University of Dayton

# eCommons

Spring 4-2015

# Hate Crime Laws: What Are They and Who Do They Protect?

Maya Pedersen
*University of Dayton*

Follow this and additional works at: https://ecommons.udayton.edu/uhp_theses

Part of the Psychology Commons

# Hate Crime Laws: What Are They and Who Do They Protect?

Honors Thesis

Maya Pedersen

Department: Psychology

Advisor:  Melissa Berry, Ph.D.

April 2015

# Hate Crime Laws: What Are They and Who Do They Protect?

Honors Thesis

Maya Pedersen

Department: Psychology

Advisor: Melissa Berry, Ph.D.

April 2015

UNIVERSITY of

DAYTON

Acknowledgements

I would like to thank my advisor, Dr. Melissa Berry for her continuous support and patience throughout the project. It didn't matter the time of day; she would be ready to help me with any problems or questions that I had. She worked relentlessly to try to help me figure out the best way to measure the scenarios and to come up with the scenarios themselves! I'm truly grateful for all the hard work she put into the project even with such a busy life, and this hard work will always be remembered. I would also like to thank my family and friends that have supported me through the whole process and have helped me to have the motivation to finish strong. Special thanks to Dr. Dario Rodriguez who helped make sense of all the statistical analysis and helping construct the graphs. I could not have finished my project without the support of those stated above, and I want them to know it is truly appreciated.

# Table of Contents

Abstract

Perhaps due to media attention, especially to recent high-profile cases, awareness of hate crime laws has increased. When people think of the groups protected by such legislation, factors such as race/ethnicity, religion, and sexual orientation often come to mind. People victimized because of their affiliation with any designated group should be protected under these laws and perpetrators of such crimes should receive enhanced penalties. More specifically, the Hate Crime Protection Act (2009) made it a federal offense to assault someone because of sexual orientation. Relatively little research has been conducted on hate crime legislation, but it is important to understand because differences in jurors' perceptions, and discrepancies between their personal views and the written law can determine the outcome of a case. The current study was an investigation of perceptions of what constitutes a hate crime, and whether people are consistent in their judgments of comparable cases. The objectives of the current study were to determine what is deemed a hate crime as a function of the minority/majority status of the victim and the perpetrator, and to determine whether victim and perpetrator status influence perceptions of the seriousness and offensiveness of the behavior, as well as how worthy of punishment it was. Participants read and responded to brief scenarios describing offenses committed by majority or minority group members against others (majority or minority group members). Although support for the hypothesis was not found, interesting patterns emerged with respect to gender differences.

Hate Crime Laws: What Are They and Who Do They Protect?

There has been relatively little research done on hate crime legislation. Tremendous disagreement and confusion regarding hate crime laws and the groups protected by them persist. A hate crime can be defined as a crime that acts as intimidation, violence, or destruction that is motivated by bias toward a certain group to which the victim belongs (Glaser, 2005). The victims of hate crimes, as well as the victim's group members, can suffer severe consequences. The individuals often report psychological distress, fear, poor emotional and mental health, and suicidality (Saucier, Brown, Mitchell, & Cawman , 2006). Hate crimes can cause tension between groups and actually deteriorate the morale and values of the targeted group (Saucier et al.). Given these findings, all victims of hate crime, not just minorities, are at risk for such deleterious effects. Although it is clear that all victims of hate crime suffer, these types of crimes disproportionally affect those of minority status such as African Americans, Jews, and homosexuals.  Furthermore, policies that are implemented to deter hate crimes usually benefit those in the minority, rather than the majority (Glaser, 2005).  Anti-minority hate crimes are the majority of the hate crimes that are reported, but all people are covered under hate crime legislation (Federal Bureau of Investigations, 2009). Questions therefore arise concerning who *should* be protected under hate crime legislation and who is *actually* protected. There are two primary reasons for this disparity.  First, a victim from a majority group is less likely to report the attack because of societal norms and pressures, such as embarrassment that one was assaulted by someone often stereotypically viewed as "weaker" or "effeminate."  Secondly, there may be concerns that if the assault were reported, the authorities may not take it as seriously

as if the roles had been reversed.  It is likely that, in many jurisdictions, this crime of a

majority member victimized by a minority member would probably be pursued as a strict

"assault" charge without the enhanced penalties that accompany a hate crime (Glaser,

2005). The present study was an attempt to advance the understanding of hate crime laws

by investigating what groups are more likely to be seen as protected by these laws,

regardless of how they appear "on the books."

