# Agenda

1. Findings from Federal Hate Crime Prosecutions, 2005-19
   Ebo Browne, PhD, BJS Statistician

2. Findings from Hate Crime Recorded by Law Enforcement, 2010-2019
   Erica Smith, Chief Law Enforcement Incident Based Statistics

3. Findings from Hate Crime Victimization, 2005 -2019
   Grace Kena, MPP, BJS Statistician

4. Using Online Survey Panels and Narrative Descriptions of Hate Crime Incidents to Assess Potential Improvements to NCVS Survey Items
   Lynn Langton, PhD, RTI Senior Research Criminologist

5. Q&A Session

# Today's Presentation

- Statistics derive from BJS's Federal Justice Statistics Program (FJSP ).

- FJSP collects, standardizes, and reports on administrative data received from six federal justice agencies:
  - U.S. Marshals Service, Drug Enforcement Administration, Executive Office for U.S. Attorneys (EOUSA), Administrative Office of the U.S. Courts (AOUSC), Federal Bureau of Prisons, and U.S. Sentencing Commission.
    - Data from the Executive Office for U.S. Attorneys and the Administrative Office of the U.S. Courts were used in this report.
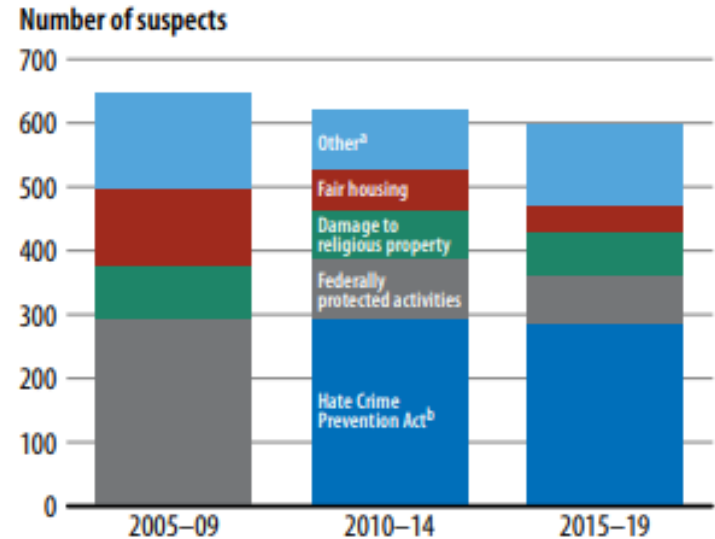
# Defining Federal Hate Crimes

- The U.S. Department of Justice's Civil Rights Division defines hate crimes as "acts of physical harm and specific criminal threats motivated by animus based on race, color, national origin, religion, gender, sexual orientation, gender identity, or disability." (See https://www.justice.gov/crt/hate-crimesprosecutions#hatecrimes )

  - Title 18 U.S.C. § 245. Federally protected activities
  - Title 18 U.S.C. § 247. Damage to religious property
  - Title 18 U.S.C. § 249. The Matthew Shepard and James Byrd, Jr., Hate Crimes Prevention Act of 2009
  - Title 42 U.S.C. § 3631. Criminal interference with right to fair housing

# Suspects in Hate Crime Matters Investigated by U.S. Attorneys

- During the 15-year period of 2005-19, 1,864 hate crime suspects were referred for prosecution to U.S. attorneys from federal judicial districts in all 50 states.
  - Hate crime matters investigated by U.S. attorneys' offices declined 8%, from 647 during 2005-09 to 597 during 2015-19.
  - From 2015-19, nearly half (48%) of the 597 suspects investigated for a hate crime were referred to U.S. attorneys for Hate Crimes Prevention Act (HCPA) violations.
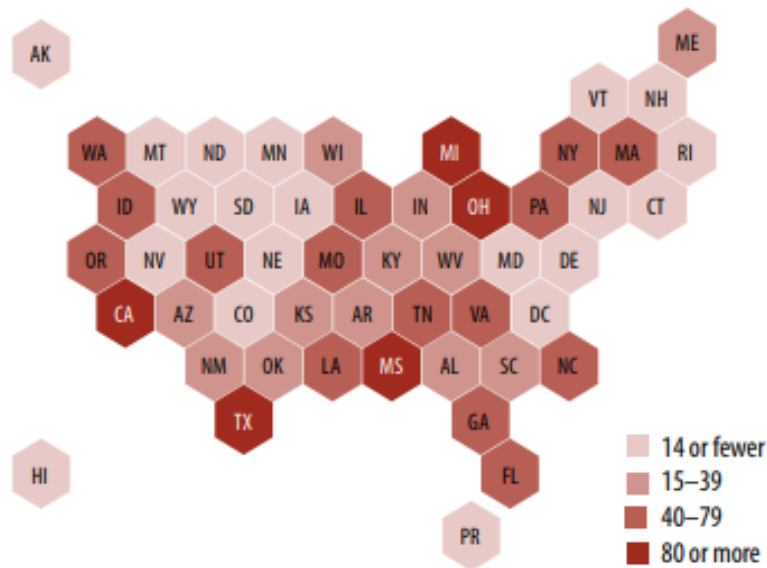
**Number of suspects in hate crime matters investigated by U.S. attorneys, by lead charge, fiscal years 2005–19**



Number of suspects

Legend:
- Other[a]
- Fair housing
- Damage to religious property
- Federally protected activities
- Hate Crime Prevention Act[b]

# Investigating Federal Hate Crimes

- Nearly 1 in 3 (32%) hate crime suspects were referred to U.S. attorneys in federal judicial districts in California (11%) and Michigan, Texas, Mississippi, and Ohio (about 5% each).

- The FBI was the agency of referral for the majority (89%) of federal hate crime matters investigated by U.S. attorneys.

**Number of hate crime suspects referred to U.S. attorneys, by state and U.S. territory, fiscal years 2005–19**



Legend:
- 14 or fewer
- 15–39
- 40–79
- 80 or more

# Investigating Federal Hate Crimes

- Sixty-three percent of hate crime matters investigated by U.S. attorneys during 2005-19 involved 1 suspect, while 37% involved multiple suspects.
  - The number of suspects ranged from 2 to 10 persons per matter.

- Hate crime matters over fair housing (47%) and HCPA (44%) violations were the most likely to involve multiple suspects.

- Matters involving damage to religious property (22%) were the least likely to involve multiple suspects.

# Prosecuting Federal Hate Crimes

- U.S. attorneys prosecuted 17% of suspects in matters investigated for hate crimes during 2005-19.
  - U.S. attorneys declined to prosecute 82% of suspects and 1% were prosecuted by U.S. magistrates.
    - More than half (55%) were not prosecuted because of insufficient evidence—the most common reason across all three 5-year periods.
    - The second most-common reason was the prioritization of federal resources (15%).

