LAW ENFORCEMENT TACTICS: Undercover law enforcement or informants provided means of the crime in a majority of Muslim-perceived cases of violent plots, but in very few non-Muslim-perceived cases.

Undercover law enforcement or informants provided the means of the crime (e.g., firearm or inert bomb) in 66% of convictions in plots involving a Muslim-perceived perpetrator, but in only 17% of non-Muslim-perceived cases. However, Muslim-perceived perpetrators were charged more often with attempting to create or use "weapons of mass destruction" (WMD), which leads to a longer prison sentence.

Muslim-perceived bomb plots were charged as "weapons of mass destruction"

MORE THAN 3 TIMES

as often as **non-Muslim-perceived plots.**

While WMD charges usually lead to over a **20 YEAR SENTENCE,** non-WMD defendants typically receive less than **5 YEARS IN PRISON.**

NON-MUSLIM-PERCEIVED perpetrators often received lesser charges even when they obtained or made their own military-grade explosives.

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INSTITUTE FOR SOCIAL POLICY AND UNDERSTANDING

Report Summary and Methodology

Equal Treatment? examines cases in which perpetrators of similar crimes receive dramatically different legal and media responses. This analysis compares media coverage, law enforcement tactics, charges, and eventual sentencing when the perpetrator of an act of ideologically motivated violence is perceived to be Muslim and acting in the name of Islam vs. not perceived to be Muslim and motivated by another ideology, such as white supremacy.

The research team compiled a collection of incidents by accessing databases that track ideologically motivated violence, including START (The National Consortium for the Study of Terrorism and Responses to Terrorism) Global Terrorism Database; Southern Poverty Law Center (SPLC) Lone Wolf Database, and The Intercept Terror Trial and Terrors Database. Incident occurrence dates ranged from 2001 to 2015. Cases were divided into three categories: primary incidents including two or more fatalities (18 total); "high-intensity" incidents including least seven fatalities or at least 50 injuries (6 total); and violent plots (28 total). All cases were run through a legal and media analysis.

Some may suggest that differences in nature and scale of offenses may make it difficult to analyze or draw inferences from the legal and media treatment of the two categories of perpetrators (Muslim-perceived and non-Muslim-perceived). While we cannot rule out that such differences might partly explain some differences in outcome, we have taken a number of steps to ensure as close to an "apples to apples" comparison as possible.

Here are the factors that have been recorded and accounted for in analyzing incidents: 1) Fatalities: An incident resulting in a greater number of fatalities is generally more severe than one with fewer. 2) Weapon used: The weapon used in a violent incident or planned for use in a violent plot indicates the intended scale of the violent act. 3) Intended outcome: This measures the level of harm the perpetrator aimed to cause, as alleged by law enforcement. 4) Target of incident: The type of target is recorded in incidents, such as whether it is a religious community, a racial or ethnic group, an LGBT individual or group, or the government. 5) Existence of co-perpetrators: Where applicable, any accused co-perpetrators or co-conspirators are recorded.

The **media investigation** involved two levels of analysis. Print coverage from the *New York Times* and *Washington Post* was accessed through Nexis. The first level of analysis included specific measurement and word searches, including: number of articles mentioning the incident, duration of reporting, whether "hate," "terrorism," or "extremism" were mentioned, whether a Muslim-perceived perpetrator's religion was mentioned, number of articles where headline included "terror" or "hate," and number of articles where headline included ethnicity/country of origin/religion of perpetrator.

The second level of media analysis looked at the content of the articles, including determining type of piece—i.e., opinion, news coverage, etc.—and the language used in the article that would be beyond the scope of word search. Researchers reviewed whether the article referenced a specific motivating ideology of the perpetrator, whether the article reflected interviews with community members, neighbors, and family members of the perpetrator, and whether the articles referenced the mental or psychiatric condition of the perpetrator.

The **legal proceedings and outcomes of cases** were obtained using PACER (Public Access to Court Electronic Records), Lexis, state-level case databases, and other legal tools where applicable. Case studies relied on charging documents, government sentencing memorandum, and sentencing court documents. Metrics gathered include whether there was a federal case or decision to charge with hate crimes vs. terrorism, whether there were state proceedings or whether there was an opportunity to charge using state-level hate or terrorism statute, level of charges issued, if a plea, conviction, or acquittal was entered, what sentence was sought and issued, prior criminal record, and whether instrumentality of the offense was provided by law enforcement.

Another set of searches for each case via Nexis and Google News identified key words of the incident, including perpetrator name and location, in order to find law enforcement press quoted in print media or written press releases. This was to identify in what cases the Justice Department was delivering press, and if so, whether it was issued locally or nationally. For more details on the methodology of this study, visit **www.ispu.org/equaltreatment**.