

What Motivates Hate Crime? Why Hate Criminals Are Still Criminals

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Executive Summary

Hate crime is a pressing concern in the United States. Yet the debate about what causes hate crime—and how best to control it—is underinformed. The public and many policymakers take the most severe hate-crime offenders—inde fatigable, violent bigots driven to mass murder by complex hate ideologies—as typical of the group more generally. Consequently, discussions often focus on hate as a root cause of hate crime, and therefore see reducing hate as a means to reducing offending.

But most hate-crime offenders, this report argues, are not exclusively or even primarily motivated by hatred. Rather, hate-crime offenders often resemble other criminals, which suggests that they commit crimes for similar, rather than unique, reasons. This does not mean that there is no bias component to their offenses but that hate crimes are not, in general, fundamentally caused by something different from non-hate crimes. To support this claim, this report reviews previous research and investigates two new sources of data on hate crimes: from New York State and from the borough of Manhattan.

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That “hate criminals” resemble other criminals in their motives does not mean that hate crimes should not be separately recognized by the law. But it does mean that the traditional criminal-justice system is the best venue for controlling hate crime, as are efforts to remediate other pathologies associated with such offenses (mental illness, homelessness, and drug use). It also means, by contrast, that efforts to reduce hate crime through so-called bias reduction, education, or social media content moderation are unlikely to meaningfully affect hate-crime offending. Given finite resources to devote to bringing hate crime under control, policymakers should focus on deterring and incapacitating criminals, rather than changing the hearts and minds of the peaceful bulk of the public.



Introduction: Are Hate-Crime Offenders Different?

Hate crime is a pressing concern in the United States. The FBI reported more than 8,000 hate crimes in 2020, which is a dramatic increase over 2019 and, because of underreporting by victims as well as police departments, almost indisputably an undercount.¹ While data-reporting changes pushed figures down in 2021, analysts and local-level data suggest that the problem of undercounting has persisted.² In recent years, several high-profile hate incidents have driven nationwide responses—for instance, the Stop AAPI Hate movement.

Responding to hate crimes requires a more careful understanding of who commits these offenses and why they do so. How are hate-crime offenders similar to, and how are they different from, other kinds of criminal offenders?

In the popular consciousness, hate criminals are often thought to be uniquely motivated by their hatred. This is, criminologist Paul Iganski writes, a function of which offenses get captured in the news, those in which “victims are usually targeted in premeditated violent attacks by offenders who are out-and-out bigots, hate-fueled individuals, who subscribe to racist, antisemitic, homophobic and other bigoted views, and exercise their extreme hatred against their victims.”³ That the most heinous hate crimes—e.g., the 2015 Emanuel AME Church shooting, the 2022 Buffalo Tops Market shooting—are clearly primarily motivated by deeply ingrained hatred gives credence to this view.⁴

In this account, hate-crime offenders are not like other criminals. Whereas other criminals offend for other reasons, hate criminals are thought to commit their crimes because of a worldview that is bigoted and motivated to harm individuals on the basis of the victims’ sex, race, ethnicity, religious beliefs, or sexual orientation.

But not all hate crimes so neatly fit this mold. Consider an individual whose serious mental illness causes him both to assault another person and to denigrate his victim’s gender identity in the process; or a compulsively aggressive individual who uses a racial slur during an assault, primarily to add insult to injury. Under many statutes, both these offenses would qualify as hate crimes. Yet most of us would say that the offenders are not essentially motivated by hate—or at least not exclusively. Rather, other factors—serious mental illness, criminal entitlement—also determine the crime.⁵ Further, hate does not itself necessarily lead to hate crime. Many people hold bigoted views: 6% of Americans disapprove of interracial marriage, for example.⁶ Yet, in a given year, most of those people will not commit crimes motivated by that bigotry.

Hate-crime offenders may not, in other words, be extremists prosecuting their bigoted agendas. They may be, as Iganski puts it, “‘ordinary’ people who offend in the unfolding contexts of their everyday lives.”⁷ And their choice to offend may be driven or primarily determined by more than just their hatred.

But to what extent is hate crime a special, versus an “ordinary,” offense? One way to answer this question is to consider a related one: To what extent do hate criminals specialize in hate offenses, and to what extent are hate crimes merely part of a broader pattern of criminal behavior? This is ultimately an empirical question: How much do hate criminals resemble other criminals? While the answer will vary by offender, this report argues that most hate-crime offenders are “everyday” offenders—they offend for a variety of reasons, of which bias is often only one. This contention is supported through a review of the literature and by using several novel data sources from New York State and Manhattan.