# Prosecuting Federal Hate Crimes

- Between 2005-09 and 2015-19, the share of declinations due to insufficient evidence rose from 49% to 63%.
  - The share due to a policy of the DOJ or U.S. attorneys' offices fell from 16% to 7%.

- Use of alternatives to prosecution increased from 1% to 11% across those periods, while declinations due to prosecution being legally barred decreased from 19% to 4%.

# Hate Crime Cases in U.S. District Court

- During 2005-19, 310 defendants were charged with a hate crime in cases terminated in U.S. district court .

- A total of 202 defendants (65%) were charged with a hate crime as the most serious offense, and 108 (35%) had a hate crime as a secondary offense.
  - Among the 108 defendants, the most serious offenses charged included conspiracy against rights (16.5%), explosives used in a felony (7.4%), explosives-related offenses (3.5%), and firearms and violent offenses (5.2%).

# Hate Crime Cases in U.S. District Court

- During 2005-19, a total of 284 (92%) of the 310 defendants in hate crime cases terminated in U.S. district court were convicted.
  - Forty percent of these convictions occurred in federal judicial districts in six states:
    - New York (30), California (26), Texas (19), Arkansas (15), Tennessee (13), and Pennsylvania (12).

**Number of defendants charged with a hate crime in cases terminated in U.S. district court, by most serious offense, fiscal years 2005–19**
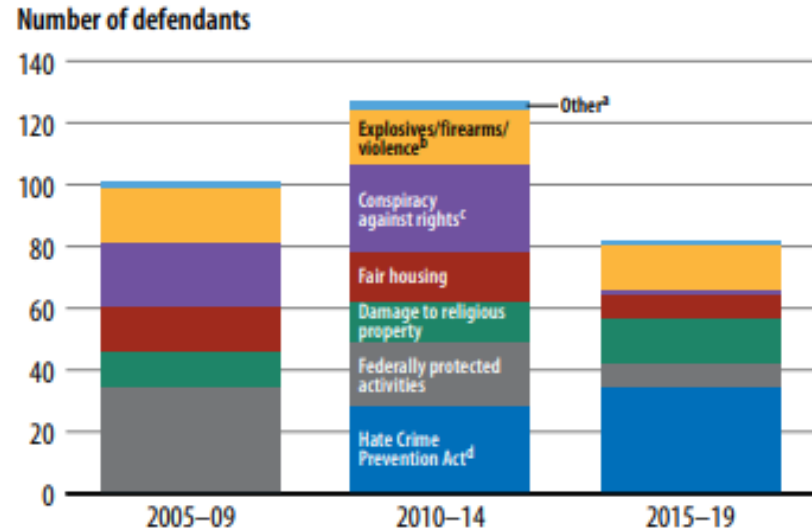
# Prison Sentences for Federal Hate Crimes

- Eighty-five percent of defendants convicted of a hate crime during 2005 -19 received a prison sentence.
  - About 14% were sentenced to probation only, and 1% received a suspended sentence.

- The likelihood of receiving a prison sentence was greatest for defendants convicted of HCPA violations (96%) and was the lowest for defendants convicted of damage to religious property (63%).

- The average prison sentence in all hate crime convictions doubled between 2005 -09 and 2015-19, from 62 to 125 months.

- HCPA violations (126 months) received the highest average sentence among hate crimes charged as the most serious offense, followed by damage to religious property (44 months), federally protected activities (39 months), and fair housing (35 months).

# George Ebo Browne, Ph.D.

Statistician

Prosecution and Judicial Statistics Unit

## George.browne@usdoj.gov

# Hate crimes recorded by law enforcement

- Reported to the FBI Uniform Crime Reporting (UCR) Hate Crime Statistics Program (HCSP)

- Collects data on crimes that were motivated by an offender's bias against a race, religion, disability, sexual orientation, ethnicity, gender, or gender identity

- Includes 6 categories of bias motivation and 34 specific types of bias

# Determining if hate crime classification is applicable

Only certain offenses are eligible to be classified as a hate crime

**Violent crimes**
1. Murder and nonnegligent manslaughter
2. Rape
3. Aggravated assault
4. Simple assault
5. Intimidation
6. Human trafficking/commercial sex acts
7. Human trafficking/involuntary servitude
8. Robbery*

**Property crime**
1. Burglary
2. Larceny-theft
3. Motor vehicle theft
4. Arson
5. Destruction/damage/vandalism

# Determining if hate crime classification is applicable

Agencies use a two-tier decision making process before reporting an incident as a hate crime

## First Tier – Responding Officer

- Responsible for determining if the incident involves any indication that an offender was motivated by bias
- If so, they forward the case to—

## Second Tier – Reviewing Officer

- Reviews the available facts and makes the final determination of whether a hate crime actually occurred
- Reviewing officer is typically someone with training in or experience investigating hate crimes
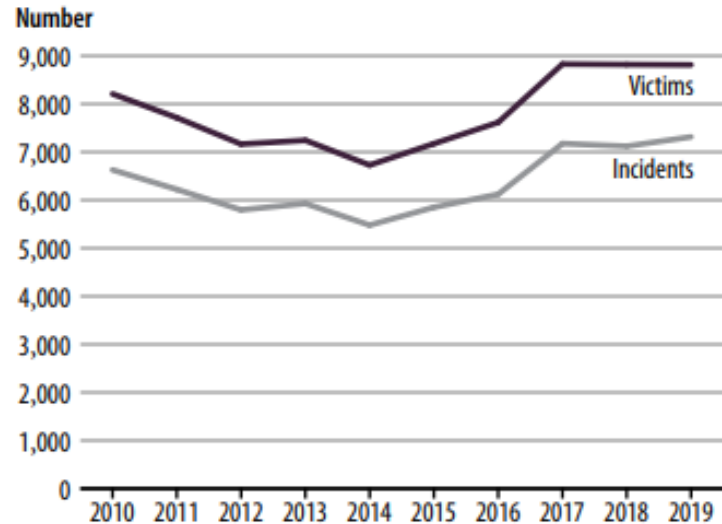
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Findings from UCR HCSP

# The total number of hate crime incidents increased 10% between 2010 and 2019

The number of hate crime incidents—

- decreased 17% between 2010 and 2014
- increased 25% from 2015 to 2019



**FIGURE 1**
**Number of hate crime incidents and victims recorded by law enforcement, 2010–2019**

Note: Includes incidents and victims of hate crime determined by law enforcement to be motivated by single or multiple types of bias against the victim(s). See appendix table 3 for counts.
Source: Federal Bureau of Investigation, Uniform Crime Reporting Hate Crime Statistics Program, 2010–2019.

