



A Publication of the
Justice Center

ALASKA JUSTICE FORUM

Alaska Justice
Statistical Analysis Unit

Spring 2001

UNIVERSITY OF ALASKA ANCHORAGE

Vol. 18, No. 1

Hate Crimes: An Overview of Numbers and Statutes

The current discussion of hate or bias crimes and hate crime legislation in Alaska seems to require an examination of the figures on these types of incidents both here and in the country as a whole, as well as a review of the status of existing laws, both federal and state.

In reality, for Alaska it is impossible accurately to assemble anything approaching comprehensive or solid figures on criminal incidents exhibiting racial, ethnic, religious or other types of bias. While the FBI assembles data on bias incidents from law enforcement agencies throughout the country, in Alaska only the Anchorage Police Department participates in this reporting program. The figures from APD seem to be the only systematically assembled numbers in the state. These show that, for the most part, relatively few incidents showing bias are *being reported* in the Anchorage area.

Assembly of Data

The FBI is the primary source for national figures on hate or bias offenses. Since 1990 the agency has assembled figures from law enforcement agencies throughout the country and released a summary compilation under the title *Hate Crime Statistics*. Tables 1-3 show data from the 1999 edition of this publication.

Participation in this FBI reporting program is voluntary for police departments. Nationwide, over 12,000 law enforcement agencies, representing approximately 85 per cent of the total population, submitted summary reports for 1999. However, many participating agencies submitted reports

which claimed the occurrence of *no* incidents showing a bias motivation. In fact, only 15 per cent of the participating agencies reported the occurrence of any hate crime

incidents. (Among those law enforcement agencies reporting no incidents were police

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Table 1. Hate Crime Incidents in the U.S. by Bias Motivation, 1999

Bias motivation	Incidents	Offenses	Victims ¹	Known offenders ²
Single-bias incidents	7,871	9,291	9,792	7,265
Race	4,295	5,240	5,485	4,362
Anti-white	781	970	996	1,011
Anti-black	2,958	3,542	3,679	2,861
Anti-American Indian/Alaska Native	47	49	50	40
Anti-Asian/Pacific Islander	298	363	379	288
Anti-multiracial group	211	316	381	162
Religion	1,411	1,532	1,686	602
Anti-Jewish	1,109	1,198	1,289	429
Anti-Catholic	36	41	41	18
Anti-Protestant	48	49	50	19
Anti-Islamic	32	34	34	14
Anti-other religious group	151	170	221	98
Anti-multi-religious group	31	35	46	21
Anti-atheism/agnosticism/etc.	4	5	5	3
Sexual orientation	1,317	1,487	1,558	1,376
Anti-male homosexual	915	1,025	1,070	1,043
Anti-female homosexual	187	216	231	150
Anti-homosexual	178	205	216	154
Anti-heterosexual	14	16	16	15
Anti-bisexual	23	25	25	14
Ethnicity/national origin	829	1,011	1,040	904
Anti-Hispanic	466	576	588	562
Anti-other ethnicity/national origin	363	435	452	342
Disability	19	21	23	21
Anti-physical disability	10	11	13	9
Anti-mental disability	9	10	10	12
Multiple-bias incidents³	5	10	10	6
Total incidents	7,876	9,301	9,802	7,271

¹ The term *victim* may refer to a person, business, institution, or society as a whole.

² The term *known offender* does not imply that the identity of the suspect is known, but only that an attribute of the suspect is identified which distinguishes him/her from an unknown offender.

³ A *multiple-bias incident* is any hate crime incident in which one or more of the offenses were committed as a result of two or more bias motivations.

Source: Federal Bureau of Investigation, *Hate Crime Statistics*, 1999

HIGHLIGHTS INSIDE THIS ISSUE

- An examination of prison populations in 2000 (page 2).
- A look at incidents reflecting bias in Anchorage, 1999 (page 3).

Corrections Populations: Mid-2000

The U.S. rate of incarceration is now the highest in the world: 702 persons per 100,000 population were held in prisons and jails at midyear 2000—a rate 53 per cent higher than in 1990. For those sentenced to more than one year, the rate was 481 per 100,000. Close to 2,000,000 persons were being held by state and federal authorities at the end of June 2000 (Tables 1 and 2).