These findings do not mean that specifically carving out hate crimes for enhanced sentencing is unmerited. Hate crimes are intrinsically more deserving of condemnation. And sentencing enhancements for hate crimes serve to incapacitate criminals. But if “hate criminals” are often similar to other criminals, then hate-specific remedies for their offenses are probably inadequate, at least for mitigating their overall risk to the community. Targeting social-media hate speech or educating against bias will not address the underlying drivers of criminal behavior that also produce hate crime.

Rather, policymakers should respond to the increase in hate crimes by empowering the traditional criminal-justice system. Increasing investment in hate-crime investigations in police departments and in prosecutors’ offices is a better use of the marginal dollar than alternative approaches. Hate crime is a real problem, but it is ultimately a crime problem. To stop hate crime, it needs to be treated like a crime problem.

Previous Research on Hate-Crime Offenders

Hate crimes have been a subject of public debate almost continuously since the first hate-crime statutes were conceived. Though this debate is informed by research, that research is limited relative to the amount of popular commentary. The major sources for actual hate-crime data are infamously unreliable, marred by inconsistent reporting and definitions.⁸ Research that does exist tends to focus on hate crime as a legal or social phenomenon and on the experience of hate-crime victims.⁹

Research on hate-crime offenders, in particular, has lagged behind other areas.¹⁰ This is partly due to data limitations: many reported hate crimes do not lead to arrest, and arrestees are not necessarily a representative subset of all offenders. The data that do exist often contain limited information about offender characteristics. Possibly as a consequence of this knowledge gap, much of the existing research concerns itself primarily with easily observed demographic characteristics of offenders, especially race. Such reports usually find that the plurality of offenders are male; disproportionately white (relative to other criminal offenses); young adults; and strangers to, or acquaintances with, the victim.¹¹

Most studies of hate-crime offenders incorporate or reference criminologists Jack McDevitt and Jack Levin’s typology of hate criminals.¹² McDevitt and Levin (along with subsequent coauthor Susan Bennett) use detailed reports collected by the Boston Police Department’s Community Disorders Unit on 169 offenders in bias-motivated crimes. They argue that hate-crime offenders are driven by any of four motivations: “thrill-seeking” offenders who were “just bored and looking for some fun;” “defensive” offenders motivated by a perceived need to protect limited resources; “retaliatory” offenders responding to some perceived slight against their group (including another hate crime); and “mission” offenders, who see it as their task to rid the world of some protected group. Though this last group accounts for the most high-profile hate crimes, they make up a small fraction of offenders. By McDevitt, Levin, and Bennett’s estimates, thrill seekers are 66% of offenders, “defensive” 25%, “retaliatory” 8%, and “mission” less than 1%.¹³

In a 2010 follow-up, McDevitt, Levin, Bennett, and new coauthor Jim Nolan investigated hate-crime offenders in the FBI’s National Incident-Based Reporting System (NIBRS) data.¹⁴ They find that only a small number use a weapon (18%, including 4% using a firearm). “The lack of weapon use,” the authors observe, “may reflect the fact that many hate crimes arise spontaneously



given a particular situation. Offenders may encounter a potential victim while they are out, and the situation develops rather than groups planning their attack far in advance.” In other words, the data seem to support the prevalence of thrill-seeking among hate-crime offenders.

Other studies look specifically at the criminal characteristics of hate-crime offenders, e.g., their criminal histories and risk of future violence. Dunbar (2003) and Dunbar, Quinones, and Crevecoeur (2005) both assess samples of hate-crime offenders (N = 58 convicted; N = 204 arrested) for measures of criminal history and risk of violent behavior.¹⁵ In Dunbar (2003), 87% of the sample had a prior criminal conviction at the time of their offense, including 60% with a prior violent conviction (mean prior convictions: 5.38). Some of the offenders also had a history of substance abuse (58%) and psychiatric treatment (22.4%); just 7% were employed full time. Relatively few were members of a hate group (13.8%), owned hate-related paraphernalia (22.4%), or had a history of prior hate-motivated offending (10.3%). Similar patterns obtain in the 2005 paper. In that sample, 56% had a prior conviction, and they scored similarly on the HCR-20—a standard measure of violence risk—to a matched sample of 175 offenders “with mixed psychiatric diagnoses.” Just 16% were members of “hate-oriented groups.”

