DEVELOPING HATE CRIME QUESTIONS FOR THE NATIONAL CRIME VICTIMIZATION SURVEY

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Key Words: Hate Crimes, Cognitive Interviews.

1. INTRODUCTION

In response to growing concern about the incidence of hate crime victimization, Congress enacted the Hate Crime Statistics Act of 1990. This act led to the inclusion of data on hate crimes as part of the FBI's Uniform Crime Report (UCR). Furthermore, at the White House Conference on Hate Crimes in November 1997, President Clinton announced that the National Crime Victimization Survey (NCVS) would provide national-level estimates of the incidence of hate crime in the United States. Consequently, the Bureau of Justice Statistics (BJS) and the Census Bureau began the process of developing hate crime questions to be included as a permanent part of the NCVS.

The NCVS is an interviewer-administered survey using both CATI (Computer Assisted Telephone Interviewing) and paper and pencil methods designed to collect data on the frequency and nature of crime victims in the U.S. The survey consists of two sections: The Basic Screen Questionnaire (NCVS-1) and the Incident Report (NCVS-2), which is completed for each victimization incident reported in the screener (except property crimes).

2. BACKGROUND INFORMATION

The original hate crime questions were developed based on the research of Donald Green, Ph.D., Director of Yale University's Institute of Social and Policy Studies. Based on his research, Dr. Green proposed two primary goals for the NCVS hate crime questions: 1) to gauge the frequency and nature of hate crime victimization; and 2) to understand both the community context in which these kinds of victimization incidents occur and the behavioral consequences of the fear of hate crimes for respondents. Dr. Green's questions were tailored to be consistent with the scope and objectives of the NCVS survey.

Prior to their inclusion in the NCVS, the hate crime questions were pretested in the Community Oriented Policing Services (COPS) survey. COPS is a Random Digit Dialing (RDD) survey consisting of interviews with respondents ages 12+ from each of 12 selected cities using the NCVS instrument and a series of supplemental questions.

The COPS hate crime questions consisted of two sets; one set to measure property crimes and another set to measure personal crimes. The questions that asked about property crimes were worded slightly differently than the questions that asked about types of hate-related personal crimes.[1]

According to BJS (Steadman, 1998), the COPS survey identified 1,172 victimization incidents, of which 231 were labeled hate-related. However, additional analyses indicated fairly widespread misunderstanding of the questions which rendered the hate crime questions unsuccessful in eliciting accurate reports of hate crimes. For example:

1. Many victims considered a victimization incident a hate crime not because the offender had a bias against the victim's group, but because the victim believed themselves to be an easier target because of their characteristics (e.g., being female or disabled).

2. Several respondents defaulted to the 'Other-Specify' category and provided responses such as, "No reason", "Just a feeling", and "Seemed logical" when asked why they believed the property/personal crime was hate-related. Without further information, it was not possible to determine whether or not these victimization incidents classify as hate crimes.

Based on the COPS data, BJS and the Census Bureau felt it was important to resolve the problems with the hate crime questions prior to their inclusion in the NCVS. Therefore, during the Fall of 1998, a qualitative research project was conducted to assess the hate crime questions intended for inclusion in the ongoing NCVS as of January 1, 1999.

3. METHODOLOGY

Prior to revising the hate crime questions which were tested in the COPS survey, we developed an operational definition of a hate crime. Based on various sources (see, e.g., 1998 International Association of Chiefs of Police, 1996 Bias Crime Workshop-Association of State UCR Programs, and the 1996 Hate Crime Statistics) and input from BJS as well as members of the research team, we 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 of a protected group is correct".

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[1]Questions available upon request.

Because the main goal of this research was to see how respondents interpreted the hate crime questions and produced their answers, we conducted traditional concurrent think-aloud interviews. Respondents were instructed to think-aloud as they answered questions that were read aloud to them by interviewers. Interviewers asked structured probes while the interview progressed, as well as some probing questions on particular items that seemed to cause respondents difficulty.

Using various contacts in the criminal justice community and routine recruiting methods for the population of interest, (both hate crime victims and nonhate crime victims) we paid persons who were willing to be interviewed.

Eighteen of the twenty volunteers were interviewed in the Washington, D.C. area; the remaining interviews were conducted at the State University of New York-Albany. All interviews were audiotaped. Three interviews were also videotaped.

Although we attempted to recruit respondents with a wide variety of demographic characteristics, the respondents were predominately white (70%) and well-educated (i.e., 85% had some education beyond the high school level).

4. COGNITIVE INTERVIEWS

In order to provide the proper context for administering the hate crime questions, we constructed an abbreviated version of the NCVS-1 and NCVS-2. We also changed the six month reference period to a one year reference period in order to capture more incidents.

