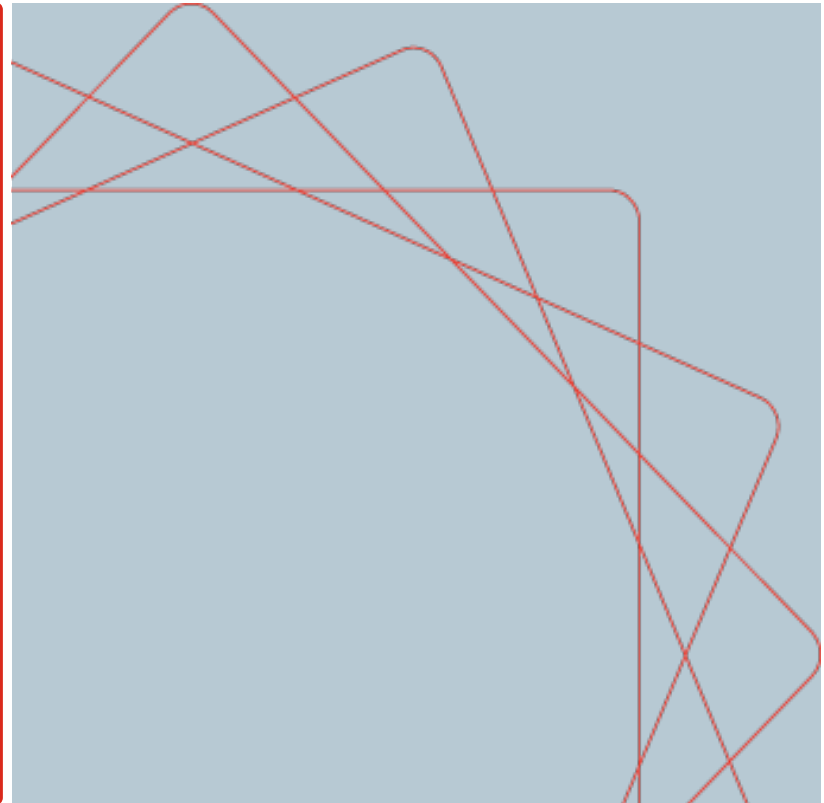# Hate Crimes and Female Sex Offenders: Exploring the NCRP's Unique Capabilities for Research on Rare and Specialized Crime Types

7th Annual ICRN / NCRP Data Providers Meeting

Christopher Cutler, Melissa Nadel, Michael Shively, Ryan Kling

Acknowledgment

NCRP Traits and Capabilities

- Key NCRP traits:

  - national scope

  - standardized offense codes

  - long time series

  - longitudinal individual-level data

- Resultant Capabilities:

  - Samples large enough for statistical analysis of relatively rare crimes types

  - Examination across offense subcategories, offender traits, and states

Overview

- NCRP's capabilities illustrated by our studies of two offender types whose scarcity typically precludes rigorous analysis:

  - Female sex offenders (Chris)

  - Hate- or bias-motivated offenders (Mike)

- Both presentations will address:

  - Research questions pursued

  - How offender types were identified in NCRP data

  - Key findings, implications, and discussion

Study 1: Female Sex Offenders

- Sex offender management and reentry has important implications for public safety/policy

- Recidivism analyzed in a variety of settings

  - State-level DOC annual reports, special studies.

  - Localized samples, e.g. one program or prison.

- In general, the research finds that sex offenders…

  - recidivate at lower rates.

  - may have higher levels of offense specialization.

Limitations of Past Research

- **Limited scope**

  - Most studies examine male sex offenders within states or local jurisdictions

  - Incomplete picture of cross-state differences and variations in outcomes

- **Small samples**

  - Impedes studies of many subpopulations including female offenders

Research Questions

1. How prevalent are female sex offenders? Does the prevalence vary over time/across states?

2. What are the characteristics of female sex offenders? How do these characteristics compare to those of male sex offenders?

3. Do released female sex offenders return to prison less often than male sex offenders?

Method

- Recidivism = return to prison within same state

- Limited to releases following new court commitment

- Exclusions:

  - Deaths, absconders, transfers, releases to custody/detention

  - Stays of less than 30 days

  - Juvenile admissions

Defining Sex Offenses

- States have diverse criminal statutes

- State codes are standardized based on nature of the offense and characteristics of the victim

- Offenses are cross-walked or standardized for NCRP

Variation in State Law Terminology

State	State Code	Description
CO	Sexual Assault (§ 18-3-402)	Any actor who knowingly inflicts **sexual intrusion or sexual penetration** on a victim…
NC	First Degree Sexual Offense (§ 14-27.4.(a)(2)a.)	The person engages in a sexual act with another person by **force**… and employs or displays a dangerous or deadly weapon…
OR	Unlawful Sexual Penetration 1 (§ 163.411(1)(a))	The person **penetrates** …another with any object other than the penis or mouth of the actor and the victim is subjected to **forcible compulsion.**

Standardizing Offense Types

State	State Code	Description	Crosswalked Value
AZ	Sexual Abuse (13-1404)	…engaging in **sexual contact** with any person who is fifteen or more years of age **without consent**…	Sexual Assault
IA	Sexual Abuse (709.1)	…when the act is performed with the other person by **force or against the will of the other**.	Rape

Sex Offense Crosswalk

Sex Offense Category	Definition
Rape	Any penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim
Statutory Rape	Any offense involving penetration where no force was used and the victim was under the age of consent; includes incest
Sexual Assault	Unwanted sexual contact that does not involve penetration
Lewd Act With Child	Where an offender exposed himself or herself to a child, masturbated or performed a sexual act in front of a child, or engaged in sexual fondling of a child
Forcible Sodomy	Any penetration, no matter how slight, of the anus with any body part or object, without the consent of the victim (legacy definition)

Sample

- Females admitted to, released from, or incarcerated in state prison with….

  – A new court commitment

  – An offense that crosswalks to one of the five sex offense categories

- Unless otherwise specified, tables and figures based on 19 state sample with complete data from 2000 – 2017

