	-	-	1.30	.29	1.25	.30	1.92 †	.39
Residential stability	.46 **	.31	-	-	.40 **	.34	.36 **	.35	.30 **	.46
Lived with family	1.60 †	.26	-	-	1.38	.29	1.19	.30	1.34	.39
New immigrant	1.64 †	.27	-	-	1.48	.30	1.49	.31	1.70	.38
Transgender	.47	.71	-	-	.22 †	.82	.27	.81	.26	.98
Outness	1.00	.01	-	-	1.00	.01	1.00	.01	1.00	.01
Recognizability	1.04	.04	-	-	1.03	.05	1.02	.05	0.98	.06
Avoidance of LGBTQ topics	1.04	.03	-	-	1.04	.04	1.04	.04	1.08	.05
Go out 10pm-midnight	1.02	.40	-	-	1.11	.43	1.05	.44	1.02	.60
Go out post-midnight	.89	.31	-	-	.84	.33	.81	.34	.67	.44
Drug use	1.00	.01	-	-	1.01	.01	1.00	.01	1.00	.01
Some alcohol use	.82	.44	-	-	.71	.49	.64	.50	.47	.67
Frequent alcohol use	1.21	.28	-	-	1.33	.30	1.10	.31	1.13	.38
Victimization										
Offender is stranger	-	-	.34 ***	.27	.35 ***	.30	.32 ***	.31	.37 **	.42
Violent/property crime	-	-	.97	.30	1.11	.33	1.09	.34	1.34	.53
Weapon used	-	-	3.28 ***	.38	4.36 ***	.42	4.29 ***	.43	3.46 *	.53
Prior victimization	-	-	1.01	.01	1.01	.01	1.01	.01	1.01	.02
Family know	-	-	2.14 **	.27	1.95 *	.30	1.98 **	.31	1.69	.40
Friends encourage reporting	-	-	1.05	.31	.99	.35	1.00	.36	1.10	.45
Reporting concerns	-	-	1.46	.28	1.65	.32	1.43	.34	1.16	.45
Police notification	-	-	1.39	.38	1.62	.42	1.44	.43	.84	.55
Post-victimization										
Social isolation	-	-	-	-	-	-	3.23 ***	.39	2.04	.49
Acting straight	-	-	-	-	-	-	1.36	.32	1.41	.42
Intercept	.20	1.11	.20	.27	.06	1.22	.06	1.25	.11	1.58
(Averaged) Negelkerke R^2	9.3%		16.4%		25.3%		29.6%		28.7%	

†$p \leq 0.1$. *$p \leq 0.05$. **$p \leq 0.01$. ***$p \leq 0.001$.

Dependent variable

Social isolation is a dichotomous measure of changes in peer socialization post-victimization. Respondents were asked: "*Did you avoid LGBTQ/GNC venues or friends because of the incident?*" If victims continued interacting with their network, it was coded 0, and if they report avoiding LGBTQ venues or friends, it was coded 1.

Predictors

To predict *crime reporting*, the analysis includes a battery of victim demographic/behavioral attributes, a battery of victimization characteristics, and a battery of post-victimization predictors. The first battery of predictors includes: (1) *age*, (2) *Cuban*, (3) *education*, (4) *full-time employment*, (5) *income* (low/middle/high), (6) *married/partnered*, (7) *residential stability*,[23] (8) *lived with family*, (9) *new immigrant*, (10) *transgender*, (11) *outness*, (12) *recognizability*, (13) *avoidance of LGBTQ topics*, (14) *going out time* (before 10pm/10pm-midnight/post-midnight), (15) *drug use*, and (16) *alcohol use* (none/some/frequent). The second battery of predictors taps into victimization characteristics including: (17) *offender is stranger*, (18) *violent victimization*, (19) *weapon used*, (20) *prior victimization*, (21) *family know*, (22) *friends encourage*, (23) *reporting concerns,* and (24) *police notification. Friends know* was excluded due to multicollinearity concerns. The third model combines a battery of victim demographic/behavioral and victimization characteristics. The full model also incorporates two measures of post-victimization, (25) *forced relocation* and (26) *acting straight*. The full model is replicated with the completers' data analysis (see Table 24, last two columns).

Results

Model 1, including victim attributes only, shows that victims were *more likely* to avoid LGBTQ venues or friends because of the incident when they *lived with the family* at the time of the incident and when they report *daily alcohol consumption*. Having *lived with a family* is associated with an estimated 134% increase ($OR = 2.34$, $p \leq 0.01$), and *reporting daily alcohol use* is associated with an 180% increase in the odds ($OR = 2.80$, $p \leq 0.01$) of social isolation. In the victimization model, only *reporting concerns* shows a statistically significant effect ($OR = 1.84$, $p = 0.06$). The model combining victim and victimization attributes suggests that an increased drug use predicts social isolation ($OR = 1.01$, $p = 0.09$). This model also shows that whenever crimes are reported to the police, victims are more likely to disconnect themselves from the LGBTQ network: crime reporting is associated with an estimated 149% increase in the odds of social isolation ($OR = 2.49$, $p = 0.07$). In the full model, both post-victimization measures are strong predictors of the outcome. These measures also markedly improved the explained variance of the model (*Negelkerke R^2* increased from 20.9% to 39.7%). While the effect of *forced relocation* was large ($OR = 3.13$, $p \leq 0.01$), the effect was particularly pronounced for *acting "straight"* ($OR = 10.36$, $p \leq 0.001$). Finally, the completers' data analysis showed that country of origin may also matter. Being a Cuban-American is associated with an estimated 195% increase in the odds of social isolation ($OR = 2.95$, $p \leq 0.05$), although multiple imputations reduced the effect of *Cuban*, making this predictor statistically non-significant.

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[23]Despite the conceptual similarity with the outcome measure, *residential stability* was included as a predictor for two reasons. One, the victimization-related relocation refers to the past five years while *residential stability* refers to the relocation in the past 12 months only. Second, the outcome measure refers to the relocation forced by the incident while *residential stability* covers relocation for any reason (e.g., save rent, purchase of the house, moving for college, and immigrating to the United States).

Table 24: Predicting social isolation

	Victim Imputed data, $n = 400$		Victimization Imputed data, $n = 400$		Victim + Victimization Imputed data, $n = 400$		Full model Imputed data, $n = 400$		Full model Completers data, $n = 249$	
	Odds Ratio	SE	Odds Ratio	SE	Odds Ratio	SE	Odds Ratio	SE	Odds Ratio	SE
Victim										
Age	1.00	.02	-	-	.99	.02	.99	.02	1.01	.03
Cuban	1.24	.33	-	-	1.36	.34	1.51	.38	2.95 *	.54
Education	.99	.04	-	-	1.01	.04	1.00	.04	.94	.07
Full-time employment	.77	.40	-	-	.65	.41	.60	.47	.78	.61
Mid-income	.67	.85	-	-	.84	.91	.26	1.03	.16	1.28
High-income	1.36	.69	-	-	2.46	.75	.82	.83	.46	1.01
Married/partnered	.89	.34	-	-	.95	.36	.70	.40	.63	.55
Residential stability	1.27	.46	-	-	1.35	.48	1.77	.55	1.20	.74
Lived with family	2.34 **	.33	-	-	2.55 **	.34	1.84	.38	2.10	.51
New immigrant	1.44	.38	-	-	1.22	.42	1.15	.48	1.13	.58
Transgender	.56	1.12	-	-	.22	1.25	.62	1.26	.33	1.48
Outness	1.00	.01	-	-	.99	.01	1.00	.01	.99	.01
Recognizability	1.06	.05	-	-	1.09	.06	1.05	.07	.94	.10
Avoidance of LGBTQ topics	1.04	.04	-	-	1.02	.05	1.05	.05	1.10	.44
Go out 10pm-midnight	1.58	.51	-	-	1.71	.53	1.81	.62	4.13	.88
Go out post-midnight	1.09	.40	-	-	1.18	.42	1.22	.48	1.25	.66
Drug use	1.01	.01	-	-	1.01 †	.01	1.01 †	.01	1.00	.02
Some alcohol use	1.68	.55	-	-	1.67	.59	2.26	.65	.76	1.10
Frequent alcohol use	2.80 **	.35	-	-	3.08 **	.36	2.67 **	.40	2.71 *	.52
Victimization										
Offender is stranger	-	-	.71	.31	1.04	.34	1.33	.39	1.82	.51
Violent/property crime	-	-	1.18	.35	1.22	.40	1.46	.43	1.69	.56
Weapon used	-	-	1.31	.44	1.97	.50	1.15	.56	2.00	.76
Prior victimization	-	-	1.01	.01	1.01	.01	1.01	.02	1.01	.02
Family know	-	-	1.29	.32	1.20	.37	1.00	.42	1.41	.55
Friends encourage reporting	-	-	.82	.35	.85	.41	.75	.49	.55	.71
Reporting concerns	-	-	1.84 †	.32	2.38 *	.39	1.90	.43	1.94	.61
Police notification	-	-	1.47	.44	2.49 †	.51	2.75 *	.58	2.24	.83
Post-victimization										
Forced relocation	-	-	-	-	-	-	3.13 ***	.41	1.70	.53
Acting "straight"	-	-	-	-	-	-	10.36 ***	.43	14.53 ***	.59
Intercept	.04	1.35	.11	.31	.01	1.56	.00 ***	1.79	.01	2.30
(Averaged) Negelkerke R^2	14.5%		4.0%		20.9%		39.7%		45.5%	

†$p \leq 0.1$. *$p \leq 0.05$. **$p \leq 0.01$. ***$p \leq 0.001$.

Dependent variable

  Acting "straight" is a dichotomous measure of changes in victims' behavior aiming to reduce their LGBTQ recognizability to prevent future victimization. Respondents were asked: "*Did you try to act more 'straight' because of the incident? By this we mean, for example, wearing a different type of clothes or changing mannerisms.*" If respondents continued acting as they did pre-victimization, their response was coded 0; if they reported changing their behavior to appear more "straight," their response was coded 1. This measure reflects victims' acknowledgement that their queer identity puts them at a greater risk for (re)victimization. This analysis captures various factors that may help these victims maintain an LGBTQ visual expression or change it to comply with heteronormativity. These predictors are listed below.

Predictors

  To predict *crime reporting*, the analysis includes a battery of victim demographic/behavioral attributes, a battery of victimization characteristics, and a battery of post-victimization predictors. The first battery of predictors consists of: (1) *age*, (2) *Cuban*, (3) *education*, (4) *full-time employment*, (5) *income* (low/middle/high), (6) *married/partnered*, (7) *residential stability*,[24] (8) *lived with family*, (9) *new immigrant*, (10) *transgender*, (11) *outness*, (12) *recognizability*, (13) *avoidance of LGBTQ topics*, (14) *going out time* (before 10pm/10pm-midnight/post-midnight), (15) *drug use*, and (16) *alcohol use* (none/some/frequent). The second battery of predictors taps into victimization characteristics including: (17) *offender is stranger*, (18) *violent/property victimization*, (19) *weapon used*, (20) *prior victimization*, (21) *family know*, (22) *friends encourage*, (23) *reporting concerns,* and (24) *crime reporting. Friends know* was excluded due to multicollinearity concerns. The third model combines battery of victim demographic/behavioral and victimization characteristics. The full model also incorporates two measures of post-victimization, (25) *forced relocation* and (26) *social isolation*. The full model is replicated with the completers' data analysis (see Table 25, last two columns).

Results

  Model 1, including victim attributes only shows that victims are *more likely* to start acting "straight" as a result of victimization if they: have higher income; live with family at the time of the incident; are LGBQ as opposed to transgender; or score lower on the "outness" scale. Having the mid or high income is associated with an estimated 228% and 258% increase in the odds of this outcome ($OR = 3.28$, $p = 0.08$, and $OR = 3.58$, $p \leq 0.05$, respectively). Living with family is associated with an estimated 89% increase ($OR = 1.89$, $p \leq 0.01$) and being a transgender victim is associated with an estimated 85% decrease ($OR = 0.15$, $p = 0.07$) in the odds of acting "straight". Furthermore, a one-unit increase in "outness" is associated with a 2% decrease in these odds ($OR = 0.98$, $p \leq 0.001$). The victimization model shows that *offender is stranger* markedly decreased the odds of acting "straight" ($OR = 0.58$, $p \leq 0.01$), suggesting that crimes perpetrated by family members, friends, or acquittances are more likely to trigger victim's adoption of heteronormative appearances or mannerisms. The model combining victim and victimization attributes confirmed the strong association between victims' income and their

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[24]Despite the conceptual similarity with the outcome measure, *residential stability* was included as a predictor for two reasons. First, the victimization-related relocation refers to the past five years while *residential stability* refers to the relocation in the past 12 months only. Second, the outcome measure refers to the relocation forced by the incident while *residential stability* covers relocation for any reason (e.g., save rent, purchase of the house, moving for college, and immigrating to the United States).

post-victimization behavior. Compared to low-income victims, those with mid- and high-income individuals were significantly more likely to act "straight ($OR = 4.11$, $p \leq 0.05$; and $OR = 4.63$, $p \leq 0.05$, respectively). Furthermore, victims who expressed concerns reporting crime to the police were more likely to change their behavior: *reporting concerns* is associated with an estimated 77% increase in *acting "straight"* ($OR = 1.84$, $p \leq 0.05$). The full model largely confirmed all the associations noted above. However, *Cuban* and *married/partnered* also emerged as significant predictors. Being Cuban is associated with an estimated 37% decrease in the odds of acting "straight" due to crime ($OR = .63$, $p = 0.08$), while being *married/partnered* is associated with an estimated 58% increase in *acting "straight"* ($OR = 1.58$, $p = 0.09$). *Social isolation*, however, was the most powerful predictor as it increased the odds by nearly tenfold ($OR = 10.04$, $p \leq 0.001$). Finally, the completers' model, in addition to confirming the reduced effect of *Cuban* ($OR = .50$, $p \leq 0.05$), also showed that prior victimization increases the odds of *acting "straight"* ($OR = 1.06$, $p \leq 0.01$). Overall, the completers' and imputed models showed consistency in effects cross both statistically significant and non-significant predictors.

Table 25: Predicting acting "straight"

	Victim Imputed data, $n = 400$		Victimization Imputed data, $n = 400$		Victim + Victimization Imputed data, $n = 400$		Full model Imputed data, $n = 400$		Full model Completers data, $n = 245$	
	Odds Ratio	SE	Odds Ratio	SE	Odds Ratio	SE	Odds Ratio	SE	Odds Ratio	SE
Victim										
Age	1.01	.01	-	-	1.01	.01	1.01	.01	1.00	.02
Cuban	.69	.24	-	-	.70	.25	.63 †	.26	.50 *	.37
Education	1.01	.03	-	-	1.02	.03	1.02	.03	1.07 †	.04
Full-time employment	.99	.31	-	-	.96	.32	1.06	.34	.98	.45
Mid-income	3.28 †	.68	-	-	4.11 *	.71	4.83 *	.75	3.98	.95
High-income	3.58 *	.60	-	-	4.63 *	.64	4.30 **	.66	2.69	.82
Married/partnered	1.49	.24	-	-	1.49	.25	1.58 †	.27	1.77	.38
Residential stability	1.29	.32	-	-	1.30	.33	1.33	.35	1.33	.50
Lived with family	1.89 **	.24	-	-	1.91 **	.25	1.59 †	.27	2.34 *	.37
New immigrant	1.21	.26	-	-	1.11	.28	1.05	.31	1.02	.37
Transgender	.15 †	1.06	-	-	.12 *	1.12	.16 †	1.12	.13	1.53
Outness	.98 ***	.00	-	-	.98 ***	.01	.98 ***	.01	.98 *	.01
Recognizability	1.03	.04	-	-	1.05	.04	1.04	.04	1.11	.07
Avoidance of LGBTQ topics	.99	.03	-	-	.96	.03	.95	.04	.97	.05
Go out 10pm-midnight	.80	.39	-	-	.95	.41	.82	.43	.36	.66
Go out post-midnight	1.13	.29	-	-	1.24	.30	1.22	.33	1.10	.43
Drug use	1.00	.01	-	-	1.00	.01	1.00	.01	.97	.01
Some alcohol use	1.03	.18	-	-	.63	.43	.55	.47	.36	.69
Frequent alcohol use	1.01	.01	-	-	1.31	.26	1.01	.28	1.01	.37
Victimization										
Offender is stranger	-	-	.58 **	.22	.86	.25	.85	.27	.79	.37
Violent/property crime	-	-	.99	.26	.96	.29	.90	.31	1.09	.43
Weapon used	-	-	1.21	.36	1.37	.41	1.09	.46	.57	.61
Prior victimization	-	-	1.01	.01	1.02	.01	1.01	.01	1.06 **	.02
Family know	-	-	.96	.23	1.07	.26	.97	.29	.74	.41
Friends encourage reporting	-	-	1.06	.27	1.07	.30	1.15	.31	1.79	.44
Reporting concerns	-	-	1.43	.24	1.84 *	.25	1.59	.31	.98	.46
Police notification	-	-	.69	.37	1.08	.29	.79	.46	.52	.61
Post-victimization										
Forced relocation	-	-	-	-	-	-	1.36	.32	1.34	.41
Social isolation	-	-	-	-	-	-	10.04 ***	.42	12.88 ***	.56
Intercept	.26	1.07	.60	.22	.12	1.13	.15	1.18	.08	1.63
(Averaged) Negelkerke R^2	17.8%		3.6%		21.2%		33.0%		40.5%	

†$p \leq 0.1$. *$p \leq 0.05$. **$p \leq 0.01$. ***$p \leq 0.001$.

Discussion: Consequences of Victimization

This research examines socio-behavioral consequences of victimization for immigrant Latine LGBTQ individuals. While prior research has primarily focused on adverse psychological, physical, and economic harm caused by crime (see e.g., Duncan & Hartzenbuehler, 2014; Garnet et al., 1990; Herek et al., 1999; Poteat & Espelage, 2007), it is likely that victimization also affects socio-behavioral changes in survivors' daily lives. That would especially be expected for hate crime victims who are targeted because of their identity. Before discussing harmful consequences of victimization, it is important to note that not all of those socio-behavioral changes would be negative. A recent wave of movements, including Black Lives Matter and #metoo, represent positive collective responses to oppression, discrimination and crime. Jawk's (2013) work on transgender victimization showed how transgender survivors are coping with their victimization through active resistance and community empowerment. To borrow Durkheimian terms, hate crimes likely violate the LGBTQ community's "conscience collective," which in turn helps strengthen community cohesion by provoking "collective moral outrage" (Garland, 1991).

Whenever victims are targeted because of their identity, it is likely that, in order to avoid future victimization, these individuals or groups would conceal that identity: a Muslim may stop wearing the hijab and a disabled person may disguise certain disability (hiding one's race or ethnicity, however, would be more difficult). It was hypothesized that LGBTQ individuals would experience marked changes in their behavior to avoid future harm, whether this harm is coming from strangers or family members. Such changes would include *changing housing arrangement* by relocating to another more gay-friendly neighborhood, fleeing from an abusive partner, or escaping homophobic parents and siblings. A socio-behavioral change may also manifest through *a reduction in contacts with an LGBTQ network*. Earlier research showed that experiences with violent and property victimization are associated with a decrease in friendships (Wallace & Ménard, 2017) and that homophobic incidents predict reduced sense of school belonging and increased levels of withdrawal (Poteat & Espelage, 2007). These networks are indispensable for LGBTQ survivors, many of whom cannot seek shelter and support within their families due to stigma and intolerance still associated with queer identities. While an estimated 7% of U.S. youth population are LGBTQ, they represent an astonishing 40% of 1.6 million homeless youths in the United States (Choi, Wilson, Shelton, & Gates, 2015). Finally, it was also hypothesized that many LGBTQ victims will succumb to heteronormativity pressures of the communities they live in. As such, it was expected that these survivors would adopt stereotypically "straight" mannerisms and appearance as a result of victimization, and as a strategy to prevent future victimization by camouflaging their true identities and gender expressions.

These hypotheses found unwavering support. The descriptive results showed that, because of the most recent incident, nearly a quarter of victims had to leave their homes, more than one in ten began avoiding LGBTQ venues or friends, and a third had to adopt "straight" behavior by wearing a different type of clothes or changing mannerisms hoping this would prevent revictimization. This latter outcome was most recurrent and, perhaps, the most troubling one because succumbing to heteronormativity damages the fabric of the community by reinforcing an us-versus-them mentality. It is not uncommon for gay men to discriminate against effeminate gay men (Boso, 2016). In their early study, Bailey and colleagues found that, on average, gay men preferred men who described themselves as masculine rather than feminine, while lesbian respondents preferred women who described themselves as feminine (Bailey, Kim,

Hills, & Linsenmeier, 1997). More recently, Sánchez and Vilain (2012) reported that the degree to which gay men were preoccupied with masculinity and expressed anti-effeminacy accounted for 30% of the variance in negative feelings about being gay.

