



Hate Crime Coalition Transition Priorities

Summary of Policy Recommendations

I) Legislation

1) Support the Local Law Enforcement Hate Crimes Prevention Act (LLEHCPA)

This measure would give local law enforcement officials important tools to combat violent, bias-motivated crimes – and facilitate federal investigations and prosecutions when local authorities are unwilling or unable to achieve a just result.

2) Support the Implementation of Improved Campus Hate Crime Reporting Mandate

In the last session, Congress amended the Higher Education Act (HEA) to make Department of Education campus hate crime statistics (included as part of its overall crime data reports <http://ope.ed.gov/security/search.asp>) parallel those collected by the FBI's UCR Program and published in its own annual publications, *Crime in the United States* and *Hate Crime Statistics*. Education, training, and outreach are needed to ensure that these changes are implemented effectively.

3) Support Expansion of the Justice Department's Community Relations Service Mandate

The Justice Department's Community Relations Service (CRS) is limited by its authorizing statute (Title X of the Civil Rights Act of 1964) to respond only to conflicts based on race, color, and national origin. To prepare CRS for the challenges of the 21st century, its mandate and funding should be expanded to include the full range of categories that will be covered by the Local Law Enforcement Hate Crime Prevention Act – including community conflicts based on gender, religion, sexual orientation, gender identity, and disability.

4) Support Appropriate Funding for International Hate Crime Prevention and Response Initiatives

The United States should encourage international cooperation to confront racism, anti-Semitism, homophobia, and xenophobia.

II) Executive Branch Recommendations

1) Improve Federal Hate Crime Data Collection Efforts

The Hate Crime Statistics Act (HCSA) has proved to be a powerful mechanism to confront violent bigotry against individuals on the basis of their race, religion, sexual orientation, disability, or ethnicity. To improve its ability to play this crucial role, we recommend the FBI do the following:

- Update its reporting form and its 1999 publications Training Guide for Hate Crime Data Collection and Hate Crime Data Collection Guidelines.
- Collect data on bias crimes directed at individuals on the basis of their gender and gender identity;
- Expand the categories for which data is collected, including sections for "Anti-Arab," "Anti-Sikh," and "Anti-Hindu," as crime victim categories;
- Collect data on the race, religion, national origin/ethnicity, gender, and age of both the victim and the suspected offender.

2) Proposed Executive Orders

Establish a National Hate Crime Prevention Day – perhaps tied to a date of significance.



3) Appropriations/Studies

There is growing awareness of the need to complement tough laws and more vigorous enforcement -- which can deter and address violence motivated by bigotry -- with education and training initiatives designed to reduce prejudice. The Federal government has a central role to play in funding program development in this area and promoting awareness of anti-bias education initiatives that work. To help America understand hate violence and its causes, we recommend creating and funding the following studies, anti-bias education programs, and initiatives.

- 1) Fund anti-bias education and hate crime prevention initiatives.
- 2) Study the connection between the immigration policy debate and the documented increase in bias-motivated violence against new immigrants, people who look like immigrants, and Hispanic Americans.
- 3) GAO Study on violence against individuals experiencing homelessness.
- 4) Integrate bias-motivated crimes into the existing Bureau of Justice Statistics National Crime Victimization Survey. The inclusion of hate crime data within NCVS will also help identify at-risk populations and help assess the extent to which these crimes are underreported to law enforcement authorities.
- 5) Review the effectiveness of the Hate Crime Statistics Act and make recommendations for legislative or regulatory changes to increase understanding by local jurisdictions of the importance of the initiative and encourage reporting by agencies in underreported or zero reporting jurisdictions.
- 6) National study of hate crime prosecutions at the Federal and state levels.
- 7) In conjunction with civil rights groups, victim advocacy organizations, and the academic community, fund an assessment of the disposition of hate crimes reported to the police, as well as the adequacy of the response by the police and other government agencies.
- 8) Maintain strong and inclusive State Department monitoring efforts in the area of anti-Semitism, homophobia, xenophobia, and Islamophobia – including training for human rights officers and other relevant mission staff abroad.
- 9) Training for law enforcement personnel in how to recognize, investigate, and prosecute hate crimes.
 - a. Immigration and Customs Enforcement officials and Border Patrol officers.
 - b. Federal and state prosecutors.
 - c. The FBI's International Law Enforcement Academy should include a hate crime component in its training of law enforcement personnel in emerging democracies of the former Soviet Union.

4) Demonstrate International Leadership

The United States should continue to play a leadership role in international organizations, especially the Organization for Security and Cooperation in Europe (OSCE) and its Office for Democratic Institutions and Human Rights (ODIHR), promoting the adoptions of hate crime laws, improving the response of government officials to hate violence, and helping to build the capacity of civil society organizations to complement and support these government efforts.



