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When Words Alone Don't Suffice:
Employing a Systematic Approach in Measuring Offender Bias Motivation

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Abstract

The challenge of determining bias motivation in hate crime offenders was examined with the Bias Motivation Profile-Revised (BMP-R), a rating guide that measures behavioral, historical, and ideological indicators of suspect motivation to commit a hate crime. In review of 551 hate crime cases, the BMP-R rating criteria revealed adequate external validity in classifying hate crimes from non-hate motivated crimes and non-criminal “hate incidents”, as independently determined by crime investigators. The BMP-R criteria were related to offender pre-meditation, and revealed a significant predictive relationship to hate crimes involving violence to the person. Offender differences on the BMP-R were noted for gender and age, with modest race/ethnic differences being observed. These findings illustrate the importance of examining bias motivation in terms of an array of criteria, independent of the element of hate speech, in the assessment of hate crime offenders.

Hate crimes are criminal infractions in which the victim is targeted due to his or her actual or perceived demographic status – i.e., race, ethnicity, religion, disability, sexual orientation, or national origin. The accurate assessment of an offenders’ motivation to commit a hate crime has been hampered by a variety of methodological problems. These include the over-reliance upon hate speech to infer bias motivation, and inconsistent methodologies used by law enforcement agencies to classify an offense as a hate crime. Critical to psychological assessment is the question of how to determine an internal state such as bias motivation or intent. Additionally, there are no established legal means or procedures by which to reliably measure and describe an offender’s bias motivation.

This study employed a methodology that examined an array of indicators of bias motivation in commission of a criminal offense. The methodology included a rating guide – the Bias Motivation Profile-Revised – that comprised criteria found in prior research to assess offenders’ bias motivation. Establishing the validity of any measure of bias motivation requires demonstration of a “nomothetic net” (Meehl, 1973) of associations between bias motivation and other relevant variables, including objective criteria such as degree of violence of the crime, demographics of targeted victim groups, and independent classification of a crime by law enforcement as a hate crime, a hate incident, or a non-hate motivated crime.

Psychological and Legal Questions in Determining What Constitutes a Hate Crime

According to the Hate Crime Statistics Act (28, USC 534) hate crimes include “crimes that manifest evidence of prejudice based on race, religion, disability, sexual orientation, or ethnicity, including where appropriate the crimes of murder, non-negligent manslaughter, forcible rape, aggravated assault, simple assault, intimidation, arson and destruction, damage or vandalism of property”. In other words, a hate crime occurs when an offender commits a crime

that fits an existing category of offense (such as assault, rape or murder) and the victim is selected, exclusively or primarily, because of his/her (real or perceived) membership in a particular class, as defined by race, religion, disability, sexual orientation, or ethnicity.

The presence of hate speech in the commission of an offense may in and of itself lead to the infraction being classified as a hate crime. However, by itself hate speech does not explicitly constitute a hate crime - unless it is accompanied by a plausible threat of harm to the person, group, or institution, in which case the infraction may be categorized as a “terrorist threat.” In many communities non-criminal incidents involving hate speech are recorded by law enforcement personnel. These incidents are classified by law enforcement agencies as “hate incidents” – i.e., bias events that do not co-occur with a criminal infraction.

The term “hate crime” may itself be somewhat of a misnomer. The emotion of hate is not mentioned in federal law or (for example) in California penal codes and the feeling of hate may or may not be present during the commission of the crime. A perhaps more accurate term might be “bias motivated” crime. A defining characteristic of a hate crime is that of victim selection: the victim is selected because of his/her membership in a particular group, and the perpetrator holds animus against that particular group. For example a “gay bashing” occurs because the perpetrator believes that gay people are offensive to the natural order of things, and a victim is selected whom the perpetrator believes is gay. A series of homicides targeting black victims may reflect the intent of the perpetrator(s) desire to send a message of control and fear to the African-American community, and the victim is targeted because he/she belongs to that racial group. A synagogue is defaced because the perpetrator(s) want to send a message to all Jews that they are not welcome in the community. The measurement and evidentiary tasks are not to assess “hate”

per se, but rather to assess whether a victim was selected primarily, or solely, because of his or her group membership.

Challenges in Assessing Offender Bias Motivation

The Hate Crime Statistics Act mandates the establishment of “guidelines for the collection of such data including the necessary evidence and criteria that must be present for a finding of manifest prejudice and procedures for carrying out the purposes of this section”. This requirement has proven difficult in practice, for a variety of reasons.

A criticism has been made that “hate crime laws are different from most criminal laws in that they come into effect only when the offender has a particular motive. As Gerstenfeld notes “In most laws there is some mens rea requirement, such as intent or recklessness, ...but the offender’s motive for committing the crime is immaterial... assessing motive presents more than the problem of somehow reading the defendant’s mind, for the defendant himself may not know his true motive” (Gerstenfeld, 1992, p.269). It has been argued elsewhere (*Hate Crime Violence*, 1999; Sullaway, 2004) that intent and motive overlap in hate crimes, and hate crime laws are not unique in consideration of motive. FBI Data collection guidelines tend to use ‘intent’ and ‘motivation’ interchangeably. According to these guidelines, “Because of the difficulty of ascertaining the offender’s subjective motivation, bias is to be reported only if investigation reveals sufficient objective facts to lead a reasonable and prudent person to conclude that the offender’s actions were motivated, in whole or in part, by bias” (p.4) (FBI Data Collection Guidelines, 1999).

Unfortunately, there is no uniform methodology or standard of practice in evidence collection to determine bias intent and motivation and there are no statutory guidelines. Research suggests that consistency in hate crime determination does not exist between police departments

within a state, or even between different police divisions within the same city (Boyd, Berk & Hamner, 1996). Police departments may develop their own “rules of thumb” (Bell, 2001) to differentiate between a hate crime, a hate incident, and a non-hate based crime. These “rules of thumb” may be determined by organizational attitudes, community relations, resources, individual attitudes and beliefs, and organizational commitment (Akiyama & Nolan, 1999). The International Association of Chiefs of Police (IACP) (1998) has made recommendations regarding the appropriate evidence to collect to determine a hate crime, including “physical evidence such as hate literature, spray paint cans, threatening letters, and symbolic objects used by hate groups” (Turner, 1998). A systematic evaluation of the utility of these suggestions has not been made.

These measurement and evidentiary issues create interesting challenges to law enforcement personnel in assessing whether a crime is bias motivated. Empirical evidence for the sensitivity and specificity of the various types of evidence proposed by the IACP has not been established to date.

A *valid* measure of bias would theoretically be associated with, for example, the severity of the crime, perpetrator membership in a hate group, and absence of competing motives. A *reliable* measure could be used consistently across and between police divisions. The measurement challenge, therefore, is how to empirically determine the types of evidence that best show the presence of bias motivated victim selection.

Psychological science has produced reliable and valid tools to measure prejudicial attitudes and beliefs. However, these types of measures are inappropriate in a forensic setting. Attitudes and emotions are not behavior; prejudicial attitudes are not illegal, and traditional paper and pencil assessment tools have little or no evidentiary value in determining the specific intent or motivation

of a bias crime offender. Behaviorally oriented psychologists offer a different set of measurement techniques that are compatible with the means routinely used by law enforcement agencies and the legal system to infer motive and intent, and may include verbal report, behavioral observation, archival records and behavioral traces (Sullaway & Christensen, 1983, p.119). These techniques hold promise in the development of a reliable and valid measure of bias motivation and intent.