The rate of incarceration in Alaska is lower than in the nation as a whole—336 per 100,000. (Because the state has, for the most part, an integrated jail-prison system, this figure encompasses both populations.) Despite this lower rate of incarceration, however, the state's prison population grew from 2,362 at the end of 1990 to 4,025 at midyear 2000—an increase of over 70 per cent.

Demographics of Alaska Prisons

The picture of those incarcerated by the state of Alaska is predominantly one of young male inmates, of whom more than one



Alaska Justice Forum

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Published quarterly by the Justice Center and the Alaska Justice Statistical Analysis Unit at the University of Alaska Anchorage, 3211 Providence Drive, Anchorage, AK 99508: (907) 786-1810; fax 786-7777; Internet address ajjust@uaa.alaska.edu; World Wide Web <http://www.uaa.alaska.edu/just/>

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ISSN 0893-8903

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Table 1. Prisoners in State or Federal Custody,
Nationwide, 1990-2000

	Prisoners in custody		Inmates held in local jails	Total inmates in custody	Incarceration rate per 100,000 residents
	Federal	State			
1990	58,838	684,544	405,320	1,148,702	458
1991	53,930	728,605	426,479	1,209,014	481
1992	72,071	778,495	444,584	1,295,150	505
1993	80,815	828,566	459,804	1,369,185	528
1994	85,500	904,647	486,474	1,476,621	564
1995	89,538	989,004	507,044	1,585,586	601
1996	95,088	1,032,440	518,492	1,646,020	618
1997	101,755	1,074,809	567,079	1,743,643	648
1998	110,793	1,113,676	592,462	1,816,931	669
1999 * Jun 30	117,995	1,151,261	605,943	1,875,199	687
Dec 31	125,682	1,156,220	not available		
2000 Jun 30	131,496	1,179,214	621,149	1,931,859	702
Per cent change, 6/30/99 to 6/30/00	11.4 %	2.4 %	2.5 %	3.0 %	
Annual average increase, 12/31/90 to 6/30/00	8.8 %	5.9 %	4.6 %	5.6 %	

Note: Jail counts are for midyear (June 30). Counts for 1994-2000 exclude persons who were supervised outside a jail facility. State and federal prison counts for 1990-98 are for December 31.

* In 1999, 15 states expanded their reporting criteria to include inmates held in privately operated correctional facilities. For comparisons with previous years, the state count 1,136,582 and the total count 1,860,520 should be used for June 30, 1999.

Source of data: Bureau of Justice Statistics, "Prisoners and Jail Inmates at Midyear 2000"

half are members of racial or ethnic minorities. Of the 3,583 individuals held in secure facilities, 93 per cent were men. (See Table 3.)

Members of two minorities groups are incarcerated at levels very disproportionate to their percentages in the general population: African American and Native Americans. The number of Alaska Natives and American Indians incarcerated at the beginning of 2001 was 1,312—37 per cent of the total prison population. The number of African-Americans incarcerated was 450—12.5 per cent of the prison population. According to Alaska Department of Labor figures, Alaska Natives comprise close to 17 per cent of the general population and African-Americans, 4 per cent.

Corrections Budget

In Alaska, prison population growth has been accompanied by a substantial increase in the budget of the Department of Corrections, from just under \$97 million in FY 90 to over \$165 million in FY01—a rise of 71 per cent. According to figures assembled by the U.S. Department of Commerce, inflation totaled 35 per cent over that decade. This was one of greatest budget increases among

the state justice agencies during that period, surpassed only that of the Division of Juvenile Justice. (See Table 4. The budget of the Department of Education, a non-justice agency, is included in the table for comparison purposes.)

Prison Overcrowding

Despite the increase in the corrections budget, the extended rise in the state prison population has resulted in facility overcrowding—a problem paralleled in the nation as a whole. Alaska's fifteen main facilities have a capacity of 2,786. Because the prison population has exceeded this capacity for a number of years, the state has dealt with the overcrowding issue by contracting with the Arizona Detention Center, a private facility. At the beginning of January this facility held 793 Alaskans, making it essentially the largest Alaska prison. According to the Bureau of Justice Statistics, only New Mexico and the District of Columbia imprison a higher percentage of their inmates in private facilities.