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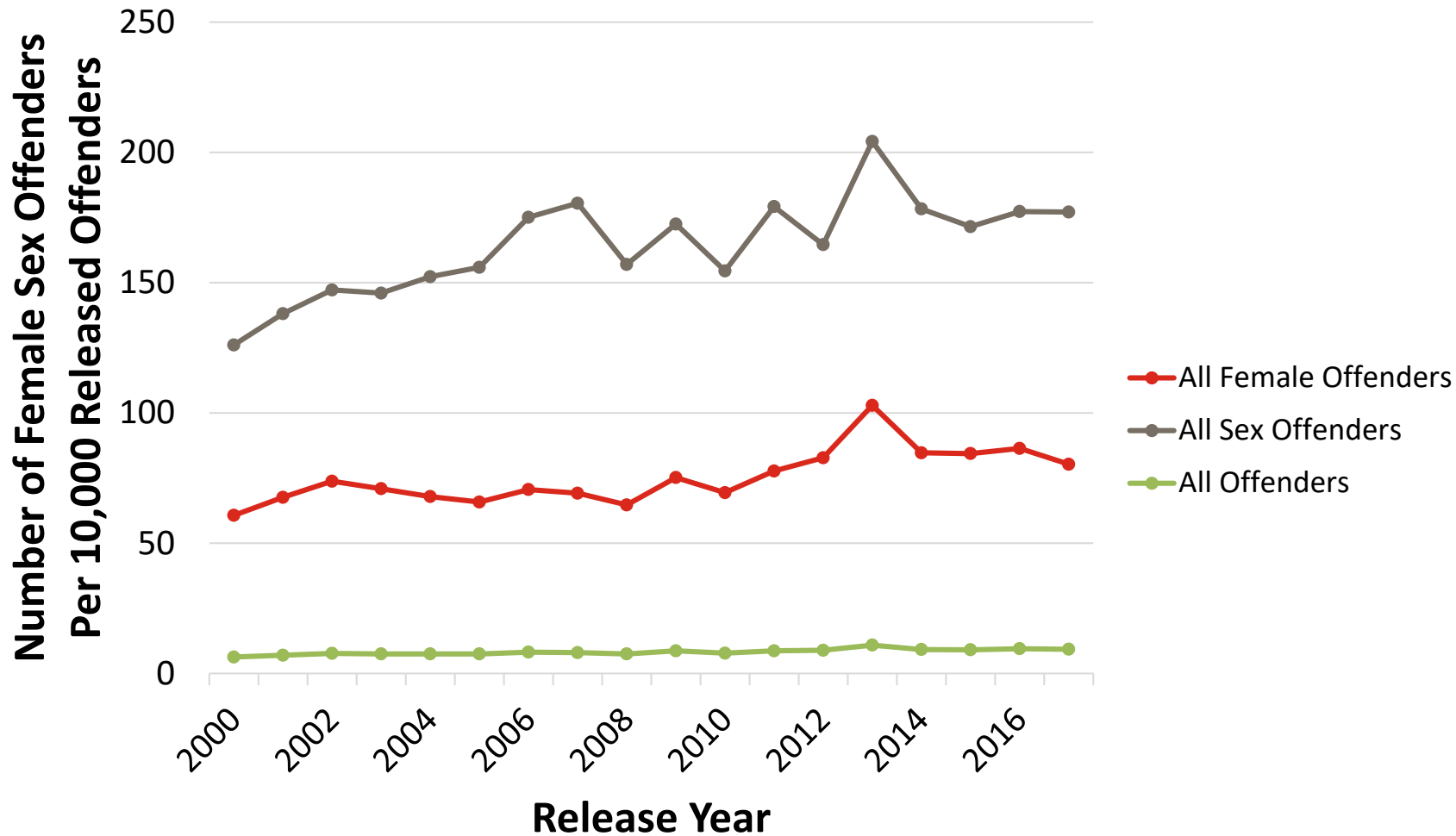# Prevalence of Female Sex Offenders, All States With 2017 Data

Number of Female Sex Offenders

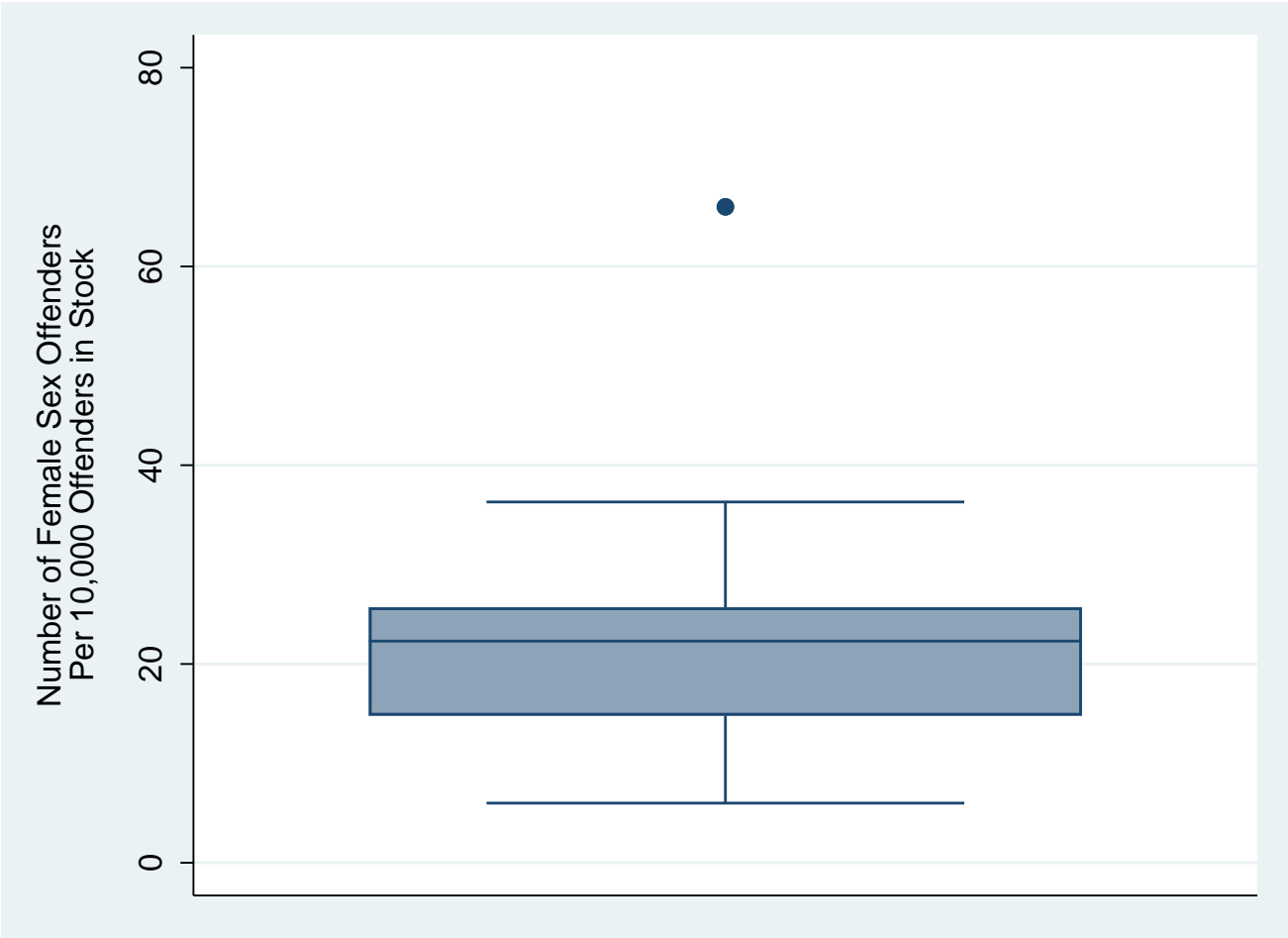| 2017 Releases	2017 Stock
293	1,692

Number of Female Sex Offenders Per 10,000 Offenders

Comparison Group	2017 Releases	2017 Stock
All Female Offenders	73.7	285.3
All Sex Offenders	198	137.1
All Offenders	9.5	19.9