   The "Hate Crime Legislation Act" was passed in 1968 and allowed officials to

investigate and punish crimes that show bias toward another group (Brillhart, 2008). The

"Hate Crime Sentencing Act" was created in 1993 in response to the variation and

number of hate crimes being committed. The reasoning behind the enhanced penalty is

that hate crimes are not only meant to communicate fear and intimidation to an

individual, but rather, to the group at large. In 2009, President Obama passed a civil

rights act called "The Matthew Shepard and James Byrd, Jr. Hate Crimes Act" making it

a federal offense to assault people based on gender identity, gender, or sexual orientation.

Despite these efforts to establish guidelines in the criminal justice system's response to

these crimes, legislation regarding hate crime has been inconsistent throughout the

country. The Federal Bureau of Investigation (2009) defines a hate crime as "a criminal

offense committed against a person, property, or society that is motivated, in whole or in

part, by the offender's bias against a race, religion, disability, sexual orientation, or

ethnicity/national origin" (National Press Office).  Although this is the Federal definition,

there is variation among states that have developed their own statutes with regard to the

groups protected under hate crime laws (e.g., religion, race or ethnicity, and sexual

orientation), the range of crimes covered, and the penalty enhancements for offenders

(National Institute of Justice, 2010). What one state might define as a hate crime, another state might not, and this is where the confusion begins. This makes it hard to distinguish crimes that are committed on the border of state lines, and raises questions regarding the lack of consistency in definitions and punishments for these types of offenses. These definitions and determination of consequences are dependent on policy-makers within each state, some of whom believe that hate crimes are abhorrent, but see hate crime legislation as being a burden to the criminal justice system, despite its noble intentions (Glaser, 2005). There are many discrepancies surrounding how hate crimes are defined and which groups they protect.

Attitudes toward certain groups may affect whether an offensive behavior is deemed a hate crime, even if it meets the state's legal definition of such (Johnson & Byers, 2003). One challenge involved with the legal decision-making process when judging hate crimes is individual differences of the parties involved.  One influential theoretical framework is considering the Need for Affect (NFA: Maio & Esses, 2001). The idea is that it may be helpful to understand an individual's preference to approach or avoid positive and negative emotions. Those high in NFA may be more likely to have stronger attitudes and opinions toward controversial issues and social groups (Cramer et al., 2013). Other potentially relevant individual differences may be personal experience and characteristics of the victim and perpetrator. When determining whether a crime was motivated by hatred for an entire group rather than being directed at one individual, there will likely be differing judgments as a function of the characteristics of the perceivers and the people involved (e.g., race, gender, sexual orientation, religion, etc.).

Given the uncertainties regarding people's perceptions of these potentially ambiguous situations, it is important to understand the specific factors that affect such judgments. We hypothesized that participants would be more likely to consider scenarios as a hate crime when the perpetrator is a *majority* group member and when the victim is a *minority* group member, and also view the crime as more serious, more offensive, and more worthy of punishment, than when the perpetrator was a *minority* group member and the victim was a *majority* group member.

**Method**

**Participants**

Participants (N= 88: 65 females, 22 males, 1 no response ) were college students who participated in the study in exchange for course credit in an undergraduate psychology course. This sample was demographically homogenous with 83% of participants self-identifying as White (5.7% Asian, 8% "other," <2% Latino/a, and <2% Black).  Additionally, 94% of participants were between 16-21 years old, and 94.3% self-identified as heterosexual/straight (with 2.3% self-identifying as gay/lesbian).  Clearly, there was very limited diversity within the sample.

**Procedure/Design**

At the beginning of each experimental session, participants were informed of their research rights.  After granting written informed consent, participants were given a packet including one of two sets of scenarios, outcome measures, a brief demographic sheet (assessing gender, age, race, and sexual orientation), and written debriefing.  Participants were asked to read the scenarios, which included brief descriptions of various offensive behaviors and indicate how much they agreed or disagreed with statements about each of

these behaviors.  Participants then responded to items regarding the behaviors described in the scenarios on a 6-pt scale from *strongly agree* to *strongly disagree*.  All research was done in accord with prevailing ethical guidelines and was approved by the Institutional Review Board.  The study required approximately 15-20 minutes to complete.  Upon completion of all measures, participants handed their finished packets to the experiment, at which time they were thanked and released.

**Measurements/Materials**

There were two different set of scenarios that were the same except for the perpetrator and victim group membership (minority or majority). In one set of scenarios the perpetrators were majority group members and the victims were minority group members; in the other set the perpetrators were minority group members and the victims were majority group members. Please refer to Appendix A for the complete scenarios and distinctions between the versions.

**Perceptions of bias motivation.** This measure consisted of 6 items and assessed the degree to which participants perceived the behavior to be a hate crime, e.g., the behavior was meant to send a message of fear and intimidation to the victim's group, the behavior was motivated by hatred. Participants responded on a 6-point scale ranging from strongly disagree to strongly agree.

