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Document Title:	Enhancing the Measurement of Hate Crime in the NCVS: Developing and Testing Improvements to the Survey Questions
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Abstract:
This research covers BJS's efforts, in collaboration with RTI, to improve the measurement of hate crime in the National Crime Victimization Survey (NCVS) instrument. The project explores potential enhancements to the definition and measurement of hate crime as part of the NCVS Instrument Redesign Research and Development Program. This research consisted of three main components: 1) reexamining and validating the BJS definition of hate crime through a review and assessment of state and federal hate crime laws, 2) conducting analyses of existing NCVS hate crime data and narratives, and 3) implementing a small-scale quantitative and qualitative test to compare a set of improved hate crime questions against a slightly modified version of the existing NCVS questions. This report focuses on testing, the third component of the effort. A summary of the other two components are included as appendices in this report.

NCVS Redesign Research and Development Program Report Series

The Bureau of Justice Statistics (BJS) maintains a robust research program geared toward assessing and improving the measurement of key criminal victimization estimates in the National Crime Victimization Survey (NCVS) and its supplements. BJS has undertaken research in several areas to increase the efficiency, reliability, and utility of the NCVS.

The *NCVS Instrument Redesign and Testing Project*, a major multiyear effort, is one such research and development effort. It is designed to revamp the existing core survey instrument, which was last updated in 1992. The overarching objective of the project is to develop and assess a new instrument through a large-scale national field test. The project aims to modernize the core NCVS instrument, including improving the victimization screener and flow and logic of the instrument, as well as providing new measures of police performance and community safety and expanded measures of correlates of victimization and victim help-seeking.

Under its broader NCVS Redesign Research and Development Program, BJS has also conducted additional research to support the instrument redesign work. This report describes testing efforts designed to improve the measurement of hate crime in the NCVS. It details the methodology and findings from a small-scale quantitative and qualitative online test of two versions of the hate crime portion of the NCVS questionnaire. The testing was informed by a review and assessment of state and federal hate crime laws compared to the BJS definition and by analyses of hate crime data and interview narratives derived from the current NCVS hate crime questions. The report examines the two hate crime questionnaire versions on the ability to correctly isolate both false positive and false negative responses, respondents' understanding of key terms in the hate crime questions, and respondents' ability to accurately identify bias motivations and evidence types.

This report and others developed under the NCVS Redesign Research and Development Program are part of BJS's efforts to finalize a new core survey instrument.

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Enhancing the Measurement of Hate Crime in the NCVS: Developing and Testing Improvements to the Survey Questions

Final Report

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Executive Summary

This research covers BJS's efforts, in collaboration with RTI, to improve the measurement of hate crime in the National Crime Victimization Survey (NCVS) instrument. The project explores potential enhancements to the definition and measurement of hate crime as part of the NCVS Instrument Redesign Research and Development Program. This research consisted of three main components: 1) reexamining and validating the BJS definition of hate crime through a review and assessment of state and federal hate crime laws, 2) conducting analyses of existing NCVS hate crime data and narratives, and 3) implementing a small-scale quantitative and qualitative test to compare a set of improved hate crime questions against a slightly modified version of the existing NCVS questions. This report focuses on testing, the third component of the effort. A summary of the other two components are included as appendices in this report.

From August 31 through October 16, 2020, RTI International successfully administered an online test to 4,267 initial respondents and conducted follow-up cognitive interviews with 60 respondents, using two versions of the NCVS hate crime questions. RTI used Amazon's Mechanical Turk (MTurk), an online nonprobability survey panel, to recruit the initial respondents. They were randomized to receive one of two versions of the hate crime questions and those who were eligible were offered an opportunity to participate in a more in-depth cognitive interview. The goal of the online testing and cognitive interviews was to determine which version of the questions produced the most accurate estimates of hate crime by reducing the potential for false negative and false positive responses. Version 1 of the questions was slightly revised from the current NCVS hate crime questions but maintained a similar structure and wording. Version 2 was further revised to remove introductory questions that served to skip victims out of sets of items and avoided using the terminology "hate crime."

The online testing and subsequent interviews yielded considerable information and data. In addition to the quantitative survey responses, online survey participants who identified as victims of hate crime were asked to provide a narrative description of the incident. The narratives provided context for identifying potential false positive and negative survey responses. Both victims and nonvictims were eligible to participate in the cognitive interviews, which involved probing respondents on their understanding and interpretation of various terms and question wording. When answering the questions, victims were first asked to think about their own experience(s). Then, both victims and nonvictims were given a series of scenarios and asked to put themselves in the place of the character in the scenario and answer the question accordingly. The cognitive interviews thus yielded quantitative data from the respondents' answers to questions about the scenarios, as well as qualitative data on their understanding of the terms and question wording.

Comparisons across the two versions revealed that hate crime prevalence estimates were higher for Version 2 (15.2%) than Version 1 (8.8%), and that Version 2 (57.7%) appeared to have higher rates of false positive reporting than Version 1 (29.5%). However, Version 2 (3.4%) also appeared to have lower levels of false negative response than Version 1 (25.0%). Other aspects of the Version 2 questions, such as the removal of the evidence screening question, the wording of the evidence questions, and the combining of race and ethnicity bias, appeared to work better than the Version 1 questions. Cognitive interviewing further revealed that respondents have varying perceptions of what constitutes a hate crime and the use of that terminology in Version 1 may cause them to answer the questions differently than they would with only terms like prejudice and bigotry.

Based on these findings from online and cognitive testing, Version 2 is recommended, but with necessary changes to substantially strengthen the introductory language and reduce the likelihood that respondents will include incidents that were not motivated by prejudice or bigotry (i.e., avoid false positive responses). This report also provides other suggested wording changes for improved clarity and comprehension.

This testing effort builds on and adds to a growing body of BJS work on the NCVS, demonstrating that the combination of online survey platforms used in conjunction with virtual cognitive interviewing can be a rigorous yet cost-effective and efficient approach to testing and understanding the impact of survey wording and design considerations on key outcomes of interest. These capabilities and methods proved to be especially necessary and useful when in-person interviewing was not practical or possible due to the COVID-19 pandemic.

1. Introduction

1.1 Background

Since 1999, the Bureau of Justice Statistics (BJS) has collected data through the National Crime Victimization Survey (NCVS) on crimes motivated by hate or bias. The questions were designed to be used in conjunction with data from the FBI's Uniform Crime Reports Hate Crime Statistics Program. Both collections, which are the two major sources of hate crime data in the United States, use the definition of hate crime from the Hate Crime Statistics Act (28 U.S.C. § 534). The act defines hate crimes as "crimes that manifest evidence of prejudice based on race, gender or gender identity, religion, disability, sexual orientation or ethnicity." Additionally, the NCVS measures crimes motivated by an offender's perception that a victim belongs to one of these protected groups or is associated with the protected group. It captures incidents described by victims as hate crimes but cannot directly measure the offenders' intent.

The NCVS hate crime questions are asked as part of the NCVS Incident Report, once the respondent has identified as a victim of a violent or property crime. The questions focus on two key elements required to classify an incident as a hate crime: the type of bias motivating the crime and the evidence demonstrating the offender's bias. The victim must perceive that the offender was motivated by bias because of the victim's status in a protected group (as defined by the statute) and must have evidence that the offender committed the crime, in part or in full, because of bias. The current NCVS hate crime series asks about seven different types of potential evidence, and BJS uses three of them (offender used hate language, offender left hate-related signs or symbols at the scene, or police investigators confirmed the incident was a hate crime) to qualify as sufficient evidence to classify the offense as a hate crime.

Since 2003, when the hate crime data were first available on NCVS public-use files, the questions have been used to generate annual counts and rates of victimizations motivated by bias. The NCVS estimates of hate crime have consistently been considerably higher than the FBI counts of hate crimes recorded by law enforcement agencies. At least some of this difference in magnitude is attributed to the NCVS capturing crimes that are not reported to police. However, NCVS victims may answer affirmatively to questions about whether they were targeted because of their characteristics or religious beliefs for reasons beyond the offender's prejudice. For example, respondents may answer the hate crime questions affirmatively if they believe that the offender targeted them because of a perceived vulnerability. Victims may also have difficulty distinguishing between an offender's general aggression versus an offender's bias against their particular demographic characteristics or religious affiliation. Although the NCVS includes items designed to filter out crimes for which no evidence of bias was apparent, the majority (99%) of crimes are perceived as hate crimes due to the offender using hurtful or abusive language.

Due to concerns that victims may be incorrectly identifying crimes as motivated by hate, BJS tasked RTI International with conducting an in-depth assessment of the current measurement strategy and the data being captured through the NCVS hate crime questions. This initial assessment took three forms: 1) a comprehensive secondary analysis of NCVS public-use hate crime data (Appendix A, Assessment of the NCVS Hate Crime Questions); 2) a systematic review of the 2007-2016 NCVS hate crime incident summaries, written by interviewers at the end of each completed interview (Appendix A-1 Hate Crime Summary Report Review; and 3) a review of state hate crime laws to understand the extent to which they are aligned with the NCVS definition of hate crime (Appendix B, Assessment of State Hate Crime Laws).

Findings from the initial assessment suggested that BJS should potentially:

- Stop using the phrase "hate crime," which can be incorrectly interpreted by respondents and does not accurately capture the full scope of offenses that BJS would classify as hate crimes and the motivation behind these offenses;
- Eliminate or move some of the broader questions that currently serve to skip victims into or out of all or sets of the hate crime questions;
- Assess the use of hate language as a type of evidence in hate crime, focusing on understanding more about what victims consider to be hate language and the implications of including only hate language that occurs at the time of the offense; and
- Examine how respondents think about an offender's bias to better understand the higher proportion of multiple bias incidents in the NCVS data compared to the FBI data.

BJS had previously developed the Version 1 draft of the hate crime questions as part of a recent, larger National Crime Victimization Survey Instrument Redesign and Testing Project.[1] Version 1 is a slightly modified version of the questions fielded on the NCVS since 1999. Based on findings from the initial assessment and discussion with BJS, RTI developed and proposed the Version 2 questions for testing. Both versions include modifications to improve measurement validity through clearer and more concise language (see Appendix C). However, the two versions of the instruments differ in two major ways. The first difference concerns the flow of the questions. Version 1 maintains the general flow and skip patterns that have been traditionally used in the NCVS. It uses broad questions to skip respondents into or out of more detailed sets of items. For example, "Did the offender(s) say something, write something, or leave something behind at the crime scene that made you think it was a hate crime?" If the respondent says "no," the questions about specific types of evidence are not administered. In contrast, Version 2 eliminates the broad questions. This version leads with asking all victims to indicate whether they think they were targeted for the crime(s) they experienced because of protected characteristics or religious beliefs, using a yes/no response for each protected category rather than a broad

[1] See OMB Control No 1121-0368.

screener item. Instead of asking the evidence screener, it moves right into asking whether the incident involved specific types of evidence.

The second difference between the two versions is in the terminology used in the questions. Version 1 leads with a definition of hate crime that relies on terms like "prejudice or bigotry," and uses the term "hate crime" throughout, whereas Version 2 does not introduce the term "hate crime" until the final question of the series.

Other differences between the two versions relate to additional areas identified for potential improvement in the hate crime question series. These include: the ordering of items on different types of bias motivating the incident (i.e., Version 1 asks about sex bias before asking questions about sexual orientation and gender identity bias, and the ordering was reversed in Version 2); whether racial and ethnic bias were asked about separately or as one item (i.e., in Version 1, these were treated as two separate types of bias, whereas Version 2 asked whether victims believed they were targeted because of their race, ethnic background, or national origin); and the language used to ask about the types of evidence leading the victim to believe the incident was a hate crime.

RTI's assessment helped BJS determine that revisions would likely strengthen the current hate crime questions. The next step was to determine which version would best reduce the likelihood of false positive and/or negative responses.

1.2 The Need for and Focus of Testing Efforts

Testing the two versions of the hate crime questions was necessary to determine whether respondents understood one set of questions better than the other, and the extent to which any misinterpretations of question meaning could impact measurement validity. RTI's testing efforts were designed to address the following issues and questions to help develop recommendations for BJS about which version of the questions should be used in the field.

1. False positive/negative responses. Are respondents:
    a. able to accurately identify the types of incidents covered by the questions?
    b. answering hate crime questions affirmatively based on experiences within the scope of the survey?
    c. able to distinguish aggression from hate?
    d. able to distinguish hate speech from threats of violence that are hate-motivated?
    e. thinking about incidents in which the offender was partially or wholly motivated by bias?
    f. who have experienced hate crime being classified as nonhate victims because of the level of evidence?

2. Understanding terminology.
    a. Do respondents understand the terms being used (prejudice, bigotry, being targeted, perceived characteristics)?
    b. Would other terms and phrasing be better or more simply convey the intended meaning for the terms/questions?
3. Bias motivation.
    a. Do respondents accurately think about being targeted because of the offender's perceptions?
    b. When respondents report multiple types of bias, how are they thinking about the offender's motivation, and can they identify a primary motivation?
    c. How do respondents distinguish between being targeted because of a perceived vulnerability versus prejudice against them?
4. Evidence.
    a. How well do the types of evidence questions perform, in terms of distinguishing more clear-cut offenses that BJS would classify as hate crimes from those that may not actually be hate-motivated?
    b. Would other terms and phrasing better or more simply convey the intended meaning of the evidence questions?
    c. Should other concepts be captured as part of these questions?
    d. Did the offender(s) specifically use hurtful or abusive language referring to the protected characteristics?

1.3 Testing Approach

In cognitive interviews, an interviewer administers the survey questions to potential respondents and probes those respondents on how they interpreted the question, how difficult it was to answer, and their process for formulating their response. Cognitive interviews are an important tool for evaluating respondent understanding and ability to accurately answer survey questions and were a key focus of the testing exercise. BJS previously conducted small-scale cognitive testing of the Version 1 hate crime questions as part of a larger testing effort, but because the sample of 15 included only three victims who identified as hate crime victims, the findings were limited. This prior effort highlighted one of the major challenges with conducting cognitive interviews with hate crime victims: namely, the ability to identify and recruit hate crime victims to participate in the interviews. A general limitation of cognitive interviews is that they do not provide empirical evidence as to whether one version of the questions performs better than another.

To address these challenges, RTI developed a testing approach that used an online survey platform to collect responses to both versions of the hate crime questions from a large number of respondents and to recruit eligible respondents to participate in an in-depth

cognitive interview. In addition to providing quantitative data, the responses to the online survey essentially served as a screening tool to identify hate crime victims, which then enabled RTI to focus cognitive interview recruiting efforts on those respondents who reported experiencing a hate crime. Overall, the approach to testing was successful and enabled the detection of differences between the different survey instrument versions.

1.3.1 Online Testing Approach

RTI used Amazon's Mechanical Turk (MTurk) to conduct the online testing. MTurk, a nonprobability online panel, is the most popular crowdsourcing platform in the United States. BJS and RTI recently used it successfully as part of an effort to test versions of another BJS data collection. Through that effort, MTurk workers were found to produce quality data and to spend more time completing the survey questions than members of two other online panels.

Potential respondents were screened for participation in the survey to ensure that they were age 18 or older, English speaking, and currently living in the U.S. Because it was necessary to identify whether a respondent had experienced a crime before asking about experiences with hate crime, respondents were first asked a series of questions about their experiences with crime. Rather than using the full NCVS instrument to identify victims, which would have been unnecessarily burdensome, BJS and RTI used questions from the BJS Local-Area Crime Survey (*National Crime Victimization Survey Local-Area Crime Survey Kit,* April 2020*)* to ask about victimization experiences. Because hate crime is a relatively rare event, to facilitate obtaining an adequate number of victims for the study, respondents were asked to think about any crimes they experienced during a three-year reference period, rather than the typical six-month NCVS reference period. Respondents who answered affirmatively to one or more of the crime questions were then randomized to receive one of the two versions of the hate crime questions (see Appendix C). Respondents who reported a crime that was motivated by bias were further asked to provide a brief written summary of the incident. After completing the survey, all respondents were asked about their interest in participating in an additional hour-long interview conducted via the Zoom teleconferencing platform. Those who were interested were asked to provide a first name and email address. Regardless of their interest in participating in the cognitive interviewing, respondents who completed the MTurk survey were paid the cash equivalent of $5 through the platform.[2]

The target sample size for the online testing was 5,000; each version of the hate crime questions was administered to approximately half of the respondents. The target number of 5,000 assumed that about 2% of respondents (n=100) would report experiencing a hate crime in the past three years and would complete the questions and narrative. Split across

[2] Prior to receiving payment, the survey responses were reviewed for completeness and data quality. Any surveys with evidence of data falsification or duplication were rejected and the worker was not paid for that response. See Methodology for more information about the data review process.

the two instruments, this would provide approximately 50 responses and narratives to review. This would be sufficient to recruit approximately 20 victims to participate in cognitive interviews, with the remaining cognitive interviews completed with nonvictims who agreed to be interviewed. Online testing efforts were to be stopped prior to 5,000 respondents if cognitive interview goals were met before reaching that point.

1.3.2 Cognitive Interviewing Approach

The cognitive interviewing approach reflected COVID-19 pandemic conditions and social distancing recommendations in 2020. RTI's aim was to conduct a total of 60 cognitive interviews with eligible survey respondents using the Zoom videoconferencing platform. The goal was to recruit 20-30 respondents who identified as hate crime victims and 30-40 respondents who had not experienced a hate crime. Interviews with victims were prioritized over interviews with nonvictims. The structure of the interview differed depending on whether the participant had experienced a hate crime. Experienced and trained RTI staff conducted all the interviews.

Interviewees who identified as hate crime victims in the online survey were administered the same version of the hate crime questions that they answered initially. Interviewers read each question aloud to the victims and then asked a series of probing questions to gauge victims' understanding of the questions and how they formulated their responses. Interviewers were trained to use structured probes, as well as spontaneous probing when necessary, to elicit a deeper or clarifying response from the victim.

Both victims and nonvictims were also given a series of seven hypothetical vignettes (see Appendix D, Cognitive Interviewing Report), presenting situations that could be perceived as hate crimes, and were asked to answer the hate crime survey questions, putting themselves in the position of the hypothetical victim. The cognitive interviewers randomized the order of the vignettes, sharing each on the Zoom screen while reading the scenario aloud. They then read the hate crime questions aloud to the respondent, asking the respondent to answer as though he or she was the victim. The interviewers probed the respondents using structured and spontaneous probes to understand the thought process behind their answers. Upon completion of the hate crime questions, the interviewer asked the respondents to rank on a scale of one to ten how confident they were that the scenario presented was a hate crime.

Each interview was expected to take no more than 60 minutes to complete. Upon completion of the protocol, respondents were given a $40 electronic Amazon.com Gift Card.

1.4 Data Collection

Data collection officially began on August 31, 2020, and ended on October 16, 2020, with a total of 4,267 online survey responses (excluding respondents with major data quality issues who did not meet the threshold for inclusion) and 60 completed cognitive interviews

(33 victims and 27 nonvictims). Additional information about the data quality review of MTurk responses is available in Section 4 Methodology. Tables 1-1 and 1-2 show the demographic distribution of respondents who participated in the online survey and the cognitive interviews. Table 1-1 shows that the two versions of the survey questions had similar respondent demographic distributions, suggesting that the randomization worked well overall. Compared to the U.S. population, a greater proportion of the MTurk sample was white and between the ages of 26 and 49.

Table 1-1. MTurk sample compared to U.S. population, by demographic characteristics

	Version 1		Version 2		MTurk Total		U.S. Population/a
	Number	Percent	Number	Percent	Number	Percent	
Total victims	2,477	100.00 %	1,790	100.00 %	4,267	100.00 %	100.00 %
Sex							
Male	1,239	50.02 %	926	51.73 %	2,165	50.74 %	49.20 %
Female	1,222	49.33	850	47.49	2,072	48.56	50.80
Transgender	11	0.44	11	0.61	22	0.52	~
None of these	5	0.20	3	0.17	8	0.19	~
Race/Hispanic origin							
White/b	1,827	73.76 %	1,337	74.69 %	3,164	74.15 %	61.10 %
Black/b	192	7.75	136	7.60	328	7.69	12.30
Hispanic	190	7.67	116	6.48	306	7.17	17.80
American Indian/Alaskan Native/b	8	0.32	7	0.39	15	0.35	0.70
Asian/b	161	6.50	126	7.04	287	6.73	5.40
Other Pacific Islander/b	1	0.04	0	0.00	1	0.02	0.20
Other/b	9	0.36	9	0.50	18	0.42	0.20
Two or more races/b	88	3.55	59	3.30	147	3.45	2.40
Age							
18-25	164	6.62 %	125	6.98 %	289	6.77 %	11.90 %
26-34	839	33.87	616	34.41	1,455	34.10	17.85
35-49	996	40.21	686	38.32	1,682	39.42	24.41
50 or older	478	19.30	363	20.28	841	19.71	45.84

~Not available.

a/Based on data from the 2019 American Community Survey.

b/Excludes persons of Hispanic or Latino origin.

Source: RTI Mechanical Turk Hate Crime Data Collection, 2020.

Table 1-2. Cognitive interview sample, by demographic characteristics and hate crime victim status

Demographic characteristics	Total		Version 1		Version 2	
	Count	Percent	Count	Percent	Count	Percent
Total	60	100 %	30	100 %	30	100 %
Sex						
Male	29	48 %	13	43 %	16	53 %
Female	31	52	17	57	14	47
Age						
18-25	4	7 %	3	10 %	1	3 %
26-34	17	28	4	13	13	43
35-49	24	40	18	60	6	20
50 or older	12	20	3	10	9	30
Race/Ethnicity						
White/a	30	50 %	13	43 %	17	57 %
Black/a	7	12	4	13	3	10
Hispanic	8	13	7	23	1	3
American Indian/Alaskan Native/a	0	0	0	0	0	0
Asian/a	7	12	5	17	2	7
Other Pacific Islander/a	0	0	0	0	0	0
Other/a	0	0	0	0	0	0
Two or more races/a	8	13	1	3	7	23
Highest Education						
HS graduate	2	3 %	0	0 %	2	6 %
Some college	13	22	6	20	7	23
College graduate	32	53	18	60	14	47
Graduate degree	1	2	1	3	0	0
Postgraduate	12	20	5	17	7	23
MTurk - BJS Hate Crime definition						
Yes	33	55 %	14	47 %	19	63 %
No	27	45	16	53	11	37

Note: Numbers may not sum to total because of missing information.
a/Excludes persons of Hispanic or Latino origin.

Source: RTI Hate Crime Cognitive Interviews, October 2020.

1.5 Strengths and Limitations of the Testing Approach

The testing approach builds on prior challenges with recruiting a sufficient number of true victims with whom to conduct cognitive interviews and testing different versions of survey questions. These recruitment challenges occurred in NCVS-related efforts to interview juvenile and adult respondents for other projects, as well as challenges with recruiting respondents for other efforts, such as the Campus Climate Survey Validation Study (*Campus Climate Survey Validation Study Final Technical Report*, January 2016*)*. One big issue with prior recruitment efforts was that potential respondents could only be asked one or two screening questions to determine whether they had experienced the type of victimization of interest. In contrast, the NCVS uses the entire Incident Report[3] to determine whether a qualifying victimization occurred and the type of victimization it was.

The current testing approach addressed the screening issue by administering the actual NCVS hate crime questions and using those to identify hate crime victims. In addition to providing useful data for analytic purposes, this approach enabled a more thorough screening of those participating in cognitive interviews as hate crime victims.

Using the online platform for screening and recruitment facilitated access to a much larger pool of potential victims than more traditional, in-person methods. In about six weeks, RTI collected survey data from nearly 5,000 respondents and conducted 60 cognitive interviews. Combined, these two data collection efforts enabled a rich and rigorous assessment of how well the different versions of the hate crime questions perform. RTI was able to examine statistically significant differences in the prevalence estimates generated through the two versions from the survey data. The cognitive interviews then provided in-depth qualitative data on how respondents understood and thought about the questions.

RTI faced some initial data quality challenges in the online survey effort, due to respondents who tried to cheat the system to collect the incentive (see Section 4). RTI instituted both manual and automated data quality reviews and rejected about 6% of the initial survey responses for data quality issues, such as duplication and suspicious response patterns. Despite the initial challenges, the MTurk platform resulted in survey responses with low levels of item missingness (less than 1%).

A major limitation of the collection is the potential for considerable bias in the survey responses and estimates. The prevalence estimates generated through the online testing environment are considerably higher than those generated by the NCVS, which could indicate topic saliency bias, acquiescence bias, and/or sampling bias. However, the difference could also be due in part to the current social environment and a new standard of increased awareness of potential bias-related incidents. A noticeable proportion of the hate crime incident summaries described acts of hate related to the COVID-19 pandemic, the

[3] National Crime Victimization Survey: NCVS-2 Crime Incident Report (bjs.gov)

Black Lives Matter movement, and the presidential election (the latter category does not actually classify as hate crime because political affiliation is not a protected status). Although the potential for sample or nonresponse bias is a big consideration in the use of online platforms for generating survey estimates, for the purpose of comparing across two versions of a questionnaire, this concern is less relevant because the same types of bias should be present to essentially the same degree across both versions. If online platforms were used to generate national estimates of hate crime, additional research would be needed to better understand the sources of bias and their impacts on the estimates.

The subsequent sections of this report describe findings from the online and cognitive testing efforts, provide recommendations on which version of the questions performed better and any changes that should be considered prior to fielding, and describe the online testing methodology in greater detail.

2. Key Findings

This section of the report presents findings from:

1. An analysis of the quantitative MTurk survey data;
2. An assessment of victims' summaries of hate crime incidents compared to their MTurk survey responses; and
3. Cognitive interviewing about respondents' personal experiences and responses to hypothetical vignettes.

This findings section uses the following terms and definitions throughout.

Hate Crime – an incident that meets the BJS definition of a hate crime. The victim experienced a crime that they believe was motivated by bias against them because of status in a protected category, as defined by the Hate Crime Statistics Act. Additionally, the victim reports at least one of the three BJS qualifying types of evidence that are required for classification as a hate crime (the offender used hate language, left hate-related sign or symbols at the scene, or the police indicated that the incident was a hate crime).

Nonhate Crime – an incident that does not meet the BJS definition of a hate crime. This could include incidents that were hate-involved (see below).

Hate-involved – an incident the victim believes was motivated by bias but that does not meet the BJS definition of a hate crime because of insufficient classifying evidence.

Noncrime Incident – an incident that does not rise to the level of crime, regardless of whether bias was involved. In the context of this report, these incidents generally involve hate speech without an associated criminal act (including threats).

2.1 Analysis of MTurk Survey Data

The two versions of the hate crime questions were randomly administered to eligible MTurk survey respondents. Specific findings from the survey data collection are detailed below.[4] Corresponding standard error tables are available in Appendix E.

2.1.1 Prevalence of Hate Crime by Instrument Version

- Version 2 (15.2%) resulted in a significantly higher prevalence of hate crime than Version 1 (8.8%). This version also resulted in a higher prevalence of victims who experienced a hate-involved incident during the prior three years (see table 2-1).
- No difference was evident in the percentage of respondents who reported experiencing any criminal victimization in the prior three years. Across both versions, about 68% of respondents reported experiencing one or more violent or property crimes (see table 2-2). Though this estimate is considerably higher than the NCVS, the consistency of responses to the crime questions (using the same questions across the two survey

[4] In this report, significance is reported at both the 90% and 95% confidence levels. See figures and tables for testing on specific findings.

versions) suggests that differences in hate crime estimates can be attributed to differences in the question wording.

- Across all victim characteristics, the prevalence of hate crime trended higher for Version 2 than Version 1. Males, females, non-Hispanic whites, non-Hispanic blacks, Asians, and persons of two or more races who received the Version 2 questions all had a significantly higher prevalence of hate crime compared to those who received Version 1. This finding was also true for persons in all age categories, except 18 to 25 (see table 2-3).
- The Version 2 questions were designed to specifically avoid the use of the term "hate crime" because respondents might attribute unintended connotations to the questions based on the terminology. However, at the end of the series, respondents were asked explicitly whether they believed the incident was a hate crime. The majority (61.8%) of those identified as hate crime victims based on their responses to the survey questions believed what they experienced was a hate crime (see table 2-4). For those who did not believe their experience was a hate crime, there are several possible reasons why. It could reflect a reticence to identify oneself as a victim, generally, or a reluctance to acknowledge that the offender hated something about them. It could also reflect a different conceptualization of the term 'hate crime,' or it could be an indication that the survey questions are casting too broad a net in some circumstances, contributing to the false positive identification of incidents as hate crimes.
- In contrast, less than a quarter (22.3%) of those classified as victims of a hate-involved crime believed the incident was a hate crime. Across nearly all demographic categories, the percentage who believed the incident was a hate crime was significantly lower among hate-involved victims than hate crime victims (see table 2-5). This finding provides some indication that the questions used to identify an incident as a hate crime are working as intended and screening out incidents that should not be classified as hate crimes.
- If only those who believed the incident was a hate crime were counted as hate crime victims for Version 2 (n=168), the prevalence of hate crime would be similar for the two versions: 8.8% for Version 1 and 9.4% for Version 2 (not shown in a table).
- Given the experimental nature of the testing, the differences detected between Versions 1 and 2 in prevalence suggest meaningful findings can be attributed to the design differences between the two survey instruments.

Table 2-1. Distributions of nonvictims, nonhate victims, hate-involved victims, and hate victims by instrument version

	Version 1*		Version 2		
	Count	Percent	Count	Percent	
Total sample	2,477	100.00 %	1,790	100.00 %	
Nonvictims/a	784	31.65	570	31.84	
Nonhate victims	1,360	54.91	800	44.69	†
Hate-involved victims	116	4.68	148	8.27	†
Hate victims	217	8.76	272	15.20	†

*Reference category

† Significantly different from reference category at 95% confidence level.

‡ Significantly different from reference category at 90% confidence level.

a/Includes those who did not experience crime in the prior three years.

b/Includes those who experienced crime that was not hate-motivated.

c/Includes those who experienced crime motivated by hate but did not meet the BJS definition based on the type of evidence.

d/Includes those who met the BJS definition of a hate crime victim.

Source: RTI Mechanical Turk Hate Crime Data Collection, 2020.

Table 2-2. Prevalence of hate and hate-involved victims by victim characteristics and instrument version

	Version 1*					Version 2				
	Total sample	Hate/a Count	Hate/a Percent	Hate-involved/b Count	Hate-involved/b Percent	Total sample	Hate/a Count	Hate/a Percent	Hate-involved/b Count	Hate-involved/b Percent
Total victims	2,477	217	8.76 %	116	4.68 %	1,790	272	15.20 %†	148	8.27 %†
Sex										
Male	1,239	109	8.80	62	5.00	926	129	13.93 †	63	6.80 ‡
Female	1,222	103	8.43	54	4.42	850	138	16.24 †	83	9.76 †
Transgender	11	4	36.36	0	0.00	11	4	36.36	1	9.09
None of these	5	1	20.00	0	0.00	3	1	33.33	1	33.33
Race/Hispanic origin										
White/c	1,827	125	6.84	72	3.94	1,337	162	12.12 †	105	7.85 †
Black/c	192	33	17.19	14	7.29	136	37	27.21 †	12	8.82
Hispanic	190	30	15.79	13	6.84	116	24	20.69	8	6.90
American Indian/Alaskan Native/c	8	0	0.00	0	0.00	7	2	28.57	1	14.29
Asian/c	161	16	9.94	11	6.83	126	25	19.84 †	15	11.90
Other Pacific Islander/c	1	0	0.00	0	0.00	0	0	0.00	0	0.00
Other/c	9	1	11.11	1	11.11	9	3	33.33	0	0.00
Two or more races/c	88	12	13.64	5	5.68	59	19	32.20 †	7	11.86
Age										
18-25	164	19	11.59	10	6.10	125	20	16.00	16	12.80 ‡
26-34	839	81	9.65	48	5.72	616	104	16.88 †	59	9.58 †
35-49	996	85	8.53	40	4.02	686	102	14.87 †	45	6.56 †
50 or older	478	32	6.69	18	3.77	363	46	12.67 †	28	7.71 †

*Reference category

† Significantly different from reference category at 95% confidence level.

‡ Significantly different from reference category at 90% confidence level.

a/Includes those who met the BJS definition of a hate crime victim.

b/Includes those who experienced crime motivated by hate but did not meet the BJS definition based on the type of evidence.

c/Excludes persons of Hispanic or Latino origin.

Source: RTI Mechanical Turk Hate Crime Data Collection, 2020.

Table 2-3. Percent of hate and hate-involved victims who believed the incident was a hate crime (Version 2)

	Hate/a*				Hate-involved/b			
	Total	Yes	Percent Yes		Total	Yes	Percent Yes	
Total victims	272	168	61.76	%	148	33	22.30	%†
Sex								
Male	129	94	72.87		63	19	30.16	†
Female	138	71	51.45		83	14	16.87	†
Transgender	4	2	50.00		1	0	0.00	
None of these	1	1	100.00		1	0	0.00	
Race/Hispanic origin								
White/c	162	95	58.64		105	23	21.90	†
Black/c	37	27	72.97		12	2	16.67	†
Hispanic	24	16	66.67		8	4	50.00	
American Indian/Alaskan Native/c	2	2	100.00		1	0	0.00	
Asian/c	25	16	64.00		15	4	26.67	†
Other Pacific Islander/c	0	0	0.00		0	0	0.00	
Other/c	3	3	100.00		0	0	0.00	
Two or more races/c	19	9	47.37		7	0	0.00	
Age								
18-25	20	12	60.00		16	2	12.50	†
26-34	104	56	53.85		59	8	13.56	†
35-49	102	70	68.63		45	16	35.56	†
50 or older	46	30	65.22		28	7	25.00	†

*Reference category

† Significantly different from reference category at 95% confidence level.

‡ Significantly different from reference category at 90% confidence level.

a/Includes those who met the BJS definition of a hate crime victim.

b/Includes those who experienced crime motivated by hate but did not meet the BJS definition based on the type of evidence.

c/Excludes persons of Hispanic or Latino origin.

Source: RTI Mechanical Turk Hate Crime Data Collection, 2020.

Table 2-4. Number of biases reported by hate and hate-involved victims, by instrument version and whether Version 2 respondents believed the incident was a hate crime

	Version 1*				Version 2				Version 2 - believed to be hate crime			
	Hate/a		Hate-involved/b		Hate/a		Hate-involved/b		Hate/a		Hate-involved/b	
	Count	Percent	Count	Percent	Count	Percent	Count	Percent	Count	Percent	Count	Percent
Total victims	217	100.00 %	116	100.00 %	272	100.00 %	148	100.00 %	168	100.00 %	33	100.00 %
0	~	~	6	5.17	~	~	0	0.00	~	~	0	0.00
1	88	40.55	45	38.79	143	52.57 †	119	80.41 †	81	48.21	26	78.79 †
2	79	36.41	43	37.07	88	32.35	23	15.54 †	65	38.69	6	18.18 †
3	35	16.13	10	8.62	33	12.13	6	4.05	14	8.33 †	1	3.03
4	12	5.53	7	6.03	5	1.84 †	0	0.00 †	5	2.98	0	0.00
5	2	0.92	3	2.59	1	0.37	0	0.00	1	0.60	0	0.00
6	1	0.46	2	1.72	2	0.74	0	0.00	2	1.19	0	0.00
7	~	~	~	~	0	0.00	0	0.00	0	0.00	0	0.00

~Not applicable

*Reference category

† Significantly different from reference category at 95% confidence level.

‡ Significantly different from reference category at 90% confidence level.

a/Includes those who met the BJS definition of a hate crime victim.

b/Includes those who experienced crime motivated by hate but did not meet the BJS definition based on the type of evidence.

Source: RTI Mechanical Turk Hate Crime Data Collection, 2020.

Table 2-5. Percent of hate crime victims reporting multiple biases, by victim characteristics and instrument version and whether Version 2 respondents believed the incident was a hate crime

	Version 1*						Version 2						Version 2 - believed to be hate crime					
	Count of victims	Number of biases					Count of victims	Number of biases					Count of victims	Number of biases				
		1		2		More than 2		1		2		More than 2		1		2		More than 2
Total victims	217	40.55	%	36.41	%	23.04	% 272	52.57	%†	32.35	%	15.07	%†	168	48.21	%	38.69	%	13.10	%†
Sex																				
Male	109	35.78		46.79		17.43	129	51.94	†	32.56	†	15.50		94	52.13	†	37.23		10.64	
Female	103	43.69		26.21		30.10	138	52.17		33.33		14.49	†	71	42.25		42.25	†	15.49	†
Transgender	4	75.00		25.00		0.00	4	75.00		0.00		25.00		2	50.00		0.00		50.00	
None of these	1	100.00		0.00		0.00	1	100.00		0.00		0.00		1	100.00		0.00		0.00	
Race/Hispanic origin																				
White/a	125	56.00		26.40		17.60	162	56.17		30.25		13.58		95	48.42		35.79		15.79	
Black/a	33	27.27		54.55		18.18	37	54.05	†	29.73	†	16.22		27	51.85	†	40.74		7.41	
Hispanic	30	20.00		36.67		43.33	24	45.83	†	29.17		25.00		16	50.00	†	31.25		18.75	‡
American Indian/ Alaskan Native/a	0	0.00		0.00		0.00	2	50.00		50.00		0.00		2	50.00		50.00		0.00	
Asian/a	16	6.25		68.75		25.00	25	60.00	†	36.00	†	4.00	‡	16	62.50	†	31.25	†	6.25	
Other Pacific Islander/a	0	0.00		0.00		0.00	0	0.00		0.00		0.00		0	0.00		0.00		0.00	
Other/a	1	0.00		0.00		100.00	3	33.33		66.67		0.00		3	33.33		66.67		0.00	
Two or more races/a	12	16.67		50.00		33.33	19	21.05		47.37		31.58		9	11.11		77.78		11.11	
Age																				
18-25	19	21.05		52.63		26.32	20	45.00	‡	30.00		25.00		12	50.00	‡	33.33		16.67	
26-34	81	30.86		41.98		27.16	104	54.81	†	25.96	†	19.23		56	48.21	†	32.14		19.64	
35-49	85	54.12		24.71		21.18	102	55.88		35.29		8.82	†	70	54.29		38.57	‡	7.14	†
50 or older	32	40.63		43.75		15.63	46	43.48		41.30		15.22		30	33.33		53.33		13.33	

*Reference category

† Significantly different from reference category at 95% confidence level.

‡ Significantly different from reference category at 90% confidence level.

a/Excludes persons of Hispanic or Latino origin.

Source: RTI Mechanical Turk Hate Crime Data Collection, 2020.