Signifiers of Bias Motivation

One of the more obvious ways the occurrence of a hate crime might be determined is the presence of hate speech. There are significant problems with this strategy, including First Amendment concerns. On the one hand, the Supreme Court has found that hate speech that is, in and of itself, constitutionally protected, may be used as evidence of bias intent. In *People vs. Superior Court (Aishman)* (1995), defendants who were convicted of assaulting a trio of Mexican men argued that one defendant's statement that he was "hitting home runs with Mexicans" was constitutionally protected free speech. The Supreme Court accepted the state's argument that such speech could be used as evidence, even if the speech alone was constitutionally protected. Legal scholars have expressed concern that "individuals with constitutionally benign motives will be penalized under hate crime laws because enforcers are unable to disentangle criminal action from protected expression of speech or thought" (Bell, 2001). Additionally, no data exist regarding the specificity of this evidence, hate speech may commonly occur when the crime being committed is not bias motivated, and thus use of hate speech as evidence of hate crime may create many "false positive" reportage of hate crimes.

Dunbar (2003) has proposed that an offender's bias motivation can be examined via analysis of a variety of criteria. These are (1) articulated hate ideology of the offender, (2) affiliation with bias-identified cohorts, (3) the presence of hate speech during the commission of

the offense, (4) adoption of bias-identified symbols (dress, tattoos, iconography, and art) which communicate a bias-oriented worldview, and (5) prior enactment of bias motivated aggression. These criteria are frequently employed by law enforcement professionals in the classification of hate crimes (California State Department of Justice, 1998). Prior research employing these criteria has found that bias motivated offenders are more likely to engage in premeditated – i.e. instrumental – forms of hate crimes and that they target ethnic/racial minority victims. That is, differences in the degree or “seriousness” of the offender’s bias motivation appear to influence both a cognitive predisposition towards hate violence and uniquely reveal intent to target specific outgroups.

At the same time, it may be that the criteria employed in prior research on bias motivation may not sufficiently identify the array of motivational indicators of hate crime offenders. For example, it has been proposed that hate crimes targeting sexual minorities may be related to attitudes about homosexuality as being deviant. Similarly, the issue of gender bending – i.e. individuals with appearance and behavior unconventional to gender norms - has been considered as a factor in the targeting of hate crime victims. The legal literature also has given a good deal of attention to the issue of claimed sexual self-defense – and homosexual panic – as motivational factors of offenders who target gay men (Dressler, 1995).

Independent of what can be called “positive” indicators of bias motivation - such as an ethnic hate ideology – are “negative” indicators, that is, evidence of the absence of other criminological motives for commission of the offense. For example, while many crimes of violence occur between individuals with prior relationships, hate crimes most frequently occur between individuals with no prior interpersonal contact (Dunbar, 2002). Similarly, whereas many crimes involve the pursuit of economic reward, hate crimes infrequently include monetary or

material reward for the offender (Dunbar, 2002). Arguably then, offenses that reveal these negative indicators may further reflect the intrinsic bias motivation of the offender in the commission of the offense.

The external validity of a measure of bias motivation must be determined in order to establish any evidentiary utility. This study relies, first, upon systematic ratings of crime scene reports, and, secondly, post-offense classification of the offense as a hate crime, hate incident or non-hate crime by specialized investigators. These post-offense classifications occurred after ratings from the crime report were completed and were independent of both the ratings themselves and the rating personnel. The use of both ratings and classifications to establish external validity are superior to many other data sources such as victim self report, which may be hampered by problems of memory and by social desirability. Studying hate crime activity via police reports avoids the inherent dilemma of social desirability, as well as problems of ecological validity (Yuille & Cutshall, 1986). Research on violence (Harpur, Hare & Hakstian, 1989; Harris, Rice & Cormier, 1991) and criminological intent and motivation (Golding, Skeem, Riesch, & Zapf, 1999) has frequently been accomplished via record review and crime scene evidence

Research Questions and Hypotheses:

It is proposed that psychological research can contribute to the “best practices” of evidence collection in assessing an offender’s bias motivation. The goals of this study were to systematically address the utility of the criteria proposed to identify bias motivation, determine whether these criteria would provide useful information concerning premeditation and dangerousness, and test whether the measure provides satisfactory sensitivity and specificity in

discriminating between hate crimes, hate incidents and non-hate crimes. A series of theory-building research questions and two hypotheses, based upon prior research, are presented below:

Research Question 1: Are offender demographics associated with bias motivation? Do the BMP-R rating criteria significantly vary by offender race, age, or gender?

Research Question 2: Do the bias motivation criteria demonstrate satisfactory sensitivity and specificity in distinguishing between hate crimes, hate incidents, and non-bias motivated crimes?

Research Question 3: Is hate speech a poor determinant of offender bias motivation? Does the presence of hate speech in a criminal offense result in higher base rates of false-positive hate crime reportage? That is, will higher BMP-R ratings for hate speech be found for reports that are subsequently de-classified as hate crimes by law enforcement investigators?

Research Question 4: Is there a proportional increase in the degree of bias motivation and the severity of the hate crime? Do the higher BMP-R estimates reveal a relative increase in the severity and type (crimes to the person versus property crimes) of the hate-motivated offense?

Hypothesis 1. Bias motivation as a predictor of pre-meditation. Based upon prior research (Dunbar, 2003) it was expected that bias motivation as measured on the BMP-R would be related to greater offender premeditation for instrumentality, goal directedness, and planning of the offense, as measured on the Cornell Index ratings.

Hypothesis 2. Bias motivation is a predictor of more severe crimes against the person. Prior research has proposed that differences in bias motivation might be related to more severe forms of violent hate crimes. We propose that greater bias motivation will be associated with more severe forms of hate crimes.

Methodology

Subjects

The sample consisted of 551 offenses reported in the city of Los Angeles during 2003 that were initially classified as a hate crime or a hate incident by law enforcement personnel. Demographic information for the identified suspects indicated that 73.6% were adult men, 10.6% adult women, 14.6% male juveniles and 1.2% female juveniles. Offenders were frequently under the age of 30. The offender's median age was 27 years ($M = 28.94$, $SD = 12.05$, range = 8 to 82). In 65.4% of the cases ($n = 363$), the race/ethnicity of the offender was identified. Offender race/ethnic representation included 17.1% African Americans, 1.4% Asian-Pacific Islanders, 35.5% Euro-Whites, 39.7% Latinos, 1.9% Islamic/Middle-Easterners, and 1.7% multi-ethnic/racial individuals.

Materials

Crime scene indicators: Based upon the crime report information, the following information was recorded: (1) criminal charges, including non-criminal bias activity which resulted in police investigation and report to the law enforcement agency, (2) criminal intent (e.g. targeted victim group), and (3) victim age, race/ethnicity, and gender. Offender information was coded for age, gender, and race/ethnicity at time of the offense.