Jolliffe and Farrington investigate the criminal careers of 355 hate-crime offenders convicted in the United Kingdom.¹⁶ They find that 97.7% of offenders in their sample had previous offenses. “Almost all” (87%) had previously committed a crime of violence, with an average of six violent offenses per offender. In total, they count an average of 42 previous offenses per offender, including eight types of offense. Those whose hate crimes involved violence were particularly prolific.

A Finnish study—Näsi, Aaltonen, and Kivivuori—measures correlates of bullying and assault among juveniles completing the Finnish Self-Report Delinquency survey.¹⁷ Respondents who reported engaging in bullying, both bias-motivated and otherwise, consistently had worse home lives across several variables. Notably, hate-motivated bullies were more statistically similar to non-hate-motivated bullies than to their non-bullying peers.

The research on hate-crime offenders, as previously mentioned, is limited. But together, it paints a straightforward picture. Most hate-crime offenders (66% in McDevitt and Levin’s analysis) are motivated at least as much by the “thrill” of the offense as by their bias. They tend not to plan their offenses but to act impulsively (as evidenced, e.g., by the relatively low rates of weapon usage). They are usually young men. They frequently have criminal histories, often extensive ones, as well as an underlying risk of violence. They are statistically similar to non-hate-motivated offenders across a variety of indicators. They infrequently are members of explicitly hate-oriented groups, or own hate-related paraphernalia.

What this suggests, in short, is that hate-crime offenders are, in many ways, like other criminals: young impulsive males, who are motivated as much, if not more so, by what McDevitt, Levin, and Bennett identify as “an immature desire to display power and to experience a rush at the expense of someone else” as by bias. While their crimes may entail bigotry, they also often commit non-bigoted crimes, suggesting that other factors determine their hate crimes at least as much as hate per se does.



Hate Criminals and Other Criminals: New York State Data

The following two sections investigate two new sources of data on hate-crime offenders. We begin with data published by the New York State Division of Criminal Justice Services (DCJS). The data provide incident-level details on arraignments in most of New York State, tracking offenders from arrest to disposition.¹⁸ Although the primary purpose of these data was to provide more information on the effects of New York State’s 2020 bail reform law, the high level of detail allows other analyses of the more than 500,000 arrests that DCJS documented.

Most relevantly, the data identify 473 offenders who were charged with a hate crime: 260 charged under New York Penal Laws (NYPL) 485.05 (which prohibits committing a variety of other offenses on the basis of a belief about a protected group), 135 under NYPL 240.30 and 240.31 (aggravated harassment in the first and second degree, specifically on the basis of the victim’s protected group membership), and 78 with an unspecified hate-crime charge that was not their most serious offense, and thus not listed in the data.¹⁹ It is worth observing that only a very small fraction (less than a tenth of 1%) of arrests recorded in DCJS data are hate crimes. This reflects the challenge inherent in identifying whether a victim was selected or an offense was committed “because of a belief or perception” about a particular protected group.²⁰

Table 1 details essential demographic characteristics of hate-crime and other offenders, both generally and broken out by the severity of their (non-hate-crime) offense (misdemeanor or felony). Along demographic lines, hate-crime offenders vary in several notable ways from non-hate offenders. They are slightly older (by two to three years); somewhat more likely to be male (85%, versus 80% of all offenders); and notably more likely to have been arrested in New York City, as opposed to elsewhere (74%, versus 59% of all offenders).

Table 1.