# From 2010 to 2019, the majority (61%) of hate crime incidents were crimes against persons

Also across the 10-year period—

- Crimes against property were the second-largest category (41%) of hate crime incidents.
- 60% of hate crimes were reported as having an individual victim as the target of the incident
- 38% of incidents were committed against property

# Bias against race, ethnicity, or ancestry accounted for more than half of all hate crime incidents recorded by law enforcement in 2019



**FIGURE 3**
**Number of incidents and victims of hate crime motivated by race, ethnicity, or ancestry bias recorded by law enforcement, 2010–2019**
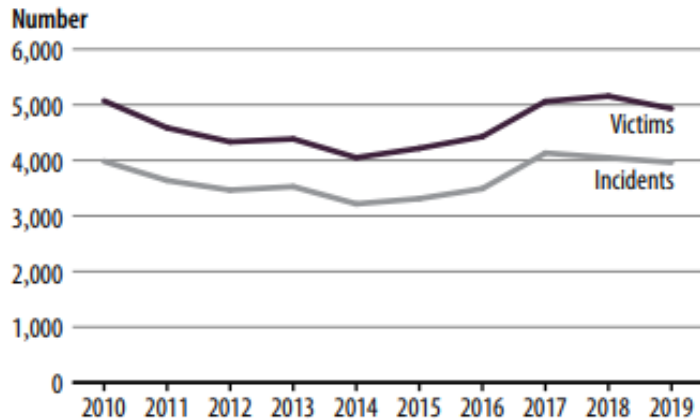
Note: Includes incidents and victims of hate crime determined by law enforcement to be motivated by a single type of race, ethnicity, or ancestry bias against the victim(s). See appendix table 5 for counts.
Source: Federal Bureau of Investigation, Uniform Crime Reporting Hate Crime Statistics Program, 2010–2019.
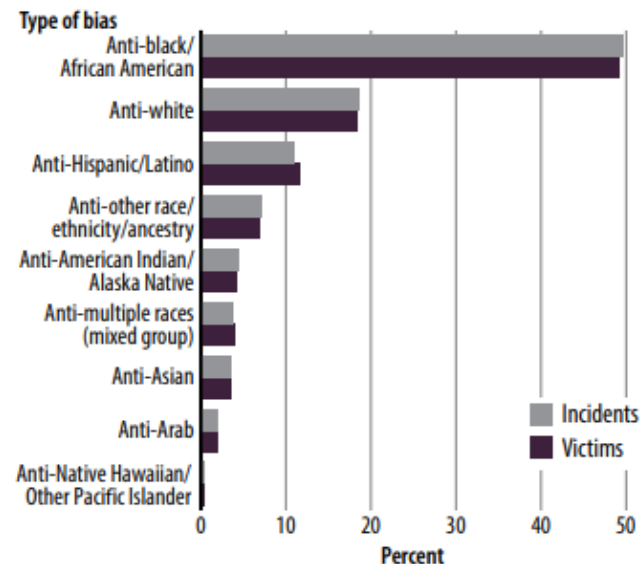
- The number of hate crime incidents motivated by and victims targeted due to bias against race, ethnicity, or ancestry decreased from 2010 to 2014, before rising from 2015 to 2019.

- From 2010 to 2019, the number of hate crime incidents motivated by race, ethnicity, or ancestry bias was stable, while the number of victims decreased about 3%.

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# Anti-black or anti-African American bias was the motivation for nearly half of hate crime incidents motivated by race, ethnicity, or ancestry bias that law enforcement recorded during 2015 – 19

- Victims of anti-white bias accounted for 18% of victims targeted due to race, ethnicity, or ancestry bias

- Another 11% of victims were targeted due to anti-Hispanic or anti-Latino bias

- Anti-Asian bias accounted for 3% of both incidents and victims of race, ethnicity, or ancestry bias during 2015– 19

## FIGURE 4
**Percent of incidents and victims of hate crime motivated by race, ethnicity, or ancestry bias recorded by law enforcement, by type of bias, 2015–19**
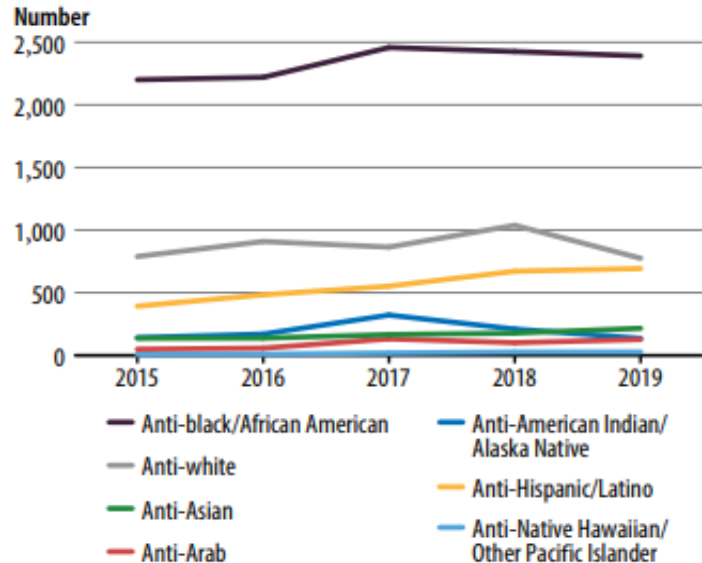


Note: Includes incidents and victims of hate crime determined by law enforcement to be motivated by a single type of race, ethnicity, or ancestry bias against the victim(s). See appendix table 6 for percentages.
Source: Federal Bureau of Investigation, Uniform Crime Reporting Hate Crime Statistics Program, 2015–19.

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- Hate crimes motivated by bias against blacks or African Americans, Asians, and Arabs rose from 2015 to 2019.

- The number of victims of anti-Hispanic or anti-Latino bias also rose, from 392 victims in 2015 to 693 in 2019.



**FIGURE 5**
Number of victims of hate crime motivated by race, ethnicity, or ancestry bias recorded by law enforcement, by type of bias, 2015–2019

Note: Includes victims of hate crime determined by law enforcement to be motivated by a single type of race, ethnicity, or ancestry bias against the victim(s). See appendix table 7 for counts.
Source: Federal Bureau of Investigation, Uniform Crime Reporting Hate Crime Statistics Program, 2015–2019.

# Identifying and Recording
## Hate Crime

# How are hate crime incident data reported to the FBI?

Local Law Enforcement – state police, sheriff departments, municipal and county agencies, tribal agencies

↓

State Uniform Crime Reporting (UCR) Program

↓

FBI UCR Hate Crime Statistics Program

Bureau of Justice Statistics

# How are hate crime incident data recorded by law enforcement?



**Reported crime incident**

Source of incident - information – community or officer?

Incident founded?

Report taken?