Bias Motivation Profile-Revised (Dunbar, 2003). The Bias Motivation Profile-Revised (BMP-R) is a rating guide that measures the bias motivation of criminal offenders. The rating criteria are employed to assess the behavioral and historical evidence of bias motivation, based on reports of victims, eye-witnesses, police or detective reports, and the offenders' criminal record. The BMP-R includes seven rating criteria which in prior studies have been characteristic of hate crime offenders; an additional five rating criteria measure specific ideological signifiers

of bias concerning race/ethnic ideology, bias against sexual minorities, and religious ideology. Similar to other risk assessment systems such as the Hare Psychopathy Checklist-Revised (Hare, 1991) and the HCR-20 (Douglas, Klassen, Ross, Hart, & Webster, 1998; Webster, Douglas, Eaves, & Hart, 1997), the BMP-R criteria are scored on a 3-point scale, with values of “2” reflecting clear presence or prominence of the condition, scores of “1” reflecting partial/implied evidence of the criteria and “0” reflecting no evidence of the criteria. For example, a rating for “articulated hate ideology” would be coded as “present” (“2”) when the offender clearly endorses an ideological belief in a hate biased worldview and/or beliefs of ingroup superiority - “I believe in white power,” or “I want to start a race war,” or “I believe that gays should be punished.” A rating for “partial” is assigned when the offender reveals a generalized denigration or rejection of the victim’s ingroup – examples would include statements such as “I don’t like immigrants dating white girls” or “Queers just piss me off.” In a prior version, the BMP-R evidenced adequate inter-item scale reliability (Dunbar, 2003).

Cornell Aggression Index (Cornell, Warren, Stafford & Pine, 1996). The Cornell Index examines the instrumental and reactive features of a single criminal offense with both adult and adolescent offender groups. The scale includes nine items, the first of which classifies the offense on a 4-point scale ranging from “clearly instrumental aggression” to “clearly reactive aggression.” The remaining eight ratings identify characteristics of instrumental and reactive aggression. Ratings for pre-offense planning and goal directedness indicate instrumental aggression with provocation; level of offender arousal indicates reactive aggression. Research with the Cornell Index has demonstrated satisfactory inter-rater agreement (94%) in identifying an offense as being instrumental or reactive (Cornell et al., 1996); the reported kappa coefficient in the Cornell et al. study was .85. Another recent study with the Cornell Index found that

instrumental aggression was related to adolescent psychopathy (Murrie, Cornell, Kaplan, McConville, & Levy, 2004).

Cormier-Lang Crime Index (Quincey, Harris, Rice, & Cormier, 1998) This rating scale is based upon an earlier system developed by Akman and Normandeau (1967) to quantify the severity of the offender's criminal history. The Cormier-Lang Crime Index includes a measure for Class One offenses which consists of 16 weighted offense criteria representing sub-types of violent crimes (e.g. "assault causing great bodily harm" is scored as 5), and Class Two offenses which consist of 21 weighted items for non-violent crimes (e.g. "theft under \$500" = 1; "extortion" = 5). Prior research with this measure found that, for the index hate crime, the total Cormier-Lang Index score was 11.43 ($SD = 6.49$) and for Los Angeles County, the baseline index crime score was 8.00 ($SD = 3.65$) (Dunbar, 2003).

Procedure

The methodology employed review of the crime report and officer investigative records. The crime report included identification of the bias intent (e.g., race/ethnicity, religion), number of offenders involved in the crime, and demographic characteristics (gender, race, and age) of the suspect(s) and victim(s). The crime reports were analyzed by a team of university research assistants. The first author provided consultation to the team in the coding of the materials. The rating team was not briefed on the study hypotheses or objectives.

Record review was conducted at the Los Angeles Police Department Criminal Conspiracy Section. Each report was independently reviewed and coded on the research protocol by two evaluators. Inter-rater reliability estimates were computed from these initial independent ratings. LAPD criminal investigators were available for consultation on case analysis. Differences in the offense classification were resolved via subsequent review of the two

evaluators. This allowed for the final determination in coding offense characteristics. These final ratings were used in the subsequent analyses.

Classification of an offense as constituting a hate crime involved the review by multiple law enforcement personnel. This process allows for the removal of offenses that did not meet the legal standard for a hate crime: being both a criminal offense and bias-motivated. Initially, the offense had to be identified by the responding officer as being bias motivated. The crime report was then reviewed by a precinct hate crime coordinator, who had to concur if the offense met the legal standard as a hate crime. The crime report was then forwarded to a centralized investigation unit, where the report was again reviewed to determine whether the offense met state and federal criteria to be reported as a hate crime. When a reported offense did not meet this standard, the report was investigated under other criminal guidelines. However, if the reported incident did not constitute a crime independent of the bias element, the offense was classified as a “hate incident” - a non-criminal form of bias activity that warranted law enforcement response.

Analyses

Descriptive statistics were computed for the suspects’ demographic characteristics and for the summed values for the rating scales. Significance tests and univariate analysis of variance were computed to examine offender demographic differences on the BMP-R criteria.

Hierarchical multiple regression was computed to examine the predictive role of the BMP-R criteria in terms of severity of the offense. Sensitivity and specificity estimates were additionally computed for the BMP-R criteria to differentiate hate crimes from offenses that were non-criminal hate incidents and offenses that were de-classified to non-hate-motivated crimes.

Results

Classification of the infractions indicated that 56.4% of the offenses were related to

victims' race/ethnicity, 25% to their sexual orientation, 18.4% to religion, and less than 1% to disability. Analyses of the reports revealed that crimes against the person - homicide, assault with a weapon, assault, sexual assault - constituted 34.3% of all reported offenses, with the remaining 65.7% of the offenses representing non-violent infractions inclusive of verbal threats, extortion, graffiti, burglary, and non-criminal hate incident activity.

The Cormier-Lang Scale One value for violence against the person had a mean of 4.82 ($SD = 2.52$). Scale 2 had a mean of 2.11 ($SD = 1.62$) for severity of the offense that did not involve harm to the person. The mean Cornell Index rating for Instrumentality of the offense was 3.27 ($SD = .95$), 3.55 for Goal Orientation ($SD = .94$), 1.52 for pre-offense Planning ($SD = .73$), 1.95 for offender Arousal ($SD = .73$), and 1.38 for offender Provocation ($SD = .61$). The mean inter-rater kappa for the five Cornell Index items used in the analyses was .70 ($SD = 1.01$; range = .33 to .84).

Frequency of Bias Motivation Criteria in Hate Crime Reports

BMP-R ratings values were computed for each criterion. The mean inter-rater kappa for the BMP-R items was .69 ($SD = .61$; range = .49 to .90). Frequencies were computed for both "clearly present" and "partially present" classification. The five most frequently identified criteria were manifested hate speech during commission of the offense (90.4%) inter-rater Kappa = .65, evidence of prior hate aggression (37%) Kappa = .64, offense absent material reward (87.6%) Kappa = .58, victim unknown to suspect (44.6%) Kappa = .71, and offender membership in a hate group or racialized gang (33.5%) Kappa = .71. This information is reported in Table 1.

Table 1 about Here

Differences on the BMP-R Criteria by Offender Demographic Characteristics

Differences were found for male and female offenders on the BMP-R (*Research Question 1*), for the presence of hate paraphernalia/symbols, $t(76) = 2.73, p < .01$ (two-tailed), hate group or racialized gang membership, $t(46) = 3.28, p < .01$ (two-tailed), victim unknown to suspect, $t(54) = 4.67, p < .001$ (two-tailed), punishment of sexually deviant behavior, $t(67) = 2.83, p < .01$ (two-tailed), and sexual self-defense/homosexual panic, $t(320) = 3.17, p < .001$ (two-tailed). In all instances, the rating criteria were significantly higher for men than women.