2.1.2 Number and Types of Bias Motivating Hate Crimes and Hate-Involved Incidents

- A higher percentage of hate crime victims responding to Version 2 (52.6%) compared to Version 1 (40.6%) reported that a single type of bias motivated the incident (see table 2-6).
- This finding held true for males, non-Hispanic blacks, Hispanics, Asians, and persons under age 35. Among female and white hate crime victims, there was no statistically significant difference across the two versions in the percentage reporting a single type of bias (see table 2-7).
- Victims responding to Version 1 (60.8%) were more likely than those responding to Version 2 (53.3%) to report that the incident was motivated by race, ethnicity, or national origin bias (90% confidence level). Version 1 asked about racial bias and ethnicity/national origin bias separately, but Version 2 combined those questions, which may have influenced this finding (see table 2-8).
- Version 1 victims (28.1%) were also more likely to report that the incident was motivated by sexual orientation or gender identity bias than Version 2 victims (20.2%) (see table 2-8).
- Version 1 victims (35.9%) were less likely than Version 2 victims (49.6%) to report that they were targeted for the crime because of their sex. This finding was somewhat surprising because Version 1 asked the question about sex bias before the question about sexual orientation and gender identity bias. In Version 2, the order was reversed. If respondents selected sex bias as the motivating factor because they confused it with sexual orientation or gender identity bias, the percentage reporting sex bias would likely be higher for Version 1 than Version 2 (see table 2-8). This may suggest that respondents intentionally selected both response options representing sexual orientation or gender identity, and sex because they thought both were relevant to the incident.
- The differences between Version 1 and Version 2 in the types of bias motivating hate crimes disappeared when the Version 2 victims were limited to just those who believed the incident was a hate crime (see table 2-8).
- Consistent with the findings from table 5, when victims reporting multiple types of biases were examined separately, a higher percentage of Version 1 hate crime victims (59.5%) reported multiple types of bias than Version 2 victims (47.4%). Version 2 asked about race, ethnicity, and national origin bias as a single item, which may have contributed to this difference. In Version 1, just over 10% of victims reported either racial bias or ethnic bias as the offender's single motivation. In contrast, in Version 2, about 22% of victims reported bias due to race, ethnicity, or national origin as the sole type of bias motivating the offense (see table 2-9).
- Among those who selected multiple types of biases in Version 1, racial and ethnic biases were the most common combination selected. About 21% of Version 1 victims selected both racial and ethnic biases as the reasons they were targeted (see table 2-10).

Table 2-6. Types of biases reported by hate and hate-involved victims, by instrument version and whether Version 2 respondents believed the incident was a hate crime

	Version 1*				Version 2				Version 2 -believed to be hate crime			
	Hate/a		Hate-involved/b		Hate/a		Hate-involved/b		Hate/a		Hate-involved/b	
	Count	Percent	Count	Percent	Count	Percent	Count	Percent	Count	Percent	Count	Percent
Total victims	217	100.00 %	116	100.00 %	272	100.00 %	148	100.00 %	168	100.00 %	33	100.00 %
Race	118	54.38	54	46.55	~	~	~	~	~	~	~	~
Ethnicity or national origin	95	43.78	43	37.07	~	~	~	~	~	~	~	~
Race/ethnicity/national origin	132	60.83	61	52.59	145	53.31 ‡	34	22.97 †	103	61.31	11	33.33 †
Religion	39	17.97	27	23.28	51	18.75	4	2.70 †	40	23.81	1	3.03 †
Disability	24	11.06	18	15.52	34	12.50	10	6.76 †	22	13.10	3	9.09
Sex	78	35.94	48	41.38	135	49.63 †	66	44.59	62	36.90	6	18.18 †
Sexual orientation or gender identity	61	28.11	26	22.41	55	20.22 †	14	9.46 †	40	23.81	2	6.06 †
Other	~	~	~	~	35	12.87	55	37.16	23	13.69	18	54.55

Note: Percentages do not sum due to victims reporting more than one type of bias

~Not applicable

*Reference category

† Significantly different from reference category at 95% confidence level.

‡ Significantly different from reference category at 90% confidence level.

a/Includes those who met the BJS definition of a hate crime victim.

b/Includes those who experienced crime motivated by hate but did not meet the BJS definition based on the type of evidence.

Source: RTI Mechanical Turk Hate Crime Data Collection, 2020.

Table 2-7. Single and multiple types of biases reported by hate and hate-involved victims, by instrument version and whether Version 2 respondents believed the incident was a hate crime

	Version 1*				Version 2				Version 2 - believed to be hate crime			
	Hate/a		Hate-involved/b		Hate/a		Hate-involved/b		Hate/a		Hate-involved/b	
	Count	Percent	Count	Percent	Count	Percent	Count	Percent	Count	Percent	Count	Percent
Total victims	217	100.00 %	116	100.00 %	272	100.00 %	148	100.00 %	168	100.00 %	33	100.00 %
Race only	21	9.68	10	8.62	~	~	~	~	~	~	~	~
Ethnicity or national origin only	4	1.84	4	3.45	~	~	~	~	~	~	~	~
Race/ethnicity/national origin only	~	~	~	~	60	22.06	21	14.19	45	26.79	6	18.18
Religion only	9	4.15	7	6.03	7	2.57	1	0.68 †	6	3.57	0	0.00
Disability only	7	3.23	5	4.31	10	3.68	3	2.03	5	2.98	1	3.03
Sex only	22	10.14	13	11.21	51	18.75 †	46	31.08 †	12	7.14	3	9.09
Sexual orientation or gender identity only	25	11.52	6	5.17	15	5.51 †	4	2.70	13	7.74	1	3.03
Other only	~	~	~	~	0	0.00	44	29.73	0	0.00	15	45.45
Multiple types	129	59.45	65	56.03	129	47.43 †	29	19.59 †	87	51.79	7	21.21 †
None	0	0.00	6	5.17	0	0.00	0	0.00	0	0.00	0	0.00

~Not applicable

*Reference category

† Significantly different from reference category at 95% confidence level.

‡ Significantly different from reference category at 90% confidence level.

a/Includes those who met the BJS definition of a hate crime victim.

b/Includes those who experienced crime motivated by hate but did not meet the BJS definition based on the type of evidence.

Source: RTI Mechanical Turk Hate Crime Data Collection, 2020.

Table 2-8. Detailed types of biases reported by hate and hate-involved victims, by instrument version and whether Version 2 respondents believed the incident was a hate crime

	Version 1*				Version 2				Version 2 - believed to be hate crime			
	Hate/a		Hate-involved/b		Hate/a		Hate-involved/b		Hate/a		Hate-involved/b	
	Count	Percent	Count	Percent	Count	Percent	Count	Percent	Count	Percent	Count	Percent
Total victims	217	100.00 %	116	100.00 %	272	100.00 %	148	100.00 %	168	100.00 %	33	100.00 %
Race only	21	9.68	10	8.62	~	~	~	~	~	~	~	~
Ethnicity or national origin only	4	1.84	4	3.45	~	~	~	~	~	~	~	~
Race/ethnicity/national origin only	~	~	~	~	60	22.06	21	14.19	45	26.79	6	18.18
Religion only	9	4.15	7	6.03	7	2.57	1	0.68 †	6	3.57	0	0.00
Disability only	7	3.23	5	4.31	10	3.68	3	2.03	5	2.98	1	3.03
Sex only	22	10.14	13	11.21	51	18.75 †	46	31.08 †	12	7.14	3	9.09
Sexual orientation or gender identity only	25	11.52	6	5.17	15	5.51 †	4	2.70	13	7.74	1	3.03
Other only	~	~	~	~	0	0.00	44	29.73	0	0.00	15	45.45
Race and ethnicity	46	21.20	16	13.79	~	~	~	~	~	~	~	~
Race and religion	4	1.84	1	0.86	~	~	~	~	~	~	~	~
Race and disability	3	1.38	2	1.72	~	~	~	~	~	~	~	~
Race and sex	4	1.84	4	3.45	~	~	~	~	~	~	~	~
Race and sexual orientation	0	0.00	1	0.86	~	~	~	~	~	~	~	~
Ethnicity and religion	2	0.92	1	0.86	~	~	~	~	~	~	~	~
Ethnicity and disability	1	0.46	0	0.00	~	~	~	~	~	~	~	~
Ethnicity and sex	0	0.00	0	0.00	~	~	~	~	~	~	~	~
Ethnicity and sexual orientation	1	0.46	0	0.00	~	~	~	~	~	~	~	~
Race/ethnicity and religion	~	~	~	~	11	4.04	0	0.00	11	6.55	0	0.00

(continued)

Table 2-8. Detailed types of biases reported by hate and hate-involved victims, by instrument version and whether Version 2 respondents believed the incident was a hate crime (continued)

	Version 1*				Version 2				Version 2 - believed to be hate crime			
	Hate/a		Hate-involved/b		Hate/a		Hate-involved/b		Hate/a		Hate-involved/b	
	Count	Percent	Count	Percent	Count	Percent	Count	Percent	Count	Percent	Count	Percent
Race/ethnicity and disability	~	~	~	~	5	1.84	1	0.68	5	2.98	1	3.03
Race/ethnicity and sex	~	~	~	~	23	8.46	5	3.38	13	7.74	1	3.03
Race/ethnicity and sexual orientation	~	~	~	~	5	1.84	1	0.68	3	1.79	0	0.00
Race/ethnicity and other	~	~	~	~	11	4.04	4	2.70	10	5.95	3	9.09
Sex and religion	2	0.92	2	1.72	7	2.57	0	0.00	6	3.57 ‡	0	0.00 ‡
Sex and disability	4	1.84	3	2.59	4	1.47	1	0.68	1	0.60	0	0.00
Sex and sexual orientation	9	4.15	9	7.76	11	4.04	4	2.70 ‡	7	4.17	1	3.03
Sex and other	~	~	~	~	3	1.10	4	2.70	2	1.19	0	0.00
Religion and disability	0	0.00	1	0.86	2	0.74	0	0.00	2	1.19	0	0.00
Religion and sexual orientation	2	0.92	2	1.72	2	0.74	0	0.00	2	1.19	0	0.00
Religion and other	~	~	~	~	1	0.37	2	1.35	1	0.60	0	0.00
Disability and sexual orientation	1	0.46	1	0.86	0	0.00	0	0.00	0	0.00	0	0.00
Disability and other	~	~	~	~	1	0.37	1	0.68	1	0.60	0	0.00
Sexual orientation and other	0	0.00	0	0.00	2	0.74	0	0.00	1	0.60	0	0.00
Three types	35	16.13	10	8.62	33	12.13	6	4.05	14	8.33 †	1	3.03
Four types	12	5.53	7	6.03	5	1.84 †	0	0.00 †	5	2.98	0	0.00
Five types	2	0.92	3	2.59	1	0.37	0	0.00	1	0.60	0	0.00

Table 2-8. Detailed types of biases reported by hate and hate-involved victims, by instrument version and whether Version 2 respondents believed the incident was a hate crime (continued)

	Version 1*				Version 2				Version 2 - believed to be hate crime			
	Hate/a		Hate-involved/b		Hate/a		Hate-involved/b		Hate/a		Hate-involved/b	
	Count	Percent	Count	Percent	Count	Percent	Count	Percent	Count	Percent	Count	Percent
All types	1	0.46	2	1.72	2	0.74	0	0.00	2	1.19	0	0.00
None	0	0.00	6	5.17	0	0.00	0	0.00	0	0.00	0	0.00

~Not applicable

*Reference category

† Significantly different from reference category at 95% confidence level.

‡ Significantly different from reference category at 90% confidence level.

a/Includes those who met the BJS definition of a hate crime victim.

b/Includes those who experienced crime motivated by hate but did not meet the BJS definition based on the type of evidence.

Source: RTI Mechanical Turk Hate Crime Data Collection, 2020.

Table 2-9. Types of evidence present in hate and hate-involved victimizations, by instrument version and whether Version 2 respondents believed the incident was a hate crime

	Version 1*				Version 2				Version 2 - believed to be hate crime			
	Hate/a		Hate-involved/b		Hate/a		Hate-involved/b		Hate/a		Hate-involved/b	
	Count	Percent	Count	Percent	Count	Percent	Count	Percent	Count	Percent	Count	Percent
Total victims	217	100.00 %	116	100.00 %	272	100.00 %	148	100.00 %	168	100.00 %	33	100.00 %
Classifying												
Language	213	98.16	0	0.00	242	88.97 †	1	0.68 †	151	89.88 †	0	0.00 †
Symbols	35	16.13	1	0.86	59	21.69	7	4.73 †	48	28.57 †	4	12.12 ‡
Police investigation	55	25.35	1	0.86	89	32.72 ‡	9	6.08 †	67	39.88 †	4	12.12 ‡
Non-classifying												
Offender committed similar hate crimes in the past	74	34.10	3	2.59	102	37.50	52	35.14 †	73	43.45 ‡	10	30.30 †
Occurred on or near holiday, event or location associated with specific group	51	23.50	3	2.59	55	20.22	19	12.84 †	40	23.81	6	18.18 †
Other hate crimes have happened in the area	95	43.78	3	2.59	147	54.04 †	61	41.22 †	105	62.50 †	17	51.52 †
Other	28	12.90	4	3.45	34	12.50	23	15.54 †	24	14.29	13	39.39 †

Note: Classifying evidence refers to the three types of evidence that, when present, result in the classification of the victimization as a hate crime based on the BJS definition. Hate-involved victims with classifying evidence includes victims who believed they were targeted because of the people with whom they spent time. Categories do not sum to 100% due to victims who reported multiple or no types of evidence.

~Not applicable

*Reference category

† Significantly different from reference category at 95% confidence level.

‡ Significantly different from reference category at 90% confidence level.

a/Includes those who met the BJS definition of a hate crime victim.

b/Includes those who experienced crime motivated by hate but did not meet the BJS definition based on the type of evidence.

Source: RTI Mechanical Turk Hate Crime Data Collection, 2020.

Table 2-10. Number of types of evidence present in hate crimes, by instrument version and whether Version 2 respondents believed the incident was a hate crime

	Version 1			Version 2			Version 2 -believed to be hate crime		
Number of types of evidence	Total	Classifying	Non-classifying	Total	Classifying	Non-classifying	Total	Classifying	Non-classifying
Total	100.00 %	100.00 %	100.00 %	100.00 %	100.00 %	100.00 %	100.00 %	100.00 %	100.00 %
0	~	~	29.95	~	~	27.57	~	~	22.02 ‡
1	26.27	66.36	36.41	21.32	64.34	33.09	15.48 †	52.38 †	28.57
2	27.65	27.65	23.04	26.84	27.94	27.94	19.05 †	36.90 ‡	33.93 †
3	24.88	5.99	10.60	26.47	7.72	10.29	30.36	10.71	14.29
4	11.98	~	0.00	15.07	~	1.10	20.24 †	~	1.19 †
5+	9.22	~	~	10.29	~	~	14.88 ‡	~	~
Number of victims	217	217	217	272	272	272	168	168	168

Note: "Classifying" refers to evidence that meets the BJS criteria for inclusion as a hate crime. "Non-classifying" refers to the other types of evidence asked about in the survey.

~Not applicable

*Reference category

† Significantly different from reference category at 95% confidence level.

‡ Significantly different from reference category at 90% confidence level.

Source: RTI Mechanical Turk Hate Crime Data Collection, 2020.

2.1.3 Evidence Present in Hate Crimes and Hate-Involved Incidents

- A lower percentage of hate crime victims responding to Version 2 (89.0%) than Version 1 (98.2%) reported that the offender used hate language. A higher percentage from Version 2 reported that information from the police investigation suggested that the incident was a hate crime (see table 2-11).
- Version 2 victims who experienced a hate-involved incident were more likely than Version 1 hate-involved victims to report evidence that the crime was motivated by bias (see table 2-11).
- Across Versions 1 and 2, no significant differences were found in the number of types of evidence present in hate crime incidents. About 26% of Version 1 victims reported just one type of evidence and about 21% of Version 2 victims reported just one type. Across both versions, about 30% of victims reported none of the non-classifying types of evidence (see table 2-12).
- Victims responding to Version 2 were more likely than victims responding to Version 1 to report either no evidence or only non-classifying evidence after identifying that the crime was motivated by bias. This finding suggests that the initial Version 2 questions may be pulling in more potential hate crime victims that would then be excluded from the hate crime classification because of a lack of evidence (see table 2-13).
- The above finding was true even among Version 2 victims who believed the incident was a hate crime, which could also suggest that Version 1 is potentially screening out victims who should be included as hate crime victims (see table 2-13).

Table 2-11. Percent of hate and hate-involved victims with classifying and non-classifying evidence, by victim characteristics and instrument version and whether Version 2 respondents believed the incident was a hate crime

	Version 1*					Version 2					Version 2 - believed to be hate crime				
		Type of evidence					Type of evidence					Type of evidence			
	Count of victims	None	Classifying only	Classifying and non-classifying	Non-classifying only	Count of victims	None	Classifying only	Classifying and non-classifying	Non-classifying only	Count of victims	None	Classifying only	Classifying and non-classifying	Non-classifying only
Total hate/hate-involved victims	333	33.63 %	19.52 %	45.35 %	1.50 %	420	12.86 %†	18.10 %	49.05 %	20.00 %†	201	2.99 %†	18.41 %	67.16 %†	11.44 %†
Sex															
Male	171	35.09	18.71	45.03	1.17	192	9.90 †	16.15	55.73 †	18.23 †	113	2.65 †	19.47	66.37 †	11.50 †
Female	157	33.12	19.11	45.86	1.91	221	15.38 †	19.46	43.44	21.72 †	85	3.53 †	17.65	67.06 †	11.76 †
Transgender	4	0.00	50.00	50.00	0.00	5	0.00	40.00	40.00	20.00	2	0.00	0.00	100.00	0.00
None of these	1	0.00	100.00	0.00	0.00	2	50.00	0.00	50.00	0.00	1	0.00	0.00	100.00	0.00
Race/Hispanic origin															
White/a	197	35.53	20.30	42.64	1.52	267	13.48 †	18.35	45.32	22.85 †	118	3.39 †	17.80	66.10 †	12.71 †
Black/a	47	27.66	12.77	57.45	2.13	49	8.16 †	20.41	55.10	16.33 †	29	3.45 †	24.14	68.97	3.45
Hispanic	43	30.23	18.60	51.16	0.00	32	3.13 †	15.63	65.63	15.63	20	5.00 †	10.00	70.00	15.00
American Indian/ Alaskan Native/a	0	0.00	0.00	0.00	0.00	3	33.33	0.00	66.67	0.00	2	0.00	0.00	100.00	0.00
Asian/a	27	40.74	33.33	25.93	0.00	40	15.00 †	7.50 †	55.00 †	22.50 †	20	0.00 †	15.00	65.00 †	20.00 †
Other Pacific Islander/a	0	0.00	0.00	0.00	0.00	0	0.00	0.00	0.00	0.00	0	0.00	0.00	0.00	0.00
Other/a	2	0.00	0.00	50.00	50.00	3	0.00	33.33	66.67	0.00	3	0.00	33.33	66.67	0.00
Two or more races/a	17	29.41	11.76	58.82	0.00	26	23.08	30.77	42.31	3.85	9	0.00	33.33	66.67	0.00

(continued)

Table 2-11. Percent of hate and hate-involved victims with classifying and non-classifying evidence, by victim characteristics and instrument version and whether Version 2 respondents believed the incident was a hate crime (continued)

	Version 1*					Version 2					Version 2 - believed to be hate crime				
	Type of evidence					Type of evidence					Type of evidence				
	Count of victims	None	Classifying only	Classifying and nonclassifying	Nonclassifying only	Count of victims	None	Classifying only	Classifying and nonclassifying	Nonclassifying only	Count of victims	None	Classifying only	Classifying and nonclassifying	Nonclassifying only
Age															
18-25	29	34.48	20.69	44.83	0.00	36	19.44	19.44	38.89	22.22	14	0.00	28.57	57.14	14.29
26-34	129	35.66	20.16	42.64	1.55	163	13.50 †	17.79	48.47	20.25 †	64	1.56 †	17.19	70.31 †	10.94 †
35-49	125	31.20	18.40	48.80	1.60	147	10.88 †	18.37	53.74	17.01 †	86	3.49 †	18.60	67.44 †	10.47 †
50 or older	50	34.00	20.00	44.00	2.00	74	12.16 †	17.57	45.95	24.32 †	37	5.41 †	16.22	64.86 †	13.51 ‡

*Reference category

† Significantly different from reference category at 95% confidence level.

‡ Significantly different from reference category at 90% confidence level.

a/Excludes persons of Hispanic or Latino origin.

Source: RTI Mechanical Turk Hate Crime Data Collection, 2020.

Table 2-12. Classification of incident summaries, by how they were classified based on survey responses

Incident summary classification	Survey responses											
	Version 1				Version 2				Version 2 -believed incident was a hate crime			
	Hate		Hate-Involved		Hate		Hate-Involved		Hate		Hate-Involved	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Total	215	100.00 %	8	100.00 %	271	100.00 %	148	100.00 %	168	100.00 %	33	100.00 %
Total included in analysis	129	60.00	8	100.00	208	76.75	119	80.41	122	72.62	25	16.89
Nonhate	19	14.73 %	4	50.00 %	85	40.87 %	108	90.76 %	35	28.69 %	23	92.00 %
Hate	91	70.54	2	25.00	88	42.31	4	3.36	65	53.28	0	0.00
Undetermined	19	14.73	2	25.00	35	16.83	7	5.88	22	18.03	2	8.00
Hate speech/not a crime	72	33.49	0	0.00	40	14.76	18	12.16	28	16.67	4	2.70
Happened to someone else	1	0.47	0	0.00	3	1.11	3	2.03	1	0.60	1	0.68
Poor quality	13	6.05	0	0.00	20	7.38	8	5.41	17	10.12	3	2.03

Note: "Hate" includes incidents that met the BJS definition of a hate crime. "Hate-involved" refers to incidents that were believed to be motivated by hate but did not meet the BJS definition based on the type of evidence.

Source: RTI Mechanical Turk Hate Crime Data Collection, 2020.

Table 2-13. Classification of hate crime incident summaries as hate or nonhate, by victim characteristics and instrument version

	Version 1 - Incident summaries								Version 2 - Incident summaries							
		Hate		Nonhate		Undetermined			Hate			Nonhate		Undetermined		
Demographic characteristics	Total	Count	Percent	Count	Percent	Count	Percent		Total	Count	Percent	Count	Percent	Count	Percent	
Total summaries	129	91	70.54 %	19	14.73	19	14.73		208	88	42.31 %	85	40.87	35	16.83	%
Sex																
Male	63	45	71.43 %	7	11.11	11	17.46		87	37	42.53 %	28	32.18	22	25.29	
Female	64	44	68.75 %	12	18.75	8	12.50		116	48	41.38 %	57	49.14	11	9.48	
Transgender	2	2	100.00 %	0	0.00	0	0.00		4	3	75.00 %	0	0.00	1	25.00	
None of these	0	0	0.00 %	0	0.00	0	0.00		1	0	0.00 %	0	0.00	1	100.00	
Race/Hispanic origin																
White/a	85	56	65.88 %	14	16.47	15	17.65		129	50	38.76 %	57	44.19	22	17.05	
Black/a	14	13	92.86 %	1	7.14	0	0.00		27	8	29.63 %	13	48.15	6	22.22	
American Indian/ Alaskan Native/a	0	0	0.00 %	0	0.00	0	0.00		15	8	53.33 %	6	40.00	1	6.67	
Hispanic	16	11	68.75 %	1	6.25	4	25.00		2	1	50.00 %	0	0.00	1	50.00	
Asian/a	4	3	75.00 %	1	25.00	0	0.00		17	12	70.59 %	4	23.53	1	5.88	
Other/a	0	0	0.00 %	0	0.00	0	0.00		2	2	100.00 %	0	0.00	0	0.00	
Two or more races/a	10	8	80.00 %	2	20.00	0	0.00		16	7	43.75 %	5	31.25	4	25.00	
Age																
18-25	11	7	63.64 %	1	9.09	3	27.27		17	7	41.18 %	10	58.82	0	0.00	
26-34	48	37	77.08 %	6	12.50	5	10.42		75	31	41.33 %	27	36.00	17	22.67	
35-49	53	37	69.81 %	9	16.98	7	13.21		80	38	47.50 %	30	37.50	12	15.00	
50 or older	17	10	58.82 %	3	17.65	4	23.53		36	12	33.33 %	18	50.00	6	16.67	

Note: Includes incidents that met the BJS definition of a hate crime.

a/Excludes persons of Hispanic or Latino origin.

Source: RTI Mechanical Turk Hate Crime Data Collection, 2020.

2.1.4 Summary of MTurk Findings

Analysis of the MTurk survey data showed that the use of the term "hate crime" in the survey questions resulted in significant differences in how victims responded to the questions and thought about what happened to them. The Version 2 questions did not use the term "hate crime" until the end and resulted in higher prevalence rates overall. However, when the Version 2 findings were restricted to those who believed the incident was a hate crime, the prevalence rate was similar to Version 1.

Compared to the Version 1 questions, the Version 2 questions elicited a greater percentage of victims who had non-classifying evidence only. This was true among those victims who believed they had experienced a hate crime, potentially suggesting that the Version 2 questions included victims who should be classified as hate crime victims and would not be included through Version 1 and the current BJS evidence thresholds.

Findings also suggested that race and ethnicity should be asked as a combined bias category, since Version 1 respondents often reported both. Additionally, findings showed a higher percentage of Version 2 victims reported that the police communicated to them about the offender's apparent bias. This finding suggests that rather than asking victims whether the police told them the incident was a hate crime (Version 1), which officers may be hesitant to do until they complete the investigation or the prosecutor makes charging decisions, using general language about whether the police found something to suggest that the offender was biased is better to capture the actual communication between officers and victims.

2.2 Analysis of Incident Summary Data

At the end of the survey, victims who answered one or more of the hate crime questions affirmatively were asked to briefly describe the most recent incident in which they were targeted because of their characteristics or religious beliefs. Because these summaries provide additional context about the incident (beyond responses to the survey questions), they could be used to assess the potential for false positive survey responses among the two versions of the questions. To examine the summaries in conjunction with the survey data, RTI analysts reviewed summaries and coded them based on whether they appeared to describe a hate crime that met the BJS hate crime definition.

After discussion with BJS, RTI developed a series of coding rules and applied one of five codes to each summary. The general codes and coding rules were as follows:

- Poor quality summaries were coded as five, including summaries that were nonsensical, too short to provide any relevant information, or failed to address a specific incident.
- If the incident could not be determined to be a hate crime, summaries were coded as four. This included summaries that did not specify whether or what criminal act

occurred or were ambiguous about whether the victim was actually targeted because of their characteristics or religious beliefs.

- Summaries describing an incident that happened to someone else were coded as three. These incidents included those that the respondent knew about or witnessed but that were not directed at the respondent.
- If the summary described an incident that did not rise to the level of a core NCVS crime, code two was used. These incidents included those involving hate speech, without an associated direct threat, stalking, and harassment.
- If the summary described a hate crime incident, code one was used. This included summaries in which the victim described a criminal event (including threats of violence), identified the targeted characteristic or belief, and described the presence of one of the three types of evidence that he or she was targeted because of this characteristic or belief. Code one was also used if:
  - The victim of a sexual assault described the offender as having dislike for their characteristics AND at least one of the three types of evidence was present. Sexual assaults in which the offender used a derogatory term in the course of the act but there was no evidence of prejudice against the victim's characteristics were not coded as a one.
  - The incident was started accidentally or by the victim, but the victim's characteristics appeared to escalate the situation with the offender reacting differently than he or she would have if the victim did not possess certain characteristics.
- A code of zero was used if the summary described a criminal event but the perceived motivation for the offense did not involve a protected category or the incident summary did not reference one of the three types of evidence needed to classify the incident as a hate crime.

Two researchers independently coded each of the summaries based on the established rules, developed in consultation with BJS. Their codes were checked for inter-rater reliability and any divergent codes were reviewed and discussed until consensus was reached.

Table 2-14 shows the distribution of incident summary classifications across the two survey versions, for both hate and hate-involved incidents (based on survey responses). Of the incident summaries included in the analysis, 71% of the Version 1 hate crime summaries were classified as describing a hate crime, whereas about 42% of the Version 2 hate crime summaries were classified as describing a hate crime. Among the respondents in Version 2 who believed that the incident was a hate crime, about 53% of the incident summaries were classified as describing a hate crime. This number suggests that the Version 2 survey items generated a higher rate of false positive responses than the Version 1 items.

However, although the Version 1 hate-involved sample sizes were small, findings suggest that Version 2 had a lower rate of false negative responses. Based on the review of the summaries, at least 25% of Version 1 hate-involved incidents were incorrectly classified as nonhate, whereas about 3% of the Version 2 hate-involved incidents were incorrectly classified as nonhate.

Additional findings from the incident summaries that were included in the analysis (i.e., those classified as hate, nonhate, or undetermined) and their comparison to the survey responses are presented below.

2.2.1 Incident Summary Analysis

- Regardless of victim characteristics, among those identified as hate crime victims based on their survey responses, fewer Version 2 incident summaries were classified as hate crimes than Version 1 (see table 2-14 percentages).
- This finding was also true regardless of the type of bias. Across all types of bias, fewer Version 2 incident summaries were classified as describing hate crimes than Version 1. Across both Versions 1 and 2, a higher percentage of hate crimes based on race or ethnicity, religion, and sexual orientation or gender identity bias had summaries also classified as hate crimes than incidents motivated by sex or disability bias (see table 2-15 percentages).
- Among Version 2 hate crime victims, the percentage of incident summaries also classified as hate crimes was higher across all types of bias among victims who believed the incident was a hate crime than all Version 2 victims. However, the percentages were still lower than for Version 1 victims, regardless of the type of bias (see table 2-16).
- Although the sample sizes are small and cannot be compared to Version 1, among the Version 2 victims who experienced hate-involved incidents, about a third of those incidents motivated by bias against the victim's sex had corresponding summaries classified as describing a hate crime. For all the other types of bias, no more than 5% had incident summaries that appeared to capture a hate crime (see table 2-17).
- Among Version 1 hate crime victims, more summaries were classified as describing hate incidents when the victim reported two or three types of bias motivating the offender than when the victim reported a single type of bias. Regardless of whether one, two, or three types of bias were reported, Version 1 had a higher percentage of summaries classified as hate than Version 2 (see table 2-18 percentages). This held true, even compared to Version 2 victims who believed the incident was a hate crime (not shown).
- Similar to the other findings, regardless of the type of evidence demonstrating that the incident was a hate crime, more Version 1 than Version 2 summaries were classified as describing a hate crime (see table 2-19 percentages).
- Interestingly, among Version 1 victims, the summaries were more likely to be classified as describing hate crimes when they involved non-classifying evidence than when they involved signs or symbols left at the scene. However, this finding is difficult to interpret because the victim also had to have reported one of the types of classifying evidence in addition to the non-classifying evidence (see table 2-19).
- Among Version 2 hate-involved victims, 7% of incident summaries were classified as hate crimes when the offender committed similar crimes against similar victims (type of evidence). About 6% were classified as hate crimes when the victim reported some other type of evidence, and about 4% were

classified as hate crimes when other crimes against similar victims in the local area had occurred (not shown).

Table 2-14. Classification of hate crime incident summaries as hate or nonhate by types of biases reported and instrument version

	Version 1 - Incident summaries							Version 2 - Incident summaries						
		Hate		Nonhate		Undetermined			Hate		Nonhate		Undetermined	
Survey responses	Total	Count	Percent	Count	Percent	Count	Percent	Total	Count	Percent	Count	Percent	Count	Percent
Total	129	91	70.54 %	19	14.73	19	14.73	208	88	42.31 %	85	40.87	35	16.83
Race	16	12	75.00 %	2	12.50	2	12.50	~	~	~	~	~	~	~
Ethnicity or national origin	2	0	0.00 %	1	50.00	1	50.00	~	~	~	~	~	~	~
Race/ethnicity/national origin	~	~	~ %	~	~	~	~	48	26	54.17 %	17	35.42	5	10.42
Religion	3	3	100.00 %	0	0.00	0	0.00	4	3	75.00 %	0	0.00	1	25.00
Disability	6	3	50.00 %	1	16.67	2	33.33	9	0	0.00 %	6	66.67	3	33.33
Sex	14	5	35.71 %	5	35.71	4	28.57	46	11	23.91 %	33	71.74	2	4.35
Sexual orientation or gender identity	19	16	84.21 %	3	15.79	0	0.00	12	8	66.67 %	3	25.00	1	8.33
Multiple types	69	52	75.36 %	7	10.14	10	14.49	89	40	44.94 %	26	29.21	23	25.84

Note: Includes incidents that met the BJS definition of a hate crime.

Source: RTI Mechanical Turk Hate Crime Data Collection, 2020.

Table 2-15. Classification of incident summaries as hate or nonhate by types of biases reported, among Version 2 respondents who believed the incident was a hate crime or experienced a hate-involved incident

	Version 2 - believed incident was a hate crime							Version 2 - hate-involved						
		Hate		Nonhate		Undetermined			Hate		Nonhate		Undetermined	
Survey responses	Total	Count	Percent	Count	Percent	Count	Percent	Total	Count	Percent	Count	Percent	Count	Percent
Total	122	65	53.28 %	35	28.69 %	22	18.03 %	119	4	3.36 %	108	90.76 %	7	5.88 %
Race	~	~	~	~	~	~	~	~	~	~	~	~	~	~
Ethnicity or national origin	~	~	~	~	~	~	~	~	~	~	~	~	~	~
Race/ethnicity/national origin	35	22	62.86	9	25.71	4	11.43	18	1	5.56	17	94.44	0	0.00
Religion	4	3	75.00	0	0.00	1	25.00	1	0	0.00	1	100.00	0	0.00
Disability	4	0	0.00	2	50.00	2	50.00	39	1	2.56	36	92.31	2	5.13
Sex	10	5	50.00	5	50.00	0	0.00	3	1	33.33	2	66.67	0	0.00
Sexual orientation or gender identity	10	6	60.00	3	30.00	1	10.00	21	1	4.76	17	80.95	3	14.29
Multiple types	59	29	49.15	16	27.12	14	23.73	37	0	0.00	35	94.59	2	5.41

Note: Hate and nonhate designations are based on RTI classification of hate crime incident summaries.

Source: RTI Mechanical Turk Hate Crime Data Collection, 2020.

Table 2-16. Classification of hate crime incident summaries as hate or nonhate, by number of types of bias reported and instrument version

Survey responses	Version 1 - Incident summaries							Version 2 - Incident summaries						
		Hate		Nonhate		Undetermined			Hate		Nonhate		Undetermined	
	Total	Count	Percent	Count	Percent	Count	Percent	Total	Count	Percent	Count	Percent	Count	Percent
Total	129	91	70.54 %	19	14.73	19	14.73	208	88	42.31 %	85	40.87	35	16.83
1	60	39	65.00 %	12	20.00	9	15.00	119	48	40.34 %	59	49.58	12	10.08
2	42	32	76.19 %	4	9.52	6	14.29	65	30	46.15 %	19	29.23	16	24.62
3	20	16	80.00 %	1	5.00	3	15.00	21	8	38.10 %	7	33.33	6	28.57
4	7	4	57.14 %	2	28.57	1	14.29	2	2	100.00 %	0	0.00	0	0.00
5	0	0	0.00 %	0	0.00	0	0.00	1	0	0.00 %	0	0.00	1	100.00

Note: Includes incidents that met the BJS definition of a hate crime.

Source: RTI Mechanical Turk Hate Crime Data Collection, 2020.

Table 2-17. Classification of hate crime incident summaries as hate or nonhate by types of evidence reported and instrument version

	Version 1 - Incident summaries							Version 2 - Incident summaries						
		Hate		Nonhate		Undetermined			Hate		Nonhate		Undetermined	
Survey responses	Total	Count	Percent	Count	Percent	Count	Percent	Total	Count	Percent	Count	Percent	Count	Percent
Total victims	129	91	70.54 %	19	14.73	19	14.73	208	88	42.31 %	85	40.87	35	16.83
Classifying														
Language	126	90	71.43 %	17	13.49	19	15.08	188	78	41.49 %	76	40.43	34	18.09
Symbols	22	13	59.09 %	6	27.27	3	13.64	41	23	56.10 %	12	29.27	6	14.63
Police investigation	35	27	77.14 %	5	14.29	3	8.57	64	33	51.56 %	20	31.25	11	17.19
Non-classifying														
Offender committed similar hate crimes in the past	41	29	70.73 %	5	12.20	7	17.07	85	36	42.35 %	41	48.24	8	9.41
Occurred on or near holiday, event or location associated with specific group	23	18	78.26 %	3	13.04	2	8.70	32	14	43.75 %	11	34.38	7	21.88
Other hate crimes have happened in the area	57	40	70.18 %	7	12.28	10	17.54	106	49	46.23 %	39	36.79	18	16.98
Other	17	9	52.94 %	6	35.29	2	11.76	24	8	33.33 %	9	37.50	7	29.17

Note: Includes incidents that met the BJS definition of a hate crime. Counts and percents do not sum to totals due to some victims reporting more than one type of evidence.
Source: RTI Mechanical Turk Hate Crime Data Collection, 2020.

Table 2-18. Classification of hate crime incident summaries as hate or nonhate, by number of types of bias reported and instrument version

Survey responses	Version 1 - Incident summaries							Version 2 - Incident summaries						
		Hate		Nonhate		Undetermined			Hate		Nonhate		Undetermined	
	Total	Count	Percent	Count	Percent	Count	Percent	Total	Count	Percent	Count	Percent	Count	Percent
Total	129	91	70.54 %	19	14.73	19	14.73	208	88	42.31 %	85	40.87	35	16.83
1	60	39	65.00 %	12	20.00	9	15.00	119	48	40.34 %	59	49.58	12	10.08
2	42	32	76.19 %	4	9.52	6	14.29	65	30	46.15 %	19	29.23	16	24.62
3	20	16	80.00 %	1	5.00	3	15.00	21	8	38.10 %	7	33.33	6	28.57
4	7	4	57.14 %	2	28.57	1	14.29	2	2	100.00 %	0	0.00	0	0.00
5	0	0	0.00 %	0	0.00	0	0.00	1	0	0.00 %	0	0.00	1	100.00

Note: Includes incidents that met the BJS definition of a hate crime.

Source: RTI Mechanical Turk Hate Crime Data Collection, 2020.

Table 2-19. Classification of hate crime incident summaries as hate or nonhate by types of evidence reported and instrument version

	Version 1 – Incident summaries							Version 2 – Incident summaries						
		Hate		Nonhate		Undetermined			Hate		Nonhate		Undetermined	
Survey responses	Total	Count	Percent	Count	Percent	Count	Percent	Total	Count	Percent	Count	Percent	Count	Percent
Total victims	129	91	70.54 %	19	14.73	19	14.73	208	88	42.31 %	85	40.87	35	16.83
Classifying														
Language	126	90	71.43 %	17	13.49	19	15.08	188	78	41.49 %	76	40.43	34	18.09
Symbols	22	13	59.09 %	6	27.27	3	13.64	41	23	56.10 %	12	29.27	6	14.63
Police investigation	35	27	77.14 %	5	14.29	3	8.57	64	33	51.56 %	20	31.25	11	17.19
Non-classifying														
Offender committed similar hate crimes in the past	41	29	70.73 %	5	12.20	7	17.07	85	36	42.35 %	41	48.24	8	9.41
Occurred on or near holiday, event or location associated with specific group	23	18	78.26 %	3	13.04	2	8.70	32	14	43.75 %	11	34.38	7	21.88
Other hate crimes have happened in the area	57	40	70.18 %	7	12.28	10	17.54	106	49	46.23 %	39	36.79	18	16.98
Other	17	9	52.94 %	6	35.29	2	11.76	24	8	33.33 %	9	37.50	7	29.17

Note: Includes incidents that met the BJS definition of a hate crime. Counts and percents do not sum to totals due to victims reporting more than one type of evidence.

Source: RTI Mechanical Turk Hate Crime Data Collection, 2020.

2.2.2 Summary of Findings from Incident Summary Analysis

The key takeaway from the assessment of the incident summaries is that Version 1 appeared to result in fewer false positive responses than Version 2. In other words, a greater percentage of survey responses describing a hate crime had corresponding summaries that were also classified as describing a hate crime for Version 1 (70.5%) than Version 2 (42.3%). Though based on small samples, Version 2 seems to avoid false negatives more often, suggesting that elements of both versions have merit and can be combined for maximum benefit.