Prevalence of Released Female Sex Offenders, 19 State Sample

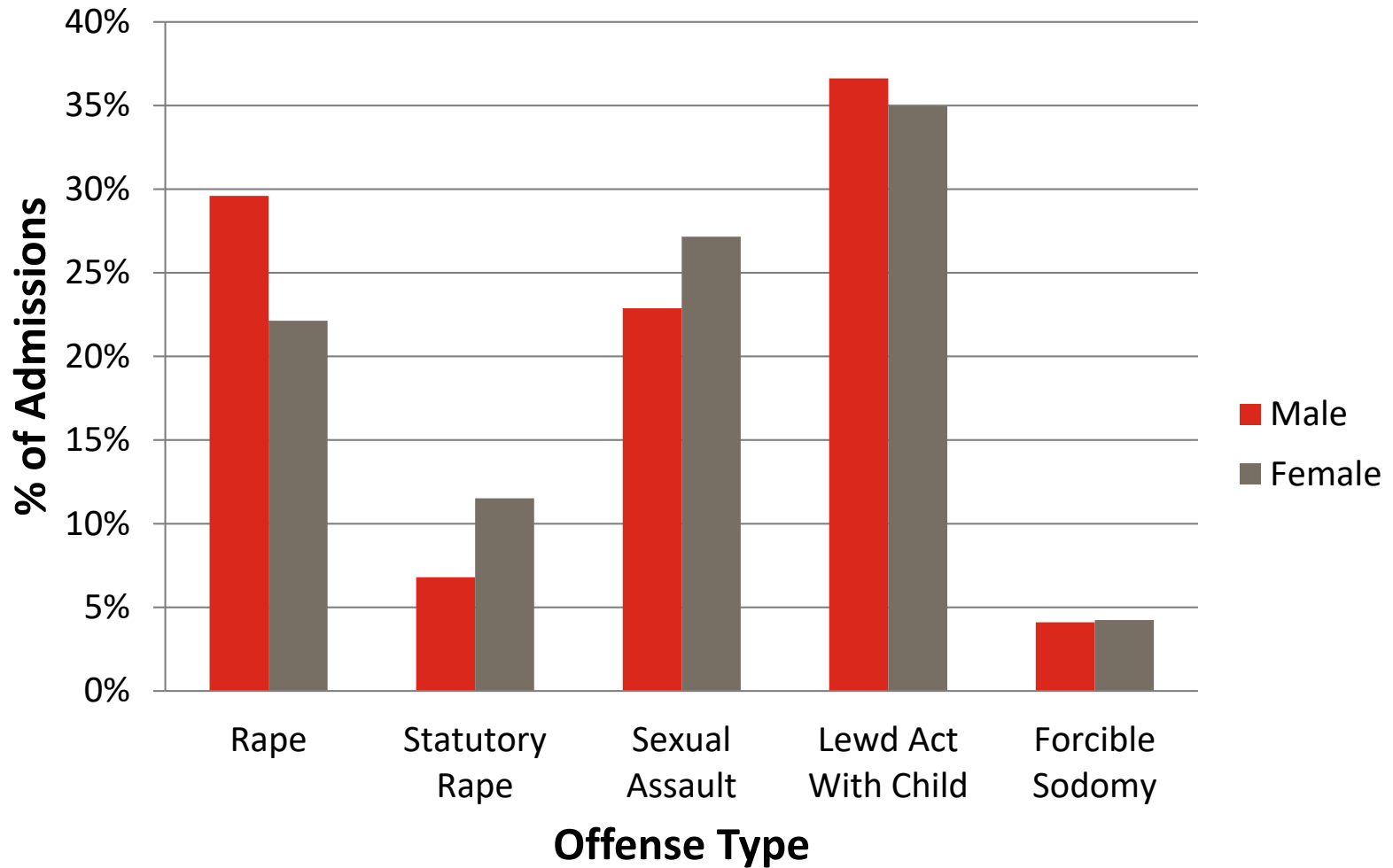# Number of Female Sex Offenders Per 10,000 Offenders in Stock
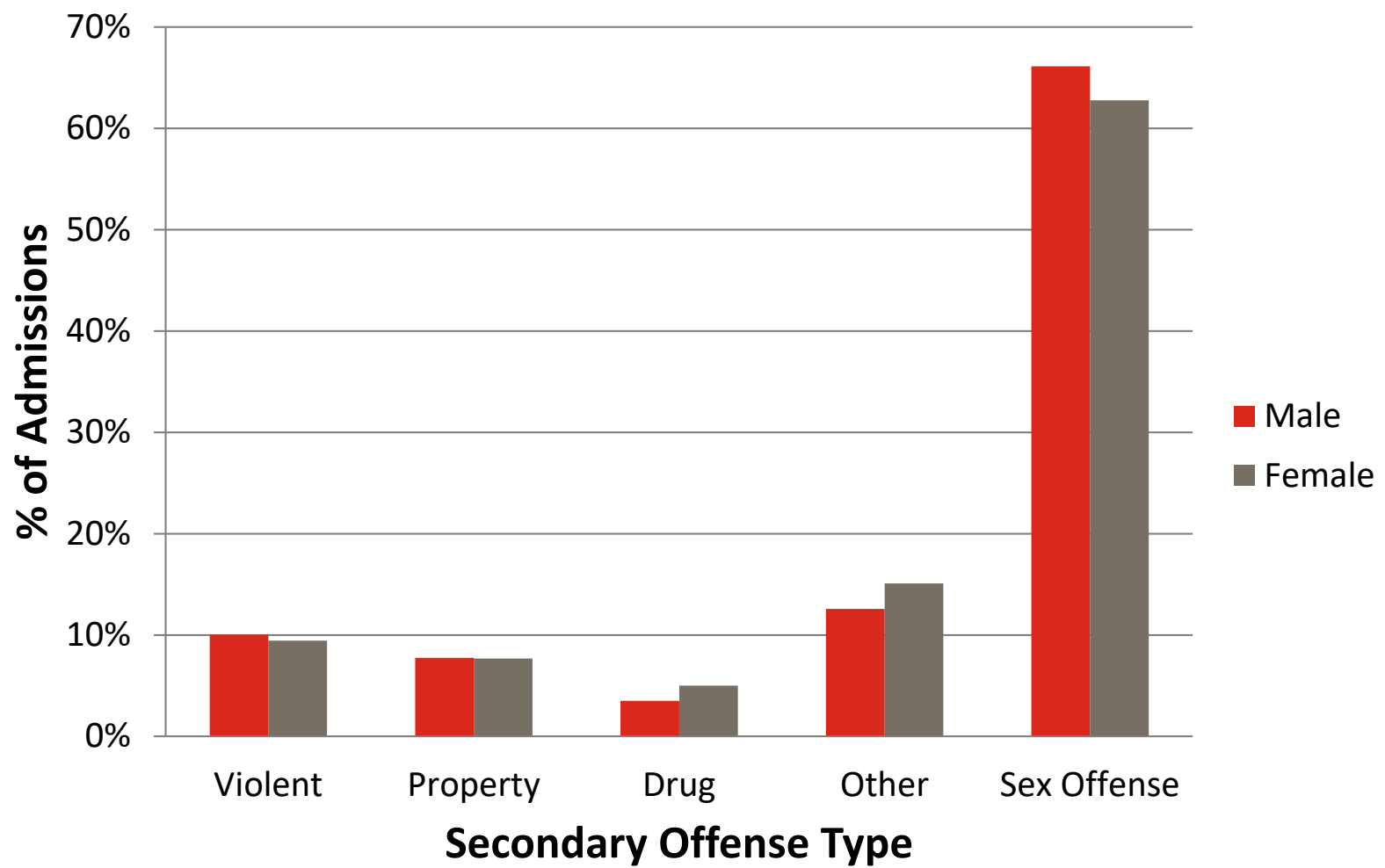