Differences of the offenders' race/ethnicity on the BMP-R criteria was determined via a series of 1X3 Univariate ANOVA (BMP criterion by offender race/ethnicity: White, Black, Latino). Results found that the criteria for hate group or racialized gang membership, $F(2, 355) = 3.63, p < .03, \eta^2 = .03, d = .67$; punishment of sexually deviant behavior, $F(2, 324) = 3.18, p < .04, \eta^2 = .02, d = .61$; and articulated religious ideology-based aggression, $F(2, 324) = 7.74, p < .001, \eta^2 = .05, d = .90$ varied by offender race/ethnic group. Scheffe contrasts indicated that Latino offenders were more likely to have been identified as members of a bias motivated group or gang, that Euro-whites were more likely to have been motivated by religious ideology, and that blacks were had higher ratings for commission of a hate crime related to the victims perceived sexual deviancy.

Offender age differences were examined on the BMP-R. Identified offenders were clustered into categories for under 18 years of age ($n = 53$), 18 to 25 ($n = 76$), 26 to 35 ($n = 97$), and over 35 years of age ($n = 92$). Results of a series of 1X4 univariate ANOVAs (BMP criterion by age group: under 18, 18 to 25, 26 to 35, and over 35) were significant for the presence of hate paraphernalia, $F(3, 317) = 4.42, p < .005, \eta^2 = .04, d = .87$; racialized gang or hate group

membership, $F(3, 316) = 16.84, p < .001, \eta^2 = .16, d = .89$; and absence of a prior victim-offender relationship, $F(3, 317) = 12.71, p < .001, \eta^2 = .11, d = .92$ for these age groupings. Scheffe contrasts indicated that juvenile offenders (under 18 years of age) were more likely to engage in offenses where the presence of hate paraphernalia/symbols was reported and were more likely to be members of hate group or racialized gangs. Older offenders (35 years and older) were less likely to commit crimes related to defended neighborhood motives. Older (35 years and older) and juvenile offenders were less likely to commit an offense against an unknown victim, when compared to the other age groups. For the five bias-specific criteria, only ratings for gender-bending motivation varied by the offender age groups, $F(3, 319) = 5.11, p < .004, \eta^2 = .05, d = .90$). Scheffe contrasts revealed that 18-to-24 year-old offenders were more likely to commit offenses motivated by perceived victim gender bending behaviors.

Sensitivity and Specificity of BMP-R Criteria with Crime Investigation Classification

Subsequent to filing of the crime reports with the centralized investigative unit – i.e. the point at which the analyses were conducted – crime investigators conducted further review, including victim and offender interviews, to determine whether the offenses met the state of California criteria for a bias (i.e. “hate”) motivated crime. The ensuing analyses, which were conducted independently from the research team, resulted in the classification of 54.9% of the reports as hate crimes, 31.7% classified as non-criminal hate incidents (an offense that most frequently involved the first amendment use of hate speech that did not co-occur with a criminal infraction), and 13.4% of the reports in which criminal infractions were determined not to evidence a discernible bias motivation.

A series of 1X3 Univariate ANOVAs (BMP criterion by offense classification: non-criminal hate incident, hate-crime, and crime without bias component) found that 9 of the 12

BMP-R criteria significantly varied between the post-offense classification of the infraction as meeting the legal standard for a hate crime. Of the global indicators, presence of hate paraphernalia, $F(2, 464) = 3.83, p < .05$; hate group or racialized gang membership, $F(2, 361) = 4.33, p < .05$; hate speech during the index crime, $F(2, 528) = 3.76, p < .05$; prior hate aggression, $F(2, 216) = 5.51, p < .01$; no material reward, $F(2, 524) = 8.33, p < .001$; and unknown victim, $F(2, 418) = 3.45, p < .05$ demonstrated differences on the BMP-R by post-offense crime investigator classification. Post-hoc Scheffe contrasts revealed that of all of these criteria, with the exception of presence of hate paraphernalia/symbols were significantly higher for both hate crimes and hate incidents when compared to non-biased crimes (see Table 2).

With regards to the specific bias criteria, punishment for sexual deviancy, $F(2, 522) = 11.24, p < .001$; gender bending, $F(2, 519) = 7.95, p < .001$; and religious ideology, $F(2, 512) = 11.29, p < .001$ all yielded significant differences for post-offense classification. Post-hoc Scheffe contrasts found that of these, punishment for sexual deviancy and gender bending produced significantly higher BMP-R scores than either hate incidents or non-biased crimes. Religious ideology, on the other hand, produced significantly higher scores on the BMP-R for hate incidents than either hate crimes or non-biased crimes (see Table 2).

Table 2 about Here

Based upon the subsequent re-classification of the infractions, the sensitivity and specificity of the BMP-R criteria were examined in classifying hate crimes, hate incidents, and non-hate crimes. Two-by-two contingency tables were computed for each BMP-R rating criteria in the classification of the offense as a hate crime versus a hate incident; separate computations

were also conducted to determine whether the BMP-R criteria distinguished between hate crimes and non-hate motivated crimes. Separate analyses of each BMP-R rating criteria by offense classification was examined, as well as a computation of an overall effect estimate for the criteria to distinguish hate crime from hate incidents and hate crimes from non-hate motivated crimes.

Results for the BMP-R criteria to classify hate crimes from hate incidents had a mean sensitivity value of 49.08, mean specificity was 52.8, PPV was 70.4, and NPV was 35.33 (see Table 3).

Table 3 about Here

In distinguishing between hate crimes and infractions that had been re-classified as non-hate criminal offenses the mean sensitivity was .49, the mean specificity was .62, PPV was .88, and NPV was 26.83 (see Table 4).

Table 4 about Here

Hypothesis 1 proposed that higher ratings for bias motivation would predict to offender pre-meditation in the commission of the hate crime. Five hierarchical multiple regression (HMR) analyses were computed to examine the relationship of the BMP-R criteria with the Cornell Index ratings for instrumental-reactive aggression. The first HMR model used the Cornell global rating for the instrumentality of the offense as the dependent variable. The BMP-R ratings for global bias motivation were entered on step one, $R^2 = .21$ and Adj. $R^2 = .18$, and the specific bias motivation criteria were entered on step two, $R^2 = .26$ and Adj. $R^2 = .21$. The rating criteria for

religious-based hate ideology, $B = .19$, $t = 2.37$, $p < .02$; race/ethnic-based hate ideology, $B = .25$, $t = 2.73$, $p < .007$; and no prior offender-victim relationship, $B = .24$, $t = 3.42$, $p < .001$ were significant predictors.

HMR models were computed to examine the two dimensions of instrumental aggression on the Cornell Index, offender goal orientation and pre-offense planning. With goal orientation as the dependent variable, $R^2 = .36$ and Adj. $R^2 = .29$ the BMP-R criteria for prior hate aggression, $B = .22$, $t = 2.53$, $p < .01$; no prior offender-victim relationship, $B = .35$, $t = 4.09$, $p < .001$; and absence of material reward, $B = .29$, $t = 3.46$, $p < .001$ were significant predictors. The model predicting pre-offense planning, $R^2 = .23$ and Adj. $R^2 = .18$ was significant for religious-based hate ideology, $B = .27$, $t = 3.18$, $p < .002$; no prior offender-victim relationship $B = -.18$, $t = -2.45$, $p < .02$; and absence of a material reward, $B = .16$, $t = 2.16$, $p < .03$.