Within the state, the last major facility to be built was Spring Creek Correctional Fa-

Please see Populations, page 4

Table 2. Prisoners Under the Jurisdiction of State or Federal Correctional Authorities, 1999 and 2000

Prisoners sentenced to more than one year.

		Total			Per cent change from --		Incarceration rate per 100,000 U.S. residents, 6/30/00
		6/30/99	12/31/99	6/30/00	6/30/99 to 6/30/00	12/31/99 to 6/30/00	
U.S. total		1,354,782	1,363,805	1,385,492	2.3 %	1.6 %	481
	Federal	130,378	135,246	142,530	9.3	5.4	43
	State	1,224,404	1,228,559	1,242,962	1.5	1.2	438
Northeast		181,242	179,424	177,965	-1.8 %	-0.8 %	327
	Connecticut ^a	18,360	18,639	18,616	1.4	-0.1	403
	Maine	1,724	1,716	1,715	-0.5	-0.1	130
	Massachusetts ^d	11,715	11,356	11,150	-4.8	-1.8	242
	New Hampshire	2,257	2,257	2,254	-0.1	-0.1	185
	New Jersey ^c	31,962	31,493	31,081	-2.8	-1.3	379
	New York	73,960	72,899	71,691	-3.1	-1.7	393
	Pennsylvania	36,511	36,525	36,617	0.3	0.3	306
	Rhode Island ^a	3,246	3,003	3,186	-1.8	6.1	197
	Vermont ^a	1,507	1,536	1,655	9.8	7.7	219
Midwest		230,731	232,903	236,820	2.6 %	1.7 %	371
	Illinois ^{c,d}	44,355	44,660	44,819	1.0	0.4	368
	Indiana	19,631	19,309	19,874	1.2	2.9	332
	Iowa ^d	7,231	7,232	7,646	5.7	5.7	266
	Kansas ^c	8,494	8,567	8,780	3.4	2.5	329
	Michigan ^d	46,253	46,617	47,317	2.3	1.5	478
	Minnesota	5,817	5,969	6,219	6.9	4.2	129
	Missouri	25,443	26,155	27,292	7.3	4.3	496
	Nebraska	3,663	3,688	3,663	0.0	-0.7	216
	North Dakota	909	943	1,004	10.5	6.5	146
	Ohio ^c	47,084	46,842	46,838	-0.5	0.0	415
	South Dakota	2,539	2,506	2,571	1.3	2.6	347
	Wisconsin	19,312	20,415	20,797	7.7	1.9	380
South		544,713	548,657	556,115	2.1 %	1.4 %	550
	Alabama	24,283	24,658	25,786	6.2	4.6	571
	Arkansas	10,926	11,415	11,559	5.8	1.3	448
	Delaware ^a	6,258	6,983	7,043	12.5	0.9	514
	District of Columbia ^a	9,617	8,652	8,575	-10.8	-0.9	1,264
	Florida ^d	68,599	69,596	71,233	3.8	2.4	465
	Georgia ^d	41,665	42,091	43,626	4.7	3.6	538
	Kentucky	15,055	15,317	15,444	2.6	0.8	387
	Louisiana	33,463	34,066	34,734	3.8	2.0	793
	Maryland	23,067	23,095	23,704	2.8	2.6	436
	Mississippi	17,858	18,247	18,379	2.9	0.7	630
	North Carolina	31,420	31,123	31,110	-1.0	0.0	345
	Oklahoma ^c	22,016	22,393	23,009	4.5	2.8	681
	South Carolina	22,231	22,008	22,154	-0.3	0.7	543
	Tennessee ^c	22,182	22,502	22,566	1.7	0.3	408
	Texas ^c	162,613	163,190	163,503	0.5	0.2	779
	Virginia	29,761	29,789	29,890	0.4	0.3	420
	West Virginia	3,699	3,532	3,800	2.7	7.6	207
West		267,718	267,575	272,062	1.6 %	1.7 %	424
	Alaska ^a	4,211	3,949	4,025	-4.4	1.9	336
	Arizona ^d	26,092	25,986	26,287	0.7	1.2	495
	California	164,523	163,067	164,490	0.0	0.9	481
	Colorado ^c	15,045	15,670	16,319	8.5	4.1	394
	Hawaii ^a	4,943	4,903	5,051	2.2	3.0	287
	Idaho	4,637	4,842	5,465	17.9	12.9	430
	Montana	2,860	2,951	3,039	6.3	3.0	343
	Nevada	9,493	9,494	9,920	4.5	4.5	524
	New Mexico	5,178	5,124	5,277	1.9	3.0	291
	Oregon	9,507	9,860	10,313	8.5	4.6	307
	Utah	5,056	5,426	5,450	7.8	0.4	248
	Washington	14,539	14,590	14,704	1.1	0.8	251
	Wyoming	1,634	1,713	1,722	5.4	0.5	359