Strengthening what some call "sissyphobia" (Eguchi, 2010) can have several adverse consequences for the victim and the LGBTQ community as a whole. This research suggests that hate crimes may exacerbate internalized homo/transphobia, which has been associated with psychological distress and depression (Frock, 2000), lowered self-esteem (Thomas, Mience, Masson, & Bernoussi, 2014), AIDS-related risk-taking behavior (Meyer & Dean, 1998), greater relationship problems (Frost & Meyer, 2009), and intimate-partner perpetration and victimization (Badenes-Ribera, Sánchez-Meca, & Longobardi, 2019). Hence, a spiral of fear can produce a spiral of violence. Because a positive sense of self as a LGBTQ person has been linked to effectively coping with the stresses caused by victimization (Garnet et al., 1990), an adoption of "straight" behavior likely reduces the chances that these victims seek help and the support they need in the aftermath of the crime. Finally, sissyphobia likely hurts the collectiveness which the LGBTQ community has long relied on to advance equal rights and protect its members from bullying, discrimination and hate crime.

While a remarkable number of LGBTQ persons reported forced relocation, social isolation and "straight"-ification, it was expected that various victim, offense/victimization, and post-victimization factors exacerbate or ameliorate these consequences. The intersectionality perspective discussed earlier (Crenshaw, 1989) suggests that understanding hate crime victimization requires accounting for the layers of attributes and experiences that form an individual's identity and influences victimization effects. Zooming into immigrant Latine LGBTQ individuals allows for isolating the effects of immigrant status, race/ethnicity, and sexual orientation or gender identity to enable an investigation into how other factors contribute to victimization consequences. Although the three outcomes of interest are related, their predictors were somewhat inconsistent. The following sections will first discuss the finding for each outcome measure before expanding on their interconnectedness. Lastly, the limitations of this research are discussed.

Forced Relocation

The present study showed that the use of a weapon in committing the crime was the strongest predictor of forced relocation. This result is expected given that violent/property crime—especially whenever a weapon is used or displayed—likely makes victims worried about their safety. While it was not possible to locate other studies that examined this outcome per se, previous research on crime reporting suggests that offense severity is a strong predictor of reporting (Hart & Rennison, 2003; Tarling & Morris, 2010; Walfield et al., 2017; Zhang et al., 2007). Across all models, the use of a weapon tripled the odds of relocation. While these models did not detect a statistically significant relationship between *violent/property crime* and *forced relocation*, this is because the effect of *violent/property crime* was washed away by *weapon used*. After removing the latter from the model, data showed that experiencing violent/property victimization was associated with an estimated 38% increase in odds of relocation ($OR = 1.38$, $p \leq 0.05$). With the removal of *weapon used*, prior victimization also emerged as a significant predictor ($OR = 1.01$, $p \leq 0.05$).

Victim-offender relationship is another important factor influencing post-victimization relocation. Although such a relationship has been a subject of many criminological studies,[25] no

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[25] See e.g., Felson et al. (1999) about the influence of offender-victim relationship on crime reporting, and Kaukinen (2004) about the influence of this relationship on victims' help-seeking behavior.

attention has been paid to the association between victim-offender relationship and post-victimization forced relocation. The current data show that whenever an offender was a family member, friend, or acquaintance—as opposed to a stranger—respondents were markedly more likely to report changes in their home address. Controlling for whether a victim lived with a family member did not wash away this effect. The finding suggests that LGBTQ persons may be leaving their homes to flee the source of victimization, and this source includes family members' intolerance toward non-traditional sexual orientation and gender expression. The fact that family members' awareness of the incident was also predictive of forced relocation supports this assumption. Relative to other ethnic groups, Latine millennials are particularly likely to stay at home, even after establishing job security (Chavez, 2012). Being a queer Latine may subject these individuals to verbal and physical attacks within their immediate and extended families. The descriptive analysis shows that half of all offenders are non-strangers. While troubling, this finding is consistent with some of the earlier research on hate crimes (Masucci & Langton, 2017).

The length of residency in the United States also matters. The analysis shows that new immigrants—i.e., those who have been in the United States for less than five years—are more likely to relocate due to the incident, even after controlling for their residential stability (based on an assumption that new immigrants are less likely to maintain a stable address). The effect of *new immigrant*, however, was reduced and became non-significant after including victimization predictors. This change is largely explained by including *reporting concerns* in the full model because, as these data show, new immigrants are significantly more likely to have concerns about crime reporting ($r = .13$, $p \leq 0.001$). When removing *reporting concerns* from the full model, data showed that being a new immigrant was associated with an estimated 53% increase in the odds of forced relocation ($OR = 1.53$, $p \leq 0.001$).

Finally, the completers' data analysis also suggests that whenever victims are married or partnered, they are nearly twice as likely to change their housing due to victimization. It can be that some of the crimes are perpetrated by partners (10.5% of respondents), forcing the victim to flee their homes to avoid subsequent domestic violence incidents. A systematic review of domestic violence prevalence studies shows the highest rate (70%) of lifetime domestic violence is among Latinas in southeast United States out of all demographic groups analyzed (Alhabib, Nur, & Jones, 2010). While we do not have a comparable body of literature on LGBTQ Latine, it is possible that the rate of domestic violence incidents is also high within this community. We do know that our respondents and their families come from Latin American countries, the region with the highest rates of violence against the LGBTQ community (Brochetto, 2017).

None of the other behavioral or demographic predictors were statistically significant, and effect sizes for outness, victim's recognizability as an LGBTQ person, and avoidance of LGBTQ topics were very small. Nor did the victim's socio-economic status, attributable to employment, income, and education, show statistically significant influences over relocation.

Social Isolation

Only a small number of factors emerged as significant predictors of social isolation, measured as avoiding LGBTQ venues and events because of crime. Victims who live with their families are more likely to avoid LGBTQ friends and venues, which is intuitive, especially if the source of homo/transphobia is a family member. Substance use was also positively associated with social isolation. Victims tend to disengage from the LGBTQ community whenever they report frequent alcohol use and recreational drug use. With the current data, it is not possible to estimate to what extent substance use was triggered by victimization. However, because

homophobic incidents have been linked with various negative psychological consequences (Poteat & Espelage, 2007), including higher drug use rates in the neighborhoods of a greater prevalence of LGBT hate crimes (Duncan, Hatzenbuehler, & Johnson, 2014), there is a dire need for a further exploration of interdependencies among substance use, mental health, hate victimization and post-victimization socio-behavioral outcomes.

Furthermore, an interesting association emerged between crime reporting and social isolation. Whenever victims expressed concerns reporting crime to the police, they were much more likely to turn to social isolation. This association is expected because concerns for one's safety can trigger or even be triggered by social isolation, two negative post-victimization consequences that can keep exacerbating one another. What is less intuitive, and perhaps more intriguing, is a strong positive association between crime reporting and social isolation. A few possible explanations come to mind. First, because the crime was reported to the police, it does not mean that victims initiated reporting. Many cases are initiated by a bystander witnessing the crime or family member concerned for victim's safety. The correlation between *reporting concerns* and *crime reporting* is negative, as expected, but it is also very weak ($r = -.03$, $p = .09$). Second, after crimes are reported to the police, even if this was done by a victim, there are substantial criminal justice expectations for the victim that can make them more likely to disengage from the LGBTQ community. The criminal justice system expects them to testify, at times through subpoena, and sometimes at a public trial, and disclose their sexuality and private lives. Defense attorneys can exploit the victims' vulnerability because uncomfortable victims are less compelling. Such experiences may be traumatic for many of the victims, who ultimately choose to hide from everyone, including from the LGBTQ network. Finally, victims may turn to social isolation if the source of victimization is another queer person. While these victims may choose to report a crime, they might still decide to avoid interacting with the LGBTQ network associated with the offender (e.g., friends of an abusive boyfriend). Additional research is needed to understand the sequence of these events.

Acting "Straight"

Among the three dependent measures, *acting "straight"* had the greatest number of victim attributional predictors. First, unlike the previous two outcomes, *income* emerged as a predictor with the individuals of the middle- and high-income bracket showing markedly greater predisposition toward changing their gender expression, and this effect was still strong even with accounting for victims' level of education. Earlier research showed that persons in households in the lowest income bracket have the highest rate of victimization than all other income categories (Masucci & Langton, 2017). This relationship also holds with respect to hate crime victims. Herek and colleagues (1999) showed that lower annual income served as a significant predictor of anti-LGB hate crime victimization. One study also linked income with perceptions of the severity of victimization within the LGBTQ community. Meyer's (2010) in-depth interviews with victims of anti-LGBT violence in New York City showed that middle-class white respondents were more likely than low-income people of color to perceive their violent experiences as severe, even though the latter experienced more physical violence than the former. These valuable insights provide building blocks for the argument that low-income LGBTQ victims might be less likely to change their behavior, as compared to those with higher income, because they experience more violence and are more likely to normalize it.

Furthermore, victims who scored higher on the outness scale showed lower likelihood of *acting "straight"*. Recent research suggests that coming out to family is associated with liberal

political orientation (Pistella, Salvati, Ioverno, Laghi, & Baiocco, 2016), so it is possible that those with greater comfort with their LGBTQ identity are more politically liberal.

Family dynamics also matter. Individuals who are married/partnered and those who live with family members appear more prone to acting "straight" as a result of victimization. On the surface, these associations appear counterintuitive because family support should allow these victims to heal without having to reinvent themselves. Yet family members may also be encouraging the victims to adopt a more typical heterosexual behavior to protect them from future harm, or maybe even because of their own homophobic inclinations. Heterosexual marriages involving gay and lesbian persons can serve as yet another explanation. In this sample, 21 respondents, most of whom identified themselves as gay, reported being married to a woman. No matter what their relationship arrangements might be, being married to the opposite sex likely creates additional incentives for succumbing to heteronormative behavior, especially after experiencing a hate crime.

The relationship between *transgender* and *acting "straight"* is an even more complicated one. Data showed that transgender people were far less likely to adopt a straight behavior post victimization. For transgender persons, this question implied as behaving in accordance with their transitioning-into or post-transition sex (as opposed to sex assigned at birth), so some of the variation can be explained through the lens of the differential applicability of the survey question, as compared to gay men for example. But even within the 23 self-identified transgender respondents, gender expression issues formed a wide spectrum. In informal discussions surrounding this question between an interviewer and respondents, it became clear that while some transgender women were interested in appearing or sounding stereotypically female (i.e., to improve employment chances or attract a heterosexual male partner, for example), others were fully comfortable with being perceived as a transgender person. On average, however, transgender respondents appear more reluctant with emasculating or effeminizing their behavior due to a crime, as compared to LGBQ victims. While this study may have scratched the surface of our understating of post-victimization gender expression challenges, additional and more targeted research is needed with LGBTQ subpopulations.

Acting "straight" is also significantly associated with the country of origin. Cubans emerged as markedly less likely to adopt this behavior, compared to victims who originated from other Latin American countries (grouped in a single category due to small cell sizes and conceptual considerations discussed earlier). This finding is especially difficult to anchor against existing literature because of the lack of relevant studies. A possible explanation may lie in the fact that Cubans are the group most represented in Miami's economic and political positions of power (Aranda et al., 2014; Portes & Stepick, 1993; Vaquera & Aranda, 2017), and that Miami's other Latine immigrant groups view Cuban-Americans as a reference group when judging their own successes (Stepick et al., 2003). This sense of dominance and power may make LGBTQ Cubans more comfortable within their own skin, including when it comes to their gender expression. The victimization experience does not weaken that sense of power and belonging, compared to other immigrant groups. This Cuban dominance thesis, and its relationship to the LGBTQ victimization, merits further exploration. It is especially interesting why Cubans would be less likely to start acting "straight" but more likely—as these analyses show—to start avoiding LGBTQ networks post-victimization.

Connectedness of victimization consequences

The analyses revealed only one variable, *lived with family*, that served as significant predictors for all three outcomes of interest. Individuals who lived with their family members at

the time of offense were more likely to move out, face social isolation, and start acting "straight". Coupled with the related finding that, when an offender was a non-stranger, victims were markedly more likely to change housing or adopt heteronormative behavior, data suggest that victimization within families and community have especially detrimental effects for survivors. As the descriptive analysis shows, family members are no strangers to verbally and physically abusing their LGBTQ relatives (in this sample, 12% of incidents were perpetrated by parents and siblings).

In terms of the relationship across the three consequences' measures, data showed that the correlation between *social isolation* and *acting "straight"* is the strongest ($r = .36$, $p < .001$), and weakest between *forced relocation* and *acting "straight"* ($r = .15$, $p < .01$). The multi-variate modelling also confirmed these relationships. In fact, those who had to move out because of the crime were nearly 10 times as likely to adopt a heteronormative behavior. While it is not possible to pin-point to the sequence of these events, most likely they overlap, with relocation being more time-bound, and the two other outcomes being more continuous and potentially long-term. Together these findings provide strong evidence that, though post-victimization consequences may vary by victims' level of outness, living arrangements, or income. For example, there are multiple and interconnected negative effects of victimization felt by the vast numbers of victims. Interestingly, these consequences are not only a result of violent victimization. In fact, the *violent/property crime* measure did not predict any of the three outcomes indicating that verbal assault can be as detrimental to victims as physical violence or a threat of thereof.

PART 2: Prosecutorial Case File Review

This part of the report examines all hate crimes disposed by the Miami-Dade State Attorney's Office in 2005-2019. The focus beyond anti-LGBTQ hate crimes was triggered by two factors. First, the office has not processed a sufficient number of homo- and transphobic hate crimes to enable a meaningful analysis. Second, examining all hate crimes offered helpful insights about case processing, victim and offender characteristics, and evidentiary issues associated with these cases. In some way, learning about all cases involving hate crimes motivated by victims' race, religion, or other characteristics can help understand case processing nuances involving hate crimes against sexual and gender minorities.

Section 2A: Overview of Prosecution of Hate Crimes in Miami-Dade

The Florida Law provides for the reclassification of any felony or misdemeanor, where the commission of such offense "evidences prejudice based on the race, color, ancestry, ethnicity, religion, sexual orientation, national origin, mental or physical disability, or advanced age of the victim" (Fla. Stat. § 775.085(1)(a)). In other words, instead of creating new offenses based on prejudice against the victim, the Florida law provides stiffer penalties—so called "sentence enhancers"—for a conviction when an underlying offense is motivated by prejudice. While sexual orientation is included in the list of protected categories, the Florida law still does not recognize transphobic offenses as qualified for enhanced penalties. In 2019, the State Attorney has partnered with LGBTQ advocacy groups to convince the state legislators to have "gender identity" added to the list of protected characteristics.

This research suggests that while the state's hate crime legislation may have an important symbolic value, in practice, the statute is used seldomly. According to the most recent state-wide report, in 2018, there were 168 reported hate crimes in Florida that year (Florida Attorney General, 2019). Hate crimes motivated by the victim's race/color represented 43.5% of all reported hate crimes, followed by sexual orientation at 29.2%, religion at 18.4%, ethnicity/national origin at 7.7%, mental disability at 0.6%, and homelessness at 0.6%. No hate crimes were reported under the categories of physical disability or advanced age. Miami-Dade had 43 hate crime incidents in 2018, as reported by five out of more than 20 police departments operating across the county. Out of those 43 reported hate crimes, 17 were motivated by the victims' sexual orientation (Florida Attorney General, 2019). Twenty-four of the 43 hate crimes cases reported in the county overall were reported by the Miami Beach Police Department, which has a reputation for the most pro-LGBTQ community policing strategies in the county. Of those 24 cases reported in Miami Beach, 10 were motivated by sexual orientation. The Miami-Dade Police Department, which is the largest in the county and in the southeastern United States, reported seven hate crimes, which included two cases motivated by sexual orientation (Florida Attorney General, 2019, see table on p. 19).

While the Miami area has multiple police departments, there is only one prosecutor's office handling crimes motivated by prejudice. The present analysis indicates that most of the cases flagged as hate crimes by law enforcement do not end up referred to the prosecutor's office or, whenever referred, filed as such by prosecutors. Our efforts to identify and obtain *all* hate crime cases disposed of by the Miami-Dade State Attorney's Office yielded only 23 criminal cases involving adult offenders over a 15-year period, from 2005 through 2019.[26] These are all cases—not just those motivated by sexual orientation—disposed of as hate crimes or considered for a hate crime enhancer by prosecutors. Four additional cases flagged as hate crimes were still

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[26] Cases involving juveniles are sealed and not available for review.

pending at the time of data collection and, therefore, unavailable for review. Furthermore, cases filed prior to 2005 were housed outside the office and became logistically difficult to obtain; as such, they were also excluded. Finally, because the prosecutor's office did not have a system for flagging such cases, it is likely that there were additional cases considered for the enhancer over the past 15 years. Only the cases which prosecutors could recall as having been considered for the hate crime designation were included.

Out of the 23 cases disposed of by Miami prosecutors, 11 were motivated by homo- and trans-phobia, six by anti-Semitism or Islamophobia, five by racial or ethnic bias, and one by prejudice against the homeless and persons with mental illness (see Figure 2). Although the state hate crimes law does not acknowledge gender identity as one of the protected categories, it is noteworthy that the State Attorney's Office has pressed charges—battery with prejudice—in a case involving a transgender person. Out of six religiously-motivated offenses, four were anti-Jewish and two were anti-Muslim. In terms of the charges, the most common underlying offense was assault or battery (N=13), followed by criminal mischief or destruction/damage/vandalism of property (N=5), murder or attempted murder (N=3), and burglary (N=2; see Table 26).

It appears that prosecutors do not use the enhancer in the plea bargaining process, or at least there is no evidence of this happening in case files reviewed. There were six cases disposed of through guilty pleas and two additional cases in which some negotiations took place. In both of those cases, the defendant was represented by a private attorney. An email exchange between the prosecutor and defense counsel was included in cases files.

In 10 of the 23 reviewed cases, the defendant was sentenced to incarceration, eight cases were dismissed, four cases resulted in probation and/or community control, and one case led to diversion. The longest sentence was a 20-year prison sentence, although this second-degree murder case was ultimately disposed of without an enhancement. It appears from the notes that prosecutors considered the hate designation because the defendant viewed the victim's behavior of placing his hand over the defendant's shoulder as an unwelcomed homosexual advance, which triggered the physical altercation and subsequent murder. The information about defense counsel type was available in 16 cases: 10 defendants were represented by a public defender and six had a private lawyer.

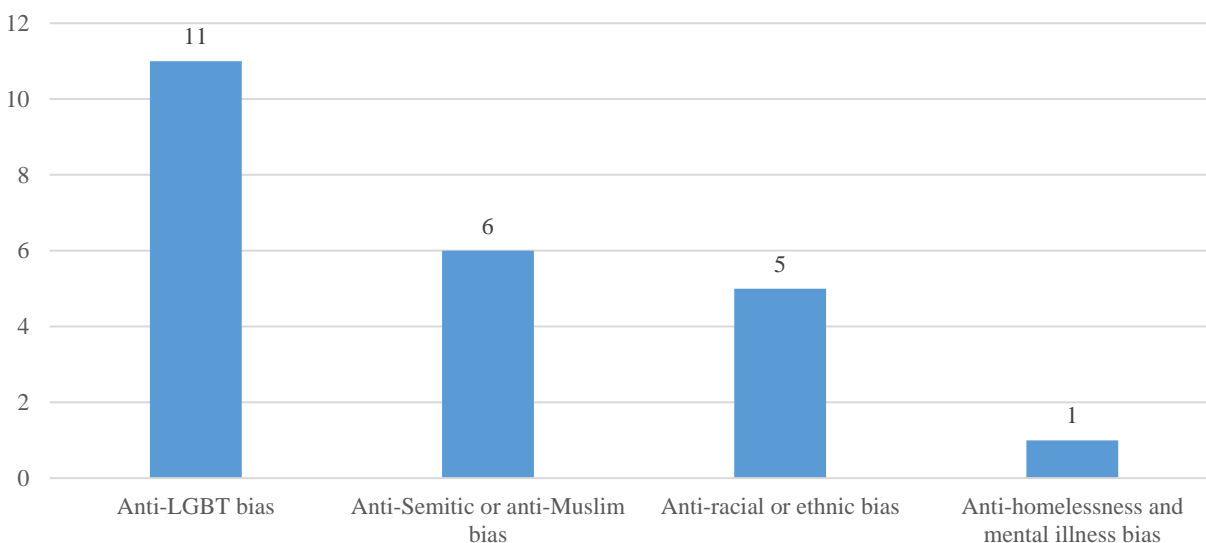Figure 2: Hate crimes disposed of by Miami prosecutors in 2005-2019 by bias type

Table 26: Victimization among all screened respondents ($N = 23$)

Primary Charges		Count
1	Assault/battery	13
2	Criminal mischief	5
3	Murder/attempted murder	3
4	Burglary	2
Total		23

Section 2b: Victim Characteristics

Judging by the 23 prosecutorial case files, victims of hate crime offenses in Miami represent a wide spectrum of individuals. In four cases, victims were religious organizations— two Islamic and two Jewish schools or temples. Whenever the victim was a person (as opposed to building or organization), they tend to be younger, male, and Black. On average, victims were 32 years old, with the youngest victim being 17 and the oldest 47 (note that whenever multiple victims were involved, the youngest age was used). Four victims were female and 15 were male. In terms of race and ethnicity, 10 victims were Black, six were White, one was "Hispanic", and one was Asian. Identifying the victims' sexual orientation is nearly impossible. Even in the 20-year prison sentence case mentioned earlier (see Section 2a), it is unclear whether the victim or the defendant was gay, even if the altercation was trigged by what was perceived by the defendant as a homosexual advance by the victim. In one case, the victim is identified by the police officer as a transgender person, but despite this clear acknowledgement of the victim's gender identity in the complaint/arrest affidavit, the rest of the case file shows inconsistent gender pronouns used in reference to the victim.

