

Comparison of Hate Crime Rates Across Protected and Unprotected Groups – An Update



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Summary

Recent changes to federal legislation mandated the inclusion of sexual orientation, gender, and gender identity in federal hate crimes law. In addition, many state hate crimes laws also include these categories. Earlier studiesⁱ have shown that lesbians, gay men, and bisexuals, Jews, and Blacks face similar rates of overall hate crimes. This study is the first to consider hate crimes against lesbians, gay men, and bisexual separately. It finds that gay men face the highest rates of physical assaults and other types of crimes against persons:

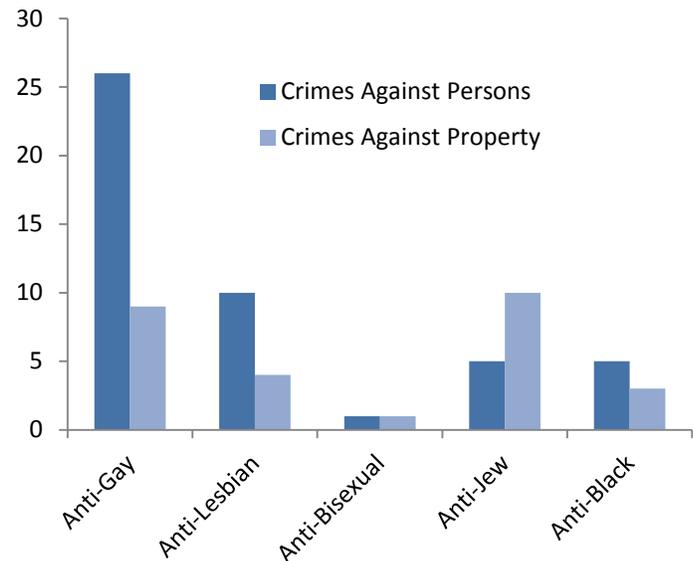
- 10 in 100,000 lesbians, gay men, and bisexualsⁱⁱ reported being victims of hate-motivated crimes against person, however:
 - 26 in 100,000 gay men reported being victims of a hate-motivated crime against persons
 - 10 in 100,000 lesbians reported being victims of a hate-motivated crime against persons
 - 1 in 100,000 bisexuals reported being victims of a hate-motivated crime against persons
- 5 in 100,000 Jews reported being victims of a hate-motivated crime against persons
- 5 in 100,000 Blacks reported being victims of a hate-motivated crime against persons

Gay men report hate crime victimization rates similar to Blacks that were categorized as crimes against property, while Jews were the only group to report higher rates of crimes against property than against persons.

POLICY BACKGROUND

In the wake of the Civil Rights Movement the federal government passed the first modern hate crime law that protected

Estimated Hate Crime Rates against Persons and Property (per 100,00 people)



people from bias based on race, color, religion, or national origin while engaged in federally protected activities. This bill has

been amended numerous times as increased attention has focused on hate crimes. Most recently, the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act of 2009 added sexual orientation, gender, gender identityⁱⁱⁱ, and disability to the protected categories covered by the law. The act also gave federal officials the ability to coordinate and provide aid to local law enforcement agencies in the investigation and prosecution of hate crimes, as well as gave federal authorities the ability to pursue hate crimes that local officials decline to pursue. This is in part a response to the different types of hate crimes laws and inconsistency in coverage contained within state laws across the US. States may choose the content of their hate crime laws, and are not required to include the same categories as the federal law. Since most crimes are not federal offenses, states have a critical role in providing protections for vulnerable groups. However, 19 states in the US still do not include sexual orientation as a protected category, or do not have hate crime laws at all.^{iv}

EXISTING HATE CRIME STATISTICS

Utilizing the mechanism of the Uniform Crime Reports, the FBI has collected and made available hate crime statistics reported by local law enforcement agencies since 1995. Their tracking provides a picture of hate crimes across the US over the last decade.