a. Prisons and jails form one integrated system. Data include total jail and prison population.

b. The incarceration rate includes an estimated 5,000 inmates sentenced to more than one year, but held in local jails or houses of correction.

c. "Sentenced to more than one year" includes some inmates "sentenced to one year or less."

d. Population figures are based on custody counts.

Source: Bureau of Justice Statistics

Table 3. Alaska Correctional Inmates by Facility and Ethnic Origin, January 1, 2001

	White		Alaska Native or American Indian			Black			Hispanic			Asian			Unknown			Total			
	Fe-		Fe-			Fe-			Fe-			Fe-			Fe-						
	Male	male	Total	Male	male	Total	Male	male	Total	Male	male	Total	Male	male	Total	Male	male	Total	Male	male	Total
Correctional centers, jails, and pretrial facilities																					
Anchorage Annex CC (Sixth Avenue Jail)	40	5	45	21	4	25	18	1	19	5	0	5	7	0	7	0	0	0	91	10	101
Anvil Mountain CC	0	0	0	75	2	77	0	0	0	0	0	0	0	0	0	0	0	0	75	2	77
Cook Inlet Pretrial	195	0	195	81	0	81	81	0	81	18	0	18	20	0	20	3	0	3	398	0	398
Fairbanks CC	84	10	94	67	8	75	23	0	23	3	0	3	0	0	0	0	0	0	177	18	195
Hiland Mountain CC	40	99	139	34	52	86	2	19	21	0	8	8	1	5	6	0	0	0	77	183	260
Ketchikan CC	20	0	20	25	1	26	1	0	1	0	0	0	0	0	0	0	0	0	46	1	47
Lemon Creek CC	60	2	62	67	5	72	11	0	11	2	0	2	0	0	0	0	0	0	140	7	147
Mat-Su Pretrial	64	3	67	7	0	7	3	0	3	2	0	2	1	0	1	0	0	0	77	3	80
Palmer Medium Security CC	99	0	99	56	0	56	43	0	43	9	0	9	5	0	5	0	0	0	212	0	212
Palmer Minimum Security CC	74	0	74	69	0	69	22	0	22	5	0	5	4	0	4	0	0	0	174	0	174
Point McKenzie	59	0	59	31	0	31	10	0	10	3	0	3	0	0	0	1	0	1	104	0	104
Spring Creek CC	241	0	241	185	0	185	64	0	64	10	0	10	15	0	15	0	0	0	515	0	515
Wildwood CC	95	0	95	125	0	125	29	0	29	2	0	2	4	0	4	0	0	0	255	0	255
Wildwood Pretrial	84	4	88	17	2	19	3	0	3	1	0	1	0	0	0	0	0	0	105	6	111
Yukon-Kuskokwim CC	1	0	1	77	2	79	1	0	1	0	0	0	0	0	0	0	0	0	79	2	81
Arizona Detention Center	337	0	337	294	0	294	116	0	116	26	0	26	20	0	20	0	0	0	793	0	793
Federal Bureau of Prisons	17	3	20	5	0	5	0	3	3	2	0	2	0	1	1	0	0	0	24	7	31
Minnesota State Prison	0	0	0	0	0	0	0	0	0	0	1	1	0	0	0	0	0	0	0	1	1
Montana State Prison	1	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	1
	1,511	126	1,637	1,236	76	1,312	427	23	450	88	9	97	77	6	83	4	0	4	3,343	240	3,583
Community residential centers																					
Akeela House	2	6	8	1	1	2	1	5	6	0	1	1	0	0	0	0	0	0	4	13	17
Alaska Native Alcohol Rehabilitation	0	0	0	1	0	1	0	0	0	0	0	0	0	0	0	0	0	0	1	0	1
Aullaqisaatqigvik	0	0	0	4	0	4	0	0	0	1	0	1	0	0	0	0	0	0	5	0	5
Clitheroe	0	0	0	1	0	1	1	0	1	0	0	0	0	0	0	0	0	0	2	0	2
Cordova Center	78	4	82	29	2	31	18	2	20	3	0	3	1	0	1	0	0	0	129	8	137
Glacier Manor	33	3	36	18	2	20	0	0	0	0	0	0	2	0	2	0	0	0	53	5	58
Hope House	1	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	1
Maniilaq	0	0	0	1	1	2	0	0	0	0	0	0	0	0	0	0	0	0	1	1	2
Midtown Center - Anchorage Seaside	18	0	18	6	0	6	1	0	1	2	0	2	0	0	0	0	0	0	27	0	27
North Star Center	27	0	27	36	4	40	5	0	5	1	0	1	0	0	0	0	0	0	69	4	73
Parkview	57	0	57	23	0	23	13	0	13	3	0	3	2	0	2	0	0	0	98	0	98
Glennwood Center	32	1	33	14	6	20	8	1	9	2	0	2	0	0	0	0	0	0	56	8	64
Tundra Center	1	0	1	64	2	66	0	0	0	0	0	0	0	0	0	0	0	0	65	2	67
	253	14	267	229	21	250	47	8	55	12	1	13	5	0	5	0	0	0	546	44	590
Total	1,764	140	1,904	1,465	97	1,562	474	31	505	100	10	110	82	6	88	4	0	4	3,889	284	4,173