The Cornell rating dimensions for reactive aggression were also predicted by the BMP-R criteria. For provocation $R^2 = .36$ and Adj. $R^2 = .29$, four of the criteria were negatively predictive of offender provocation. The significant criteria were no prior offender-victim relationship, $B = -.34$, $t = -3.68$, $p < .001$; race/ethnic-based hate ideology, $B = -.27$, $t = -2.90$, $p < .04$; punishment of sexual deviancy $B = -.23$, $t = -2.56$, $p < .04$; and presence of hate symbols/paraphernalia, $B = -.28$, $t = -2.51$, $p < .01$. The second dimension for reactive aggression, offender arousal, $R^2 = .16$ and Adj. $R^2 = .05$, was only modestly related to the BMP-R criteria, with only hate group/racialized gang membership being a significant predictor, $B = -.39$, $t = -2.58$, $p < .01$.

Higher levels of bias motivation was hypothesized to be related to greater severity of the hate crime itself, as measured on the Cornier-Lang scale (hypothesis two). Two HMR models were computed for severity of violence against the person and severity of offenses that did not

include violence to an individual victim. Using the same two-step HMR model used to examine hypothesis one, it was found that the BMP-R criteria were significant predictors for violence against the person. The global bias motivation ratings alone evidenced a stronger predictive role to violence against the person, $R^2 = .35$ and $\text{Adj. } R^2 = .27$ than when the specific bias motivation criteria were added to the model on step two, $R^2 = .37$ and $\text{Adj. } R^2 = .21$. The significant predictor variables were presence of hate symbols/paraphernalia, $B = .43$, $t = 2.97$, $p < .005$; commission of hate speech during the offense, $B = -.28$, $t = -2.33$, $p < .03$; absence of a material reward, $B = .21$, $t = 2.35$, $p < .05$; no prior offender-victim relationship, $B = .22$, $t = 1.99$, $p < .05$; and efforts to defend or control neighborhoods, $B = .37$, $t = 2.80$, $p < .007$. For the second HMR model, the BMP-R criteria revealed a less robust relationship to the severity of the bias crime when the offense was not inclusive of violence against the person, $R^2 = .13$ and $\text{Adj. } R^2 = .06$. The BMP-R ratings for absence of a material reward, $B = -.26$, $t = -3.47$, $p < .001$ and offender membership in a hate group or racialized gang, $B = .24$, $t = 2.23$, $p < .03$ were significant predictors in the model.

Discussion

This study provides a methodology for the determination of the bias motivation of offenders of hate crimes. Rating criteria were derived from research considering an offender's intent to commit a hate crime. These criteria included the presence of what we have called "positive indicators" of general bias motivation (e.g., association with racialized criminal gangs, the use of hate oriented iconography and symbols), the presence of "negative indicators" of competing criminological motivation (e.g., the absence of a personal relationship between the offender and the victim and the absence of a material reward in the commission of the offense), as well as the presence of specific bias indicators (e.g., articulated ethnic bias ideology, expression of an ideology hostile to specific

religious minorities, and articulation of hostility concerning gender non-conforming victims). These rating criteria were found to be related to both greater premeditation – that is, instrumental forms of aggression – as well as the greater probability of the offense being a violent crime against a person rather than property.

The rating criteria items varied significantly in frequency of occurrence. The six most frequently observed rating criteria included hate speech, prior history of bias aggression, victim anonymity to the offender, neighborhood-based aggression, articulated ethnic/race hate ideology, and racialized gang membership. A substantial number of offenders were involved in a race/ethnic criminal gang or a hate gang. Results indicated that the severity of the hate crime was not related to membership in a gang or group. Rather, offenders with discernible gang affiliations were more likely to commit property (e.g., theft) and institution based crimes (e.g., vandalism) rather than crimes against the person (assault). Therefore, while a significant proportion of the bias crimes and hate incidents involve members of criminalized groups, these offenders do not typically commit offenses that are violent.

Offenders who were members of any group (ideologically biased or criminal gang) were, in many ways, similar. It is worth noting that the stereotype of a hate group as primarily ideologically driven and less involved in other criminal behaviors – such as drug trafficking – belies the truth.. Both ideologically biased offenders and members of racially homogenous criminal gangs are involved in diverse criminal behavior, seek to control their turf or communities, and select victims of racial/ethnic outgroups indiscriminately. Practically and motivationally, these offender groups are more similar than popular stereotypes would suggest.

Bias Motivation as a Unique Risk Assessment Concern

In the current study it was found that an incremental increase in bias motivation amongst hate crime offenders was predictive of more severe forms of violence, particularly when targeting individual victims rather than institutions. An implicit question raised by this finding is whether bias motivation constitutes a unique characteristic of offender risk for violence. Our findings suggest that the evidence of greater bias motivation is related to more violent index crimes. An unanswered and important question concerns whether bias motivation is predictive of future violence risk in general and of recidivistic hate violence specifically.

The bias motivation criteria predicted offender premeditation, as measured in terms of ratings of pre-offense planning and goal orientation. The BMP-R criteria for both general and specific bias motivation ratings significantly predicted instrumentality of the offense, indicating planning and goal orientation. The rating criteria for no prior offender-victim relationship, religious-bias ideology, and race/ethnic-based bias ideology were all significant predictors of instrumental aggression. Similarly, provocation may be absent in bias crimes relative to other criminal activities. The BMP-R findings show that, in hate crimes, four of the rating criteria were negatively related to offender provocation.

It is worth noting that the negative rating criteria for offender bias motivation (e.g., no prior relationship between the offender and victim, no material/extrinsic reward in commission of the hate offense) were also predictive of more violent hate crimes. The presence of explicit – i.e., positive – bias motivation indicators coupled with the absence of competing criminal – i.e., negative – indicators have relevance to criminal investigation and forensic assessment of offender intent to commit a hate crime. For example, a crime that involves an assault and a robbery, during which the perpetrator uses denigrating language aimed at the victim's sexual orientation, is less likely to be bias motivated than a similar crime involving all of the above, except the robbery and presumed material gain. As such, the absence of competing criminal motives for commission of the offense (i.e., pursuit

of extrinsic reward or absence of a prior relationship with the victim) may be of equal importance in determining offender bias motivation as the presence of explicit bias indicators.

Sensitivity and Specificity of Bias Motivation in Offender Classification

The analysis of the individual BMP-R criteria underscored the importance of considering multiple signifiers of bias motivation in classifying hate crime offenders from other offenders, and from individuals who engage in non-criminal hate incidents. Several intuitive relationships were observed. For example, a high frequency of hate speech was found for both offenders who committed hate crimes and those who committed hate incidents. This revealed the poor specificity of hate speech to discriminate between these two groups. In contrast, the interpersonal relationship between the offender and victim – specifically, the anonymity of the two parties – effectively discriminated between the hate crime offenders and those offenders who committed “false positive” hate crimes, that is, offenses that were found to not meet the standard of a hate crime under the law. Similarly, the absence of a financial motive had strong positive predictive power to identify hate crime offenders vis-à-vis non-hate motivated criminal offenders and individuals who committed hate incidents. The presence of iconographic elements – i.e. hate materials or symbols – effectively discriminated between hate crime offenders and individuals who engaged in either non-hate motivated offenses or who evidence non-criminal hate behavior.