2.3 Cognitive Interview Findings

2.3.1 Responses to Hypothetical Vignettes

To augment the testing effort, BJS and RTI included hypothetical vignettes to better understand how respondents (both victims and nonvictims) think about whether an incident is a hate crime. The 60 cognitive interview respondents were asked to answer the hate crime questions, from whichever version of the questions they initially completed, as they thought about their own experience(s) (if they indicated being a victim in the MTurk survey), as well as based on hypothetical scenarios created to test Versions 1 and 2 (see Appendix D). The first question of Version 1, and the last question of Version 2, asked respondents if they believed the incident was a hate crime. In both Versions, following all the regular questions, respondents were also asked to rate how strongly they believed the incident was or was not a hate crime (depending on whether they felt the incident was or was not a hate crime) on a scale from one to ten where one was "not very strongly" and ten was "extremely strongly." Table 2-20 shows the mean, median, and mode for how strongly respondents felt each scenario was or was not a hate crime, shown by survey version and whether their verbal responses to the questions following each vignette would classify them as a hate crime victim.

Table 2-20. How strongly respondents felt the scenarios were or were not hate crimes, by version

	Version 1	Version 2	Version 1	Version 2
	Hate crime*	Hate crime*	Not hate crime*	Not hate crime*
Scenario 1 response count	18	8	5	4
Mean	7.2	6.6	8.5	4.8
Median	7.0	8.0	8.5	5.0
Mode	7.0	10.0	NA	5.0
Scenario 2 response count	17	6	2	7
Mean	7.1	6.5	9.0	7.2

Median	7.0	6.0	9.0	8.0
Mode	6.0	6.0	9.0	8.0
Scenario 3 response count	11	6	4	4
Mean	7.7	7.0	6.0	4.8
Median	8.0	7.0	6.0	4.0
Mode	8.0	7.0	~	4.0
Scenario 4 response count	15	10	2	3
Mean	8.2	8.8	5.5	5.5
Median	9,0	10.0	5.5	5.5
Mode	10.0	10.0	~	~
Scenario 5 response count	23	13	0	2
Mean	9.1	8.8	~	5.0
Median	10.0	10.0	~	5.0
Mode	10.0	10.0	~	5.0
Scenario 6 response count	14	5	10	4
Mean	8.5	9.0	7.3	8.3
Median	8.0	10.0	8.0	9.0
Mode	10.0	10.0	10.0	9.0
Scenario 7 response count	9	1	6	13
Mean	5.6	8.0	8.8	8.3
Median	5.0	8.0	9.0	9.0
Mode	5.0	~	10.0	10.0

*Based on respondent answers to the question, 'On a scale of 1 to 10 with 1 being 'not very strongly' and 10 being 'extremely strongly,' how strongly do you believe that this [was/was not] a hate crime?'

~ Not applicable.

Source: RTI Hate Crime Cognitive Interviews, October 2020.

In four of the seven scenarios, respondents who received Version 1 were more confident than their Version 2 counterparts in their assessment of whether a scenario was or was not a hate crime. For example, among those whose answers to the hate crime questions following Scenario 1 classified it as a hate crime, the average score on the scale of how strongly they felt it was a hate crime was 7.2 for Version 1 and 6.6 for Version 2. On the other hand, among those whose answers conveyed that it was not a hate crime, the average score on the scale was 8.5 for Version 1 and 5.5 for Version 2. In other words,

even though the Version 2 responses to the questions suggested the incident was not a hate crime, respondents were only partially sure of that assessment.

The most important difference in the way the questions are asked in Version 1 versus Version 2 is the location of the question asking respondents whether they believed the scenario was describing a hate crime. In Version 1, respondents were asked this question first. They had to answer yes to this question in order to be asked more detailed questions about the incident. If they answered no to this first question, they were asked if they thought it was a hate crime targeted at people with whom they spent time. If their answer was also no, they were redirected to the question asking how strongly they felt this was not a hate crime. In Version 2, however, respondents were only asked if they thought it was a hate crime at the end of the series of questions. Their response to this question had no bearing on whether they were asked more in-depth questions about the incident.

The introductory question in Version 1 determined whether respondents were skipped out of the bias motivation questions and whether a respondent was classified as a victim of hate crime. If a respondent was the victim of a textbook hate crime but answered no to the first question in Version 1, he or she would not meet the BJS definition of a hate crime. In contrast, in Version 2, all questions about the circumstances of the incident were asked before asking if respondents felt the incident was a hate crime. The response to this question had no bearing on whether their survey responses met the BJS definition of a hate crime.

Table 2-21 shows the percentage of respondents who received each of the scenarios and either said the scenario described a hate crime but did not meet the definition of a hate crime according to BJS (Version 1 and Version 2), or whose answers met the BJS definition of a hate crime but did not feel the scenario was a hate crime (Version 2) (see Appendix D for the wording of each scenario). The percentages represent respondents whose answers to the survey questions and assessment of whether the incident was a hate crime were incongruent. For example, for Scenario 1, 13% of Version 1 respondents and 14% of Version 2 respondents said they thought the vignette scenario was a hate crime but based on the way they answered the other hate crime questions, the incident would not have been classified as an NCVS hate crime. Similarly, 7% of Version 2 respondents who received Scenario 1 said the scenario was not a hate crime but answered the questions in a way that would have classified the incident as an NCVS hate crime. Note that respondents from Version 2 who felt the scenario was not a hate crime (last column) would have been immediately screened out if they had received Version 1 because the question about whether the incident was a hate crime is the initial screener question to the section. Overall, Version 2 seemed to perform better on the scenario-based questions because the gate question for Version 1 appears problematic for those who may not consider what happened to them a hate crime, but whose incident details meet the BJS definition of a hate crime. A larger portion of Version 1 participants reported each scenario to be a hate crime than

Version 2 participants did and those who received Version 1 felt more strongly about their assessment of whether a scenario was a hate crime, which could be due to priming effects of the gate question.

Table 2-21. Respondent designation of incident as a hate crime compared to incident designation based on survey responses following the hypothetical scenarios, by scenario

	Version 1 False positive/a	Version2 False positive/a	Version 2 False negative/b
Scenario 1	13%	14%	7%
Scenario 2	0	8	0
Scenario 3	61	50	0
Scenario 4	0	15	8
Scenario 5	4	7	13
Scenario 6	4	25	25
Scenario 7	38	6	6

/a. Respondent answered affirmatively that the incident was a hate crime but based on their survey responses, the incident did not meet the BJS criteria for a hate crime.

/b. Respondent did not believe that the incident was a hate crime but based on their survey response, the incident met the BJS criteria for a hate crime.

Source: RTI Hate Crime Cognitive Interviews, October 2020.

2.3.2 Personal Experiences with Hate Crime

Despite the diverse sample, a spectrum of respondent victimization incidents, and a variety of scenarios, the cognitive interviews revealed several consistent findings across both versions. Appendix D provides the complete cognitive interviewing report. A summary of main findings is included here.

Concerning the types of biases motivating offenders, respondents were asked about race, ethnic background, and national origin bias. Version 2 combined these characteristics as one type of bias, but Version 1 asked about race bias separately. Respondents viewed bias against a person's race, ethnicity or national origin as either the same thing or closely related. One respondent described these characteristics as a Venn diagram: different but overlapping. Similarly, sex bias was asked separately from gender identity and sexual orientation bias, but several respondents selected both options as they felt they were linked. Some respondents believed that sex would have been better grouped with gender identity than with sexual orientation. Almost all respondents saw gender identity and sexual orientation as different.

Often, respondents selected both sex and sexual orientation or gender identity in cases of sexual assault. Respondents then said they were targeted because of both their sex and

sexual orientation (i.e., "the offender was looking for a straight woman"). Another respondent selected sex and sexual orientation or gender identity because she was a biological female presenting as a female and saw that as the reason for being targeted. Respondents often used phrases such as "They wouldn't have done this if I had been a man/woman," when describing how they were targeted because of their sex. These types of responses conflated understanding of why they were targeted because the respondents saw the bias motivations as intertwined.

Respondents answered a series of questions about the types of evidence that indicated the incident was a hate crime: language was the most frequently endorsed evidence of a hate crime. When asked if they had learned that the offender(s) had previously committed similar offenses, some respondents did not hesitate to answer yes based on their own assumption that the offender had likely committed similar crimes in the past. Very few had any actual knowledge of similar incidents occurring, but they answered 'yes' nonetheless. Some respondents even answered affirmatively to this question in the scenarios when no information to that effect had been presented.

Some respondents misinterpreted the questions, often by taking them very literally. One example of this misinterpretation concerns whether respondents thought the offender targeted them because of characteristics or religious beliefs of people with whom they spent time. Most said no, but a few respondents said yes to this question because they were targeted for a characteristic that they *share* with others they spend time with (e.g., targeted for religion and spend time with people of the same religion). Another example of the misinterpretation was when respondents were asked if the incident happened around a holiday, event, or place commonly associated with a specific group. One respondent who said yes to this question stated, "It happened at a church lawn. The event was not religious, it was just a town fair." Another respondent who said yes shared that the timing was around Easter, but they did not think that had anything to do with the incident. Neither of these responses were related to the bias these respondents associated with their victimization.

One of the most significant findings was the perceived connotation and stigma attached to the term hate crime. Respondents were asked if they would answer differently if they had been asked about a bias crime instead of a hate crime. Many respondents said they would, but a few said they did not know what that term meant. Others felt that "bias crime" downplayed the situation, but respondents differed about whether that was a good thing. The majority of respondents did not see much of a difference if asked about a crime motivated by prejudice or bigotry instead of a hate crime. However, a few respondents, particularly white women, were very clear in stating they were not comfortable labeling what happened to them as a hate crime regardless of the circumstances. In one case, although the offender told the respondent she was targeted because of a religious symbol she wore, the respondent was still hesitant to use the term hate crime.

> "I think I was targeted; I was in the right place at the right time [for the offender] but there is also a part of me that says I am a privileged white girl; how can I claim it was a hate crime against me or my group? I think sometimes we culturally use the term hate crime too easily. I think it is motivated by prejudice and hatred and targeting a group or individual because of characteristics they are born with or identify with. More often because of things they are born with. I think some political groups have coerced the term hate crime into their own category and that is why I am hesitant to use it. I think it used to be used to help protect people who were victims of horrible crimes against their characteristics."

This respondent ultimately was unable to say whether she felt she was the victim of a hate crime. Clearly, this respondent felt very conflicted on the topic. Despite her uncertainty in labeling it a hate crime, her responses to the survey questions about her incident did meet the BJS definition of a hate crime for Version 2.

2.3.3 Summary of Findings from Cognitive Interviews

Overall, Version 2 appears to have performed better than Version 1 in the cognitive interviews. The main factor in this determination is that respondents who did not personally identify what happened to them as a hate crime, regardless of the situational characteristics, would be erroneously screened out of Version 1, but still have the possibility of being counted in Version 2 because the gate question was absent. Also, regardless of the version, respondents may not necessarily be good judges of whether an incident was technically a hate crime, since they provided both false positive and false negative responses. In some cases, respondents may have difficulty differentiating biases of sex, gender identity, and sexual orientation. Recommendations for revising Version 2 to address these and other issues can be found in the Cognitive Interviewing: Findings and Recommendations Report in Appendix D.

3. Recommendations for the NCVS Hate Crime Questions Based on Key Findings

Based on the findings from the online and cognitive testing, RTI recommends that BJS implement an adapted version of the Version 2 questions because that version has several strengths. The term hate crime is not used until the end of the series, unnecessary and potentially confusing skip patterns are removed, race and ethnicity bias are combined, and the language related to whether the police provided indication that the incident was motivated by bias does not require the police to refer to the incident as a hate crime. This recommendation, however, comes with a requirement that an important change be made to strengthen the Version 2 introductory language and reduce the likelihood that respondents will include incidents that were not motivated by prejudice or bigotry. Because of the long introductory statement, we recommend that additional clarification be added to the wording of the actual questions. The stem should be changed to read "Do you think the offender was targeting you because of….," with each of the bias questions then including the phrase "prejudice or bigotry toward your….[Race, religion, disability, etc.]."

Additional recommended changes include:

- Keep sexual orientation, sex, and gender identity as separate bias categories and clarify what these terms mean. Respondents found the terminology "…because of your…..sex…." confusing. Providing the three separate categories with examples to clarify the terminology will further align the NCVS with the FBI hate crime data collection forms, which follow that same approach for categorizing hate crime bias.
- Add a question to determine the primary bias when more than one is selected to help tease out differences among sex, gender identity, and sexual orientation.
- Drop or revise the follow-up screener question, "Do you think the offender did this because of the characteristics or religious beliefs of people you spend time with?" Respondents found this language confusing and it is unclear whether and how BJS intends to use data resulting from this item.
- Ask two evidence questions about the offender's use of derogatory language. This item continues to lead to measurement issues because of difficulty ascertaining whether an offender's use of derogatory language means that the victim was specifically targeted. For example, although the term "bitch" is derogatory to females, the use of this term does not necessarily imply that the offender had prejudice against all females. RTI recommends first asking whether the offender used derogatory[5] or offensive language to refer to the victim's sex, religion, race/ethnicity/national origin, sexual orientation or gender identity, or disability. For affirmative responses, a follow-up question should be added to further probe the intent of that language. For example:

  Which of the following best describes how the derogatory or offensive language was used….

[5] RTI did not specifically test the comprehensibility of the term "derogatory."

a. The offender was using derogatory language to scare, intimidate, or express anger toward me.

b. The offender was using derogatory language to express dislike or prejudice toward people with my characteristics or religious beliefs.

c. I don't know.

- Revise the evidence question about whether the incident happened around a holiday, event, or place commonly associated with a specific group. Several victims answered yes to this item and referenced an event that was unrelated to the hate crime incident. The language should be clarified to state, "Did the incident happen around a holiday, event, or place commonly associated with a specific group, which suggested it was motivated by prejudice or bigotry toward that group?"

- Finally, because of some respondents' hesitation to endorse what happened to them as a hate crime, if BJS continues to ask the question about whether the victim believed the incident was a hate crime, the findings should be interpreted with caution. RTI does not recommend that the item be factored into whether or not the incident is classified as a hate crime.

4. Methodology

RTI conducted the 2020 RTI Mechanical Turk (MTurk) Hate Crime Data Collection and corresponding hate crime cognitive interviewing effort on behalf of BJS in September and October 2020. The research was conducted to evaluate which of two sets of hate crime questions designed for the NCVS were more effective in reducing the likelihood of both false positive and false negative survey error. The research was conducted in English only via the web and the Zoom teleconferencing platform. The online data collection effort was initially intended to be conducted via social media sites (Facebook and Instagram), as well as MTurk. However, due to challenges with recruiting legitimate respondents, the social media data collection was abandoned (see Section 4.2 Facebook).

4.1 MTurk

MTurk is a crowdsourcing platform where a requester (e.g., a social science researcher) can post work opportunities (e.g., requests for survey participation) called Human Intelligence Tasks (HITs). When an HIT is posted on the platform, interested MTurk workers accept and complete the task in exchange for prespecified incentives. Requesters can review work done on the task before the incentive is delivered to the worker. Cases that pass a requester's data quality checks are approved on Amazon's MTurk system (i.e., paid the inventive), while cases that do not meet data quality standards are rejected (i.e., not paid).

The MTurk platform gives requesters a great deal of control over the recruitment of workers for survey participation. Requesters can specify the geographic location and minimum past-performance benchmarks required for workers completing an HIT. This study used two past-performance benchmarks: 1) a worker's past HIT approval rate (i.e., the percentage of all accepted tasks that have been approved), an indicator of the quality of a worker's past performance; and 2) the number of past HITs approved (i.e., the total number of accepted tasks that have been approved for this worker), an indicator of a worker's experience. Higher values for these benchmarks have been linked to higher data quality in the context of scientific research (Hsieh et al., 2018; Stambaugh et al., 2018).

4.1.1 Sampling Process and Fielding

MTurk data collection started on August 31, 2020 and concluded on October 13, 2020. RTI's recruitment strategy was iterative. Data collection was subdivided into a series of 16 batches, with each batch representing an HIT posted to MTurk. This strategy allowed for reviewing the data quality of submissions within each batch (detailed in Data Cleaning) and increasing or decreasing past-performance benchmarks as needed in subsequent batches. For example, Batch 1 review resulted in several rejections, thus increasing the minimum number of past HITs approved in Batch 2 and increasing the minimum past HIT approval rate in Batch 3. As expected, increases in past-performance benchmarks generally yielded higher quality data (i.e., more approvals). Although these benchmark increases

slowed the rate of data collection slightly due to a smaller pool of eligible respondents from which to recruit, there was no substantial impact on the project timeline. Table 4-1 summarizes each batch's total number of submissions, acceptance rate, and minimum past-performance benchmarks.

In addition to the minimum past-performance benchmarks, HITs for this project were visible only to workers located in the U.S. The project team leveraged RTI's past experiences with MTurk by blocking participation from workers who had failed previous data quality checks.

Workers who accepted the survey participation HIT were redirected to our web survey, which was programmed using the Voxco Acuity software package. Workers were randomly assigned to one of two versions of the survey. Respondents who completed the survey and passed our data quality checks (see Data Cleaning) received a $5 Amazon.com Gift Card for participating.

Table 4-1. Summary of recruitment HITs by batch

	Recruitment HITs				Past-performance benchmarks	
	Total number of submissions	Number of approvals	Number of rejections	Acceptance rate*	Minimum HIT approval rate	Minimum number of HITs approved
Batch 1	500	391	109	78.2 %	97 %	100
Batch 2	100	85	15	85.0	95	5,000
Batch 3	100	97	3	97.0	98	5,000
Batch 4	100	99	1	99.0	98	10,000
Batch 5	200	195	5	97.5	98	10,000
Batch 6	300	296	4	98.7	98	10,000
Batch 7	500	486	14	97.2	98	10,000
Batch 8	500	492	8	98.4	98	10,000
Batch 9	200	184	16	92.0	98	5,000
Batch 10	200	193	7	96.5	98	5,000
Batch 11	350	335	15	95.7	98	5,000
Batch 12	350	294	56	84.0	98	1,000
Batch 13	400	384	16	96.0	98	1,000
Batch 14	179	170	9	95.0	98	5,000
Batch 15	300	292	8	97.3	98	5,000
Batch 16	300	286	14	95.3	98	5,000
Total	4,579	4,279	300	93.4	~	~

* = Calculated as (number of approvals / total number of submissions) * 100

~ Not applicable.

4.1.2 Data Cleaning

Prior to paying respondents the $5 incentive for a completed survey, research staff reviewed each case to ensure data quality. Cases that passed all data quality checks were approved on Amazon's MTurk system, while cases that did not meet data quality standards were rejected (summary in table 4-2). This review process consisted of both manual and automated components. In all, 300 cases were rejected for failing the research team's data quality checks. Note that rejection counts in each of the review categories below sum to more than 300 because these categories are not mutually exclusive. For example, a case may have been rejected during both manual and automated review.

4.1.2.1 Manual Review

Research staff began the data cleaning process by manually reviewing each case to evaluate data quality. Manual review focused primarily on the quality of answers to Q15 (i.e., the open-ended question asking respondents to describe their hate crime experience). Research staff rejected cases in which responses to Q15 were not appropriate for the question or did not make sense. For example, answers that defined "hate crime" or answers such as "who commit small crime are not like great and dangerous crime" and "some illegal accident unexpected time all are finished" were rejected.

When applicable, research staff also rejected cases with suspicious patterns of response. For example, cases were rejected when two or more surveys originated from the same IP address and responses to survey questions were similar across these cases. In all, 208 cases were rejected during the manual review process (second column of table 4-2).

4.1.2.2 Automated Review

The data cleaning process for this project also included several computer-automated checks for data quality. Cases were rejected when they failed one or more of seven automated data quality checks (third through ninth columns of table 4-2). The seven automated data quality checks were:

- Worker ID Mismatch: Amazon retained a record of the MTurk Worker ID for each respondent that completed a HIT. Respondents were also asked to enter their MTurk Worker ID at the beginning of the Voxco survey. After all HITs in a batch were completed, RTI compared these Voxco Worker IDs to Amazon's list of Worker IDs for that batch. We rejected two cases in which the Amazon Worker ID record did not have a matching Voxco Worker ID record (i.e., no Voxco survey was submitted for a particular Worker ID).

Table 4-2. Summary of rejections by batch

			Automated rejections							
	Total # of rejects	Manual rejects	Worker ID mismatch	Survey code mismatch	In both versions	Data falsification	Duplicate email	Invalid email	Duplicate Q15	Reverse rejections
Batch 1	109	76	0	21	8	32	0	9	9	0
Batch 2	15	11	0	3	0	2	0	1	1	1
Batch 3	3	1	0	3	0	0	0	1	1	2
Batch 4	1	0	0	1	0	0	0	0	0	0
Batch 5	5	2	0	2	0	4	1	0	4	2
Batch 6	4	2	0	3	0	0	0	0	0	1
Batch 7	14	4	0	10	0	0	0	1	0	2
Batch 8	8	3	1	8	0	0	0	0	0	2
Batch 9	16	13	0	3	0	2	0	5	1	1
Batch 10	7	5	0	5	0	0	0	0	0	2
Batch 11	15	8	0	8	0	3	1	2	0	3
Batch 12	56	44	1	9	0	9	0	9	6	3
Batch 13	16	14	0	2	0	2	0	2	1	1
Batch 14	9	9	0	1	0	1	0	4	0	0
Batch 15	8	6	0	0	0	3	0	2	1	0
Batch 16	14	10	0	5	0	1	0	3	0	0
Total	300	208	2	82	8	59	2	39	24	20

Note: Rejection categories are not mutually exclusive. For example, a Manual Rejection may also have been identified as a Worker ID Mismatch.

- Survey Code Mismatch: The Voxco survey software was programmed to randomly generate a six-digit numeric code for each respondent and display this code to respondents at the end of the survey. Respondents entered this six-digit code into the Amazon MTurk system to verify completion of the survey. This step ensured that respondents reached the end of the survey before their case was marked as complete in the Amazon MTurk system. After all HITs in a batch were completed, RTI compared these Voxco-generated codes to the codes respondents entered into the MTurk system. The team rejected 82 cases in which the survey code a respondent entered did not match the code generated by Voxco.
- Participation in Both Versions: RTI rejected eight cases in which workers participated in both versions of the survey (i.e., duplicate responses).
- Data Falsification: RTI rejected 59 cases in which survey responses appeared to be falsified. In these cases, respondents reported experiencing all possible hate crimes in the survey, an unlikely scenario. We considered data to be falsified when respondents:
  - Survey Version 1: Answered yes to Q1-Q9 *and* Q11A-Q11F (16 questions)
  - Survey Version 2: Answered yes to Q1-Q8 *and* Q9A-Q9E (14 questions)
- Duplicate Email Addresses: RTI rejected two cases in which respondents entered a duplicate email address.
- Invalid Email Addresses: RTI rejected 39 cases in which respondents entered an email address that was suspected to be false or linked to an account in a foreign country (e.g., the domains .ru, .ln).
- Duplicate Q15 Answers: RTI rejected 24 cases in which respondents entered a duplicate answer to Q15. For example, the answer "it was too hateful behavior so I will really hate that" was entered for two cases, so both cases were rejected.

4.1.2.3 Reverse Rejections

Rejected respondents occasionally contacted research staff to resolve issues that led to their rejection. For example, some respondents entered an incorrect MTurk Worker ID into Voxco on accident (e.g., they confused the letter "O" and the number "0" in their Worker ID). For 20 cases, respondents provided details that resolved all data quality concerns about the case, so research staff reversed the rejection in Amazon's MTurk system (i.e., approved the respondent's case for incentive payment; last column of table 4-2).

4.1.2.4 Other Cases Excluded from Final Dataset

In addition to the 300 cases rejected on MTurk via the review process, 12 additional cases were excluded from the final dataset. These 12 cases were approved on MTurk due to errors in data processing but should have been rejected due to data quality issues that were subsequently identified.

4.1.3 Assessment of Item Nonresponse

Rates of item missingness for all survey variables are presented in table 4-3 (Survey Version 1) and table 4-4 (Survey Version 2). Respondents were considered eligible for a

question if they were approved during data cleaning (i.e., not rejected) and if they received the question based on their answers to previous questions (i.e., skip logic). Cases in which respondents answered yes to an "Other: Specify" question (e.g., Q19) but left the open-ended "Specify" box blank were considered missing. Overall, item nonresponse was rare among approved respondents in both survey versions.

Table 4-3. Item nonresponse by question for Survey Version 1

Question	Number missing	Number eligible	Percent
Q1	0	2,477	0.0%
Q2A	0	2,477	0.0%
Q2B	0	2,477	0.0%
Q3	0	2,477	0.0%
Q4	0	2,477	0.0%
Q5	0	2,477	0.0%
Q6	0	2,477	0.0%
Q7	0	2,477	0.0%
Q8	0	2,477	0.0%
Q9	0	1,693	0.0%
Q10	0	333	0.0%
Q11A	0	333	0.0%
Q11B	0	333	0.0%
Q11C	0	333	0.0%
Q11D	0	333	0.0%
Q11E	0	333	0.0%
Q11F	0	333	0.0%
Q12	0	1,366	0.0%
Q13	0	327	0.0%
Q14A	0	294	0.0%
Q14B	0	294	0.0%
Q14C	0	294	0.0%
Q14D	1	294	0.3%
Q14E	0	294	0.0%
Q14F	0	294	0.0%
Q14G	0	294	0.0%
Q15	3	294	1.0%
Q16	0	2,477	0.0%
Q17	0	2,477	0.0%
Q18	0	2,477	0.0%
Q19	2	2,477	0.1%
Q20	0	2,477	0.0%
FOLLOW_UP*	17	2,477	0.7%
EMAIL*	10	856	1.2%

* = Not part of the survey. These were optional questions asking if respondents were interested in the opportunity to participate in a follow-up interview. Rates of nonresponse are higher because respondents were told the survey was complete after Q20.

Table 4-4. Item nonresponse by question for Survey Version 2

Question	Number missing	Number eligible	Percent
Q1	0	1,790	0.0%
Q2A	0	1,790	0.0%
Q2B	0	1,790	0.0%
Q3	0	1,790	0.0%
Q4	0	1,790	0.0%
Q5	0	1,790	0.0%
Q6	0	1,790	0.0%
Q7	0	1,790	0.0%
Q8	0	1,790	0.0%
Q9A	0	1,219	0.0%
Q9B	0	1,219	0.0%
Q9C	0	1,219	0.0%
Q9D	0	1,219	0.0%
Q9E	0	1,219	0.0%
Q9F	1	1,219	0.1%
Q10	0	800	0.0%
Q11	0	422	0.0%
Q12A	0	422	0.0%
Q12B	0	422	0.0%
Q12C	0	422	0.0%
Q12D	0	422	0.0%
Q12E	0	422	0.0%
Q12F	0	422	0.0%
Q12G	1	422	0.2%
Q13	0	422	0.0%
Q14	0	204	0.0%
Q15	0	422	0.0%
Q16	0	1,790	0.0%
Q17	0	1,790	0.0%
Q18	0	1,790	0.0%
Q19	2	1,790	0.1%
Q20	0	1,790	0.0%
Follow-up*	16	1,790	0.9%
Email*	1	621	0.2%

* = Not part of the survey. These were optional questions asking if respondents were interested in the opportunity to participate in a follow-up interview. Rates of nonresponse are higher because respondents were told the survey was complete after Q20.

4.2 Facebook

Facebook for Business allows researchers to post advertisements (e.g., links to surveys) to the Facebook social media platform. Facebook is an attractive recruitment platform for researchers because many people in the United States use it. Further, each advertisement campaign can be targeted (i.e., shown to) individuals with prespecified characteristics (e.g., age, gender, location, interests).

Facebook charges the researcher each time a user clicks the advertisement (e.g., accesses the survey), so the ad is shown to users until the prespecified budget for the advertisement campaign is spent. In the context of survey research, Facebook only tracks the number of times a survey link is clicked via the advertisement. Users can copy and share the survey link without restriction. Therefore, unlike MTurk, Facebook does not allow the researcher to control the number of individuals who access a survey directly.

4.2.1 Sampling Process and Fielding

Facebook data collection started on September 8, 2020 and concluded on September 17, 2020. RTI posted an advertisement for the survey using Facebook for Business. The advertisement campaign was targeted to recruit male and female Facebook users between the ages of 18 and 65 living in the United States. Additionally, the advertisement campaign used keywords to target Facebook users exhibiting interest in different minority cultures (e.g., ethnic, racial, sexual minority culture). The ad text specifically referenced the topic of the survey, as well as a $5 Amazon.com gift card incentive for completing the survey.

Individuals who clicked the advertisement on Facebook were redirected to our web survey, which was programmed using the Voxco Acuity software package. Respondents were randomly assigned to one of two versions of the survey.

4.2.2 Data Quality Issues

Research staff noticed several irregularities in data collection a few hours after the advertisement was posted to Facebook. Primarily, the number of individuals accessing the survey exceeded our expectations based on the advertisement campaign budget set in Facebook. For example, 1,273 individuals accessed the landing page of the survey (i.e., the page that randomly assigns individuals to either Version 1 or Version 2 of the survey). However, Versions 1 and 2 were accessed 1,909 times in total. This discrepancy led research staff to suspect that individuals had extracted the version-specific link to each survey and were bypassing the landing page to complete the survey multiple times. Further, more individuals accessed Version 1 (1,199 cases) than Version 2 (710 cases). This difference is more than we would expect based on chance (i.e., via the randomization

programmed into the landing page) and supports the notion that individuals were using a version-specific link to bypass the landing page and complete the survey multiple times.

Individuals likely completed the survey multiple times to receive multiple incentives. Research staff found that among the 1,100 cases that completed the survey, 226 cases (20.5%) came from IP addresses that were in the dataset more than once (i.e., potential duplicate responses). At the high end, RTI received 20 completed cases from the same IP address. Although survey submissions from the same IP address are not always a sign of negative data quality (e.g., two respondents living in the same household may both complete a survey on a shared computer), we believe that IP address duplication of this magnitude is a clear sign of data falsification. Additionally, many email addresses that respondents entered for incentive delivery did not seem genuine. For example, addresses often followed the pattern FirstnameLastname@gmail.com, which may indicate that individuals created fake email addresses to receive the incentive multiple times.

As an additional data quality check, the research team reviewed the 333 answers to Q15 (i.e., the open-ended question asking respondents to describe their hate crime experience) manually. Overall, these responses had low data quality. For example, 90 answers to Q15 (27.0%) were "no," "none," "yes," or "N/A." Many of the remaining responses did not answer the question. For example, full responses to this question included: "Attack my personal freedom," "Crimes triggered by disability prejudice," "The car was hit by someone," and "GOOD."

Based on this evidence, research staff suspended data collection on Facebook. We sent the $5 incentive to 46 individuals who had no apparent data quality issues during our manual review. However, given concerns over dubiousness of the general quality of the data obtained from Facebook, responses to the survey originating from the Facebook advertising campaign are not included in the final dataset and were not used to recruit respondents for cognitive interviews.

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Appendix A.
Assessment of the NCVS Hate Crime Questions

1. Abstract

This report presents an analysis of NCVS hate crime data that focuses on trying to understand the potential for false negative and false positive classifications of hate crimes, and the extent to which NCVS hate crime questions may be capturing incidents that are outside of the scope of the federal definition of hate crime employed by the FBI. In addition to presenting analyses of NCVS public-use data, the assessment also incorporates findings from a review of the NCVS incident summaries. Incident summaries, which are collected at the end of each completed incident report (commonly referred to as 'narratives'), are not part of the public-use data file because they could contain personally identifiable information, and this assessment was conducted in the restricted-access space at the Census Bureau headquarters. Although the incident summaries can be a rich source of qualitative information about the context of the victimization beyond what is captured through the survey, the summaries, though dictated by the victim, are filtered through the interviewer, who ultimately chooses how many and which details to include in the report. Thus, these analyses should be interpreted with caution. The report and analysis are organized around the key components of hate crime measurement in the NCVS – the type of bias motivating the offense, the evidence that the crime was motivated by hate, and the type of crime that occurred. The report additionally incorporates data and information from the FBI's two collections that provide information on hate crime, the Uniform Crime Reports Hate Crime Statistics Program and the National Incident-Based Reporting System Program to provide additional context and comparison for the NCVS findings. It explores differences in victimizations reported and not reported to police and differences in the characteristics of hate crime incidents, victims, and offenders between the NCVS and NIBRS. All of these analyses were conducted for research purposes and do not represent official statistics. At the end of each of the sections, the report presents recommendations for changes to the survey based on findings from the analysis.

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2. Background

Major reviews of literature and data on hate crimes in the United States generally lead to two major conclusions.

1. Law enforcement data underestimate the prevalence and frequency of hate crime because
    a. the majority of victims do not report to police (Masucci and Langton, 2017) and
    b. it is often challenging to determine an offender's motivation, and
2. Law enforcement data on hate crime vary from one jurisdiction to the next due to differences in state laws, and state and local data collection procedures.

For these reasons, the original NCVS hate crime questions were developed in 1999 to complement the data collected by the FBI under the Hate Crime Statistics Act (28 **U.S.C.** § 534). The NCVS and the FBI's Uniform Crime Reports (UCR) Hate Crime Statistics Program are the two key sources of data on hate crime in the United States.[1] The NCVS hate crime data are collected consistently nationwide and provide a victim's account of an incident, independent of police involvement or investigation. The FBI's UCR collects information about hate or bias-motivated incidents, offenses, and offenders reported and classified by law enforcement agencies each year. The FBI data are based on a two-tiered determination that an incident was a hate crime following a criminal investigation, whereas hate crime data from the NCVS are based largely on the victim's perceptions that a crime was motivated by bias. This distinction is critical and means that the NCVS captures a broader scope of hate crimes, including those that were not reported to police and incidents that may not be founded or recorded by police investigations as hate-motivated incidents. The broader scope of the NCVS's hate crime definition results in NCVS hate crime counts that are, and would be expected to be, considerably higher than those generated by the FBI.

The research team that developed the initial NCVS questions used the following operational definition: "A hate crime is a criminal offense committed against a person or property motivated, in whole or in part, by the offender's bias against a race, religion, ethnicity/national origin, gender, sexual preference, or disability. The offense is considered a hate crime whether or not the offender's perception of the victim as a member or supporter or a protected group is correct" (Lee et al., 1999). Both the NCVS and UCR hate crime data collections are currently based on this same definition.

[1] Agencies that submit data to the FBI's National Incident-Based Reporting System (NIBRS) are also able designate the incident as a hate crime and these data can be examined to understand the characteristics of the victims and offenders. However, NIBRS data do not contain details about the type of bias motivating the offense.

There are three major components of the hate crime data collected by these two systems: the type of offense committed, the type of bias motivating the act, and the evidence demonstrating the offender's bias. For the NCVS, a survey respondent must first identify that he or she experienced one or more criminal victimizations within the scope of the survey – rape or sexual assault, robbery, assault, burglary, motor vehicle theft, or other theft – in the prior six months. Next, the victim must perceive that the offender was motivated by bias because of the victim's status in a protected group. In order to capture this, the current hate crime screener question reads, "Hate crimes or crimes of prejudice or bigotry occur when (an offender/offenders) target(s) people because one or more of their characteristics or religious beliefs. Do you have any reason to suspect the incident just discussed was a hate crime or crime of prejudice or bigotry?" The question has been revised[2] through the NCVS Instrument Redesign and Testing Project to read: "A hate crime is a crime of prejudice or bigotry that occurs when an offender targets someone because of one or more of their characteristics or religious beliefs, such as:

- Race
- Religion
- Ethnic background or national origin
- A disability
- Sex
- Sexual orientation or gender identity

This could happen even if the offender falsely thinks you have certain characteristics or religious beliefs. Do you think this was a hate crime targeted at you?" In addition to types of bias listed above, victims can also identify as having experienced a hate crime if they were targeted because of the people they are associated with (associations) or because the offender perceived them to be part of one of the protected groups (perceptions).

Finally, the victim must have evidence that the offender was motivated by hate. The current NCVS hate crime series asks about seven different types of potential evidence, and BJS uses three of them (i.e., hate language, presence of hate symbols, and confirmation by investigators) to qualify as evidence that is sufficient to classify the offense as a hate crime. These three are seen as more concrete measures of the offender's intent or motivation than the other forms of evidence, although all still largely rely on the victim's inference of the offender's intention (Harlow, C. W., 2005). Similarly, the FBI's *Hate Crime Data Collection Guidelines and Training Manual* provides guidance for law enforcement agencies on how to identify and classify hate crimes. The manual specifies the types of crimes that can be classified as hate crimes, the potential types of bias motivating hate crimes, and that there

[2] Following the completion of this testing project, BJS continued to refine and test the redesigned instrument. Instrument revisions noted here are in reference to the completion of this project.

must be evidence that the crime was motivated, in part or in whole, by the offender's bias. Table 2-1 provides a comparison of the key

Table 2-1. Key elements of FBI guidance for identifying a hate crime and NCVS survey items used to capture these elements

	UCR	NCVS
Hate crimes are not separate, distinct crimes	Hate crime data are captured by collecting additional information about offenses already reported	Hate crime data are captured by collecting additional information about offenses already reported
Two-tiered-decision making process	Responding officers determine if there is any evidence of bias motivation; second-level judgment officer reviews case and determines if a hate crime actually occurred and should be recorded as such	Victims are administered and initial screener to ask if they believe the crime was motivated by bias; incident is only classified as hate crime if victim has one of three types of evidence
Types of bias	Race/ethnicity/ancestry	Race/ethnic background or national origin
	Religion	Religion
	Sexual orientation	Sexual orientation
	Disability	Disability
	Gender	Gender
	Gender identity	Associations/perceptions
Types of evidence	Offender and victim were different race, religion, disability, sexual orientation, ethnicity, gender, and/or gender identity	Offender and victim were different race, ethnicity, or gender
	Bias-related oral comments, written statements, or gestures	Did the offender(s) say something, write anything, or leave anything behind at the crime scene that would suggest you were targeted because of your characteristics or religious beliefs? Y/N Did the offender(s) make fun of you, make negative comments, use slang, hurtful words, or abusive language?
	Bias-related drawings, markings, symbols, or graffiti were left at the crime scene	Did the offender(s) say something, write anything, or leave anything behind at the crime scene that would suggest you were targeted because of your characteristics or religious beliefs? Y/N Were any hate symbols present at the crime scene to indicate the offender(s) targeted you for a particular reason?