Source of data: Anchorage Department of Corrections

Populations
(continued from page 2)

cility, which opened in mid-1988. Over the last several years there have been two extended efforts to build private prisons in Alaska. The first of these, which was unsuccessful, pursued the possibility of erecting a prison at the former Fort Greely near Delta Junction. The second, currently underway, is seeking to build a facility on the Kenai Peninsula.

International Context

The United States now has one of the largest prison populations in the world and incarcerates people at a higher rate than any other country. According to figures assembled by the Sentencing Project from

British government research, the U.S. rate of incarceration now surpasses that of Russia and is 5 to 10 times higher than that of

Canada or most countries in Western Europe—which are also industrialized democracies. (See Tables 5 and 6.)

Table 4. Selected Alaska State Agency Budgets, FY 1990 and FY 2001

	FY 1990 (actual)	FY 2001 (authorized)	% increase
Department of Corrections	\$96,759,900	\$165,386,600	70.9 %
Department of Law	\$25,479,300	\$43,430,500	70.5
Department of Public Safety	\$80,157,600	\$98,152,400	22.4
Alaska Court System	\$38,909,900	\$50,905,200	30.8
Office of the Public Defender	\$6,309,600	\$9,476,900	50.2
Juvenile Corrections (in the Department of Health and Social Services)	\$16,809,300	\$31,644,600	88.3
Department of Education	\$728,847,400	\$902,503,800	23.8

Source of data: Alaska Legislative Finance Division

Table 5. Rate of Incarceration in Selected Nations

	Incarceration rate per 100,000 population
United States of America	690
Russia	675
South Africa	400
United Kingdom	125
Canada	110
Australia	110
Spain	110
Germany	95
France	90
Italy	90
Netherlands	90
Switzerland	85
Sweden	60
Japan	40

Source: *The Sentencing Project, Washington, DC. From Roy Walmsley, World Prison Population List, 2nd ed., United Kingdom Home Office Research, Development and Statistics Directorate, July 2000. Incarceration data were collected on varying dates within the period 1997 through 1999.*

Table 6. Ten Leading Nations in Incarceration Rates

	Incarceration rate per 100,000 population
United States of America	690
Russia	675
Cayman Islands	665
Belarus	575
Kazakhstan	495
Bahamas	485
U.S. Virgin Islands	475
Belize	460
Bermuda	445
Kyrgyzstan	440

Source: *The Sentencing Project, Washington, DC. From Roy Walmsley, World Prison Population List, 2nd ed., United Kingdom Home Office Research, Development and Statistics Directorate, July 2000. Incarceration data were collected on varying dates within the period 1997 through 1999.*

The figures discussed in the preceding article and presented in the tables have been assembled by the Bureau of Justice Statistics, the Alaska Department of Corrections, and the Sentencing Project in Washington, D.C. The numbers were calculated by different agencies at slightly different times so totals and rates vary somewhat according to source. Specific source information is given with each table.