Demographics of Hate-Crime and Other Offenders

Demographic Traits	Hate Crime	All Other	Misdemeanants	Felons
Median Age	35	33	33	32
Share Male	84.8%	79.8%	77.1%	83.4%
Share NYC	74.2%	59.1%	55.3%	64.3%
Share Black	38.7%	44.3%	40.6%	49.3%
Share Hispanic	18.8%	26.3%	26.4%	26.3%
Share White	34.9%	23.9%	27.2%	19.4%
Share Asian	5.5%	4.1%	4.3%	3.9%
N:	473	551,239	315,821	235,418

Source: DCJS

Note: Hispanic treated as a distinct group



Much popular commentary about hate crimes attends to the race of the involved offender—fixated, usually, on white or black offenders, depending on the outlet’s political valence. The data, though, present a more equivocal picture. Hate-crime offenders are notably more likely than non-hate-crime offenders to be white—35% versus 24% of all others, and 19% of felons overall. On the other hand, black offenders still account for the plurality of hate-crime offenders (nearly 39%), and black offenders constitute a much larger percentage of hate criminals than their share of the population of New York State (17.6%).²¹ As I have written previously, perhaps the only responsible inference from these data is that hate-motivated offending is not unique to any one group.²²

Table 2 turns from demographics to case outcomes. Again, hate-crime offenders vary from non-hate-crime offenders in several significant ways. To start, they are less likely than even felons to see their cases dismissed, with dismissals in just 42% of cases, versus nearly 45% of cases that had been resolved at the time DCJS published its data. (Hate-crime cases were also less likely to have been resolved at all.)

Table 2.

Case Outcomes of Hate-Crime and Other Offenders

Case Outcome	Hate Crime	All Other	Misdemeanants	Felons
Remanded	4.7%	2.7%	0.3%	5.7%
Bail Set	28.5%	17.9%	10.8%	27.3%
RORed	43.8%	56.7%	64.5%	46.2%
NMR/RUS	16.1%	8.9%	6.6%	11.9%
Bench Warrant Issued	12.3%	11.9%	12.5%	11.1%
Convicted (Completed Only)	53.3%	43.9%	44.7%	49.0%
Dismissed (Completed Only)	42.3%	49.3%	52.5%	44.7%
N:	473	551,239	315,821	235,418
% Completed:	71.0%	86.1%	89.8%	81.1%

Source: DCJS

Note: RORed = released on their own recognizance; NMR = nonmonetary release; RUS = released under supervision

Under New York State’s bail law, individuals whose cases are not dismissed can be assigned to one of four conditions at arraignment. They can be remanded to the custody of the sheriff without the possibility of release; have cash bail set, which they must pay some part of in order to secure their release; be released on their own recognizance (RORed); or be released but with conditions imposed other than the payment of cash bail (nonmonetary release/NMR or release under supervision/RUS). During the period of data collection, arraignment judges were supposed to set conditions that are the “least restrictive ... that will reasonably assure the principal’s return to court,” i.e., based only on their risk of absconding.²³

Assuming that judges follow this rule, hate-crime offenders are routinely judged to be greater flight risks than their peers. They are more likely to be remanded and more likely than the general offender population or felony offenders to have bail or nonmonetary restrictions imposed. Consequently, they are less likely to be released on their own recognizance. Despite, or perhaps because of, this different treatment, hate-crime offenders are only slightly more likely to fail to appear for court, as measured by whether a bench warrant was issued for their arrest.

Among completed cases, hate-crime offenders are more likely to be convicted (53%) than all other categories. This could reflect a greater success rate in clearing convictions, or it could reflect the fact that many uncertain hate-crime charges are dropped prior to resolution of the case.²⁴ Either



way, a reasonable conclusion from Table 2 is that hate-crime offenders receive firmer treatment from the criminal-justice system: their cases are dismissed less often, they are more likely to have conditions imposed on their release, and they are more likely to be convicted.

Another key factor that the DCJS data let us observe are the criminal tendencies of hate-crime offenders. **Table 3** summarizes a variety of indicators, in general and specifically for felons: whether the offender had a previous conviction; whether the offender has an open case at the time of arrest; whether the offender is on parole; and whether the offender re-offends within six months of arraignment.

Table 3.

Criminal History of Hate-Crime and Other Offenders

Criminal History	Hate Crime	All Other	Misdemeanants	Felons
Prior Offender (Conviction)	52.2%	51.5%	48.1%	56.0%
Prior Felony	31.9%	33.1%	29.6%	37.9%
Pending Charge	36.6%	33.0%	30.1%	37.0%
Pending Felony	20.3%	19.0%	14.7%	24.6%
Rearrest Within 6 mo.	19.0%	17.6%	16.1%	19.6%
Felony Rearrest Within 6 mo.	10.8%	10.3%	8.1%	13.2%
Supervision	4.0%	4.1%	3.5%	4.9%
	N: 473	551,239	315,821	235,418

Source: DCJS

Whereas hate-crime offenders vary from other offenders both demographically and in case outcomes, they are remarkably similar when it comes to criminal history and re-offense risk. Across most of the above measures, hate-crime offenders are within 1 or 2 percentage points of the rest of the offender population. The largest exception is having an open charge, with hate-crime offenders slightly more likely (3.6 percentage points) than all other offenders to have one.