**Perceptions of seriousness, offensiveness, and worthiness of punishment.** This measure consisted of 3 items and assessed the degree to which participants perceived the behavior to be worthy of punishment, as well as its overall offensiveness and seriousness. Participants responded on a 6-point scale ranging from strongly disagree to strongly agree.

## Results

### Composite Measures

As addressed above, participants responded to 6 items designed to assess the degree to which each behavior in the scenarios was bias-motivated and meant to send a message to the victim's group, rather than being directed at solely that individual (see Appendix A for specific items).  Because these items were inter-correlated (all Cronbach's αs ≥ .643), we created a composite "hatred" measure of these items. Similarly, the 3 items assessing the seriousness, offensiveness, and worthiness of punishment of the behaviors in the scenarios also inter-correlated (all Cronbach's αs ≥ .725).  Combining these 3 items yielded a composite "punitive" measure.

### Tests of Hypotheses

#### Majority/Minority Status of Perpetrator.

In the bar scenario, participants' composite measure of the bias-motivated nature of the behavior approached significance, $t(85) = 2.361$, $p = .021$; all other findings were ns.  Participants perceived the behavior of the straight man (majority status) attacking a gay man (minority status) as more bias-motivated ($M = 4.82$, $SD = .631$) than the reverse ($M = 4.49$, $SD = .669$), but after the Bonferroni adjustment due to multiple tests, this difference did not attain statistical significance.  Figure 1 displays the composite scores of bias motivation and overall punitiveness of the behaviors in each scenario as a function of perpetrator group membership (majority or minority).  Across all 4 scenarios, we found consistent differences in the direction of our hypotheses, but none of these reached statistical significance (all $ps > .02$, ns with Bonferroni adjustment).  That is, consistent with the hypothesis, when the perpetrator was a *majority* member and the victim was a

*minority* member, participants' mean responses were somewhat higher on the composite

"hatred" and "punitiveness" composite measures.

**Gender Differences.**

Females consistently perceived the scenarios overall as being more bias-

motivated, more serious, more offensive, and more worthy of punishment than did males,

but only 3 of 8 of these differences reached statistical significance after the Bonferroni

adjustment.  More specifically, females ($M = 4.50$, $SD = .633$) viewed the bakery

scenario as being significantly more bias-motivated than did males ($M = 3.97$, $SD =$

.871), $t$ (85) = -3.07, $p = .003$.  They also viewed the couple [$t(85) = -4.30$, $p = .002$] and

professor [$t(85) = -2.73$, $p= .008$] scenarios as significantly more serious, offensive, and

worthy of punishment than did males.  That is, responding to the couple scenario, females

($M = 5.61$, $SD = .61$) judged the offending behavior more harshly than did males ($M =$

4.83, $SD = 1.01$).  Also using the composite punitiveness measure as the dependent

variable, females perceived the behavior depicted in the professor scenario as more

offensive ($M = 5.15$, $SD = .87$) than did males ($M = 4.55$, $SD = .97$).
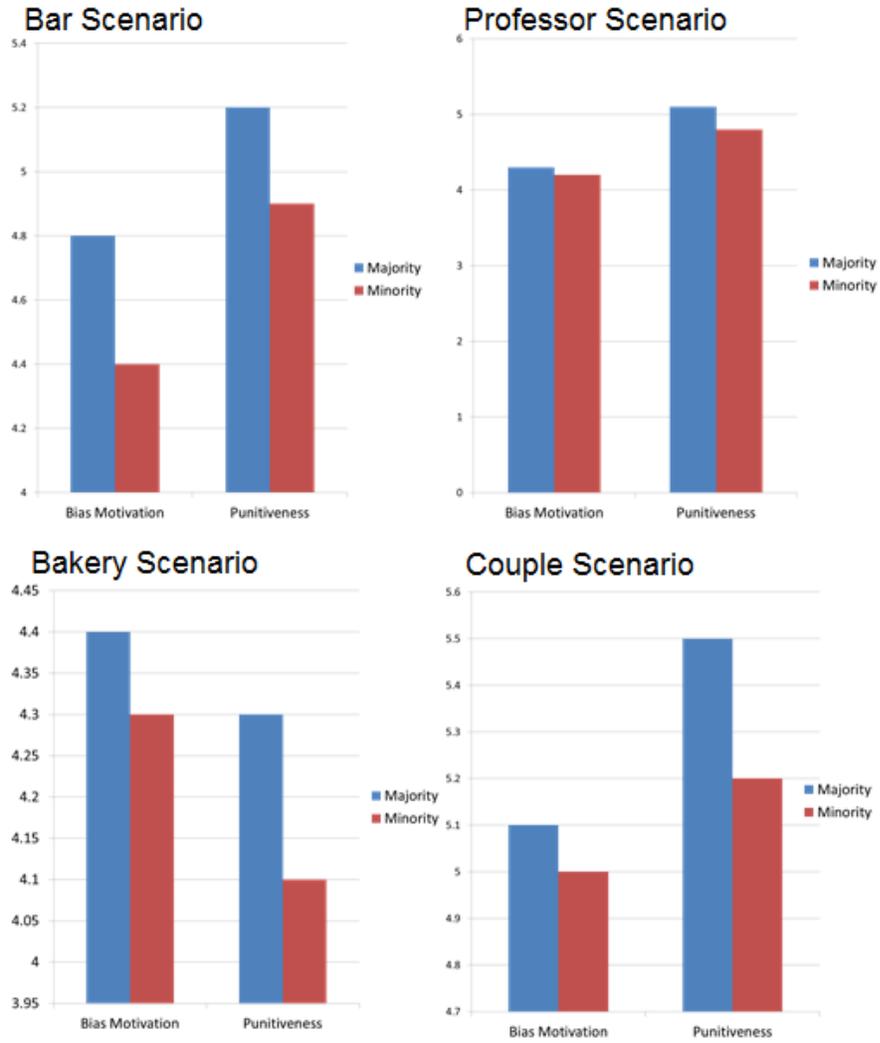
*Figure 1.* Composite scores of bias motivation and overall punitiveness of the behaviors