Specific bias criteria – religious, sexual orientation, and race ideology – varied significantly in discriminating between true positive hate crime offenders and false positive hate crime offenders. Specifically, offenders who evidenced bias related to sexual orientation – including claimed sexual self-defense and punishment of sexually deviant victims - almost always committed hate crimes versus non-hate motivated offenses. The presence of these specific motivational signifiers evidenced very high specificity – i.e., ruling out offenders of false positive hate crimes. Religious bias

effectively discriminated between offenders of hate crimes and hate incidents – showing high negative predictive value - and offenders of non-hate motivated crimes – evidencing satisfactory specificity. In contrast, the identification of ethnic and racial ideology revealed poor sensitivity and specificity in distinguishing amongst the offender groups.

The employment of a rating system that examines bias motivation needs to be particularly sensitive to between-subject differences. In this study, modest differences were found in prevalence of the bias motivation criteria by the offenders' demographic status. Men were more likely to commit crimes that evidenced symbolic and behavioral evidence of a bias ideology (hate paraphernalia and hate group membership), to commit crimes based on the victim's sexual orientation, and to act against a stranger when compared to female perpetrators. Differences in the prevalence of the bias motivation criteria were found for three primary offender ethnic groups. The fact that Latinos were more likely to be identified as a member of a hate group or gang may simply reflect criminalized Latino youth gang activity in Los Angeles. It was also found that African Americans were more likely to commit hate crimes based on the victims' sexual orientation. White offenders were significantly more likely to commit hate crimes as a function of their religious ideology.

Implicitly, the analysis of these bias signifiers presumes that motivation can be discerned from the behaviors and articulated beliefs of the offender. Inferring individual pre-disposition via behavioral and actuarial analysis is not uncommon in psychological measurement. Such diverse applications as leadership (Bass, 1985) and violence risk (Quincey, Harris, Rice & Cormier, 1998) similarly employs a behavioral approach to the assessment of individual differences.

Problems in Reliance upon Hate Speech Alone to Infer Bias Motivation

The current study questions the utility of relying principally upon hate speech to infer bias motivation. Results show that hate speech did not reveal a relationship to offender premeditation,

goal orientation, or severity of the offense. Classifying a criminal offense as bias-motivated principally due to the presence of hate speech incurs the risk of false-positive judgments. Hate speech, rather than reflecting a motive to commit intergroup violence, may simply reflect normative social biases secondary to an on-going altercation (Franklin, 2002). For example, studies have shown that subjects disinhibited by alcohol intoxication may employ biased speech in non-criminal acts (Reeves & Nagoshi, 1993).

So what does the current study indicate about hate speech as an indicator of bias motivation? In terms of assessment specificity, it was found that hate speech was frequently identified in the reportage of hate crimes and non-criminal hate incidents and less so in false-positive crimes that were de-classified as hate crimes by investigators. However, as had been our concern, hate speech evidenced poor specificity in differentiating hate crimes from hate incidents. The presence or absence of hate speech alone does not reliably distinguish between motivation to commit a hate crime and motivation to employ the right to free speech (i.e. a hate incident) that is hateful and inflammatory. This frequently represented characteristic of the offenses found in the current study was also a significant negative predictor of more violent criminal offenses. As such, the presence of hate speech in a criminal offense is related to less severe forms of biased behavior and may be indicative of offenders who pose relatively less threat to their respective communities than other hate crime offenders.

Dilemmas and Caveats in the Assessment of Bias Motivation

The examination of bias motivation is a contentious issue. Opponents argue that it is not possible to examine an internalized state such as the motivation to commit a hate crime (Gellman, 1991). However, this argument is inconsistent with both forensic research and the practice of mental health. For instance, forensic examiners frequently determine the offender's mental state by

assessing their capacity for motivation (e.g. did the accused know the difference between right and wrong and could they control their actions?). In addition, mental health practitioners are legally responsible for determining whether a patient has the motivation to constitute a threat to self (i.e., suicide) (McCaffery, Lee, Jauhar & Scott, 2002). There is little difference between these clinical scenarios and a forensic examiner inferring an offender's motivation to commit an act of hate violence. Given the findings of this study, appraising the motivation to commit a hate crime is more likely to be more effectively accomplished when a systematic and criterion-based methodology is employed.

This study is unique in examining the sensitivity and specificity of the BMP-R rating criteria based on the independent review of crime investigators who removed infractions that did not meet the legal standard as a hate crime ("false positives") under state or federal guidelines. This multiple-review process removed both hate incidents and non-hate motivated criminal offenses. A dilemma for future research is that the greatest risk for misclassification of hate crimes is under- rather than over-reportage. This is most likely to occur in the initial documentation of the offense. That is, responding law enforcement personnel are most likely to under-report bias motivated offenses ("false negatives") as a result of not systematically considering the criteria of bias motivation employed in this study. Another complicating factor is any implicit bias of law enforcement personnel that must also be frankly considered (Berk, Boyd & Hammer, 1992). Judgments about hate crime laws are complicated by social attitudes (Johnson & Byers, 2003), stereotypes (Hafemeister, 2004), and ignorance (Taslitz, 1999; Waldrep, 2001). In one study of crime investigators in Israel, bias-oriented offenses were less clearly understood in terms of offender motivation as the severity of the offense increased (Cohen-Raz, et al., 1997). Examination of how law enforcement professionals' attitudes influence their identification of bias motivation would improve the documentation of these offenses.

Better officer training may be expected to reduce the issue of under-reportage of hate crimes. More pervasive and significant cultural issues of racism and heterosexism need to be addressed if the documentation of hate crime activity is to be improved (McDevitt et al., 2000).

The examination of social problems – even with community samples - is a challenging process. In some studies, researchers rely on self-reports of events that have transpired or are “predictive” of the respondents’ (future) behavioral intentions. However, this strategy is subject to threats of poor external validity. Self-reports which are retrospective by nature, usually cannot be validated by anyone other than the individual giving the report. Given the sensitive nature of hate crimes and the social desirability issues inherent in this area (the offender not wanting to appear prejudiced or biased) the use of a self-report methodology may not yield valid – i.e. accurate – information, particularly if the topic of interest is the offender’s intent to commit a hate crime. As such, relying on self report to acquire information on events that have already transpired is problematic, especially when dealing with events such as hate crimes and other forms of criminal activity.

Issues in the Clinical Assessment of Hate Crime Offenders

Differences in the management and treatment of hate crime offenders needs to be considered both in terms of the seriousness of the offender’s bias motivation and the outgroup victims they target. As has been proposed (McDevitt et al., 2001), within-offender differences need to be considered in terms of potential for rehabilitation. Such an agenda of research could inform probationary and treatment decision-making.

The current study has sought to demonstrate how an offender’s bias motivation can be systematically examined. As found in the current study, the assessment of an offender’s bias motivation rightfully ought to encompass more than the presence of hate speech in commission of a

crime. It is hoped that this methodology may be extended in the effort to respond to hate crimes in our society.