To what extent is this similarity driven by the composition of the two different populations? **Table 4** investigates this question by reporting the results of a series of linear regression analyses, all of which regress a binary indicator of whether an offender is charged with a hate crime against one of the listed dependent variables. The reported figure, the coefficient on that indicator, is the change in the probability of the dependent variable if the offender is a hate-crime offender; multiplied by 100, this expresses the change in percentage points. The first column estimates the effect of the hate-crime indicator alone, while column 2 adds in demographic controls, and column 3 further controls for class of offense (misdemeanor or felony, A through E).



Table 4.

Effect of Hate-Crime Charge on Criminal History

Dependent Variables	1	2	3
Prior Conviction	0.007 (0.023)	-0.023 (0.022)	-0.059** (0.021)
Prior Felony Conviction	-0.012 (0.022)	-0.033 (0.020)	-0.056** (0.020)
Pending Charge	0.036 (0.022)	0.034 (0.021)	-0.017 (0.021)
Pending Felony Charge	0.013 (0.018)	0.016 (0.018)	-0.034* (0.018)
Rearrest Within 6 mo.	0.014 (0.018)	0.013 (0.017)	-0.01 (0.017)
Felony Rearrest Within 6 mo.	0.005 (0.014)	0.006 (0.014)	-0.002 (0.014)
Controls:	None	+Race/Sex/Age	+Offense Class
		*p<0.1;**p<0.01	

Source: DCJS

Note: Table reports the coefficient on a dummy variable measuring whether an offender is charged with a hate crime in one of three models, each model using the listed controls. Standard errors in parentheses, significance indicated by asterisks. All models are linear probability models; reestimating with logistic regression produces similar results in terms of direction, magnitude, and significance.

The magnitudes of all the estimated effects are quite small. The largest estimate suggests that hate-crime offenders are 5.9 percentage points less likely to have any prior conviction than non-hate-crime offenders of the same race, sex, age, and offense class. Only in the third model are any of the results significant, and then only half of them, one marginally so.²⁵ In other words, even after controlling for demographic characteristics, hate-crime offenders have similar criminal tendencies/risks to non-hate-crime offenders. That relationship more or less holds, even when comparing offenders with the same class (misdemeanor or felony) of main charge.

In sum: in the New York State arrest data, hate-crime offenders vary from other offenders in several ways. They are slightly older and more likely to be white. They are treated more severely by the criminal-justice system. They face a higher probability of both pretrial detention and conviction. But when it comes to criminal history and tendencies, they are remarkably similar to other offenders. That similarity persists even after statistical controls. In other words, the New York data suggest that hate-crime offenders are not “special,” or at least that they have criminal histories similar to those with more standard criminal motivations.

Characterizing Hate Crimes: Manhattan Arrest Data

To supplement the statewide evidence presented in the previous section, this section investigates hate-crime offenders in a much smaller area: the borough of Manhattan.²⁶ These data are not representative but are explored here to provide a qualitative supplement to the evidence in the preceding sections.

Specifically, this section uses arrest records resulting from 96 hate-crime offenses, covering 85 unique offenders. These records cover all available arrests for hate crimes in Manhattan between 2019 and 2021. They were obtained through a Freedom of Information Law request to the New York Police Department. Additional data on the offenders detailed below was obtained through review of related news stories and through six criminal-case records reviewed during a visit to the New York County Supreme Court Clerk’s office.



Table 5 provides summary statistics culled from the records, including demographic data and information about the offense. Offenders ranged widely in age, but most were male. While they come from all racial backgrounds, they were disproportionately black. The majority of offenses were assaults, but major crimes, including murder and robbery, were also represented.

Table 5.