Hate Crimes
(continued from page 1)

departments in such major cities as Detroit, New Orleans, Cincinnati and Miami.) Hence, the FBI summary on these types of incidents is probably distorted by under-reporting. Data assembled by non-governmental civic organizations, such as the Anti-Defamation League, in general show a much greater incidence of criminal behavior exhibiting a bias motivation, but this information is assembled differently, with different guidelines, and cannot be directly compared to figures assembled by law enforcement agencies.

In looking at the issue of hate or bias crimes it is important to clarify what the FBI figures show or define. The data assembled for this annual publication are not, in fact, precise figures on incidents actually established as hate crimes *per se* under most state criminal codes but rather reflect the occurrence of incidents reported to the police that showed evidence of some type of bias motivation. Nor do the statistics show how many incidents actually encompassed offenses of any type which were *prosecutable*. Moreover, the term “bias motivation” seems to be used broadly. (See accompanying article, “Incidents Revealing Bias: Anchorage, 1999.”)

As the form reproduced in Figure 1 illustrates, the FBI protocol for reporting on hate or bias crime incidents requires a law enforcement agency to identify the offense, the type of bias discerned, the location of the incident, the type and number of victims, the number of offenders, and the race of suspected offenders. The category of bias motivation is subdivided to show racial, ethnic, religious, sexual, or anti-disabled bias. These categories are themselves further broken down to permit more specific identification of the bias.

In Alaska, only the Anchorage Police Department participates in the FBI reporting program. At APD,

records personnel determine whether to report an incident as a hate crime and what data to enter. Records personnel derive this information from the reports filed by individual officers responding to a call or investigating an incident. If there is doubt on whether to classify an incident as a hate crime, the decision is referred to the Captain of Investigations.

1999 Data

As shown in Table 1, a racial bias was by far the most common bias among incidents reported for 1999. Of the 4,295 incidents reported in which a racial bias was noted, 2,958—68.9 per cent—were designated as anti-black.

Other categories show lower numbers, with 1,411 incidents in which a religious bias was discerned and 1,317 showing a sexual orientation bias. Among the religious bias incidents, those which were anti-Jewish in nature comprised 78.6 per cent, and those with a sexual orientation bias, anti-male homosexual incidents were 69.4 per cent.

Table 2 shows the types of offenses which occurred during the reported incidents. Over two-thirds were crimes against persons, with

Please see *Hate Crimes*, page 6

Table 2. Hate Crime Incidents in the U.S. by Type of Offense, 1999

	Offenses	Victims ¹	Known offenders ²
Crimes against persons	6,189	6,189	6,103 ³
Murder and nonnegligent manslaughter	17	17	28
Forcible rape	6	6	6
Aggravated assault	1,120	1,120	1,482
Simple assault	1,766	1,766	2,267
Intimidation	3,268	3,268	2,308
Other ⁴	12	12	12
Crimes against property	3,082	3,583	1,444 ³
Robbery	129	158	275
Burglary	112	132	63
Larceny-theft	103	112	66
Motor vehicle theft	14	14	9
Arson	48	64	22
Destruction/damage/vandalism	2,654	3,078	988
Other ⁴	22	25	21
Crimes against society⁴	30	30	46 ³
Total	9,301	9,802	7,271

¹ The term *victim* may refer to a person, business, institution, or society as a whole.
² The term *known offender* does not imply that the identity of the suspect is known, but only that an attribute of the suspect is identified which distinguishes him/her from an unknown offender.
³ One or more offenders were responsible for committing more than one offense and are counted more than once in this table. Therefore, neither the sum of the three subtotals nor the sum of offenders as distributed among the offenses equals the actual number of known offenders, 7,271.
⁴ Includes offenses collected in NIBRS, with the exception of the 11 offenses listed.