Section 2c: Defendant Characteristics

Compared to the victims, defendants in the 23 criminal cases examined were somewhat older and predominantly "Hispanic" (this term is used in case files). On average, the defendants were 35 years old, with the youngest being 18 and the oldest 73. In 13 cases, defendants were Hispanic. In four of these cases, the arrest affidavit marked Hispanics as "*Other*: Cuban", which is reflective of a common stereotype that Miami's Cuban-Americans prefer to be identified as Cubans rather than Hispanics. In terms of race, 17 defendants were White (including Hispanic White) and four were Black. Out of 23 cases disposed of by Miami prosecutors, only three involved a female defendant, suggesting that men are far more likely to be both victims as well as offenders.

While the employment information was not consistently completed in case files, eight individuals reported being unemployed and the others were identified as a security guard, driver, day laborer, or student. Psychological evaluations included in case files showed that in five cases, defendants exhibited the signs of mental illness: one was diagnosed with schizoaffective disorder, another with bi-polar disorder, and the third with "hallucinations and continued paranoid thinking." However, the majority of case files did not include any information about the defendants' substance use or mental health. In 20 cases, defendants were U.S.-born, while three were born in Cuba, the Dominican Republic, and Ecuador. None of these three appeared to be a new immigrant.

Another noteworthy finding is that, in nearly all 23 hate crimes cases examined, the defendant was a stranger. The review revealed only two incidents where the victim and the defendant knew each other (one was a neighbor and another an acquaintance). This is very

different from the LGBTQ interview data presented in Part 1, which shows that only half of the perpetrators were strangers. This striking contrast suggests that cases involving family members and friends are far less likely to be reported and/or classified as hate crimes.

Case files included data on prior record, which is understandable given how heavily the police and prosecutors rely on this information in case processing. Out of 23 cases disposed of by Miami prosecutors, nine defendants had a violent prior record for battery, assault, or carrying a concealed weapon. In four cases, defendants had prior drug possession charges, most typically for marijuana possession. In three cases, they had other types of non-violent criminal records, such as 2nd degree arson and soliciting prostitution. Five out of 23 defendants had no prior record. Finally, for two cases, no information on prior record was available on file. Despite the prevalence of prior record, the case file analysis suggests that identifying early warning signs of hate offending is difficult. There is no clear pattern of prior criminal behavior or modus operandi that could have raised red flags. Whenever defendants had a prior record, in some cases an extensive one, their current underlying offense was typically different. The diversity of past behavior and varied substance use and mental health histories make it especially challenging to predict future bias-motivated offenders. The lack of reliance on the social media information, as discussed in the next section, further reduces the criminal justice system's ability to identify early signs of offending.

Section 2d: Evidence Used in Hate Crime Prosecution

Case file reviews show that in order to capture a bias motive, law enforcement continues to rely on basic investigative tactics, often grabbing the low-hanging fruit without engaging in additional investigative work that may reveal corroborative evidence. Most evidence used was collected at the time of arrest or soon afterwards, but typically before case filing. At filing, prosecutors seem willing to consider the hate crime enhancer, especially if the evidence of bias is readily available. Not much additional investigatory work occurs after the case is filed for prosecution. The review also suggests that the enhancer is always considered at the early stages of case processing. It was not possible to find a single case in which the enhancer was added at a later stage because of newly discovered evidence stemming from additional investigative work.

An important focus of the case file review was to capture the range of evidentiary factors used for gauging hate motivation. Prior research suggests that prosecutors rely on verbal slurs as the most common types of evidence, followed by the presence of an eyewitness, location evidence, and confessions (Levin et al., 2007). The present study largely supports this finding. Evidence used in these cases is typically based on the derogatory language used during the attack or soon afterwards. The source of evidence can be a police detective, defendant, victim, or a bystander. Police officer's testimony is commonly used to demonstrate the prejudice, as captured by Complaint/Arrest Affidavit or Offense Incident Report. In one of the cases, the investigator testified that the defendant had told him: "*Every time he saw them [neighboring lesbian couple] kissing, he was disgusted…. They did not deserve to have children*". In another homophobic hate crime case, the police officer states: "*Let it be noted that the defendant in my presence called the victim 'a freakin' faggot' repeatedly. The defendant clearly showed anger towards the appearance of the victim.*"

Confessions were not uncommon either. In a case involving vandalizing a place of worship, the confession reads: "*I was not taking my psychiatric medication. I was delusional and I believe[d] that I had the mission to convert the world to Catholicism.*" In another religiously motivated offense, the defendant stated that he has been "*researching the Muslim religion for many years and they need to be removed from the western world civilization*".

In several cases, victim testimonies formed the basis for the hate crime classification. One such testimony shows homophobic insults which later led to a physical attack: "*You're a faggot. Gay people don't pay for nothing. What are you, trans? What do you want to be, male or female? This is why I hate gay people.*" In another case, the victim was attacked in a parking lot and later testified to police that the defendant had said to him: *"You're a fuck'n Indian. You are a fuck'n terrorist."*

Most case files suggest that prosecutors struggled connecting with victims and obtaining testimony in all hate crimes. This struggle was especially apparent in cases involving homophobic attacks. Some victims clearly make 9-1-1 calls, especially if the danger appears imminent or emotions run high. Once the police show up, many seem comfortable telling an officer what happened, and even asking to press charges. Yet once the case gets filed for prosecution, the victims start to disengage from the criminal justice system. In one of the letters sent to victims, a prosecutor writes: "*I need you and one other person from the group to commit to the trial next week. It is going to be very hard with just one person when other people were there. ...The defendant will walk away with nothing and you guys can be held in contempt of court if people don't start taking this more seriously.*" In another case, a letter sent to the victim states: "*Our record shows that you did not appear as notified for a conference in the above case. This is your second notice. Failure to appear may result in the dismissal of this case. You must appear at [location]. The defendant will not be present.*" Such strategies did not appear to be effective. In three cases, victims were subpoenaed. In at least two cases, victims have moved away to another address to avoid any involvement with the justice system.

The second type of evidence concerns location of a crime and symbols. Such evidence mainly pertains to anti-Semitic and racist motives. In a criminal mischief case, the defendant sprayed swastikas and "hail Hitler" using red paint (supposedly representing blood in the Holocaust) on a driveway, the house, and the mailbox of a Jewish family. When reading further into the case files, it became apparent that the daughter of the family was romantically involved with the defendant, and this behavior might have been triggered by the verbal altercation at a night club the night before. The defendant knew what would upset the victim and his family and proceeded accordingly. The case resulted in a sentence of two-years' probation and community service. In two Islamophobic hate crime cases, the defendant spray-painted over the name of the mosque and left a threatening message on the mosque's voice mailbox stating: "*Hate the Muslims. I hate all of you. I am going to go to your center and shoot all of you. I hate the Koran.*" Furthermore, in a widely-publicized case from 2017, a black firefighter found a noose hanging over a picture of his family ruined by lewd drawings. However, because establishing which of the firefighters from the department was behind this incident was not possible, prosecutors were unable to enhance the charges to a hate crime.

Social media is still an underutilized source of information when it comes to gathering the evidence of prejudice. The review yielded only one case which relied on a YouTube video. The case was initiated by someone notifying the police officer about the video which showed the defendant punching a homeless person in the groin while he was asleep. The victim was identified as a local homeless male who has been documented by the Miami Beach Homeless Outreach Team. The video footage clearly depicts the defendant stating: "*Going to punch a hobo in the nuts.*" The defendant was then observed punching the victim after which he ran off and entered a vehicle before fleeing from the area. Later the defendant stated that he did it because it was funny. He was charged with simple battery with prejudice, but because he had no prior

record and the victim was in agreement, the defendant was diverted,[27] and the case was ultimately dismissed.

In four cases, video surveillance was used as evidence, although not to show the prejudice but rather to document an underlying offense. In an anti-Semitic case, the surveillance camera caught the defendant changing one outfit to another after vandalizing the temple. During another offense involving a homophobic attack—the neighbor setting fire to a mattress that was leaning against the victims' trailer in which she lived with her partner and children—the recording showed the defendant in the commission of the crime. In a case of a transphobic attack, the surveillance camera showed how the defendant shoved the victim against her will onto the counter of a store while continuing with verbal attacks. Yet, because the surveillance cameras did not record sound, using such evidence for establishing prejudice against the victim was not possible.

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[27] A diversion program in the criminal justice system is a form of sentence, in which the defendant joins a rehabilitation program, in lieu of conviction, to help remedy the behavior leading to the original arrest. Upon a successful completion of a program, the case is dismissed.

PART 3: Practitioner Semi-Structured Interviews

This research also examines the criminal justice practitioners' perspectives about hate crime identification and processing. Ten practitioners were interviewed using a semi-structured, in-depth, interview technique (see Appendix for the interview instrument). These respondents include five prosecutors who handle hate crime cases in Miami, three detectives from the Miami-Dade Police Department (MDPD), and two victim service liaisons representing the prosecutor's office and the police department. The results are presented in seven topics of interest, with each topic including between three and eight themes, 37 themes overall. Some themes are broader than others, and some of them speak to more than one topic, although they were housed under the most relevant one. While many themes were related, a few of them were especially interconnected, making it difficult to split them across the topics. For example, the concept of a "real hate crime" has emerged from these conversations, and it encompasses the idea that such crimes have to have the physical manifestation of hurt as opposed to the psychological harm alone (Theme 7 under Topic 1), and they have to be perpetrated by a stranger as opposed to a family member or a friend (Theme 19 under Topic 4). The seven topics and 37 themes are listed in the table below.

Table 27: Topics and themes from practitioner interviews

Topics	Themes
1. Perceptions of prevalence and detection challenges	1. Perception of prevalence 2. The system's bias 3. Lack of trust 4. The police "fault" 5. Detection of familial crimes 6. Cultural differences 7. Physical hurt
2. Case initiation and investigation	8. Initiated by the media 9. First contact with victim 10. Burden of investigation 11. Strategic partnership 12. Variation among the police departments
3. Case filing for prosecution and hate crime enhancement	13. Case screening 14. Evidence visibility 15. Probing for evidence 16. False positives
4. Prosecutorial discretion and hate crime processing	17. Guidelines 18. Plea bargaining 19. Non-prosecution of familiar crimes 20. Power of the victim 21. Mens rea
5. External factors influencing hate crime enhancement	22. Minority status 23. Advocacy groups 24. Media coverage

6. Capacity to tackle hate crimes	25. Unfamiliarity with LGBTQ issues
	26. (In)appropriateness of the "are you gay?" question
	27. Discomfort with queer topics
	28. Existing training, or lack thereof
	29. Potential for effective training
	30. Outreach and recruitment
	31. Specialized capacity
	32. Social media underutilization
7. Socio-cultural, legal and logistical challenges of hate crime prosecution	33. The lack of social progress
	34. Jury selection challenges
	35. Leaving out transgender victims
	36. Legal constraints of the "partial" motivation by prejudice
	37. Logistical and resource constraints

The seven sections below correspond with the seven topics from Table 27. Each section shows relevant themes and summary of relevant findings (left column) as well as direct quotations obtained from respondents (right column). Quotes are accompanied by the letters P, D, and V, representing whether they belong to a prosecutor, a detective, or a victim service provider, respectively. Any further specificity was omitted to ensure participant confidentiality.

Section 3a: Perceptions of Prevalence and Detection Challenges

Themes	Direct Quote
1. Perception of prevalence Some detectives and prosecutors believe that hate crimes do not happen often because they see so few cases. Others think they are more prevalent than what the official statistics show, however, they cannot pinpoint why these cases come to their desk so rarely. The go-to answer for low numbers is the lack of reporting by victims. Then, even if some crimes are reported, victims do not disclose information about bias motivation. Much of the discussion with practitioners relied on hypothetical cases because the respondents, especially police detectives, have only limited experience dealing with hate crimes.	What do you guys classify as a hate crime? That's not something that come across often at all in any of my investigations. I have been doing this for three and half, almost four, years and I haven't seen anything come across as a hate crime. (D) I've had many LGBTQ victims, but it doesn't appear to be because of their …. (*LGBTQ status?*), right. … a lot of cases that I have seen with the LGBTQ community is that they're vulnerable, and it's never appeared to me that, okay, it's because they are part of that community, that's why they are targeted. (D) [We see these cases] very rarely. … I've had cases where it's not a hate crime, but its LGBTQ related. In order words, the victim was maybe gay or lesbian, they were involved in some activities, maybe prostitution or drugs, then they come into obviously being killed, and now then the parents find out they've been living this life that they don't approve of. (V) Some, well, I have never encountered it, but some can…if they are willing to come forward to report what happened to them. (D) I think it's a lack of reporting. I think that if more people from the LGBTQ community actually reported it, then I think that the number would be higher. (D) From what I've seen, the lack of reporting. People are not telling the police that it was LGBTQ connected. (P)

I know it exists. Like I said, we have the hate crime reporting system, but I don't…I haven't seen it come across my desk. I haven't seen or heard something on my peers' desk, as well. I know it's out there. I know it exists… (D)

2. The system's bias

Criminal justice professionals still have inherent biases against LGBTQ persons which may shape how they handle criminal cases. Victims, and especially LGBTQ victims, are not comfortable with the justice system which they perceive as out of touch and even unsafe. Transgender victims are most disadvantaged because practitioners are still unsure how to interact with them. Yet, some respondents believe that the LGBTQ community may not be aware how much more supportive the system has become.

There's still a significant amount of prejudice against LGBTs, it's still there, and the willingness to accept some of this stuff isn't great all the way through the law enforcement. It's improving, it's like anything where there's progress. (P)

Based on my experience hanging around here listening to people talk about it [transgender victims], cops talking about it and what occurred to him or her and they're laughing. And it could be utter bullshit. They could be completely making it up. But they were laughing and you couldn't tell whether they were laughing at the story or at the person. (P)

The system is judgmental. That's it. There's a lack of understanding. There's a lack of compassion for their needs [LGBTQ victims]. A lack of insight. Education. It's a lot of things. And level of discomfort when you don't have insight into someone. You know? Because they're different. They're different from what you're used to. (V)

I was called into the city for a trans woman who had been beaten by her boyfriend. She was beautiful. And the police were so uncomfortable talking to her. And I believe it was because they were attracted to her. And, so, they were laughing and giggling and I think they were so uncomfortable because they didn't know how to feel about being attracted to her. She was a gorgeous woman and they couldn't help it. You see that with the police. (V)

I think people are still scared of even with all the acceptance, people are still scared of being different. And I think that…and you know people are just scared of the system in general. … Yeah, a stigma. There's still a stigma to it. …They don't know if they're going to be accepted in the judicial system. (P)

I do think that probably—the LGBT community—that there is support for them in the criminal justice system. I do believe that, which is unfortunate because … I actually believe that is not true [that there is no support]. … I think that there's a misconception, you know? (P)

If they're transgender, they feel that they are going to be ridiculed by not only the perpetrator, who already victimized them, but then they can be victimized by the police possibly, so to speak. Say the report now gets filed. Now they can get victimized by the state, and they could feel that way. I'm not saying that's what is going to happen, but maybe that's their mindset. (P)

I think it's because they are scared to report. They feel that they are going to be ignored. … They think that the police is not going to be there to assist them. (V)

3. Lack of trust

LGBTQ victims do not report crimes because of the lack of

Do I think over 50% are comfortable? No. I think it's a somewhat low percentage. Society isn't very favorable to that community. Law enforcement is probably less favorable to that community, because the nature of what law enforcement is. From the perspective of the victim,

trust in the system, worries of a possible retaliation from the perpetrator, or discomfort of revealing one's own sexual orientation or gender identity. At times the subpoena power is used to overcome the lack of victim cooperation.	I think victims don't really trust the system. So, their willingness to report something is less because of their lack of trust in it. (P)
	I think that gay people are scared, and I think that, you know, most heterosexual people don't experience or understand, they think that coming out is a one-time process, but a gay person has to come out their entire life unfortunately. (P)
	I think there is barriers. I think a barrier could be fear of retaliation by the perpetrator because in the LGBTQ community, I would imagine, if you got attacked already, just like anybody got attacked, you would not want to get attacked again. So especially because they're being attacked solely for their orientation, I think that there's a fear of retaliation if I come out and say something: "I might get hurt some more." (D)
	Sometimes we actually had to go through the court system to obtain all the calls, texts, social media, anything where they could have any type of communication, and they're reluctant about it…and these are victims. Because they also, you know, I don't know if maybe it's because they're hesitant of coming out like that or maybe just don't want us in their business. (P)
4. The police "fault" Prosecutors believe that the police hold the key to capturing the evidence of bias motivation. If the police are unable to detect the incident and flag it as a hate crime, prosecutors have limited tools to remedy the problem. While prosecutors can initiate additional investigations, in practice, they rely on what the police see and tell.	Remember, we only respond to what the police do. The police are the investigative arm of society and then, we have certain ability to investigate but, really, they are our investigators. They bring it to us; we come after them. If they're not responding, we're not. We don't know about it. (P)
	We only get cases where an arrest is made. So, if there's no arrest, we wouldn't be involved at all. Unless victims come to us for whatever reason. We don't actively go out and investigate these cases by ourselves…. If someone doesn't catch it, if someone doesn't even think about the possibility of something being a hate crime, we won't know. We just won't know. (P)
	I don't know how many have been brought to our attention, how many got past the police. If the police accept some LGBT person's report and then screen it out, it could be a hate crime but the cop dissuades them from calling it a hate crime. And that will affect their willingness to talk about it down the road. They think no one will listen to them and it'll be frustrating. (P)
	There's fear of reporting, there's police officer's lack of knowledge and training, not asking questions when there is a question about it. (V)
	They [hate crime prosecutors] are working harder. We need a peer liaison in the police department who can look at those cases and can pick out hate crimes. Regular Joe isn't going to be able to do it. (V)
5. Detection of familial crimes Crimes committed by family members are especially unlikely to become known to law enforcement. Reporting homo- and transphobic domestic	I would think it's more difficult to prove the hate crime if it's family-related. For the obvious reasons. I'm not sure if we've had any cases in this office, and I'm not sure if the victim would want us to prosecute. There's a bond, a familial bond, even though [it was an] abuse. The trauma of the sexually abused child. Will he be a witness against his mother or father who is beating him? … It's your family. You may run

violence incidents may lead to the loss of housing and family network. After weighing the costs and benefits of reporting, these victims perceive the costs outweighing their need for justice and safety. Also, some victims are so used to experiencing violence, they may not know if the incident constitutes a crime and tell law enforcement about it.	away from home, and a lot of them do that. But you're not going to go to the police. (V) The question is now where does the victim go? If the defendant lives in the home, they have to leave. (P) Someone doesn't want to out their family, or they don't want to out themselves to the world. The barrier is still a feeling of shame or fear of being found out. (P) I could tell you I've known people who were seriously abused by family members and relatives, for being too girly acting, it was unreported. I'm not from, I'm not Hispanic, I can't speak for personal knowledge, but I think there is quite a bit of that going on. The system should be responding to those cases also. (P) Victims are often so used to hate crime treatment that they don't know to call it a hate crime. Unless they're educated, unless they have someone telling them otherwise. It's so common, they're so used to it. (V)
6. Cultural differences Different cultures have different thresholds for what should be reported to law enforcement versus handled within the families and communities. Differences among practitioners in upbringing and exposure to sexual and other minorities also influence how they view the incident and interact with victims. As such, detecting and classifying hate crimes can be inherently subjective.	Because there is so much background that they've experienced from their own countries all over the place, [they] become more suspicious of police, they become more suspicious of people. They don't understand why are you bringing this to the court, this is a family matter. (P) Also, culturally, that's something that also is difficult to get passed because some cultures don't accept the LGBTQ community and they will stay stuck in there no matter what. So, the upbringing… my upbringing was very different [then] that other officers from this department who were raised very traditionally in the sense that that was not accepted in their culture and their religion. (D) Like the Haitian culture here…they don't want anyone messing with their family situation, you know, and they think that they can do anything they want to children and their wives. It's horrible. It's almost the island culture, actually, but Haiti is a perfect example here. (P) If their culture or their religion doesn't accept that, do we educate the parents [not to use physical force when dealing with their LGBTQ child]? (P) …you have some cultures and some religions that don't accept that and that's a problem—that's going to [be] a huge hurdle to get over because some of those officers have those beliefs too. (P)
7. Physical hurt The criminal justice system is not well-equipped to make a timely response to the situation unless there is a "typical" crime with a physical manifestation of "real hurt".	Really, unless there's a physical manifestation, you really don't get the attention of the police and you don't get the attention of us. … [When they do] it's always a physical manifestation, the real hurt. … The problem is that when it's the psychological, you don't find out until it's too late. (P) You know it's the same thing when I think about human trafficking. Whether its males, females, whatever, we don't find them, we don't know about them until they are on the street, you know, after the damage has been basically done. We can't go into peoples' houses. (P)