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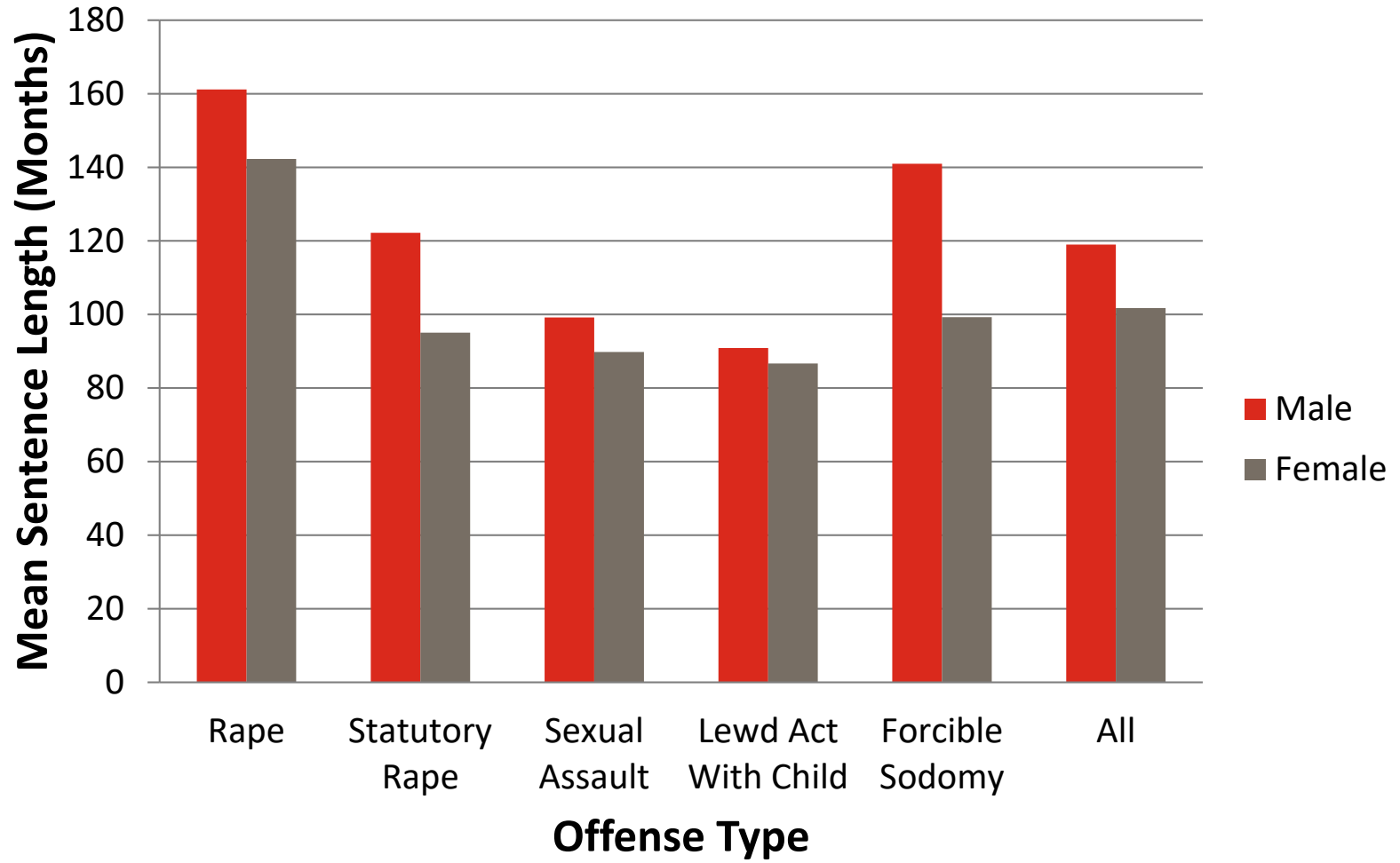
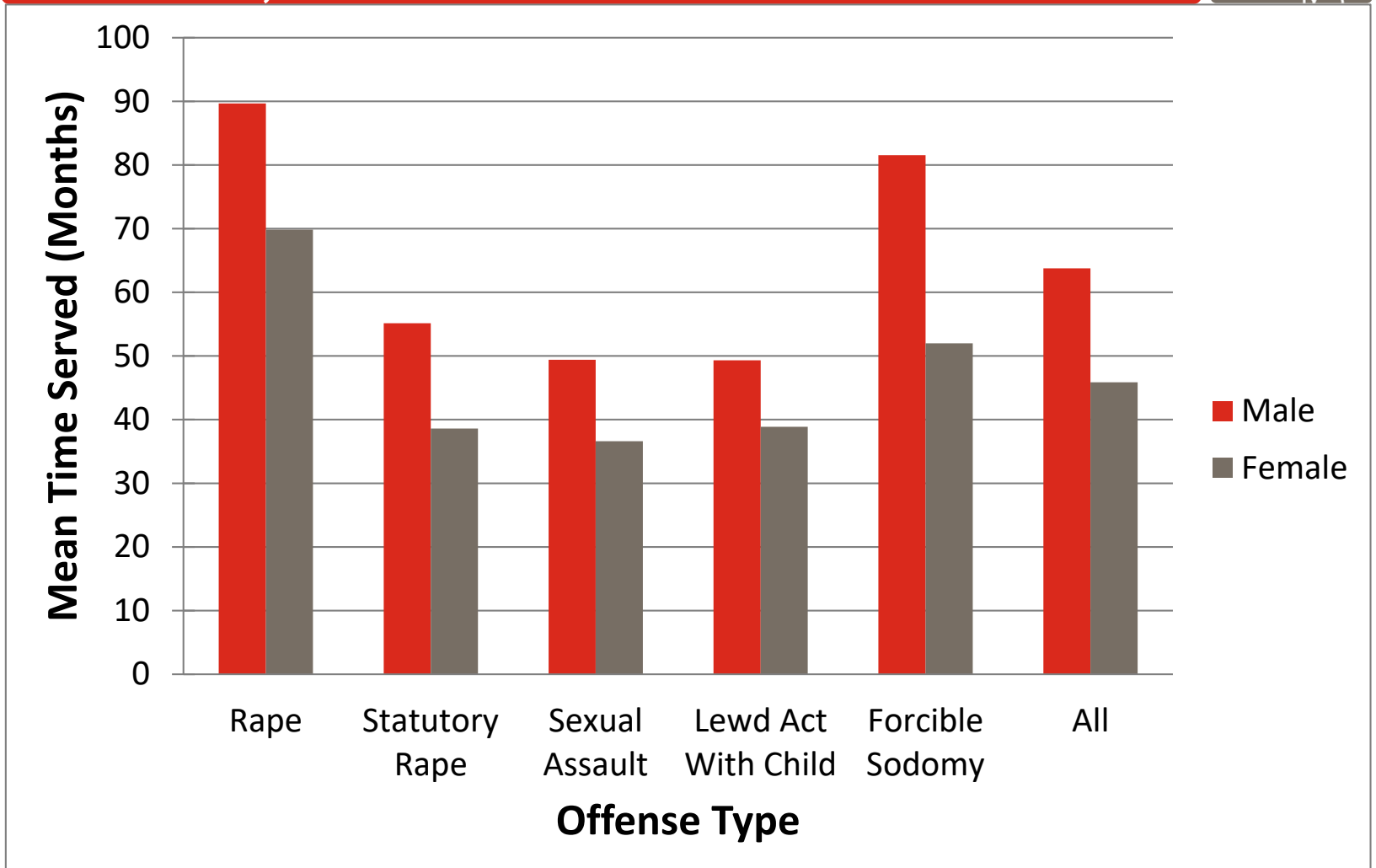# Primary Offense Type by Gender, 2000 – 2017 Admissions