in each scenario as a function of perpetrator group membership (majority or minority).

**Discussion**

Although support for the hypothesis was not found, interesting trends emerged

that lead to additional questions. Although our findings did not reach statistical

significance as a function of the minority/majority status of the victim and perpetrator,

the results were in the predicted direction. As noted earlier in the report, hate crime

legislation often benefits minority groups more than majority groups. This is consistent

with the trend present in the current results, i.e., participants perceived crimes against the

minority group members as being more bias motivated, serious, offensive, and worthy of

harsher punishment.  This issue merits further investigation.  Perhaps some of the

resistance to hate crime legislation by members of the majority groups would be lessened

if they were genuinely convinced that such laws truly offered equal protection, rather

than special protection to certain identified groups.

Although no specific gender differences were hypothesized, females in the current

sample tended to perceive the scenarios overall as being more bias-motivated, more

serious, more offensive, and more worthy of punishment. Disproportionate cell sizes (i.e.,

more women in the sample overall) limit interpretation, but it is an issue worth pursuing

further. If women consistently perceive these types of behaviors differently than do men,

there are clear practical implications for attorneys during jury selection in trials when a

defendant is charged with a hate crime. More specifically, in the current findings there

was a significant gender difference in participants' responses to the couple scenario. In

addition to overall gender differences regarding the perception of the offending behaviors

described in the various scenarios, this particular scenario included the phrase "Stop

stealing our women!" by one of the perpetrators.  Perhaps this was particularly offensive

to women because the phrase implies that women are property, owned by men. That is, this specific scenario involved not only the issue of race, but also power differentials regarding gender, which may account for why this was the biggest difference found. However, given that women consistently viewed the scenarios more harshly, there is still an interesting overall gender difference in perception of these types of behaviors that merits further investigation.

**Contributions of the Current Project**

As noted earlier in this report, there has been relatively little research done on hate crimes and hate crime legislation. One contribution of the present study is that we have begun to reveal some of the inconsistencies in people's perceptions of offensive behaviors that could potentially be charged as hate crimes. That is, we investigated whether the group membership (majority or minority) of the perpetrator relative to the victim would make a difference in the likelihood that participants would perceive the behavior as being bias-motivated, as well as the degree to which the behavior would be considered serious, offensive, and deserving of punishment. Although our results did not attain statistical significance, all results were in the predicted direction. Participants consistently viewed identical scenarios differently based solely on the majority or minority status of the perpetrator and victim featured. That is, the same situation was interpreted quite differently as a function of the group membership of the individuals involved. This is contrary to the written laws, which are supposed to treat offensive and assaultive behaviors toward people who are victimized because of their race, religion, or sexual orientation equally (regardless of their particular race, religion, or sexual orientation). More specifically, participants were consistently more likely to perceive the

behaviors as being more bias motivated, serious, offensive and deserving of punishment if the victim was a member of the minority group and the perpetrator was a member of the majority group.

An additional contribution of the current project is the finding of a general difference in the way females and males perceived the behaviors depicted in the scenarios. The current results are preliminary, and should be considered tentative, but this is an issue that merits further investigation. Legal debates continue regarding the "reasonable person" standard vs "reasonable woman" standard when judging the alleged offenses of defendants in court, particularly regarding sexual harassment and sexual assault cases (Cahn, 1992). Perhaps the area of hate crime legislation is another legal arena in which there are consistent differences in perception that must be acknowledged.