Race-based hate crimes are the most commonly reported each year, followed by religion-based hate crimes, then sexual orientation-motivated hate crimes. Within each of these three categories, there is a consistent finding of particular groups that are victimized the most – people who are

perceived to be Black are the most numerous in the race-based hate crimes, people perceived to be Jewish are the most numerous in the religion-based crimes, and men perceived to be gay or bisexual were the most commonly reported victims in the sexual orientation-based hate crimes category. However, these statistics do not situate the counts in the context of the overall population. For example, sexual orientation-based hate crimes make up roughly 30% of reported hate crimes each year, but gay men, lesbians, and bisexuals only make up 3.5% of the population.^v In addition, these are only representative of the crimes that are being reported to local law enforcement, who then choose to report to the FBI. The probability that these statistics under-represent the actual number of hate crimes in the United States is quite high.^{vi}

In addition to tracking bias-motivation, the FBI categorizes offenses into two main types: crimes against persons and crimes against property. Crimes against persons are those crimes that have a direct physical impact to the victim, such as rape, assault, and murder.^{vii} Crimes against property are those crimes that focus instead on items that belong to a person, such as vandalism, arson, and burglary.^{viii}

In order to highlight the differences in types of victimization, this analysis utilized the average number of hate crimes that were categorized as crimes against persons or crimes against property that were reported by lesbians, gay men, or bisexuals; each of these groups alone; Jews; and Blacks. Then, the average number of person or property hate crimes was divided by the estimated population of each respective group in the

United States to estimate an overall rate of potential victimization.

ANALYSIS

Although prior research has suggested that lesbians, gay men, and bisexuals, Jews, and Blacks experience similar levels of overall victimization,^{ix} this study demonstrates that these groups do not experience the same types of hate crimes and that when lesbians, gay men, and bisexuals are considered separately, gay men experience more hate crimes.

When examining gay men, lesbians, and bisexuals together, this group looks very similar to other groups, with 10 in 100,000 LGB people reporting hate crimes against their person compared to 5 in 100,000 against Blacks or Jews. However, when gay men, lesbians, and bisexuals are separated into unique categories, important differences emerge. Gay men report the greatest risk of being the victims of hate-motivated physical violence when compared with lesbians, bisexuals, Blacks, and Jews, with 26 in 100,000 gay men reporting hate crimes against persons. This finding is particularly troubling given prior research that suggests that these sexual orientation-motivated hate crimes against persons tend to be more violent and more likely to require hospitalization than other types of crime.^x

Gay men and Jews had the highest risk of becoming victims of property crimes (9 and 10 in 100,000 respectively), while lesbians and Blacks shared a similar level of reported victimization of crimes against their property (4 and 3 in 100,000 respectively).

These findings suggest that hate crimes data should be reported in a more nuanced way and that a more nuanced approach needs to be taken in addressing violence against different protected groups. Different communities experience difference levels and different types of hate crimes.

In particular, to better understand hate crimes on the basis of sexual orientation, more research is needed to explore why gay men are more likely to experience and/or report physical victimization and crimes against their property, and why bisexuals are less likely to experience and/or report hate crimes.

About the Author

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Table 1 – Rates of Hate-motivated Crimes against Persons & Property (2001-2010)

	Avg. Crimes Against Persons	Avg. Crimes Against Property	Population Estimates	Rate of Crimes Against Persons	Rate of Crimes Against Property
Anti-LGB	792.9	279.7	8,038,780	10 in 100,000	4 in 100,000
Anti-gay	650.5	223.1	2,491,034	26 in 100,000	9 in 100,000
Anti-lesbian	142.2	56.6	1,359,801	10 in 100,000	4 in 100,000
Anti-bisexual	11.7	9.3	4,187,945	1 in 100,000	1 in 100,000
Anti-Jew	327.9	649.1	6,544,000	5 in 100,000	10 in 100,000
Anti-Black	2,007.2	1,171.8	37,685,848	5 in 100,000	3 in 100,000

APPENDIX – Calculating the Hate Crime Rates

Hate Crime Data

Hate crime data for African Americans, sexual minorities, Muslims, and Jews was taken from the FBI Uniform Crime Reports from 2001-2010. Although the FBI is mandated to collect hate crime reports from local agencies, the participation of local law enforcement in reporting to the FBI is largely voluntary. Because of annual fluctuations based on current events and changes in reporting trends, totals were averaged across these years for each group. It is worthy of noting that most local law enforcement agencies include within “sexual orientation-motivated hate crimes” those crimes where the the perpetrator, or even the investigating law enforcement officer, perceived the victim was gay, lesbian or bisexual, regardless of how the victim defines themselves. Thus, these estimates may be prone to categorizing victims as gay male rather than bisexual males, or lesbian female rather than bisexual female, resulting in the low number of reported hate crimes against bisexuals.