**Data recorded in LE system**

Initial incident information

Follow-up investigation findings

**TBD at time of incident**

Arrest and clearance information

Other changes – add'l offenses, injury status, weapon information

# Law Enforcement Agencies and the Use of Technology to Record and Track Cases

Agencies record incident information via a Record Management System (RMS)

RMS used by an agency can impact ability to code or detect hate crime incidents:

- Initial "intake" considerations
- Ability to update case information
- Inadequate tracking of cases over time through investigative process
- Pattern detection across cases
- Age of the RMS (legacy systems, etc.)
- System adaptability

# Challenges in collecting data on hate crimes

*Definitional Issues*

- Absence of common state -to-state definitions
- Differing definitions as defined across various state statutes

*Benchmarking and Risk Assessment*

- Difficulty assessing if incident and victim counts are "reasonable"
- Inadequate capacities for identifying and tracking victims, which impacts the calculation of population  -based rates

# Improving Data on Hate Crimes

1. Determine the "responsible party" for recording an incident as motivated by bias

2. Supplement law enforcement data with information from other sources:

   - Victim Service Organizations

   - Federal prosecutors

   - State prosecutors

# Improving Data on Hate Crimes

Issues to consider in data collection :

1. What would be the gold standard of data on hate crimes? Why? What are the goals?
2. Can these goals be met by other methods of data collection?
3. Would improvements in training for the detection of and response to hate crime incidents enhance the quality and completeness of the data collected?

# Erica L. Smith

Unit Chief
Law Enforcement Incident-Based
Statistics Unit

[Erica.L.Smith@usdoj.gov](mailto:Erica.L.Smith@usdoj.gov)

(202) 616-3491

Background

# National Crime Victimization Survey Overview

- The National Crime Victimization Survey (NCVS) is one of the nation's two major sources of data on criminal victimization.

- It collects information on nonfatal violent and property crimes reported and not reported to police, and measures the 'dark figure' of unreported crime.

- The NCVS is an annual data collection administered by the U.S. Census Bureau.

- NCVS design features
    - Nationally-representative panel design: selected households stay in sample for 3.5 years
    - Self-report survey: household persons age 12 or older asked about criminal victimizations against persons and households during prior 6 months and demographic information
    - Incident-based survey: collects information about each victimization incident

- Survey weights are applied to NCVS data to produce victimization estimates

- For more information see NCVS webpage: https://bjs.ojp.gov/data-collection/ncvs

# What is a hate crime?

A CRIME + MOTIVATION FOR COMMITTING THE CRIME BASED ON BIAS = HATE CRIME

In the simplest terms, a hate crime must include both "hate" and a "crime."

Both the NCVS and the FBI's Uniform Crime Reporting (UCR) Program collect hate crime data under the Hate Crime Statistics Act (28 U.S.C. § 534), which defines hate crimes as "crimes that manifest evidence of prejudice based on race, gender or gender identity, religion, disability, sexual orientation or ethnicity."

# NCVS Hate Crime Measurement

- NCVS hate crime series first added to the instrument in 1999
- Like all NCVS data, information on hate crimes is from the victim's perspective
- To classify as a hate crime in the NCVS, there must be
  - A personal or property crime
  - At least one of three types of evidence of a bias motivation
  - Bias against a protected characteristic of the victim, including the victim's religious beliefs
- NCVS data on the characteristics of hate crime victims, offenders, and incidents are often reported using
  - Rolling averages, e.g., 2019 estimates represent the average of 2018 and 2019 estimates
  - Aggregated data years, e.g., 2015–2019 as a single estimate
- These steps ensure estimate reliability and stability and facilitate comparisons across groups and over time

# Total and hate crime violent victimizations, 2019
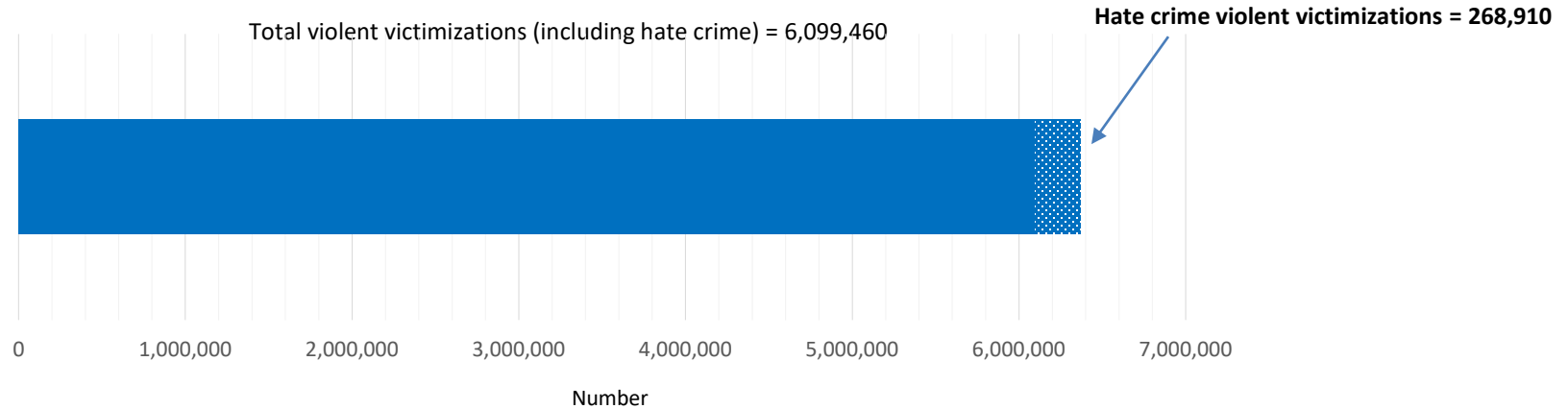


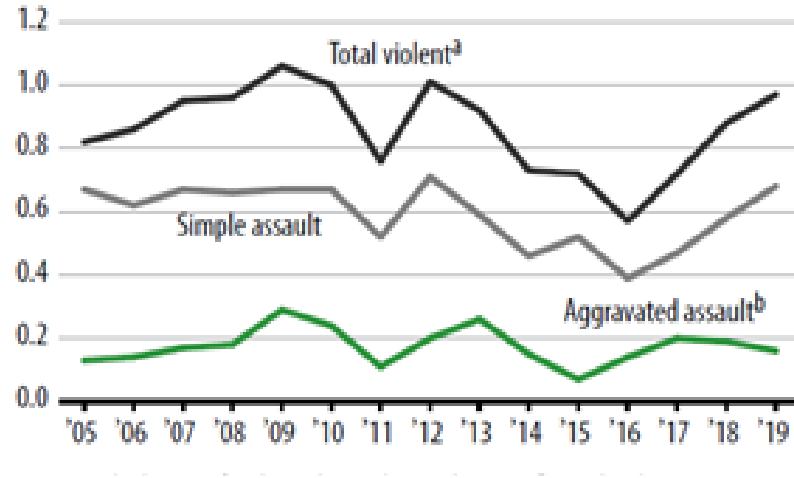Note: See source for full reference information.
Source: *Hate Crime Victimization, 2005–2019*, table 1