We combined the abbreviated NCVS-1 and NCVS-2, the hate crime questions, and the protocol probes into one paper instrument for the cognitive interviews.

4.1 Round 1 Cognitive Interviews

We revised the hate crime questions, that were tested in the COPS survey, to be consistent in both survey instruments. This involved standardizing the wording of the questions in the NCVS-1 and NCVS-2 and reducing the overall number of hate crime questions. We refer to the first questions as the 'screener' questions which are followed by the 'evidence' questions. The screener questions[2] ask respondents if they believe their reported property or personal crime was hate-related and if so, why they believe they were targeted (e.g., bias against race, religion, sexual preference, etc.). The evidence questions ask respondents what happened during the reported victimization incident that makes them believe it was hate-related. This paper will focus only on the evidence questions (see Lee et al., 1999 for the larger study).

We revised the evidence questions from the COPS survey and extended the available response options to 14 (the responses were field-coded in that respondents replied in their own words and then interviewers coded the appropriate predetermined response options).

Field coded questions consist of two parts; an open-ended question and predetermined response options. Based on a review of the literature, field coded questions have advantages and disadvantages. On the one hand, the open-ended question allows respondents to respond in their own words without being influenced by response options. This also enables respondents to illustrate whether or not they understand the terminology used in the question. On the other hand, respondents may provide information that is outside the scope of the survey. Furthermore, some respondents are better able to recall information and articulate thoughts, so Field Representatives may need to probe in order to obtain a codable response. Consequently, variability exists between interviewers in terms of how well they probe and the quality of the answers that result. Moreover, the predetermined response options can pose problems for Field Representatives. Intensive training is required to ensure Field Representatives understand the response options in the intended way, so coding errors are minimized (see, e.g., Converse, 1984, Fowler, 1991, Labov, 1980, Payne, 1980, Sanders and Pinhey, 1983, Schuman and Presser, 1981, Schwarz and Hippler, 1991, Sudman and Bradburn, 1974, Sudman and Bradburn, 1982, and Sudman et al., 1996).

The response options we tested for the evidence questions in round 1 were developed with the goal of being able to classify a hate crime based on the 'strength of the evidence'. The more reasons respondents could provide in response to the evidence questions, the greater the justification to label a victimization incident as hate-related.

The evidence questions and response options that were tested in round 1 were worded as follows:

[2] The screener questions were worded as follows: "Some incidents are committed against people because they are members of specific groups. Do you believe [any of the vandalism/incident] just discussed was motivated, in whole or in part, [by the offender's bias against/because of] your...race? religion? ethnicity? sex? disability? sexual preference? Any other reason?".

Why do you believe the [vandalism/incident] was motivated, in whole or in part, by this/these reasons?

- **Offender used derogatory language (racial, religious epithets, slurs).**
- **Hate symbols were left (swastikas, burning cross, other hate-related graffiti).**
- **Respondent and offender are (or are perceived to be) of different groups (race, religion, ethnicity, sex).**
- **Respondent was engaged in activities promoting his/her group or the incident coincided with a holiday or significant date.**
- **Respondent was in the company of or involved with a targeted group.**
- **Incident occurred at or near a place commonly associated with a specific group.**
- **Other similar incidents have occurred in area/neighborhood.**
- **Offender is a member of a bias-motivated group, or has a history of committing or has claimed responsibility for the incident.**
- **Someone else suggested that the incident was bias-related.**
- **Official investigation confirmed that the incident was bias-related.**
- **Respondent was vulnerable (physical stature, age, sex).**
- **Strictly respondent's perception.**
- **Other-Specify_____.**
- **Don't know.**

4.2 Results of Round 1 Cognitive Interviews

In round 1, 13 cognitive interviews were conducted. In response to the screener questions, eight victimization incidents were reported as hate-related.

The evidence questions seemed to cause difficulty for a few respondents. Of the eight respondents who were asked these questions, only three provided responses that neatly fell into our 14 response options. For example, one respondent (harassed in the airport) reported that the offender used derogatory language. Another respondent reported a property crime and explained that 'KKK' was written on the side of her apartment.

Five other respondents, however, did not provide codable responses, so the 'Other' response option was marked. For example, the respondent who reported that he was verbally harassed and threatened explained that this victimization incident was a random act due to ignorance and stupidity. He reported this even though, throughout the entire interview, he described the derogatory comments the offenders made regarding his religion, and he held the offensive note the offenders wrote to him during the incident.

So even when concrete evidence (e.g., derogatory comments, burning cross) suggested a bias motivation, due to emotions, some respondents discounted or never mentioned it when asked why they believed the victimization incident was hate-related. This is a troublesome finding because without a description of the concrete evidence, it is difficult to determine whether or not some reported property/personal crimes should be labeled hate-related.

