



# From a jumble of statistics, a dramatic rise in hate and bigotry in NJ



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Reported bias incidents nearly quadrupled in New Jersey between 2018 and 2022, and they keep rising.

But those statistics are anything but clear.

Differing definitions, lack of coordination between federal authorities and state governments and difficulty in determining the motivation for acts of hate lie at the center of the confusion.

New Jersey has been a leader in bias and hate data collection and training since the late 1980s, said Brian Levin, founding director of the Center for the Study of Hate and Extremism at California State University in San Bernardino. But the good intentions of a 2019 update are spiking the numbers, putting the statistics at greater odds with what federal authorities collect and clouding the issue of hate and bias.

"New Jersey, while the most advanced in many ways, is hitting a bit of a wall because of the anomalies and quirks that come with such a robust system," Levin said. "They're getting these reports, which is great, but they're not fully able to categorize and analyze them."

**Hate crimes:** Does hate have a home here? Monmouth, Ocean towns see high number of bias incidents in 2022.

In 2019, the state changed its reporting standards to strengthen its data collection system and to provide a broader picture of bias in New Jersey. The changes have led the state to mix even violent hate crimes with simple, noncriminal acts of bigotry usually in the form of hate speech, Levin said.

Unlike New Jersey, the state of California and some law enforcement agencies there sift through the data to distinguish between hate crimes and hate speech and identify unfounded or unconfirmed reports, Levin said.

“You can't have a good response if you don't have a decent indicator of the extent, location and timing of the problem,” he said.

But statistics can prove crucial despite the lack of clarity, inflated numbers in some cases and underreporting in others, Levin said. If the numbers are looked at closely enough, actual trends and significant insights emerge.

One insight is that New Jersey has experienced a genuine, what Levin calls "organic," rise in hate in the last few years - a rise spurred by COVID-19 and the societal divisions that have played out across the country.

## **Hate crime vs. hate speech**

Intimidation is the common element in all hate crimes.

Many of the indignities experienced by protected classes of people fall short of that or remain ambiguous. Hate speech — absent intimidation or any other offense — is generally protected under the Constitution, making the line between crime and prejudice sometimes difficult to see.

A racist slur uttered in the middle of an argument over a parking spot without intimidation is not a crime, Levin said.

The difficulty in assessing gray areas is one reason for the tangle of statistics.

The Bureau of Justice Statistics, which is the primary statistical agency of the Department of Justice, has released annual hate crime figures that have greatly exceeded what the FBI reports nationally. And New Jersey's statistics have been much greater each year than the FBI's figures for the state.

From 2005 to 2019, the Bureau of Justice Statistics recorded nearly a quarter million hate crimes on average nationally each year, ranging from 173,600 to 305,900. For 2022, the FBI reported 11,643 hate crimes nationally, with New Jersey accounting for 1,101, according to the most recent revisions, of which there have been several.

There's a simple reason for the immense gap.

The figures from the statistics bureau were based on the annual National Crime Victims Survey. Each year prior to 2020, surveyors collected information from some 140,000 homes to provide what the statistics bureau called the primary source of crime victimization information in the country.

The FBI bases its hate crime statistics on complaints filed with law enforcement agencies, Levin said.

New Jersey's approach is unlike both.

In April 2019, then-state Attorney General Gurbir Grewal upgraded hate crime investigation standards to include not just confirmed violations of the state's Bias Intimidation Statute, but also suspected violations.

The impact is reflected in the statistics. Reported bias incidents rose from 569 in 2018 to 994 in 2019, eclipsing even reported numbers in the late 1990s and the mid-2000s. Since 2019, the reported incidents have only gone up 1,447 in 2020, during the height of the pandemic; 1,871 in 2021 and 2,178 in 2022.

They haven't let up. Through October, New Jersey received 2,175 reports of bias, putting the state on track to hit nearly 2,610 – a 20% increase over last year.

The sharp rise in the number of bias incidents and the fact that many involve hate speech, not hate crimes, was expected, said Grewal, now the director of enforcement for the U.S. Securities and Exchange Commission.

As Bergen County prosecutor, Grewal saw slurs and acts of vandalism as possible precursors to more violent crimes that should be monitored.

“Whether it's a slur today or piece of graffiti today, it could very quickly and easily escalate if it's not addressed,” he said.