Concurrent Offense Type by Gender, 2000 – 2017 Admissions

Mean Sentence Length in Months by Gender, 2000 – 2017 Releases

Mean Time Served in Months by Gender, 2000 – 2017 Releases

Average Admission Age in Years by Gender, 2000 – 2017 Admissions
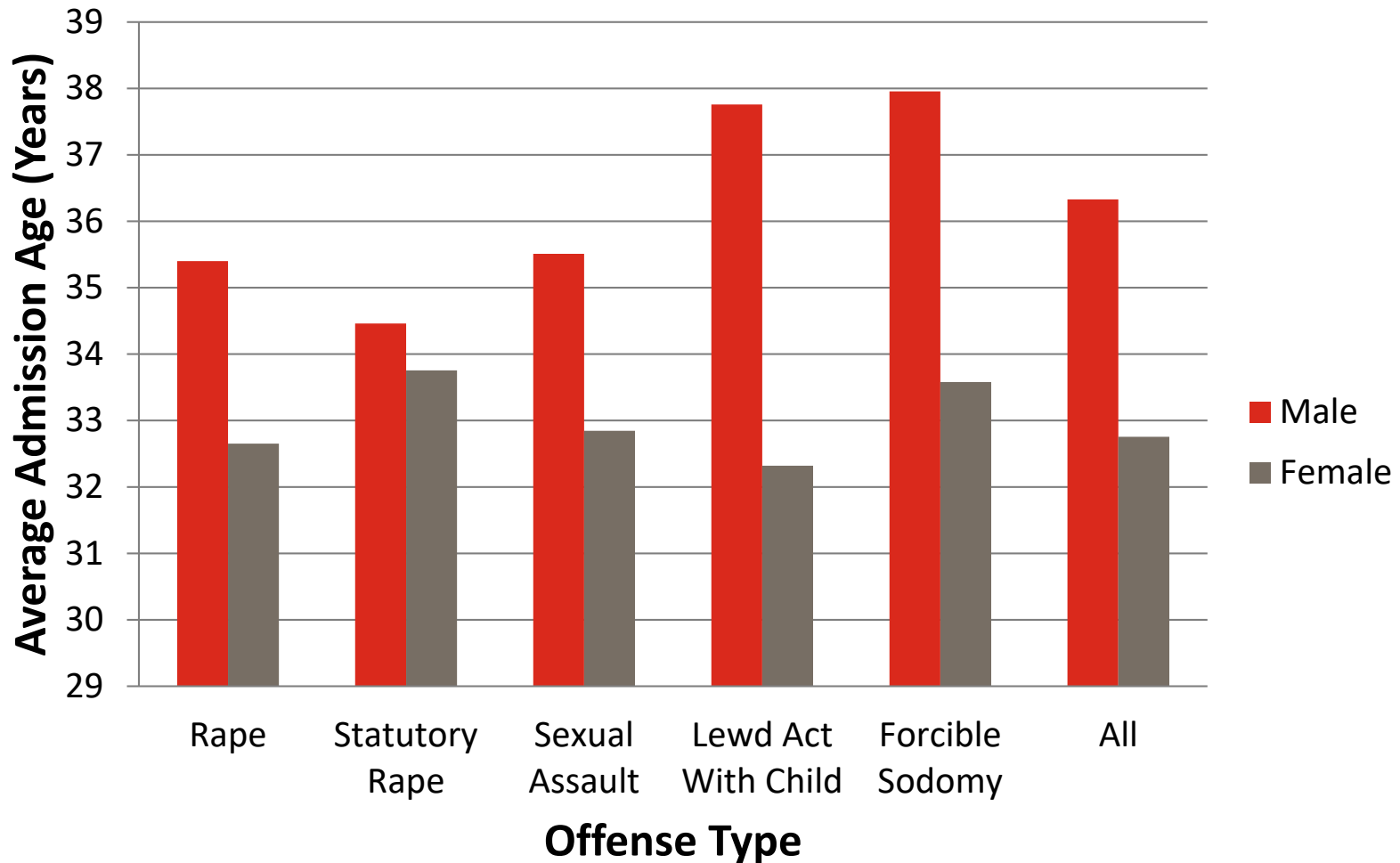
Race/Ethnicity by Gender, 2000 – 2017 Admissions
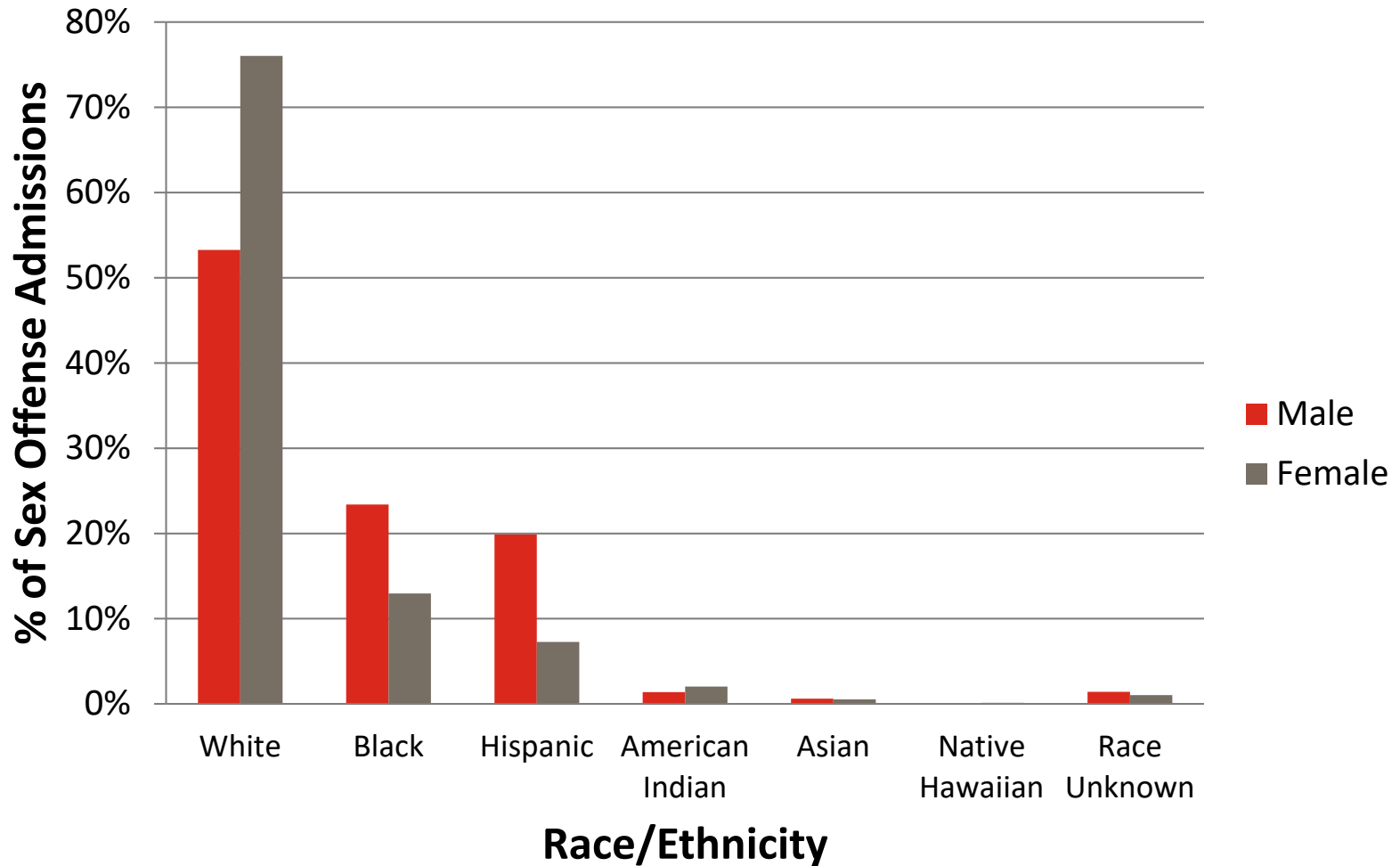
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1- to 3- Year Recidivism Rates by Gender, 2000 – 2014 Releases