Determining the Estimated Population for Gay Men, Lesbians, and Bisexuals

Gay, lesbian, and bisexual population estimates are derived from the Williams Institute Report *How Many People are Lesbian, Gay, Bisexual, and Transgender?*, by Gary J. Gates. This report utilized four different national and two state population-based surveys to create an estimate of the number of self-identified gay, lesbian, bisexual and transgender people in the United States. This report concluded that 1.1% of women identify as lesbians, and 2.2% identify as bisexual, while 2.2% of men identify as gay, and 1.4% identify as bisexual (Gates, G. J. [2011]. *How many people are lesbian, gay, bisexual, and transgender?* The Williams Institute: Los Angeles, CA. Figure 5).

Determining the Estimated Population for Blacks

The Black population figure comes from the 2010 U.S. Census and includes those who identify as one race (Black) and who are not Latino/Hispanic (Summary File 1, Table P8 and P9). This figure includes the entire population of children and adults in the calculation.

Determining the Estimated Population for Jews

Jewish population estimates are reported in the Statistical Abstract of the United States, 2008. Data was collected from the American Jewish Yearbook, and is an estimate of those who identify as religiously or culturally Jewish from local Jewish federations and other large community surveys. This includes the entire population of children and adults in the calculation of risk.

ⁱ Rubenstein, W. (2003). The real story of U.S. hate crime statistics: An empirical analysis. *Tulane Law Review*, 78, 1213-1246, and Stotzer, R. L. (2007). *Comparison of hate crime rates across protected and unprotected groups*. Los Angeles, CA: Williams Institute, UCLA School of Law. Available online at:

<http://www.law.ucla.edu/williamsinstitute/publications/Comparison%20of%20Hate%20Crime%20Formatted.pdf>

ⁱⁱ Hate crimes laws are written to include both members of a particular group, and those who are *perceived* by the perpetrator as belonging to that group, in their counts. Thus, each category includes victims who the perpetrator perceived to be gay, lesbian, bisexual, Black, or Jewish, whether or not their perception was accurate. These counts also rely on police reports, which may not accurately categorize the motives of the perpetrator (such as mislabeling bisexuals as lesbians or gay men), based on the knowledge of the law enforcement officer investigating the case.

ⁱⁱⁱ Violence based on gender identity is not included in this paper. Until the passage of the Matthew Shepard and James Byrd Jr., Hate Crimes Prevention Act of 2009 the FBI was not mandated to collect data about hate crimes targeting people of varying gender identities and presentation. However, surveys, advocacy group collection efforts, and police tracking all indicate high levels of violence against transgender people and those with varying gender presentations that warrants future attention. See Stotzer, R. L. (2009). Violence against transgender people: A review of United States data. *Aggression and Violent Behavior*, 14, 170-179.

^{iv} Human Rights Campaign, http://www.hrc.org/documents/hate_crime_laws.pdf

^v Gates, Gary J. [2011]. *How many people are lesbian, gay, bisexual, and transgender?* The Williams Institute: Los Angeles. Available online at <http://williamsinstitute.law.ucla.edu/wp-content/uploads/Gates-How-Many-People-LGBT-Apr-2011.pdf>

^{vi} Wolf, Caroline (2005). Bureau of Justice Statistics, Special Report – Hate Crime Reported by Victims and Police. Available online at: <http://bjs.ojp.usdoj.gov/content/pub/pdf/hcrvp.pdf>

^{vii} Murder and non-negligent manslaughter, forcible rape, aggravated assault, simple assault, intimidation, and “other” which includes 34 Group A offenses that are collected in the National Incidence Based Reporting System:

<http://www2.fbi.gov/ucr/hc2008/methodology.html>

^{viii} Robbery, burglary, larceny-theft, motor vehicle theft, arson, destruction/damage/vandalism, and “other” which includes 34 Group A offenses that are collected in the National Incidence Based Reporting System:

<http://www2.fbi.gov/ucr/hc2008/methodology.html>

^{ix} Stotzer, R. L. (2007). *Comparison of Hate Crime Rates Across Protected and Unprotected Groups*. The Williams Institute, UCLA School of Law. Available online at:

<http://www.law.ucla.edu/williamsinstitute/publications/Comparison%20of%20Hate%20Crime%20Formatted.pdf>

^x Kuehne, K., & Sullivan, A. (2003). Gay and lesbian victimization: Reporting factors in domestic violence and bias incidents. *Criminal Justice and Behavior*, 30, 85-96; Winer, A. S. (1994). Hate crimes, homosexuals, and the Constitution. *Harvard Civil Rights – Civil Liberties Law Review*, 29, 387-438.