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# Violent, simple, and aggravated assault hate crime victimization rates, 2005 – 2019

Rate per 1,000 persons age 12 or older



Note: See source for full reference information.
Source: *Hate Crime Victimization, 2005–2019*, figure 1

In spite of variations over time, NCVS hate crime rates were **not statistically different** in 2019 vs. 2005

Bureau of Justice Statistics

## Hate crime victimizations, by crime type, 2015 –19

| Type of crime | Number | Percent of hate crime victimizations[a] |
|---|---|---|
| Violent | 1,075,470 | 89.3 % |
|   Rape/sexual assault | 32,760 † | 2.7 † |
|   Robbery | 80,000 † | 6.6 † |
|   Aggravated assault | 216,710 † | 18.0 † |
|   Simple assault* | 746,010 | 62.0 |
| Property[b] | 120,480 | 10.0 % |
|   Burglary/trespassing | 63,880 † | 5.3 † |
|   Other theft | 55,980 † | 4.7 † |

*Comparison group.
†Difference with comparison group is significant at the 95% confidence level.
[a] Includes violent crime, personal theft or larceny (not separately shown), and property crime.
[b] Includes motor vehicle theft, not shown separately due to a small number of sample cases.
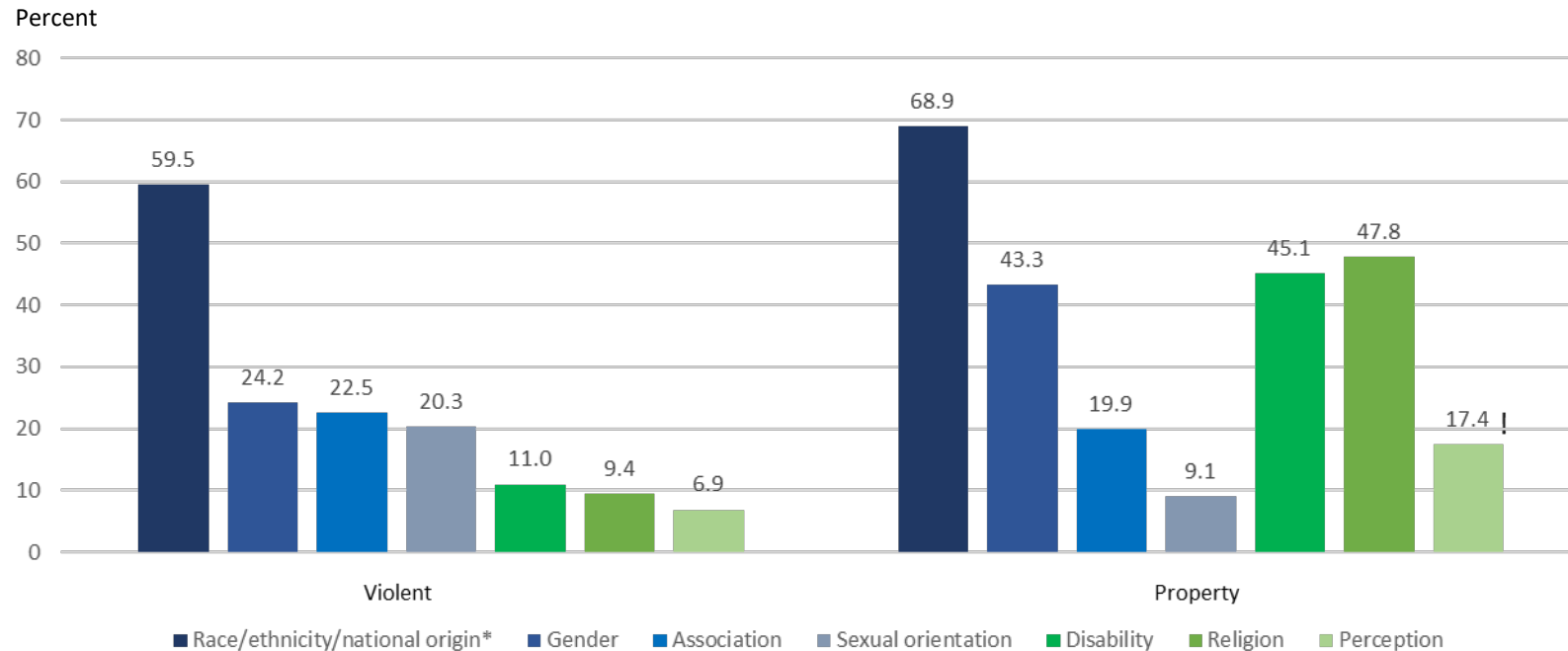Note: See source for full reference information.
Source: *Hate Crime Victimization, 2005–2019*, table 2

The majority of hate crimes were simple assault victimizations

# Hate crime victimizations, by crime type and bias motivation, 2015–19

Percent



*Comparison group.
†Difference with comparison group is significant at the 95% confidence level.
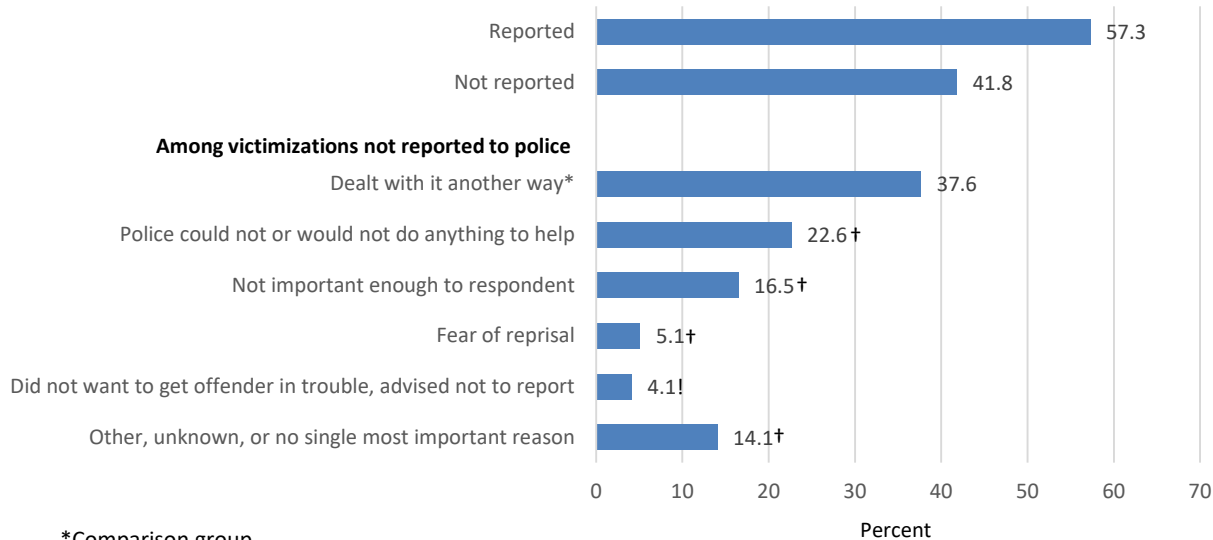! Interpret with caution.
Note: Details may not sum to totals due to rounding and some victims reporting more than one type of bias motivation. See source for full reference information.
Source: *Hate Crime Victimization, 2005–2019*, table 3