For me? Only to the rise of physical injury … and the reason why I say that, because … unfortunately, emotional injury is not viewed as much of a crime as physical injury. The criminal system is not really recognizing emotional abuse. (P)

Section 3b: Case Initiation and Investigation

Themes	Direct Quote
8. Initiated by the media Most hate crime investigations are triggered from the news coverage as opposed to victim reporting.	We usually identify it [hate incidents] in the news, and then our attorneys contact the police department to get their information. (P) The biggest way I get a lot of my cases is through media attention. You know these cases have been hitting the media a lot so what happens is a lot of these cases that might go downstairs, I already see they're in the media and I will have already flagged them so as soon as the A-form comes in I already know that case is coming and I'll tell them, "You're not taking that case. Send it up to me." I'm not necessarily looking at social media. I mean like Miami Herald, WSVN, NBC6, even Miami New Times. (P)
9. First contact with victim Prosecutors recognize that the initial police contact is the key to collecting evidence. As time goes by, victims become less reliable or unavailable.	As far as the investigation, that's the best type of thing that can occur. If they investigate it right then and there. Over time, the investigation gets harder and it gets more difficult. Witnesses are more willing to talk to you right at the beginning, stories change, whatever else. Generally, it's recognized that cases are recognized at their best at the beginning. (P) Defendants that use Grindr or some of these other apps to go after victims because they think gay victims are going to be more vulnerable, easy targets. I think that could potentially rise to the level of a hate crime because you're picking your robbery victims on the basis of their sexual orientation and things of that nature, but you never know that's how they met and the circumstance. If it's just a robbery, I can't do anything about it if I don't know those circumstances and they may not tell anyone that, because if [this is] all they tell the cops. … So, I can only do, what I'm given. (P) It's hard to get that victim to cooperate, especially as time goes on…. I think that's our biggest hurdle, getting the victim's cooperation. I don't know if it's maybe because they are afraid or it could be a myriad of things. (P)
10. Burden of investigation Prosecutors are reluctant to burden the police with additional investigative activities commonly citing limited resources. Police detectives in turn do not raise the possibility of hate crimes unless the evidence of prejudice is apparent. They commonly	I can't ask them to go back and interview that one person, they've got 5000 other cases already. Sometimes when police arrest somebody, they're done with their work and they're onto the next case. To ask them to go back and do additional work when they've already done their part in their head can be problematic sometimes. So, sometimes, you don't have the investigative resources to be able to follow through. (P) My detectives are very good. They will help me, but Miami-Dade homicide, I think there are [about] 180 homicides this year. And that's just homicides…that's not all their called out to. …There is maybe 25 of them [detectives]. I'm having a hard-enough time having them wrangle

place the burden of coming forward with crime information and evidence on victims.	my witnesses, so they'll do it if I absolutely need them to, but I'm also having them go out into the streets at night time for a witness who may have seen everything. So, what do I want more of? Them finding me an eyewitness at 3:00 in the morning can call me and say they got her, or looking at someone's Facebook? Because I'm not going out to look for someone. And that comes back to resources. (P)
	When you bring a case to the state attorney's office, you want to make sure you have proof beyond a reasonable doubt that that crime occurred. So, for a hate crime we also have [to] prove that occurred and the motivation behind that was because they were part of that community. It's been difficult with that because, like I said, it hasn't really come across my desk. (D)
	…it goes back to the victim itself and reporting the whole incident. I cannot help you if I don't know what's going on. If you're a victim of a hate crime, the only way I would know is if you come and report it. (D)
	They're not going over there to investigate a hate crime. They're going there to investigate a crime that has occurred, if it's a battery or whatever has occurred. So, I think that the hate crime component is something that should be identified from the beginning, but unless it's said from the victim or if something is expressed from the victim saying that it could have been a hate crime, that's probably never going to happen. (V)
11. Strategic partnership A strategic cross-agency partnership to better identify and tackle hate crimes is lacking, or at least the practitioners are not aware of one. Existing cases are initiated through reactionary law enforcement tactics as opposed to targeted investigations.	Nothing specific that rings a bell that is being done right now [in terms of collaboration between MDPD and SAO]. It could be. That doesn't mean it's not happening, but as far as I'm concerned, yes, nothing specifically. (D) … as opposed to the Federal government, okay, we do reactionary crime. The crime happens, its reported, the police do their investigation, and now they bring it to us. As opposed to the Feds, they do the investigation, long-term investigations, which could potentially result in an arrest. We're kind of reactionary. (P)
12. Variation among the PDs Some police departments are better equipped to tackle hate crimes, so their collaboration with prosecutors is more effective. There is also a common (mis)perception that Miami Beach PD has reported more crimes because it has a larger LGBTQ community and, therefore, those crimes should be more common.	Miami Beach, they have a program for safe spaces where someone who believes they were the victim of a hate crime can go to be safe and report. They also have a hate crimes liaison. City of Miami also just came up with a hate crime liaison. They're trying. With the other departments, I'm not aware if they have a liaison with the community. (P) I'll be honest with you, it's different. There are some very good police departments and some I never hear from. Miami Beach for example is incredible. They have a liaison who reaches out to me. (P) I think even reporting it to police, people are nervous to report it, especially depending on what jurisdiction you're in, you know, you report a hate crime in Miami Beach, I think that it might be more receptive than if you were to report a hate crime in another jurisdiction, I can't think of one off hand. (P)

But because its Miami Beach, that makes absolute sense. … I wouldn't know the percentages, you know, per capita. As far as how many. I'm sure the numbers are huge. In regards to Miami Beach, I know they have very heavily populated homosexual community. (D)

Section 3c: Case Filing for Prosecution and Hate Crime Enhancement

Themes	Direct Quote
13. Case screening Hate crime designation is almost exclusively decided at case filing, although it can also be filed at a later stage. Information included in the arrest/incident report can pinpoint a possible hate motivation. The affidavit may specify derogatory terms used by the defendant or references to symbols indicative of prejudice. Hate crime prosecutors are notified by case screeners about the possible hate crime. If these prosecutors determine that the enhancement should be considered, they either handle these cases themselves or oversee their prosecution.	By and large it's happening at the case filing stage. It's a rarer circumstance where a case gets past filing and then someone recognizes it as a potential hate crime. (P) When a case comes into the office and is being pre-filed, we look at the facts presented to us. The reports, and what police officers and witnesses tell us, and what victims tell us. If we see a situation where it might possibly be a hate crime, we follow up to probe and see if we can put together whether it was a hate crime. (P) The person who's our case filer, downstairs, is going to see it in the arrest affidavit, assuming that there's additions in the arrest affidavit. They're going to bring the witnesses in, the victim, the police, to question them further about what's in this arrest affidavit. So that's when they would find out [it was the hate crime]. (P) We can file the enhancement at any time, and I would actually say that especially for the ones that comes through downstairs [the felony division screening unit], a lot of those enhancements get filed up later on in those cases. (P) …there is first a general conversation about what happened and then during that conversation if there are any signs that the crime may have occurred because of a specific prejudice or hatred. You know then they can ask what are the statements made specifically in cases where certain signals or symbols are indicative of hate—nooses, swastikas. A lot of hate crimes, for the most part, it's fairly clear that the motivation is due to hatred toward that group. It is fairly obvious in the arrest reports. … saying a specific word would not be enough to warrant a hate crime enhancement, but certainly within the context you can take that into account. (P) Cases will be funneled to us, and we'll assign them back out, with us overseeing them. If we collectively think that there is enough evidence, I want to stay in the loop throughout the dependency of the case. (P)
14. Evidence visibility If evidence of prejudice is clear, the police would purse the hate crime investigation and flag it for the prosecutor reviewing the case at filing. Prosecutors have no problem adding a hate crime enhancement, a decision they	If something was clear, like this person was targeted for that reason…because we would have to prove that. (P) I think, by and large, the office is looking at evidence to see if the evidence supports a filing of that. If it does, this office's hate crime unit has no problem filing a hate crime case. (P) The facts of the case- what I can prove. Whether I can make a good faith effort to continue. All the rest of that stuff, the community, the politics, I ignore that. (P)

justify through moral and logistical reasons. At case filing, the prosecutability is the most important consideration. Respondents could not speak to the issue of what happens when the evidence of prejudice is not readily available in the police report, albeit they acknowledge that pursuing such cases would be impractical because of the burden of proving the hate motive to jurors.

If we can't prove it, okay, that's different, but we wouldn't be charging it if we couldn't prove it. (P)

…if we go as far as to charge it as that, we're doing it because that's what it is, and we're not going to drop that. Unless we couldn't prove it, something happened…it would not be right for us to drop it. (P)

But sometimes they're pretty on the face and I kind of take the belief of if a defendant is yelling, "f--k you, you f----t," while they're beating them, I'm going to file the enhancement. I think it's pretty clear on its face. Now, if someone's made a Facebook post or something more subtle, it's going to be harder. You know, you have to get people to, you have to get juries to understand that as well. So, I usually err on the caution of filing the enhancement because, if I file the enhancement, I can argue it to the jury. The jury may not believe it, but if I don't file it, I can't argue it. So, if I have a basis, by a legal basis, to file the enhancement, I will. (P)

I think people need to be aware that these hate crimes exist and if we don't add the enhancement, people don't become aware of it. (P)

I don't know the exact technicalities but say it turns a sentence of 5 years to 25 plus because it's a hate crime, then absolutely, I'm for it. (D)

15. *Probing for evidence*

At case filing, examining the signs of hate motivation is not systematically done. The prosecutor's office has a multi-track system for case referral and filing, which leads to varied probabilities of cases being flagged as hate crimes. Cases that go through the *Felony Screening Unit* are unlikely to be identified as hate crimes because of the unit's assembly-line case screening process. This unit screens the majority of felony cases that are initiated by arrest.

You need a specialized attorney to be there [at filing], or they won't ask those questions. Not just anyone can do it. (V)

I would assume that unless it's blatantly apparent from the reports they have, they may not ask those questions. If there's a red flag within the reports they receive, or if the police officer mentions the word hate crime to someone, it might get brought up and sent to the supervisor. But it really depends on how diligent the intake attorney or the case filer is. (P)

The way they [prosecutors doing the pre-file] are asking the questions matters too. But I don't know. We don't have a set of questions where we check off and say "ok, there was no A, there was B, so it might be a hate crime". (P)

The way our office works is that a case is going to take two paths. Depending on the charges, it will go downstairs to the felony division screening unit, or they'll come to the division attorneys. Now, as far as identifying them as hate crimes, for the most part, when they come to the division attorneys—those are going to be your A and B prosecutors. A lot of them are good at noticing it. When that happens, they'll bring it to [hate crime prosecutors], and then it may get reassigned. Now as far as those other cases that go downstairs under the C level…That's an assembly-line filing. They're looking for the element, you know on a grand theft—did someone take the property? What's the value? You know? Etc. etc. Okay, good. I can file it. They're not really digging into the background, the behind the scenes. So, those cases, they probably don't get seen as much. (P)

16. *False positives*

You know, just because someone calls somebody a "n----r", doesn't mean that it's a hate crime. We have to understand the context in which that's done. (P)

Obvious signs of prejudice might be misleading, making the hate crime determination even more challenging. The use of derogatory terms and "fighting words" cannot always serve as an indicator of prejudice. The high prevalence of mental illness among those suspected of hate crimes, makes proving the motivation especially difficult.	But we could not charge this as a hate crime because, while the noose was there, which is obviously a symbol of hate, and that would have been a hate crime, but we couldn't attribute that to any one individual. … Do I think that it was racist, in my heart of hearts? I think it was, because I still don't see why they would pick on this man. It was an innocuous thing. (P)
	When the boyfriend paints the swastika for his Jewish girlfriend, it's to piss them off. Not to be hateful. (P)
	…that's actually what my defendants in the South Beach case are arguing. They're actually arguing, "that's our culture." Like Cubans, you say, "maricón," when you're fighting. Like that's just how you grew up. (P)
	A lot of people we are finding are being prosecuted for hate crimes, they have major mental illness. … these individuals are motivated by being crazy rather than race. (P)

Section 3d: Prosecutorial Discretion and Hate Crime Processing

Themes	Direct Quote
17. Guidelines In the absence of written guidelines for hate crime identification and case processing, decisions are made on a case-by-case basis. Prosecutors' views about a given group may influence how likely they are to look for hate evidence and file the enhancer.	Not as far as I know [guideline for hate crime decision making]. It's on a case by case basis. (P)
	As far as guidelines, I wouldn't say…I mean no. (P)
	There are a lot of really close calls. And a lot of it is prosecutorial discretion. (P)
	For people who don't agree with the premise of a hate crime, they won't appreciate how to prove and prosecute these types of cases. (P)
18. Plea bargaining Enhancement is not used as a plea-bargaining chip. Still most cases with the enhancer are disposed of through guilty pleas. Some defendants would not plead guilty because of the stigma associated with the "hate offender" label. At the same time, having the enhancer makes defense counsel worry about the trial outcome, which may encourage them to take the plea.	I can't think of an instance since I've been doing this that we've dropped the enhancement in exchange for a plea. I am of the belief, if the charge is there, if I can prove it, that's what you're going to take a plea to. Now, when it gets dropped, is when the whole case gets dropped, which is obviously a different story. (P)
	We don't use enhancements as leverage. If we have it, we file it. If we don't, we don't. Now, what we can do is [to] make a deal where they plead to a lesser, one that doesn't involve the enhancement. But we don't threaten to add an enhancement if they don't plead. So, yes, we can drop it, but we don't threaten to add it. (P)
	When we're talking to the defense attorneys … they'll take a plea, but not to that hate crime, because that brands him [racist]. And we are not dropping that because that is the reason, that's the sole reason this happened. (P)

19. Non-prosecution of familial crimes

Prosecutors pursue bias crimes involving strangers more aggressively. They view the crimes to be "real" if they result in physical injury (Theme 7), and are perpetrated by strangers. Cases involving family members pose significant moral dilemmas and investigative challenges, especially if the victim is a minor. Practitioners are struggling with drawing the line between "family business" and the public safety interest, often downplaying the severity of domestic violence incidents.

That is something we struggled with across the board…. I definitely think that strangers are treated much differently than when it's in the family. I would say that's an overgeneralized statement, but strangers 100% should be treated more aggressively. … They're more likely to be viewed as crimes, I think that they are more likely to be viewed as egregious. If I just walk up to someone on the street I've never met before and I do something, I think that shows a greater propensity to violence … versus a dad or an uncle or a brother, who hit a son, a daughter, you know, that could be indicative of a lot of reasons…. In Florida, we still recognize corporal punishment. … Have I seen a case where I've not prosecuted a battery between a father and a child? Yes. I think a number of them. (P)

In my opinion, the general consensus is that in domestic-related crimes, such as that, is maybe less offensive than the crime that occurs outside the home. … Maybe it is less offensive because, maybe it's like a disciplinary thing, like you're disciplining your children. (P)

So it comes down to the injury, you like…its going to be harder when the cops show up and the kid's been slapped around a little bit and the redness is already going down from their face. The unfortunate aspects of this reality is that's an incredibly hard case to process even if I believe the kid, for whatever reason. I ain't proving that to a jury. (P)

You actually have to get that younger brother to continue to go forward to prosecute his older brother. … If you're 16 years old, you're a juvenile. I can't necessarily talk to you without your parent. … What are the realities of it? Is your parent going to bring into my office and testify against your older brother? … There's so many things that while, yes, I would love to prosecute these, they become so much more challenging because there's so many more things that come into consideration. "Am I going to have my brother go to jail?" "He's going to lose out on, possibly, college." (P)

…you go to trial, 95% of the community is from countries, unfortunately, where… "why are you getting the police involved for? That's a family matter." When I pick juries, when I do jury trials on these issues, I spend over probably a third of my one year questioning potential jurors about how they feel about someone in a family calling the cops on another family member, and I will tell you that the vast majority of them are, "well that's for the family to handle. Why are you getting other people involved?" (P)

I've never necessarily handled a case where a victim was being abused in the home. I think from a prosecutorial standpoint it is very different from the [stranger crime]. … it's more complex and complicated when it's happening in the home. (P)

There's a lot of family dynamics I think we as prosecutors should look at. If someone's significantly in danger, yeah. But there are a lot of

other factors you have to look at for your victim. If that victim reports something to law enforcement and law enforcement investigates but doesn't find enough evidence and they leave, do you think the father is going to be more happy or less happy with that kid? What is the father going to do then? … Look at domestic violence. Sometimes the abuser may become more abusive if he gets pissed off. (P)

it's viewed differently. … I grew up in a household with a lot of siblings where you tend to fuss and fight, as opposed to a couple you don't know on the street that assaults you. I think that those two situations would be looked at differently … the stranger crimes get looked at more as opposed to the domestic one. … I'm not saying that it's right. I'm just saying that the stranger will always be looked at more heavily. (D)

20. Power of the victim When exercising discretion, practitioners weigh what is in the victim's best interest. The victim's reluctance to cooperate would likely lead to prosecutors not pursuing the enhancer.	I could see the situation where maybe we don't file the hate crimes enhancement because the victim doesn't want to be outed, but the victim still wants to move forward. So, I could see the scenario where we forgo the hate crimes enhancement in order to continue with the prosecution in general. (P) If I think dismissing is the right decision but the victim wants to move forward, I'll move forward. (P) Hate crime was reduced because the victim was reluctant to cooperate. (P)
21. Mens rea Determining that the offender intended to hurt the victim because of minority status poses challenges for every stage of case processing. Prosecutors often draw an analogy from homicide cases where they have to prove *mens rea* to obtain a conviction of a defendant. Yet some think that proving the motivation of prejudice—as opposed to an intent to kill—is even harder.	That is very hard, because that requires what's in the defendant's mind. So generally speaking, there is no direct evidence that tells us what's in the defendant's mind. So, basically, it depends on circumstantial evidence, you look at the surrounding circumstances. … So that's how it makes it more of a challenge versus well, how do I know it was premeditated? Well, I know it was premeditated murder because you know the defendant went here first, got the rope, went here, got some tape, went there, got a knife, then went to the house, waiting for them…that's much easier without any of the defendant's word, you can prove premeditation. (P) I think that is the hardest part because not all hate crimes cases are as obvious as the papers sitting on top of there, where the defendant is making the most obscene, obvert statements that you know. (P) A lot of the times, if there is a hate crime, we don't know it's a hate crime. What I mean by that is, say for example, you have an individual who is transgender whose body is found on the side of the road. We can maybe link that person to, say, prostitution, or something along those lines. It might have been a hate crime but we don't know; we only know that it's a murder. (D)

Themes	Direct Quote
22. Minority status Minority status matters when it comes to crime reporting and these crimes being classified as hate crimes. LGBTQ victims might be particularly disadvantaged because cooperating with law enforcement would require being comfortable with one's own identity. Some practitioners believe that offenses motivated by the victim's sexual orientation or gender identity tend to be more violent than those motivated by race or religion.	I think African Americans are a lot more willing to speak out about stuff, I think gay folks are increasingly willing. Not as it should be yet, but increasingly so. I think transgender folks are the least willing. [They are not] accepted in some sense by society so they're not going to be talking about it as much. (P) The barrier is still a feeling of shame or fear of being found out. As opposed to race, where you have no choice. Ethnicity, nationality, even sometimes religion. There's not that kind of stigma attached to it. But there's still stigma attached to being LGBTQ. Especially if you're transgender. And you might not get help if you ask for it. (P) I think that racism is a little bit different in some ways than the attacks for people for their sexuality. I think there's a different kind of… I think the attacks also tend to be more violent. More personal violence to their person. (P) Probably the departments that are closest to the Jewish community are probably the ones most responsive because there has been sort of the most community…you know, it's almost like a community crime. Whether it's a synagogue, a Shiva, whatever is being targeted, either with graffiti or people being harassed. (P)
23. Advocacy groups Advocacy groups can not only encourage victims to come forward to report crime, but they can also place pressure on the criminal justice system to enhance charges. The level of visibility and perceptions of these groups by practitioners is a consideration when handling hate crimes. All advocacy groups—whether they represent racial, religious or sexual minorities—can be effective in forcing law enforcement to pursue the enhancer.	Jewish are more willing to speak out. Muslim, probably less, given the national climate these days. So, Muslims, because they're a more disliked minority, they're less likely to speak out…. If you get the community supporting you, or supporting your claim, you're more likely to be listened to and worked with, than if you're an individual Muslim who comes forward on your own with something. That's not going to get as much attention. It's not an "accepted" minority. (P) [The LGBTQ community is] a big deal in Miami Beach because LGBTQ are more visible. In smaller locations, it's just not on their radar until it happens. (P) …political pressure probably helps bring it into the conversation. During election times, it's something that people could potentially use. (P) I mean they had a truck outside of the courthouse when we arraigned this guy with big signs with his picture on it, "racist," they're going to take advantage of that, you know? They're trying to highlight racism in this country and he just handed it to them. (P)
24. Media coverage Media coverage can put pressure on law enforcement to pursue hate crimes, but the media can also educate practitioners about such crimes. Practitioners have noticed that the news outlets cover more and	It shouldn't be affected [by the news coverage], but the reality is that the political pressure could play into it. I believe in the general sense it's entirely possible. In my time, I've seen too many instances of people trying to apply political pressure. And sometimes it could easily affect decisions. (P) It's only when the media is involved. We don't have officers walking into to discuss hate crimes. So, it is really underreported. Miami is still very backward, not an accepting society of people who are different.