5) Key Personnel to Address Hate Violence

Department of Justice

Attorney General

FBI Director

Assistant FBI Director, Criminal Justice Information Services

Assistant Attorney General for Civil Rights.

Head of DOJ Criminal Section, Civil Rights Division

Director of the Community Relations Service.

Assistant Attorney General, Office of Justice Programs.

Administrator, Office of Juvenile Justice Delinquency Prevention

Director, Office on Violence Against Women

Department of Education

Secretary of Education

Associate Assistant Deputy Secretary, Office of Safe and Drug Free Schools

Assistant Secretary for Postsecondary Education

Assistant Secretary for Civil Rights, Office for Civil Rights

Department of State

Assistant Secretary of State for Democracy, Human Rights and Labor



Background information for Hate Crime Coalition Policy Recommendations

Legislation

1) Support the Local Law Enforcement Hate Crimes Prevention (LLEHCPA)

This legislation, first introduced in 1998, has been approved by bipartisan majorities in the House four times and three times by the Senate since 2000.

Update Existing Federal Hate Crimes Law

This legislation would strengthen existing Federal hate crime laws in two ways:

- 1) The bill would eliminate a serious limitation on Federal involvement under existing law – the requirement that a victim of a bias-motivated crime was attacked because he/she was engaged in a specified Federally-protected activity, such as serving on a jury or attending public school.
- 2) Current law, 18 U.S.C. Sec. 245, authorizes Federal involvement only in those cases in which the victim was targeted because of race, color, religion, or national origin. The LLEHCPA would also authorize the Department of Justice to investigate and prosecute certain bias-motivated crimes based on the victim's actual or perceived sexual orientation, gender, gender identity, or disability. Current Federal law does not provide authority for involvement in these four categories of cases at all.

Hate Crimes Statistics Act

Importantly, the Local Law Enforcement Hate Crime Prevention Act would also amend the Hate Crime Statistics Act of 1990 (HCSA – 28 U.S.C. §534) to mandate additional Justice Department hate crime data collection reporting requirements for bias-motivated violence directed at individuals on the basis of their gender and gender identity, and for crimes committed by and against juveniles.

Support for the Legislation

Support for this crucial legislation is strong. The measure has attracted the support of a broad, active coalition of nearly 300 national civil rights, professional, civic, educational, and religious group organizations – and every major law enforcement organization in the country, including the International Association of Chiefs of Police, the Major Cities Chiefs Association, the National District Attorneys Association, the National Organization of Black Law Enforcement Executives, and the National Sheriffs' Association.

Active members of the hate crimes coalition have worked for many years to consolidate resources – including those at <http://www.unitedagainsthate.net>, and <http://clergyagainsthate.org> and <http://www.partnersagainsthate.org>.

Public support for this legislation continues to grow. According to a May, 2007 Gallup Poll, 68 percent of the American people support strengthening hate crimes laws to include sexual orientation and gender identity and to give local law enforcement the tools they need to prevent and prosecute these violent acts based on bigotry.

Background

In this Congress, the House of Representatives approved HR 1592, the Local Law Enforcement Hate Crime Prevention Act, by a vote of 237-180 on May 3, 2007. The text of the Senate bill, S. 1105, the Matthew Shepard Local Law Enforcement Hate Crimes Prevention Act, was added as an amendment to the Department of Defense Authorization legislation on September 27. The key vote, 60-39, was on a motion to limit debate on the bill, as policy opponents tried to kill the measure through the use of a filibuster. Unfortunately, inclusion of the hate crimes provisions in the final version of the bill fell victim in the Senate-House Conference Committee to challenges from ideological opponents of hate crimes, as well as unrelated concerns regarding Iraq-related provisions of the Defense Department policy bill. Facing a veto threat by President Bush and united opposition from House Republicans, House



Democratic leaders concluded that the Defense measure lacked sufficient support if the hate crimes provision was included – and the provision was pulled from the conference report.

2) Support Implementation of Improved Campus Hate Crime Reporting Mandate

In 1998, to increase awareness of hate violence on college campuses, Congress enacted an amendment to the Higher Education Act (HEA) requiring all colleges and universities to collect and report hate crime statistics to the Office of Postsecondary Education (OPE) of the Department of Education. Colleges must report hate crime statistics for all campus crime categories, as well as for crimes in which the victim was targeted because of race, gender, religion, sexual orientation, ethnicity, or disability. In the past, the Department of Education's hate crime statistics reflected very substantial underreporting. Even worse, the limited data reported conflicted with campus hate crime information collected by the Federal Bureau of Investigation under the HCSA. Though the Department of Education has always used the FBI HCSA hate crime definition of hate crime, the categories of hate crimes collected by the Department of Education were different from those collected by the Department of Justice.

