

ABSTRACT

RESEARCH PAPER: “‘To Charge or Not to Charge’ in Hate Crime Cases: A Qualitative Replication of McPhail and Jenness with Indiana Prosecutors”

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This research was conducted in order to examine prosecutorial attitudes towards hate crimes in Indiana. The study was a replication of the 2005 study by McPhail and Jenness who concentrated on hate crime prosecutions in Texas. The main objective of this study is to better understand attitudes regarding the prosecution of hate crimes in Indiana compared to Texas. Qualitative interviews were conducted with 11 Indiana prosecutors using a snowball sample and the original instrument used by McPhail and Jenness. Although Indiana does not have a hate crime law, this study was undertaken shed light on prosecutorial attitudes toward hate crime prosecution when compared to a state with a hate crime law (Texas). The study also investigated the possibility of a future hate crime law for Indiana. The primary focus was to examine some of the factors which may be important to prosecutors in hate crime cases when considering strategic advantage. It was discovered that the prosecutors interviewed generally supported a hate crime law for the State of Indiana. In terms of strategic advantage in hate crime prosecution, two factors were deemed important in determining if a hate crime should be charged. These were the elements of the case and the desires of victim and family of the victim. Both of these elements are soundly grounded in current Indiana law.