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	So, victims don't report. They go to different agencies to get the help they need. (V)
more hate incidents, though the greater coverage does not translate into greater reporting.	It's something you hear more, especially on the news, more often. (D)

Section 3f: Capacity to Tackle Hate Crimes

Themes	Direct Quote
25. *Unfamiliarity with LGBTQ issues* Lack of understanding of sexual orientation and gender identity issues is common among law enforcement staff and even service providers. Greater capacity is needed to identify the signs of trauma and connect victims to appropriate services. Practitioners acknowledge that LGBTQ hate crime victims require more specialized counseling than what's currently available for them through the justice system.	If victims know that I or the officer is going to listen to them and believe them and not roll my eyes, that's what we need more of. You have to rely on your first responders to be professional. (P) I've seen contempt for the LGBTQ community. I don't see the love and compassion.... I'm working with a trans victim whose pimp threw acid in her eyes. She's legally blind. I put her in a shelter. A service worker called me and said "I'm concerned. Does she have a penis? Is she going to go after another woman?" (V) I think that we can do a better job of identifying specific counselors for their specific needs. I don't think a general counselor is going to understand. I think they need just like we have, literally, homicide counselors. Our homicide counselors all have experienced traumatic death in their life, you know, and that's what made them want to become homicide counselors. I would assume that there are people that want, you know just like they may want to work a hotline or phone line, they want to be counselors to people in the community to help them specifically with their concerns over sexual issues. I think we can do a better job on that. (P)
26. *(In)appropriateness of the "are you gay?" question* Police detectives are unsure if it is disrespectful to ask victims about their sexual orientation or gender identity. Instead, they expect the victims to initiate revealing their LGBTQ status. While some detectives may ask questions about sexual orientation based on the nature of the investigation, most police officers consider such questions as deeply personal. Practitioners believe victims would perceive such questions as offensive, which could compromise victims' willingness to come forward. Some still stereotype LGBTQ individuals based on	No, because since that's more a personal question to me...if a crime or anything leads me to believe that this was done to them on purpose for that reason, usually they would come out right away and say it, "I'm such and so-and-so, this is how I feel about it and I really feel they did it because I am that or I feel that way." (D) It's inappropriate because it's something personal. Some people also struggle coming out and if they're not ready to come out, as a detective, if you go out and ask if they are, they might say, "Why? Are you labeling me?" They can take it the wrong way. (D) Let's say it's a stereotypical case, the guy gets punched for his clothing, say its normal clothing, not really flamboyant, whatever, he's a big guy with tattoos... you wouldn't think that this guy fits the stereotype so to speak, and you were to ask that individual, "Sir, are you a homosexual?" He might really take offense to that. Let's say he's not. Let's say he's heterosexual: he would be really offended. ... If there's no indications that the person is, then why would the officer ask it? (D) I think it's an irrelevant question (to ask about being LGBTQ). It's irrelevant to the case. If the crime occurred, the crime occurred. (V) I think that's the risk of offending someone [by asking if they are LGBTQ], you understand what I'm saying? ... What if the person is not

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their masculinity or femininity, believing they cannot ask this question if someone is not an "obvious gay". Others, however, argue the manner in which this question is asked can be the key to making the victim comfortable.	gay? I'm thinking that the risk of trying to not offend someone, you know. I don't think it's an inappropriate question, however, I do think it's like I said, a fear of offending. (D)
	Are you asking as a homicide detective or a uniform patrol officer? It makes a big difference…. As a homicide investigator, we have to ask hard questions like that. We have to ask whether the victim, remember our victims are deceased, "Was the victim a homosexual? Did he use drugs? Was he involved in prostitution?" A lot of times we have to ask family members. That's a hard question to ask, but they are questions we need answers to. A road officer, if you're just responding to a call and some guy got hit in the eye, and you have to interview him, it might be a difficult question to ask somebody. Given the society, everybody is very sensitive nowadays, it might be hard for an officer, especially a young officer maybe not very experienced, to ask someone that question. They might be very reluctant to ask, "I'm sorry. Are you a homosexual?" If that person takes offense to it, that person can call in a complaint on them and say, you know, "I was treated unfairly…I was afraid of the officer," whatever, they can say X, Y, and Z. … I think as an officer and as an investigator you need to ask questions like that. … The way you pose the question and your approach can make a huge difference. If someone has a certain tact to it, they can say, you know, "I'm sorry, but I have to ask this question. Please don't take offense to it. Are you X, Y, or Z?" as opposed to, you know, "Are you…?" There's a difference in how it comes across (D)
27. Discomfort with queer topics Practitioners often need to think about other examples—from child abuse, human trafficking, and animal abuse—to respond to questions about anti-LGBTQ hate crimes, highlighting their limited experience dealing with such cases and victims, or their level of discomfort with the topic.	You know it's the same thing when I think about human trafficking. Human trafficking for us here is not people being sold into slavery. (P)
	I deal with almost the same problem in animal cruelty world…. I have to do the things I can do to help. I put people in jail for that. I also keep them from owning dogs in the future. I keep them from ever being able to do a hoarding situation again, you know, those kinds of things. (P)
	When we see it, young children, you know foster situations, where you have abusive kids, there's always a physical component to it. That's how we get to it. (P)
28. Existing training, or the lack thereof It is not clear how much training is available on hate crime prevalence, reporting, case processing, or interactions with victims of hate crime. Police detectives and prosecutors acknowledge that the victim engagement component can be a useful	Not that I have seen. It's possible. (*Could it be useful, do you think?*) Yes, absolutely. … I think it is very important we have more trainings, or at least an 8-hour course, or something to expose, okay, to talk to somebody about training. You know where you can ask questions. (D)
	When I started, there was very little training. I was pointed to pertinent statutes, and I did a little follow up research to try to learn the pertinent case law, but that was self-taught. (P)
	In this office? I haven't seen it. (V)
	We have a training on hate crimes for new classes that come in. Couple of hours or however long, a training on how to prosecute hate crimes. It doesn't deal specifically with LGBTQ, but with hate crimes generally. What constitutes a hate crime, what you need to prove it. Application

addition to the existing training curriculum.	of the law. It's not understanding witnesses, it's understanding the law. One of the things I was thinking about was an office-wide training on how to deal with LGBTQ and specifically with the transgender population. I went to a university and heard a transgender person speak, and she said sometimes the most basic questions have to be asked, like "what do you want me to call you". And that goes a long way, but we don't think about having to ask a question like that. (P)
	The way we work is when…we have a March class and an August class, and so those classes are usually for people who go through training. They literally in a classroom on the 4th floor being trained for 8 hours a day. So, they get the hate crimes training then. … [for everyone else] We did about two years ago a hate crimes training for the whole office. (P)
	We [prosecutors] have also offered to do training with the departments on how to identify hate crime cases. They don't take advantage of it. (P)
29. Potential for effective training Police and prosecutors think that training would be useful, as long as it is not yet another formality but involves people from the community who might have experienced similar victimization and who would not be offended by questions. Such exposure can give practitioners tools for interacting with minority victims. Training should also focus on identifying the possible red flags for hate crime motivation when dealing with suspects, victims, witnesses or case files.	If you want to be able to identify and handle them [hate crime] properly, then we need the appropriate training for it. … If it's interesting … you have an individual who is well-spoken and puts together a different presentation, it could be interesting. If it's not interesting, it can be quite boring… another hour block of training, etc. (P)
	This department does provide training. I've taken an advanced training on human trafficking and part of that course was to bring in a liaison from the LGBTQ community and they explained to them how they got involved with them, their experiences, and what made them want to become a liaison. So that was something that was really interesting and he was very, very cool. You know, he wasn't offended by any questions so we were able to be comfortable with him. (D)
	By and large, younger people are more open-minded to this kind of thing. So, you've got a more willing group of people to hear what you're saying. … Like anybody, any job, you eventually think you know everything. But we can all keep learning. (P)
	Show cops how to interview them [LGBTQ victims], how to talk to them and relate to them without being judgmental. (P)
	Beside the heightened sensitivity to it, more intensive training to identify factors or red flags [is needed]. For trafficking, we had a list of red flags to look for. Maybe something like that for hate crimes? A checklist? (P)
30. Outreach and recruitment Targeted community outreach and engagement efforts could yield more information about the experiences within those communities and the barriers to reporting. Closer ties are needed to increase awareness	More outreach, I think. Prevention, awareness, I would think. … I'm sure we can come up with a plan maybe through the public information department to create awareness specifically for the LGBTQ communities. (V)
	Having more LGBT members in the PD would help. But they'd have to be willing to talk about it and let other cops know they're LGBT. (P)

among the practitioners about the problems. Recruitment from marginalized populations can help with outreach and engagement efforts, which ultimately would lead to improvements in crime reporting and victim cooperation.	It's useful [to have LGBTQ hate crime prosecutors] because as the prosecutor, you can bring your perspective and deal with a victim differently. But it's not the solution. (P)
	A South Beach case, I don't think I would have them on board. …I don't think they would still be cooperating and, on board, if it wasn't for me opening myself up. So, for whatever that's worth. (P)
	Training of the police departments will help reporting. If you have seven advocates, make sure that one is LGBTQ. So, recruiting people who represent the community you serve. (V)
	If we had a liaison specifically to deal with victims, that would also maybe make them feel comfortable because somebody can connect with you on that level and understand what you went through. (D)
31. *Specialized capacity* The prosecutor's office does not have its own investigative capacity. The office can also benefit from a dedicated hate crimes unit whose prosecutors exclusively focus on hate crimes. Prosecutors also think that the police would especially benefit from a dedicated task force targeting hate crimes given that the initial detection of such crimes is a police function.	We have investigators, but they're not specifically for hate crimes. Trafficking unit has its own task force that has its own investigators and may share their resources, but we don't have anyone dedicated to us. (P)
	The State Attorney's Office has a unit for domestic crimes, they have a unit for human trafficking, but there is no unit for hate crimes. Maybe they would want to explore that option of having a hate crimes unit. (D)
	That could actually better be done at the law enforcement level. So, I think that there are ways in which the police can, if they wanted to devote resources to it, you know, they can. They have their ways to learn about things: through social media, through their contacts…I don't know whether it would be people who are attached to human trafficking, where exactly in enforcement it fits, but I think that they would be a better than us for social media. (P)
32. Social media underutilization Social media continues to be an underutilized resource for flagging potential hate crimes and gathering evidence of prejudice. Police detectives believe that social media can and should be more effectively used.	We haven't had any cases where we were able to use social media. Actually, the case where a homeless man posted a video on YouTube. In that case, the social media was helpful. But other than that, I can't say I've seen a case where it was pivotal one way or the other. (P)
	I think we have only done it [used social media] when we've been told [by the police about a possible hate crime motive]. (P)
	I am using social media on that…to dig in on the victim. That's what I use it for. You can use it to uncover motivation, but most people don't put up, aside from maybe white supremacists, most people aren't putting their bigotry on social media. … But that's another aspect of whether any of this is going to be admissible in trial is a whole other story. Does it give insight into who you are dealing with? 100%...I cannot think of any cases where I'm using social media as evidence but I've definitely used social media to get some background. (P)
	Oh yeah. For sure. On a lot of these cases, people have for whatever reason there are significant amount of people who take ideologies or religious, cultural, sentiment and share it and what to make it known to a lot of people. Those types of things are important warning signs. (P)

| | I know now they will put the victim flyer on Facebook. I'm not sure about Instagram, but I'm sure we post it on there, and we receive tips off of that through the process. …. Social media is awesome. It's great. If you want to get the word out, Instagram, is the way to go. (D) |

Section 3g: Socio-cultural, Legal and Logistical Challenges of Hate Crime Prosecution

Themes	Direct Quote
33. The lack of social progress The criminal justice system's treatment of minority groups is a reflection of broader societal views on a given group. The progress has been slow and largely driven by how society views the issues concerning minorities. The lack of support for LGBTQ rights by government leaders has hindered the progress toward equal justice and made some victims fearful of the criminal justice system.	In this country's history there's been prejudice all over the place, from anti-black onward. And it took a long to make society more accepting. And I think it's like any prejudice- it's going to take time. It's a cultural thing, a societal thing, that will take time to get over. Cops are just members of society. Prosecutors are. Judges are. We all have to change to make the system work right, and it's not a speedy process. (P) One. Acceptance…. I think that's one of the biggest battles right now that the LGBTQ community is going through. We have to look at everything and it all starts from up top. You have certain laws, certain politicians that are opposing their rights, the LGBTQ community's rights are being infringed upon. If you see someone from the top who is not more so fighting for you but more so opposing you, I think in that sense why they would be less inclined to say stuff, to say something, because the person that's actually supposed to be fighting for you is the person on the other side. They're the person against your cause. So, in that sense, if I'm a victim and I know the person that I'm supposed to turn to or the person that is supposed to help me get rights, get equal treatment, is opposing me, I'd be less inclined to come out and say something. (D)
34. Jury selection challenges Jury selection for cases involving anti-LGBTQ hate crimes has proved challenging. Prosecutors are concerned that they may not be able to get the jurors who are sympathetic toward LGBTQ issues and who would understand that the crime was motivated by prejudice.	Getting the jury to understand. What do I mean by that? Let's talk about an LGB hate crime. I don't know if this is going to be the first time that a juror has ever interacted with someone who's gay. That's legitimately a concern that I have. I try to vet all that out in jury selection, but you only get so much. So you have to basically introduce that person to the jury, you have to get them to understand an entire experience they may have never experienced, and then you have to get them to understand what this victim went through and why those words, those actions, that stuff should be considered a hate crime. I think that's one of the biggest challenges. (P)
35. Leaving out transgender victims The Florida hate crime statute does not cover gender identity, leaving the transgender community without the special protections it needs. However, in rare instances, prosecutors	A lot of people don't realize that gender identity is not a protected class, because usually sexual orientation makes it and sometimes gender identity makes it as well, but Florida has not added gender identity [to the hate crimes statute]…. Now, you could have a transgender person who is also homosexual…. you do not have to actually be gay in order to be a victim of a gay hate crime, because it's the perception of the defendant. So, we can get around some of the transgender stuff, because a lot of people lump sexual orientation [with gender identity]. (P)

are able to overcome this legal constraint by arguing that a transgender person was victimized also due to their sexual orientation.

36. Legal constraints of the "partial" motivation by prejudice The Florida statute does not specify that hate crimes can bein-part motivated by prejudice. The case law expands the hate crime designation to crimes that may not be motivated by prejudice but nevertheless showed bias. However, prosecutors are often discouraged to bring cases with hate crime enhancement to trial unless the evidence of prejudice is very strong.	This is weird about Florida too, the [case] law says if it is partially or fully motivated by hate, it can be a hate crime. But juries don't hear that. They hear "if it is motivated". There was a potential legislative change to tell the jury that it could be in whole or in part, but the Florida Supreme Court said no. The way the statute was written, it doesn't say in whole or in part, that was a judge's interpretation. So, the jury instructions didn't change. (P) The statute doesn't say partially or fully motivated. What says "partially or fully" is case law in the Stadler case. So, when you look at the jury instruction, it goes by what the statute says. … When the statute doesn't say that, it makes it difficult for us. Because, then you have to argue something different from what the judge has already said to them. We present the jury with standard instructions. But we can come in with case law and ask the judge to read them the correct language, but the judge doesn't have to do it. It's not something we can just do, it involves permission and sometimes appellate review. There are a lot of hoops you have to jump through to get the case law read [to jurors]. (P)
37. Logistical and resource constraints Logistical constraints prevent law enforcement from engaging with victims. Resource constraints and heavy workloads make it infeasible to search for the evidence of prejudice, and even to utilize social media for this purpose.	We actually built, not for hate crime, we built a building for human trafficking. [The state attorney] brought a fund, did some stuff, we have a building just for human trafficking. Our human trafficking victims don't have to come to this building. It's another building a couple blocks away. Now they have paralegals that go out as soon we find out they're victims…. We had that in domestic violence as well. (P) To accommodate, I do my best, but you know, it's not possible. I'd be driving all over the county. The defense attorneys would be driving all over the county. You know there is expense associated with that. Your court reporter has to travel, the defense attorney has to travel, I would have to travel. If I have to spend an hour to go to Homestead and take a 30-minute statement, I'm taking that hour down, hour back, away from everything else when our office is set up to offer transportation. To your concern, we have transportation. We actually have an entire unit in this office that does nothing but drives cars around the county, picks up people, and takes them back to wherever they need to be. (P) …to monitor and patrol social media, is a non-starter. I believe that's impossible. We never going to have the resources to do that. (P)

Discussion

Practitioner interviews have offered important insights into how the criminal justice system views and handles hate crimes, in general, and those against the LGBTQ community, in particular. The rich qualitative data, which emerged from semi-structured interviews of prosecutors, police detectives and victim service liaisons, have produced 37 distinct themes. Some of these themes fit well in *a priori* thematic codes, while others paved the way for important topics uncontemplated prior to engaging in discussions with these practitioners.

Similar to prior work (King, 2008), this research also finds that police and prosecutors do not believe that hate crimes pose a significant problem because they see so few cases. Even if some acknowledge that LGBTQ community members are vulnerable and might be victimized at a higher rate than straight peers, respondents do not think that LGBTQ victims are targeted because of their sexual or gender identity. Several respondents explained that LGBTQ victims are involved in high-risk and even illegal activities, such as clubbing, prostitution or drug use/sale, which makes them easy targets for criminals. Still, when asked directly about the accuracy of law enforcement statistics, some acknowledged that official numbers undercount hate crimes, and several possible explanations were provided for undercounting. By far, under-reporting is viewed as the most common reason for low hate crime caseload. Even if some crimes become known to the police, practitioners believe that victims fail to provide information that would enable flagging these crimes as possible hate crimes.

Even if the onus for hate crime detection is largely placed on victims, several practitioners also point to biases and stereotypes within the criminal justice system against LGBTQ persons, which prevent crime reporting. They believe that many victims, and especially sexual and gender minorities, are not comfortable with the justice system because these victims perceive the system as out of touch, unfriendly, and even unsafe. After asking probing questions, respondents brought up specific experiences when police, prosecutors, and victim service providers had shown vast gaps in their understanding of how to interact with LGBTQ victims. This gap is even wider when dealing with transgender victims, who are often misgendered or sometimes not taken seriously.