(continued)

Table 2-1. Key elements of FBI guidance for identifying a hate crime and NCVS survey items used to capture these elements (continued)

	UCR	NCVS
Types of evidence (continued)	Certain objects, items, or things that indicate bias were used	Did the offender(s) say something, write anything, or leave anything behind at the crime scene that would suggest you were targeted because of your characteristics or religious beliefs? Y/N Did a police investigation confirm the offender(s) targeted you?
	Several incidents occurred in the same locality, at or about the same time, and the victims were all of the same race, religion, disability, sexual orientation, ethnicity, gender, or gender identity	Have other hate crimes or crimes of prejudice or bigotry happened to you or in your area/ neighborhood where people have been targeted?
	The victim was visiting a neighborhood where previous hate crimes had been committed	
	The incident coincided with a holiday or a date of significance relating to a particular race, religion, disability, sexual orientation, ethnicity, gender, or gender identity	Did the incident occur on or near a holiday, event, location, gathering place, or building commonly associated with a specific group?
	The offender was previously involved in a similar hate crime or is a hate group member	Do you know if the offender(s) (has/have) committed similar hate crimes or crimes of prejudice or bigotry in the past?
	The victim is a member of a specific group that is overwhelmingly outnumbered by other residents in the neighborhood where the victim lives and the incident took place	
	There were indicators that a hate group was involved	
	A historically established animosity existed between the victim's and offender's groups	
	A substantial portion of the community where the crime occurred perceived that the incident was motivated by bias	

(continued)

Table 2-1. Key elements of FBI guidance for identifying a hate crime and NCVS survey items used to capture these elements (continued)

	UCR	NCVS
Types of evidence (continued)	The victim was engaged in activities related to their race, religion, disability, sexual orientation, ethnicity, gender, or gender identity	
	The victim was a member of an advocacy group supporting the victim group	

elements of the FBI guidance on defining a hate crime and the elements captured in the NCVS.

This analysis of NCVS hate crime questions is primarily organized around the three major elements of a hate crime, starting with the types of bias experienced, then the types of evidence present, and finally the types of crime experienced. Since the NCVS is intended to complement the FBI's data collection, the analysis is largely framed around how well the NCVS structure and questions align with FBI protocols and guidance for identifying hate crime. The analysis is primarily based on public-use data from the core NCVS survey from 2007-2016[8], as well as data abstracted from the qualitative incident summary reports, which are collected at the end of the NCVS incident report (Appendix A-1 provides additional information about the analysis of the qualitative hate crime summaries).

Table 2-2 shows the overall number and average annual number of weighted and unweighted hate crimes captured through the NCVS. Because of the relatively small annual sample sizes of victims, the secondary data analysis focuses largely on NCVS data covering the aggregate 10-year period from 2007 to 2016, rather than trends over time. For the tables that present data on the types of evidence present in hate crime victimizations, the analysis period is restricted to 2010-2016 because the evidence questions were not included on the public-use files prior to 2010.

Table 2-2. Overview of NCVS hate crime incidents, by type of bias, 2007-2016

	Unweighted count			Weighted estimate		
Type of bias	Total incidents	Average annual	Total single-bias incidents	Total incidents	Average annual	Single-bias incidents
Total	554	55	333	2,485,542	248,554	1,447,667
Race or ethnicity	328	33	193	1,440,193	144,019	802,866
Associations or perceptions	146	15	30	755,081	75,508	151,311
Gender	146	15	30	589,345	58,935	107,419
Sexual orientation	98	10	48	530,243	53,024	292,220
Religion	79	8	7	449,439	44,944	19,443
Disability	78	8	25	357,639	35,764	74,408

Note: Counts may not sum to total because of incidents involving multiple types of bias.
Source: Bureau of Justice Statistics, National Crime Victimization Survey, 2007-2016.

[8] This period was used to be consistent with the incident summary analysis which focused on the 10-year period from 2007 to 2016, the latest available restricted-use data years at the time the research was conducted.

In addition to presenting analyses of NCVS public-use data, the assessment also incorporates findings from a review of the 2007-2016 NCVS incident summaries, collected at the end of each completed incident report (commonly referred to as 'narratives'). The analyses involving incident summaries are based on unweighted data. The report additionally incorporates data and information from the FBI's two collections that provide information on hate crime, the UCR Hate Crime Statistics Program and the National Incident-Based Reporting System Program to provide additional context and comparison for the NCVS findings. This mainly consists of a section toward the end of the report that compares the NCVS data to data from the FBI's NIBRS program to examine differences in similarities in the characteristics of victims and offenders between the two collections. For these analyses, we use data going back to 2003, the first year the hate crime variables are available for the NCVS, to ensure a sufficient number of hate crime cases when restricting the NCVS sample to only those hate crimes reported to police.

3. Offender Bias

3.1 Extent to Which Offense Was or Was Not Motivated by Hate

Although the NCVS is generally structured to ask behaviorally-specific questions about the nature of an incident and classify the type of crime based on those characteristics, the hate crime series begins by asking victims if they believe the crime was a hate crime targeted at them. The question serves as a screener and allows the victim to determine whether they see themselves as having been targeted for the crime.

It is well accepted that crimes motivated by animosity towards victims due to their characteristics or perceived characteristics are considered hate crimes. However, there may be circumstances in which victims perceive themselves to have been targets of a crime due to their characteristics while the extent to which the offense was motivated by hate is unknown. Thus, a major question surrounding the definition and measurement of hate crime is whether an incident in which an offender was targeting an individual perceived to be vulnerable or desirable because of their characteristics (e.g., gender or disability) should be considered a hate crime.

A review of the NCVS incident summaries suggested that some victims may answer the hate crime screener affirmatively if they believe they were targeted because of a potential vulnerability or desirability. Although this finding is anecdotal, some narrative descriptions described a scenario in which the offender targeted a victim, not because of animosity towards them, but because they would be less able to defend themselves than someone with different characteristics. For example, a woman may perceive that she was targeted for a robbery based on her sex, not because the offender hates females, but because it would be easier to steal from her than from a male victim. Based on the NCVS hate crime questions, the victim could answer affirmatively that she was targeted because of her

gender. If the offender used any derogatory language directed towards females (e.g., called her a 'bitch'), it is possible that the incident would be classified as a hate crime based on the BJS definition.

One way to examine this issue in NCVS data is to look at the percentage of hate crime incidents in which the offender took something from the victim. If an offender is taking property from the victim, it could be an indication that the crime had a financial motivation, as opposed to or in addition to a bias motivation. Though the differences are not statistically significant, table 3-1 shows that 37% of victims of disability bias-motivated hate crimes and 22% of gender bias-motivated hate crimes had something taken from them during the incident, whereas 13% of victims of other types of hate crime had something taken. These differences are noteworthy insofar that financial motivation does not appear to be a consistent presence in hate crimes across types of bias in this sample. Instead, some groups experience having property stolen at greater rates, particularly those with disabilities. It is possible that these groups are targeted by offenders for their perceived vulnerabilities, instead of or in addition to hate motivation.

Table 3-1. Whether items were taken from the victim during the hate crime, by type of bias motivation, 2007-2016

	Disability bias	Gender bias	Other types of bias
Total	100 %	100 %	100 %
Items taken	37.4	21.6	13.3
No items taken	62.6	78.4	86.7
Weighted n	357,639	589,346	1,688,049
Unweighted n	78	146	363

Note: Percentages based on weighted data. Counts do not sum to the total number of hate crimes (554 unweighted, 2,485,541 weighted) due to victimizations motivated by both disability and gender bias.

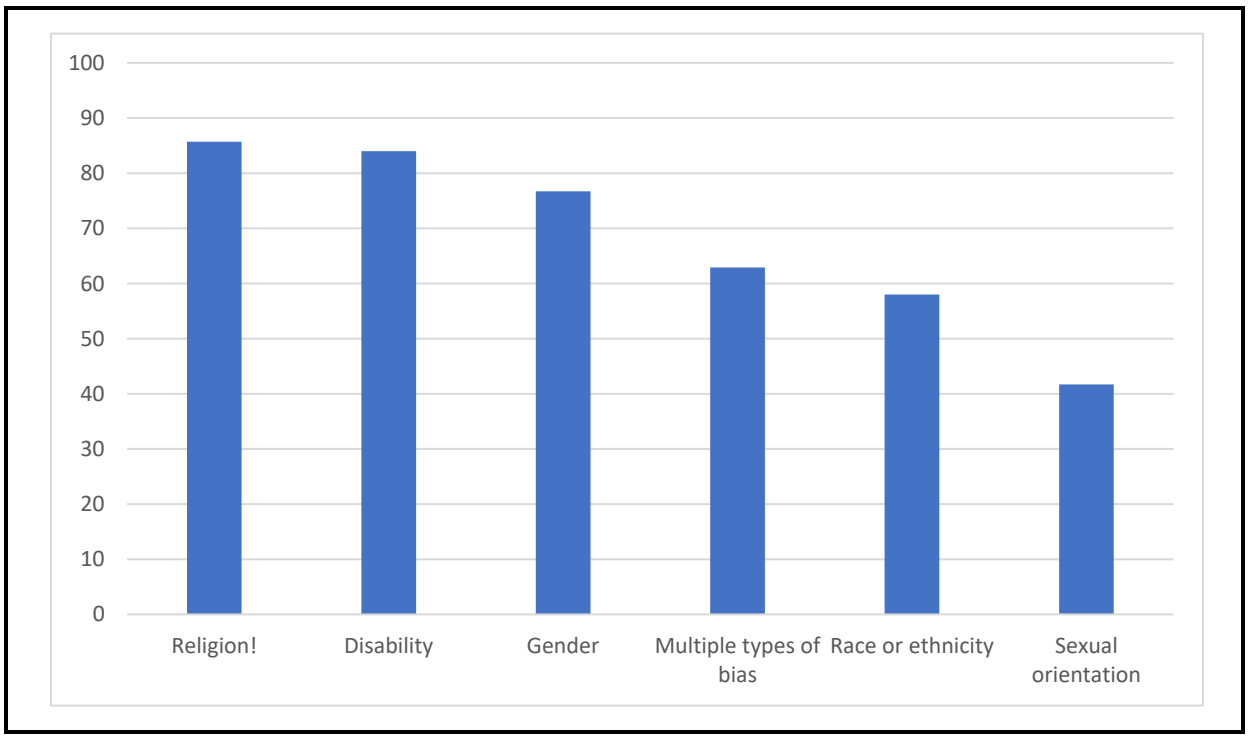
Source: Bureau of Justice Statistics, National Crime Victimization Survey, 2007-2016.

The issue of whether the hate crimes are motivated by animosity versus a perceived vulnerability or desirability also is captured to some degree by the percentage of victims who talked about the offender being motivated by hate in the incident summary. Hate crimes are often particularly traumatic events for victims (FBI, 2015). Thus, one would expect that a victim who believed an offense was motivated by prejudice or bias would be more likely to highlight that the offender was motivated by hate in their description of the incident, in addition to answering affirmatively to the structured NCVS questions. However, for about 60% of victims who responded affirmatively to hate crime questions on the NCVS-2 and were classified as hate crime victims, the incident summary makes no mention of the offender being motivated by bias or hate. The percentage of unweighted incidents in which

bias was mentioned in the summary varied based on the types of bias they reported in the NCVS-2, with more than three-quarters of victims of disability- and gender-motivated hate crime making no reference to hate in the narrative (figure 3-1). This may suggest that these victims believed they were selected as a target because of their characteristics but did not see 'hate' as a defining aspect of the crime. In contrast, the majority of the summaries for victims of sexual orientation bias made direct reference to the offender's perceived hate motivation. Sexual orientation bias was the only bias type for which this was true.

It should be noted that the lack of reference to hate or bias in an incident summary could be due to either an exclusion on the victim's part or an exclusion on the NCVS field representative's part. For the purpose of this analysis, we have assumed that the exclusion was on part of the victim. Because there is diversity in the descriptions of the incident and the extent to which the offender's bias is highlighted, we assume that FRs followed the instructions they are given to capture the most important details about the incident. However, because of the potential variation in how summaries are collected, all findings related to the incident summaries should be interpreted with caution. Additionally, from 2007 through 2016 there were seven total hate crime incidents based on religious bias only, so those findings should also be interpreted with caution.

Figure 3-1. Percentage (unweighted) of hate crime victims whose NCVS narrative did not reference the offender's hate motivation, by type of bias, 2007-2016



! Interpret with caution. Based on sample sizes of ten or fewer.

Source: Bureau of Justice Statistics, National Crime Victimization Survey Public Use File and Census Bureau Pre-Edited Files, 2007-2016.

The FBI's *Hate Crime Data Collection Guidelines and Training Manual* specifies that there must be evidence that the crime was motivated, in part or in whole, by the offender's bias, but does not specifically address the issue of whether the bias can be towards a victim's perceived vulnerability or desirability. Several states, however, have addressed this issue in their guidance to law enforcement agencies on how to report UCR hate crime data. For example, the New York State Division of Criminal Justice Services (DCJS)[9] developed a Frequently Asked Questions document for New York agencies that includes the following guidance: "Persons or groups of persons can be victims of a hate crime because of their protected status even if no bias statements are made by the offender(s). For example, offenders that target elderly victims because they are perceived to be vulnerable could be classified as a hate crime."[10]

In the U.S. there is limited guidance on how to classify incidents of rape and sexual assault, which almost necessarily imply that the victim was targeted, in part or in full, because of their gender. The NY DCJS guidance acknowledges that certain sexual assault offenses (e.g., rape in the first degree) *can* be hate crimes but does not provide guidance on when they should be classified as such.

Based on FBI data, of the rape incidents that are classified as hate crimes, a relatively low proportion (~10%) were motivated by gender bias. Of the 22 hate-motivated rape incidents recorded by the UCR in 2018, just two were classified as motivated by gender bias and both were anti-male. Similarly, in 2017, there were 23 hate-motivated rape incidents in the UCR with three classified as being motivated by gender bias. In other words, most of these rape incidents were classified as hate crime because there was evidence of the offender being motivated by prejudice against something other than the victims' sex. In contrast, in the NCVS, nearly 90% of hate-motivated rape or sexual assault incidents were motivated by gender bias according to the victim, either as the single motivator or in combination with another type of bias. This could suggest that rape and sexual assault victims responding to the NCVS are more likely to answer the hate crime questions affirmatively because of the part of the question that asks whether they were, "targeted because of one or more characteristics."

However, it should also be noted that only 2.4% of rape and sexual assault victimizations from 2007 to 2016 were classified as hate crime in the NCVS. This means that the vast

[10] New York State Division of Criminal Justice Services Frequently Asked Questions about how to report hate crime data to the FBI's Uniform Crime Reporting Program: https://www.criminaljustice.ny.gov/crimnet/ojsa/crimereporting/ucr_refman/hate-crime-reporting-faq.pdf

majority of rape or sexual assault victims do not consider themselves to have been targeted because of their gender.

Recommendation: BJS should consider removing the initial hate crime screener from the start of the hate crime series. The series would instead begin by asking the victim if they had any reason to believe that the offender targeted them because of race, religion, etc. (Q162): "Do you think the offender targeted you for the crime because of prejudice or bigotry against…..your race, ethnicity or ancestry; your religion; any disability you may have; your sex; your sexual orientation or gender identity?" Once the victim has moved through the questions about the offender's bias and evidence of that bias, the last question in the hate crime series could be the question, "Do you think that this was a hate crime targeted at you?" The question could be used in conjunction with the questions about bias and evidence to classify the incident but would not serve as a screener, enabling the victim to put their interpretation on the question and the series.

3.2 Number of Biases Motivating the Offense

A major difference between the NCVS and UCR hate crime statistics is that nearly all (about 99%) UCR hate crimes are recorded as being motivated by a single type of bias. The FBI allows for the reporting of multiple types of bias, so the predominance of single-bias incidents in law enforcement data may be due in part to the fact that investigators only need to identify the presence of one type of bias (e.g., race, ethnicity, sexual orientation, gender identity, religion, or disability) in order to classify the incident as a hate crime. In contrast, in the NCVS, victims are interpreting and self-reporting the type(s) of bias motivating the offender without the same burden of proof as a law enforcement investigator. Just over half (58%) of NCVS hate crimes were motivated by a single type of bias. If race and ethnicity are combined (they are currently grouped in UCR tables and overlap in about two-thirds of NCVS hate crime victimizations) and associations and perceptions are combined, there are six categories of bias that a respondent could select in the NCVS. Table 3-2 shows the unweighted counts and weighted percentages of victimizations motivated by multiple types of bias. Of the 554 unweighted hate crime victimizations from 2007-2016, 63 (11%) were motivated by three or more types of bias and 25 (5%) were motivated by four or more types of bias. Although it is possible for an offender to target a victim because of more than one type of bias, the fact that 16% of victims reported three or more types of bias may suggest that some victims are misinterpreting the question.

NCVS summaries associated with hate crime victimizations were reviewed as a part of this project to assess whether:

1. The summary explicitly referenced the offender being motivated by a particular type of bias, and

2. The summary description of the incident appeared to align with the BJS definition of a hate crime (as noted, but not shown in the table, in about 60% of cases the summary contained no suggestion that the incident was motivated by hate).[11]

Among victimizations motivated by one, two, or three types of bias based on the core survey question, about 40% of the narratives also made reference to the offender being motivated by a particular type of bias (table 3-2). Among victimizations motivated by four types of bias, about 20% of the narratives referenced the offender's bias, and among victimizations reported to be motivated by 5 or 6 types of bias, none of the narratives referenced a particular type of bias (based on small sample sizes). Similarly, victimizations motivated by four or more types of bias were considerably less likely to include a narrative description of the incident that seemed to describe a hate crime than victims reporting fewer types of bias. This provides further evidence that those who indicate that the offender was motivated by several types of bias may potentially be misinterpreting the question.

Table 3-2. Number of types of bias experienced in NCVS hate crime victimizations, 2007-2016

		Unweighted percents		
Number of bias types based on NCVS data	Unweighted number	Total	Incident summary referenced bias	Incident summary described hate crime
1	333	60.1 %	38.1 %	27.0 %
2	158	28.5	36.1	31.0
3	38	6.9	34.2	21.1
4	17	3.1	17.6	17.6
5	4	0.7	0.0	0.0
6	4	0.7	0.0	0.0
Total victimizations	554	100.0 %	36.1 %	27.1 %

Note. For this analysis, race and ethnicity and associations and perceptions have been combined into two categories.

Source: Bureau of Justice Statistics, National Crime Victimization Survey, Public-Use and Census Bureau Pre-Edited Files, 2007-2016.

Recommendation: Since a major difference between the NCVS and UCR hate crime statistics is in the percentage of victimizations motivated by multiple types of bias, more

[11] These two concepts overlap to some degree but there are cases in which a victim meets criteria one but not criteria two. In about 20% of cases, the summary mentioned the offender being motivated by hate, but the incident described did not appear to meet the BJS definition. This could occur if the victim mentioned the offender being motivated by bias or hate against a nonprotected category in federal hate crime laws, such as political affiliation, appearance, or income, or if the victim mentioned that the offender was acting against them in retaliation for something or because of a rivalry (e.g., gang turf wars). In about 8% the summary mentioned the offender being motivated by hate or bias but did not reference the specific type of bias.

research is needed to understand how NCVS victims think about the offenders' bias and what it means when they say they were targeted because of multiple types of bias. Additionally, this research should explore how victims interpret and examine the question about associations/perceptions and whether they think of that as capturing something different from the other types of bias they selected in the earlier questions. This research or testing could be done by administering the hate crime questions through a crowdsourcing platform to identify victims who believe they were targeted because of multiple types of bias and following up with those victims to conduct cognitive interviews and dig deeper into the issue of bias-motivation. Additionally, for consistency with the FBI and to reduce the burden on respondents, BJS should consider asking about race and ethnicity bias in a single question and including in that question ancestry/national origin as well.

3.3 Comparison of Perceived Bias in Hate vs. Bias-Involved Crimes

The next set of analyses examine victimizations that the victim believed to be motivated by bias but that did not meet the BJS threshold for a hate crime. By examining these victimizations that did not meet the BJS threshold, we can potentially gain a better understanding of how victims interpret the question about whether the incident was motivated by bias and whether they are more likely to misinterpret the question under certain conditions.

Table 3-3 shows the different combinations of perceived bias reported by victims, during the 2007-2016 period. Among hate crime victimizations, the largest single category of bias motivation is race/ethnicity, which accounted for nearly a third of all hate crimes (table 3-3). Of the 554 unweighted hate crime victimizations, 328 (about 60%) involved race/ethnicity bias as at least one of the motivations behind the offense. Another 18% involved sexual orientation, the second largest bias category, as at least one of the motivations behind the offense.

In addition to the 554 hate crime victimizations, there were another 1,087 victimizations that victims perceived to be motivated by bias but that did not have one of the three types of evidence needed to be classified as a hate crime according to the NCVS definition. For the purpose of this analysis, these victimizations are referred to as 'bias-involved' crimes. Table 3-3 shows the types of bias perceived to be motivating these bias-involved crimes. The two largest categories of bias were gender (11%) and disability (11%) bias. In contrast, 4% of hate crimes were motivated by gender bias and 3% by disability. This finding reinforces the notion that victims may answer the hate crime screener question affirmatively if they feel they have been targeted because of a perceived desirability or vulnerability even if there was no evidence of a specific animosity on the part of the offender. Over 80% of victimizations where the victim believed he or she was targeted because of gender, disability, or religion did not have sufficient evidence to be classified as a hate crime in the NCVS.

Table 3-3. Types of bias perceived to be motivating NCVS victimizations, by whether the incident had sufficient evidence to be classified as a hate crime, 2007-2016

	Hate crime		Bias-involved crime/a		
Type of bias	Unweighted counts	Weighted percent/b	Unweighted counts	Weighted percent/b	Weighted row percent/b, c
Race/ethnicity	193	32.3 %	448	39.6 %	67.0 %
Gender	30	4.3	121	11.1	80.9
Disability	25	3.0	97	11.1	86.0
Associations/perceptions	30	6.1	91	8.4	69.6
Race/ethnicity and gender	43	5.7	72	5.3	60.6
Race/ethnicity and associations/perceptions	21	2.6	37	3.1	66.3
Sexual orientation	48	11.8	35	3.5	32.9
Race/ethnicity and disability	10	2.9	34	2.7	60.6
Religion	7	0.8 !	22	3.9	89.1
Religion and associations/perceptions	20	3.6	20	2.5	53.3
Gender and associations/perceptions	6	0.7 !	18	1.2	74.9
Gender and disability	10	1.4 !	17	1.4	62.3
Race/ethnicity and religion	13	1.4	13	0.8	50.0
Disability and associations/perceptions	3	0.4 !	12	0.9	79.4
Sexual orientation and gender	12	1.7	10	0.7 !	41.1
Race/ethnicity and sexual orientation	3	0.3 !	9	1.2 !	87.4
Sexual orientation and associations/perceptions	14	4.1	6	0.8 !	25.4 !
Gender and religion	1	1.3 !	6	0.3 !	29.8 !
Religion and disability	2	0.2 !	5	0.3 !	73.6 !
More than two types	63	15.6	14	1.3	12.4
Total victimizations	554	100.0 %	1073	100.0 %	62.3 %

a/Includes those victimizations perceived to be motivated by bias but that did not have sufficient evidence to be classified as hate crime (about 2% of all nonhate victimizations).

b/Based on weighted crime counts (not shown in table).

c/The row percentage is calculated as the number bias-involved crimes (distinct from hate crimes) divided by the total number of victimizations motivated by each type of bias or bias grouping.

! Interpret with caution. Based on sample sizes of ten or fewer cases.

Source: Bureau of Justice Statistics, National Crime Victimization Survey, 2007-2016.

Recommendation: BJS should consider developing and testing an additional question on the instrument that would allow for better identification of victims who perceive themselves to be targeted because of a vulnerability rather than animosity. BJS and external researchers could then make the decision based on other evidence and the research question being examined whether these should be classified as hate crimes. As noted above, we propose to move the current hate crime screener to the end of the series. If any bias types were endorsed, we recommend following the question "Do you think this was a hate crime targeted at you?" with the additional question, "Do you think the offender(s) targeted you because of characteristics that might make it easier to get away with the crime or make you more vulnerable."

3.4 Race/Ethnicity Bias

This analysis focuses on violent hate crime victimizations from 2007-2016 that included race/ethnicity bias as a type of motivation. This is the largest category of bias in the NCVS and the goal of these analyses is to examine whether there are potential measurement issues in hate crimes motivated by race/ethnicity bias.

In describing how to determine whether a hate crime has occurred, the FBI hate crime manual gives the following guidance and example. "While no single fact may be conclusive, facts such as the following, particularly when combined, are supportive of a finding of bias:

1. The offender and the victim were of a different race, religion, disability, sexual orientation, ethnicity, gender, and/or gender identity. For example, the victim was African American and the offender was white" (FBI, p. 6).

Table 3-4 examines the race and ethnicity of victims and offenders in victimizations motivated by race/ethnicity bias versus other types of hate crimes to assess whether the victims and offenders in these victimizations were inter- or intra-racial. For those hate crimes motivated by race/ethnicity bias, any victimizations that were also motivated by associations or perceptions are excluded, because in these cases, it could be that the offender perceived the victim to be a different race or ethnicity even if he or she was not. Unfortunately, a limitation of the analysis is that prior to 2012, the NCVS only asked victims whether they perceived the offender to be white, black, or some other race and did not ask about ethnicity. Sample sizes from 2012-2016 alone are too small to allow for robust analysis of the race/ethnicity of victims and offenders.

For hate crimes motivated by race/ethnicity bias, the majority of offenses involving white victims, as well as those involving black victims, were committed by an offender of a different race. However, about 20% of victimizations motivated by race/ethnicity bias involved a white victim and white offender. Although the unweighted sample size for this group is small (n=16), over half (10) of the victims in these incidents reported

Table 3-4. Relationship between victim and offender race/ethnicity in hate crimes motivated by racial/ethnic bias and all other hate crimes, 2007-2016

Race/ Hispanic origin of victim	Motivated by racial/ethnic bias				All other hate crimes			
	Race of offender				Race of offender			
	White	Black	Other*	Unknown	White	Black	Other*	Unknown
White	21.2 %	55.7	11.9	11.1	68.6 %	11.6	12.7	7.1
Black	72.7 %	5.9	15.7	5.8 !	11.3 % !	75.1	6.6 !	7.0 !
Hispanic	44.3 %	46.2	3.7	5.8 !	31.4 % !	7.0 !	10.5 !	51.1 !
Other	27.4 %!	45.9	15.0 !	11.7 !	60.6 % !	24.4 !	1.2 !	13.8 !

Note: Percentages based on weighted data.

*Includes groups composed of offenders of different races.

! Interpret with caution. Estimates based on sample sizes of ten or fewer cases.

Source: Bureau of Justice Statistics, National Crime Victimization Survey, 2007-2016

race/ethnicity bias as the only motivator (not shown).[12] Based on the FBI guidance, it seems unlikely that these victimizations would have been classified as a race-based hate crime by law enforcement.

For other types of hate crimes, the majority of offenses involving white and black victims were committed by offenders of the same race.

Recommendation: The count of victimizations in which the offender and victim were the same race/ethnicity but the hate crime was motivated by race/ethnicity bias is relatively small; however, BJS should consider whether to exclude these victimizations from the hate crime count, particularly when race/ethnicity is the only identified type of bias. Since the NCVS now captures the ethnicity of the offender, it will be possible to ensure that apparent overlaps in the race of the victim and offender are not concealing differences in victim and offender ethnicity.

3.5 Sexual Orientation Bias

In 37% of the incident summaries for hate crimes motivated by sexual orientation bias, there was a reference to the offender using derogatory language referencing their real or perceived LGBTQ status. Similarly, 43% of these summaries included language to suggest that the crime should be classified as a hate crime. In contrast, about 26% of summaries for incidents motivated by race/ethnicity bias referenced the offenders' use of derogatory language about the victim's race or ethnicity, and 30% of the summaries described an incident that seemed to be a hate crime (Table 3-5). In other words, although the

[12] Examination of the NCVS incident summaries reveals that 1 of these 10 also reported a type of bias that is not a protected category according to federal hate crime laws, such as political affiliation or weight.

differences are not statistically significant, compared to victimizations said to be motivated by race/ethnicity bias, there appears to be less ambiguity around whether victimizations reported to be motivated by sexual orientation bias should be classified as hate crimes.

Table 3-5. Percentage of incident summaries that explicitly referenced the offenders' use of derogatory language and/or that appeared to describe a hate crime based on the BJS definition, 2007-2016

Explicit reference to use of derogatory language/b	Sexual orientation bias/a				Race/ethnicity bias/a			
	Described a hate crime/a				Described a hate crime/a			
	Yes	No	Unclear	Total (row percentage)	Yes	No	Unclear	Total (row percentage)
Yes	32.7 %	1.0 %	3.1 %	36.7 %	21.6 %	3.0 %	1.5 %	26.2 %
No	10.2	36.7	16.3	63.3	7.9	54.9	11.0	73.8
Total (column percentage)	42.9	37.8	19.4	100.0	29.6	57.9	12.5	100.0

Note: Based on 98 unweighted hate crimes motivated by sexual orientation bias.

a Classification based on NCVS public-use data.

b Incident summary made explicit reference to the offender using derogatory language related sexual orientation or race/ethnicity, respectively.

Source: Bureau of Justice Statistics, National Crime Victimization Survey, Public-Use and Census Bureau Pre-Edited Files, 2007-2016.

3.6 Other Types of Bias

The review of the incident summaries revealed that 72 of the 1,700 (4%) summaries for respondents who answered the initial hate crime question affirmatively included a reference to bias related to a nonprotected category, like political affiliation. Of these 72, 30 (42%) were ultimately classified as hate crimes. About a third of these were also said to be motivated by race/ethnicity bias (n=9), about a quarter by associations or perceptions (n=7), and another third by multiple types of bias in addition to the nonprotected type (n=11) (not shown).

Recommendation: Based on findings from both the secondary data analysis, the assessment of state hate crime laws (see Appendix B), and the incident summaries, BJS should consider adding an 'other specify' option for respondents who believe the offense was motivated by a type of bias other than those currently identified in federal hate crime laws. An affirmative response to the 'other' category would not mean that the victim would be counted as a victim of hate crime, but would provide useful information for states with more expansive hate crime definitions.

4. Evidence

The FBI's hate crime manual makes it clear that the presence of prejudice alone is not sufficient to classify an act as a hate crime; rather, "sufficient objective facts must be present to lead a reasonable and prudent person to conclude that the offender's actions were motivated, in whole or in part, by bias" (FBI, p. 5). Similarly, the NCVS-2 provides respondents with the option of reporting seven different types of evidence that the victimization was a hate crime. As noted previously, for the NCVS three of the types of evidence (use of hate language, hate symbols left at the scene of the crime, and confirmation by a police investigator that the incident was a hate crime) are used to classify the incident as a hate crime for BJS reporting purposes. If a victim reports one or more of the other four types of evidence (without one of the three classifying types), the incident is not classified as a hate crime. These four types of evidence – the offender committed similar hate crimes in the past; the incident occurred on or near a holiday, event, or location associated with a specific group; other hate crimes have occurred in the area; the victim had a feeling or instinct that the offender was motivated by bias – are referred to in this document as "non-classifying" evidence. Data on the victim's evidence for the hate crime are only available on the NCVS public-use file (PUF) beginning in 2010. Therefore, these analyses focus on the seven-year period, 2010 through 2016. The analyses examine the current BJS use of evidence to determine whether the victimization was a hate crime and what these rules mean about the likelihood of over- or under-estimating hate crime.

Table 4-1 shows the percentage of victimizations for which each type of evidence was present, comparing hate and bias-involved crimes. The bias-involved crimes include offenses that the victim believed were motivated by hate, but the evidence was not sufficient to classify the offense as a hate crime based on the BJS definition.

As is noted in the BJS hate crime reports (Masucci and Langton, 2017), the most common type of evidence victims report is that the offender made negative comments, used slang, hurtful words, or abusive language. Among respondents who answered the initial hate crime question affirmatively but were not classified as hate crime victims (these are bias-involved victimizations), 6% stated that they had evidence to suggest that the incident was a hate crime (not shown). For three-quarters of those victims, the evidence was a feeling or instinct; however, 45% knew of the offender committing similar hate crimes in the past and 31% knew of similar hate crimes happening in that area. About 58% of these bias-involved victims had just one type of evidence, but 30% had two types and 12% had three types. It should be noted that about 40% of bias-involved hate crimes were property crimes, where the victim was not present for hate language to be heard during the incident (not shown).

Table 4-1. Types of evidence present in hate and nonhate bias-involved victimizations, 2010-2016

Type of evidence	Hate	Bias-Involved*
Classifying		
Language	98.7 %	~ %
Symbols	9.2	~
Confirmed by police investigators	6.0	~
Non-classifying		
Offender committed similar hate crimes in the past	34.1	44.8
Occurred on or near holiday, event or location associated with specific group	4.7	4.0 !
Other hate crimes have happened in the area	20.1	30.6
Feelings, instincts, or perceptions	60.5	74.5
Total weighted number of victimizations	1,616,600	169,045

Note: Percentages based on weighted data. Classifying evidence refers to the three types of evidence that, when present, result in the classification of the victimization as a hate crime based on the BJS definition. Categories do not sum to 100% due to victims who reported multiple or no types of evidence.

*Excludes victimizations for which the victim answered 'no' or 'don't know' to the hate crime screener question or answered 'no' to the question about whether they had any evidence that the incident was a hate crime.

~ Not applicable.

Source: Bureau of Justice Statistics, National Crime Victimization Survey, 2010-2016.

Recommendation: The FBI hate crime manual lists similar types of evidence to the ones collected through the NCVS (see table 2-1 for the FBI's list of potential types of evidence) and states that, "particularly when combined," these may be supportive of a finding of bias. For consistency, BJS should consider whether the presence of multiple types of evidence that are currently non-classifying provides stronger support for a finding of bias than language alone. As an illustration, if a victim reports that he or she was attacked at or near a location commonly associated with a group they identify with and that other hate crimes had occurred in that area, that incident would not be classified as a hate crime. However, if a victim reports that he or she was attacked and derogatory language was used in the course of the attack, that is sufficient evidence to classify the incident as a hate crime.

If a victim reports the presence of two or more of the non-classifying evidence types, BJS should consider classifying that incident as a hate crime. From 2010-2016, changing the definition in this way would have resulted in 30 unweighted nonhate victimizations being classified as hate crimes.

4.1 Number of Types of Evidence

Table 4-2 shows the number of different types of classifying and non-classifying evidence present in hate crime victimizations. The majority of victimizations (87%) had only one type of classifying evidence; however, most (82%) also had at least one other type of non-classifying evidence. Less than 1 in 5 victimizations (18%) had only one piece of evidence total (which, by definition, must be a classifying type of evidence). About 44% of hate crimes had two total types of evidence (classifying or non-classifying), 28% had three types, and just over 10% had four or more types of evidence.

Table 4-2. Number of types of evidence present in hate crimes, 2010-2016

Number of types of evidence	Total		Classifying		Non-classifying	
0	~	%	~	%	20.5	%
1	17.7		86.9		47.8	
2	43.6		12.3		23.6	
3	28.2		0.8	!	7.9	
4	8.8		~		0.1	!
5+	1.7	!	~		~	
Weighted number of victimizations			1,616,601			

Note: Percentages based on weighted data. 'Classifying' refers to evidence that meets the BJS criteria for inclusion as a hate crime. 'Non-classifying' refers to the other types of evidence asked about in the survey.

! Interpret with caution. Estimate based on ten or fewer sample cases.

~ Not applicable.

Source: Bureau of Justice Statistics, National Crime Victimization Survey, 2010-2016.

4.2 Evidence Hierarchy

To further assess the patterns and different combinations of evidence present in hate crime victimizations, RTI created a hierarchy for organizing the evidence based on its relative strength. Since hate language was present in nearly all the hate crimes, the idea was to create a classification that would enable better examination of other types of evidence. Having the police confirm the victimization to be a hate crime is arguably the strongest evidence, so any victimizations (regardless of the other evidence presented) that were confirmed by police to be hate crimes are at the top of the hierarchy (table 4-3). This is followed by another classifying type of evidence – the offender left signs or symbols at the scene of the crime. After these two, the idea is that having two types of evidence are stronger than one, so the hierarchy includes the combination of the offender using hate language (a classifying type of evidence) and other types of non-classifying evidence, moving from least to most commonly reported. Finally, at the bottom of the hierarchy is hate language as the only type of evidence.

Table 4-3. Hierarchy of types of evidence present in hate crime victimizations, 2010-2016

Evidence hierarchy	Number	Percent
Total	1,616,600	100 %
Confirmed by investigators	97,213	6.0
Symbols left on scene	132,619	8.2
Hate language and incident occurred on or near a holiday, event or location associated with a specific group	60,331	3.7
Hate language and other hate crimes have happened in the area	244,092	15.1
Hate language and the offender committed similar hate crimes in the past	288,326	17.8
Hate language and the victim had feelings, instincts or perceptions that it was a hate crime	508,381	31.4
Hate language only	285,637	17.7

Note: Counts and percentages based on weighted data.

Source: Bureau of Justice Statistics, National Crime Victimization Survey, 2010-2016.

Less than 15% of hate crime victimizations had evidence from the top two categories, whereas nearly half of hate crime victimizations (49%) fell into the bottom two categories. On the one hand, this may suggest that the NCVS is capturing incidents that are not likely to be prosecuted as hate crimes. On the other hand, it may suggest issues with the items at the top of the hierarchy. For instance, it may be unlikely that police ever *confirm* to a victim that the incident was a hate crime since the decision to charge an offense as a hate crime is up to the prosecutor.

Next, we look at whether the victimization summaries seemed to suggest that a hate crime occurred, by each evidence hierarchy category. Victimizations with evidence at the top of the hierarchy were the least likely to have information conveyed in the summary suggesting that the incident was a hate crime (table 4-4). For example, about 15% of hate crimes that were confirmed by police investigators to be hate crimes contained information in the summary to indicate that the incident was hate-related. This may be demonstration that the summaries have limited utility for determining whether or not an incident was a hate crime or it may suggest that other factors, such as the interviewer or how upsetting the incident was to the victim, contribute to the likelihood of the bias motivation being noted in the summary.

Table 4-4. Did the victimization incident summary suggest that a hate crime occurred, by hierarchy of types of evidence present in hate crime victimizations, 2010-2016

Evidence hierarchy	Yes		No	Unclear	Unweighted count
Total	27.1	%	59.9	13.0	399
Confirmed by investigators	14.8	%	77.8	7.4	27
Symbols left on scene	25.0	%	60.7	14.3	28
Hate language and incident occurred on or near a holiday, event or location associated with a specific group	10.5	%	89.5	0.0	19
Hate language and other hate crimes have happened in the area	33.9	%	59.7	6.5	62
Hate language and the offender committed similar hate crimes in the past	23.6	%	60.0	16.4	55
Hate language and the victim had feelings, instincts or perceptions that it was a hate crime	27.0	%	58.7	14.3	126
Hate language only	29.3	%	53.7	17.1	82

Note: Percentages based on unweighted incident summaries of hate crime victimizations. Evidence hierarchy classifications based on NCVS public-use data.

Source: Bureau of Justice Statistics, National Crime Victimization Survey, Census Bureau Pre-Edited Files, 2010-2016.

Recommendation: Prior to a victim being asked about the specific types of evidence that led them to believe the incident was a hate crime, he or she is asked (field-tested question), "Did the offender say something, write something or leave something behind at the crime scene that made you think it was a hate crime." Although this question may reduce burden for those victims who have no evidence, allowing them to skip the whole sequence of evidence questions, it may also falsely skip out victims who were told by the police that the investigation uncovered evidence of a hate crime. BJS should consider dropping the initial evidence question that screens victims into the more specific questions about types of evidence.

BJS should also consider revising the question about the police confirming the incident to be a hate crime. The question could instead ask whether "The police investigation uncovered evidence that this was a hate crime" to account for the fact that police may be hesitant to confirm that an incident was a hate crime.

4.3 Type of Evidence by Type of Crime

Table 4-5 shows the distribution of types of hate crime evidence, using the previously established hierarchy, by types of crime. Regardless, of the type of crime less than 10% of

victimizations were confirmed to be hate crimes by police investigators and, on the other end of the spectrum, about 20% involved hate language only. Due to relatively small sample sizes, none of the apparent differences among the types of crime were statistically significant.