Grewal referred to a decade-old case that started out as vandalism against Jewish facilities and progressed to a string of arsons. The two Lodi men responsible were sentenced to decades in prison.

And for the sake of greater participation, the collection of bias incidents in New Jersey needed a new approach, he said.

“Our policies were not victim-focused enough,” Grewal said. “We wanted to be overly inclusive because the data tells a story. And we wanted a complete story.”

But the rising bias incident numbers bump up against another set of statistics that the New Jersey Attorney General's Office has not included in its annual bias incident assessments.

According to a summary of charges the Asbury Park Press obtained from the state judiciary, while the state recorded 2,178 bias incidents in 2022 only 86 defendants were charged last year under New Jersey's Bias Intimidation Statute, the state's version of a hate crime.

In 2022, 29 people were convicted of bias intimidation statewide, according to the judiciary. Those convictions followed the easing of a backlog of cases during the height of the pandemic.

Since 2003, fewer than 9 people in the state have been sentenced each year on average for the crime, according to court records. Of the 160 people sentenced, 127 avoided jail or prison time.

The relatively low figure of people charged did not surprise police officials.

"Bias intimidation has a very high threshold of probable cause," said Michael Sorrentino, police chief in the Township of Ocean, Monmouth County.

The same holds true for federal cases.

"Very few hate crimes go into prosecution," said James Nolan, onetime chief of the FBI's Crime Analysis, Research and Development Unit and now a professor at West Virginia University.

## **Dueling definitions lead to confusion**

"Bias incident" means two different things to New Jersey and the federal government.

The U.S. Department of Justice distinguishes between hate crimes and "bias and hate incidents," which are "acts of prejudice that do not involve violence, threats, or property damage." Federal authorities do not keep statistics on those.

According to the FBI, a hate crime is "a committed criminal offense motivated in whole or in part by (an offender's biases) against a race, religion, disability, sexual orientation, ethnicity, gender and gender identity."

That may seem clear, but in practice, it's not.

"It's the 'whole or in part' that becomes confusing," Nolan said.

In contrast, New Jersey's annual Bias Incident Reports lump everything together - confirmed or suspected violations of the Bias Intimidation Statute.

A person violates that statute when they intimidate someone because of their race, ethnicity, gender identity or expression and other protected characteristics. The charge of bias intimidation is one degree higher than the underlying offense and carries stiff penalties,

from 18 months in prison for harassment - ordinarily a disorderly persons offense that comes with little risk of jail time - to 30 years in prison for major crimes.

Intimidation under the law means, “to put into fear of imminent physical harm,” according to Ronald Chen, former public advocate of New Jersey and professor of law at Rutgers Law School in Newark.

From there it gets even more complicated. Under the courts’ interpretation, intimidation hinges on the intentions of the bad actor, not the perceptions of the person who feels victimized, Chen said.

## **Why many bias incidents are not reported**

Mixing up crimes with hate speech doesn’t mean the state on the whole has overcounted.

Some municipal police departments are far less aggressive than other departments in pursuing bias incident complaints. And the members of some communities are more likely to report those incidents than they are in other places.

Newark, a city of 307,000, where nearly 50% of the population is Black or African American, recorded five reported bias incidents in 2022, while Lakewood, a township of 139,000 with a large population of Jewish residents, logged 51 reports of bias last year. That’s second in the state to neighboring Howell, which had 52.

One of the big reasons for the low enforcement in some communities is lack of political will, said James Mulvaney, adjunct lecturer at John Jay College of Criminal Justice in New York.

Political pressure from the less-than-marginalized can prompt crackdowns on crimes. Auto theft in New Jersey is a glaring example. They have plagued some affluent communities and have generated legislation and other measures.

That kind of support from law enforcement officials and legislators “will never happen with undocumented workers,” said Mulvaney, former deputy commissioner of the New York State Division of Civil Rights.

There is a much bigger underlying factor.

“People who come from marginalized communities are not on the top of law enforcement’s list of people who need to be protected,” said Mulvaney, “Hate crimes by definition are not very inclusive. It's sometimes harder to have empathy for people that you don't necessarily understand.”

Those who are used to being treated unfairly are more likely to not go to the police, according to Mulvaney.

Tahtianna Fermin explained why that's the case with her.