With the support of a broad coalition of religious, civil rights, civic, and law enforcement organizations, Congress corrected this discrepancy last year with a simple, straightforward amendment expanding the Department of Education's hate crime data collection mandate in the Higher Education Opportunity Act, enacted into law as Public Law 110-315 on August 14. Now the Department of Education's campus hate crime data collection efforts can parallel those of the FBI and the Department of Justice under the HCSA and published in its annual publications, Crime in the United States and Hate Crime Statistics. Improved campus hate crime statistics will benefit both parents and children by providing them with a more accurate sense of campus safety. The 111th Congress and the Obama Administration should fund and inspire necessary education, training, and outreach initiatives to fully implement this new campus hate crime reporting mandate.

3) Support Expansion of the Justice Department's Community Relations Service Mandate

The Justice Department's Community Relations Service (CRS) is the only Federal agency that exists to assist communities in addressing intergroup disputes. Unfortunately, its jurisdiction is limited by its authorizing statute (Title X of the Civil Rights Act of 1964) to respond only to conflicts based on race, color, and national origin. The CRS mandate is outdated – and its narrow scope limits the Federal government's options for mediation and conciliation at times of community conflict and tension. To prepare CRS for the challenges of the 21st century, its mandate and funding should be expanded to include the full range of categories that will be covered by the Local Law Enforcement Hate Crime Prevention Act – to enable the Service to also respond to community conflicts based on gender, religion, sexual orientation, gender identity, and disability. CRS has provided valuable assistance to the FBI and local law enforcement officials in the past. Because we believe that CRS can provide constructive mediation and conciliation services, we support expanding its mandate and additional funding to achieve its mission. The CRS should not be restricted from assisting all American communities in anguish over prejudice and violence directed against them.

Executive Branch Recommendations

1) Improve Federal Hate Crime Data Collection Efforts

Despite the incomplete reporting record over its first fifteen years, the Hate Crime Statistics Act (HCSA) has proven to be a powerful mechanism to confront violent bigotry against individuals on the basis of their race, religion, sexual orientation, disability, or ethnicity. Importantly, the HCSA has also increased public awareness of the problem and sparked improvements in the local response of the criminal justice system to hate violence. For example, in recent years dozens of law enforcement agencies across the country have promulgated new policies and procedures for addressing hate violence.



The urgent national need for both tough law enforcement response and educational programming to confront violent bigotry has only increased since the September 11, 2001 terrorist incidents. In the immediate aftermath of the September 11 terrorist attacks, the nation witnessed a disturbing increase in attacks against American citizens and others who appeared to be of Muslim, Middle Eastern, and South Asian descent.

More recently, we have witnessed a troubling number of violent assaults against legal and undocumented immigrants – and those perceived to be immigrants – by white supremacists and other far-right extremists. It is clear that extremist groups are seeking to exploit national divisions over the nature of immigration reform to spread a message of xenophobia, promote hateful stereotypes, and incite bigotry and violence against Hispanics, regardless of their status as citizens. Government officials must respond with coordinated efforts to reduce community tensions around the immigration issue – and by speaking out against the demonization of immigrants.

2) Proposed Executive Orders

- 1) Establish a **National Hate Crime Prevention Day** – perhaps tied to a date of significance.

Awareness of the pervasiveness and destructive nature of hate crimes is a crucial part of the effort to prevent bias-motivated violence. Designating a day of remembrance for all those we have lost will bring much needed publicity and Federal recognition of the scourge of hate violence in America.

3) Appropriations/Studies

The American Psychological Association (APA) in its landmark 1993 report, *Violence and Youth: Psychology's Response*, documented the role of prejudice and discrimination in fostering social conflict that can lead to violence. Educational resources are effective tools to alter attitudes and behaviors -- which in turn can prevent and reduce acts of hatred and discrimination.

The Justice Department, the Department of Education, and other involved Federal agencies should institutionalize and coordinate their response to prejudice-motivated violence through programs and initiatives developed for schools and for youth violence prevention programs. The Federal government should make information available regarding effective hate crime prevention programs and resources, successful anti-bias training initiatives, and best practices.

4) Demonstrate International Leadership

Beginning in 2002, the U.S. Congress and Administration played a central role in urging the Organization for Security and Cooperation in Europe (OSCE) to respond to a spike in anti-Semitic, racist, and xenophobic hate violence. Since then, US leadership has been critical in helping the organization prompt Participating States to make important commitments to address hate crime through legislation, education and law enforcement training. The OSCE's unique focus on human rights, its record in securing government commitments on racism, anti-Semitism, homophobia, Islamophobia and other forms of hatred, and its appreciation for the critical role NGO's play in working with national and local civic and religious leaders, have made this international body a vital voice in confronting prejudice and hate crime – and in promoting best practices to address these issues.