We also found that the response options in the evidence questions were too narrowly defined and did not match what respondents reported.

4.3 Round 2 Cognitive Interviews

Since several respondents in round 1 discounted concrete evidence when they answered the evidence questions, we strengthened the wording and changed their format to open-ended questions followed by a close-ended question that asked respondents to classify their victimization incident into any of eight response options. These response options were a scaled back version of the original 14. Attempts were made to simplify the language and broaden the scope of each response option. To assist respondents with this task, they were presented with a flashcard that displayed the possible response options. We also added a fill to remind respondents what responses they answered 'Yes' to in the screener questions.

Based on past research, we hypothesized that this question format would produce more accurate responses. According to Sudman and Bradburn (1982) presenting respondents with a flashcard converts the question into a closed-ended question, with precoded response options, without building the response options into the actual question. This allows for comparability of responses between respondents since they use the same terms (see, e.g., Converse, 1984, Payne, 1971, Sudman and Bradburn, 1982). The precoded responses may remind respondents of options that they may not have originally considered. Seeing the response options also allows respondents to see what types of responses are relevant to the survey. Consequently, the greater structure of precoded responses allows for less interviewer influence (see, e.g., Sudman and Bradburn, 1974, Sanders and Pinhey, 1983, and Schwarz and Hippler, 1991).

There are, however, disadvantages associated with this question format. Respondents may get frustrated if the response options are not appropriate for their situations. Furthermore, respondents may "guess" at a response as opposed to providing "true" answers (see, e.g., Schuman and Presser, 1981). The evidence questions in round 2 were worded as follows:

What occurred that makes you believe the [vandalism/incident] was motivated by the offender's [bias against/dislike for] [fill with 'Yes' response(s) from screener questions]?

[Hand the respondent the flashcard and ask...] **Which of these categories describe the reason(s) you believe the [vandalism/incident] to be motivated by [bias/dislike]?**

FLASHCARD

1. **Offender used derogatory language (racial or religious slurs).**
2. **Hate symbols were present (swastikas, burning cross, other hate-related graffiti).**
3. **Incident occurred at or near a place commonly associated with a specific group (gay bar or synagogue).**
4. **Other similar incidents have occurred to you or in the area/neighborhood.**
5. **Investigation confirmed that the incident was motivated by bias.**
6. **My feeling, instinct, or perception.**
7. **Offender is a perceived member of a group that has a history of committing this type of act.**
8. **Other - Specify_____.**

4.4 Results of Round 2 Cognitive Interviews

Seven cognitive interviews were conducted in round 2. In response to the screener questions, four victimization incidents were reported as hate-related.

The revised wording of the evidence questions seemed to elicit more evidentiary responses as opposed to just feelings or perceptions. Three respondents who were administered the evidence questions were able to spontaneously provide appropriate responses to the open-ended question.

For example, the respondent who reported that her backdoor was vandalized (with racial slurs) explained that the contents of the written words made her believe that this property crime was motivated by her race and ethnicity. Another respondent (who reported vandalism) reported that the swastikas made her believe this property crime was motivated by her religion, sexual preference, and sex.

The flashcard was administered in three interviews. In each interview, the flashcard "worked" in that respondents were able to pick response(s) that appropriately described their victimization incidents, indeed these respondents were able to pick more than one response from the card. This resulted in richer data than respondents provided in response to the open-ended questions.

Basically, these respondents found the flashcard useful and did not have problems understanding any of the items listed on the flashcard. The flashcard also allowed for a distinction to be made regarding the kinds of evidence available to determine whether or not a victimization incident should be categorized as hate-related. These findings suggest that in order to obtain the intended data, it may be best to present respondents with the available response options so they can recognize appropriate responses (see, e.g., Sudman and Bradburn, 1974, Sudman and Bradburn, 1982, Sanders and Pinhey, 1983, and Schwarz and Hippler, 1991). In the first round of interviews, having respondents recall information and form a response on their own just seemed to lead to inadequate information.

4.5 Final Recommendations

In January 1999, we implemented the wording of the revised evidence questions. In general, we implemented the wording that we tested in round 2 of the cognitive interviews with minor revisions. We made minor revisions to the response options. The purpose was to shorten and/or simplify the response options respondents would either read from the flashcard in a personal visit or which would be read to them in a telephone interview.

The final questions were worded as follows:

What occurred that makes you believe the [vandalism/incident] was motivated by dislike for [fill with 'Yes' responses from screener questions].