When the transgender Hackensack woman walked back to her car in Jersey City in March 2021 following an event to mark Transgender Day of Visibility, she said three young men harassed her in a confrontation that turned ugly quickly.

When they first approached her, they asked about the transgender flag she was carrying – light blue, white with pink stripes, she said. Fermin viewed the conversation as an opportunity to explain who she is.

But the men quickly turned hostile and the discussion shifted to coarse questions about her genitals. They started to converge on Fermin, she said. She rushed to her car, struggling to get in. One of the men threw a water bottle at her, leaving a ding in the car, Fermin said.

"After I drove off, I pulled over and just started crying," she said. "It made me feel like, you know, we're not moving forward."

She did not contact the police after the March 2021 bias incident. Her husband, whom she called immediately after the incident, confirmed her account.

“(The police) don't believe the story,” she said, speaking from personal experience. “Once they see we’re transgender, they make it harder for us to even finish the story. When we do fight through that, through those emotions, and we get some courage to actually go through the process, we’re met with, ‘Okay, we'll get back to you.’ They never do.”

## What is the 'dark figure of crime?'

Unreported intimidation and attacks fall under what criminologists call the dark figure of crime. And it's what casts doubt on crime statistics on the whole.

"Whatever is out there, you can always count on, frankly, that it's going to be higher than the data show," said Giuseppe Fazari, a criminal justice professor at Seton Hall University.

Dark figures vary by crime. Car thefts, because they generally involve insurance claims, are relatively accurate, giving them a "low dark figure," he said. But assaults, robbery and rape are a different story, especially in communities where faith in the police and the criminal justice system remains low.

"There's a significant portion of those crimes that police never hear about," Fazari said.

And then there's hate crimes. According to the Bureau of Justice Statistics, 54% of hate crimes from 2005 to 2019 went unreported.

## Why anti-Black hate is on the rise

Black people have historically borne the brunt of hate crimes and bias by large margins.

In New Jersey in 2022, 38% of bias incidents were motivated by anti-Black sentiments, according to the state's statistics, although Black and African American people make up about 15 percent of the population.

Jewish people, who experienced 17% of bias incidents in New Jersey, came next. Gay men made up 7% of incidents; Asian people, 4%; white people, about 3%; and transgender and Muslim people, about 2% each.

In April of 2022, a 54-year-old white woman pointed a loaded shotgun in the face of a 60-year-old Black Toms River man after he took a wrong turn on the way to a quarry in Manchester, police said.



"It's surprising that, even in 2023, even in New Jersey, one of the most diverse states in the country where we like to think of ourselves as progressive-minded, simply being a Black person presents unique obstacles and sometimes even violent ones," said Yannick Wood, an attorney who directs the Criminal Justice Reform Program for the New Jersey Institute for Social Justice, an advocacy group based in Newark.

The growing trend of anti-Black hate crime concerns him and other advocates because of mass shootings targeting black people nationwide. Among them were shootings in Jacksonville this year, Buffalo last year and the 2015 mass slaying at the Mother Emanuel AME Church in Charleston, South Carolina by Dylann Roof.

Nationally, black hate crimes peaked in 1996 at 42% of all hate crimes, Levin said. It fell to 26% in 2019, then shot up to 35% in 2020.

Of the significant insights that emerge from bias data, a recent stat about hate crimes directed at Black people is a historical one, Levin said. June 2020, when the Black Lives Matter movement grew rapidly after the murder of George Floyd, ranked as the worst month for anti-Black hate crimes since records were first kept in 1991. It's part of the "organic rise" in hate in the United States that stands above the jumble of statistics, he said.

New Jersey also saw sharp upticks. Black bias incidents in the state saw an 85% rise from 2019 to 2020, from 371 to 686, according to the state's statistics, newly formulated at that time. The anti-Black hate reports has trended upward. In 2021, there were 877 incidents and 996 in 2022.

In its 2020 NJ Bias Crimes Report, the New Jersey Office of the Attorney General cited the causes for the increase.

"Millions of Americans may have opened their eyes to the realities of racial injustice in 2020, others hardened their racist views and felt comfortable acting on those prejudices," the Attorney General's Office wrote. "By accurately analyzing bias incident statistics of 2020, a year that uniquely exposed white supremacy in our culture and institutions, we can begin to understand how we might stem the tide of hate in New Jersey."