Table 1

Descriptive Statistics for the Bias Motivation Profile-Revised Items and Frequencies of Clearly and Partially Present Criteria in Crime Reports

	M	SD	Clearly Present	Partially Present
Global bias indicators				
Presence of hate paraphernalia/symbols.	.37	.75	16.4%	4.6%
Hate group or racialized gang membership.	.69	.75	11.4%	22.2%
Manifested hate speech during commission of offense.	1.82	.60	81.4%	9.0%
Prior history of hate aggression/criminality.	1.43	.49	19.3%	17.7%
Victim unknown to suspect.	1.21	.85	37.1%	17.5%
Offense absent motive of material/extrinsic reward.	1.82	.54	83.6%	3.6%
Effort to defend turf or neighborhood.	.49	.69	9.7%	22.0%
Specific bias indicators				
Articulated ethnic/race-based hate ideology.	.82	.88	31.4%	19.5%
Punishment of sexually deviant behavior.	.45	.81	20.1%	4.5%
Sexual self-defense/homosexual panic.	.03	.20	.6%	1.6%
Gender-bending aggression and hostility.	.07	.35	3.0%	1.0%
Articulated religious ideology-based aggression.	.36	.74	15.4%	5.4%

Table 2

One Way ANOVA Results of BMP-R Criteria in Differentiating Hate Crimes from Hate Incidents and Non-Hate Crimes

Bias Motivation Criteria	Hate Crimes		Hate Incidents		Non-Hate Crimes		<i>n</i>	<i>F</i>
	<i>M</i>	<i>SD</i>	<i>M</i>	<i>SD</i>	<i>M</i>	<i>SD</i>		
Presence of hate paraphernalia/symbols	.45	.81	.28	.66	.22	.59	2, 464	3.83*
Hate group or racialized gang membership	.78 ^a	.77	.60 ^b	.75	.47 ^b	.61	2, 361	4.34*
Manifested hate speech during commission of offense	1.78 ^{ab}	.52	1.86 ^a	.41	1.66 ^b	.74	2, 528	3.76*
Prior history of hate aggression/criminality	1.37 ^{ab}	.56	1.64 ^a	.70	1.26 ^b	.70	2, 216	5.51**
Victim unknown to suspect	1.30 ^a	.85	1.14 ^{ab}	.85	1.00 ^b	.93	2, 418	3.45*
Effort to defend turf or neighborhood	.51	.71	.49	.67	.39	.64	2, 469	.69
Offense absent motive of material/extrinsic reward	1.81 ^a	.56	1.87 ^a	.43	1.53 ^b	.84	2, 524	8.32***
Articulated ethnic/race-based hate ideology	.81	.87	.84	.90	.84	.90	2, 487	.05
Punishment of sexually deviant behavior	.57 ^a	.89	.31 ^b	.66	.13 ^b	.42	2, 522	11.24***
Sexual self-defense/homosexual panic	.04	.25	.01	.07	.00	.00	2, 516	2.83
Gender-bending aggression and hostility	.12 ^a	.46	.00 ^b	.00	.00 ^b	.00	2, 519	7.95***
Articulated religious ideology-based aggression	.29 ^{ab}	.67	.56 ^a	.87	.11 ^b	.41	2, 512	11.29***

* $p < .05$ ** $p < .01$ *** $p < .001$ Different superscripts denote significant ($p < .05$) differences.

Table 3

Likelihood Ratio and Sensitivity-Specificity of BMP-R Criteria in Differentiating Hate Crimes from Hate Incidents

Bias Motivation Criteria	True Positive	True Negative	X	Likelihood				
	Hate Crimes Pct.	Hate Incidents Pct.		Ratio	Sen.	Spec.	PPV	NPV
Presence of hate paraphernalia/symbols	15.8%	30.3%	3.61*	3.72*	.25	.83	.72	.39
Hate group or racialized gang membership	38.0%	18.2%	3.99*	3.98*	.57	.55	.72	.39
Manifested hate speech during commission of offense	60.2%	1%	2.05	2.22	.95	.02	.63	.21
Prior history of hate aggression/criminality	65.8%	2.2%	.73	.70	.96	.07	.69	.44
Victim unknown to suspect	49.2%	10.4%	1.37	1.36	.76	.30	.66	.40
Effort to defend turf or neighborhood	24.1%	23.4%	.03	.03	.39	.62	.63	.38
Offense absent motive of material/extrinsic reward	58.1%	1.3%	3.88*	4.24*	.92	.04	.62	.20
Articulated ethnic/race-based hate ideology	32.8%	17.8%	.02	.02	.51	.50	.65	.36
Punishment of sexually deviant behavior	18.6%	29.4%	5.32*	5.47*	.29	.80	.72	.40
Sexual self-defense/homosexual panic	2.2%	36.5%	3.71*	4.55*	.04	.91	.91	.37
Gender-bending aggression and hostility	4.3%	36.7%	12.21***	18.84***	.07	1.0	1.0	.38
Articulated religious ideology-based aggression	11.2%	25.1%	10.08**	9.8**	.18	.70	.50	.32

* p<.05 ** p <.01 *** p <.001 Sen. = test sensitivity Spec. = test specificity PPV = positive predictive value NPV = negative predictive value

Table 4

Likelihood Ratio and Sensitivity-Specificity of BMP-R Criteria in Differentiating Hate Crimes from Non-Hate Crimes

Bias Motivation Criteria	True Positive	True Negative	X	Likelihood				
	Hate Crimes Pct.	Non-Hate Crimes Pct.		Ratio	Sen.	Spec.	PPV	NPV
Presence of hate paraphernalia/symbols	19.6%	18%	3.88*	4.24*	.25	.87	.88	.23
Hate group or racialized gang membership	45.6%	11.5%	4.0*	4.0*	.57	.59	.85	.25
Manifested hate speech during commission of offense	76.3%	3%	9.21**	7.77**	.95	.16	.82	.42
Prior history of hate aggression/criminality	75.2%	3.1%	5.0*	4.17*	.96	.14	.80	.50
Victim unknown to suspect	61.3%	8.2%	7.70**	7.23**	.76	.42	.84	.30
Effort to defend turf or neighborhood	31.1%	13.2%	1.15	1.17	.38	.70	.84	.21
Offense absent motive of material/extrinsic reward	75.8%	3.9%	11.16***	9.70**	.92	.23	.85	.37
Articulated ethnic/race-based hate ideology	42.4%	8.4%	.01	.01	.51	.49	.83	.17
Punishment of sexually deviant behavior	24.2%	15.7%	10.24**	12.03*	.29	.90	.94	.21
Sexual self-defense/homosexual panic	2.8%	17.7%	2.20	3.95*	.03	1.0	1.0	.18
Gender-bending aggression and hostility	5.7%	17.6%	4.51*	8.0**	.07	1.0	1.0	.19
Articulated religious ideology-based aggression	14.5%	16%	3.31	3.79*	.18	.92	.91	.19

* p<.05 ** p <.01 *** p <.001 Sen. = test sensitivity Spec. = test specificity PPV = positive predictive value NPV = negative predictive value

References

- Akiyama, Y. & Nolan, J.J. (1999, October). *The Hate Crime Statistics Act of 1990: Developing a process for measuring and predicting the occurrence of hate crime*. Paper presented at the meeting of Hate Crimes: Research, Policy and Action, Los Angeles, CA.
- Akman, D. D. & Normandeau, A. (1967). The measurement of crime and delinquency in Canada: A replication study. *British Journal of Criminology*, 7, 129-149.
- Bass, B. M. (1985). *Leadership and performance beyond expectation*. New York: Free Press.
- Bell, C.C. (2001). *Racism: Diagnostic and Treatment Considerations*. Paper presented at the 156th annual American Psychiatric Association convention, San Francisco, Ca.
- Berk, R. A., Boyd, E. A., & Hamner, K. M. (1992). Thinking more clearly about hate-motivated crimes. In G. M. Herek & K.T. Berrill (Eds.), *Hate Crimes: Confronting violence against lesbians and gay men* (pp.123-143). Thousand Oaks, CA: Sage.
- Berkowitz, L. (1984). Some effect of thoughts on anti- and pro-social influences of media events: A cognitive neoassociation analysis. *Psychological Bulletin*, 95, 410-427.
- Boyd, E. A, Berk, R.A, & Hamner, K.M. (1996). Motivated by hatred or prejudice: Categorization of hate-motivated crimes in two police divisions. *Law & Society Review*, 30, 819-850.
- California State Department of Justice. (1998). *Hate Crime in California*. Sacramento, CA: Author.