The hate crime enhancement is typically made at the onset of each case and it is uncommon to use the enhancer as a bargaining chip in plea negotiations. Generally, respondents believe that, if the evidence is strong, the case will move forward, which is also reflected in data from case file reviews. At the same time, the legal characteristics of the case are not the only ones that drive charge enhancement decisions. Several prosecutors brough up external factors that may influence a decision to enhance charges, and subsequent discussions produced three such well-defined factors—victims' minority status, the role of advocacy groups, and the influence of local media coverage. First, practitioners believe that victims' group identity matters, and that some groups are more willing to speak up and fight for justice than others. For example, some believe that African Americans are much more likely to report crimes, because they are comfortable being Black, as opposed to queer people, many of whom are still struggling with their identity. Second, the pressure from advocacy groups may increase the probability that a case will get classified as a hate crime. As one of the respondents notes, around elections, this pressure might be especially effective. Third, local media plays an important role in hate crime detection and prosecution. Practitioners heavily rely on news coverage to learn about hate incidents but also to stay informed about the nature and prevalence of such crimes. It was not uncommon for respondents to use references to news coverage to explain their answer. As some

noted, if an incident gets picked up in local news, law enforcement are forced to respond to the political pressures.

Consistent with earlier research (McPhail & Jenness, 2005), this study also finds that practitioners partly rely on their own vision of what constitutes a true hate crime. Conversations with multiple respondents have surfaced a concept of a "normal" or "real" hate crime, one that causes the physical manifestation of hurt, one that is perpetrated by a stranger as opposed to a family member, and one that has a clearly classifiable underlying offense, such as assault or robbery. Verbal assault is not a crime—as it was stated repeatedly—even if this represents an ongoing abuse with significant negative consequences. These cases are not provable, and, as one prosecutor stated: "the criminal [justice] system is not really recognizing emotional abuse." This concept of "real crime" has a strong resemblance with earlier work on sexual assault. Spohn, Tellis and O'Neal (2014) found that stereotypes of "real" rapes and "genuine" victims, as well as the pervasive myths underlying rape and rape victims, affected how prosecutors process rape cases.

The interviews showed a strong sense of ambivalence among the respondents about the job of prosecutors and police in handling hate crimes and assisting victims. On the one hand, practitioners are proud of the work they do, commonly referring to various cultural, legal, logistical and resource challenges they have to overcome on a daily basis. On the other hand, there is a sense of falling short in terms of work performance, especially in light of systematic failure to detect and effectively react to hate crimes. This ambivalence is exacerbated by the lack of clarity about what the police and prosecutors are supposed to do to address underreporting and serve victims. What was equally unclear is how much training was available for handling hate crimes. Some stated that all new recruits received such training, while others call themselves "self-taught", referring to learning about LGBTQ issues based on their own reading of online resources. Whenever training is offered, its focus is primarily on the content and application of the law, with little attention paid to how to interact and engage with LGBTQ crime victims to ensure their protection and cooperation with law enforcement.

Respondents have demonstrated varied degrees of (dis)comfort discussing LGBTQ victimization and reporting. While a few were very comfortable discussing these topics, most shied away from direct answers. It was not uncommon for a practitioner to respond to questions related to anti-LGBTQ hate crimes through the lens of their experiences with cases involving child abuse, human trafficking, or animal cruelty. This "topic avoidance" highlighted their limited experience dealing with homo- and transphobic hate crime cases and victims, as well as their overall discomfort with the topic. At times, respondents appeared concerned not to say anything that they thought the interviewer might view as offensive vis-à-vis the LGBTQ community. This discomfort was expressed not only through the content of their responses but also through pauses, unsteady eye contact, and changes in their body language when asked specific question about anti-LGBTQ crimes and reporting.

Respondents often asked the interviewer if it was even appropriate to directly query someone about their sexual orientation or gender identity. Almost all of them thought this was a personal question, and they did not want to offend anyone. In one of the interviews involving an African American respondent, the interviewer asked, "if we are to be talking on the phone, and I asked you if you were black, would you be offended?" The respondent rushed to say "I am a proud black person, and I would never be offended by that question." Then, the interviewer asked again "So why would a gay person be offended by a question about their sexual orientation." After a long pause, the respondent stated that he had never thought about it through

the same lens. This dialogue is not to argue that the issues of race and sexual orientation are the same, or even similar, but it offered a good outlook into how practitioners still think about the sexual and gender minority status, something that is still too personal and potentially offensive.

While hate crimes are initiated based on the victims' single character (e.g., race, ancestry or religion), in reality, crime victims have multiple identities that together increase or decrease the likelihoods of victimization and police notification. Earlier qualitative research on hate crimes' perceptions by prosecutors found that practitioners do not refer to hate crime victims with multiple identities (McPhail & DiNitto, 2005), which was largely confirmed by the present study. Practitioners seem to be more comfortable with talking about specific identities in isolation as opposed to their intersectionality. Different examples were brought up in reference to hate crimes motivated by victims' religion, race or gender identity, but they were never mentioned in combination. Hate crime prosecution already exposes detectives and line prosecutors to various "unknowns" about the crime and offenders' motivation. Thinking about how the victim's multiple identities may come together to contribute to their victimization could be overwhelming, forcing them to scale back to one dimension they can use to build the case and effectively communicate it with jurors.

What does it mean to explore intersectionality in prosecution of hate crimes? According to Kimberlé Crenshaw, vulnerable groups often face multiple forms of inequality; this creates additional obstacles not understood by conventional ways of thinking (Crenshaw, 1989). If an immigrant Muslim bi-sexual person or low-income black transgender woman with a disability is attacked because of their accent, appearance or body language, it is not always possible to deconstruct one's identity into specific attributes, and then compartmentalize them under the labels of race, gender, religion, or other categories. Because the system heavily relies on low-hanging fruit to identify and process hate crimes by only pursuing those crimes in which the evidence of bias is readily apparent, neither the interviews, nor case file reviews identified a single incident in which practitioners thought about victims' multiple identities. The hate crime investigation and prosecution are typically triggered by offensive language used by the perpetrator, and the derogatory term used by the offender determines whether a hate crime is viewed as motivated by race, ethnicity, gender identity *or* other victim characteristics. Once labelled as a racist, homophobic or anti-Jewish hate crime, the subsequent criminal case is processed and disposed as such. Thinking about multiple identities is not only overwhelming, but it may also be viewed by practitioners as impractical and unnecessary. If a prosecutor manages to enhance the offense to a hate crime on the basis of one of the protected victim characteristics, the punishment would not change by adding a second or third characteristic, yet it makes a prosecutor's task to prove yet another hate motive harder. This mindset is reflected in how the federal government (e.g., UCR) and state law enforcement agencies (e.g., DCJS, 2019; Florida Attorney General, 2019) report hate crimes by focusing on one victim characteristic only.

While this research offers fresh evidence about how one large jurisdiction detects and handles hate crimes, its methodology has several notable limitations. The study relies on ten interviews of prosecutors, police detectives, and victim service providers. The generalizability of these findings to other practitioners remains an important research question. One should note, however, that the problems identified here are likely to be even greater for prosecutors and detectives we have not interviewed because they would have even more limited experience dealing with such cases. The generalizability to other U.S. cities is also unclear: while Miami is unique in many ways, the State Attorney's Office is not vastly different in terms of its focus on hate crime prosecution. Many large and mid-size prosecutor's offices nowadays have a hate

crime prosecutor, or even a group of prosecutors, just like in Miami, although it is rare to have a dedicated hate crimes unit. Furthermore, the data did not allow connected practitioners' views to specific decisions. At the same time, because we requested to interview people most experienced with hate crime processing, most case files reviewed are likely to have been handled by them. The focus of this study was primarily on anti-LGBTQ hate crimes, and most of the discussion and hate crime cases reviewed covered a range of hate motivations. Thus, future research would be beneficial to assess practitioners' views about hate crimes motivated by various victim characteristics, and especially how these multiple identities are considered in practice. Finally, most research on hate crimes uses official law enforcement statistics and macro-level analysis, with very few studies focusing on qualitative in-depth interviews with prosecutors and police detectives, making these findings difficult to contextualize in light of previous research. While advancing the hate crimes research agenda through official law enforcement data is a valuable exercise, because of severe underreporting of such crimes, original data collection through practitioner, victim and even offender interviews has the potential to make an especially meaningful contribution to the study of hateful behavior and the related criminal case processing.

Study Limitations and Suggestions for Future Research

The study has a number of limitations, some of which are important to discuss in hopes of adding context to these findings and improving future inquiries into this topic. The mixed-method design is a clear strength of this research, but each of the three data sources enabling such a design—LGBTQ victim interviews, case file reviews, and practitioner interviewers—has its own set of shortcomings discussed below.

The LGBTQ victim interviews is the primary source of data for this research. The use of venue-based sampling represents a clear advancement over convenient sampling and online surveys commonly used in studies with hard-to-reach populations (see McInroy, 2016, about the issues with online surveys of LGBTQ persons). Earlier research with men who have sex with men (MSM), which informed the sampling design for the present research, yielded response rates as high as 82% (Stueve et al., 2001), 86% (Remafedi, 2002), and 88% (Fanzana, et al., 2001). Although securing such high levels of recruitment was deemed no longer feasible from the outset,[28] the research team made all reasonable efforts to improve recruitment. These efforts included offering a $40 incentive, using bilingual recruiters/interviewers who specialize in the LGBTQ population, wearing project specific t-shirts emphasizing the university affiliation and focus of the research (see Appendix E), developing strong interpersonal relationships with venue/event managers, and conducting a study in a large city with a sizable LGBTQ population. These efforts still resulted in a 17.3% response rate. Several explanations come to mind. It is possible that asking respondents about victimization discouraged participation more than perhaps asking about sexual behavior or substance use, as was done in earlier studies. Also, recruiting Latine LGBTQ respondents may pose unique challenges not documented in the existing body of research. But most importantly, a 20+ year difference between the earlier studies and the current one might explain a marked gap in LGBTQ respondents' reluctance to take part in research.

Another possible explanation for the current response rate is the length of the interview, which, on average, took approximately 30 minutes. This would not offer a likely explanation, however, for why 5 out of 6 respondents approached refused to participate. Interviewers found it difficult to make an initial contact as potential respondents were entering the venues before the anticipated length of the interview was even mentioned. The recruitment was easier once the potential respondent stopped, enabling the recruiter to explain the rationale behand the study, and emphasize the study's importance for the LGBTQ community.

Another significant limitation of the venue-based sampling is that it assumes that members of the target population attend venues and events when a sizable portion of the LGBTQ community may attend these venues/events only rarely or not at all (Fanzana et al., 2001). By default, these individuals do not have the same chance of being selected in the sample. Therefore, it would be reasonable to assume that the sample underrepresents potential respondents who are less comfortable with their LGBTQ identity and, therefore, avoid direct association with queer events and venues. Another shortcoming of this sampling approach is that individuals entering heavily trafficked venues/events have a lower probability of being enrolled in the study (Fanzana et al., 2001). To overcome this limitation, the number of interviewers—as few as two and as many as five—were assigned to each venue/event based on anticipated population size. But even with this strategy, recruiting participants was extremely time-

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[28] This impression was based on the research team's prior experience with recruiting Latine MSM respondents for qualitative research on HIV/AIDS.

consuming, took 15 months to complete, and required on-going project budget realignments.

Furthermore, the sampling design over-sampled gay (80.3% of the sample) and under-sampled lesbian, bisexual, transgender and gender-non-conforming victims. This was expected based on the development of the list of potential venues and events in Miami (phase 1 of sampling design), most of which are geared toward gay men. The stratification, although initially considered, was not possible given a modest sample size of 400 respondents, which would have prevented a meaningful disaggregation of the results. Also, using the stratified sample would have likely extended the recruitment period by additional months and further lowered the response rate.

It is important that future studies utilizing venue-based sampling take these factors into consideration. A recent review of 115 studies and 31 previous literature reviews from health and medical research on hard-to-reach populations acknowledges the severity of methodological and logistical difficulties of such research projects:

> "*Researchers continue to struggle to access, engage and retain participants from socially disadvantaged groups, resulting in labels such as "hard-to-reach" or "hidden"…. [S]ocially disadvantaged groups are difficult for researchers to access cost-efficiently in large numbers necessary for statistically powerful study designs. There are many reasons why socially disadvantaged groups are not included in health and medical research*"
> (Bonevski et al., 2014, p. 42).

While the health fields may continue to struggle with this line of work, the criminological field has barely scratched the surface when studying such populations, especially LGBTQ victims of hate crime. It is true that venue-based sampling holds potential for recruiting hard-to-reach populations. Yet, this approach needs additional testing and detailed documentation of challenges in order to improve its application in the fields of criminology and criminal justice.

Neither were the two other data collection modes—case file reviews and practitioner interviewers—without their set of challenges. The case file review yielded rich data about case processing nuances. However, given the current limitations in flagging hate crimes in the State Attorney's case management system, it is possible that some of the hate crimes were not captured by the review. As for practitioner interviews, these respondents were selected through a key informant, and therefore, the lack of random selection makes it difficult to judge to what extent their views represent those of their colleagues. While overcoming these challenges with the current study was not possible, future research projects should consider these insights when developing data collection plans.

Future research should also consider adopting qualitative components of LGBTQ interviews. The following note from one of the interviews provides a compelling reason why such research is valuable. As one of the respondents reluctantly said that they were satisfied with their interaction with the police, the interviewer asked why, just out of curiosity. The response was: "Well, because they did not hit me. They did not call me names, as it would have been the case in my own country." This contextual information did not make it into the quantitative results presented from these interviews, yet would have offered a better understanding about the levels of and reasons for (dis)satisfaction with the police. Furthermore, there might be several other predictors of victimization and their consequences not captured in this study. For example, previous research suggests that religion and religiosity may attenuate negative effects of victimization (Tamburello, Irwin, & Sherman, 2014), a topic that merits further exploration. Future studies assessing crime reporting should also try to gather data from emergency dispatch to help assess the extent to which some hate crimes can be captured by the system. Finally,

examining the nature, scope, and predictors of offending against transgender persons would help build the body of knowledge to curb their victimization. A study that covers the wide spectrum of the LGBTQ population would be unable to offer an in-depth examination of how hate crimes are experienced by unique subgroups under this umbrella term.

Implications for Policy and Practice

This document outlines seven policy recommendations for the Miami-Dade State Attorney's Office (SAO) and the Miami-Dade Police Department (MDPD), as well as other law enforcement agencies in Miami-Dade. The breadth and depth of these recommendations are reflective of the severity of the problems with anti-LGBTQ hate crime prevalence, identification and case processing described in this report.

The seven recommendations are designed to address:

1. Hate crime detection protocol
2. Specialized workforce development
3. Victim engagement in lieu of subpoena
4. Training of criminal justice practitioners
5. Changes in the hate crime statute
6. Data and research
7. Communication and awareness building

These recommendations stem from data analyses and the insights provided by local practitioners and advocacy groups (see the cover page). Furthermore, while these recommendations specifically aim to address anti-LGBTQ hate crimes, most of them are relevant to tackling hate crimes motivated by victims' race, ethnicity, religion, or other protected characteristics.

Recognizing that no single approach can make a meaningful improvement in hate crime detection, investigation, prosecution, and prevention, criminal justice agencies should consider implementing multiple recommendations simultaneously. Given that some of the recommendations will require resource reallocation, each agency should determine possible funding mechanisms, which in turn will have implications for the implementation timeline. Finally, the SAO and MDPD should assign responsibility and ownership for implementing these recommendations to a senior executive. In addition to managing ongoing logistics of this initiative, this person will also keep the agencies appraised of the progress in meeting the milestones.

Recommendation 1: Hate crime detection protocol

Establish a hate crime detection protocol by requiring:

a) *Emergency dispatchers* to ask a caller reporting physical assault, sexual assault, or intimidation/threat (i.e., the most common hate crime offenses), if they have been targeted because of their sexual orientation or gender identity.

b) *Patrol officers* to ask:
Do you think the incident was motivated by prejudice in any way?
    If *Yes*:
Was it because of your race, color, ancestry, ethnicity, religion, sexual orientation, gender identity, national origin, homeless status, or advanced age?[29]
        If *Yes*:

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[29] Note that "gender identity" is not currently covered by Florida's Hate Crime statute. See Recommendation 5.

Which of these aspects of your identity served as a basis for prejudice? It can be your actual identity, or as perceived by the offender. It can also be one or more aspects of your identity.

The officers should be trained as per Recommendation 4.

c) *Police detectives* to examine the social media postings by the suspect/defendant and victim, covering at least a three-month period preceding the incident when investigating physical assault, sexual assault, or intimidation/threat. Although, in some cases, the signs of hate crime can be on full display on social media, in most cases, the evidence of prejudice would not be readily available and will require further investigation. Community engagement and the development of the specialized workforce (as shown in Recommendation 2) will provide the insights about which social media platforms to examine more thoroughly (e.g., in addition to Facebook, include LGBTQ-specific social media platforms and apps).

d) *Case screeners* at the State Attorney's Office (SAO) to ask the police officer about possible signs of prejudice, even if there was no indication in the arrest affidavit that the crime was motivated by homophobia or transphobia. This question should be asked for all person and property offenses. The SAO should develop the screening decision review protocol which would aim to identify when and why screeners may be overlooking red flags of bias motivation. This can be done by randomly selecting up to 100 cases annually, and having a dedicated hate crime prosecutor look for potential screening errors or oversights.

e) *Prosecutors* to engage with the victim directly by asking if they are LGBTQ, and if the victim thinks that the crime was motivated by their sexual orientation or gender identity. Given that many, if not most, LGBTQ persons would not exhibit stereotypical signs of being LGBTQ[30], without asking a direct question, prosecutors would have no ability to flag the majority of bias-motivated offenses.

Rationale for Recommendation 1

Data show that 85% of incidents, perceived as crimes by LGBTQ respondents, go unreported. The earliest interactions the system has with the victims hold the greatest promise for detecting hate crimes. Victims are most likely to reveal details of victimization during the 9-1-1 call or first contact with the police, with many ultimately becoming reluctant to engage with the justice system. Note that 95% of LGBTQ victims report that they were victimized because of their sexual orientation or gender identity. Not asking a direct question about the possible hate motivation deprives law enforcement of an important opportunity to flag hate crimes and direct an investigation accordingly.

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[30] See for example, Moskowitz et al.'s (2013) research on physical, behavioral, and psychological traits of gay men identifying as "bears" who tend to reject the normative idealized gay beauty. It is likely that law enforcement practitioners perceive individuals from this subgroup as straight.

Develop a specialized workforce to identify, tackle, and prevent hate crimes, by:

1. Establishing the **Miami-Dade Hate Crimes Collaborative (MDHCC)** which combines prosecutors, detectives, patrol officers, victim liaisons, emergency dispatchers, researchers, and community experts. The SAO, MDPD, and other large police departments should devote at least one full-time prosecutor and detective so that their sole focus is on developing and implementing strategies for hate crime awareness, prevention, detection, and prosecution. An important function of the MDHCC should be community engagement through daily outreach to various vulnerable groups to educate members of the community about their rights, and how to protect themselves without compromising on their identities. Proactive law enforcement will require direct and ongoing partnerships with education and health services, among others, to gauge possible warning signs and target the conditions that foster hate offending. Whenever a crime is committed, the MDHCC should work with victims to ensure their safety, access to appropriate services, and encourage cooperation between victims and law enforcement. Through systematic and targeted community outreach efforts, law enforcement professionals will develop greater skills for victim engagement, which are key to successful prosecution. The oversight of the MDHCC should be established by an independent review panel, should Miami-Dade County establish one.

2. Creating a dedicated hate crime victim support center where hate crime victims can go to report crimes, seek help, and take part in depositions. This center should function as a satellite law enforcement office outside the SAO or police departmental headquarters. The decision about its site should be made in consultations with community groups. Central locations such as West Flagler or Little Havana (along SW 8th street) should be considered.

3. Recruiting police officers and prosecutors from the LGBTQ community, and ensuring their visibility, inclusion, comfort and safety in the workplace. To accomplish this task, the SAO and police departments should:
   a. Advertise new positions via queer social media and networks.
   b. Participate in local LGBTQ events and use these venues as an opportunity to demonstrate their commitment to preventing and effectively curtailing hate crimes.
   c. Include language about equality and commitment to tackling hate crimes in their mission statement.
   d. Develop clear anti-discrimination policies and oversee their enforcement.
   e. Train all staff on diversity and inclusion (also see Recommendation 4), and train HR staff on how to identify and handle challenges faced by LGBTQ employees.
   f. Build gender-neutral restrooms within the agencies and offices.
   g. Display pro-LGBTQ symbols and signage in the agency.
   h. Support and fund office-wide LGBTQ resources and affinity groups for their employees.

      i.   Invite inclusion and diversity experts to speak about LGBTQ issues and unconscious bias.[31]

4. Developing formal policies about how to affirm and support transgender coworkers and transgender victims or witnesses, and creating mechanisms for ensuring implementation of such policies.