Violent hate crime victimizations, by reporting to police and most important reason for not reporting, 2015 –19

Violent hate crimes not reported to police: **42%**

*Comparison group.
†Difference with comparison group is significant at the 95% confidence level.
! Interpret with caution. Estimate is based on 10 or fewer sample cases, or coefficient of variation is greater than 50%.
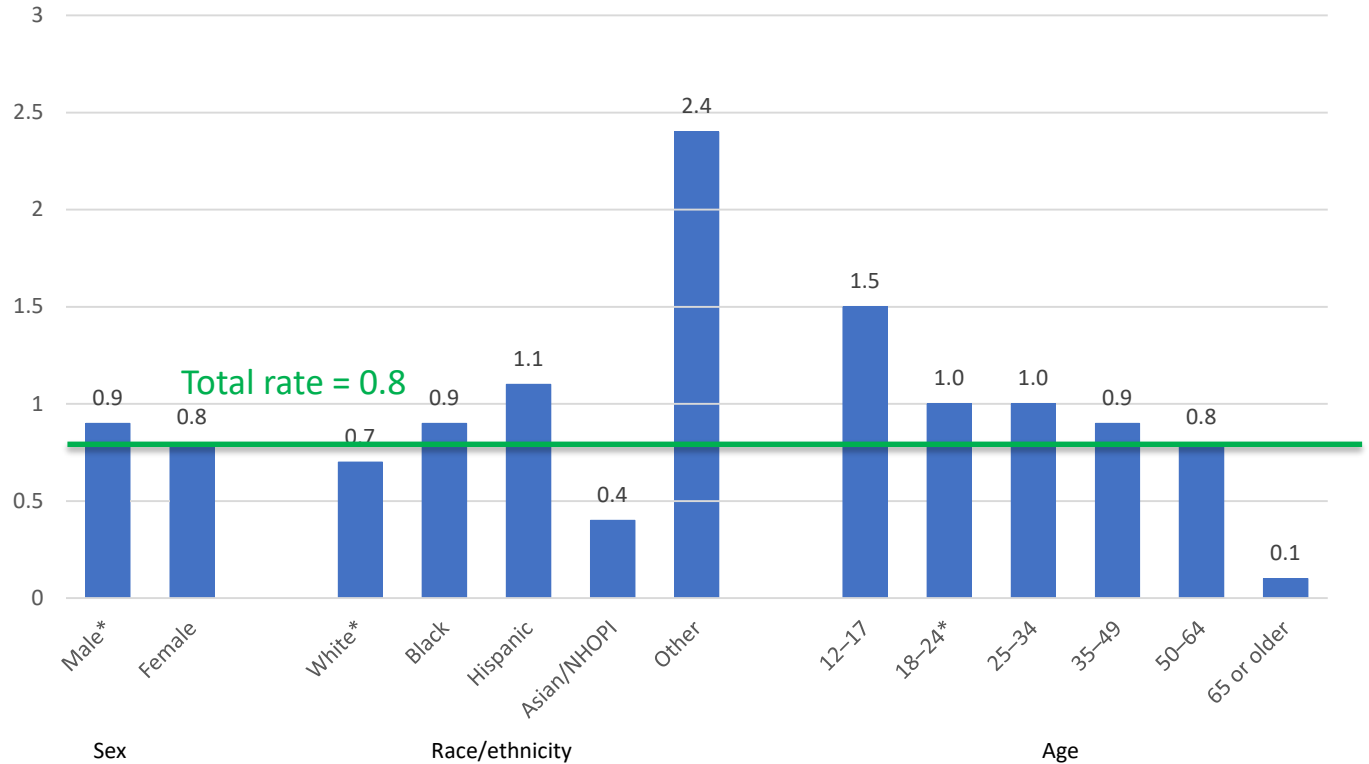Note: See source for full reference information.
Source: *Hate Crime Victimization, 2005–2019*, figure 2

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Violent hate crime victimization rates, by victim characteristics, 2010–19

Rate per 1,000 persons age 12 or older

Total rate = 0.8

| Sex | | Race/ethnicity | | | | | Age | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Male* 0.9 | Female 0.8 | White* 0.7 | Black 0.9 | Hispanic 1.1 | Asian/NHOPI 0.4 | Other 2.4 | 12–17 1.5 | 18–24* 1.0 | 25–34 1.0 | 35–49 0.9 | 50–64 0.8 | 65 or older 0.1 |

*Comparison group.
†Difference with comparison group is significant at the 95% confidence level.
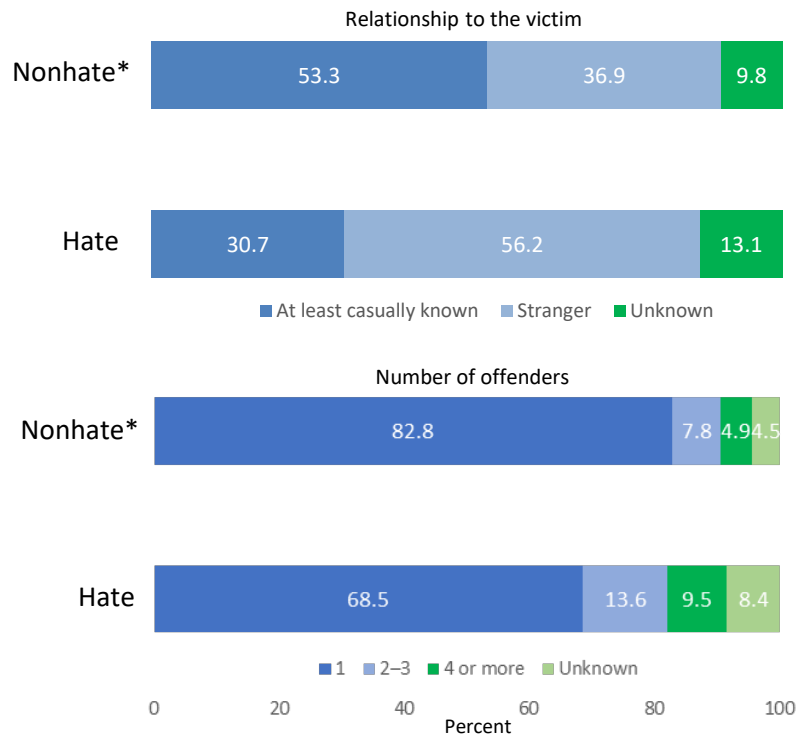Note: NHOPI=Native Hawaiian/Other Pacific Islander. See source for full reference information.
Source: *Hate Crime Victimization, 2005–2019*, table 4