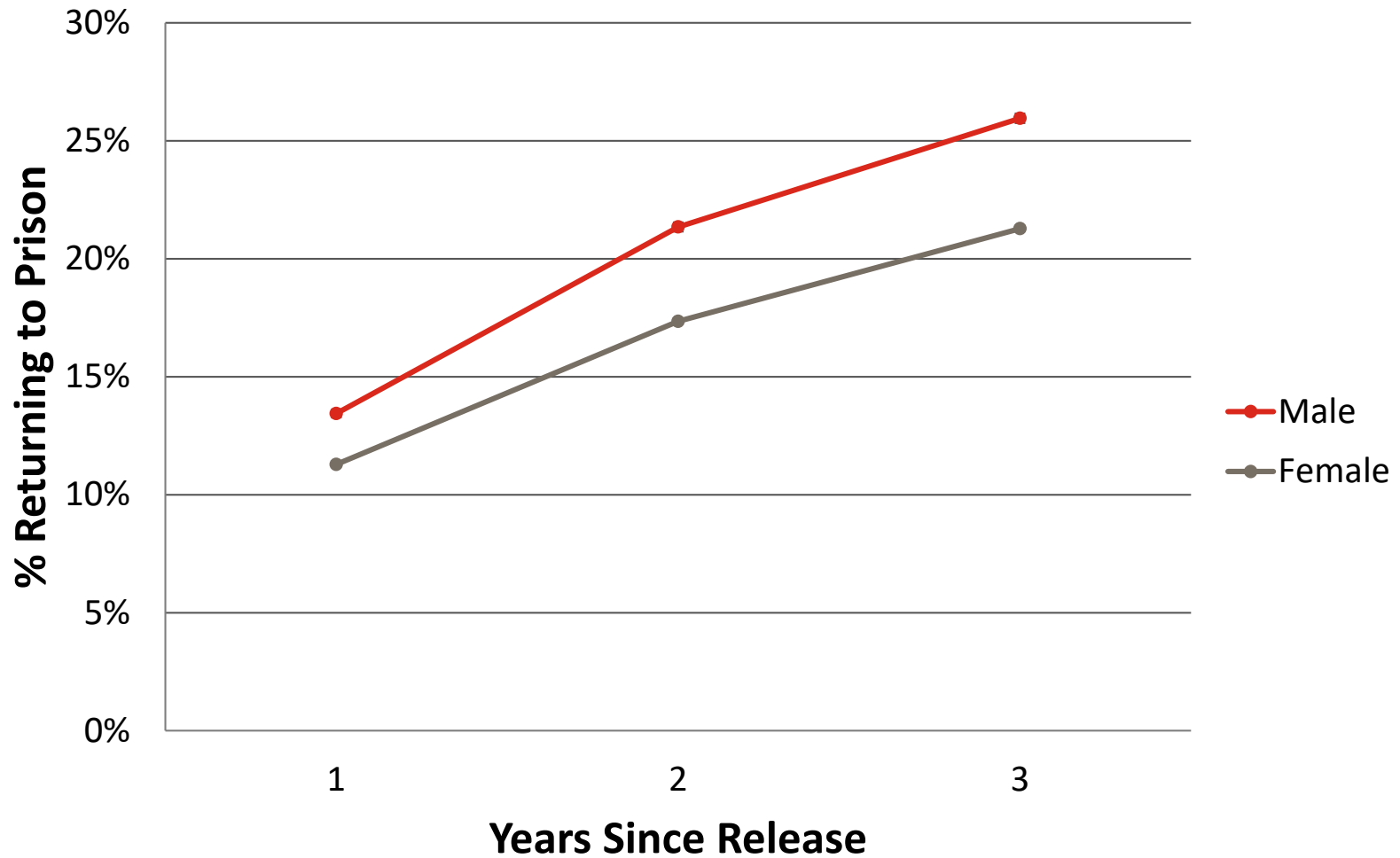
3 Year Recidivism Rate by Offense Type and Gender
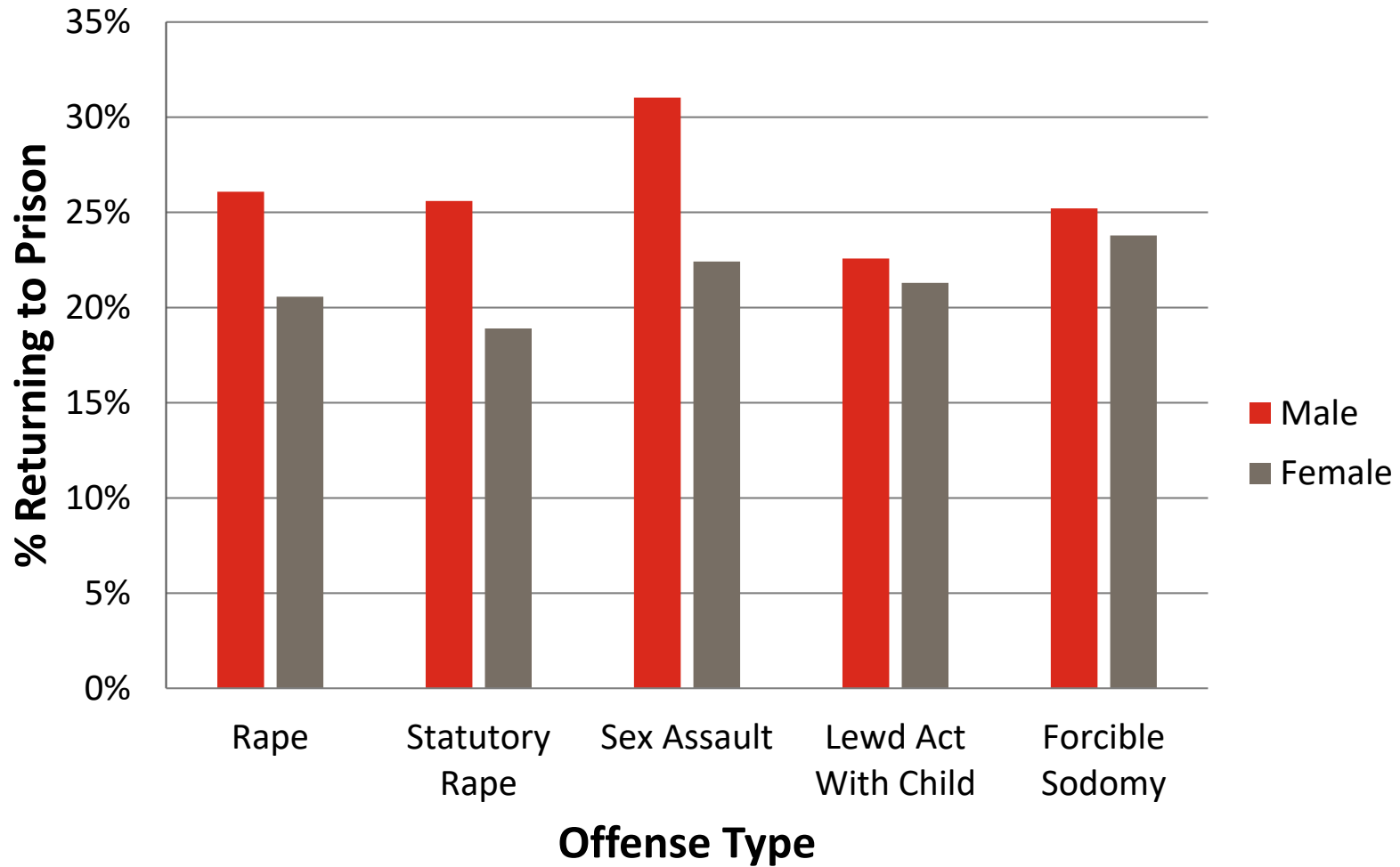
State Variation in Recidivism Rates, 2000 – 2014 Released Female Sex Offenders
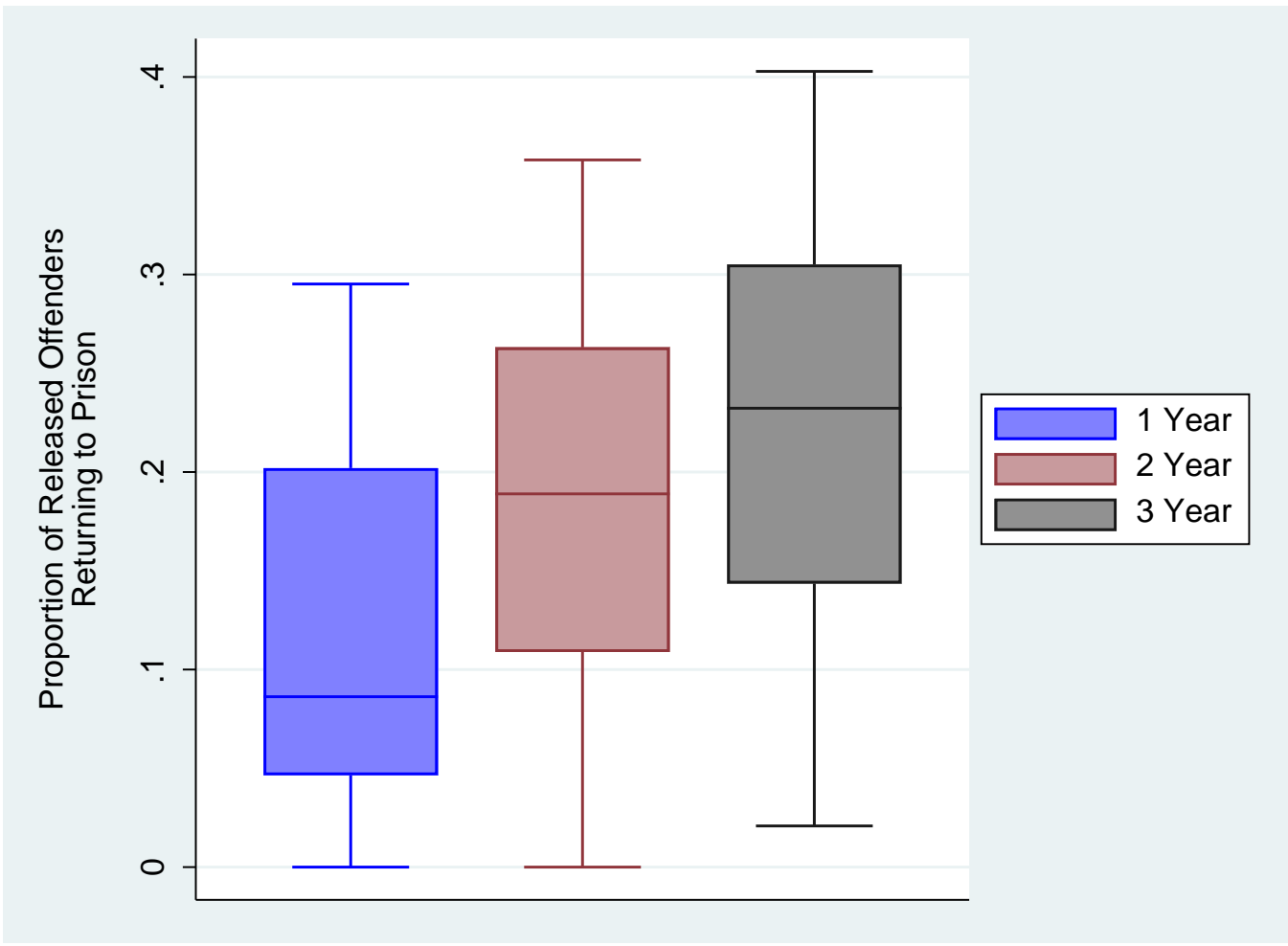
Conclusions