**Limitations of Current Design**

The sample of participants in the current design was relatively small, and quite homogeneous with respect to demographic characteristics. Perhaps a larger, more diverse sample, particularly in terms of race and sexual orientation, would yield different findings. Individuals belonging to different groups may have different life experiences that lead to differences in perception and the ability to empathize with someone being targeted because of group membership. For example, most of the participants in the current study self-identified as White and straight. Given the all-encompassing importance of one's ethnicity and sexual orientation on life experiences and social interactions, it is reasonable to suggest that these individuals might perceive the scenarios differently than participants who self-identified as Black and/or gay. Furthermore,

previous perceptions and biases toward certain groups may influence whether or not someone deems a particular offense a hate crime.

An interesting extension of this research would be to do a fully-crossed design (i.e., including scenario versions in which both the perpetrator and victim were of the same minority or majority). Many people perceive hate crimes as targeting outgroups, when hate crimes can occur within groups as well (Glaser, 2005). An additional benefit of the fully-crossed design would be that it would allow further understanding of the specific elements that people perceive as being indicative of a biased motivation, without the confounding of the group status. That is, perhaps it would reveal whether people generally perceive an altercation that includes a racial epithet as constituting a hate crime, and to what extent perceptions are contingent upon the status of the individuals involved.

**Conclusion**

Although based on a relatively small and quite homogenous sample, the current study represents a first step toward greater understanding of perceptions of hate crime laws.  Additional research is needed to explore under what circumstances people will consider a given behavior to be a hate crime, worthy of enhanced penalties.  Further research is also needed to illuminate when comparable situations will be judged consistently, and when they will be interpreted quite differently, based solely on the relative status of the individuals involved.  Building on the findings of the current study, future research should also explore the degree to which gender differences in interpreting these situations is consistent, or whether these differences are dependent on the specifics of a given situation.  Despite the many limitations of the current study, these contributions indicate potentially fruitful areas of future study.

References

Brillhart, D. C. (2008). The civil rights act of 1968, A legislative analysis validating

cause to include sexual orientation in federal hate crime legislation. *Dissertation*

*Abstracts International, 68*

Cahn, N. (1992). The looseness of legal language: The reasonable woman standard in

theory and in practice. *Cornell Law Rev, 77,* 1398-1446.

Cramer, R. J., Kehn, A., Pennington, C. R., Wechsler, H. J., Clark, J. W. I.,II, & Nagle, J.

(2013). An examination of sexual orientation- and transgender-based hate crimes

in the post-matthew shepard era. *Psychology, Public Policy, and Law, 19*(3), 355-

368.

Glaser, J. (2005). Intergroup bias and inequality: Legitimizing beliefs and policy

attitudes. *Social Justice Research, 18*, 257-282.

Johnson, S. D., & Bryers, B.D. (2003). Attitudes toward hate crime laws. *Journal of*

*Criminal Justice, 31*, 227-235.

Maio, G. R., & Esses, V. M. (2001). The need for affect: Individual differences in the

motivation to approach or avoid emotions. *Journal of Personality, 69,*

583– 615. doi:10.1111/1467- 6494.694156

Saucier, D. A., Brown, T. L., Mitchell, R. C., & Cawman, A. J. (2006). Effects of

victims' characteristics on attitudes toward hate crimes. *Journal of Interpersonal*

*Violence, 21(7),* 890-909.

Appendix A:

Materials Used in Current Study

Informed Consent to Participate in Research

Project Title: Social Perceptions

Investigator(s): Maya Pedersen and Melissa Berry, PhD

Description of Study: You will be asked to read four brief descriptions of various situations involving people and then share your opinions and perceptions of these interactions  by indicating how much you agree or disagree with  a series of statements.  We will also ask for some basic demographic information (e.g., age, race, sexual orientation) so that we can better understand the background of our respondents.

Adverse Effects and Risks: No adverse effects are expected. You might experience mild discomfort when reading the descriptions of the interactions, because they involve conflict and in some cases, brief violence.  None of these descriptions contains any graphic or extensive details, but they do include derogatory and potentially offensive language. You may discontinue at any time without penalty. If you experience any distress as a result of your participation, you may wish to contact the campus counseling center, (937)-229-3141, Gosiger Hall. Counseling services are provided as a free service to undergraduate students.

Duration of Study: The study will take approximately 25-30 minutes to complete.

Confidentiality of Data: Your name will be kept separate from the data.  Both your name and the data will be kept in a locked filing cabinet.  Only the investigators named above will have access to the locked filing cabinet. Your name will not be revealed in any document resulting from this study.  However, you may be identifiable based on the combination of responses you provide to the demographic questions. Please keep this in mind while answering questions.

Contact Person:   Participants may contact Maya Pedersen, (614) 632-7572, pedersenm1@udayton.edu.  If you have questions about your rights as a research participant you may also contact the chair of the Research Review and Ethics Committee, Lee Dixon, PhD in SJ 310, (937) 229-2160, lee.dixon@udayton.edu.