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# Violent hate and nonhate crime incidents, by offender characteristics, 2015–19



**Relationship to the victim**

Nonhate*: At least casually known 53.3 | Stranger 36.9 | Unknown 9.8

Hate: At least casually known 30.7 | Stranger 56.2 | Unknown 13.1

Legend: ■ At least casually known ■ Stranger ■ Unknown

**Number of offenders**

Nonhate*: 1 = 82.8 | 2–3 = 7.8 | 4 or more = 4.9 | Unknown = 4.5

Hate: 1 = 68.5 | 2–3 = 13.6 | 4 or more = 9.5 | Unknown = 8.4

Legend: ■ 1 ■ 2–3 ■ 4 or more ■ Unknown

Percent (0, 20, 40, 60, 80, 100)

*Comparison group.
†Difference with comparison group is significant at the 95% confidence level.
‡Difference with comparison group is significant at the 90% confidence level.
Note: See source for full reference information.
Source: *Hate Crime Victimization, 2005–2019*, table 6

Hate crimes **more likely** to involve **strangers** and **multiple offenders**

# NCVS Hate Crime Resources

https://bjs.ojp.gov/library/publications/hate-crime-victimization-2005-2019

https://bjs.ojp.gov/topics/crime/hate-crime

https://bjs.ojp.gov/data-collection/ncvs

Bureau of Justice Statistics

# Grace Kena and
# Lexy Thompson

Statisticians
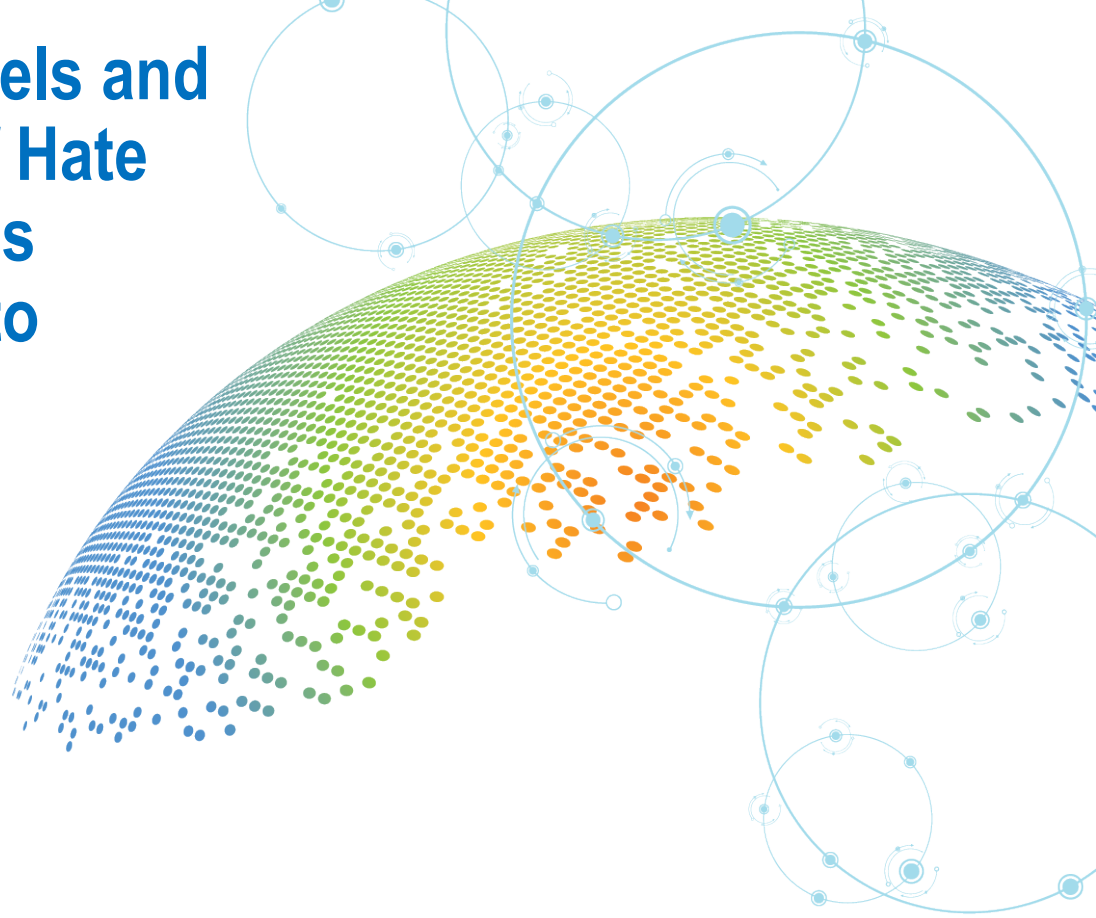
Victimization Statistics Unit

