

# THE IMPERATIVE OF RESPONSIBLE HATE CRIME REPORTING

## WHAT ARE HATE CRIMES?

Sometimes called bias-motivated crimes, hate crimes are criminal offenses carried out based on a bias against a protected characteristic. Historically, the U.S. Department of Justice (DOJ) had jurisdiction over only violent crimes that were committed on the basis of race, color, religion or national origin. The passage of the **Matthew Shepard and James Byrd, Jr., Hate Crimes Prevention Act of 2009** expanded this authority by:

- Adding the protected characteristics of actual or perceived sexual orientation, gender identity, disability, and gender;
- Enabling DOJ to assist state and local jurisdictions with investigations and prosecutions of bias-motivated crimes of violence, as well as provide grants to cover the costs of investigating and prosecuting hate crimes;
- Authorizing federal grants for local programs to combat hate crimes committed by juveniles, as well as programs that train local law enforcement officers to identify, investigate, prosecute, and prevent hate crimes; and
- Requiring the Federal Bureau of Investigation (FBI) to track statistics on hate crimes based on gender and gender identity (in addition to already-tracked statistics on sexual orientation and other protected characteristics).

For data collection purposes, the FBI defines hate crimes as a "criminal offense against a person or property motivated in whole or in part by an offender's bias against a race, religion, disability, sexual orientation, ethnicity, gender, or gender identity."<sup>1</sup>

In addition to the federal government, the vast majority of states have their own hate crime laws that protect varying classifications and impose differing reporting requirements.

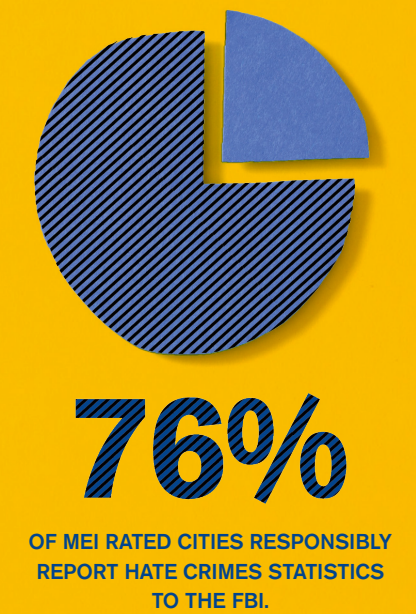
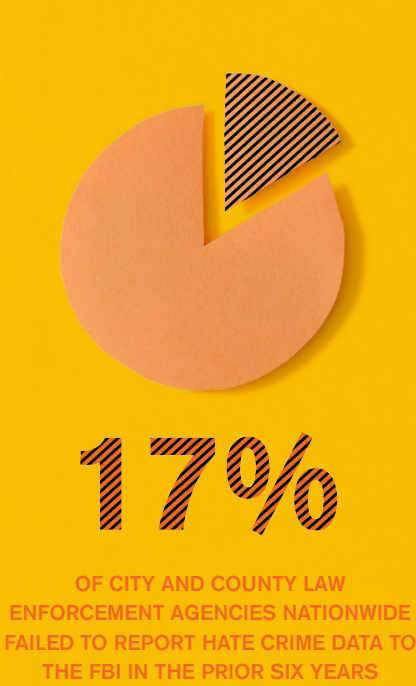
## IMPORTANCE OF HATE CRIME DATA COLLECTION

Hate crime statistics collection is vital for many reasons. First, hate crimes data allow federal, state, and local officials to assess the severity and prevalence of bias-motivated crimes against vulnerable communities. With this information in hand, officials are better equipped to make the legislative and policy changes necessary to protect the safety of their most vulnerable residents. Additionally, centralized data collection disarms those who falsely assert that violence based on discrimination and prejudice is negligible or nonexistent.

Hate crime identification and reporting is particularly valuable to law enforcement officials. Equipped with knowledge of who is at heightened risk of hate based violence, law enforcement officials can devise trainings to educate their police force on those communities, increasing cultural awareness and competency. These trainings help officers accurately identify and appropriately investigate hate crimes. Additionally, complete and accurate data from municipalities allow the FBI to strategically appropriate their limited resources to develop the most useful and effective resources for law enforcement support and training. It further allows the FBI to engage in effective public outreach.

Last but certainly not least, accurate and complete FBI hate crime reports are invaluable tools for nonprofit organizations whose mission include education and advocacy on the issues of discrimination, prejudice, crime, and social justice.

Responsible hate crimes reporting is imperative to the larger law enforcement community's ability to accurately **gauge the scope of bias-motivated crimes and effectively address them.**



## RESPONSIBLE HATE CRIME REPORTING

Under current federal law, annual reporting of hate crime incidents that take place within a city's jurisdiction is purely voluntary. According to a 2016 Associated Press study, nearly 17 percent of all city and county law enforcement agencies nationwide failed to report hate crimes data to the FBI in the prior six years.

Because reporting is not mandatory, it is imperative that municipal police departments take every step possible to ensure that their hate crimes data is transmitted to the FBI accurately and on time. Moreover, local legislators should ensure that city ordinances include provisions that require local police departments to identify and report hate crimes to state law enforcement agencies as well as the FBI.

Rules regarding if, when, and how cities must report hate crime data to state law enforcement agencies vary by state. Some state law enforcement agencies require local police departments to report hate crime data to the state, and others merely encourage it. In many states, it is common practice for the state to collect municipal hate crime data and forward the municipal data to the FBI. However, in some states, this multi-step reporting process has led to transmission errors that result in the FBI receiving inaccurate or no city data. Therefore, every locality can and should report their hate crime statistics directly to the FBI in addition to their state law enforcement agency to ensure that the FBI receives correct data in a timely fashion.

Local law enforcement agencies can submit their hate crime data directly to the FBI through the Uniform Crime Reporting Program. This should be done even if there are zero recorded hate crime incidents during a reporting period, since failure to report does not carry a presumption that zero hate crimes occurred during a reporting period. Not actively reporting statistics to the FBI will cause the City to be excluded from the respective FBI report for that reporting period.

Detailed training manuals on how to directly report hate crime statistics to the FBI can be found on the FBI website at <https://ucr.fbi.gov/ucr-program-data-collections>.

## CONCLUSION

Responsible hate crimes reporting is imperative to the larger law enforcement community's ability to accurately gauge the scope of bias-motivated crimes and effectively address them. Moreover, centralized hate crime data proves invaluable to civil society and the vulnerable communities they serve. This is why responsible hate crimes reporting is weighed so heavily on the MEI. For more details on what qualifies as responsible hate crimes reporting for MEI credit, please see pg 26.

<sup>1</sup> <https://www.fbi.gov/investigate/civil-rights/hate-crimes>