Rationale for Recommendation 2

Data highlight the need for specialized hate crime workforce development with some staff being devoted solely to hate crime identification, prosecution, and prevention. Currently, hate crime prosecutors process all kinds of cases, in addition to hate crimes, which diminishes their ability to work with police, other government agencies and community groups to effectively detect, and prevent such incidents. A dedicated county-wide hate crimes collaborative will pull together necessary resources to address hate offending county-wide and overcome marked inconsistencies in case detection, prioritization, and investigation across Miami's multiple police departments. While swift and certain identification and prosecution of hate crimes should become even a greater priority, law enforcement agencies also need to better engage in proactive and community policing, as well as prosecution efforts. Closer ties with vulnerable communities would help prevent and successfully prosecute hate crimes. Such ties will also enable an increase in the current investigative and prosecutorial capacity. A complementary way to increase the current capacity to tackle hate crimes is by encouraging LGBTQ community members, and especially transgender persons, to apply for law enforcement positions, by hiring and empowering them, and ensuring their visibility and comfort within the agencies.

Recommendation 3: Victim engagement in lieu of subpoena

The SAO should pursue alternatives to its current subpoena policies with respect to LGBTQ victims. Instead, it should use the Miami-Dade Hate Crime Collaborative to engage with victims and encourage their cooperation (see Recommendation 2). As soon as an incident becomes known to law enforcement, the police and prosecutors should develop a strategy for victim engagement which takes into account victims' level of outness, family dynamics, social network, and prior experience with the criminal justice system. The SAO should consider conducting victim interviews and depositions outside the SAO office which will increase the chances of victim cooperation.

Rationale for Recommendation 3

Case file data show that victim subpoenas have not been successful in terms of securing victim cooperation when processing criminal cases involving anti-LGBTQ hate crimes. Victims are often subpoenaed to answer questions at a deposition or to supply documents needed for investigation. Such subpoenas threaten victims with a fine or a jail sentence if they fail to

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[31] For more on this topic, visit: www.payscale.com/compensation-today/2018/06/lgbtq-equality and https://www.hrc.org/resources/a-workplace-divided-understanding-the-climate-for-lgbtq-workersnationwide.

> appear for a criminal proceeding. The current practice is damaging the relationship with the LGBTQ community by deterring victims to report new crimes.

<div align="center">Recommendation 4: Training of criminal justice practitioners</div>

Conduct training of:

a) *Police patrol officers* to improve the techniques of victim engagement and hate crime detection. Effective training should be offered annually, and it should include the LGBTQ community members who can speak to the issues from their own experiences with violence and interactions with the criminal justice system, and/or advocacy groups that specialize in serving LGBTQ victims of crimes and discrimination. The use of case studies to provide visual demonstrations of positive and negative interactions with victims and community members is highly recommended. The training should focus on practical skill development, including how to observe, notice and document any evidence of possible prejudice, which will later assist detectives, prosecutors, and victim service providers with their respective efforts. The issues of misgendering and interviewing transgender victims/witnesses should be paid particular attention. The training should also include the presentation of research findings about the nature and prevalence of reported and unreported anti-LGBTQ hate crimes, as well as about the barriers to crime reporting. Another important goal of the training is to debunk the myths and stereotypes about the LGBTQ community and hate offending. For example, it should be made clear that asking the victim about sexual orientation or gender identity (using the wording described in Recommendation 1) is not an offensive question, although many practitioners continue to think it is. Also, training should include a section about the consequences of victimization, and it should clarify that verbal assaults and emotional harm can be as detrimental to victims as physical violence, although practitioners generally think that physical harm is an essential element of a crime. Furthermore, guessing one's sexual orientation or gender is not always possible, and the training should make it clear that gender stereotypes can be misleading and often result in law enforcement missing potential evidence of prejudice. Finally, the training should also include a section about identifying and handling homophobic and transphobic attacks and abuses by family and community members.[32]

b) *Police detectives* on the curriculum outlined for patrol officers, as described above. Additionally, detectives should be trained in evidence gathering, especially as it pertains to searching for relevant social media posts, interviewing witnesses, and utilizing community networks for identifying hate crimes. Special attention should be paid to properly recording and documenting evidence to ensure that prosecutors pick up on the information pertaining to bias motive.

c) *Case screeners* at the State Attorney's Office (SAO) regarding how to examine case complaint/arrest affidavits and supporting materials, inquire about possible evidence of hate motivation, and seek assistance from the hate crime prosecution unit. Case screeners should ask the police officer about possible signs of prejudice, even if there was no

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[32] Data showed that less than a half of hate crimes are perpetrated by strangers, although nearly all cases processed in Miami-Dade involve an offender who is a stranger. Practitioners commonly associated hate crimes with strangers.

indication in the arrest affidavit that the crime was motivated by homophobia or transphobia. This question should be asked for all persons and property offenses screened. Another component of the training should aim at enhancing case screeners' ability to flag cases where the evidence of prejudice is not readily apparent, which is likely the vast majority of such cases.

> ### Rationale for Recommendation 4
>
> Data show that some practitioners have limited understanding about crime reporting challenges faced by LGBTQ victims. As such, the burden of coming forward with evidence of prejudice is commonly placed on the victim. Police officers are uncomfortable with inquiring about victims' sexual orientation or gender identity, which further reduces the chances of hate crime detection. The capacity to identify hate crimes and engage with victims is vastly different across Miami-Dade's police departments, with the Miami Beach Police Department being the most focused on these issues. There is also a lack of consistency in screening for hate crimes at the SAO. Cases that go through the Felony Screening Unit are especially unlikely to be flagged as hate crimes because of the assembly-line screening process. Training on how to engage with LGBTQ victims, how to screen cases, and how to gather evidence, including from social media, will improve the system's ability to detect and effectively prosecute hate crimes.

Recommendation 5: Changes in the hate crime statute

Work with advocacy groups and LGBTQ community members to educate and put pressure on state legislators to amend Florida's Hate Crime Statute (Article 775.085 - *Evidencing Prejudice While Committing Offense*) in two respects:

a) The statute currently excludes "gender identity" from the list of protected classes making it difficult for prosecutors to enhance penalties if the commission of a felony or misdemeanor evidences prejudice against transgender individuals.[33]

b) The wording of the statute reads as "the commission of such felony or misdemeanor evidences prejudice", which does not make it explicit that the statute covers crimes which in any way constitute an expression of hatred. Adding "in full or in part" within the statute language would make it clearer that crimes do not need to be fully motivated by hatred.

> ### Rationale for Recommendation 5
>
> Research suggests that transgender persons, and particularly transgender women of color, are disproportionately affected by discrimination and hate violence. Adding "gender identity" to Florida's Hate Crime statute will offer the transgender community the special protection it sorely needs. This will also make Florida's statute consistent with the 2009 federal hate crimes law which includes "gender identity" among other protected categories. Furthermore, the current wording of the Florida statute does not make it explicit that offenses motivated "in part" by prejudice should be also reclassified as hate crimes. Its current wording creates

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[33] This list currently includes race, color, ancestry, ethnicity, religion, sexual orientation, national origin, homeless status, or advanced age of the victim.

obstacles for jury instructions and may even discourage some prosecutors from bringing cases with an enhancement to trial. The proposed changes will boost legal toolkits available to prosecutors to tackle hate crimes.

Recommendation 6: Data and research

The Miami-Dade Hate Crimes Collaborative (MDHCC; see Recommendation 2) should collect the following data on a monthly, quarterly, and yearly basis:

1) Emergency dispatch calls flagged as a possible hate crime, by (a) hate crime category (race, color, ancestry, ethnicity, religion, sexual orientation, *gender identity* (see Recommendation 5), national origin, mental or physical disability, or advanced age of the victim), and (b) location (census block or neighborhood);

2) Emergency calls made by LGBTQ victims, by (a) gay, (b) lesbian, (c) bisexual, (d) transgender, and (e) gender non-conforming/queer victims;

3) Hate crimes reported to the police, by: (a) offense type, (b) hate crime category, (c) type of relationship between victim and offender, and (d) police department;

4) Hate crime cases initiated by victim complaint, by: (a) offense type, (b) hate crime category, and (c) police department;

5) Hate crime cases initiated based on the information provided through social media, by: (a) offense type, (b) hate crime category, and (c) social media outlet;

6) Hate crime cases initiated based on the information provided through the traditional media, by: (a) offense type, (b) hate crime category, and (c) traditional media outlet;

7) Hate crime cases initiated based on the information from investigative efforts, by: (a) offense type and (b) hate crime category;

8) Hate crime cases referred to the SAO, by: (a) offense type, (b) hate crime category, and (c) police department;

9) Hate crime cases filed by the SAO, by: (a) offense type, (b) hate crime category, and (c) police department;

10) Cases enhanced to hate crimes, by: (a) offense type and (b) hate crime category;

11) Hate crimes in which the enhancement was considered, by: (a) offense type and (b) hate crime category;

12) Cases in which the enhancement was dropped, by: (a) offense type and (b) hate crime category;

13) Cases with an enhancer dismissed, by: (a) offense type and (b) hate crime category;

14) Cases with an enhancer dismissed, by: (a) dismissal reason (e.g., lack of victim cooperation), (b) offense type, and (c) hate crime category;

15) Cases with an enhancer diverted, by: (a) offense type and (b) hate crime category;

16) Cases with an enhancer disposed of through guilty pleas, by: (a) offense type and (b) hate crime category;

17) Cases with an enhancer brought to trial, by: (a) offense type and (b) hate crime category;

18) Cases resulting in trial conviction with an enhancer, by: (a) offense type and (b) hate crime category;

19) Cases with an enhancer resulting in trial conviction, by: (a) offense type and (b) hate crime category;

20) Convictions in which a custodial sentence was imposed, by: (a) sentence length, (b) offense type, and (c) hate crime category;

21) Potential hate crime cases in which prosecutors were unable to secure victim cooperation, by: (a) offense type and (b) hate crime category.

The MDHCC should analyze these data to examine trends, improve hate crime detection and case processing practices, educate criminal justice practitioners and community members, and develop strategies for effective hate crime prevention and prosecution.

Rationale for Recommendation 6

Prosecutors and the police should have a better mechanism for recording data on hate crimes to enable an examination of crime trends and criminal justice decision making. This research showed that the current data collection capacity in the SAO and MDPD is lacking. It is nearly impossible to track hate crimes as the cases are processed through the criminal justice system. In compliance with the Hate Crime Reporting Act (877.19), Florida has committed to collecting and disseminating non-identifiable data on hate crimes based on the monthly statistics provided by Florida's law enforcement agencies, however, the resulting data do not show what happens to these crimes following a victim report or arrest.[34] Furthermore, given that an overwhelming majority of hate crimes are not reported, or if reported, are not flagged as hate crimes, the current law enforcement data can lead to misleading conclusions about hate crime prevalence.[35]

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[34] "All law enforcement agencies shall report monthly to the Florida Department of Law Enforcement concerning such offenses in such form and in such manner as prescribed by rules adopted by the department. Such information shall be compiled by the department and disseminated upon request to any local law enforcement agency, unit of local government, or state agency." (877.19 (2) of the Florida Statutes)

[35] As Clawson articulates: "A core responsibility of government, and specifically law enforcement agencies, is to protect the civil rights of its citizens and to ensure civil relations between various majority and/or minority groups. Identifying and monitoring

Recommendation 7: Communication and awareness building

Engage in an effective communication and awareness-building campaign by:

a) Using traditional and social media platforms to communicate what specific steps your agency will be taking to address the problem of underreporting and under-detection of hate crimes (i.e., some crimes might be reported but not flagged as hate crimes). Specific messages should inform the general public and law enforcement that hate crimes are not always committed by strangers, and that verbal abuse and psychological pressure often experienced by LGBTQ victims can, in fact, constitute a criminal offense.

b) Implementing *"Tell Your Friend" and "Encourage Your Friend to Report Crime"* campaigns. The first campaign will reassure victims to speak out and tell their social network about their victimization experience, and the second campaign will inform the LGBTQ community that friends' encouragement to report a crime is by far the most powerful predictor of police notifications.

c) Publishing statistics on hate crime reporting and case processing outcomes (see Recommendation 6) on an annual basis. Such publications should have a clear disclaimer that these data capture only reported hate crimes, which does not represent all victimizations, many of which go unreported.

d) Giving detection, investigation, and prosecution of hate crimes the highest priority. This means rapid responses to crime reports and swift provision of victim services. Agency websites should have a dedicated tab on the main page or under the "services" tab which provides information about the hotline, what to expect after reporting a crime, and how to access services.

e) Forming formal partnerships with the local media and news outlets to help inform the community about hate crimes and to elicit tips from the media about possible hate crimes.

f) Empowering staff, rewarding good performance, and sending a consistent message across all levels of the office/agency about hate crime detection, investigation, and prosecution being a top priority.

g) Displaying LGBTQ-positive symbols such as rainbow decals on police cars and on the front doors of criminal justice agencies, and by encouraging police offices to wear flag pins or a pride patch on their uniform.

Rationale for Recommendation 7

hate crime activity can be an important component to government fulfilling these responsibilities. … The factors that one law enforcement officer may consider in determining whether a hate crime has occurred, another law enforcement officer may not think to consider such factors. Thus, the information or data that results from collecting the reported information tends to be disorderly, unmanageable, and nearly unusable. … Law enforcement personnel and agencies simply lack a process or mechanism by which to compile meaningful, useful data that may be reported and that can be used to develop a standard against which to measure and that can be used to track trends." (Clawson, J. J. (2014). Hate crime diagnostic and intervention tool for emergency dispatch. U.S. Patent No. 8,670,526. Washington, DC: U.S. Patent and Trademark Office. See para 3-5).

An external and internal communications strategy can educate the general public, the LGBTQ communities, and practitioners about the prevalence, nature, and underreporting of hate crimes. The results of this study show that friends' encouragement to report a crime increases the probability of police notifications at least tenfold. As such, a dedicated communications strategy will improve crime reporting. Data also show significant gaps in the practitioners' understanding of the problem. To start with, the criminal justice system is fully dependent on victims' willingness to come forward, which happens rarely, resulting in the vast majority of crimes going undetected by the system. Understanding why victims may not be reporting crimes can lead to the development of more effective community and victim engagement practices. Practitioners also think that "real hate crimes" are perpetrated by strangers and such crimes should always manifest physical harm. This is contrary to research findings, which suggest that less than half of offenses are perpetrated by strangers and that psychological abuse can be as harmful to victims as physical assault. Through an internal communications strategy, the SAO and police departments can inform their staff about hate crime prevalence, reporting challenges, and consequences of victimization. Communications through social media and agency websites can be a powerful tool for awareness building. Currently, the Miami Beach Police Department website provides information about hate crimes being the agency's top priority; it also offers practical information about how to report such crime and where to seek help. Similar content should be developed on online platforms for all criminal justice agencies. Finally, encouraging the display of LGBTQ-affirming symbols will inform the victim about the office being a safe zone.

Conclusion

Hate crimes against LGBTQ individuals have received greater attention in light of the 2016 massacre at Orlando's gay club "Pulse"—one of the deadliest mass shootings in U.S. history. Despite this and other recent incidents of violence against the LGBTQ community, social science research on the prevalence and nature of hate crimes against LGBTQ persons remains limited. To the extent that a definable body of research on anti-LGBTQ hate crimes has emerged, the focus has largely been on estimating prevalence and evaluating the psychological consequences of victimization. Unlike racially-motivated hate crimes, we know very little about hate crimes motivated by the victim's real or perceived sexual orientation and gender identity.

The LGBTQ-rights movement has made great strides over the decades, and especially since the 1990s (CNN Editorial Research, 2020). Most recently, the U.S. Supreme Court ruled that LGBTQ workers are protected by federal law forbidding discrimination, a decision that was embraced not only by the Court's so-called liberals but also by two conservative justices Neil Gorsuch and John Roberts (*Bostock v. Clayton County, Georgia*, 2020). By far, the biggest victory for the LGBTQ community is the steady yet dramatic shift in public sentiment. Gallup has been tracking public opinions about LGBTQ rights to employment and same-sex relationships since 1977 (Gallup, 2020). In 2011, for the first time, a greater percentage of Americans supported the idea of gay marriage than opposed it. Nine years later, in 2020, 67% of respondents believe that marriages between same-sex couples should be recognized as valid (Gallup, 2020).

This positive picture feeds a false narrative that the era of anti-LGBTQ discrimination is behind us, and that queer individuals are accepted and embraced in the United States, at least within large metropolitan areas. Judging by law enforcement data, 15.9% of 7,106 hate crimes were motivated by victims' sexual orientation and 1.7% by gender identity (FBI, 2017), which suggests that there were 1,250 anti-LGBTQ hate crimes nationally. In a country of nearly 330 million people, this number may feel like a needle in a haystack. If so, one should consider the following. First, LGBTQ individuals experience higher victimization rates than other minorities (Park & Mykhyalyshyn, 2016). Second, anti-LGBTQ hate crimes involve greater violence and serious injury (Briones-Robinson et al., 2016) with transgender women of color being especially vulnerable (James et al., 2016). Third, these crimes are vastly underreported (Waters et al., 2016). This research shows that 85% of incidents experienced by Miami's Latine LGBTQ individuals are never reported to law enforcement, and that nine out of 10 respondents thought that they were targeted because of their sexual orientation or gender identity. These estimates suggest that the official hate crime statistics are deeply flawed, and that, in fact, they may do more harm than good in terms of protecting vulnerable populations. The solution to this problem, however, should not be abolishing hate crime data collection at the state and federal levels. The true solution lies in breaking the barriers to crime reporting, overcoming deep-rooted stigma against LGBTQ people that still prevails in the criminal justice system, and establishing a mechanism for compiling meaningful data on hate crimes.

This ambitious undertaking requires researcher-practitioner partnerships more than ever before. Criminal justice leaders are showing their interest in understanding the problems associated with hate offending, underreporting, and case processing and disposition. Many, just like the Miami-Dade State Attorney's Office and the Miami-Dade Police Department, are willing to implement meaningful reforms to change the status quo. Such reforms do require community members and researchers at the table, as we all need to do our part to make a difference.

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Screener

LGBTQ/GNC Hate Crimes in Miami-Dade County:
Improving Awareness, Service Delivery, Reporting, Investigation and Prosecution

Interview Date: _____   Interview Number: _____

> - Florida International University is conducting interviews to learn about hate crimes against LGBTQ individuals in Miami.
> - I would like to ask you a few questions to see if you qualify for the survey.
> - If you qualify for the fully survey, it will take about half an hour to complete and you will receive a $40 Amazon gift card upon completion.
> - Do you agree to answer several questions to determine your eligibility for the survey?
>
> *If **NO**, thank them for their time.*
> *If **YES**, ask the following questions.*

Q1. How old are you?   _____

                                                                            Years

If less than 18, thank them for their time.

If 18 and older, ask the following questions.

Q2. Do you live in Miami-Dade county?   0. No   1. Yes

Q3. Do you consider yourself to be…?

1. Latine or Hispanic	5. White non-Hispanic
2. Black Hispanic	6. Asian
3. White Hispanic	7. Other race/ethnicity_____
4. Black (non-Hispanic, i.e, African-American or Haitian)	

If Latine, ask….

Q3i. How would you describe your ancestry or country of origin?   _____

1. Cuban	5. Nicaraguan
2. Colombian	6. Puerto Rican
3. Dominican	7. Venezuelan
4. Honduran	8. Other country_____

Q4. Do you consider yourself to be…? *(check all that apply)* _____

        1. Gay (homosexual)   5. Queer

        2. Lesbian   6. Gender non-conforming

        3. Bisexual   7. Heterosexual

        4. Transgender   8. Other _____

Q5. Which one of the following best describes your current marital status?

        Are you…? _____

1. Married
2. Partnered (boyfriend/girlfriend)
3. Single
4. Divorces/separated
5. Widowed

        Q5i. *If married or partnered*, is your partner…? _____

            1. of the <u>opposite</u> sex

            2. of the <u>same</u> sex

Q6. In the last five years, have you been the victim of a crime or an attempted crime? ____

            0. No

            1. Yes

If no, you may reiterate this includes "attempted crime".
If yes, ask…

Q6i. Which of the following best describes the nature of the incident against you? Were you…? _____

        1. Physically assaulted (such as beaten up, kicked, or physically attacked)

        2. Sexually assaulted

        3. Verbally assaulted (had derogatory names yelled at you)

        4. Chased / stalked / followed (e.g., in person, via phone, social media, etc.)

        5. Robbed (e.g., of credit cards, money, or possessions)

        6. Burglarized (e.g., your house, apartment, car, etc.)

        7. Something I have not mentioned

        _____

Q7. Have you had more than two drinks within the last 6 hours?   ____

0. No

1. Yes

STEP 1: *Determine if the respondent meets ALL the following* <u>*six criteria*</u>*:*
1. *18 years of age or older*
2. *Miami-Dade resident*
3. *Latine or Hispanic (includes white Hispanic and black Hispanic)*
4. *LGBTQ/GNC*
5. *Victim of a crime within the past 5 years*
6. *Having had more than 2 drinks*

STEP 2: *Inform the respondent that s/he is qualified for the survey*

STEP 3: *Administer Informed Consent (stamped by FIU IRB)*

STEP 4: *Keep the screener and survey together, and use the same date and number on both documents*

Questionnaire

LGBTQ/GNC Hate Crimes in Miami-Dade County:

Improving Awareness, Service Delivery, Reporting, Investigation, and Prosecution

Interview Date: _____   Interview Number: _____

Same as the screener date and number for this person

> - Thank you again for taking time to talk with us.
> - Please remember everything you say during this interview is completely anonymous. We do not know your name. No one will ever know who you are and what you are answering. We want you to be open and honest.
> - As I mentioned before, at the end of the interview, you will receive a cash card with $40 that you can use as you wish.
> - First, I want to ask you some questions about yourself.