Consent to Participate:   *"I have voluntarily decided to participate in this study.  The investigator named above has adequately answered any and all questions I have about this study, the procedures involved, and my participation.  I understand that the experimenter will be available to answer any questions about research procedures throughout this study. I also understand that I may voluntarily terminate my participation in this study at any time and still receive full credit. I also understand that the investigator named above may terminate my participation in this study if s/he feels this to be in my best interest.  In addition, I certify that I am 18 (eighteen) years of age or older."*

_____

Signature of Student              Student's Name (printed)                    Date

_____

Signature of Witness                                                                    Date

1. At a local bar, a gay man walked in and was soon noticed by a straight man, who, according to witnesses, called the gay man a "dirty faggot" and immediately punched him in the face.

| | Strongly agree | Agree | Somewhat agree | Somewhat disagree | Disagree | Strongly disagree |
|---|---|---|---|---|---|---|
| The behavior was motivated by hatred. | | | | | | |
| This is an example of a hate crime. | | | | | | |
| The behavior would NOT be considered a bias-motivated crime. | | | | | | |
| The behavior was meant to send a message of fear and intimidation to the victim's group. | | | | | | |
| The behavior would be considered a criminal act. | | | | | | |
| The behavior was directed solely at one individual and no one else. | | | | | | |

Please circle a number indicating the overall **seriousness** of this behavior.

| Not at all serious | | | | | Extremely serious |
|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 |

Please circle a number indicating how **worthy of punishment** you believe this behavior to be.

| Not at all worthy of punishment | | | | | Completely worthy of punishment |
|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 |

Please circle a number indicating how **offensive** you believe this behavior to be.

| Not at all offensive | | | | | Extremely offensive |
|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 |

2. A Christian bakery owner was overheard saying "Jews can't be trusted and their business is not welcome here!"

| | Strongly agree | Agree | Somewhat agree | Somewhat disagree | Disagree | Strongly disagree |
|---|---|---|---|---|---|---|
| The behavior was motivated by hatred. | | | | | | |
| This is an example of a hate crime. | | | | | | |
| The behavior would NOT be considered a bias-motivated crime. | | | | | | |
| The behavior was meant to send a message of fear and intimidation to the victim's group. | | | | | | |
| The behavior would be considered a criminal act. | | | | | | |
| The behavior was directed solely at one individual and no one else. | | | | | | |

Please circle a number indicating the overall **seriousness** of this behavior.

| Not at all serious | | | | | Extremely serious |
|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 |

Please circle a number indicating how **worthy of punishment** you believe this behavior to be.

| Not at all worthy of punishment | | | | | Completely worthy of punishment |
|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 |

Please circle a number indicating how **offensive** you believe this behavior to be.

| Not at all offensive | | | | | Extremely offensive |
|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 |

3. As an interracial couple was leaving the movies, a group of White men came up and one of them yelled "Stop stealing our women!" When the couple attempted to ignore the comment and walk away, the group of White men attacked the Black man.

| | Strongly agree | Agree | Somewhat agree | Somewhat disagree | Disagree | Strongly disagree |
|---|---|---|---|---|---|---|
| The behavior was motivated by hatred. | | | | | | |
| This is an example of a hate crime. | | | | | | |
| The behavior would NOT be considered a bias-motivated crime. | | | | | | |
| The behavior was meant to send a message of fear and intimidation to the victim's group. | | | | | | |
| The behavior would be considered a criminal act. | | | | | | |
| The behavior was directed solely at one individual and no one else. | | | | | | |

Please circle a number indicating the overall **seriousness** of this behavior.

| Not at all serious | | | | | Extremely serious |
|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 |

Please circle a number indicating how **worthy of punishment** you believe this behavior to be.

| Not at all worthy of punishment | | | | | Completely worthy of punishment |
|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 |

Please circle a number indicating how **offensive** you believe this behavior to be.

| Not at all offensive | | | | | Extremely offensive |
|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 |

4. A female college student went to see her engineering professor about a paper that she thought she deserved a better grade on, but after she explained her case, her professor told her that she didn't deserve anything better than what she'd received because she was a woman.

|  | Strongly agree | Agree | Somewhat agree | Somewhat disagree | Disagree | Strongly disagree |
|---|---|---|---|---|---|---|
| The behavior was motivated by hatred. |  |  |  |  |  |  |
| This is an example of a hate crime. |  |  |  |  |  |  |
| The behavior would NOT be considered a bias-motivated crime. |  |  |  |  |  |  |
| The behavior was meant to send a message of fear and intimidation to the victim's group. |  |  |  |  |  |  |
| The behavior would be considered a criminal act. |  |  |  |  |  |  |
| The behavior was directed solely at one individual and no one else. |  |  |  |  |  |  |