Table 4-5. Types of evidence present in hate crimes, by type of crime, 2010-2016

Evidence hierarchy	Violent crime excluding simple assault		Simple assault		Property crime	
Total	100	%	100	%	100	%
Confirmed by investigators	6.6		5.8		5.7	!
Symbols left on scene	12.9	!	4.2		17.5	!
Hate language and incident occurred on or near a holiday, event or location associated with a specific group	3.9	!	3.3		5.8	!
Hate language and other hate crimes have happened in the area	12.7		16.4		14.9	
Hate language and the offender committed similar hate crimes in the past	25.2		16.3		5.6	
Hate language and the victim had feelings, instincts or perceptions that it was a hate crime	19.3		36.8		34.5	
Hate language only	19.4		17.1		16.1	!
Weighted number of hate crime victimizations	486,739		959,641		166,804	

Note: Percentages based on weighted data.

Source: Bureau of Justice Statistics, National Crime Victimization Survey, 2010-2016.

Even among property crimes, which are only classified as property crimes if the victim was not present at the time of incident, the offenders' derogatory language was frequently provided as a type of evidence. Specifically, it was a type of evidence for about 77% of hate crimes involving burglary, motor vehicle theft, and theft, and the only type of evidence in 16%. In other words, for the majority of property hate crimes, the presumed offender used abusive language toward the victim at some point in time and then committed the hate crime, suggesting a temporal disconnect between the evidence and the incident.

The review of the incident summaries also highlighted the point that the NCVS question about the offender's use of abusive or hurtful language does not have a temporal reference. In property crime summaries (though this observation is not limited to property crimes), victims described incidents they believed were committed by a particular person who used derogatory language in the past. Based on the current wording of the question and the way that BJS counts hate crimes, the offenders' use of negative language does not necessarily have to occur at the time of the incident. The FBI does not provide direct guidance about

whether an offender's use of hate language in the past could serve to classify a crime as a hate crime. However, they do consider 'historically established animosity between victim's and offender's groups' to be evidence, which suggests that past interactions could serve as evidence of the offender's current motivation.

Recommendation: Cognitive testing should be used to explore the extent to which respondents think about an offender's use of derogatory language in the past when answering the language evidence question. Although the FBI does not provide clear guidance on whether the past use of derogatory language could be considered evidence of the offender's bias-motivation, BJS should consider adjusting the wording of the evidence question to be more specific about the period of interest. For example, the question could be edited to read "*During the incident or leading up to it*, the offender(s) used hurtful or abusive language…" to ensure that respondents are consistently thinking about when the language was used.

4.4 Evidence by Victim-Offender Relationship

If respondents are considering prior experiences with the offender in their assessment of whether the victimization was motivated by hate, it assumes some level of familiarity between the victim and the offender. In other words, in all property crimes for which language is the key type of evidence, we would expect that the victim would have at least seen the offender previously. Table 4-6 shows the distribution of evidence types across known vs. stranger offenders. The distributions do not vary significantly across victim-offender relationship. Interestingly, though, hate crime victimizations involving a known offender appeared to less likely to have hate language as the only type of evidence than victimizations committed by a stranger.

Unfortunately, sample sizes are too small for property crimes to separate out in a table. Of the property crimes for which hate language was the classifying evidence, the offender was a stranger in 43% of these incidents and the victim did not know anything about the offender in 26% of these incidents (not shown).

Table 4-6. Hierarchy of types of evidence present in hate crime victimizations, by victim-offender relationship, 2010-2016

Evidence hierarchy	Percentage of hate crime victimizations			
	Total	Known offender	Stranger	Unknown
Total	100%	100.0 %	100 %	100%
Confirmed by investigators	6.0	4.7!	7.8	3.1!
Symbols left on scene	8.2	8.4!	7.1	0.3!
Hate language and incident occurred on or near a holiday, event or location associated with a specific group	3.7	3.9!	3.0	2.3!
Hate language and other hate crimes have happened in the area	15.1	17.3	15.0	3.9!
Hate language and the offender committed similar hate crimes in the past	17.8	24.4	13.2!	17.1!
Hate language and the victim had feelings, instincts or perceptions that it was a hate crime	31.4	30.3	30.3	46.2!
Hate language only	17.7	11.0	23.6	27.1
Weighted number of hate crime victimizations	1,616,600	58,086	47,574	417

Note: Percentages based on weighted data.

Source: Bureau of Justice Statistics, National Crime Victimization Survey, 2010-2016.

4.5 Evidence by Type of Bias

Though based on small sample sizes, with many of the estimates derived from 10 or fewer unweighted cases, table 4-7 shows the number of types of evidence by the type of bias motivating the hate crime. Crimes motivated by race/ethnicity appear to be most likely to have just one type of evidence (language only). That said, nearly all hate crimes motivated by race/ethnicity bias and with hate language as the only evidence involved victims and offenders of different races (not shown). For about 31% of these incidents, the incident summary noted that the offender used language referencing the victim's race or Hispanic origin (62% of summaries did not state one way or the other whether racially derogatory language was used; not shown).

Table 4-7. Evidence present in hate crimes, by type of bias motivating the hate crime, 2010-2016

		Number of types of hate crime evidence		
Type of bias	Total	One	Two	Three or more
Race or ethnicity only	100%	38.2	44.8	17.0
Disability only	100%	21.1!	62.3	16.6!
Religion only	100%	/!	7.7!	92.3!
Gender only	100%	14.6!	51.2	34.3!
Sexual orientation only	100%	7.3!	69.3	23.4!
Associations or perceptions only	100%	/!	45.4!	54.6
Multiple types	100%	14.5	36.1	49.4

Note: Percentages based on weighted data.

! Interpret with caution. Estimate based on ten or fewer sample cases.

/ Less than 0.5%.

Source: Bureau of Justice Statistics, National Crime Victimization Survey, 2010-2016.

5. Type of Crime and Incident Characteristics

Because the BJS's Hate Crime reports already focus on the comparison between the NCVS and UCR summary hate crime data and exploring the differences between the two collections in the types of crimes classified as hate crime, this analysis focuses primarily on understanding the hate threats captured through the NCVS. Hate threats are intended to be distinct from the general use of hate language, which is not a criminal act in and of itself. The goal of this analysis is to understand whether there are systematic differences in the characteristics of hate threat victimizations versus other types of hate crimes that may suggest that NCVS respondents are casting too broad a net in the definition of hate threats and reporting hate speech more broadly.

5.1 Hate Speech versus Hate Threats

Although all victimizations captured in the NCVS have been identified as crimes, there is a fine distinction between the use of hate speech and hate crime threats of assault. This distinction is important because verbal threats of assault are the largest category of NCVS hate crimes, accounting for 35% of hate crime victimizations (table 5-1).

Because verbal threats account for such a large portion of hate crimes, we examine the characteristics of these hate crimes compared to other types of hate crimes (violent only) to understand whether there are fundamental differences. The biggest apparent difference is in the number of offenders involved in the incident. Nearly three-quarters of hate threat victimizations were committed by a group of offenders, while just over half of all other types of hate crime victimizations were committed by a single offender (table 5-2).

Table 5-1. Distribution of hate crimes by type of crime, 2007-2016

Type of crime	Number	Percent
Rape/sexual assault	74,925	3.0 %
Robbery	188,675	7.6
Aggravated assault	481,283	19.4
Simple assault	1,502,176	60.4
Simple assault w/injury	230,754	9.3
Assault w/o weapon or injury	394,745	15.9
Verbal threats	876,677	35.3
Property crime	231,186	9.3

Note: Counts and percentages based on weighted data.

Source: Bureau of Justice Statistics, National Crime Victimization Survey, 2007-2016.

Table 5-2. Distribution of hate crimes by incident characteristics, 2010-2016

	Percent of hate-motivated victimizations			
Incident characteristics	Threat/a		Other/b	
Type of bias	100.0	%	100.0	%
Race/ethnicity	36.2		30.5	
Disability	3.2	!	2.8	
Religion	0.5	!	0.5	!
Gender	5.3		4.0	
Sexual orientation	6.3		15.9	
Associations/perceptions	1.7		9.5	
Multiple types	46.9	!	36.7	
Number of offenders				
One	74.1	%	54.3	%
More than one	25.9		45.7	
Victim-offender relationship				
Intimates	0.0	%	6.6	%
Relatives	0.2	!	1.5	!
Acquaintances	47.3		33.3	
Strangers	45.4		48.7	
Don't know	7.1		9.9	
Reporting to police				
Yes	37.3		41.4	
Weighted number of hate crime victimizations	876,676		1,370,382	

Note: Percentages based on weighted data.

a/Includes verbal threats of assault, typically included under "simple assault."

b/Includes all other types of crime besides verbal threats of assault, namely serious violent and property crimes.

Source: Bureau of Justice Statistics, National Crime Victimization Survey, 2007-2016.

This finding may be indicative of offenders empowered to make threats when they are in a group, or it may suggest that victims are more likely to perceive they are being threatened if they have an encounter with a group of persons using hate speech versus an individual using hate speech. Anecdotally, the review of the NCVS hate crime incident summaries highlighted incidents in which groups of individuals were yelling hateful things at the victim, for example. Based on the information provided, in the summaries and in the NCVS data, it is not possible to definitely say whether these encounters rose to the level of threat in the eyes of the law, but they were impactful enough to be reported in the survey and the summary.

A further review of the incident summary data suggests little difference between hate crime victims who experienced verbal threats and victims of other types of hate crime in terms of the summary references to the offender being motivated by a particular type of bias or references that suggest the crime was hate-motivated. Table 5-3 shows the comparison of threats versus other types of hate.

Table 5-3. Percentage of incident summaries referencing offender's bias or including information to suggest the crime would meet the BJS hate crime definition, 2007-2016

	Verbal threat of assault	Other type of hate crime
Any reference to offender's bias?		
Yes	39.4 %	34.7 %
No	60.0	63.0
Don't know	0.6	2.3
Information suggesting offense would meet BJS definition?		
Yes	31.5 %	25.2 %
No	53.9	62.5
Don't know	14.5	12.3
Unweighted number of incident summaries	165	389

Note: Percentages based on unweighted incident summary data.

Source: Bureau of Justice Statistics, National Crime Victimization Survey, Census Bureau Pre-Edited Files, 2007-2016.

Recommendation: Distinguishing between hate speech and language that rises to the level of a threat is a challenge beyond the NCVS hate crime questions.[13] Because the NCVS identifies that a threat has occurred before labeling it as a hate crime, strategies for better clarifying the distinction between hurtful speech and threats should be considered through the larger NCVS redesign. Given the large proportion of hate crimes that are threats, BJS should consider how the handling of verbal threats in the redesigned NCVS instrument will impact hate crime estimates.

6. Reporting to Police

A key distinction between the NCVS and FBI sources of data on hate crime is that the NCVS includes victimizations that are not reported to police. To further explore how the NCVS's inclusion of unreported crime impacts the characteristics of hate crimes that are captured, we examine the distributions of hate crime bias and evidence by victim reporting based on NCVS data, as well as basic comparisons of NCVS and NIBRS hate crime data. Although the NIBRS data are not nationally representative, the data include details about the characteristics of victims and offenders that are not available in the UCR summary statistics. This enables us to explore the impact of measurement differences on the profile of victims and offenders in the NCVS versus in law enforcement statistics.

6.1 NCVS Hate Crimes Reported and Not Reported to Police

The majority of NCVS hate crimes are not reported to police. We examined the types of crime reported to police to see whether there were any discernable patterns in hate crime reported to police and those for which the victim told police it was a hate crime. Table 6-1 shows that with the exception of property crime, the percentage of victimizations reported to police appears to be lower for hate versus nonhate crimes. This could be attributed to factors like the sensitivity of the crime, victim embarrassment or shame. There are no other discernable patterns that may suggest issues in the NCVS measurement of hate crime.

Next we consider whether there are any patterns in the types of evidence indicating a hate crime victimizations and the likelihood of being reported to police that may indicate whether victims are including incidents as hate crimes that should not be counted as such. Although, it might be expected that victimizations with stronger evidence are more likely to be reported to police, there is no discernable pattern based on the created hierarchy of evidence types (table 6-2). One issue identified in these findings is that a portion of victims who reported that the victimization was confirmed by police investigators to be a hate crime, stated earlier in the survey that the incident was not reported to police. This is an issue for a small number of unweighted respondents (n=5) but when weights are applied it

[13] See, for example, an article from National Public Radio (NPR) that references the challenges that law enforcement faces in determining when hate speech becomes an actual threat: https://www.npr.org/2012/08/07/158369819/the-thin-line-between-hate-speech-and-real-threat.

Table 6-1. Percentage of crimes reported to police for hate crimes and other crimes, 2007-2016

Type of crime	Annual average number of victimizations		Percent reported	
	Hate	Other*	Hate	Other*
Rape/sexual assault	7,493	304,861	18.9 %!	33.3 %
Robbery	18,867	623,235	47.1	62.2
Aggravated assault	48,128	978,780	48.3	59.4
Simple assault	150,218	3,776,326	37.2	41.1
Simple assault w/injury	23,075	717,940	64.7	52.0
Assault w/o weapon or injury	39,475	1,416,989	20.8	38.8
Verbal threats	87,668	1,641,397	37.3	38.3
Property crime	23,119	16,765,393	40.2	36.8

Note: Counts and percentages based on weighted data.

*Includes all NCVS victimizations not classified as hate crimes.

Source: Bureau of Justice Statistics, National Crime Victimization Survey, 2007-2016.

Table 6-2. Percentage of victimizations reported to police by evidence hierarchy, 2010-2016

Evidence hierarchy	Reported to police
Total	39.9 %
Confirmed by investigators	66.6
Symbols left on scene	34.9
Hate language and incident occurred on or near a holiday, event or location associated with a specific group	27.5
Hate language and other hate crimes have happened in the area	55.8
Hate language and the offender committed similar hate crimes in the past	25.4
Hate language and the victim had feelings, instincts or perceptions that it was a hate crime	38.2
Hate language only	39.7

Note: Percentages based on weighted data. Average annual number of hate crime victimizations (weighted) from 2010-2016 was 161,660.

Source: Bureau of Justice Statistics, National Crime Victimization Survey, 2010-2016.

appears that only 2/3 of victims whose hate crime was confirmed by police, actually reported to police.[14]

Finally, we explore the relationship between the types of bias motivating the incident and the likelihood of reporting to police. Table 6-3 shows that victims of multiple types of bias

[14] The survey also contains a question about whether the victim told police he or she thought the victimization was a hate crime. For this item, all respondents who answered affirmatively had also previously stated that the victimization was reported to police.

appear to be less likely to report to police than victims of one type of bias, but this difference is not statistically significant.

Table 6-3. Percentage of victimizations reported to police by type of bias motivating the incident, 2010-2016

Type/number of biases	Average annual number of victimizations	Percent reported to police	
One type	89,438	43.7	%
Race/ethnicity	29,664	47.0	
Disability	5,256	33.6	!
Religion	542	100.0	!
Gender	10,742	41.9	
Sexual orientation	18,852	38.0	
Associations/Perceptions	5,3954	43.7	!
Multiple types	91,209	37.4	%
2	40,847	29.8	
3	16,223	42.2	
4 or more	11,882	41.5	

Note: Counts and percentages based on weighted data.
! Interpret with caution. Estimate based on 10 or fewer sample cases.
Source: Bureau of Justice Statistics, National Crime Victimization Survey, 2010-2016.

Recommendation: BJS should consider adding a skip pattern in the hate crime section so that victimizations that were not reported to police do not get the questions about police confirming the incident to be a hate crime or the respondent telling police he or she believed the victimization was a hate crime.

6.2 NCVS vs. NIBRS Comparison of Incident Characteristics

Next, we compare NCVS and NIBRS data to understand difference in the characteristics of incidents, offenders and victims captured in the NCVS and offenses known to law enforcement. The analysis relies on NCVS data from 2003 to 2016. Because NIBRS reflects instances where a victim reported the crime committed against them to law enforcement, for this subset of analyses, we only reviewed NCVS hate crime instances where law enforcement was notified of the crime (n=338); this required rolling up multiple years of data and extending the analysis period to 2003, the first year NCVS hate crime data were available on the PUF, in order to have sufficient sample sizes. NIBRS data are from 2016 only since rolling up multiple years of NIBRS data poses significant challenges, given changes in law enforcement participation over time.

Relationships were explored using chi-square analyses. Characteristics of the crime appeared to best predict whether NCVS victims notified law enforcement of the hate crimes committed (table 6-4). In the NCVS compared to NIBRS, victims were more likely to notify police if: the crime occurred at or near the victim's home (p=.000), a gun, knife, or other blunt/sharp object were used as a weapon (p=.003), the victim was injured (p=.002), or the co-occurring crime was a serious assault or burglary (p=.000). NCVS data reflect a more even distribution of crime types, while NIBRS data reflect many more threats and simple assaults. Therefore, it should not be surprising that NIBRS data reflect a higher use of body-only weapons (when compared to guns, knives, or blunt objects) and fewer injuries.

Table 6-4. Characteristics of NCVS hate crime victimizations reported to police and NIBRS hate crime incident data

	Valid Percent									
	NCVS*									
Characteristics	Total			Single offender incidents			Multiple offender incidents		NIBRS	
Location of incident										
At or near victim's home	51.7	%		48.2	%		38.6	%	31.1	%
Away from victim's home	48.3			51.8			61.4		68.9	
Weapon use										
No weapon	34.2	%		41.3	%		36.5	%	10.4	%
Body only	25.3			27.8			24.8		59.1	
Gun or knife	14.3			15.1			22.5		15.1	
Blunt/sharp object	8.0			7.0			14.1		4.7	
Other weapon type	4.6			8.1			2.1		10.7	
Property crime	13.5			/			/		~	
Victim incurred injury										
Not injured	62.3	%		79.9	%		64.6	%	83.4	%
Injured	25.4			20.1			35.4		16.6	
Property crime	12.2			/			/		~	
Type of crime										
Simple assault, threat	27.5	%		30.0	%		33.2	%	42.0	%
Simple assault	26.9			32.0			25.3		34.4	
Serious assault	25.9			30.3			32.7		15.2	
Robbery	7.5			7.7			8.8		2.4	
Burglary	8.5			/			/		5.6	
Theft	3.8			/			/		0.4	!

Note: NCVS percentages based on weighted data. NIBRS percentages were calculated from valid (unweighted) data and include only incidents committed against individuals (vs. establishments).

*Includes victimizations reported to police.

/Less than 0.5%.

~ Not applicable.

Source: Bureau of Justice Statistics, National Crime Victimization Survey, 2003-2016; FBI National Incident-Based Reporting System, 2016

In an attempt to better understand the differences between NCVS and NIBRS data, we compared NCVS crimes committed by a single offender versus a group of offenders separately against NIBRS data. Interestingly, limiting the comparison to NCVS victimizations and NIBRS incidents with a single offender does not make the two data sources notably more similar or comparable. Although NIBRS data better align with NCVS single offender hate crimes on crime type and victim injury, they better align with group offender hate crimes on location of the incident.

6.3 NCVS vs. NIBRS Comparison of Offender Characteristics

The NCVS appears to capture more hate crimes where there are two or more offenders compared to NIBRS. Interestingly, NCVS data show that victims are more likely to notify law enforcement of a hate crime when a group of offenders commits the act versus a single offender (table 6-5). However, this finding is not reflected in NIBRS, a difference that may be due to how law enforcement defines the "offender" and records 'offender' data for the purpose of FBI reporting. While victims may view the crime more holistically, thinking of all

Table 6-5. Offender characteristics based on NCVS hate crime victimizations reported to police and NIBRS hate crime incident data

Offender Characteristics	Valid Percent NCVS*		Valid Percent NIBRS	
Number of offenders				
Single offender	57.3	%	96.3	%
Two or more offenders	42.7		3.7	
Offender age				
<20 years old	10.1	%	23.2	%
21+ years old	61.6		76.8	
Mixed-age group	28.2		~	
Offender race				
White	42.7	%	67.8	%
Black	29.2		29.4	
Other race	7.2		2.8	
Group of offenders of differing races	6.8		~	
Property crimes	14.0		~	
Offender gender				

Female	18.0	%	19.5	%
Male	54.8		80.5	
Group of offenders both female & male	13.5		~	
Property crime	13.7		~	

Note. NCVS percentages based on weighted data; NIBRS data are unweighted and include only incidents committed against individuals (vs. establishments).

*Includes victimizations reported to police.

~ Not applicable

Source: Bureau of Justice Statistics, National Crime Victimization Survey, 2003-2016; FBI National Incident-Based Reporting System, 2016.

individuals present as perpetrators of the crime (e.g., one individual committed an assault and two individuals stood watch) law enforcement may attempt to pinpoint an individual worth investigating and putting up for prosecution (e.g., only the person who committed the assault). It should also be noted that prior hate crime studies based on law enforcement data from a particular agency found that most offenders (90%) act in groups (McDevitt, 2002). This may indicate that the NIBRS finding is primarily a product of how agencies report their data to the FBI.

Putting aside the issue of the number of offenders, NCVS and NIBRS appear to capture similar offender profiles; most offenders were white, over 21, and male.

Regarding offender age, NCVS victims were least likely to report to law enforcement when the victim was aged 20 or under. NCVS victims were not more or less likely to report to law enforcement based on offender race or offender gender.

6.4 NCVS vs. NIBRS Victim Characteristics

The NCVS and NIBRS had similar distributions of victim age, but other victim characteristics were notably different between the two collections (table 6-6). For instance, NIBRS captured a higher percentage of black victims than the NCVS. The NCVS had a more even gender split for victims, while NIBRS data included a higher percentage of male victims.

Table 6-6. Victim characteristics based on NCVS hate crime victimizations reported to police and NIBRS hate crime incident data

	Valid Percent			
Victim Characteristics	NCVS*		NIBRS	
Victim age				
<20 years old	14.4	%	18.2	%
21+ years old	85.6		81.9	
Victim race				
White	76.6	%	61.7	%

Black	14.3		34.7	
Other race	9.0		3.6	
Victim gender				
Female	52.5	%	39.6	%
Male	47.5		60.4	

Note. NCVS percentage based on weighted data; NIBRS data are unweighted and include only incidents committed against individuals (vs. establishments).

*Includes victimizations reported to police.

Source: Bureau of Justice Statistics, National Crime Victimization Survey, 2003-2016; FBI National Incident-Based Reporting System, 2016.

6.5 NCVS vs. NIBRS Victim-Offender Relationship

For NCVS data, victim-offender relationship was not correlated with whether the incident was reported to police (table 6-7). The percentage of stranger vs. known offenders is similar in the NCVS. Although not statistically significant, stranger offenses accounted for a slightly higher percentage of NCVS hate crime incidents reported to police, whereas known offenders accounted for a higher percentage of NIBRS hate crimes. At least in part, differences seen in these variables reflect the fact that NIBRS does not capture groups of offenders in the same way as NCVS. Thus, if the primary offender was known to be the same or different race than a victim, they could be categorized as such. For NCVS, we coded groups of offenders of differing characteristics as being different from the victim, even if one or more of the offenders in the group may have shared that characteristic with the victim.

Table 6-7. Victim-offender characteristics based on NCVS hate crime victimizations reported to police and NIBRS hate crime incident data

	Valid Percent			
Victim-offender relationship	NCVS*		NIBRS	
Offender relationship to victim				
Stranger	53.8	%	41.5	%
Known	46.2		58.5	
Offender and victim age				
Offender and victim same age category	48.5	%	81.1	%
Offender and victim different age categories or unknown	51.5		18.9	
Offender and victim race				
Offender & victim same race	30.5	%	23.6	%
Offender & victim different races or unknown	69.5		76.4	
Offender and victim gender				
Both offender and victim female	16.1	%	11.9	%

Both offender and victim male	44.5	54.5
Offender and victim different genders or unknown	39.3	33.6

Note. NCVS percentage are based on weighted data; NIBRS data are unweighted and include only incidents committed against individuals (vs. establishments).

*Includes victimizations reported to police.

Source: Bureau of Justice Statistics, National Crime Victimization Survey, 2003-2016; FBI National Incident-Based Reporting System, 2016.

7. Conclusion

The assessment of the NCVS public-use hate crime data, the NCVS incident summaries, and review of the state hate crime laws (see Appendix B) shed light on potential issues in the measurement and classification of NCVS incidents as hate crimes. This document offers several recommendations for testing and potential changes to the current and revised hate crime questions, which are presented throughout the text. Key recommendations include:

- Consider adopting the term 'bias crime' in BJS reports rather than 'hate crime' to more accurately capture the full scope of these offenses and the motivation behind them
- Consider eliminating or moving some of the broader questions that currently serve to skip victims into or out of all or sets of the hate crime questions
- Examine the use of hate language as a type of evidence in hate crime, focusing on understanding more about what victims consider to be hate language and the implications of including only hate language that occurs at the time of the offense
- Further examine how respondents think about an offender's bias to better understand the higher proportion of multiple bias incidents in the NCVS statistics compared to the FBI data.

In general, the sample sizes in the NCVS and the quantitative nature of the data make it difficult to draw definitive conclusions about whether the NCVS questions cast too broad or too narrow a net around the definition of hate crime. The use of data from the incident summaries provides additional context about the nature of incidents and victims' thinking or perceptions about them; however, these summaries also have limitations, as discussed in Appendix A-1. As described in the recommendations, the analyses are primarily useful for pointing to areas where further examination is needed to better understand some of the potential challenges with the NCVS measurement of hate crime.

Many of the recommendations provided herein can be addressed through cognitive testing of the current and redesigned survey instruments. The two biggest challenges with cognitive testing are: 1) Obtaining a large enough sample of respondents, given the relatively rare nature of hate crime; and 2) balancing respondent burden and the focus on the hate crime questions with the need to administer large portions of the Crime Incident Report (CIR) in order to identify the types of crime experienced by victims. RTI has had success using web-based survey platforms as a tool for screening large numbers of potential respondents to participate in cognitive interviews, but it will be necessary to develop a shorter screening instrument to determine whether the respondent experienced a crime (such as the questions used in the BJS Local-Area Crime Survey [Sherman, Giambo, & Kena, 2020) and whether it was motivated by bias on the part of the offender. Another option may be to connect with an organization like the Anti-Defamation League, which has a space on their website for victims to report incidents of bias or hate (ADL, 2019), for assistance in

connecting with known hate crime victims who may be willing to participate in cognitive interviewing.

8. References

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Appendix A-1. Hate Crime Summary Report Review

RTI conducted a review of NCVS incident summaries for BJS with the objective of assessing the extent to which these NCVS open-text summary reports can be used to capture relevant information about the context and characteristics of difficult to measure crime types that cannot be obtained through the closed incident form responses. The summary reports are written by the field representative (FR) at the end of each NCVS-2 CIR. The FRs have space in the Computer-Assisted Personal Interview (CAPI) platform to type up to 300 characters summarizing what happened to the victim. The *NCVS Interviewing Manual for Field Representatives* instructs field representatives that the summaries should include all pertinent facts about the incident, should be written to provide anyone reading them with a clear picture of what happened to the victim, and should include any information that would not be "evident from answers in the incident report items." (BJS, 2019). The Manual also notes that FRs should always read the summary back to the respondent to give them an opportunity to add or change facts.

The summaries can potentially serve as a rich source of information about the context of particular incidents or things that victims think are relevant to note that may not be otherwise collected through the CIR. Since the CIR has not changed since 1992, there may be aspects of incidents that FRs or victims see as relevant about the context of the crime that were not considered 'core' when the NCVS was last redesigned. The few prior studies that used the NCS/NCVS FR summary reports, indicated that these summaries capture nuances of incidents that are either excluded from or not captured in as rich of detail in the structured incident forms (Garofalo, Siegel & Laub, 1987).

The summary reports are stored in a separate file than the other NCVS data. These reports are not part of the public-use data file because they could contain personally identifiable information. Therefore, this assessment was conducted in the restricted-use space at the headquarters of the Census Bureau, the agency which administers the NCVS for BJS. As a first step in this effort, Census Bureau staff pulled all summaries associated with incidents for which the victim responded affirmatively to Q161 "Hate crimes or crimes of prejudice or bigotry occur when (an offender/offenders) target(s) people because one or more of their characteristics or religious beliefs. Do you have any reason to suspect the incident just discussed was a hate crime or crime of prejudice or bigotry?" For the reference years of 2007 through 2016, this included 1,712 incident summaries that were associated with an incident on the public-use file (PUF).[15]

[15] The summary files that were reviewed included incidents that were ultimately determined to be out-of-scope or duplicates during the editing and coding process. For the purpose of reporting on findings, we only include those summaries that could be directly linked to an incident on the public-use files.

RTI staff reviewed all the hate crime summaries, noting repeated references to certain contextual aspects of incidents, victim responses, or outcomes that could not be otherwise observed in NCVS data. Based on the initial review, a truncated incident form was developed to enable the capture and analysis of these new elements. On the substantive side, the incident form focused strictly on a handful of identified elements of the incident that were mentioned in summaries but not captured in the CIR. On the methodological side, the incident form included variables to assess the extent to which the incident appeared to be a hate crime, based on the information contained in the summary alone.

Of note, the summaries vary considerably in length, how much information is collected, how comprehensible they are, and even how the respondent is referenced (e.g., some FRs use the line number of the person being interviewed, others use the first name, others attempt to write the narrative from the 2nd person perspective using 'you'). Although word count only tells part of the story about how much useful information the narrative contains, 376 (22%) of the hate crime summaries were less than 20 words long.[16] In other words, nearly a quarter of the summaries that were entered contain no useful information, often including only a basic phrase like "L1 was assaulted." Factors, such as word count are measurable; however, the summaries also vary in the extent to which FRs add their own filtering or bias to the summary and this is not measurable. There is no way to tell the extent to which FRs put the victims' summaries in their own words and decide to include or exclude certain elements of the incident description. For the purpose of analyzing the summaries, we are largely making the assumption that the FR's typed summary is a verbatim account of what the victim said. Since this may not be true in some of or many of the summaries, the analysis should be interpreted with caution.

A-1.1 Methodological Findings

The hate crime narratives are arguably most useful for further refining how hate crime is defined and measured in the NCVS. One of the major methodological issues is whether the description in the narrative would lead one to believe that the incident was a hate crime based on the BJS definition.

Of the 1,712 hate crime narratives examined, 554 (32%) victimizations were classified as hate crimes according to the BJS definition. Table A-1 shows the relationship between whether the incident was classified as a hate crime and whether the narrative contained information to suggest that it was a hate crime.[17]

[16] The determination of a cutoff point was somewhat subjective but through review of the shorter summaries it was determined that very little detail or value could be included in less than 20 words.
[17] The narrative analysis uses unweighted data because of the focus on what information was contained in the narrative rather than national generalizability.

Table A-1. Classification of incident as a hate crime by whether information contained in the incident summary suggested it was a hate crime, 2007-2016

	Incident summary assessment		
BJS definition	Hate	Not hate	Unknown
Total	10.3%	80.5	9.2
Hate	27.1%	59.9	13.0
Not hate	2.2%	90.3	7.4

Source: Bureau of Justice Statistics, National Crime Victimization Survey, Census Bureau Pre-Edited Files, 2010-2016.

Based on this review, it appears there are few false negative classifications of hate crime (i.e., the victimization was not classified as a hate crime by BJS, but the narrative suggested it was motivated by hate). One example of the type of incident that fell into this category is a respondent who was walking down the street holding hands with a same-sex partner when someone ran up from behind and punched him in the back of the head. There was no hate language used or no symbols left at the scene, but the fact that the respondent was outwardly displaying affection towards someone of the same sex and was assaulted from behind, could lead one to assume that the incident was motivated by bias though it does not meet the BJS definition.

Just over a quarter of the victimizations that would be classified as hate crimes by BJS in this review contained information in the narrative to clearly suggest that the incident was a hate crime. For the nearly 60% (n=332) that did not suggest a hate crime had occurred, most often there was no mention in the narrative that the crime was motivated by bias. For the 13% (n=158) classified as unknown, it was not possible to make a determination from the narrative whether a hate crime had occurred or not (in 35% of these, this was due to the narrative being less than 20 words in length – not shown).

Table A-2 focuses on the 554 NCVS victimizations that were classified as hate crimes and provides additional detail about information included or not included in the narrative to suggest that the incident was hate-motivated.

Table A-2. Whether incident summary suggested victimization was a hate crime, by other types of information included in the narrative, 2007-2016

Information in narrative	Incident summary assessment		
	Hate	Not hate	Unknown
Offender used derogatory language referencing victim's gender	100%	100%	100%
Yes	8.0	1.8!	0.0!
No	34.7	9.9	1.4!
Unknown	57.3	88.3	98.6
Offender used derogatory language referencing victim's race or ethnicity			
Yes	47.3	3.3	0.0
No	18.0	9.3	8.6!
Unknown	34.7	87.3	91.4
Offender used derogatory language referencing victim's real or perceived LGBTQ status			
Yes	23.3	0.3!	4.3!
No	28.7	10.2	1.4!
Unknown	48.0	89.5	94.3
Mention of the victim and offender being of different races (but not in a way that implies racial bias was the motivation for the crime)			
Yes	27.3	11.7	18.6
No	72.7	88.0	67.1
Unknown	0.0	0.3!	14.3!
Mention of the victim and offender being of different sexes (but not in a way that implies gender bias was the motivation for the crime)			
Yes	42.7	31.0	21.4
No	57.3	68.7	64.3
Unknown	0.0	0.3!	14.3!
Explicit reference to the offender being motivated by a particular type of bias			
Yes	92.7	12.3	28.6
No	7.3	87.7	57.1
Unknown	0.0	0.0	14.3!
A nonprotected category is referenced as motivation for the incident (e.g., political affiliation)			
Yes	4.8!	6.6	2.9
No	95.2	92.8	82.9
Unknown	0.0	0.6!	14.3
Victimization Count (unweighted)	150	332	72

Source: Bureau of Justice Statistics, National Crime Victimization Survey, Census Bureau Pre-Edited Files, 2010-2016.

Of those BJS hate crimes for which the incident summary also suggested that the crime was motivated by hate, 93% explicitly referred to the offender being motivated by a particular bias; 8% mentioned the offender used derogatory language to describe the victim's gender; 47% mentioned the offender used derogatory language about the victim's race or ethnicity; and 23% mentioned the offender using derogatory language about the victim's real or perceived LGBTQ status. Conversely, 12% of narratives that did not describe a hate crime mentioned an explicit bias on the part of the offender and 7% referenced a type of bias motivation not included in the federal hate crime statute (e.g., political affiliation). Although it is important to note that the absence of information in the hate crime incident summary is not conclusive evidence that a hate crime did not occur, it worth noting that in 62% of victimizations classified as hate crimes, the narrative makes no reference to the offender being motivated by a particular type of bias. Given that hate crimes have been suggested to cause deeper feelings of isolation, fear and anger in victims, it would be expected that this experience would be noted in the narrative description of the incident.

A-2.2 Substantive Findings

The hate crime narratives revealed few substantive aspects of the victimization experience that were not otherwise captured through the CIR. Table A-3 shows additional characteristics of incidents that were described in a sufficient number of narratives to not create disclosure concerns. The sample sizes are too small to definitively suggest the need for or value of including additional categories on the survey instrument.

Table A-3. Elements of hate crimes captured through the NCVS incident summaries but not the CIR, 2007-2016

Incident summary elements	BJS definition	
	Hate	Not hate
Total number of victimizations	554	1,158
Victim fought the offender in response to offender's use of hate language	24	22
Type of bias		
Mexican	6	2
Political affiliation	5	11
Person to whom victim reported		
Supervisor	12	25
School administrators, teachers or other school staff	28	22
Security guard or security officer	8	10
Landlord or building/property manager	6	14
Victim quit job as a result of incident	4	4
Victim moved as a result of the incident	5	8

Note: Counts include only yes responses. In the majority of incident summaries, these elements could not be coded 'no' because the topic was not mentioned at all.

A-2.3 Limitations

The narratives have limitations for understanding which offenses should be classified as hate crimes and whether there are additional questions BJS should add to the survey to better capture details of hate incidents. First, although we examined a relatively large number of narratives, the sample sizes of hate crime incidents quickly become prohibitively small when examining specific incident characteristics or details related to the narrative. These small sample sizes make it difficult to draw definitive conclusions. Second, NCVS narratives are not victims' verbatim responses but are instead summary statements transcribed by interviewers based on what respondents say happened. Although interviewers are instructed to record the respondents' answers as accurately as possible, there is no guarantee that they do so. Finally, the NCVS narratives are often sparse on contextual detail. A major challenge with coding the information contained in the narrative is that the absence of information in the narrative does not mean that a hate crime did not occur or that it did not include a particular element of the crime. For these reasons, caution should be exercised when reviewing the findings related to the hate crime narratives.

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Appendix B:
Assessment of State Hate Crime Laws

B.1 Introduction

Forty-six states and the District of Columbia (DC) have enacted state-level hate crime laws, leaving four states – Arkansas, Georgia, South Carolina, and Wyoming – that follow only the federal hate crime laws. To understand how well the current definition of hate crime used in the National Crime Victimization Survey (NCVS) aligns with these state laws, RTI examined similarities and differences in the legal elements of hate crime across all 50 states and DC.

This assessment focused entirely on laws that explicitly describe the intentional act of targeting and harming or attempting to harm someone, based on that person's actual or perceived status as a member of a protected class. Under these laws, the offender had to commit a criminal act partly or fully *because of* the victim's religion, gender, race, ethnicity, or other protected characteristic.

For this review, the analysis focused on the explicit mention and inclusion of the following key elements of hate crime laws.

- The type of intentional targeting that must occur for an incident to qualify as a hate crime (i.e., which victim characteristics were the subject of the offender's bias)
- The type of specific act that must occur for an incident to qualify as a hate crime
- The specific protected classes that are included within the scope of states' laws
- Sentencing guidelines, including whether a hate crime results in enhanced penalties
- Data collection and data reporting requirements pertaining to hate crime incidents within a state
- The classification of an offense as a felony or misdemeanor-level offense

This appendix presents findings resulting from the above key elements of hate crime laws. The findings show that, at a high level, states with hate crime laws include elements of intent, as well as victim and offender perceptions, but vary in the independent nature of the crime, the severity of the crime, and the extent of the actions committed against the victim. Recommendations based on this legal assessment are discussed in the following sections.

B.1.1 Determining Which State Laws to Include in the Assessment

To control for the variations in hate crime laws, and to align our review with the NCVS goal of collecting data on crimes motivated by an offender's bias against a victim's characteristics or religious beliefs, we excluded two types of hate crime laws. We excluded laws 1) in which a person commits a criminal act that is random or accidental, rather than

the result of an intentional selection of the victim, and 2) that only offered a civil cause of action but did not actually criminalize a hate crime. From these exclusionary criteria, four states, Arkansas, Georgia, South Carolina, and Wyoming, did not meet the guidelines of having a state crime law, and thus are not included in the subsequent analyses.

Arkansas is not counted as having a state hate crime law. Although the state has a *civil* cause of action that prohibits intentionally targeting and seeking to harm someone due to a particular characteristic of the victim, it has not made the commission of a hate-motivated act a *criminal* offense (Ark. Rev. Stat. 16-123-106. Hate offenses).