Manhattan Hate-Crime Arrests: Statistics

	Age	Mean	Median	Interquartile Range (IQR)	Min	Max
		37.8	37.5	22.5–52.5	17	64
Sex	Male	Female				
	89	7				
Race	Black	Hispanic	White	Asian	Unknown	
	42	26	19	5	4	
Offense Type	Assault	Harassment	Criminal Mischief	Murder	Other	
	51	27	7	3	8	
Severity/Class	A	B	C	D	E	
	Felony	3	6	14	12	41
	Misdemeanor	19	1	0	0	0
Weapon	Blade	Blunt	Gun	Other	None	
	6	4	1	8	77	

Source: NYPD

Note: Hispanic includes both “white Hispanic” and “black Hispanic.” Table counts arrests, not offenders, so some offenders counted multiple times for sex/race/age statistics.

The descriptions of these offenses—from the arrest reports, news reports, and court records—present a diverse picture. Some offenders are unambiguously hate-motivated, such as the man who twice set fire to pride flags in front of a gay bar, and then told police that he “is biased against the LGBTQ community and that he burned the flags to anger the gay community.”²⁷ At the same time, many of the offenses do not fit the mold of the pure-hate offender. We next detail major characteristics of the offenses as described.

Impulsive Assaults: Many assaults categorized as hate crimes appear to more closely resemble McDevitt and Levin’s “thrill seekers” than their “mission” offenders. Few of the offenders were carrying weapons at the time of their crime. Further, several offenses appear to be unprompted and random assaults, in which the offender also used derogatory language while committing the offense. One man, convicted of stabbing a laundromat worker while shouting anti-Asian slurs, began cursing out his victim after the latter told him that he needed to add more quarters.²⁸ In one multi-offense case documented in court records,²⁹ the offender assaulted four individuals, two of whom were apparently Asian (one of whom he used a racial slur against) and two of whom were not.³⁰ Some of the alleged hate language appears incidental to the assault, as in the case of the offender who struck his victim from the side, and then taunted him: “What are you gonna do, pussy? I’ll hit you again!”

Swastika Graffiti: Seven individuals examined in this section were arrested because they graffitied swastikas, elevating a traditional graffiti offense to a hate crime.³¹ Only three of these offenders, however, were white, with three others identified as white Hispanic and the last as black—suggesting that while they may have been motivated by anti-Semitic views, they likely did not identify with neo-Nazi or white supremacist ideologies.



Prior Offenses: As in New York State at large, many of the identified offenders have a criminal record. One offender (who identifies as a transgender woman) who pepper-sprayed several white people after mentioning the victims' race "has been arrested more than 60 times since 2002 on charges including prostitution, sexual misconduct and disorderly conduct."³² A man who bit off part of an Asian man's finger after telling him "Go back to your country" had a previous attempted assault conviction. The attacker who slashed a transgender man and the trans victim's wife on the subway was an "ex-con previously convicted of murder" who had "six felonies on his record among 11 prior arrests."³³ A man who, unprovoked, assaulted an Asian man on the subway had "one prior arrest for assaulting a cop."³⁴ Another subway slasher "was previously convicted of a crime," as per his arrest report. And a man who struck an Asian woman with his bike while yelling racial slurs had "more than 40 prior arrests," three prior prison sentences, and an open felony assault case.³⁵

Mental Illness: The NYPD has previously reported that roughly half of hate-crime offenders in 2021 are mentally ill.³⁶ Of the six case files reviewed, five were evaluated for mental illness and subsequently committed to the Commissioner of Mental Hygiene, i.e., placed in compelled psychiatric care.³⁷ Statements made to police officers further suggest that some offenders are not in full possession of their faculties. For example, discovery materials in one case reported body-worn camera footage in which one incoherent defendant allegedly told his arresting officer: "I did not commit any crime. Why am I being arrested? You are all up in my face. I have a gun. It's hanging up and I'm going to shoot the shit out of you all. Please make this viral sir. Thank you. I don't have my knife on me as usual to defend myself. No reason. Just a bunch of jackasses thinking they're superheroes when they all suck dick, literally. No crime, no crime. I don't eat, that's why I'm high. You know who my father is? You got me in handcuffs. This is not a movie. Police harassment. [...] You messing with the wrong citizen. I never committed a crime. Boring"

Drug Use: Several offenders were found to be in possession of drugs or drug paraphernalia. One woman arrested for assaulting an Asian woman while yelling, "This is why we have coronavirus" was found to be in possession of three hypodermic needles and a "burnt marijuana cig[arette]." Another, arrested after attacking an Asian woman with a pipe, was found to be in possession of a "small quantity of cocaine," and a third, arrested on several street assaults, was found in possession of a crack pipe with residue. The aforementioned individual who slashed a trans man on the subway was allegedly "smoking drugs in between subway cars before he launched a hate-spewing rant," according to the wife.³⁸