Please circle a number indicating the overall **seriousness** of this behavior.

| Not at all serious |  |  |  |  | Extremely serious |
|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 |

Please circle a number indicating how **worthy of punishment** you believe this behavior to be.

| Not at all worthy of punishment |  |  |  |  | Completely worthy of punishment |
|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 |

Please circle a number indicating how **offensive** you believe this behavior to be.

| Not at all offensive |  |  |  |  | Extremely offensive |
|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 |

1.  At a local gay bar, a straight man walked in and was soon noticed by a gay man, who, according to witnesses, called him a "dirty breeder" and immediately punched him in the face.

| | Strongly agree | Agree | Somewhat agree | Somewhat disagree | Disagree | Strongly disagree |
|---|---|---|---|---|---|---|
| The behavior was motivated by hatred. | | | | | | |
| This is an example of a hate crime. | | | | | | |
| The behavior would NOT be considered a bias-motivated crime. | | | | | | |
| The behavior was meant to send a message of fear and intimidation to the victim's group. | | | | | | |
| The behavior would be considered a criminal act. | | | | | | |
| The behavior was directed solely at one individual and no one else. | | | | | | |

Please circle a number indicating the overall **seriousness** of this behavior.

| Not at all serious | | | | | Extremely serious |
|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 |

Please circle a number indicating how **worthy of punishment** you believe this behavior to be.

| Not at all worthy of punishment | | | | | Completely worthy of punishment |
|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 |

Please circle a number indicating how **offensive** you believe this behavior to be.

| Not at all offensive | | | | | Extremely offensive |
|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 |

2.  A Jewish bakery owner was overheard saying "Christians can't be trusted and their business is not welcome here!"

| | Strongly agree | Agree | Somewhat agree | Somewhat disagree | Disagree | Strongly disagree |
|---|---|---|---|---|---|---|
| The behavior was motivated by hatred. | | | | | | |
| This is an example of a hate crime. | | | | | | |
| The behavior would NOT be considered a bias-motivated crime. | | | | | | |
| The behavior was meant to send a message of fear and intimidation to the victim's group. | | | | | | |
| The behavior would be considered a criminal act. | | | | | | |
| The behavior was directed solely at one individual and no one else. | | | | | | |

Please circle a number indicating the overall **seriousness** of this behavior.

| Not at all serious | | | | | Extremely serious |
|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 |

Please circle a number indicating how **worthy of punishment** you believe this behavior to be.

| Not at all worthy of punishment | | | | | Completely worthy of punishment |
|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 |

Please circle a number indicating how **offensive** you believe this behavior to be.

| Not at all offensive | | | | | Extremely offensive |
|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 |

3. As an interracial couple was leaving the movies, a group of Black men came up and one of them yelled, "Stop stealing our women!" When the couple attempted to ignore the comment and walk away, the group of Black men attacked the White man.

| | Strongly agree | Agree | Somewhat agree | Somewhat disagree | Disagree | Strongly disagree |
|---|---|---|---|---|---|---|
| The behavior was motivated by hatred. | | | | | | |
| This is an example of a hate crime. | | | | | | |
| The behavior would NOT be considered a bias-motivated crime. | | | | | | |
| The behavior was meant to send a message of fear and intimidation to the victim's group. | | | | | | |
| The behavior would be considered a criminal act. | | | | | | |
| The behavior was directed solely at one individual and no one else. | | | | | | |

Please circle a number indicating the overall **seriousness** of this behavior.

| Not at all serious | | | | | Extremely serious |
|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 |

Please circle a number indicating how **worthy of punishment** you believe this behavior to be.

| Not at all worthy of punishment | | | | | Completely worthy of punishment |
|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 |

Please circle a number indicating how **offensive** you believe this behavior to be.

| Not at all offensive | | | | | Extremely offensive |
|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 |

4. A male college student went to see his women's studies professor about a paper that he thought he deserved a better grade on, but after he explained his case, his professor told him that he didn't deserve anything better than what he'd received because he was a man.

| | Strongly agree | Agree | Somewhat agree | Somewhat disagree | Disagree | Strongly disagree |
|---|---|---|---|---|---|---|
| The behavior was motivated by hatred. | | | | | | |
| This is an example of a hate crime. | | | | | | |
| The behavior would NOT be considered a bias-motivated crime. | | | | | | |
| The behavior was meant to send a message of fear and intimidation to the victim's group. | | | | | | |
| The behavior would be considered a criminal act. | | | | | | |
| The behavior was directed solely at one individual and no one else. | | | | | | |

Please circle a number indicating the overall **seriousness** of this behavior.

| Not at all serious | | | | | Extremely serious |
|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 |

Please circle a number indicating how **worthy of punishment** you believe this behavior to be.

| Not at all worthy of punishment | | | | | Completely worthy of punishment |
|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 |

Please circle a number indicating how **offensive** you believe this behavior to be.

| Not at all offensive | | | | | Extremely offensive |
|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 |

# Social Perceptions

Please help us understand our participants better by responding to the following items:

Your gender:  (please check one)

_____ Male
_____ Female

What is your current age (in years)?