[Hand the respondent the flashcard and ask...] **Which of these categories describe why you believe the [vandalism/incident] was motivated by dislike?**

FLASHCARD

1. **Offender made negative comments or used other hate or abusive language about the group.**
2. **Hate symbols were present (for example, written words, a burning cross, a swastika, or other graffiti).**
3. **You believe the offender was a member of a group known to have committed similar acts.**
4. **Investigation by the police confirmed that the incident was motivated by dislike of a particular group.**
5. **Incident occurred at or near a location, place, or building commonly associated with a specific group (for example, a building such as a synagogue or a gay bar).**
6. **Other similar incidents have happened to me or in the area/neighborhood.**
7. **Your feeling, instinct, or perception, without specific evidence.**
8. **Other - Specify _____.**

5. FIELD TEST

We are using the period of January through June 1999 as a field test of the evidence questions in the full NCVS sample. During this test period, we are continuing to conduct research to assess the effectiveness of the revised question wording and response options.

More specifically, the detailed descriptions of the property/personal crimes provided by respondents in response to the evidence questions are being keyed. Based on these descriptions, we are conducting an independent coding of the response options (from the flashcard) that we feel are applicable to the victimization incident. We are comparing our response selections to those made by respondents to see how consistent (with our definition) respondents are at self-classifying their property/personal crimes as hate-related.

Although research is inconclusive about which question format is better in some situations (open-ended or closed-ended), to save costs, our long-term goal is to develop effective response options, so we can eliminate the open-ended portion of the evidence questions altogether. Literature suggests (see, e.g., Converse, 1984, Sudman and Bradburn, 1982, Payne, 1971, and Sanders and Pinhey, 1983) that when conducting developmental research such as this, the best way to proceed is to experiment with open-ended questions and move toward closed-ended response options. This is what we are aiming to accomplish.

5.1 Preliminary Data

Based on two months of data (excluding CATI cases), the NCVS identified 621 property crimes and 2,168 personal crimes. According to respondent classification, 4.5 percent of the property crimes and 3.3 percent of the personal crimes were labeled hate-related. Based on our independent coding, only 1.1 percent of the property crimes and 1.2 percent of the personal crimes appeared to be legitimate hate crimes. In several cases, there was insufficient information provided in response to the open-ended portion of the evidence questions to determine whether or not the appropriate responses were picked from the flashcard. Consequently, it is unclear if several reported property and personal crimes should have been labeled hate-related.

Past FBI data (1997 Statistical Abstract) indicates that the hate crime victimization rate is approximately .065-percent per 1,000 for persons age 12 and over. Our preliminary independent classification indicates that respondents are misreporting hate crimes.

5.2 Problems Identified

Our preliminary analysis has identified the following problems: 1) Field Representatives are not collecting sufficient detailed information in response to the open-ended portion of the evidence questions, which makes the independent coding difficult; 2) respondents continue to label property and personal crimes as hate-related when the evidence suggests that the offender(s) did not have a bias against the respondent's group; and 3) a number of gang-related incidents are being reported as hate crimes; these may or may not be legitimate hate crimes depending on the racial/ethnic composition of its members and may require some additional clarifying questions.

6. DISCUSSION

While the hate crime questions currently being implemented represent an improvement over those fielded in the COPS survey, it is clear that there are still problems with the way respondents report hate crimes. Respondents' perceptions continue to weigh heavily in classifying property and personal crimes as hate-related. This is exemplified by the fact that '*Your feeling, instinct, or perception, without specific evidence*' was the most frequently selected response to the evidence questions.

Therefore, we need to develop more effective ways to disentangle emotions from the crime classification process since this can lead to misreporting. Currently, it is premature to discuss the level of misreporting due to misunderstanding of what constitutes a hate crime since we only have two months of data from which to draw a conclusion. At the end of the field test, we will be in a better position to quantify the level of misreporting.

7. NEXT STEPS

At the completion of the six month field test, we will have more data on how respondents report hate crimes and the types of answers they provide in response to the evidence questions. We also plan to reinterview some respondents to determine if there are any phrases or concepts used in the questions that they have difficulty understanding. Furthermore, we intend to conduct a written debriefing with Field Representatives to get an idea of any difficulties or confusion respondents articulated while completing the survey. Only after further evaluation will we know how best to ask the evidence questions in future NCVS instruments.

8. CONCLUSIONS

In this paper we've discussed the evolution of questions that are designed to measure the prevalence of hate crimes. We've focused on the evidence questions in particular. These questions ask respondents who labeled their reported property/personal crimes as hate-related, what occurred that makes them believe the victimization incident was a hate crime.

We are in the exploratory stage of this work, in terms of determining what format for the evidence questions will

elicit the most accurate information. Therefore, we view our results as preliminary.

ACKNOWLEDGMENTS

This paper represents the results of research and analysis undertaken by Census Bureau staff. It has undergone a more limited review than official Census Bureau publications. We would like to thank Kathleen Creighton and Pat Doyle for reviewing earlier versions of this paper.

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