Homelessness: Press coverage identified several offenders who were homeless at the time of their offense. One homeless multiple-assault offender reportedly attacked his victims shirtless, yelling antiwhite slurs; he smiled in court during his arraignment.³⁹ Another asked an Asian man for money and, when denied, called him a "stupid Chino" and assaulted him.⁴⁰ Another panhandler, upon being denied a dollar, told his subsequent victim: "You white people think you can do whatever you want. [...] You owe me \$200,000" before pushing and kicking him down the subway stairs.

The picture that this qualitative evidence paints conforms to the earlier claim that hate criminals are often similar to other criminals. They tend toward impulsive offending, with bias motivation often incidental to the offense. They have criminal histories. In some cases, they also suffer from other social pathologies—mental illness, drug use, and homelessness. These, too, merit their own policy attention. But importantly, they suggest that the origin of these hate crimes is not bigotry exclusively, so much as bigotry within a broader constellation of pathologies and harmful tendencies.



Policy Implications

That hate criminals resemble other criminals is not merely an academic observation. Rather, it has substantial implications for how we police hate crime. Specifically, it suggests that traditional crime-reducing tools are appropriate for addressing hate-crime offending; so are interventions that help with homelessness, drug use, and mental illness. Interventions that focus on controlling or reducing bias, by contrast, are less likely to be relevant or effective.

Hate Criminals Are Criminals; Use Hate-Crime Laws to Stop Them

This report has endeavored to show that hate criminals are similar to other criminals, particularly in terms of criminal tendencies, and that hate-crime offenses are often an “everyday” affair, similar in many ways to other crimes. Hate crime is not a unique kind of crime, determined uniquely by hatred. Rather, while hate crimes are legally distinguished from non-hate crimes by an element of hatred or bias, that element is often not what causes the crime. If a man assaults a woman on the street, it can become a hate crime if he yells a racial slur during the commission of the act. Bias may determine his choice to yell the slur but does not necessarily determine his choice to commit the assault.

A straightforward implication of this conclusion is that hate crimes should be controlled primarily through the traditional criminal-justice system. Effective policing, prosecution, and incarceration will all work to lower the hate-crime rate just as they do rates of other crimes. If hate-crime offenses are often “everyday” matters, then the criminal-justice system should deter them. And if hate-crime offenders are often repeat offenders, they can also be effectively incapacitated.

Does this mean, as some have argued, that hate-crime laws are redundant and unnecessary? Not necessarily. As I’ve argued previously, there are intrinsic reasons to differentiate hate crimes.⁴¹ They carry an added harm to their victims, to the communities indirectly targeted, or to general norms of conduct. Whether hate was the primary motivator of the criminal act does not bear on these impacts.

Additionally, viewing hate criminals *as* criminals gives another justification for hate-crime laws: they provide longer sentences, enhancing the incapacitative efficacy of the system. If, say, one person commits an assault, while another commits a hate-crime assault, the latter will likely face a longer sentence, which means more time off the street. Given that hate-crime offenders often have prior histories, including sometimes serious ones, this added “time out” likely reduces their risk to the public.

Though a full proposal for scaling hate-crime enforcement is beyond the scope of this report, it is worth noting that the criminal-justice system almost certainly is not doing enough to identify and prosecute hate crimes. Relatively low counts of national hate crimes belie the fact that many hate crimes go unreported, with more than 40% of victim-identified hate crimes unreported to the police in 2015–19.⁴² When reported, they are less likely to be cleared than non-hate crimes.⁴³ And when they are passed along to prosecutors, they are infrequently prosecuted. The Department of Justice, for example, declined to prosecute in 77% of the nearly 600 hate-crime cases that it was referred in 2005–19, usually citing insufficient evidence. Just 82 defendants were charged.⁴⁴ The situation has improved, with DOJ charging more than 40 people and obtaining 35 convictions from January 2021 to May 2022. But this is still just a drop in the prosecutorial bucket.⁴⁵



Resolving this situation means dedicating more resources to enforcement generally and to investigating and prosecuting hate crimes specifically. The former is, as I have argued in other Manhattan Institute research, dramatically underfunded relative to optimal levels.⁴⁶ The latter, too, could benefit from additional support. Bureau of Justice Assistance grant funding under the Matthew Shepard and James Byrd Jr. Hate Crimes Program covered just 22 awards in FY 2022, a small fraction of the roughly 2,300 state prosecutors' offices, never mind the nation's 18,000 police departments.⁴⁷ Prosecuting and investigating hate crimes is challenging work that requires subject-matter expertise—in investigating social media, in organizing evidence to prove bias motivation, and in using that evidence to convict. Federal support for interagency cooperation in propagating best practices could help raise conviction rates.