Georgia is not counted as having a state hate crime law. Although the state does technically have a hate crime statute still on the books, Georgia's Supreme Court struck the law down in a 2004 case. The court reasoned that the main Georgia statute was too vague and imprecise to convey the type of behavior that the law sought to prohibit (OCGA § 17-10-17).

South Carolina is not counted as having a state hate crime law. There are no existing statutes (DOJ, Hate Crime Laws and Policies).

Wyoming is not counted as having a state hate crime law. There are no existing statutes (DOJ, Hate Crime Laws and Policies).

B.1.2 Classifying the Types of States' Hate Crime Laws

States with hate crime laws have two main types of laws.

1. Laws that criminalize a symbolic act and create a new crime category for an act that would otherwise not be a criminal offense. These laws are generally outside of the scope of the NCVS because they focus on acts, such as cross burning, that the survey does not capture.[18]
2. Laws that enhance the penalties of an underlying crime if victims were intentionally targeted because of their characteristics or beliefs. Depending on the state, the targeting could be due to prejudice or bias, general hostility or malice, or for reasons unspecified in the statute (see Reason for Targeting). Some states (38) limit and specify the particular underlying offenses that are eligible for penalty enhancement if an intentional targeting of the victim has occurred, whereas other states simply stipulate that any felony or misdemeanor-level crime can or must have more severe penalties if the act involved the intentional targeting of the victim. This analysis focuses on these laws since they align most closely with the NCVS, which captures criminal victimization experiences and whether the victim was intentionally targeted because of an offender's bias against people with that characteristic or belief.

[18] BJS is currently redesigning the NCVS and is testing items pertaining to vandalism. However, vandalism is defined as acts involving the deliberate damage or destruction of property belonging to a household. An act such as cross burning would not necessarily fall under that definition.

B.2 Methodology

Researchers identified state-level hate crime laws in all 50 states and DC through primary legal research in the LexisNexis database. They identified the most up-to-date state hate crime laws by running Boolean searches in the subscription-based LexisNexis resource. They checked all results against the following secondary sources, which included older listings of the hate crime statutes, without the level of detail about the laws required for this analysis:

1) Brennan Center's list of hate crime statutes https://www.brennancenter.org/our-work/research-reports/state-hate-crimes-statutes
2) The Department of Justice's webpage on hate crime laws: https://www.justice.gov/hatecrimes/laws-and-policies
3) The NAACP's compilation of hate crime laws: https://bjs.ojp.gov/sites/g/files/xyckuh236/files/media/document/naacp_hate_crime_laws_by_state.pdf

To identify specific elements of each law, targeted searches were conducted, also using Boolean search strings.

B.3 The Key Elements of States' Hate Crime Laws

In all states, hate crime laws include the following three key elements.

1. The offender's *intent* to cause harm to an individual, based on a protected class characteristic,
2. Identification of protected classes, and,
3. The attempted or actual commission of an *act* of harm, through the offender's behavior or conduct.

B.3.1 Intent Element

The intent element of hate crime laws distinguishes hate crime offenses from regular criminal conduct. For example, the threat to harm or injure someone through unwanted physical contact constitutes assault under most states' laws. However, what changes an act of assault to classification as a hate crime is the suspect's intentionality of threatening or injuring the victim because of that victim's religion, race, ethnicity, national origin, or other such characteristics.

The states that have implemented hate crime laws each include an intent element. However, the specific intent element varies widely from state to state. Since this assessment did not include a consideration of how state courts have interpreted and applied a particular state's hate crime law, the narrowness or breadth of the meaning of the intent element is beyond the scope of this assessment. However, the specific language included in these hate crime laws is not the same across states. **Table B-1** presents examples of variations in hate crime language (all states have one or more of these examples).

Table B-1. Intent element of state hate crime law

	Offender intended to intimi-date victim	Offender intended to harass victim	Offender intended to intimi-date OR harass	Bias based on actual or perceived character-ristics	Victim intentionally selected/ targeted	Act evidences prejudice	Offender was partly or substantially motivated by hatred of victim's character-istic(s)	Offender was fully or entirely motivated by hatred of victim's character-istic(s)
AK								
AL				●				
AZ				●		●		
CA	●			●			●	●
CO			●	●				
CT			●	●				
DC				●				
DE					●			
FL	●			●		●		
HI				●	●			
IA								
ID			●					
IL			●	●				
IN				●	●			
KS							●	●
KY				●	●			
LA				●	●			
MA			●	●		●	●	
MD		●						
ME					●	●		
MI			●					
MN				●				
MO					●			
MS				●	●			
MT			●					
NE								
NH							●	
NJ	●			●	●			
NM				●				
NC	●							
ND	●							
NV				●				
NY				●	●		●	●
OH	●							
OK			●					

(continued)

Table B-1. Intent element of state hate crime law (continued)

	Offender intended to intimi-date victim	Offender intended to harass victim	Offender intended to intimi-date OR harass	Bias based on actual or perceived character-ristics	Victim intentionally selected/ targeted	Act evidences prejudice	Offender was partly or substan-tially motivated by hatred of victim's character-ristic(s)	Offender was fully or entirely motivated by hatred of victim's character-ristic(s)

OR	●			●				
PA	●							
RI				●	●			
SD			●					
TN	●			●	●			
TX					●	●		
UT				●	●	●		
VA			●		●			
VT				●				
WA				●	●			
WI				●	●			
WV	●							
Total	10	1	10	26	17	6	5	3

Note: Excludes Arkansas, Georgia, South Carolina, and Wyoming, which do not have state hate crime laws.

Source: Jurisdiction hate crime statutes

All 46 jurisdictions with hate crime laws frame the intent element around the offender's mental state or intended purpose in committing a particular act. However, New Jersey significantly revised the law in 2002 to also include the victim's perception or belief that he or she was targeted because of a particular characteristic or status within a protected class. This revision to the New Jersey law established that the intent element of a hate crime could be satisfied through a victim's belief, without having to additionally prove the suspect's intent. This is also known as "bias intimidation" (N.J.S.2C:33-4; N.J.S.2C:39-3; N.J.S.2C:39-4 or N.J.S.2C:39-5).

B.3.2 Reason for Targeting

Beyond identifying that the offender intended to target a victim because of the victim's characteristics or beliefs, the statutes in 17 states address *why* the offender may have targeted the victim. Of these, seven states specifically refer to the offender's prejudice, bias, or hate, and ten refer to the offender's general aggression. Of the states that reference prejudice or bias as the reason for the targeting, one of the seven (Texas) refers to bias against a group to which the victim belongs (or was perceived to belong); one (Massachusetts) refers to acts motivated by prejudice and does not reference a person or group; and the other five refer to the victim's actual or perceived characteristics (not shown in table B-2).

The remaining 30 states do not specify why the offender intentionally targeted the victim. For example, Missouri simply notes that enhanced penalties are provided for any offenses "which the state believes to be knowingly motivated because of race, color, religion, national origin, sex, sexual orientation or disability of the victim or victims" (§ 557.035 R.S.Mo.).

Table B-2. Reasons for targeting victims

Language used to describe why an offender targeted a victim	State
No reason specified	30 states
Prejudice, bias, or hate	Seven states
"Intimidation based on bigotry or bias in the first degree"	One state (CT)
"designated act that demonstrates an accused's prejudice" or "Evidencing prejudice" or "bias or prejudice"	Three states (DC, FL, TX)
"motivated by bigotry and bias"	Two states (MA, RI)
"motivated by hate"	One state (NM)
General aggression	Ten states
"because of hostility toward the actual or perceived" or "hostile expression of animus"	Two states (HI, OR)
"maliciously" or "out of malice"	Seven states (ID, MI, MT, PA, SD, WA, AK)
"instilling fear or intimidation"	One state (VA)

B.3.3 Protected Victim Characteristics

The number and types of victim characteristics that can be the target of a hate crime offender vary significantly across state hate crime laws. Of the 46 states and DC[19] with state-level hate crime laws, 100% explicitly include the intentional targeting of a victim based on the characteristics of religion, race, and national origin. More than 98% of states with state-level hate crime laws explicitly include ethnicity; 79% explicitly list sexual orientation; 74% include disability; 60% specifically state "gender" without any additional qualifiers; 41% of states include "gender identity" or "gender expression," 26% include age; and 20% or fewer include homelessness or political affiliation. Three states specifically refer to hate crimes as offenses committed against a "protected class." At least six states include other types of attributes in the list of victim characteristics that can serve as the basis for a hate crime offense. For example, Utah (Utah Code Ann. § 76-3-203.14) and the District of Columbia (D.C. Code § 22-3701) each consider it a hate crime if the victim is targeted because of "family responsibility," "familial status," or "matriculation." Montana law includes victims who are targeted because of their "involvement in civil rights or human rights activities…" [Mont. Code Ann. § 45-5-221 (2020)]. Table B-3 presents protected categories reflected in multiple state statutes.

[19] For ease of discussion, this appendix refers to 46 states with state-level hate crime laws.

Table B-3. Types of bias motivation identified in state hate crime laws

	Race	Religion /creed	National origin	Ethnicity / ancestry / 'color'	Sexual orien-tation	Disability / handicap	Sex / gender	Gender identity / expression	Age	Employ-ment in certain profes-sions	Home-less-ness	Poli-tical affi-lia-tion	General protected class
AK	●	●	●	●		●	●			●			
AL	●	●	●	●	●	●							
AZ	●	●	●	●	●	●	●						
CA	●	●	●	●	●	●	●	●			●		●
CO	●	●	●	●	●	●		●					
CT	●	●	●	●	●	●		●					●
DC	●	●	●	●	●	●	●	●	●		●	●	
DE	●	●	●	●	●	●		●					
FL	●	●	●	●	●	●			●		●		
HI	●	●	●	●	●	●	●	●					
IA	●	●	●	●	●	●	●		●			●	
ID	●	●	●	●									
IL	●	●	●	●	●	●	●	●					
IN	●	●	●	●	●	●							
KS	●	●	●	●	●								
KY	●	●	●	●	●					●			
LA	●	●	●	●	●	●	●		●	●			
MA	●	●	●	●	●	●	●	●					
MD	●	●	●	●	●	●	●	●			●		
ME	●	●	●	●	●	●	●			●	●		
MI	●	●	●	●	●		●						
MN	●	●	●	●	●	●	●		●				
MO	●	●	●	●	●	●	●						
MS	●	●	●	●			●			●			
MT	●	●	●	●									
NE	●	●	●	●	●	●	●		●				
NH	●	●	●		●	●		●	●	●			
NJ	●	●	●	●	●	●	●	●					
NM	●	●	●	●	●	●	●	●	●				
NC	●	●	●	●									
ND	●	●	●	●	●								

(continued)

Table B-3. Types of bias motivation identified in state hate crime laws (continued)

	Race	Religion /creed	National origin	Ethnicity/ ancestry/ 'color'	Sexual orien-tation	Disability / handicap	Sex/ gender	Gender identity/ expression	Age	Employ-ment in certain profes-sions	Home-less-ness	Poli-tical affi-lia-tion	General protected class
NV	●	●	●	●	●	●	●	●					
NY	●	●	●	●	●	●	●	●	●				
OH	●	●	●	●	●		●			●			
OK	●	●	●	●		●							
OR	●	●	●	●	●	●	●	●					
PA	●	●	●	●									
RI	●	●	●	●	●	●	●	●			●		
SD	●	●	●	●									
TN	●	●	●	●	●	●	●						
TX	●	●	●	●	●	●	●		●				
UT	●	●	●	●	●	●		●	●	●	●	●	
VA	●	●	●	●									
VT	●	●	●	●	●	●	●	●	●	●			●
WA	●	●	●	●	●	●	●	●					
WI	●	●	●	●	●	●							
WV	●	●	●	●			●					●	
Total	47	47	47	46	37	34	28	19	12	9	7	4	3

Note: Excludes Arkansas, Georgia, South Carolina, and Wyoming, which do not have state hate crime laws.

Source: Jurisdiction hate crime statutes

The NCVS does not explicitly collect data on national origin bias motivations, though respondents could possibly include national origin under race or ethnicity. Gender identity is another major category reflected in the hate crime laws of many states, as well as the federal laws, but not specifically referenced in the current NCVS. In addition to these categories, age is the category most frequently reflected in state laws that is not included in the federal law or the NCVS.

B.3.4 Act Element

In addition to the intent element and the identification of protected classes, the other key element of states' hate crime laws is the particular act that the suspect attempted or actually committed. Without a crime (including verbal threats) accompanying the intent element, the statement of hateful, harmful, or discriminatory things to a person could

constitute hate speech, but not a hate crime. For example, Washington's hate crime statute specifically states, "Words alone do not constitute a hate crime offense unless the context or circumstances surrounding the words indicate the words are a threat. Threatening words do not constitute a hate crime offense if it is apparent to the victim that the person does not have the ability to carry out the threat." States that enacted a hate crime law included an act element within the particular state's hate crime law; see table B-4 for an overview.

Table B-4. Act element of state hate crime law

	Damage, destroy, or deface a person's property	Threaten, threaten to commit, threat of force, threatens to injure	Commit or attempt to commit: assault, criminal mischief, trespass, theft, stalking, cyberstalking, or battery	Harass	Cause physical injury/contact, or bodily injury, or reasonable apprehension of bodily injury	Oppress, threaten, or interfere with the victim's Constitutional and legal rights	Verbal reference: by words or conduct; threaten, by word or act; transmission of obscene messages, harassment by telephone, or harassment through electronic communication
AK							
AL							
AZ			●				
CA	●	●			●	●	
CO	●			●	●		●
CT				●	●		
DC							
DE							
FL		●					
HI	●						
IA			●			●	
ID	●	●			●		●
IL	●		●	●			●
IN	●				●		
KS							
KY							
LA	●		●				
MA	●	●	●	●		●	
MD	●	●	●	●			
ME							
MI	●	●		●			●
MN			●	●			
MO							
MS							
MT	●	●		●	●	●	
NE	●		●				
NH							
NJ	●	●	●				

Table B-4. Act element of state hate crime law (continued)

	Damage, destroy, or deface a person's property	Threaten, threaten to commit, threat of force, threatens to injure	Commit or attempt to commit: assault, criminal mischief, trespass, theft, stalking, cyberstalking, or battery	Harass	Cause physical injury/contact, or bodily injury, or reasonable apprehension of bodily injury	Oppress, threaten, or interfere with the victim's Constitutional and legal rights	Verbal reference: by words or conduct; threaten, by word or act; transmission of obscene messages, harassment by telephone, or harassment through electronic communication
NM							
NC	●	●	●				
ND		●					
NV							
NY							
OH							
OK	●	●	●	●			●
OR	●	●			●		
PA	●		●				
RI		●	●				
SD	●	●		●	●		●
TN	●	●		●	●		
TX	●						
UT	●						
VA	●			●		●	
VT							
WA	●	●		●	●		
WI	●						
WV	●	●	●		●	●	
Total	25	17	14	13	11	6	6

Note: Excludes Arkansas, Georgia, South Carolina, and Wyoming, which do not have state hate crime laws.

Source: Jurisdiction hate crime statutes

B.3.5 Data Collection and Reporting

More than 65% of all states with hate crime laws require that states collect or report data on hate crime incidents and offenses that occurred within the state to a particular state-level entity, agency, or leader. These requirements are separate from the requirement to collect and report data on hate crime incidents to the Federal Bureau of Investigation, for inclusion in the federal Uniform Crime Report dataset.

4. Classifying the Severity of Hate Crimes

As with other types of crimes, states vary in the corresponding penalties and sentencing guidelines for the commission of these crimes. Some states classify hate crimes strictly as felony-level offenses and make no mention of misdemeanor hate crime offenses (ten states), whereas the remaining states classify hate crimes based on whether the underlying offense was a felony or misdemeanor. North Carolina is the only state where a misdemeanor-level offense explicitly becomes a felony if it is a hate crime. However, in six states, hate-motivated verbal threats can be charged as felony offenses, and in an additional eight states, hate-motivated threats generally (no specification on whether the threats are verbal or nonverbal) can be charged as felony offenses. Hate threats are a considerable portion of all hate crimes captured through the NCVS, so knowing that a large portion of states specifically reference hate threats to be serious offenses has relevance for the survey and whether these offenses continue to be included in hate crime counts.

Forty-one states have specific sentencing guidelines for the commission of hate crimes, and 39 states provide for penalty enhancements, such that the type of crime or actual minimum sentencing and punishment becomes more severe if a criminal act is designated a hate crime. States such as Delaware do not enhance the severity of the offense that is being charged, but do significantly increase the actual penalties: "Hate crimes shall be punished as follows:...(4) If the underlying offense is a class A or B felony, the hate crime shall be the same grade as the underlying offense, and the minimum sentence of imprisonment required for the underlying offense shall be doubled." [Del. Code Ann. tit. 11, § 1304 (2020)]. Other states such as Iowa enhance penalties by actually requiring that the charge increase beyond the typical charge for the underlying offense: "A violation of sections 716.5 and 716.6, which is also a hate crime as defined in section 729A.2, shall be classified and punished as an offense one degree higher than the underlying offense."

Some jurisdictions do not specify the type of offense or additional jail time or prison time that will result, but rather include a formula for how to enhance the corresponding penalties. For example, DC's law states: "A person charged with and found guilty of a bias-related crime shall be fined not more than 1.5 times the maximum fine authorized for the designated act and imprisoned for not more than 1.5 times the maximum term authorized for the designated act." [D.C. Code § 22-3703 (LexisNexis 2020)].

Although state statutes do not commonly describe the types of evidence that may be considered during the active prosecution of the case, the states that do include such language tend to cast a broad net. For example, New Jersey includes a statutory declaration of permissive inference based on presented facts of the case:

- "Permissive inference concerning selection of targeted person or property. *Proof that the target of the underlying offense was selected by the defendant*, or by another acting in concert with the defendant, *because of* race, color, religion, gender, disability, sexual

> orientation, gender identity or expression, national origin, or ethnicity *shall give rise to a permissive inference by the trier of fact that the defendant acted with a purpose to intimidate* an individual or group of individuals because of race, color, religion, gender, disability, sexual orientation, gender identity or expression, national origin, or ethnicity." N.J. Rev. Stat. § 2C:16-1 (2020).

Other states (Texas) specifically authorize the prosecuting attorney to seek additional investigative assistance or resources from other law officials, like the state attorney general.

> "(b) The attorney general, if requested to do so by a prosecuting attorney, may assist the prosecuting attorney in the investigation or prosecution of an offense committed because of bias or prejudice. The attorney general shall designate one individual in the division of the attorney general's office that assists in the prosecution of criminal cases to coordinate responses to requests made under this subsection." Tex. Penal Code § 12.47 (2020).

5. Summary and Recommendations

The existing NCVS hate crime questions largely capture key elements of state hate crime laws. For instance, the NCVS reflects the common hate crime law concept of "intent" via questions 163c and 163d.[20] The NCVS also includes a question on evidence, frequently cited in state's hate crime laws. Finally, the NCVS includes the concept of "bias intimidation," whereby an individual believes he or she was targeted due to a certain characteristic but does not have proof (Q. 165g); a concept represented in 26 states' statutes.

However, the review of the laws highlights several areas where state hate crime laws are broader than federal hate crime laws, and an expansion of NCVS questions would enable researchers to apply a broader definition, while still ensuring that BJS can align estimates with FBI data. For example, about a quarter of states identify age as a protected characteristic and about 10% include political affiliation. BJS should consider expanding the list of potential bias motivations the survey asks about to acknowledge that victims in certain states may think more broadly about bias, or that the law in some states may include or cover those other sources of bias. This could include simply adding an option for victims to report that the offender was driven by some other type of bias and specify what it was. The additional categories would not necessarily have to be included in the BJS estimates of hate crimes nationally but could be used to see where victims are experiencing bias motivated events that are beyond the scope of federal hate crime statutes and if their reports are aligned with the state laws where they reside.

Additionally, while the content and motive of the existing NCVS questions may address "intimidation," that word is not explicitly used in the NCVS instrument. As stated previously, 21 of 46 states and DC (45%) include specific language on intimidation and harassment. Seven states used language with the same intent as intimidation (e.g., knowingly directed conduct, motivated by, or designated act, etc.), bringing the total count of states with this

[20] NCVS Crime Incident Report (NCVS-2): https://www.bjs.gov/content/pub/pdf/ncvs18_cir.pdf.

language up to 28 out of 46, plus DC (59%). One option is for BJS to consider incorporating the term "intimidation" into the current questions about threats. This proposed change would affect the broader measurement of the threats, outside hate crime. Another option is to revise the definition in Q. 161 from, "Hate crime or crimes of prejudice or bigotry occur when (an offender/offenders) target(s) people because of one or more of their characteristics or religious beliefs" to "Hate crimes or crimes of prejudice or bigotry occur when (an offender/offenders) target(s) or intimidates people because of one or more of their characteristics or religious beliefs." Cognitive testing would be effective at determining how respondents think about this concept and whether the inclusion of intimidation impacts their response to the question in any way.

Appendix C.
Two Versions of Hate Crime Questions Used in Testing

C.1 Hate Crime Questions–Version 1

INTRO: This survey asks questions about possible experiences with crime during the past three years, that is since <month> of 2018. We estimate these questions will take approximately 3 minutes to complete.

Section A. Victimization Questions

1. In the last 3 years, did anyone break into your home, garage, storage unit or shed or get in without permission? Exclude break-ins of vehicles or trespassing in a yard.
    a. Yes
    b. No
2. In the last 3 years, since <month> 2018, was a car, truck, or other motor vehicle belonging to anyone in your household ...
    a. Stolen?
        i. Yes
        ii. No
    b. Vandalized or broken into?
        i. Yes
        ii. No
3. Was anything else stolen from you in the last 3 years (For example: cash, a wallet, purse, watch, jewelry, cell phone, tablet, or anything else that might have been stolen.)?
    a. Yes
    b. No
4. Vandalism is when someone deliberately damages or destroys something belonging to you. Examples are breaking windows, slashing tires, or painting graffiti on walls. In the past 3 years, has anyone vandalized your home, car, or something else that belongs to you?
    a. Yes
    b. No
5. In the last 3 years, has anyone physically attacked you?
    a. Yes
    b. No
6. In the last 3 years, has anyone threatened you with physical violence?
    a. Yes
    b. No
7. In the last 3 years, did you experience any type of unwanted sexual contact?
    a. Yes
    b. No
8. In the last 3 years, did anyone attempt any type of forced unwanted sexual contact? Include times when someone threatened or tried to force you but did not succeed.
    a. Yes
    b. No

If all responses 1-8=no, skip to question 16

Section B. Hate Crime Questions

9. A hate crime is a crime of prejudice or bigotry that occurs when an offender targets someone because of one or more of their characteristics or religious beliefs, such as:

   - Race
   - Religion
   - Ethnic background or national origin
   - A disability
   - Sex
   - Sexual orientation or gender identity

This could happen even if the offender falsely thinks you have certain characteristics or religious beliefs. Thinking about the crimes that happened to you in the past 3 years, do you think any of these were a hate crime targeted at you?

   a. Yes GO TO 10
   b. No GO TO 12

10. How many times in the past 3 years did you experience a hate crime?
    a. Once (skip to 11)
    b. More than once (show instruction)

For the remaining questions, please think about the most recent time you experienced a hate crime.

11. Do you think prejudice or bigotry towards any of the following was a reason you were targeted, even if the offender falsely thought something about you?
    a. Because of your race?
       i. Yes
       ii. No
    b. Because of your religion?
       i. Yes
       ii. No
    c. Because of your ethnic background or national origin?
       i. Yes
       ii. No
    d. Because of any disability you may have?
       i. Yes
       ii. No
    e. Because of your sex?
       i. Yes
       ii. No
    f. Because of your sexual orientation or gender identity - by this we mean gay, lesbian, bisexual, straight, transgender, or gender nonconforming?
       i. Yes
       ii. No

If yes to any, skip to 13

12. Do you think this was a hate crime targeted at any of the people you spend time with?
    a. Yes (ask 14)
    b. No (skip to question 16)

13. Did the offender(s) say something, write something, or leave something behind at the crime scene that made you think it was a hate crime?
    a. Yes (ask 14)
    b. No (skip to question 16)

14. Did any of the following things happen?
    a. The offender(s) used language that indicated you were targeted for a hate crime because of your sex, religion, race or ethnicity, sexual orientation or gender identity, or a disability
        i. Yes
        ii. No
    b. There was something at the scene, such as a swastika or a burning cross, that made you think this was a hate crime
        i. Yes
        ii. No
    c. The police told you that this was a hate crime
        i. Yes
        ii. No
    d. From what you know, the offender(s) had committed similar hate crimes in the past
        i. Yes
        ii. No
    e. The incident happened around a holiday, event, or place commonly associated with a specific group
        i. Yes
        ii. No
    f. Other hate crimes had occurred in your local area or neighborhood
        i. Yes
        ii. No
    g. Something else happened that would suggest it was a hate crime.
        i. Yes Specify: _____
        ii. No

15. In your own words, please describe <the/the most recent> hate crime you experienced. What happened? Where did it happen? Did you know the offender? What made you think this was because of your [*protected characteristic(s) indicated in survey, if applicable*]. Please do not use proper names in describing the location or offender.

Section C. Demographics

The last set of questions ask about your personal characteristics.

11. What is the highest level of education you have completed?

    1 High school graduate
    2 Some college
    3 College graduate
    4 Postgraduate degree

12. What is your gender?

    1 Male
    2 Female
    3 Transgender
    4 None of these

13. Are you Spanish, Hispanic, or Latino?

    1 Yes
    2 No

14. Please choose one or more races that you consider yourself to be.

    1 White
    2 Black or African American
    3 American Indian or Alaskan Native
    4 Asian
    5 Native Hawaiian or Other Pacific Islander
    6 Other (specify _____)

15. Which of the following age groups includes your age?

    1 Under 18
    2 18-25
    3 26-34
    4 35-49
    5 50 or older

Section D. Interview Opportunity

Thank you for completing the survey. Please enter your email address to receive your $5 Amazon.com gift card _____.
We are interested in meeting with people who can help us review and improve a survey instrument that is designed to measure hate crimes or crimes of prejudice or bigotry targeted against a person's characteristics or religious beliefs. We are looking for people who are willing to participate in private, one-on-one interviews using videoconferencing technology to test some new questions we have developed for this survey. Our goal is to learn whether the questions are understood and can be answered by most people. This information will be used to finalize survey questions for a national study.
Would you be interested in participating in a 60-minute interview with a researcher? People who complete the interview will be given a $40 Amazon.com gift card to compensate for the costs associated with data and internet usage.

a. Yes, I would be interested in participating.
    i. Email address_____
b. No, I do not want to participate in this study

C.2 Hate Crime Questions—Version 2

INTRO: This survey asks questions about possible experiences with crime during the past three years, that is since <month> of 2018. We estimate these questions will take approximately 3 minutes to complete.

Section A. Victimization Questions

1. In the last 3 years, did anyone break into your home, garage, storage unit or shed or get in without permission? Exclude break-ins of vehicles or trespassing in a yard.
    a. Yes
    b. No
2. In the last 3 years, since <month> 2018, was a car, truck, or other motor vehicle belonging to anyone in your household ...
    a. Stolen?
        i. Yes
        ii. No
    b. Vandalized or broken into?
        i. Yes
        ii. No
3. Was anything else stolen from you in the last 3 years (For example: cash, a wallet, purse, watch, jewelry, cell phone, tablet, or anything else that might have been stolen.)?
    a. Yes
    b. No
4. Vandalism is when someone deliberately damages or destroys something belonging to you. Examples are breaking windows, slashing tires, or painting graffiti on walls. In the past 3 years, has anyone vandalized your home, car, or something else that belongs to you?
    a. Yes
    b. No
5. In the last 3 years, has anyone physically attacked you?
    a. Yes
    b. No
6. In the last 3 years, has anyone threatened you with physical violence?
    a. Yes
    b. No
7. In the last 3 years, did you experience any type of unwanted sexual contact?
    a. Yes
    b. No
8. In the last 3 years, did anyone attempt any type of forced unwanted sexual contact? Include times when someone threatened or tried to force you but did not succeed.
    a. Yes
    b. No

If all responses 1-8=no, skip to question 16

Section B. Hate Crime Questions

9. This next set of questions focuses on whether the offender may have been targeting you because of prejudice or bigotry toward those with your characteristics or religious beliefs, even if they thought you had certain characteristics or religious beliefs that you don't actually have. It is different from the offender committing the act for other reasons, such as being angry or wanting to get something from you.

   Thinking about the crimes that happened to you in the past 3 years, do you think any of these were done to you because the offender was targeting you due to prejudice or bigotry toward those with your…

   a. Race, ethnic background, or national origin?
      i. Yes
      ii. No
   b. Religion?
      i. Yes
      ii. No
   c. Disability?
      i. Yes
      ii. No
   d. Sexual orientation (including being lesbian, gay, bisexual, or straight) or gender identity (including being intersex, transgender, or gender nonconforming)?
      i. Yes
      ii. No
   e. Sex (i.e., against males or females)?
      i. Yes
      ii. No
   f. Other characteristics, how you look or a group you are a part of?
      i. Yes
         1. Specify_____
      ii. No

If yes to any, skip to 11

10. Do you think the offender did this because of the characteristics or religious beliefs of people you spend time with?
    g. Yes (ask 11)
    h. No (skip to question 16)

11. How many times in Change "past" to "last" did you experience a crime because the offender was targeting <people with your characteristics or religious beliefs/because of the characteristics or religious beliefs of the people you spend time with>?
    i. Once (skip to 12)
    j. More than once (show instruction)

For the remaining questions, please think about the most recent time this happened to you.

12. Did any of the following things happen?
    k. <u>During the incident or leading up to it</u>, did the offender(s) use language that indicated you were targeted because of your sex, religion, race, ethnicity, or national origin, sexual orientation or gender identity, or a disability?
       i. Yes

ii. No

l. Did the offender leave something at the scene referring to your characteristics or religion, such as graffiti with hurtful words, symbols or images, or a burning cross?
   i. Yes
   ii. No

m. Did the police find that the offender had something against people with your characteristics or religious beliefs?
   i. Yes
   ii. No

n. Did you know or learn that the offender(s) had committed similar crimes against people like you in the past?
   i. Yes
   ii. No

o. Did the incident happen around a holiday, event, or place commonly associated with a specific group?
   i. Yes
   ii. No

p. Were there other crimes against people like you in your local area or neighborhood?
   i. Yes
   ii. No

q. Did something else happen that would suggest the offender had something against people with your characteristics or religious beliefs?
   i. Yes Specify: _____
   ii. No

13. Do you believe the incident was a hate crime?
   iii. Yes (ask Q14)
   iv. No (skip to Q15)

14. Did you tell the police that you believe the incident was a hate crime?
   v. Yes
   vi. No

15. In your own words, please describe <the/the most recent> incident in which an offender targeted you because of your characteristics or religious beliefs. What happened? Where did it happen? What made you think this was because of your [*protected characteristic(s) indicated in survey, if applicable*]. Did you know the offender? Please do not use proper names in describing the location or offender.

Section C. Demographics

The last set of questions ask about your personal characteristics.

27. What is the highest level of education you have completed?

    1 High school graduate
    2 Some college
    3 College graduate
    4 Postgraduate degree

28. What is your gender?

    1 Male
    2 Female
    3 Transgender
    4 None of these

29. Are you Spanish, Hispanic, or Latino?

    1 Yes
    2 No

30. Please choose one or more races that you consider yourself to be.

    1 White
    2 Black or African American
    3 American Indian or Alaskan Native
    4 Asian
    5 Native Hawaiian or Other Pacific Islander
    6 Other (specify _____)

31. Which of the following age groups includes your age?

    1 Under 18
    2 18-25
    3 26-34
    4 35-49
    5 50 or older

Section D. Interview Opportunity

Thank you for completing the survey. Please enter your email address to receive your $5 Amazon.com gift card _____.

We are interested in meeting with people who can help us review and improve a survey instrument that is designed to measure hate crimes or crimes of prejudice or bigotry targeted against a person's characteristics or religious beliefs. We are looking for people who are willing to participate in private, one-on-one interviews using videoconferencing technology to test some new questions we have developed for this survey. Our goal is to learn whether the questions are understood and can be answered by most people. This information will be used to finalize survey questions for a national study.
Would you be interested in participating in a 60-minute interview with a researcher? People who complete the interview will be given a $40 Amazon.com gift card to compensate for the costs associated with data and internet usage.

a. Yes, I would be interested in participating.
    i. Email address_____
b. No, I do not want to participate in this study.

Appendix D.
Cognitive Testing Report

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1. Introduction

During fall 2020, the Bureau of Justice Statistics' (BJS') National Crime Victimization Survey (NCVS) was in the process of a redesign. As part of those ongoing redesign efforts, RTI International worked on multiple aspects of the NCVS, including the Hate Crimes module. The Hate Crimes module review project involved multiple facets of data collection and analysis, most of which revolved around two different versions of the Hate Crimes module questions. To determine the best questions to use in the NCVS, RTI tested Version 1 (V1) and Version 2 (V2) together in a large virtual crowdsourcing data collection effort using Amazon's Mechanical Turk (MTurk). Along with gathering quantitative data, RTI also conducted cognitive interviewing to obtain qualitative data and direct participant feedback on question wording, constructs, and ability to recall or respond to the questions. This report shares the findings from the cognitive interviews comparing V1 and V2.

2. Recruitment

Participants were recruited for these cognitive interviews after they completed the online Mechanical Turk (MTurk) survey also being conducted as part of the Hate Crimes project. Those who completed the survey could also choose to participate in a 1-hour virtual cognitive interview for a $40 Amazon.com Gift Card. Those who indicated their interest and provided their email addresses were added to a list of volunteers. Recruiters then reviewed the list and invited both victims and nonvictims to participate in a cognitive interview. Participants were selected based on demographic data and, if a victim, type of victimization and description provided in the narrative. Participants were also selected based on which version of the instrument they received on MTurk, as the same version was used in the cognitive interviews. We had some difficulty recruiting victims who completed V1, so for the last few rounds of data collection on MTurk, instead of randomizing the two versions, respondents only received V1. In the end, we were able to recruit 30 V1 participants and 30 V2 participants for a total of 60 participants.

Table D-1 describes the demographics of the participants who completed a cognitive interview. Demographics are divided by version received.

Table D-1. Demographics of participants in cognitive interviews

	Version 1		Version 2		Total	
	Count	Percent	Count	Percent	Count	Percent
Sex						
Male	13	43 %	16	53 %	29	48 %
Female	17	57	14	47	31	52
Age						
18–25	3	10 %	1	3 %	4	7 %
26–34	4	13	13	43	17	28
35–49	18	60	6	20	24	40
50 or older	3	10	9	30	12	20
Race/Ethnicity						
White/a	13	43 %	17	57 %	30	50 %
Black/a	4	13	3	10	7	12
Hispanic	7	23	1	3	8	13
American Indian/Alaskan Native/a	0	0	0	0	0	0
Asian/a	5	17	2	7	7	12
Other Pacific Islander/a	0	0	0	0	0	0
Other/a	0	0	0	0	0	0
Two or more races/a	1	3	7	23	8	13
Highest Education						
HS graduate	0	0 %	2	6 %	2	3 %
Some college	6	20	7	23	13	22
College graduate	18	60	14	47	32	53
Graduate degree	1	3	0	0	1	2
Postgraduate	5	17	7	23	12	20
MTurk - BJS Hate Crime definition						
Yes	14	47 %	19	63 %	33	55 %
No	16	53	11	37	27	45

Note: Numbers may not sum to total because of missing data.

Source: RTI Hate Crime Cognitive Interviews, October 2020.

3. Methods

All interviews were conducted using the video platform Zoom. All interviews were conducted virtually because of the COVID-19 pandemic. The interviews were audio recorded and included both an interviewer and a note-taker.

Interviewers followed an interviewing protocol to guide participants through the survey questions. They used two interview guides, one for V1 and one for V2. Each guide began with questions for participants to answer about their own experiences if they were determined to be a victim based on their MTurk survey responses. Seven scenarios were also created to describe incidents that may be considered hate crimes. Participants viewed the scenario on the screen, and the interviewer also read it aloud to them. They were then asked to answer the questions as if they were one of the people described in the scenario. If the participant was a victim based on their MTurk survey responses, they began the interview by answering the survey questions based on their own personal experiences. After that, they reviewed the scenarios in random order, responding to as many as time would allow. Nonvictims were immediately asked to respond to the questions based on the first scenario, followed by random scenarios.

Throughout each series of questions (both as the victim and with scenarios) participants were asked follow-up questions and probed about their understanding of certain phrases and why they answered questions a particular way. At the end of each scenario, participants also answered a question to determine how strongly (on a scale of one to ten) they felt the incident was or was not a hate crime. The mean, median, and mode of these responses are provided for each section discussed in this report.

4. Victim Findings

4.1 V1 and V2: Comparison

Of the 44 participants who self-identified as a potential hate crime victim, 18 received V1 and 26 received V2. Based on participants' survey responses, victim experiences met the BJS definition of a hate crime for 17 respondents (94%) in V1 and 18 respondents (69%) in V2. The difference in percentages could be because of one of the biggest differences between V1 and V2, the first question on V1, which asked if participants believed they were the victim of a targeted hate crime. We believe the inclusion of this question led to a more difficult time recruiting victims using the V1 instrument. If individuals did not believe they were the victim of a hate crime, they were not going to be screened in as one regardless of the actual circumstances of their victimization. Conversely, in V2, participants were only asked if they believed they were the victim of a hate crime after they entered all of the hate-related circumstances of their incident. In V2, the survey still captured the information and determined if the incident was a hate crime despite what the participants considered it

to be themselves. This could be a reason why a smaller percentage of V2 participants met the BJS definition of a hate crime than those in V1. Another reason could be that participants were primed to answer questions affirmatively in V1 after saying they felt they were the victim of a hate crime at the gate question. Though interviewers asked participants why they selected the answers they did, interviewers did not change answers unless the participants told them they wanted to change their answer.

Separate from meeting the BJS definition of a hate crime, participants were also asked how strongly they felt their incident was or was not a hate crime on a scale of one to ten, with one being "not very strongly" and ten being "extremely strongly." As shown in table D-1 the V1 participants reported, on average, feeling more certain than V2 participants that they were hate crime victims. Also, almost half of participants who received V2 stated at the end of the questions that they did not feel like they were the victim of a hate crime, though their certainty seemed to vary a bit.

Table D-2. Certainty of feeling one was a victim of a hate crime

	V1 (n=18) Hate crime	V1 (n=0) Not hate crime	V2 (n=14) Hate crime	V2 (n=12) Not hate crime
Mean	8.4	NA	7.5	7.3
Median	8.5	NA	7.5	7
Mode	10	NA	10 & 7	5

Source: RTI Hate Crime Cognitive Interviews, October 2020.

An interesting finding from these data is that although all V1 participants felt it was a hate crime, and all but one met the BJS definition of a hate crime, six V2 participants did not feel like the incident was a hate crime even though their survey responses met the BJS definition of a hate crime. One participant said they thought it was a hate crime, but their responses did not meet the BJS definition, and another participant would not say either way if they thought their incident was a hate crime.

4.2 V1 and V2: Specific Version Findings

4.2.1 Version 1

Although 17 of 18 participants answered the questions in a manner that suggests what they experienced met the BJS definition of a hate crime, all participants perceived themselves to be a victim of a hate crime in the past 3 years. Participants generally understood the concepts of prejudice, bigotry, and being targeted because of one's personal characteristics such as those used in the survey (e.g. race, religion, sexual orientation). Many participants described a hate crime as an attack on a person because of such characteristics; however, the types of behavior that constituted a hate crime were unclear to participants. Many

participants felt that hate speech would be considered a hate crime, and some of the incidents they mentioned only described hate speech. These situations would not be an issue in the field; however, NCVS data collection procedures have respondents identify that a crime has occurred prior to asking about hate crimes. Participants felt the wording of the first question could be improved. Most participants preferred the use of "incorrectly" instead of "falsely" to describe an assumed characteristic. Participants believed that wording was easy to understand and it "flowed better."