SECTION 1:   Demographic Characteristics

Q1. How many years of school have you completed, including any years of college or post-high school education?   _____ years

Q2. How many days did you work in the past <u>30 days</u>?   _____0-30 days

If none, skip to Q2iii.
If more than one day, ask…

Q2i. Approximately how many hours per week do you work?   _____ # of hours

Q2ii. Have you been paid for the work you performed in the past 30 days?

0. No   1. Yes

If working in the last 30 days, skip to Q3.
If having not worked in the last 30 days, ask …

Q2iii. You said you did not work in the last 30 days. Are you…?   _____

      1. Unemployed

      2. Disabled (either temporarily or permanently)

      3. Homemaker

      4. Student

      5. Other

      _____

Q3. Where are you currently living or staying?   _____

1. Your house or apartment	3. With friends	5. Shelter
2. With family or relatives	4. With employer or at work (e.g., live and work)	6. Homeless (on the streets or in a vacant building)

      7. Other

      _____

> *If answer options 1-5, or 7 for Q3 – NOT homeless (on the street or in a vacant building)*

      Q3i. How long have you lived or stayed there?   ___years   ___months

      Q3ii. What is the zip code where you now live or stay?   _____

> *For answer options 6 for Q3 – homeless*

      Q3iii. How long have you been homeless?   ___years   ___months

SECTION 2:	Outness, Risk-taking, and Dependence

- Now I would like to ask you some questions about how out you are in terms of your sexual orientation or gender identity.

Q4. What percent of people in the following groups do you think are aware of your sexual orientation or gender identity?

      1. Members of my immediate family (parents and siblings)   ____% (0% to 100%)

      2. Members of my extended family (aunts, uncles, grandparents, cousins) ____% (0% to 100%)

      3. People I socialize with (friends and acquaintances)   ____% (0% to 100%)

      4. People at work/school (co-workers, supervisors, instructors, students) ____% (0% to 100%)

      5. Strangers (someone you causally talk with in a line at a store)   ____% (0% to 100%)

Q5. Using a scale of zero to ten, with zero being *very difficult* and ten being *very easy*, how difficult or easy do you think it is for others to guess your sexual orientation or gender identity?

_____ (0 = *very difficult* to 10 = *very easy*)

Q6. Using a scale of zero to ten, with zero being *never* and ten being *always*, how often do you avoid talking about topics related to your sexual orientation or gender identity?

> *By this we mean talking about your husband/partner, boyfriend/girlfriend, what you do when you socialize, changing your mannerisms, etc.*

_____ (0 = *never* to 10 = *always*)

Q7. When you go out to socialize, what time do you typically go out?   _____ (1 – 5)

1. Before 10pm

2. Between 10pm and midnight

3. Between midnight and 2am

4. After 2am

5. I do not go out

Q8. In the last 6 months, how many times have you used drugs other than those required for medical reasons   _____ times

Q8i. Where did you use drugs last time?   _____

1. Your house or apartment	3. Club	5. Vehicle
2. Friend's home or apartment	4. Bar	6. Outdoors (e.g., park or beach)

7. Elsewhere (specify) _____

Q8i. What is the name of the drug you used most frequently within the past 6 months? _____

1. Marijuana / weed / pot / grass
2. Opioids (including Heroin, Vicodin and OxyContin)
3. Cocaine
4. Flakka
5. Ecstasy
6. Others (specify) _____

Q8iii. Can you get through the week without using drugs?　　0. No　　1. Yes

Q8iv. Are you always able to stop using drugs when you want?　　0. No　　1. Yes

Q9. Have you been arrested for possession of illegal drugs?　　0. No　　1. Yes

Q10. In the last 6 months, how often did you usually have any kind of drink containing alcohol?

By a drink we mean half an ounce of absolute alcohol (e.g. a 12 ounce can or glass of beer or cooler, a 5 ounce glass of wine, or a drink containing 1 shot of liquor).
_____ (1 – 9)

1. Every day	3. 3-4 times a week	5. Once a week	7. Once a month
2. 5-6 times a week	4. 1-2 times a week	6. 2-3 times a month	8. Less than once a month
9. I never drink			

SECTION 3:　Hate Crime Experience

- Now I'm going to ask you some questions about your victimization. I want you to remember that your answers are strictly anonymous. No one else will know the answers you give.

Q11. You mentioned that you were the victim of a crime in the past five years. Do you believe the crime was committed because of your sexual orientation or gender identity?　　0. No　　1. Yes

*If **NO**, skip to Q12.*

　　*If **YES**, ask…*

　　Q11i. Did the person who committed this crime against you call you a derogatory name at the time of the incident? I'm asking about a derogatory name referring to your sexual orientation or gender identity.
　　0. No　　1. Yes

　　Q11ii. Did this person ever call you a derogatory name referring to your sexual orientation or gender identity at any point before or after the incident?
　　0. No　　1. Yes

　　*If **NO**, skip to Q11iii.*

　　*If **YES**, ask…*

Q11ii.a. Was this name-calling done in person, over the phone, via social media (e.g., Facebook), or other means? _____

    1. In person
    2. Over the phone
    3. Via social media
    4. Other means (specify) _____

Q11iv. Did the person who committed this crime against you make any negative comments about your appearance or mannerisms that made you think he or she was commenting about your sexual orientation or gender identity?

    0. No   1. Yes

Q12. Was a gun, knife, or other weapon used during the incident?   0. No   1. Yes

Q13. How many times have you experienced similar incidents over the <u>past five years</u>? _____

Q14. How many months ago did the most recent incident happen? _____months

Q15. Was this part of an ongoing incident?   0. No   1. Yes

Q16. Where did the latest incident happen? _____

    1. On the street or on the beach
    2. Your home or apartment
    3. At your family member or friend's home or apartment
    4. At a club, bar or restaurant
    5. At work
    6. Inside a vehicle
    7. Elsewhere (specify) _____

Q17. Was the incident we have been talking about committed by a…? _____

    1. Partner (boyfriend, girlfriend, husband, wife, etc. specify) _____

    2. Parents (farther, mother, etc. specify) _____

    3. Siblings (brother or sister, specify) _____

    4. Relative (cousin, uncle, etc. specify) _____

    5. Friend

    6. Acquaintance (someone you know). *Specify* _____

    7. Stranger

    8. Other _____

Q18. Were you living with your parents or with other family members at the time of the last incident?

> 0. No   1. Yes

Q19. Do your family members know about the incident?   0. No   1. Yes

> *If **NO**, skip to Q20.*
>
> *If **YES**, ask…*
>
> **Q19i.** Did your family members encourage you to report the incident to the police?
> 0. No   1. Yes

Q20. Do your friends know about the incident?   0. No   1. Yes

*If **NO**, skip to Q21.*

> *If **YES**, ask…*
>
> **Q20i.** Did your friends encourage you to report the incident to the police?   0. No   1. Yes

SECTION 4:   Law Enforcement

- **In this part of the interview, I am going to ask you about your involvement, if any, with law enforcement after the incident.**

Q21. Did you or anyone report the incident to the police?   0. No   1. Yes

*If **NO**, skip to Q22.*

> **Q21i.** Were you reluctant to report <u>primarily</u> because…?   _____
>
> 1. You were worried you would be harassed by the police for being LGBTQ/GNC.
> 2. You did not want your sexual orientation or gender identity information to become public.
> 3. You were worried about potential reprisals or retaliation by the perpetrator.
> 4. You did not feel the crime was important enough.
> 5. You preferred to deal with the situation through another agency or on a personal level.
> 6. You did not feel the person would be arrested anyway.
> 7. Others (specify) _____
>
> *If **YES**, ask…*
>
> **Q21.ii.** Did you have concerns about reporting the incident to the police?
>
> 0. No   1. Yes

Q21.iii. Did the police ask you if you believed the incident was motivated by your sexual orientation or gender identity?

    0. No   1. Yes

Q21.iv. Did the police ask you if you are LGBTQ/GNC?

    0. No   1. Yes

Q21.v. Did you tell the police that you are LGBTQ/GNC?

    0. No   1. Yes

Q21.vi. Did the police keep you informed as to the progress of the investigation into the incident?

    0. No   1. Yes

Q21.vii. Did the police make a referral to a victim service provider?

    0. No   1. Yes

Q21.viii. Do you believe the police treated you worse (than possible "straight" victims) because of your sexual orientation or gender identity?

    0. No   1. Yes

Q22. To your knowledge, was anyone ever arrested for the incident?

    0. No   1. Yes

*If **NO**, skip to Q23.*
*If **YES**, ask…*

Q22.i. To your knowledge, was the offender prosecuted?

    0. No   1. Yes

Q22.ii. Did you testify against the defendant either to the police, at the prosecutor's office, or in a court room?

    0. No   1. Yes

Q22.iii. Were you subpoenaed or otherwise forced by the police or prosecutor's office to testify against the defendant?

    0. No   1. Yes

*If **NO**, skip to Q23.*

*If **YES**, ask…*

Q22iii.a. Were you reluctant to testify primarily because…?   _____

1. You were worried you would be harassed by the police for being LGBTQ/GNC.
2. You did not want your sexual orientation or gender identity information to become public.
3. You were worried about potential reprisals or retaliation by the perpetrator.
4. You did not feel the crime was important enough.
5. You preferred to deal with the situation through another agency or on a personal level.
6. You did not feel the person would be punished anyway.
7. Others (specify) _____

Q23. Overall, were you satisfied with how the police handled the case?

   0. No   1. Yes

Q24. Did you move to live elsewhere because of the incident?

   0. No   1. Yes

Q25. Did you try to act more "straight" because of the incident? By this we mean, for example, wearing a different type of clothes or changing mannerisms.

   0. No   1. Yes

Q26. Did you avoid LGBTQ/GNC venues or friends because of the incident?

   0. No   1. Yes

- I would like to ask you a few more questions about this incident and about the health or medical services you may have received after the incident.

Q27. Did you or anyone else call <u>emergency medical services (an ambulance)</u> at the time of the incident?

      0. No   1. Yes

*If **NO**, skip to Q28.*
*If **YES**, ask…*

Q27.i. Did emergency medical service personnel ask if you were LGBTQ/GNC?

      0. No   1. Yes

Q27.ii. Did you tell emergency service personnel that you are LGBTQ/GNC?

      0. No   1. Yes

Q27.iii. Did you think that emergency service personnel treated you worse because of your sexual orientation or gender identity?

      0. No   1. Yes

Q28. Did you receive <u>emergency room</u> services after the incident?

      0. No   1. Yes

*If **NO**, skip to Q29.*
*If **YES**, ask…*

Q28.i. Did emergency room personnel ask if you were LGBTQ/GNC?

      0. No   1. Yes

Q28.ii. Did you tell emergency room personnel that you are LGBTQ/GNC?

      0. No   1. Yes

Q28.iii. Did emergency room personnel ask if you wanted referral to community services?

      0. No   1. Yes

Q28.iv. Did anyone from the hospital follow-up with you after you received services?

      0. No   1. Yes

Q28.v. Did anyone in the emergency room give you a referral to psychological counseling?

      0. No   1. Yes

Q28.vi. Do you believe emergency room personnel treated you worse because of your sexual orientation or gender identity?

        0. No   1. Yes

Q28.vii. Were you able to pay for the medical services?

        0. No   1. Yes

Q28.viii. Did you have medical insurance?

        0. No   1. Yes

SECTION 6:	Income and U.S. Residency Status

- **Just a couple of more questions and we are done.**

Q29. Which of the following best describes the amount of income you received from work and other sources in the past 30 days?   _____

1. None	3. $1,000 - $1,999	5. $3,500 - $5,999	7. > $10,000
2. < $1,000	4. $2,000 - $3,499	6. $6,000 - $10,000	8. Don't know

Q30. Did you immigrate to the United States from another county?

        0. No   1. Yes

        *If **YES**, ask…. Otherwise finish the survey and give him/her/them a cash card.*

Q30.i. How long have you been living in the United States?   ____ Years

Q30.ii. Do you have legal status to be in the United States?

        0. No   1. Yes

_____

- **THANK YOU for helping us with this research.**
- **Here is your cash card with $40 on it.**

SECTION A: Hate Crime Case Processing

1. To what extent do you work with Miami's police departments in identifying hate crimes against lesbian, gay, bisexual, transgender, queer, or gender nonconforming individuals (LGBTQ/GNC)?

2. How does your collaboration differ from those for other types of hate crimes, not motivated by an anti-LGBTQ/GNC bias (e.g., anti-Muslim hate crimes)?

3. Which police departments do you work the closest with on identifying and prosecuting anti-LGBTQ/GNC hate crimes?

4. Can you describe the case screening process in your office?

    a) What type of questions do prosecutors and/or paralegals ask when determining the presence or absence of the "hate crime" motivation?

    b) Can you describe how the office decides to include or not to include a hate crime charge?

    c) What factors do you consider the most (e.g., case prosecutability, caseload burden, community interest)?

    d) At what stage of case processing is a hate crime charge most likely to be added?

    e) At what stage of case processing is a hate crime charge most likely to be dropped?

    f) What role do hate crime charges play in the plea-bargaining process?

    g) Can you describe any specific experiences you may have had with this?

    h) Are there any specific plea offer guidelines for hate crimes? If so, is it used consistently across all prosecutors?

SECTION B: Challenges and Opportunities for Reform

5. Why do you think there have only been a few anti-LGBTQ/GNC hate crimes processed by your office in the past decade?

6. How important is it to pursue a hate crime charge if a defendant is likely to be convicted of another serious offense anyway (e.g., aggravated assault or vandalism)?

7. Are cases involving family members (e.g., older brother physically assaulting a younger brother because of the younger brother's non-traditional gender expression) viewed differently compared to those committed by strangers?

8. Should there be a different standard for family members versus strangers? To what extent should the nature of the relationship influence prosecutorial decision to press the hate crime charge?

9. Where do you think we should draw the line between the family matter (such as how to teach an adolescent gender roles) versus a public safety concern? At what point, if any, should parents and other relatives be held accountable for psychological and physical abuse?

10. Do you think LGBTQ/GNC individuals are comfortable reporting a crime and collaborating with law enforcement to ensure the timely prosecution of hate crimes?

11. What barriers to reporting do you envision?

12. What type of training is available for staff attorneys and paralegals for effectively detecting hate crime motivations, and for making appropriate charging decisions?

13. If there is any training, does it specifically focus on anti-LGBTQ/GNC hate crimes?

14. What are the specific challenges in prosecuting hate crimes cases and how do they differ from the challenges posed by other types of cases?

15. Where do you see opportunities for improving the following:
    a. Identification of anti-LGBTQ/GNC hate crimes
    b. Reporting of anti-LGBTQ/GNC hate crimes
    c. Prosecution of anti-LGBTQ/GNC hate crimes
    d. Service referral and delivery to the victims of anti-LGBTQ/GNC hate crimes
    e. Prevention of anti-LGBTQ/GNC hate crimes

16. What do you think about the role of social media and technology in identifying possible hate crimes and proving the hate motivation? Do you have a specific experience in this matter?

SECTION C: Data Collection from Case Files

17. We will be reviewing prosecutorial case files to collect additional information not available through administrative records. Can you tell us, where in case files, we can gather information about:
    a. If the "hate crime" enhancer was ever considered but no formal charge has been made
    b. If the "hate crime" enhancer was added at any point during case processing

     c. If plea negotiations included negotiations about a hate crime charge
     d. Evidentiary information (such as victim testimony) to support the prosecutors' decision to add or drop a hate crime charge
     e. The nature of victim-offender relationship

18. What challenges do you anticipate with using the administrative data to understand the investigation and prosecution of hate crimes?

19. What challenges do you anticipate with using the case file review data to understand the investigation and prosecution of hate crimes?

SECTION A: Hate Crime Identification and Case Processing

1. To what extent do you work with the Miami-Dade State Attorney's Office in identifying hate crimes against lesbian, gay, bisexual, transgender, queer, or gender nonconforming individuals (LGBTQ/GNC)?

2. Can you describe your collaboration with Miami-Dade County's other law enforcement agencies in terms of identification and investigation of anti-LGBTQ/GNC hate crimes?

3. Can you describe how you make decisions whether to refer a case to the SAO as a possible hate crime or not?

4. What type of questions do prosecutors and/or paralegals ask you (when you bring a case to the SAO) to determine the presence or absence of the "hate crime" motivation?

5. Why do you think there have only been a few anti-LGBTQ/GNC hate crimes processed by your department?

6. How important is it to gather evidence on the "hate crime" motivation if a defendant is likely to be convicted of another serious offense anyway (e.g., aggravated assault or vandalism)?

7. Are cases involving family members (e.g., older brother assaulting a younger brother because of the younger brother's non-traditional gender expression) viewed differently by MDPD compared to those committed by strangers?

8. Does the fact that the perpetrators might be a family member decrease the chances of arrest?

9. Where do you think we should draw the line between the family matter (such as how to teach an adolescent gender roles) versus a public safety concern? At what point, if any, should parents and other relatives be held accountable for psychological and physical abuse?

10. Do you think LGBTQ/GNC individuals are comfortable reporting a crime and collaborating with law enforcement to ensure the timely detection and investigation of hate crimes?

11. Do you think there might be barriers preventing victims from reporting and seeking help? If so, what are they?

12. Can you describe your current capacity for identifying anti-LGBTQ/GNC hate crimes and providing victims with appropriate services?

13. What type of training is available for police officers and detectives for effectively detecting hate crime motivations, and for making appropriate arrest decisions?

14. If there is any training, does it specifically focus on anti-LGBTQ/GNC hate crimes?

SECTION B: Challenges and Opportunities for Reform

15. What are the specific challenges in identifying and investigating hate crime cases, and how do they differ from the challenges posed by other types of cases?

16. Where do you see opportunities for improving the following:
    a. Identification of anti-LGBTQ/GNC hate crimes
    b. Reporting of anti-LGBTQ/GNC hate crimes
    c. Investigation of anti-LGBTQ/GNC hate crimes
    d. Service referral and delivery to the victims of anti-LGBTQ/GNC hate crimes
    e. Prevention of anti-LGBTQ/GNC hate crimes

17. What do you think about the role of social media and technology in identifying possible hate crimes and proving the hate motivation? Do you have a specific experience in this matter?

Appendix E: Images of Research Team During the LGBTQ Victim Interview Field Work

Florida International University is Miami's first and only public research university. Designated as a top tier research institution, FIU emphasizes research as a major component in the university's mission. With a student body of nearly 54,000, FIU is among the top 10 largest universities in the nation.

The Steven J. Green School of International & Public Affairs at FIU educates the leaders and changemakers of tomorrow through innovative teaching and research that advances global understanding, contributes to policy solutions, and promotes international dialogue. One of the leading schools of its kind in the world, the Green School enrolls more than 5,000 students and employs 360 faculty. It offers 38 interdisciplinary degree programs at the bachelor's, master's, and doctoral levels, as well as 35 undergraduate and graduate certificate programs. Home to many of the university's most prominent international centers, institutes and programs, the Green School is an affiliate member of the Association of Professional Schools of International Affairs (APSIA).

The Center for the Administration of Justice (CAJ) is nested within the Department of Criminology and Criminal Justice. CAJ employs a multidisciplinary national and international staff of specialists. This includes FIU faculty and experts in criminal justice and rule-of-law reform, prosecution, policing, juvenile justice, forensics, political science, public administration, and public policy. CAJ's researchers have notable quantitative and qualitative research skills, which are coupled with their ability to convey complex research ideas to various audiences. To date, CAJ has received more than $50 million dollars from external funding sources to design and implement research and technical assistance projects.

For questions, please contact the project director and principal investigator Dr. Besiki Luka Kutateladze bkutatel@fiu.edu

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