Nonpunitive Approaches Are Poorly Tailored to Most Hate-Crime Offenders

Hate-crime laws are not without their critics. Some on the right have long maintained that they constitute unacceptable bans on “thought crime.”⁴⁸ But an increasingly vocal part of the left is also critical. They argue that hate-crime laws do not work as intended and that they primarily reinforce the inequity propagated by the criminal-justice system.⁴⁹ Instead, they endorse different, nonpunitive approaches to hate crimes. These include the use of “restorative justice” alternatives to traditional prosecution; investing in targeted communities;⁵⁰ investing in improving respect for diversity through education and social work;⁵¹ and putting more pressure on social-media companies to police hate speech.⁵²

These alternatives subvert the traditional approach to combating hate crimes in several ways. Most directly, they aim to reduce hate crimes without using the criminal-justice system. In many cases, they do so specifically by trying to remediate the bias that causes hate crimes—through education, therapy, restorative justice work, or limiting hate speech. With less hate, the logic goes, there would be less hate crime. Because the criminal-justice system does not work to dispel hateful ideas, furthermore, it cannot be relied upon to prevent hate crime.

There may be a subset of offenders for whom such approaches are effective. But if the previous analysis is correct and hate-crime offenders are not primarily motivated by hate, then such approaches are not the best use of the marginal crime-fighting dollar. Antibias education and social-media content moderation are unlikely to affect the “thrill-seeking” offender's basic criminal disregard for others. Such programs are likely also of limited use for deterring the “mission” offender, whose hate is so ingrained that marginal interventions are unlikely to have much of an impact.⁵³ Even the most unique hate-crime offenders, in other words, are poorly suited to bias-focused approaches; we must focus instead on criminality.

Mental Health, Housing, and Drug-Treatment Services Are Part of the Solution

The Manhattan evidence reviewed above supports the popular conception that some hate-crime offenders suffer from multiple other pathologies: homelessness, mental illness, and/or drug use. The latter two, in particular, may reduce self-control. If, say, a person's unmedicated schizophrenia causes him to yell slurs at passersby on the street, he could face hate-crime charges in New York State, even though his actions were the product of mental illness rather than of conscious and deliberate bias.

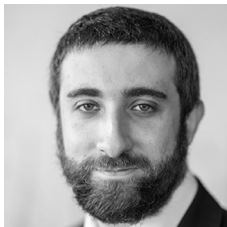
Of course, not all hate-crime offenders suffer from these other issues; while half of New York City hate-crime arrestees are mentally ill, that observation may not generalize to the larger hate-criminal population.⁵⁴ But to the extent that other problems are associated with and are rationally related to hate-crime offending, remediating those issues may reduce hate-crime offending, too. How to address mental illness, homelessness, and substance-use disorders are, of course, voluminous topics, well beyond the scope of this report. The only argument here is that doing so may have the added benefit of reducing the number of hate crimes as well.



Conclusion

Hate crime remains an issue of significant public concern—for good reason: no American deserves to be the victim of crime, doubly so if that crime is motivated by bigotry. Yet policymakers still struggle with how to combat hate crimes, and they ask whether those crimes require different approaches from those for non-hate-motivated ones.

As this report has demonstrated, the answer is no—they do not require different approaches. Contrary to popular perceptions of hate-crime offenders as undeterrable, homicidal bigots, many hate crimes are committed by conventional criminals given the opportunity to offend, whose offending happens to involve an element of hatred. While policy should not discount this element in judging the severity of the crime and proportional punishment, it should regard hate-crime offenders as not fundamentally different from non-hate-crime offenders. Consequently, policy should view hate crimes as best addressed through the traditional criminal-justice system, with its resources directed there.



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