Source: Federal Bureau of Investigation, *Hate Crime Statistics, 1999*

Hate Crimes
(continued from page 5)

one-half of these categorized as intimidation. A little less than one third of the total number comprised crimes against property, with the overwhelming majority of these listed as destruction/damage/vandalism.

Over 47 per cent of hate crime incidents represented by the FBI figures occurred in a residence or on the street and just over 10 per cent in a school or college (Table 3).

As shown in Table 4, from 1995 through 1999 APD reported 40 hate crime incidents to the FBI. Almost three-quarters of these revealed racial or ethnic bias—primarily anti-black. Fifteen of the incidents were categorized as vandalism and eleven as intimidation. Of the incidents, 10 were possible felonies (9 aggravated assaults and 1 murder). Over the five-year period, 14 people were arrested in conjunction with these incidents. (The details of the 1999 incidents are discussed in the accompanying article “Incidents Revealing Bias: Anchorage, 1999.”)

Table 3. Hate Crime Incidents in the U.S. by Location, 1999

Location	Incidents
Air/bus/train terminal	84
Bank/savings and loan	14
Bar/nightclub	130
Church/synagogue/temple	274
Commercial office building	245
Construction site	20
Convenience store	75
Department/discount store	44
Drugstore/doctor's office/hospital	48
Field/woods	62
Government/public building	82
Grocery/supermarket	54
Highway/road/alley/street	1,458
Hotel/motel/etc.	56
Jail/prison	55
Lake/waterway	16
Liquor store	8
Parking lot/garage	479
Rental storage facility	8
Residence/home	2,258
Restaurant	158
School/college	802
Service/gas station	64
Specialty store (TV, fur, etc.)	97
Other/unknown	1,279
Multiple locations	6
Total	7,876

Source: Federal Bureau of Investigation, Hate Crime Statistics, 1999

Table 4. Hate Crime Incidents Reported in Anchorage, 1995-1999

	Total victimizations within group	Offense	Year					Total
			1995	1996	1997	1998	1999	
Race/ethnicity of victim(s)								
White	4	Aggravated assault	0	0	0	2	1	3
		Simple assault	1	0	0	0	0	1
Black	19	Murder	0	0	1	0	0	1
		Aggravated assault	2	0	0	1	0	3
		Simple assault	0	0	1	0	0	1
		Intimidation	1	2	0	1	2	6
		Vandalism	0	3	3	2	0	8
Alaska Native/Indian	3	Aggravated assault	0	0	0	1	0	1
		Simple assault	0	1	0	0	0	1
		Vandalism	1	0	0	0	0	1
Asian/Pacific Islander	2	Aggravated assault	0	0	1	0	0	1
		Intimidation	1	0	0	0	0	1
Multi-racial	1	Intimidation	1	0	0	0	0	1
		Subtotal	7	6	6	7	3	29
Ethnicity/national origin of victim(s)								
Other ethnicity	1	Intimidation	0	1	0	0	0	1
		Subtotal	0	1	0	0	0	1
Alleged sexual orientation of victim(s)								
Male homosexual	2	Aggravated assault	0	1	0	0	0	1
		Simple assault	1	0	0	0	0	1
Female homosexual	1	Intimidation	0	1	0	0	0	1
Homosexual (both)	1	Vandalism	0	0	1	0	0	1
		Subtotal	1	2	1	0	0	4
Religion of victim(s)								
Protestant	1	Vandalism	0	0	1	0	0	1
Jewish	4	Intimidation	0	0	1	0	0	1
		Vandalism	0	0	0	1	2	3
Catholic	1	Vandalism	0	0	1	0	0	1
		Subtotal	0	0	3	1	2	6
Total UCR hate crimes = incidents			8	9	10	8	5	40
Persons arrested			0	3	2	4	5	14

Source of data: Anchorage Police Department, 1999 Annual Statistical Report

Development of Hate Crime Statutes

The development of hate crime laws on state and federal levels has paralleled the development of the FBI statistical reporting program over the past decade. In fact, one of the first pieces of federal legislation directly addressing the hate crime issue established the federal data collection effort.