When probed about the interpretation of being targeted because of race, ethnic background, and national origin specifically, half of participants thought these constructs had different definitions but were connected to one another. A few more participants thought race and ethnic background/national origin were the same things. Participants often selected race and ethnic background/national origin together. When asked about the differences between sex and gender, almost all participants identified them as different concepts. Some participants thought that asking only about gender rather than sex would be clearer. Most participants seemed to be aware that sex and sexual orientation and gender identity were different things.

When asked why they selected the bias they did, several participants who chose sex provided responses that were not indicative of hate. For example, a male respondent felt that the offender would not have attacked a woman. Likewise, some women felt they were seen as vulnerable or easy targets because they were women. Another woman who was raped selected sex because she was pretty sure the male offenders would not have done that to a man, though the motivation behind the attack based on the language that was used was her sexual orientation. A few people used the phrase "If I were a [OPPOSITE OF BIAS] I don't think [X] would have happened to me," to indicate why they were targeted.

Table D-3 shows the number of participants who endorsed each type of bias for their personal victimizations. Participants could answer "yes" to as many categories as they felt applied, so the total of these numbers is greater than the number of participants (18).

Table D-3. Number of participants who endorsed each type of bias in V1

Bias	# of participants
Race	8
Religion	4
Ethnic background/national origin	7
Disability	2
Sex	4
Sexual orientation/gender identity	6

Source: RTI Hate Crime Cognitive Interviews, October 2020.

More than half of participants endorsed more than one reason for being targeted. When asked if one motive was more of a reason than another, a few participants gave equal weights to race and ethnic background/national origin, further illustrating how similarly the two characteristics are viewed.

Participants were asked about several types of evidence indicating a hate crime. Most participants shared that their offender(s) used language indicating they were targeted because of their sex, religion, race, ethnicity, or national origin, sexual orientation or gender identity, or a disability. However, few participants noted that offenders left something at the scene referring to their characteristics or religion. Though participants understood what that question was asking, one participant suggested "modernizing these two options," referring to the swastika and burning cross references.

When asked if the offender had committed similar hate crimes in the past, participants seemed to have great difficulty answering. They often responded with "I don't know." The majority of people who said "yes" or "I don't know" were making assumptions based on the offender's behavior, what they knew about the offender, and the offender's initial hateful behavior in general. Only two of the six participants who answered "yes" to this question could provide evidence of the offender committing similar acts in the past. Only two participants said the incident happened around a holiday, event, or place commonly associated with a specific group, and both of those people said it happened around the time of a police shooting.

A few participants had difficulty with the wording of questions asking about their "characteristics or religious beliefs." One participant who had seemed confused eventually shared that their religious beliefs did not have anything to do with the incident. It became evident that when they heard this question, their only focus was on "religious beliefs" and either did not comprehend what was meant by or did not hear the word "characteristics." Very few participants reported having contact or communicating with the police about the incident.

4.2.2 Version 2

Of the 26 participants who received V2, 18 answered the questions in a manner that suggests what they experienced met the BJS definition of a hate crime and 13 perceived themselves to be a victim of a hate crime based on the incident they were describing. One participant said they did not know if what happened to them was a hate crime.

Everyone understood the terminology "even if the offender falsely thinks you have certain characteristics or religious beliefs," and when asked, most thought it meant the same thing as the offender "targeting you because he/she had something against people with your characteristics or religious beliefs." One participant felt this alternative phrasing was a little more difficult, stating, "I have to think about it more when you say characteristics and

religious beliefs." Though that phrasing is used in both questions, participants' difficulty seemed to be in thinking about those terms more broadly and not just as they applied to them when saying "targeting you because of your characteristics or religious beliefs."

Similar to V1, participants perceived race, ethnic background, and national origin as related concepts; one described these concepts as a Venn diagram where they all overlapped in the middle. More than half of participants thought ethnic background and national origin were different than race but overlapped in meaning (i.e., race is broader and encompasses ethnic backgrounds). Almost all participants also perceived sexual orientation and gender identity as distinctly different characteristics, as well as being something different than sex. Multiple participants pointed out that sex is biological or what you are biologically born as.

As responses seen in V1, participants selected sexual orientation or gender identity and sex together frequently, often in cases of sexual assault or homophobia. One participant said they were a little confused by "sex" because "they were interested in my gender but not discriminatory towards my gender." As in V1, participants seemed to select sex as a reason because they felt the offender would not have done what they did to someone of a different sex, not always because the offender had something against their sex in general.

Table D-4- shows the number of participants who endorsed each type of bias for their personal victimizations. Participants could answer "yes" to as many categories as they felt applied, so the total of these numbers is greater than the number of participants (26).

Table D-4. Number of participants who endorsed each type of bias in V2

Type of bias	# of participants
Race, ethnic background, or national origin	15
Religion	8
Disability	3
Sexual orientation/gender identity	10
Sex	9

Note: Numbers may not sum to total because respondents could select multiple responses.

Source: RTI Hate Crime Cognitive Interviews, October 2020.

More than half of participants endorsed more than one reason for being targeted. When asked if one motive was more of a reason than another, three participants gave equal weights to sex and sexual orientation/gender identity.

When asked if the offender targeted them because of characteristics or religious beliefs of people the victim spent time with, most said no. A few participants said yes because they were targeted for a characteristic that they share with others they spend time with (e.g.,

targeted for religion and spending time with people of the same religion). Generally, participants had difficulty answering this question in situations where the offender would not have been aware of who they spent time with. One participant whose incident occurred when they were talking to protesters said, "They don't know me well enough to know who I spend time with…I'm going to say no." They were incorrectly assumed to be part of the protest when they were victimized even though they had nothing to do with that cause (it was a religious group), so the victimization seemed to be because of people in their physical proximity but not people with whom they spent time.

Participants were asked about several types of evidence indicating a hate crime. Most participants noted that their offender(s) did use language that indicated they were targeted because of their sex, religion, race, ethnicity, or national origin, sexual orientation or gender identity, or a disability. While participants understood the meaning of "during or leading up to the incident," two participants shared language used after the incident that indicated it was a hate crime, but by "after the incident" they were referring to in-person situations like sexual assault and what was said when the physical act was over. It was less common for offenders to leave something at the scene referring to the victim's characteristics or religion. Participants who said yes to this question experienced their car being keyed, graffiti, or notes left at the scene.

Many participants who interacted with the police said they found that the offender had something against people with their characteristics or religious beliefs and provided examples, such as previous encounters with the offender and others in the same area reporting the offender. About half of participants thought they would answer differently if instead they were asked if the police told them it was a hate crime. One person said, "Yes, a hate crime is very serious, and if a police [sic] stated it was, this would elevate the stakes." According to this person's survey responses, the incident was categorized as a hate crime according to BJS definition, but when asked, they did not feel it was a hate crime. Only a quarter of participants reported telling the police that their incident was a hate crime.

About half of participants learned that the offender(s) had committed similar crimes against people like them in the past from neighbors, police, attorneys, or during court proceedings. When asked if other crimes were committed against people like them in their local area or neighborhood, a few stated it was possible or that they assumed yes even though they did not actually know. Those participants suspected other crimes were related to theirs because the same message was used, the same crime was committed to others, or the same offender committed both crimes.

Most participants indicated the incident did not happen around a holiday, event, or place commonly associated with a specific group. One participant who said yes to this question stated, "It happened at a church lawn. The event was not religious, it was just a town fair." Another participant who said yes shared that the timing was around Easter, but they did not

think that had anything to do with the incident. Someone else said yes because it happened at a game for a Spanish soccer league, and they were targeted because of race (white). When asked if something else happened to suggest the offender had something against people with their characteristics or religious beliefs, about a third of participants said yes. Of those, most of them reported characteristics that had already been asked and they had already endorsed.

Participants were asked if they would answer differently if they had been asked about a bias crime instead of a hate crime. Many participants said they would, but a few reported not knowing what that meant. Others felt saying "bias crime" downplayed the situation, but participants varied in their feelings of whether that was a good thing. The majority of participants did not feel there was much of a difference if asked about a crime motivated by prejudice or bigotry instead of a hate crime. However, a few participants, particularly white women, were very clear in stating they were not comfortable labeling what happened to them as a hate crime regardless of the circumstances. One such participant who was told by the offender they were targeted for the assault because of a religious symbol they wore explained their hesitation to use the term hate crime as such:

> "I think I was targeted, I was in the right place at the right time [for the offender] but there is also a part of me that says I am a privileged white girl how can I claim it was a hate crime against me or my group? I think sometimes we culturally use the term hate crime too easily. I think it is motivated by prejudice and hatred and targeting a group or individual because of characteristics they are born with or identify with. More often because of things they are born with. I think some political groups have coerced the term hate crime into their own category and that is why I am hesitant to use it. I think it used to be used to help protect people who were victims of horrible crimes against their characteristics."

This participant ultimately was unable to say whether she felt she was the victim of a hate crime. This participant was clearly conflicted over the topic. Despite her uncertainty in labeling her experience as a hate crime, her responses to the survey questions about her incident did indicate what happened met the BJS definition of a hate crime for V2.

5. Scenarios

This section describes each of the seven scenarios participants were asked and how participants responded to them. Participants were not asked to answer survey questions outside the context of the provided scenario (questions Q5c, Q5d, and Q5f in V1; questions Q3c, Q3d, and Q3f in V2). The scenarios did not provide information on law enforcement interaction, background of the offender, or nearby occurrences. In V1, participants were first asked whether they felt the scenario was a hate crime. They had to answer yes to this

question to meet the BJS definition of a hate crime. In V2, participants were only asked if they thought it was a hate crime at the end of the series of questions. Their response to this question had no bearing on whether their responses met the BJS definition of a hate crime. Table D-5 shows the percentage of participants who received each of the scenarios and either said the scenario described a hate crime but *did not* meet the definition of a hate crime according to BJS or who provided answers that met the BJS definition of a hate crime but *did not* feel the scenario was a hate crime. It is important to note in table 5-1 that all of the participants in the last column who said the scenario was not a hate crime would not have been counted in V1 at all.

Table D-**5. Participants' responses to seven diff**erent scenarios

	V1 – R said was a hate crime/did not meet BJS criteria	V2 – R said was a hate crime/did not meet BJS criteria	V2 – R said was not a hate crime/did meet BJS criteria
Scenario 1	13%	14%	7%
Scenario 2	0%	8%	0%
Scenario 3	61%	50%	0%
Scenario 4	0%	15%	8%
Scenario 5	4%	7%	13%
Scenario 6	4%	25%	25%
Scenario 7	38%	6%	6%

Source: RTI Hate Crime Cognitive Interviews, October 2020.

5.1 Scenario 1

A Muslim family moves into a new neighborhood. One neighbor begins posting messages online that he doesn't want to have 'terrorists' living in the neighborhood. A week later the family's house is broken into. They don't know who did it, but suspect it was the neighbor.

Twenty-three participants received this scenario for V1, and 14 participants received this scenario for V2. One participant who received V2 ran out of time before finishing the questions, so they are only counted through question 1f. Based on participants' responses, the scenario met the BJS definition of a hate crime for 15 participants (65%) in V1 and 8 participants (57%) in V2. Table D-6 shows how participants responded when asked how strongly they felt it was or was not a hate crime on a scale of one to ten with one being "not very strongly" and ten being "extremely strongly." Some participants did not receive this question in the interest of time or because of skip logic.

Table D-6**. Participants' responses to whether incident was hate crime, Scenario 1**

	V1 (n=18) Hate Crime	V1 (n=5) Not Hate Crime	V2 (n=8) Hate Crime	V2 (n=4) Not Hate Crime
Mean	7.2	8.5	6.6	4.75
Median	7	8.5	8	5
Mode	7	NA	10	5

Source: RTI Hate Crime Cognitive Interviews, October 2020.

Version 1

Of the 23 participants who received this question, 18 of them said they felt it was a hate crime, and 15 participants answered the questions in a manner that suggested the incident met the BJS definition of a hate crime.

Participants who indicated this was a hate crime assumed that the neighbor posting messages about "terrorists" living in the neighborhood was responsible for the family's break-in, even though no explicit proof was provided. Participants who did not believe this was a hate crime were less confident that the offender was the neighbor based solely on the information provided in the scenario. Some participants felt unable to answer some questions such as whether they thought it was a hate crime or not because they did not know if it was the neighbor who made the post who committed the crime.

All 18 participants who felt this was a hate crime said that it was done because of their religion. Of those 18, seven participants also selected both race and ethnic background or national origin as reasons for the crime. Another five people also chose ethnic background or national origin but did not choose race. Participants perceived these motives as related constructs, noting that Muslims are easily identified by their traditional dress (i.e., hijab), that Muslims are commonly accused of terrorism, and that people assume Muslims belong to a particular race or are from certain parts of the world.

When asked if this was a hate crime targeted at any of the people you spend time with, four participants said yes because the whole family was targeted or because the family has Muslim friends. This question was difficult for some participants to understand, and a few participants talked about their own friends and people they hang out with who are Muslim. For many participants, this was the first scenario they received so this may be a result of a learning curve.

Ten participants answered no to Q4 (say something, write something, or leave something behind at the crime scene). Yet, when asked about language being used to indicate a hate crime, a total of 15 participants, including some who answered no to Q4, said the offender used language that indicated they were targeted for a hate crime. Most participants referred to the online messages about terrorism as language used by the offender. No participants

said something was left at the scene such as a swastika or a burning cross. Furthermore, four participants said something else happened that would suggest it was a hate crime and described the online messages about terrorists.

Version 2

Of the 14 participants who received this scenario, eight of them indicated the incident met the BJS definition of a hate crime in their survey responses. Ten participants felt the victim was targeted because of both race, ethnic background, or national origin, and religion. Like participants in V1, they felt these constructs were connected. Some believed race, ethnic background, or national origin and religion were the same (i.e., associate Muslim as an ethnicity) while others noted that non-White Muslims appear as if they are from middle eastern countries. No one felt that disability, sexual orientation or gender identity, or sex were reasons that the family was targeted. Nine of the ten participants who endorsed both race, ethnic background or national origin and religion, along with two participants who did not, said the family was targeted for other reasons, including how they looked and how they dressed, others' unfamiliarity with Muslim traditions, and a lack of security after just moving. Participants varied in what they thought about which biases were more of a reason for the crime than others; some participants thought race and religion played equal roles while others indicated race and religion alone were a primary motivator. Those who said this scenario was not a hate crime believed they did not have enough information to prove it was the neighbor. One participant noted this neighborhood could have been prone to break-ins.

Seven participants thought that the victims were targeted because of the characteristics or religious beliefs of people with whom they spent time. When asked why, some participants indicated that the entire family was targeted because of their religious beliefs and the remaining participants said that people of the same faith often hung out with each other and therefore were perceived to be associated with a religious group.

When asked about evidence indicating a hate crime, eight participants said the offender used language that indicated they were a target. All these participants referenced the online posting about terrorists living in the neighborhood. No participants said something was left at the scene such as a swastika or a burning cross or that something else happened that would suggest it was a hate crime.

When asked, eight participants said they believed the incident was a hate crime. One person would not answer the question because they felt they did not have enough information from the scenario. A few participants provided responses with the caveat of "assuming the neighbor did it" or some qualifier that indicated they were basing their answer on some type of assumption.

5.2 Scenario 2

A straight male was standing at a bus stop when 4 teenagers of a different race approached and requested money for the bus. When the man refused, one of the teenagers said, 'Don't say no to me, queer' and punched him in the face. The teenagers then grabbed his watch, ring, and wallet. For the next questions, please imagine that you are answering as if you are the person who was punched and had his things stolen.

Twenty-three participants received this scenario for V1, and 13 participants received this scenario for V2. Based on participants' responses, the scenario met the BJS definition of a hate crime for 17 respondents (74%) in V1 and 5 respondents (38%) in V2. Table D-7 shows how participants responded when asked how strongly they felt it was or was not a hate crime on a scale of one to ten with one being "not very strongly" and ten being "extremely strongly." Some participants did not receive this question in the interest of time or because of skip logic.

Table D-7**. Participants' responses to whether incident was hate crime, Scenario 2**

	V1 (n=17) Hate crime	V1 (n=2) Not hate crime	V2 (n=6) Hate crime	V2 (n=7) Not hate crime
Mean	7.1	9	6.5	7.2
Median	7	9	6	8
Mode	6	9	6	8

Source: RTI Hate Crime Cognitive Interviews, October 2020.

Version 1

Of the 23 participants who received this question, 17 said it was a hate crime. All 17 answered the questions in a manner that indicated the incident met the BJS definition of a hate crime. Most participants who said it was a hate crime referred to the fact that the offender "assumed" that the victim in the scenario was gay. Of those who said it was not a hate crime, all of them either said the teenagers were just trying to rob someone or said the teens had no way of knowing the sexual orientation of the victim so "queer" was something they would have said to anyone they targeted.

Everyone understood the terminology "even if the offender falsely thinks you have certain characteristics or religious beliefs." All of the participants said the motive for the hate crime was sexual orientation/gender identity. In addition, five participants selected more than one motive. Three participants said that race, ethnic background/national origin, and sexual orientation/gender identity were all motives for the hate crime. Two of those said sexual orientation was the main reason, and the third person said it was race. Another participant selected those same reasons but also selected sex as a motive. A fifth person also selected

sex but did not select ethnic background/national origin. These participants said sexual orientation/gender identity and race were the most important motives, respectively.

Participants were probed after answering this question and asked if they thought the reason(s) they selected were the only reasons they were victimized, and the majority of participants said no and referenced the motive of robbery also being a factor. No one said they thought it was a hate crime targeted at the people with whom they spent time.

Two participants answered no to Q4 (say something, write something, or leave something behind at the crime scene). Both participants said the offender called them a "queer" but were focused on the fact that the offender did not leave anything behind. Both participants said the offender used language that indicated they were targeted for a hate crime in the next question (Q5a).

When asked about evidence of a hate crime, all 17 participants said the offender used language that indicated they were targeted for a hate crime in Q5a. No participants said something was left at the scene such as a swastika or a burning cross in Q5b. No one said the incident happened around a holiday, event, or place commonly associated with a specific group. One person said something else happened that would suggest it was a hate crime (Q5g) and described the fact that the man was robbed.

Version 2

Of the 13 participants who received this scenario, only five responded in a way that the incident met the BJS definition of a hate crime. Three participants felt the victim was targeted because of race, ethnic background, or national origin. Two of these people also endorsed sexual orientation/gender identity as a reason the victim was targeted. The other person included "other" in their response, but when asked why they selected that one, they talked about race again and said they felt it was the same thing as race (it was never clear why they selected "other"). One of these participants who selected race qualified that it was a "small yes" because they felt the teens were looking for something and race did not really play a big role in it.

Three other participants chose sexual orientation/gender identity as the type of bias motivating the crime, one of whom said yes to the "other" option. This person said they chose "other" because the way they were dressed made the offender think they were not straight. They felt this was the same thing as selecting sexual orientation/gender identity, but the way this question (1f) was worded it sounded like they needed to include it here again. One participant got confused twice when explaining why they picked the options they did (sexual orientation/gender identity and race). This participant could not remember if they said yes to sexual orientation or sex. The interviewer reminded them each time of their responses, and the participant confirmed that they meant those responses. One person only selected the "other" option and explained that they thought the only reason they were

targeted was that they were by themself, not because of any other characteristics. No participants said they were targeted because of religion, disability, or sex.

Participants were probed after answering these questions asking if they thought the reason(s) they selected were the only reasons they were victimized, and some participants said no and referenced the motive of a robbery, while others felt sexual orientation/gender identity was the main motive. No one said race was the main motive. Participants were also asked if using the words "actual or perceived" would have been clearer. Two participants who had said no to all 1a–1f said they probably would have answered differently if this language had been used. One of them mentioned an argument could be made with "perceived" that the offender thought they were part of that group. The other participant who thought the use of "queer" was meant to be just an insult said, "If I was perceived to be gay because I dress awesome, then yeah, it could have been more than just an insulting statement."

When asked about evidence indicating a hate crime, eight participants said the offender used language that indicated they were a target. Two participants said something else happened, but when probed, they both referred to being called "queer." At the end of the section, six participants said they believed the incident was a hate crime.

5.3 Scenario 3

A group of friends are leaving a known gay bar. As they exit the bar and begin to walk away, someone runs up, punches one of the friends in the back of the head and runs away.

Eighteen participants received this scenario for V1, and ten participants received this scenario for V2. Based on participants' responses, the scenario did not meet the BJS definition of a hate crime for any participants in V1 and for only one participant in V2. However, when asked, 11 participants in V1 and six participants in V2 said they felt like it was a hate crime. Table D-8 shows how participants responded when asked how strongly they felt it was or was not a hate crime on a scale of one to ten with one being "not very strongly" and ten being "extremely strongly." Some participants did not receive this question in the interest of time or because of skip logic.

Table D-8**. Participants' responses to whether incident was hate crime, Scenario 3**

	V1 (n=11) Hate crime	V1 (n=4) Not hate crime	V2 (n=6) Hate crime	V2 (n=4) Not hate crime
Mean	7.7	6	7	4.75
Median	8	6	7	4
Mode	8	N/A	7	4

Source: RTI Hate Crime Cognitive Interviews, October 2020.

Version 1

Of the 18 participants who received this question, all the participants who believed the incident was a hate crime believed the victim was targeted because of their sexual orientation or gender identity. They also believed the incident occurred around a place commonly associated with a specific group. Of those who believed the incident was a hate crime, more than a third also believed the crime was targeted at people with whom the victim spent time.

Of those participants who said it was not a hate crime, one said the victim was targeted because they were trying to rob them, while another said just because the offender was leaving a gay bar does not mean they were attacked for being gay and that the offender, "didn't say anything." Another participant who eventually said they did not believe the incident was a hate crime hesitated a long time before answering. That participant went on to say the offender may have been a crazy person going around punching people and that there were a lot of straight people who went to gay bars.

When asked about evidence of a hate crime in Q5a, none of the participants said the offenders used language that indicated the victim was targeted for hate crime or indicated anything was left at the scene such as a swastika or burning flag (Q5b). This lack of evidence is why none of the participants who received V1 responded in a way that met the BJS definition of a hate crime for this scenario.

All the participants who felt this was a hate crime said it happened around a holiday, event, or place commonly associated with a group. When probed about their response to this question, most of them said it was because the gay bar was mentioned. One participant initially answered "no" to this question, then changed their response indicating they were, at first, focusing on the word "holiday."

Version 2

Of the ten participants who received this question, six of them believed this incident was a hate crime. Only one of these participants answered the questions in a manner that met the BJS definition of a hate crime. All who believed it was a hate crime endorsed sexual orientation/gender identity as a reason the victim was targeted. One participant felt the victim was also targeted because of race, ethnic background, or national origin while two others also endorsed "sex" as a reason. One of the participants who thought sex was a reason thought "gay males may be targeted more than gay females." Three participants who believed the incident was a crime also indicated "other characteristics" such as the fact that they were walking out of a gay bar or how the person was dressed.

Participants were probed after answering these questions asking if they thought the reason(s) they selected were the only reasons they were victimized, and a few participants indicated the people with whom the person was associated may have been a contributing

factor to the incident. When participants were asked if using the words "actual or perceived" would have made Q1f clearer, several participants indicated a change in the language would have made the question clearer, one even saying the question would be "a lot" more clear with this language. Those who believed the scenario was a hate crime provided scores averaging seven when asked how strongly they felt the incident was a hate crime.

Four participants who received the V2 questions did not believe this was a hate crime. Of those participants, one said they did not have enough information from the scenario, and "legally," they do not know if the victim just leaving a gay bar was enough to assume it was a hate crime. Another participant said there was no motive or slurs yelled as the victim was punched and that the offender had not expressed anything that made it seem like they were targeting anyone for any reason. The fourth participant who did not believe this was a hate crime said some evidence was needed to prove it was a hate crime and that the offender would have to be arrested and more information than what was provided was necessary to be classified as anything besides an assault. Most of those who did not believe it was a hate crime did not seem to have strong feelings about it and, when asked on a scale of one to ten how strongly they felt it was a hate crime, provided an average of four.

5.4 Scenario 4

A black man walking home from work late at night is robbed at gunpoint. The offender, who is white, curses at the man and uses a racial slur as he is robbing him.

Twenty-one participants received this scenario for V1. and 13 participants received this scenario for V2. Based on participants' responses, the scenario met the BJS definition of a hate crime for 15 respondents (71%) in V1 and nine respondents (69%) in V2. Fifteen participants in V1 and ten participants in V2 felt that this was a hate crime. Table D-9 shows how participants responded when asked how strongly they felt it was or was not a hate crime on a scale of one to ten with one being "not very strongly" and ten being "extremely strongly." Some participants did not receive this question in the interest of time or because of skip logic.

Table D-9**. Participants' responses to whether incident was hate crime, Scenario 4**

	V1 (n=15) Hate crime	V1 (n=2) Not hate crime	V2 (n=10) Hate crime	V2 (n=3) Not hate crime
Mean	8.2	5.5	8.8	5.5
Median	9	5.5	10	5.5
Mode	10	N/A	10	N/A

Source: RTI Hate Crime Cognitive Interviews, October 2020.

Version 1

All 15 of the participants who said it was a hate crime answered the questions in a manner that also met the BJS definition of a hate crime. Most participants who said it was a hate crime referred to the fact that the offender used a racial slur during the crime and emphasized the fact that the offender was white while the victim was black. Some participants who said it was a hate crime also stated this could have been a crime of opportunity; however, they felt the use of the racial slur showed the crime was racially driven. One participant said a "racial slur automatically makes it a hate crime." Of those who said it was not a hate crime, participants either said it was a crime of opportunity, because the man was walking alone late at night, or that the use of a racial slur does not fully reveal the true motivation behind the crime.

Participants were probed after answering this question and asked if they thought the reason(s) they selected were the only reasons they were victimized. Most participants selected race as a motive for this crime. In addition to race, six participants also selected ethnic background or national origin as a motive for the crime. Of these participants, one selected ethnic background or national origin as the main motive and one participant selected race and ethnic background or national origin as equal motives. Some participants added money/opportunity when asked what they thought the main motive was for this crime; however, most participants stated race was the main motive. No participants selected religion, disability, sex, or sexual orientation or gender identity as a motive. One participant said it "definitely could be" a hate crime targeted at the people they spend time with but did not provide any further information.

All 15 participants who felt it was a hate crime answered yes to Q4 (say something, write something, or leave something behind at the crime scene) and referenced the racial slur. All of these participants also endorsed Q5a, saying the offender used language that indicated they were targeted for a hate crime.

Only one participant said something was left at the scene such as a swastika or a burning cross in Q5b. This participant seemed to be confused at multiple points in the survey and originally thought we were telling them a swastika was left at the scene. After clarifying this question, the participant changed their answer to no. This participant also was the only one to say the crime happened around a holiday, event, or place commonly associated with a specific group because of "…the fact that he still robs a specific race and uses a racial slur while he is robbing that person..." One participant said something else happened that would suggest it was a hate crime (Q5g) and described the fact that the man was cursed at and stated this is also hateful language.

Version 2

Of the 13 participants who received this scenario, nine gave answers that met the BJS definition of a hate crime in their survey responses. Eleven participants felt the victim was targeted because of race, ethnic background, or national origin and referenced the use of the racial slur. One participant also selected sex and "other" as a motive. This participant chose sex because "…it would be less likely they would have done it to a woman..." They also chose "other" because the offender could have perceived the man as being a part of a gang or being of a lower class.

Two other participants also selected "other" in their response, but when asked why, both participants talked about the man's skin tone and the fact that he is African American. They said they felt it was the same thing as race, and it was never clear why they selected "other." This occurred in other scenarios as well, suggesting a problem with the way the "other" question is worded or presented. No participants selected religion, disability, or sexual orientation or gender identity as a motive.

Participants were probed after answering these questions to see if they thought the reason(s) they selected were the only reasons they were victimized. Some participants said race was the main motive for the individual being targeted; however, most participants also stated money/opportunity was the main motive the crime occurred. One participant stated "other" was the main motive the man was victimized and referenced his dark skin tone (it is not clear how the participant saw this differently from race or where they got the notion of "dark skin tone"). When asked whether they believe the offender did this because of the characteristics or religious beliefs of people you spend time with, only one participant said yes. This participant stated people usually spend time with other people who look like them and that when the participant asked their black friends in the past, they said they felt more comfortable speaking with other black people, so this was clearly an assumption made on the participant's part.

When asked about language, nine participants said the offender used language that indicated they were a target and referenced the racial slur. When asked about evidence indicating a hate crime, no participants said the offender left something, such as a swastika or burning cross, at the scene. One participant said the crime happened around a holiday, event, or place commonly associated with a specific group and stated that because the crime happened late at night and the man was walking home from work, the offender could have been targeting the workplace. Two participants stated something else happened and referenced the racial slur. Both of these participants had also endorsed language being used. One participant stated something else happened and referenced the man being robbed.

Overall, ten participants felt the incident was a hate crime. Participants who thought the incident was a hate crime stated it was because the offender used a racial slur. One

participant stated it was a hate crime because the offender held a gun to the man. Participants who did not think the incident was a hate crime stated that the incident was a crime of opportunity.

5.5 Scenario 5

A non-Jewish person is standing on the sidewalk near a Jewish synagogue. A person comes up with a gun and says 'Give me your money, you rich Jew. I know you've got lots of it.'

Twenty-three participants received this scenario for V1 and 15 participants received this scenario for V2. Based on participants' responses, the scenario met the BJS definition of a hate crime for 22 respondents (96%) in V1 and 14 respondents (93%) in V2. One participant in V1 only received questions up to Q4 ("Did the offender say something, write something, or leave something behind at the crime scene that made you think it was a hate crime?") because of time limitations. The participant said yes to Q4 and when asked why, they said, "They called me a rich Jew." We assume if the interview had continued that this person would have endorsed the use of language and would have been categorized as meeting the BJS definition of a hate crime. However, to remain true to in-field data collection procedures, we classified this person's responses as not meeting the BJS definition of a hate crime.

Table D-10 shows how participants responded when asked how strongly they felt it was or was not a hate crime on a scale of one to ten with one being "not very strongly" and ten being "extremely strongly." Some participants did not receive this question in the interest of time or because of skip logic.

Table D-10. **Participants'** responses to whether incident was hate crime, Scenario 5

	V1 (n=23) Hate crime	V1 (n=0) Not hate crime	V2 (n=13) Hate crime	V2 (n=2) Not hate crime
Mean	9.1	N/A	8.8	5
Median	10	N/A	10	5
Mode	10	N/A	10	5

Source: RTI Hate Crime Cognitive Interviews, October 2020.

Version 1

All 23 participants who received this scenario said it was a hate crime. Based on participants' responses, the scenario met the BJS definition of a hate crime for 22 participants. All participants believed this incident was a hate crime because the offender perceived the victim as Jewish because he was standing outside a synagogue and called him a "rich Jew" while robbing him.

All participants listed religion as a reason this person was targeted. Ten participants also included ethnic background/national origin as a reason and five of these also included race. Two participants included race but did not include ethnic background/national origin. Many participants felt that being Jewish was a race/ethnic background as well as a religion. One person said, "they could have thought I was from Israel." When asked, most participants said religion was the main motive, and some participants thought race or ethnic background/national origin were equal motives. Participants also suggested money or opportunity could have also been a motive for the crime. No participants selected disability, sex, or sexual orientation or gender identity as a motive.

Participants were mixed feelings on whether they thought it was a hate crime targeted at the people with whom they spent time. Some people felt this information was inferred by the scenario. One participant explained they were not sure how to answer that question because "it happened outside a synagogue so he could be trying to target Jews, but I'm not Jewish in this scenario."

All 22 participants who felt the scenario met the BJS definition of a hate crime said the offender used language that indicated they were targeted for a hate crime (Q5a). Only one participant said something was left at the scene such as a swastika or a burning cross, but this person seemed confused by the question saying that "if a swastika was there, then yes." Twenty participants also said this crime happened around a holiday, event, or place commonly associated with a specific group and referenced the crime happening outside a synagogue.

Version 2

Of the 15 participants who received this scenario, 14 provided answers that met the BJS definition of a hate crime in their survey responses. All participants felt the victim was targeted because of religion and nine participants felt the victim was also targeted because of race, ethnic background, or national origin. One participant explained selecting both options because "it depends on if you define being Jewish as both an ethnic group and a religion." This participant said that they did. Most of the participants referenced that the crime happened outside a synagogue and the offender called the victim a "rich Jew" as reasons why they selected religion. No participants selected disability, sex, or sexual orientation or gender identity.

Three participants also included "other" in their response to targeted motivations. When asked why this was selected, they stated it was either because the offender perceived the victim as being Jewish or because they were rich. Those who said it was about the perception of being Jewish also agreed that it was the same thing as religion.

Participants were probed after answering these questions asking if they thought the reason(s) they selected were the only reasons they were victimized. One participant stated

the victim was at the wrong place at the wrong time; however, most participants stated religion was the main motive for the victim being targeted. When asked whether they believed the offender did this because of the characteristics or religious beliefs of people you spend time with, half of participants said yes. Some participants who stated yes explained that because the victim was standing outside a synagogue, it was likely they knew and hung out with other Jewish people. Also, some participants who stated yes noted that the offender seemed to want to target any Jewish person and assumed all Jewish people are rich.

When asked about language, 14 participants said the offender used language that indicated they were a target and referenced being called a "rich Jew" while robbing the victim. When asked about evidence indicating a hate crime, no participants said the offender left something, such as a swastika or burning cross, at the scene. Twelve participants said the crime happened around a holiday, event, or place commonly associated with a specific group and referenced the crime occurring outside a synagogue. Of those that did not endorse a holiday, event, or place, one said they were not sure how far away the victim was standing from the synagogue. Another person said they got "hung-up" on the word "holiday" and were only thinking about that. Two participants stated something else happened and referenced the victim being held at gunpoint and robbed.

Overall, 13 participants felt the incident was a hate crime. They stated it was a targeted crime because the offender perceived the victim as Jewish, called them a "rich Jew," and robbed them at gunpoint outside of a synagogue. Two participants stated it was a crime of opportunity.

5.6 Scenario 6

A man and woman meet online and go on a date. During the date, the man tells the woman that he has been rejected in the past and doesn't like most women. At the end of the date, the woman tells the man that she is not interested in seeing him again. Over the next few days, she begins to feel like he has been following her. One day she leaves her house and sees that her car is in the driveway with the tires slashed and the word 'Bitch' carved into the paint. For the next questions, please imagine that you are answering as if you are the woman.

Twenty-four participants received this scenario for V1, and 12 participants received this scenario for V2. Based on participants' responses, the scenario met the BJS definition of a hate crime for 14 respondents (58%) in V1 and 8 respondents (67%) in V2. Three participants in V2 only received questions 1a–1f and subsequent probes because of time and participant difficulty (speech impediment). These participants were included only when discussing these questions. For V2, the number of participants who received Q2 and later is nine. Table D-11 shows how participants responded when asked how strongly they felt it

was or was not a hate crime on a scale of one to ten with one being "not very strongly" and ten being "extremely strongly." Some participants did not receive this question in the interest of time or because of skip logic.

Table D-11. **Participants'** responses to whether incident was hate crime, Scenario 6

	V1 (n=14) Hate crime	V1 (n=10) Not hate crime	V2 (n=5) Hate crime	V2 (n=4) Not hate crime
Mean	8.5	7.3	9	8.25
Median	8	8	10	9
Mode	10	10	10	9

Source: RTI Hate Crime Cognitive Interviews, October 2020.

Version 1

Of the 24 participants who received this question, 14 said it was a hate crime. Thirteen of these participants answered the questions in a manner that met the BJS definition of a hate crime. The participant who gave answers that did not meet the BJS definition of a hate crime did not endorse either the use of language or something left behind (5a–5b). That person did give it a 10, however, feeling very strongly that it was a hate crime. Those who believed it was a hate crime generally mentioned the fact that he called the woman a "bitch" and slashed her tires. Most mentioned the fact that the scenario states he does not like most women. Of those who did not believe it was a hate crime, some mentioned the fact that they were not sure if he did this to all women or if this one instance was just an emotionally charged attack. Many brought up the fact he was likely mad at being rejected rather than mad at all women.

All 14 participants who believed this scenario was a hate crime believed the victim was being targeted because of her sex. Three participants said they believed the victim was also targeted because of her sexual orientation or gender identity. Of those three, all said that sex was the most important motive. These three participants cited reasons along the lines of the man looking for a "straight woman," so her sexual orientation was a reason. When probed on whether the participants believed that sex was the only reason the victim was targeted some answered no and mentioned the man being rejected as another factor.

Nobody thought the victim was targeted because of the people they spend time with. All but one participant said the offender used language indicating it was a hate crime. Eight participants said there was also something left at the scene that made them think it was a hate crime. Of those, they all mentioned the carving of "bitch" into the car and slashing the tires. Two participants answered yes to the question that asks if the incident happened around a holiday or event. One participant mentioned it happened at a dinner date while the other participant was simply confused by that question and thought it was asking if they

believed if the scenario would still be considered a hate crime if the event happened during a holiday. Five participants selected the "other" category because of the things the man had told her (hated women) and the stalking behavior.

Version 2

Of the nine participants who responded to this scenario in its entirety, eight gave responses that met the BJS definition of a hate crime, though only five said they felt that it was a hate crime. The one person whose responses did not meet the BJS definition of a hate crime said they did not believe it was a hate crime. When asked how strongly those who said it was not a hate crime (but provided responses that met the BJS definition) felt, they gave answers of ten, nine, and five, stating they could not know for sure the man in the scenario is the one who committed the crime. Their reasons were that they could not prove it was the same guy and that it felt like an individualized attack, not one based on a specific group. This sentiment was also shared by the person who felt that this was not a hate crime. Many who felt it was a hate crime mentioned how the man carved "bitch" into her car and how the man stated he does not like most women.

Nine participants believed the victim was targeted for her sex; two also felt she was targeted because of sexual orientation or gender identity. One of the nine participants felt it was because of other characteristics or a group to which she belonged. One participant said it was because of sexual orientation or gender identity and other characteristics and stated, "I was thinking because they didn't have sex." It appears this person interpreted asking about "sex" made them think of the action, not the characteristic. One other participant only said other characteristics, how they look, or a group to which they belong. This participant felt she just was not interested in dating. Of those who said sex was one of the reasons she was targeted, most mentioned the man carving "bitch" into her car and stating he does not like women as the reason for choosing that option. Of those who were asked if they believed sex was the only reason the victim was targeted, most mentioned rejection as another possible factor.

Nobody thought the victim was targeted because of the people they spend time with. Five participants believed the offender used language that would indicate the victim was targeted. Many participants cited the man stating he does not like most women as their reason for endorsing that question. Nine participants said something was left at the scene. All of them mentioned the word "bitch" carved into the car. One person said something else happened citing the fact that the man said he has been rejected in the past and does not like most women.

5.7 Scenario 7

A woman in a wheelchair is in a crowded shopping mall. Someone runs up to her, snatches the purse from her lap, and runs away. For the next questions, please imagine that you are answering as if you are the woman.