## Grace.Kena@usdoj.gov

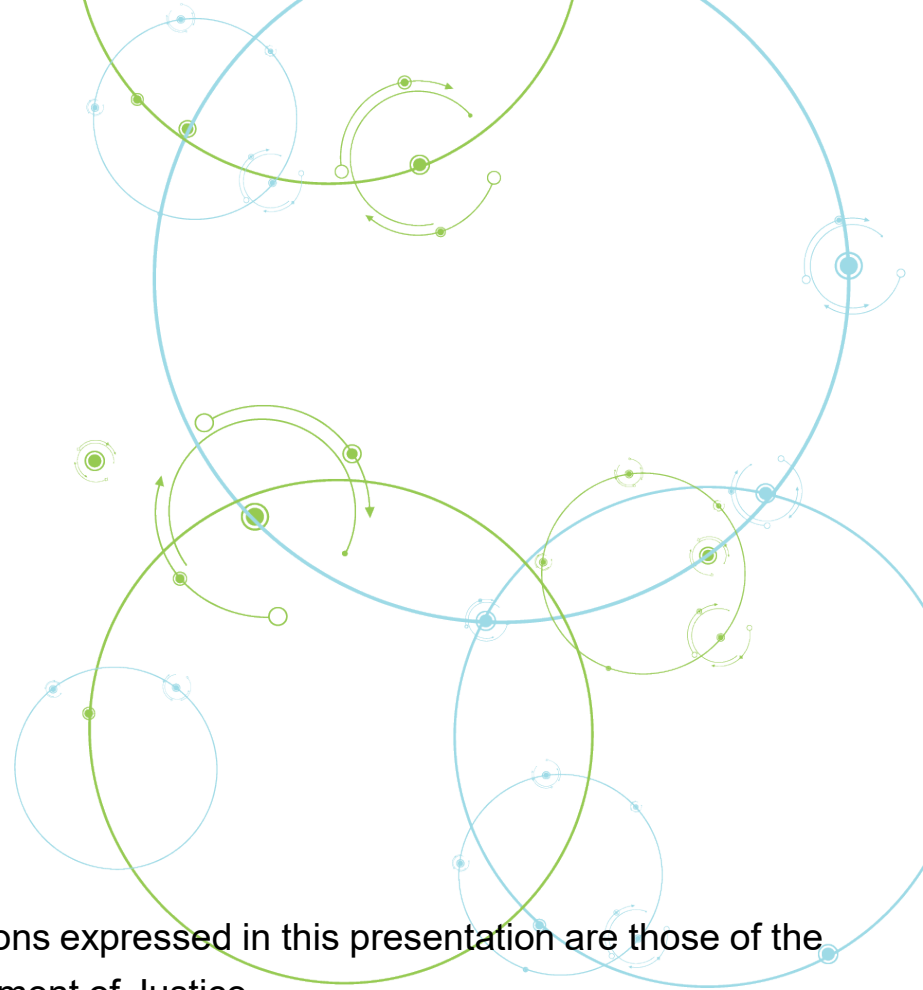## Alexandra.Thompson@usdoj.gov

# Using Online Survey Panels and Narrative Descriptions of Hate Crime Incidents to Assess Potential Improvements to NCVS Survey Items

Lynn Langton, Grace Kena, Chris Krebs, Sarah Cook

# Overview

- Key testing goals
- Challenges
- Testing methods
- Results
- Limitations

The opinions, findings, and conclusions or recommendations expressed in this presentation are those of the authors and do not necessarily reflect those of the Department of Justice.

# Key Testing Goals

o  Reduce likelihood of obtaining false positive or negative responses to NCVS hate crime questions

o  Assess respondent understanding of survey terminology, e.g., prejudice, bigotry, hate crime

o  Improve understanding of respondents' perceptions of bias motivation(s)

o  Refine evidence questions

- offender used hate language,
- offender left hate-related signs or symbols at scene, or
- incident confirmed to be a hate crime by police investigators

# Key Testing Goals

o Two hate crime instruments prepared for testing:

1. Redesign field test version modified from current NCVS instrument

2. Second version developed by BJS/RTI study team

| | Version 1 | Version 2 |
|---|---|---|
| Terminology | Led with definition of hate crime reliant on terms like 'prejudice or bigotry'; 'hate crime' used throughout the instrument | Did not use the term 'hate crime' until the end of the question series |
| Flow | Used broad gatekeeper questions to skip respondents into/out of more detailed items on bias motivation(s) and evidence types | Led with asking all victims to indicate whether they were targeted due to protected characteristic(s)/religious beliefs; then asks whether incident involved specific evidence types |

# Testing Challenges

- Study team faced and prepared for several challenges
  - Timeline, revised set of hate crime items needed for redesigned instrument delivery to Census Bureau
  - Anticipated recruitment difficulty, hate crime rare relative to other crime types

- Mitigated risks to study by
  - Using online survey platform to test for significant differences between two versions and recruit respondents for cognitive interviews
  - Lengthening reference period from the 6 months used in the NCVS to 3 years
  - Tailoring target number of respondents to timeline

- Factors working to our advantage
  - Prior experience with web-based platforms for data collection
  - Use of existing BJS Local-Area Crime Survey eliminated need to either develop a new survey or adapt the (lengthy) NCVS instrument

# Methods

o Testing window: August 31 to October 9, 2020

o Online panel survey (n= 4,267 respondents) w/ respondents randomized into one of the two versions

- Some respondents asked to provide open-text, narrative description of victimization experience

- Respondents given opportunity to participate in 1-hour cognitive interview

o Detailed cognitive interviews conducted with ~60 respondents

# Methods

o Mechanical Turk (MTurk) crowdsourcing platform chosen for web survey

- Facilitates recruitment of large numbers of respondents in a short period

- Includes 'rating scheme' for respondents, or 'MTurk workers'

- Allows for iterative approach to recruitment

- Embedded system capacity to check for falsification and other issues

- Ability to monitor respondent demographics and align with U.S. population data

- Collection of narratives from respondents identified as hate crime victims provided means for identifying false positive and negative survey responses

# Methods

- False positives:
  - Narrative described incident that would not rise to the level of NCVS crime or NCVS hate crime
  - **Example:** "I was mugged during Pride - I did not know the offender."
    - Insufficient evidence to meet BJS definition
- False negatives
  - Narrative described a hate crime incident (according to BJS definition), but respondent would not be classified as hate crime victim based on survey responses
  - **Example:** Someone spray painted racial slurs all over my car. I have no idea who it was, but I suspect the son of a local deputy.
- Narratives independently reviewed and classified by two researchers for interrater reliability

# Results

- Significant difference in hate crime prevalence (9%- V1; 15% -V2)

  - Finding held true across all victim characteristics

- No difference in prevalence of violent or property crime

- V2 = higher rate of false positive but lower rate of false negative responses

- Study team recommended adopting instrument version 2, with strengthened introductory language to reduce rate of false positives

# Limitations

o   Internet access, technology supports prerequisites for participation, introducing potential for bias

o   Study not designed to produce statistically significant differences across metrics

- Time constraints

- Anticipated difficulty recruiting hate crime victims

o   Key differences between NCVS and hate crime study

- Survey length

- Inclusion of juveniles as respondents

- Use of web-based platform

# Lessons Learned

o Online testing an effective tool for "quickly" addressing our methodological questions, although:

- Narratives enhanced analysis of quantitative survey responses

- Additional testing ultimately required for fully integrating the hate crime items into the full NCVS instrument

o Testing effort required significant planning, constant monitoring and involvement, and readiness to change course, as needed

o MTurk is an effective platform for collecting high-quality data from large samples

# Thank you

**Contact: Lynn Langton| email: laustell@rti.org**

Full report with findings from the Hate Crime Measurement Study:
Enhancing the Measurement of Hate Crime in the NCVS: Developing and Testing Improvements to the Survey Questions

# Q&A Session

Please type your questions for the panelists into the  **Q&A** window

# Thank you!