_____ 18
_____ 19
_____ 20
_____ 21
_____ 22 or older

What year in school are you?

_____ 1st year
_____ 2nd year
_____ 3rd year
_____ 4th year
_____ 5th year or beyond

Please indicate which ethnic group you believe most accurately describes you:

_____ White/Caucasian
_____ Black/ African-American
_____ Asian-American
_____ Latino
_____ Other        (Please write in, if desired: _____ )
_____ I prefer not to respond to this item.

Please indicate which group you believe most accurately describes your sexual orientation:

_____ straight/heterosexual
_____ bisexual
_____ gay/lesbian/homosexual
_____ pansexual
_____ asexual
_____ Other        (Please write in, if desired: _____ )
_____ I prefer not to respond to this item.

Debriefing Form
**Information about the *Social Perceptions* study**

**<u>Objective:</u>**
The objective of the study is to better understand the various elements that determine whether a behavior will be considered a hate crime, and therefore potentially worthy of more severe punishment.  There is a lot of disagreement regarding the purpose of hate crime legislation and what specific groups should be protected by such laws.  In this study we are investigating whether the role of a perpetrator and victim regarding group membership affects whether the offensive behavior is considered a hate crime. Two versions of a set of four brief scenarios were used in this research.   Each participant received a set of four scenarios that described two situations of a majority group member behaving negatively toward a minority group member and two situations of a minority group member behaving negatively toward a majority group member.  All other aspects of the scenarios were held constant.  That is, the two versions differed only in the relative roles of the perpetrator and victim, with all other details remaining the same.

**<u>Hypothesis:</u>**
You were asked to indicate how much you agreed or disagreed with a series of statements regarding the scenarios.  These items assessed whether you considered the behavior described to be motivated by hatred/bias, intended to send a message of fear and intimidation to a group or directed at one individual, and whether you considered it to be a criminal act. I expect to find that the results of these measures will differ according to the specific scenarios received.  More specifically, I predict that participants will be more likely to view the behavior as a hate crime if the victim is depicted as a member of a minority group (i.e., gay, woman, Jewish, or black) and the attacker is depicted as a member of a majority group (i.e., straight, man, Christian, or white) than when these roles are reversed.  Additionally, I expect that participants will view the crime as more serious and more worthy of punishment when the victim is described as being in the minority.

**<u>Your Contribution:</u>**
Your participation has enabled us to investigate whether the group membership (i.e., majority/ minority) of the perpetrator and victim affects decisions to consider a case a hate crime or not. This topic is important because everyone is entitled to equal protection under the law, including hate crime legislation, but there are often disparities in which cases are pursued, and what specific charges are brought against the offender. This research will serve to further our understanding of why these disparities occur.

**<u>Benefits:</u>**
The data from this study will also be shared with other researchers.  The results of studies like this can lead to improvements in the way general public and legal practitioners view hate crime legislation and its application when making decisions about individual cases.

**Assurance of Privacy:**

We are studying the perception of hate crimes and are not evaluating you personally in any way. Your responses will be kept completely confidential and your responses will only be identified by a participant number in the data set with other participant numbers. Your name will not be revealed in any document resulting from this study.

**Please note:**

We ask you to kindly refrain from discussing this study with others in order to help us avoid biasing future participants. If you have any questions please do not hesitate to contact any of the individuals listed on this page. For further information about this area of research, you may wish to read the references cited on this page.

**Contact Information:**

Students may contact Maya Pedersen, (614) 632-7572, pedersenm1@udayton.edu if you have questions or problems after the study. If you have questions about your rights as a research participant you may also contact the chair of the Research Review and Ethics Committee, Lee Dixon, PhD in SJ 310, (937) 229-2160, lee.dixon@udayton.edu. Students may also contact the counseling center (Gosiger Hall; (937)-229-3141), where free services are provided for undergraduates, if you feel any discomfort as a result of participating in the study.

Thank you for your participation. I will update your research credit on the online system.

**Disclaimer:**

The University of Dayton supports researchers' academic freedom to study topics of their choice. The topic and/or content of each study are those of the principal investigator(s) and do not necessarily represent the mission or positions of the University of Dayton.

**References:**

Hong, D. (2009). Hate crime regulation and challenges. *Georgetown Journal of Gender and the Law*, *10*(2), 279-295.

Erickson, N. C. (2005). Hate crimes. *Georgetown Journal of Gender and the Law*, *6*(3), 289-314.