## Incidents of Antisemitism peak in 2022

According to the Anti-Defamation League, antisemitic incidents rose to the highest level ever in 2022. There were 3,697 criminal and non-criminal bias incidents against Jewish people reported in the United States, a 36 percent increase over 2021, according to the group.

Reported bias incidents against Jewish people in New Jersey rose 50% between 2020 and 2022, from 298 to 446, according to the state's statistics.

On a walk home one Saturday from shul in Jackson, Mordechai Burnstein, a rabbi and educator in the Orthodox Jewish community, saw a teenager behind the wheel of a car veer toward him. After stepping out of the way, the teenager pulled a U-turn and came at him again, forcing him to jump to the sidewalk. "Go back to Lakewood," the driver and passenger in the vehicle yelled.

Burnstein, the rabbi and educator who is also municipal chaplain for Jackson, says he's witnessed a rise in bias incidents for more than one reason.

"I'm also seeing an uptick in reporting that didn't exist," he said. "There is more of an education."

Fazari from Seton Hall agrees.

"New Jersey is trying to draw people out of the shadows," he said.

Burnstein also does not doubt that there's been a true rise in bias incidents in the state and locally. He characterizes that as the flip side of the arrival of more ethnic and other minorities.

"We are moving into areas that aren't familiar with our way of life," he said. "Sometimes that brings out the very best in people and unfortunately many times it brings out the worst in people."

Burnstein himself participated in a hate crime education program. Because of that training, he said he knew just what steps to take on the Saturday in September 2019 after the teen drove a car in his direction.

## **COVID leads to Anti-Asian hate incidents**

Anti-Asian bias incidents in New Jersey shot up 87% between 2020 and 2021, from 69 to 129 incidents, before dipping last year to 110, according to the state's statistics.

Research from the Center of the Study of Hate and Extremism shows an even greater explosion of anti-Asian hate crime across the country. From 2020 to 2021, crimes motivated by anti-Asian hate increased by 339% in 21 of the largest cities in the United States.

Political division and the “psychological upheaval” from COVID-19 set the stage for the harrowing increase, the Attorney General’s Office said.

“Our nation’s top political figures’ use of the term ‘Chinese virus’ racialized the coronavirus, causing misinformation and conspiracy theories to spread,” the Attorney General’s Office wrote in 2020.

Jeff Chang, a board member with AAPI Montclair, or Asian American Pacific Islander, a statewide advocacy group, said the anti-Asian hate and bias incidents the organization has recorded have skyrocketed since the start of the pandemic.

And there was unprecedented anti-Asian rhetoric, he said.

At the height of the pandemic, Heidi Woo of Montclair said a white man driving a pickup splashed a cup of coffee on the windshield of an SUV carrying her, her 2-year-old son and husband as they traveled through the Lincoln Tunnel, the culmination of what Woo said was an anti-Asian attack that involved menacing gestures.

Woo did not file a police report about the incident. Her husband, Brad Yankiver, corroborated her account.

During the height of the anti-Asian violence that swept New York, Woo feared for her parents who commuted via subway between Brooklyn to Hell's Kitchen in Manhattan, as well as for herself and others.

"I bought pepper spray for everyone in my family," she said.

The pandemic hate spread to many groups.

"The social and psychological upheaval of the pandemic cannot be overstated," the 2020 Attorney General report said. "As all crises do, it broke open existing divisions in our society. It provided new opportunities to capitalize on people's vulnerabilities in a difficult and scary time, and led to anti-Black, anti-Asian, and antisemitic incidents."

Although the social fallout from the pandemic appears to be leveling off, Chang is still concerned.

"The national rhetoric around China and the Chinese Communist Party is growing," Chang said. "And unfortunately that is impacting ordinary Asian Americans. It's the next wave."

Chang is not alone in his fears.

The Anti-Defamation League has reported a nearly 400% year-over-year increase in the number of antisemitic incidents because of the latest war between Israel and Hamas.

Reached following the start of the war, Burnstein said the explosion of violence in the Middle East has the Orthodox community and the police in and around Lakewood on high alert. A recent rise in bias incidents against Jewish and Muslim people in New Jersey shows there was cause for alarm.

"Everyone is looking over their shoulder," Burnstein said.

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