Twenty-four participants received this scenario for V1, and 17 participants received this scenario for V2. Based on participants' responses, none of the participants' answers in V1 met the BJS definition of a hate crime and that threshold was only reached by one participant's responses (6%) in V2. Table D-12 shows how participants responded when asked how strongly they felt it was or was not a hate crime on a scale of one to ten with one being "not very strongly" and ten being "extremely strongly." Some participants did not receive this question in the interest of time or because of skip logic.

Table D-12. Par**ticipants' responses to whether incident was hate crime, Scenario 7**

	V1 (n=9) Hate crime	V1 (n=6) Not hate crime	V2 (n=1) Hate crime	V2 (n=13) Not hate crime
Mean	5.6	8.8	8	8.3
Median	5	9	8	9
Mode	5	10	N/A	10

Source: RTI Hate Crime Cognitive Interviews, October 2020.

Version 1

Of the 24 participants who received this scenario, nine said they felt it was a hate crime. None of those participants gave answers that indicated the scenario met the BJS definition of a hate crime. Most participants who felt it was a hate crime mentioned the woman being an easy target and the fact that it was a crowded shopping mall, and they could have picked anyone, but they picked her. Some mentioned that this woman would not have been targeted had it not been for the fact she was in a wheelchair. One participant questioned how the word "hate" would be defined, saying "Does it mean they hate *everyone* who has a disability?" Of those who said it was not a hate crime, many believed it was simply a crime of opportunity. Some participants mentioned the fact that she was in a wheelchair made her an easy target, but they associated that with it being a crime of opportunity.

All of the participants who believed this was a hate crime said yes to being targeted because of a disability. Three participants also said yes to being targeted because of sex. Of those who said she was targeted because of her sex, one participant mentioned that women carry purses so a man would not be as likely to be targeted. Others mentioned that people typically assume women are not as strong and thus are an easy target. One person responded "yes" to the question asking if the hate crime was targeted at people they spend

time with; however, they appeared to be confusing their own experiences with the scenario. Another participant was confused by this question, stating they did not understand what was meant by "who we spend time with."

None of the participants said there was evidence of language or something left behind that would indicate a hate crime. Two said the incident happened around a holiday or event. Both said that the incident happened in a shopping mall, someplace where you know people will have money. One person said something else happened that would suggest it was a hate crime, explaining they assumed they were "the only person in the vicinity who was in a wheelchair."

Version 2

Of the 17 participants who received this scenario, only one believed it was a hate crime and only one answered the questions in a manner that met the BJS definition of a hate crime, though those were two different people. The one participant who believed it was a hate crime (even though their answers did not meet the BJS definition of a hate crime) stated that "picking on someone because of that characteristic [being handicapped] is a hate crime." For those who said no, most mentioned they believed it was a crime of opportunity. Many also mentioned the fact that there is nothing in the scenario to suggest that the offender does not like or has something against people with disabilities. One participant said there was not enough information to say it was a hate crime because they did not know if the offender had biases against people in wheelchairs.

Twelve participants believed the victim was targeted because of their disability, and four believed the victim was targeted because of their sex. All the participants who said she was targeted for sex stated that being a woman either made the victim an easier target or the offender perceived her to be an easier target. Most participants believed that the victim's handicap was the main reason she was targeted. Two participants said the victim was targeted because of other characteristics, both mentioning the fact the target seemed weak, either because she was female or because she was in a wheelchair.

Nobody believed the victim was targeted because of people with whom they spent time. One person said the offender used language to suggest the victim was targeted; however, they were not able to describe any language used when asked why they said yes. No one endorsed the offender leaving something at the scene, the incident happening around a holiday or event, or anything else happening.

6. Recommendations

Based on the feedback from participants, their responses to the survey questions about their own victimization, and the responses provided about the scenarios, we feel that V2 was clearer for participants to understand and seemed to collect more valid data. One of the

biggest influences on this recommendation is that in V1, anyone who does not believe or not want to call the incident a hate crime would be excluded from further questioning, even if the incident in question met all of the criteria to be categorized as a hate crime. V2 allowed participants to report facts about the incident and what happened without the interference of subjective opinions of whether the incident was a hate crime targeted at them. This information is especially important with a topic like hate crimes where the intent of the offender is often unclear to the victim.

Though V2 was clearer for participants than V1, some questions could still be improved. The following recommendations come mostly from the V2 participants, but relevant findings from V1 have also been taken into consideration. The following sections contain the questions for which we recommend revisions. If a question is not listed, we did not have any recommendations for changes to it.

6.1 Question 1

The current question text reads as follows:

This next set of questions focuses on whether the offender may have been targeting you because of prejudice or bigotry toward those with your characteristics or religious beliefs, even if they thought you had certain characteristics or religious beliefs that you don't actually have. It is different from the offender committing the act for other reasons, such as being angry or wanting to get something from you.

Thinking about the crimes that happened to you in the past 3 years, do you think any of these were done to you because the offender was targeting you because of prejudice or bigotry toward those with your…

c. Race, ethnic background, or national origin?
    i. Yes
    ii. No
d. Religion?
    i. Yes
    ii. No
e. Disability?
    i. Yes
    ii. No
f. Sexual orientation (including being lesbian, gay, bisexual, or straight) or gender identity (including being intersex, transgender, or gender nonconforming)?
    i. Yes
    ii. No
g. Sex (i.e., against males or females)?
    i. Yes
    ii. No
h. Other characteristics, how you look or a group you are a part of?
    i. Yes
        1. Specify_____

ii. No

Recommendations

- For clarity, we recommend revising the question stem to repeat "prejudice or bigotry towards those with your…" to remind participants the survey is not just asking about their characteristics but also the offender's feelings towards those characteristics. This wording would also prevent situations like Scenario 6 when a participant thought the question about "sex" was referring to the act, not one's biological sex.

- We also recommend separating sexual orientation and gender identity because the two constructs are seen as quite different. Throughout the cognitive interviews, participants clearly expressed a difference in being targeted because they were or looked like a certain gender—characteristics describing the victim and how they are perceived by others, and being targeted because of who they dated—actions that they took <u>related</u> to gender but not necessarily <u>because</u> of it. Subsequently, to assist in situations where a participant chooses "sex" for reasons other than prejudice or bigotry toward their sex (e.g., "they would not have done it if I were a man"), we recommend using "biological sex" instead of just "sex." To further elicit offender motivations when multiple motivations are selected, we recommend adding an additional question, "Which of the following do you believe was the offender's primary or main motivation for targeting you?" and asking the respondent to pick from the motivations they already selected.

- Finally, the examples provided in response f. are intended to help participants understand the types of things they should be thinking of, but they seemed to bring participants back to characteristics or groups that have already been discussed. We recommend revising option f. to say, "Prejudice or bigotry toward other characteristics you have not already mentioned?" Based on these revisions, the revised Question 1 wording is as follows:

1. This next set of questions focuses on whether the offender may have been targeting you because of prejudice or bigotry toward those with your characteristics or religious beliefs, even if they thought you had certain characteristics or religious beliefs that you don't actually have. It is different from the offender committing the act for other reasons, such as being angry or wanting to get something from you.

   Thinking about the crimes that happened to you in the past 3 years, do you think any of these were done to you because the offender was targeting you because of…
   a. Prejudice or bigotry toward your…Race, ethnic background, or national origin?
      i. Yes
      ii. No
   b. Prejudice or bigotry toward your…Religion?
      i. Yes
      ii. No
   c. Prejudice or bigotry toward your…Disability?
      i. Yes
      ii. No
   d. Prejudice or bigotry toward your…Sexual orientation, including being lesbian, gay, bisexual, or straight?
      i. Yes
      ii. No
   e. Prejudice or bigotry toward your…Gender or gender identity, including being intersex, transgender, or gender nonconforming?

i. Yes
ii. No

f. Prejudice or bigotry toward your…Biological Sex, including being male or female?
i. Yes
ii. No

g. Prejudice or bigotry toward other characteristics we have not already mentioned?
i. Yes
1. Specify_____
ii. No

IF MORE THAN ONE 1a–g=1, ASK 2. ELSE, SKIP TO 3.

2. Which of the following do you believe was the offender's primary or main motivation for targeting you?

SHOW ONLY ITEMS WHERE 1a–g=1.

a. Prejudice or bigotry toward your Race, ethnic background, or national origin?
b. Prejudice or bigotry toward your Religion?
c. Prejudice or bigotry toward your Disability?
d. Prejudice or bigotry toward your Sexual orientation, including being lesbian, gay bisexual, or straight?
e. Prejudice or bigotry toward your Gender identity, including being intersex, transgender, or gender nonconforming?
f. Prejudice or bigotry toward your Biological sex, including being male or female?
g. Prejudice or bigotry toward [INSERT TEXT FROM 1.g.i. SPECIFY FIELD]?

6.2 Question 2

Do you think the offender did this because of the characteristics or religious beliefs of people you spend time with?

c. Yes
d. No

Recommendations

- Participants were sometimes confused by this question, but even some who did not express confusion did not seem to understand the question. Participants throughout the cognitive interviews said yes to this question for unintended reasons. For example, in the scenarios and in real incidents where people were targeted because of their religion, participants would say yes to this question because they assumed the victim, or them in real life, spent time with people of the same religion. Because religion was the reason they were targeted, they felt it logical to say they were targeted because of people they spend time with, because they have the same targeted characteristic as the victim. The idiom "birds of a feather flock together" is another way of describing this situation. Unless an important data point depends on this question, we recommend removing it. If this question is to remain, we recommend emphasizing the "or" between "characteristics" and "religious beliefs" because some participants would only hear the second part and think the question was asking about religion.

6.3 Question 3a

Did any of the following things happen?

a. *During the incident or leading up to it*, did the offender(s) use language that indicated you were targeted because of your sex, religion, race, ethnicity, or national origin, sexual orientation or gender identity, or a disability?

i. Yes
ii. No

Recommendations

- BJS should consider whether language used *after* the incident would be acceptable here as well. One participant knew they were a victim of a hate crime because the offender wrote them a letter from jail. In some situations, what constitutes "during" the incident may be unclear because there may be no clear endpoint.

- Another consideration with this question is how language might be used. Participants seemed to think in multiple situations that comments such as "bitch" or "fag" or "cracker" might be expressed in the heat of an intense situation similar to other derogatory slang such as "jerk" or "asshole." Participants may understand better if they first see a question asking if offensive or derogatory language was used. Then for those who answer yes, the wording can follow up on the context of that language. For example, a question could be revised as follows:

  Which of the following best describes how was the derogatory or offensive language was used?

  i. The offender was using derogatory language to scare, intimidate or express anger toward me.
  ii. The offender was using derogatory language to express dislike or prejudice toward people with my characteristics or religious beliefs.
  iii. I don't know.

6.4 Question 3d

d. Did you know or learn that the offender(s) had committed similar crimes against people like you in the past?

i. Yes
ii. No

Recommendations

Most participants did not have concerns with making assumptions when responding to this question. When asked about real-life incidents, participants said they "assumed so" in answer to this question. Participants had theories that the offender in question would not have been able to do what they did, or do it as easily as they did, without having some past history. When given a scenario that did not mention the offender's past, a few participants were accidentally asked this question, but even then, participants answered yes to this question, stating the offender had likely done something like that before. We recommend adding "for a fact" to the question to try to prevent participants' assumptions. A draft of the revised question is as follows:

d. Did you know or learn for a fact that the offender(s) had committed similar crimes against people like you in the past?

i. Yes

ii. No

6.5 Question 3e

e. Did the incident happen around a holiday, event, or place commonly associated with a specific group?

i. Yes
ii. No

Recommendations

- In some instances, participants provided responses to this question that did not relate to the crime itself. Participants sometimes answered yes and provided holidays, events, or places commonly associated with a specific group, like the question asked. But they would then acknowledge that the group related to the location or event had nothing to do with the bias motivating the hate crime. Examples include a fair that took place in a church parking lot and a crime that happened near Easter, though neither of those events related to the bias mentioned in the crime. We recommend adding "…which suggested it was motivated by prejudice or bigotry?" to the end of the question. This new question would read as follows:

e. Did the incident happen around a holiday, event, or place commonly associated with a specific group which suggested it was motivated by prejudice or bigotry?

i. Yes
ii. No

6.6 Question 3f

Were there other crimes against people like you in your local area or neighborhood?

i. Yes
ii. No

Recommendations

- Many participants answered this question along the lines of "not that I know of." Participants did not seem to want to commit to a "No" response even if they did not know of other such crimes because they were aware that something they had not heard about could have happened. We recommend rephrasing the question to ask "Are you aware of other crimes against…"

- This question also does not account for the possibility that the crime discussed could have been committed somewhere other than the participant's "local area or neighborhood." It is unclear how useful information about one's local area or neighborhood would be if the incident happened on the other side of town, in a different city, or in a different state. Consider if the information desired here is about the participant's local area or neighborhood. If the question is intended to ask about the area where the crime occurred, we recommend changing the wording to state so clearly.

- Finally, because of a previous question that asked about the offenders' past crimes, some participants were unclear if this question was referring to crimes committed by their offender or other crimes in general. Consider adding a sentence such as: "Please include crimes against people like you even if the offender(s) was different." A draft of the revised question is as follows:

f. Are you aware of other crimes against people like you in your local area or neighborhood? Please include crimes against people like you even if the offender(s) was different.

i. Yes
ii. No

6.7 Question 3g

Did something else happen that would suggest the offender had something against people with your characteristics or religious beliefs?

i. Yes Specify: _____
ii. No

Recommendations

- Similar to question 1.f., to make sure participants do not begin to circle back to characteristics already discussed, we recommend adding: "Other than what you've already mentioned" to the beginning of this question. A draft of the new question is as follows:

g. Other than what you've already mentioned, did something else happened that would suggest the offender had something against people with your characteristics or religious beliefs?

i. Yes Specify: _____
ii. No

6.8 Question 4

4. Do you believe the incident was a hate crime?
   i. Yes (ask Q5)
   ii. No (skip Q5)

Recommendations

- Participants understood what a hate crime was, but some were hesitant, and significantly so, to identify their experience as a hate crime for reasons related to legal and political connotations, as well as the degree of severity implied by categorizing something as a hate crime. If BJS continues to keep this question on the survey, we recommend that the findings be interpreted with caution.

Appendix E. Standard Error Tables

Appendix Table E-1. Standard errors for Table 2-1. Distributions of nonvictims, nonhate victims, hate-involved victims, and hate victims by instrument version

	Version 1		Version 2		
	Count	Percent	Count	Percent	
Total sample	34	0.00 %	33	0.00 %	
Nonvictims/a	25	0.93	22	1.10	
Nonhate victims	31	1.00	26	1.18	†
Hate-involved victims	11	0.42	12	0.65	†
Hate victims	14	0.57	16	0.85	†

a/Includes those who did not experience crime in the prior three years.

b/Includes those who experienced crime that was not hate-motivated.

c/Includes those who experienced crime motivated by hate but did not meet the BJS definition based on the type of evidence.

d/Includes those who met the BJS definition of a hate crime victim.

Source: RTI Mechanical Turk Hate Crime Data Collection, 2020.

Appendix Table E-2. Standard errors for Table 2-2. Prevalence of hate and hate-involved victims by victim characteristics and instrument version

	Version 1*						Version 2					
	Total sample	Hate/a		Hate-involved/b			Total sample	Hate/a		Hate-involved/b		
		Count	Percent	Count	Percent			Count	Percent	Count	Percent	
Total victims	34	14	0.57 %	11	0.42 %		33	16	0.85 %†	12	0.65 %†	
Sex												
Male	30	10	0.80	8	0.62		27	11	1.14 †	8	0.83	‡
Female	30	10	0.79	7	0.59		26	12	1.27 †	9	1.02	†
Transgender	3	2	14.51	0	0.00		3	2	14.51	1	8.67	
None of these	2	1	17.89	0	0.00		2	1	27.22	1	27.22	
Race/Hispanic origin												
White/c	33	11	0.59	8	0.46		31	13	0.89 †	10	0.74	†
Black/c	14	6	2.72	4	1.88		11	6	3.82 †	3	2.43	
Hispanic	13	5	2.65	4	1.83		11	5	3.76	3	2.35	
American Indian/Alaskan Native/c	3	0	0.00	0	0.00		3	1	17.08	1	13.23	
Asian/c	12	4	2.36	3	1.99		11	5	3.55 †	4	2.89	
Other Pacific Islander/c	1	0	0.00	0	0.00		0	0		0		
Other/c	3	1	10.48	1	10.48		3	2	15.72	0	0.00	
Two or more races/c	9	3	3.66	2	2.47		8	4	6.08 †	3	4.21	
Age												
18-25	13	4	2.50	3	1.87		11	4	3.28	4	2.99	‡
26-34	26	9	1.02	7	0.80		23	10	1.51 †	8	1.19	†
35-49	28	9	0.89	6	0.62		24	10	1.36 †	7	0.95	†
50 or older	21	6	1.14	4	0.87		18	7	1.75 †	5	1.40	†

*Reference category

† Significantly different from reference category at 95% confidence level.

‡ Significantly different from reference category at 90% confidence level.

a/Includes those who met the BJS definition of a hate crime victim.

b/Includes those who experienced crime motivated by hate but did not meet the BJS definition based on the type of evidence.

c/Excludes persons of Hispanic or Latino origin.

Source: RTI Mechanical Turk Hate Crime Data Collection, 2020.

Appendix Table E-3. Standard errors for Table 2-3. Percent of hate and hate-involved victims who believed the incident was a hate crime (Version 2)

	Version 2							
	Hate/a*				Hate-involved/b			
	Total	Yes	Percent Yes		Total	Yes	Percent Yes	
Total victims	16	13	2.95	%	12	6	3.42	%†
Sex								
Male	11	10	3.92		8	4	5.78	†
Female	12	8	4.26		9	4	4.11	†
Transgender	2	1	25.00		1	0	0.00	
None of these	1	1	0.00		1	0	0.00	
Race/Hispanic origin								
White/c	13	10	3.87		10	5	4.04	†
Black/c	6	5	7.30		3	1	10.76	†
Hispanic	5	4	9.62		3	2	17.68	
American Indian/Alaskan Native/c	1	1	0.00		1	0	0.00	
Asian/c	5	4	9.60		4	2	11.42	†
Other Pacific Islander/c	0	0	0.00		0	0	0.00	
Other/c	2	2	0.00		0	0	0.00	
Two or more races/c	4	3	11.46		3	0	0.00	
Age								
18-25	4	3	10.96		4	1	8.27	
26-34	10	7	4.89		8	3	4.46	†
35-49	10	8	4.59		7	4	7.14	†
50 or older	7	5	7.02		5	3	8.18	†

*Reference category

† Significantly different from reference category at 95% confidence level.

‡ Significantly different from reference category at 90% confidence level.

a/Includes those who met the BJS definition of a hate crime victim.

b/Includes those who experienced crime motivated by hate but did not meet the BJS definition based on the type of evidence.

c/Excludes persons of Hispanic or Latino origin.

Source: RTI Mechanical Turk Hate Crime Data Collection, 2020.

Appendix Table E-4. Standard errors for Table 2-4: Number of biases reported by hate and hate-involved victims, by instrument version and whether version 2 victims believed the incident was a hate crime

	Version 1*				Version 2				Version 2 (q13_v2=1)			
	Hate/a		Hate-involved/b		Hate/a		Hate-involved/b		Hate/a		Hate-involved/b	
	Count	Percent	Count	Percent	Count	Percent	Count	Percent	Count	Percent	Count	Percent
Total victims	14	0.00 %	11	0.00 %	16	0.00 %	12	0.00 %	13	0.00 %	6	0.00 %
0	~	~	2	2.06	~	~	0	0.00	~	~	0	0.00
1	9	3.33	7	4.52	12	3.03 †	11	3.26 †	9	3.86	5	7.12 †
2	9	3.27	7	4.48	9	2.84	5	2.98 †	8	3.76	2	6.71 †
3	6	2.50	3	3	6	1.98	2	1.62	4	2.13 †	1	2.98
4	3	1.55	3	2.21	2	0.81 †	0	0.00 †	2	1.31	0	0.00
5	1	0.65	2	1.47	1	0.37	0	0.00	1	0.59	0	0.00
6	1	0.46	1	1.21	1	0.52	0	0.00	1	0.84	0	0.00
7	~	~	~	~	0	0.00	0	0.00	0	0.00	0	0.00

~Not applicable

*Reference category

† Significantly different from reference category at 95% confidence level.

‡ Significantly different from reference category at 90% confidence level.

a/Includes those who met the BJS definition of a hate crime victim.

b/Includes those who experienced crime motivated by hate but did not meet the BJS definition based on the type of evidence.

Source: RTI Mechanical Turk Hate Crime Data Collection, 2020.

Appendix Table E-5. Standard errors for Table 2-5: Percent of hate crime victims reporting multiple biases, by victim characteristics and instrument version and whether Version 2 victims believed the incident was a hate crime

	Version 1*						Version 2						Version 2- believed to be hate crime					
	Number of biases						Number of biases						Number of biases					
	Count of victims	1		2		More than 2	Count of victims	1		2		More than 2	Count of victims	1		2		More than 2
Total victims	14	3.33	%	3.27	%	2.86 %	16	3.03	%†	2.84	%	2.17 %†	13	3.86	%	3.76	%	2.60 %†
Sex																		
Male	10	4.59		4.78		3.63	11	4.40	†	4.13	†	3.19	10	5.15	†	4.99		3.18
Female	10	4.89		4.33		4.52	12	4.25		4.01		3.00 †	8	5.86		5.86	†	4.29 †
Transgender	2	21.65		21.65		0.00	2	21.65		0.00		21.65	1	35.36		0.00		35.36
None of these	1	0.00		0.00		0.00	1	0.00		0.00		0.00	1	0.00		0.00		0.00
Race/Hispanic origin																		
White/a	11	4.44		3.94		3.41	13	3.90		3.61		2.69	10	5.13		4.92		3.74
Black/a	6	7.75		8.67		6.71	6	8.19	†	7.51	†	6.06	5	9.62	†	9.46		5.04
Hispanic	5	7.30		8.80		9.05	5	10.17	†	9.28		8.84	4	12.50	†	11.59		9.76 ‡
American Indian/Alaskan Native/a	0						1	35.36		35.36		0.00	1	35.36		35.36		0.00
Asian/a	4	6.05		11.59		10.83	5	9.80	†	9.60	†	3.92 ‡	4	12.10	†	11.59	†	6.05
Other Pacific Islander/a	0	0.00		0.00		0.00	0	0.00		0.00		0.00	0	0.00		0.00		0.00
Other/a	1	0.00		0.00		0.00	2	27.22		27.22		0.00	2	27.22		27.22		0.00
Two or more races/a	3	10.76		14.44		13.61	4	9.35		11.46		10.67	3	10.48		13.86		10.48
Age																		
18-25	4	9.35		11.46		10.10	4	11.13	‡	10.25		9.68	3	14.44	‡	13.61		10.76
26-34	9	5.13		5.48		4.94	10	4.88	†	4.30	†	3.86	7	6.68	†	6.24		5.31
35-49	9	5.41		4.68		4.43	10	4.92		4.73		2.81 †	8	5.95		5.82	‡	3.08 †
50 or older	6	8.68		8.77		6.42	7	7.31		7.26		5.30	5	8.61		9.11		6.21

*Reference category

† Significantly different from reference category at 95% confidence level.

‡ Significantly different from reference category at 90% confidence level.

a/Excludes persons of Hispanic or Latino origin.

Source: RTI Mechanical Turk Hate Crime Data Collection, 2020.

Appendix Table E-6. Standard errors for Table 2-6. Types of biases reported by hate and hate-involved victims, by instrument version and whether Version 2 victims believed the incident was a hate crime

	Version 1*				Version 2				Version 2 - believed to be hate crime			
	Hate/a		Hate-involved/b		Hate/a		Hate-involved/b		Hate/a		Hate-involved/b	
	Count	Percent	Count	Percent	Count	Percent	Count	Percent	Count	Percent	Count	Percent
Total victims	14	0.00 %	11	0.00 %	16	0.00 %	12	0.00 %	13	0.00 %	6	0.00 %
Race	11	3.38	7	4.63	~	~	~	~	~	~	~	~
Ethnicity or national origin	10	3.37	7	4.48	~	~	~	~	~	~	~	~
Race/ethnicity/national origin	11	3.31	8	4.64	12	3.03 ‡	6	3.46 †	10	3.76	3	8.21 †
Religion	6	2.61	5	3.92	7	2.37	2	1.33 †	6	3.29	1	2.98 †
Disability	5	2.13	4	3.36	6	2.01	3	2.06 †	5	2.60	2	5.00
Sex	9	3.26	7	4.57	11	3.03 †	8	4.09	8	3.72	2	6.71 †
Sexual orientation or gender identity	8	3.05	5	3.87	7	2.44 †	4	2.41 †	6	3.29	1	4.15 †
Other	~	~	~	~	6	2.03	7	3.97	5	2.65	4	8.67

Note: Percentages do not sum due to victims reporting more than one type of bias

~Not applicable

*Reference category

† Significantly different from reference category at 95% confidence level.

‡ Significantly different from reference category at 90% confidence level.

a/Includes those who met the BJS definition of a hate crime victim.

b/Includes those who experienced crime motivated by hate but did not meet the BJS definition based on the type of evidence.

Source: RTI Mechanical Turk Hate Crime Data Collection, 2020.

Appendix Table E-7. Standard errors for Table 2-7. Single and multiple types of biases reported by hate and hate-involved victims, by instrument version and whether version 2 victims believed the incident was a hate crime

	Version 1*				Version 2				Version 2 - believed incident was a hate crime			
	Hate/a		Hate-involved/b		Hate/a		Hate-involved/b		Hate/a		Hate-involved/b	
	Count	Percent	Count	Percent	Count	Percent	Count	Percent	Count	Percent	Count	Percent
Total victims	14	0.00 %	11	0.00 %	16	0.00 %	12	0.00 %	13	0.00 %	6	0.00 %
Race only	5	2.01	3	2.61	~	~	~	~	~	~	~	~
Ethnicity or national origin only	2	0.91	2	1.69	~	~	~	~	~	~	~	~
Race/ethnicity/national origin only	~	~	~	~	8	2.51	5	2.87	7	3.42	2	6.71
Religion only	3	1.35	3	2.21	3	0.96	1	0.67 †	2	1.43	0	0.00
Disability only	3	1.20	2	1.89	3	1.14	2	1.16	2	1.31	1	2.98
Sex only	5	2.05	4	2.93	7	2.37 †	7	3.80 †	3	1.99	2	5.00
Sexual orientation or gender identity only	5	2.17	2	2.06	4	1.38 †	2	1.33	4	2.06	1	2.98
Other only	~	~	~	~	0	0.00	7	3.76	0	0.00	4	8.67
Multiple types	11	3.33	8	4.61	11	3.03 †	5	3.26 †	9	3.86	3	7.12 †
None	0	0.00	2	2.06	0	0.00	0	0.00	0	0.00	0	0.00

~Not applicable

*Reference category

† Significantly different from reference category at 95% confidence level.

‡ Significantly different from reference category at 90% confidence level.

a/Includes those who met the BJS definition of a hate crime victim.

b/Includes those who experienced crime motivated by hate but did not meet the BJS definition based on the type of evidence.

Source: RTI Mechanical Turk Hate Crime Data Collection, 2020.

Appendix Table E-8. Standard errors for Table 2-8. Detailed types of biases reported by hate and hate-involved victims, by instrument version and whether version 2 victims believed the incident was a hate crime

	Version 1*				Version 2				Version 2 - believed incident was a hate crime			
	Hate/a		Hate-involved/b		Hate/a		Hate-involved/b		Hate/a		Hate-involved/b	
	Count	Percent	Count	Percent	Count	Percent	Count	Percent	Count	Percent	Count	Percent
Total victims	14	0.00 %	11	0.00 %	16	0.00 %	12	0.00 %	13	0.00 %	6	0.00 %
Race only	5	2.01	3	2.61	~	~	~	~	~	~	~	~
Ethnicity or national origin only	2	0.91	2	1.69	~	~	~	~	~	~	~	~
Race/ethnicity/national origin only	~	~	~	~	8	2.51	5	2.87	7	3.42	2	6.71
Religion only	3	1.35	3	2.21	3	0.96	1	0.67 †	2	1.43	0	0.00
Disability only	3	1.20	2	1.89	3	1.14	2	1.16	2	1.31	1	2.98
Sex only	5	2.05	4	2.93	7	2.37 †	7	3.80 †	3	1.99	2	5.00
Sexual orientation or gender identity only	5	2.17	2	2.06	4	1.38 †	2	1.33	4	2.06	1	2.98
Other only	~	~	~	~	0	0.00	7	3.76	0	0.00	4	8.67
Race and ethnicity	7	2.77	4	3.20	~	~	~	~	~	~	~	~
Race and religion	2	0.91	1	0.86	~	~	~	~	~	~	~	~
Race and disability	2	0.79	1	1.21	~	~	~	~	~	~	~	~
Race and sex	2	0.91	2	1.69	~	~	~	~	~	~	~	~
Race and sexual orientation	0	0.00	1	0.86	~	~	~	~	~	~	~	~
Ethnicity and religion	1	0.65	1	0.86	~	~	~	~	~	~	~	~
Ethnicity and disability	1	0.46	0	0.00	~	~	~	~	~	~	~	~
Ethnicity and sex	0	0.00	0	0.00	~	~	~	~	~	~	~	~
Ethnicity and sexual orientation	1	0.46	0	0.00	~	~	~	~	~	~	~	~
Race/ethnicity and religion	~	~	~	~	3	1.19	0	0.00	3	1.91	0	0.00
Race/ethnicity and disability	~	~	~	~	2	0.81	1	0.67	2	1.31	1	2.98
Race/ethnicity and sex	~	~	~	~	5	1.69	2	1.49	4	2.06	1	2.98
Race/ethnicity and sexual orientation	~	~	~	~	2	0.81	1	0.67	2	1.02	0	0.00

(continued)

Appendix Table E-8. Standard errors for Table 2-8. Detailed types of biases reported by hate and hate-involved victims, by instrument version and whether version 2 victims believed the incident was a hate crime (continued)

	Version 1*				Version 2				Version 2 - believed incident was a hate crime							
	Hate/a		Hate-involved/b		Hate/a		Hate-involved/b		Hate/a			Hate-involved/b				
	Count	Percent	Count	Percent	Count	Percent		Count	Percent		Count	Percent		Count	Percent	
Race/ethnicity and other	~	~	~	~	3	1.19		2	1.33		3	1.83		2	5.00	
Sex and religion	1	0.65	1	1.21	3	0.96		0	0.00		2	1.43	‡	0	0.00	‡
Sex and disability	2	0.91	2	1.47	2	0.73		1	0.67		1	0.59		0	0.00	
Sex and sexual orientation	3	1.35	3	2.48	3	1.19		2	1.33	‡	3	1.54		1	2.98	
Sex and other	~	~	~	~	2	0.63		2	1.33		1	0.84		0	0.00	
Religion and disability	0	0.00	1	0.86	1	0.52		0	0.00		1	0.84		0	0.00	
Religion and sexual orientation	1	0.65	1	1.21	1	0.52		0	0.00		1	0.84		0	0.00	
Religion and other	~	~	~	~	1	0.37		1	0.95		1	0.59		0	0.00	
Disability and sexual orientation	1	0.46	1	0.86	0	0.00		0	0.00		0	0.00		0	0.00	
Disability and other	~	~	~	~	1	0.37		1	0.67		1	0.59		0	0.00	
Sexual orientation and other	0	0.00	0	0.00	1	0.52		0	0.00		1	0.59		0	0.00	
Three types	6	2.50	3	2.61	6	1.98		2	1.62		4	2.13	†	1	2.98	
Four types	3	1.55	3	2.21	2	0.81	†	0	0.00	†	2	1.31		0	0.00	
Five types	1	0.65	2	1.47	1	0.37		0	0.00		1	0.59		0	0.00	
All types	1	0.46	1	1.21	1	0.52		0	0.00		1	0.84		0	0.00	
None	0	0.00	2	2.06	0	0.00		0	0.00		0	0.00		0	0.00	

~Not applicable

*Reference category

† Significantly different from reference category at 95% confidence level.

‡ Significantly different from reference category at 90% confidence level.

a/Includes those who met the BJS definition of a hate crime victim.

b/Includes those who experienced crime motivated by hate but did not meet the BJS definition based on the type of evidence.

Source: RTI Mechanical Turk Hate Crime Data Collection, 2020.

Appendix Table E-9. Standard errors for Table 2-9. Types of evidence present in hate and hate-involved victimizations and whether version 2 victims believed the incident was a hate crime

	Version 1*				Version 2				Version 2 - believed incident was hate crime			
	Hate/a		Hate-involved/b		Hate/a		Hate-involved/b		Hate/a		Hate-involved/b	
	Count	Percent	Count	Percent	Count	Percent	Count	Percent	Count	Percent	Count	Percent
Total victims	14	0.00 %	11	0.00 %	16	0.00 %	12	0.00 %	13	0.00 %	6	0.00 %
Classifying												
Language	14	0.91	0	0.00	15	1.90 †	1	0.67 †	12	2.33 †	0	0.00 †
Symbols	6	2.50	1	0.86	8	2.50	3	1.75 †	7	3.49 †	2	5.68 ‡
Police investigation	7	2.95	1	0.86	9	2.85 ‡	3	1.96 †	8	3.78 †	2	5.68 ‡
Non-classifying												
Offender committed similar hate crimes in the past	9	3.22	2	1.47	10	2.94	7	3.92 †	8	3.82 ‡	3	8.00 †
Occurred on or near holiday, event or location associated with specific group	7	2.88	2	1.47	7	2.44	4	2.75 †	6	3.29	2	6.71 †
Other hate crimes have happened in the area	10	3.37	2	1.47	12	3.02 †	8	4.05 †	10	3.74 †	4	8.70 †
Other	5	2.28	2	1.69	6	2.01	5	2.98 †	5	2.70	4	8.51 †

Note: Classifying evidence refers to the three types of evidence that, when present, result in the classification of the victimization as a hate crime based on the BJS definition. Categories do not sum to 100% due to victims who reported multiple or no types of evidence.

~Not applicable

*Reference category

† Significantly different from reference category at 95% confidence level.

‡ Significantly different from reference category at 90% confidence level.

a/Includes those who met the BJS definition of a hate crime victim.

b/Includes those who experienced crime motivated by hate but did not meet the BJS definition based on the type of evidence.

Source: RTI Mechanical Turk Hate Crime Data Collection, 2020.

Appendix Table E-10. Standard errors for Table 2-10. Number of types of evidence present in hate crimes, by instrument version and whether version 2 victims believed the incident was a hate crime

Number of types of evidence	Version 1			Version 2			Version 2 - believed incident was a hate crime		
	Total	Classifying	Non-classifying	Total	Classifying	Non-classifying	Total	Classifying	Non-classifying
0	~ %	~ %	3.11 %	~ %	~ %	2.71 %	~ %	~ %	3.20 %‡
1	2.99	3.21	3.27	2.48	2.90	2.85	2.79 †	3.85 †	3.49
2	3.04	3.04	2.86	2.69	2.72	2.72	3.03 †	3.72 ‡	3.65 †
3	2.94	1.61	2.09	2.68	1.62	1.84	3.55	2.39	2.70
4	2.20	~	0.00	2.17	~	0.63	3.10 †	~	0.84 †
5+	1.96	~	~	1.84	~	~	2.75 ‡	~	~
Number of victims	14	14	14	16	16	16	13	13	13

Note: 'Classifying' refers to evidence that meets the BJS criteria for inclusion as a hate crime. 'Non-classifying' refers to the other types of evidence asked about in the survey.

~Not applicable

*Reference category

† Significantly different from reference category at 95% confidence level.

‡ Significantly different from reference category at 90% confidence level.

Source: RTI Mechanical Turk Hate Crime Data Collection, 2020.

Appendix Table E-11. Standard errors for Table 2-11. Percent of hate and hate-involved victims with classifying and non-classifying evidence, by victim characteristics and instrument version and whether version 2 victims believed the incident was a hate crime

	Version 1*					Version 2					Version 2 - believed incident was a hate crime				
	Type of evidence					Type of evidence					Type of evidence				
Demographic characteristics	Count of victims	None	Classifying only	Classifying and non-classifying	Non-classifying only	Count of victims	None	Classifying only	Classifying and non-classifying	Non-classifying only	Count of victims	None	Classifying only	Classifying and non-classifying	Non-classifying only
Total hate/hate-involved victims	18	2.59 %	2.17 %	2.73 %	0.67 %	20	1.63 %†	1.88 %	2.44 %	1.95 %†	14	1.20 %†	2.73 %	3.31 %†	2.25 %†
Sex															
Male	13	3.65	2.98	3.81	0.82	14	2.16 †	2.66	3.59 †	2.79 †	11	1.51 †	3.73	4.44 †	3.00 †
Female	12	3.76	3.14	3.98	1.09	15	2.43 †	2.66	3.33	2.77 †	9	2.00 †	4.14	5.10 †	3.49 †
Transgender	2	0.00	25.00	25.00	0.00	2	0.00	21.91	21.91	17.89	1	0.00	0.00	0.00	0.00
None of these	1	0.00	0.00	0.00	0.00	1	35.36	0.00	35.36	0.00	1	0.00	0.00	0.00	0.00
Race/Hispanic origin															
White/a	14	3.41	2.87	3.52	0.87	16	2.09 †	2.37	3.05	2.57 †	11	1.67 †	3.52	4.36 †	3.07 †
Black/a	7	6.53	4.87	7.21	2.11	7	3.91 †	5.76	7.11	5.28 †	5	3.39 †	7.95	8.59	3.39
Hispanic	7	7.00	5.94	7.62	0.00	6	3.08 †	6.42	8.40	6.42	4	4.87 †	6.71	10.25	7.99
American Indian/Alaskan Native/a	0					2	27.22	0.00	27.22	0.00	1	0.00	0.00	0.00	0.00
Asian/a	5	9.46	9.07	8.43	0.00	6	5.65 †	4.17 †	7.87 †	6.60 †	4	0.00 †	7.99	10.67 †	8.95 †
Other Pacific Islander/a	0	0.00	0.00	0.00	0.00	0	0.00	0.00	0.00	0.00	0	0.00	0.00	0.00	0.00
Other/a	1	0.00	0.00	35.36	35.36	2	0.00	27.22	27.22	0.00	2	0.00	27.22	27.22	0.00
Two or more races/a	4	11.05	7.82	11.94	0.00	5	8.26	9.05	9.69	3.77	3	0.00	15.72	15.72	0.00
Age															
18-25	5	8.83	7.52	9.24	0.00	6	6.60	6.60	8.13	6.93	4	0.00	12.07	13.23	9.35
26-34	11	4.22	3.53	4.35	1.09	13	2.68 †	3.00	3.91	3.15 †	8	1.55 †	4.72	5.71 †	3.90 †
35-49	11	4.14	3.47	4.47	1.12	12	2.57 †	3.19	4.11	3.10 †	9	1.98 †	4.20	5.05 †	3.30 †
50 or older	7	6.70	5.66	7.02	1.98	9	3.80 †	4.42	5.79	4.99 †	6	3.72 †	6.06	7.85 †	5.62 ‡

*Reference category

† Significantly different from reference category at 95% confidence level.

‡ Significantly different from reference category at 90% confidence level.

a/Excludes persons of Hispanic or Latino origin.

Source: RTI Mechanical Turk Hate Crime Data Collection, 2020.