In 1990 the U.S. Congress passed the Hate Crimes Statistics Act, requiring the Justice Department to acquire data from law enforcement agencies nationwide on crimes manifesting prejudice based on race, religion, ethnicity, or sexual orientation. This act provided the legislative basis for the FBI reporting program. The Violent Crime Control and Law Enforcement Act of 1994 extended the scope of the earlier legislation to require reporting on crimes exhibiting a

bias based on disabilities and also provided sentencing enhancement in federal crimes where bias has been exhibited.

In 1996, the Church Arson Prevention Act broadened federal jurisdiction to facilitate prosecution for attacks against places of worship, and increased penalties for such crimes. This legislation also made permanent the data collection effort established in 1990.

Despite this series of federal legislative acts, there are no specifically defined federal hate crimes; rather, as indicated above, the federal government can pursue sentence increases in cases in which bias motivation was exhibited. (In addition, civil remedies for victims of bias crimes may be available under federal law, although this has not been clearly established in the courts.)

Although some states have enacted

Incidents Revealing Bias: Anchorage, 1999

The Anchorage Police Department is the only law enforcement agency in the state currently participating in the FBI hate crime data collection effort. It is important to note that while these incidents are reported under the FBI protocol as hate crimes, with that determination being made by APD records personnel, hate or bias crimes per se do not exist under Alaska law and so none of the incidents discussed in the following paragraphs was charged or prosecuted as a hate crime. In fact, in most of the 1999 incidents, the circumstances did not coalesce in any chargeable offense.

Table 4 shows that most of the incidents labeled as hate crimes in Anchorage during 1999 involved intimidation with an anti-racial or anti-religious cast. Two of the incidents were described as exhibiting an anti-Jewish bias; two, an anti-black; and one, an anti-white. Four of the incidents were reported under the FBI category of intimidation, which, in general, corresponds to harassment under Alaska statutes. One was reported as an aggravated assault. The police made five arrests in connection with the assault case. With the other four incidents no arrests were made. As details from the APD police reports filed in the aftermath of each incident illustrate, all of the situations showed overtones of violence but in only one did actual violence occur.

In the most serious case, a group of young black males—both juveniles and adults—

used pellet guns in harassing a number of adults and children in Campbell Park. One suspect was reported as yelling “This isn’t whitey’s park.” The guns were fired multiple times at different people. No one was injured, although some bicycles were damaged. All five suspects were taken into custody, and the adults were charged with assault.

Another reported incident suggested an on-going situation involving juveniles and racial conflict. Several young white males identified as part of a south Anchorage gang harassed a group of black juveniles with racial slurs, shouting that they were “here in force to clean the scum out of the mall.” The security guard at the business apparently did not report the incident until almost three weeks after it occurred. The investigation revealed that some of the reputed gang members had prior arrest records and that some had already been apprehended at the same location for carrying weapons. When interviewed, one of the suspects described a prior confrontation in which black juveniles in a car had fired a shot at members of the white group. The shooting had occurred about two weeks before the incident being investigated and did not seem to have been previously reported. In response to the latter incident, the police increased patrol coverage in the area and suspended the case.

In a third incident, a student at the Whaley Center verbally harassed a black student

through the use of racial epithets and by claiming membership in the Ku Klux Klan. The police took statements, collected evidence that included a poster promoting the Klan, and spoke with the mother of the student who made the racial slurs.

The last two of the five hate incidents reported essentially involve the same situation, one that evolved over two weeks. The suspect was reported to have made threats against his former employer, threatening that he would “take care of that...Jew” when he got his guns out of hock. He made similar comments several times over approximately a two-week period, and two police reports were filed. The complainant said that he had experienced threats before but that the anti-Jewish bias of these disturbed him more. When interviewed by APD, the suspect denied making the threats. A phone message tape obtained by the police contained anti-Jewish slurs but no explicit threats. The suspect was told to stay away from the complainant.

As these descriptions drawn from the APD police reports show, most of the incidents reported to the FBI in 1999 for showing a hate bias were limited in scope. Only one of these five incidents resulted in arrests—the Campbell Park assault case. It was not possible to determine the outcome of those arrests or whether the described racial comments figured to any degree in a trial.

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