- Cohen-Raz, L., Bozna, M., & Glicksohn, J. (1997). Figure and ground in the perception of crime severity. *International Journal of Group Tensions*, 27, 151-158.
- Cornell, D.G., Warren, H.J., Stafford, E.O., & Pine, D. (1996). Psychopathy of instrumental and reactive violent offenders. *Journal of Consulting and Clinical Psychology* 64, 783-790.
- Douglas, K.S., Klassen, C., Ross, D., Hart, S.D., & Webster, C.D. (1998). *Psychometric Properties of HCR-20 Violence Assessment Scheme in Insanity Acquittees*. Paper presented at the 103rd annual American Psychological Association convention, San Francisco, CA.
- Dressler, J. (1995). When “heterosexual” men kill “homosexual” men: Reflections on provocation law, sexual advances, and the “reasonable man” standard. *Journal of Criminal Law and Criminology*, 726, 4, 1-31.
- Dunbar, E. (2002). Signs and Cultural Messages of Bias Motivated Crimes: Analysis of the Hate Component of Intergroup Violence. In Howard Giles (Ed.), *Law enforcement, communication, and the community* (pp. 201- 228). Amsterdam/Philadelphia: John Benjamins.
- Dunbar, E. (2003). Toward a profile of violent hate criminals: Aggressive, situational, and ideological signifiers of bias-motivated offenders. *American Journal of Orthopsychiatry*, 73, 2.
- Federal Bureau of Investigation (1999b). *Hate Crime Data Collection Guidelines, Revised*. Washington, D.C.: Author.

- Franklin, K. (2000). Antigay behaviors among young adults: Prevalence, patterns, and motivators in a non-criminal population. *Journal of Interpersonal Violence, 15*, 339-362.
- Franklin, K. (2002). Good intentions: The enforcement of hate crime penalty-enhancement statutes. *American Behavioral Scientist, 46*, 154-172.
- Gellman, S. (1991). Sticks and Stones Can Put You in Jail, but Can Words Increase Your Sentence? Constitutional and Policy Dilemmas of Ethnic Intimidation Laws. *UCLA Law Review 39*, 333-396.
- Gerstenfeld, P.B. (1992). Smile when you call me that! The problems with punishing hate motivated behavior. *Behavioral Sciences and the Law, 10*, 259-285.
- Golding S.,L., Skeem, J.L., Riesch, R., & Zapf, P.A. (1999). The assessment of criminal responsibility: Current controversies. In Hess, A.K. & Weiner, I.B. *The handbook of forensic psychology*. New York: John Wiley & Sons.
- Hafemeister, T.F. (2004). Questions surrounding juror selection. *Monitor on Psychology, 35*, 3, 60.
- Hare, R.D. (1991). *Manual for the Psychopathy Checklist - Revised*. Toronto: Multihealth Systems.
- Harpur, T.J., Hare, R.D., & Hakstian, A.R. (1989). Two-factor conceptualization of Psychopathy: Construct Validity and Assessment Implications. *Psychological Assessment, 1*, 6-17.
- Harris, G.T., Rice, M.E., & Cormier, C.A. (1991). Psychopathy and violent recidivism. *Law and Human Behavior, 15*, 625-637.
- Hate Crimes Violence*. 106th Congress, 1st session (August 4, 1999). (Testimony of

- Frederick M. Lawrence).
- International Association of Chiefs of Police (1998, June). Responding to hate crimes: A police officer's guide to investigation and prevention. In *Hate Crime in America Summit*. Retrieved May 2, 2005, from www.theiacp.org/documents/index.cfm?fuseaction=document&document_id=160.
- Johnson, S.D. & Byers, D.D. (2003). Attitudes towards hate crime laws. *Journal of Criminal Justice, 31*, 227-235.
- McCaffery, R., Lee, A., Jauhar, P., & Scott, J. (2002). A survey of opinions on the management of individuals who express suicidal ideation while intoxicated with alcohol. *Psychiatric Bulletin 26*, 332-334
- McDevitt, J, Levin, J., Bennett, S. (2001). Hate crime offenders: An expanded typology. *Journal of Social Issues, 58*, 303-317.
- McDevitt, J., Balboni, J.M., Bennett, S., Weiss, J.C., Orchowsky, S., & Walbolt, L. (2000). *Improving the Quality and Accuracy of Bias Crime Statistics Nationally: An Assessment of the First Ten Years of Bias Crime Data Collection*. Bureau of Justice Statistics, Washington, D.C.
- Meehl, P. E. (1973). *Psychodiagnosis: Selected Papers*. Minneapolis, MN: University of Minnesota.
- Milgram S. (1963). Behavioral study of obedience. *Journal of Abnormal and Social Psychology, 67*, 371-378.
- Mischel, W. (1990). Personality dispositions revisited and revised: A view after three decades. In L. Pervin (Ed.), *Handbook of Personality: Theory and Research* (pp. 21-65). New York: Guilford.

Murrie, D., Cornell, D., Kaplan, S., McConville, S., & Levy Elkon, A. (2004). Psychopathy scores and violence among juvenile offenders: A multi-measure study. *Behavioral Sciences & the Law*, 22, 49-67.

People v. Superior Court, 896 P. 2d 1387 (1995).

Quincey, V.L., Harris, G.T., Rice, M.E., & Cormier, C. A. (1998). *Violent offenders*. Washington DC: American Psychological Association.

Reeves S.B. & Nagoshi, C.T. (1993). Effects of alcohol administration on the disinhibition of race prejudice. *Alcoholism: Clinical and Experimental Research*, 17, 1066-1071.

Sullaway, M.E., (2004). Psychological Perspectives on Hate Crime Laws. *Psychology, Public Policy and Law*, 10, 250-292.

Sullaway, M. & Christensen, A. (1983). Couples and families as participant observers of their interaction. *Advances in Family Intervention, Assessment & Theory*, 3, 119-160.

Taslitz, A.E. (1999). Condemning the racist personality: Why the critics of hate crimes legislation are wrong. *Boston College Law Review*, 40, 739-785.

Turner, N. (1998). *Responding to Hate Crimes: A Police Officer's Guide to Investigation and Prevention*. Retrieved May 2, 2005, from http://www.theiacp.org/documents/index.cfm?fuseaction=document&document_type_id=1&document_id=141.

Waldrep, C. (2001). *Racial violence on trial*. Santa Barbara: ABC-CLIO Press.

Webster, C. D., Douglas, K. S., Eaves, D., & Hart, S. D. (1997). Assessing risk of violence to others. In C. D. Webster, & M. A. Jackson (Eds.), *Impulsivity: Theory, assessment, and treatment* (pp. 251-277). New York, NY, US: Guilford.

Yuille, J. C. & Cutshall, J. L. (1986). A case study of eyewitness memory of a crime. *Journal of Applied Psychology, 71*, 291-301.