- Female sex offenders account for small proportion of all female offenders and all sex offenders

- Proportion has increased over time but varies from state to state

Conclusions

- Sex offense type varies by gender

- Females receive shorter sentences and serve less time than males with similar offenses

- Female sex offenders tend to be younger and are more likely to be White, non-Hispanic as compared to males

Conclusions

- Females less likely to return to prison within three years of release than males

- However, differences in likelihood of return appear to be correlated with offense type

Study 2: Hate Crime

- State and federal laws built on the premise that crimes motivated by bias or hatred are more egregious and deserve more severe punishment.

- Hate crime laws are challenging to implement:

    – Requires evidence of motivation of offender

    – Difficult to define, detect, investigate and prosecute

    – Great variation across state laws and implementation

Hate Crime Data

- Since 1990, hate crimes captured by most federal justice data collection programs, e.g.

    - Uniform Crime Reporting (UCR)

    - National Incident Based Reporting System (NIBRS)

    - National Crime Victimization Survey (NCVS)

- Useful national data on crimes known to police, arrests, victimization

- Research on etiology, impact, prevalence, investigation, and prosecution.

Gap: Sanctions for Hate Crime

- Nearly complete absence of data and research on correctional sanctions for hate crime in U.S. Just 3 studies:

  - Prison sentences, Boston, 1989   n =   5

  - Prison/jail sentences, New York, 2010-2014:   n = 60

  - U.S. federal data, 2009-2015:   n = 28

Fundamental Questions Remain

1. **Is the central intent of hate crime laws being realized: more severe punishments?**

2. How likely are offenders to commit another crime, especially another hate crime, following release from prison?

Our Research Questions

- Can hate crimes be identified in NCRP data?

- If so,

  – How many individuals have been sentenced to state prison terms for hate crime?

  – How do their sentences and time served in state prisons compare to those for similar predicate crimes, absent hate or bias motivation?

  – How do the traits of hate crime offenders compare to other offenders?

Identifying Hate Crime in NCRP: Challenges

- Hate crimes are not specified in NCRP coding system

  - Identification requires investigation of state laws and offense descriptors provided by DOCs.

- Among states providing offense descriptions, terms used are highly variable, sometimes ambiguous

Identifying Hate Crime in NCRP

- Initial keyword search terms:

bias	ethnic	religion	intimidation
discrimination	national	faith	symbol
discriminate	racism	desecrate	liberty
hate	racist	desecration	marginalized
gay	color	cross	motivate
lesbian	racial	based	motive
lgbt	civil	group	orient
queer	civil right	liberty	persuasion
sexual orientation	rights	identity	prejudice
gender	constitutional	identify	protected
sexist	church	aggravated	target
sexism	worship	disability	harass
race	religious	intimidate	

Identifying Hate Crime in NCRP

BJS Offense	Foremost Hate Crime	Offense 1	Offense 2	Offense 3
Arson	535	499	35	5
Destruction of Property	471	290	125	70
Blackmail/Intimidation/Extortion	462	226	174	83
Contempt of Court/Violation of Protective Order	415	347	58	11
Burglary	276	245	35	15
Harassment	222	222	0	0
Sexual Abuse	91	53	40	16
Public Order Offenses	78	43	32	20
Violent Offense - Other	73	64	9	0
Misdemeanor Unspecified	25	25	0	0
Weapons Offense	16	8	6	3
Drunk/Vagrant/Disorderly Conduct	8	4	3	2
Riot	7	2	0	5
Invasion of Privacy	3	1	2	0
Aggravated Assault	1	1	0	0
Attempted Arson	1	0	1	0
Vandalism	1	1	0	0
Total	2685	2031	520	230

States with Identified Hate Crimes

State	N	Cumulative %
1	1,037	38.6
2	346	51.5
3	310	63.1
4	222	71.3
5	177	77.9
6	154	83.6
7	91	87.0
8	73	89.8
9	47	91.5
10	36	92.8
Other 12 states	192	100.0
Total	**2,685**	

Predicate Offenses & Sentence Length

Variables	Hate Crime Frequency	Percent Hate Crimes	Non-Hate Crime Frequency	Percent Non-Hate Crimes
Offense Type [a]				
Violent	701	**26.1**	1,439,596	**36.1**
Property	1,223	**45.6**	1,543,876	**38.8**
Other	761	**28.3**	981,105	**24.6**
Missing	0	0.00	19,081	0.5
Sentence Length (years)				
< 1 year	141	**5.3**	338,330	**8.5**
1 to < 2 years	429	**15.9**	632,547	**15.9**
2 to < 3 years	548	**20.4**	648,110	**16.3**
3 to < 4 years	302	**11.3**	512,723	**12.9**
4 to < 5 years	196	**7.3**	335,983	**8.4**
5 to >5 years	1,068	**39.8**	1,506,462	**37.8**
Missing	1	0.1	9,503	0.2

Time Served

Variables	Hate Crime Frequency	Percent Hate Crimes	Non-Hate Crime Frequency	Percent Non-Hate Crimes
Time Served (years)				
< 1 year	437	16.3	765,693	19.2
1 to < 2 years	780	29.1	1,200,828	30.1
2 to < 3 years	388	14.5	532,324	13.4
3 to < 4 years	180	6.70	252,528	6.3
4 to < 5 years	124	4.6	157,913	3.9
5 to >5 years	157	5.8	290,684	7.30
Not Yet Released	498	18.6	634,514	15.9
Missing	121	4.5	149,174	3.7

Key Findings: Hate Crime

- Hate crimes can be identified in NCRP data, in substantial numbers

- NCRP contains data on the largest known population of offenders incarcerated for hate crime in the U.S.

- Key limitations:

  – Representativeness uncertain, preventing generalization

  – Current database contains just 22 states, skewed to a small subset

- Most promising extensions involve states with additional offense data.

Conclusions from Both Studies

- NCRP is capable of supporting research on rare crime types.

- Most promising for assembling large and cross-state samples for offenses in current BJS coding system.

- Useful for exploratory research on rare crime types.

- Capabilities can be applied to explore newer offense types, e.g.

  – Human trafficking (coding effort currently underway)

  – Technology-based crime (e.g., cyber stalking, identity theft)

Contacts

- Christopher Cutler, Abt Associates
  Email: Christopher_Cutler@abtassoc.com
  Phone: 617-520-2441

- Michael Shively, Abt Associates
  Email: Michael_Shively@abtassoc.com
  Phone: 617-520-3562

- Danielle Kaeble, BJS Statistician
  danielle.kaeble@usdoj.gov
  202-305-2017

- Tom Rich, Project Director, Abt Associates
  tom_rich@abtassoc.com
  617-349-2753