

THE HATE CRIMES STATISTICS ACT

HEARING

BEFORE THE

SUBCOMMITTEE ON THE CONSTITUTION

OF THE

COMMITTEE ON THE JUDICIARY

UNITED STATES SENATE

ONE HUNDRED SECOND CONGRESS

SECOND SESSION

ON

THE IMPLEMENTATION OF THE HATE CRIMES STATISTICS ACT (PUBLIC
LAW 102-275)

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THE HATE CRIMES STATISTICS ACT

WEDNESDAY, AUGUST 5, 1992

**U.S. SENATE,
SUBCOMMITTEE ON THE CONSTITUTION,
COMMITTEE ON THE JUDICIARY,
*Washington, DC.***

The subcommittee met, pursuant to notice, at 10:03 a.m., in room SD-226, Dirksen Senate Office Building, Hon. Paul Simon (chairman of the subcommittee) presiding.

OPENING STATEMENT OF HON. PAUL SIMON, A U.S. SENATOR FROM THE STATE OF ILLINOIS

Senator SIMON. The subcommittee meeting will come to order. The Hate Crimes Statistics Act was enacted in 1990 and our hearing today is simply to review where we are since its enactment. I think there is at least anecdotal and something more than anecdotal evidence that hate crimes have increased in this country since that bill passed and are a serious problem in our society.

My staff has just put together a few incidents here and I will just mention three of them—an African-American woman who was nearly burned to death by two white men yelling the ugliest of racial epithets, a Japanese businessman who was stabbed to death apparently because of his nationality, a 17-year-old youth who was murdered by skin heads shouting antigay slogans. Those are anecdotal things, but they are backed up by at least some gathering of statistical evidence.

The Anti-Defamation League's 1991 survey indicates there were 1,879 incidents, the highest number ever recorded, 11 percent more than what was reported in 1990. The Japanese Americans Citizens League has compiled a similar kind of growth. The National Gay and Lesbian Task Force reported in 1991 an increase of 31 percent.

Now, these are all limited-area studies, but they also reflect that we have a problem in our society. But it is not the same as having good, national, solid statistics, and that is where we hope to get. We want to see what progress is being made and we are pleased to have Norman Christensen, the Assistant Director of the Information Management Division of the FBI as our first witness.

We are pleased to have you here, and if you can identify the person with you for the record, then we will proceed with our hearing.

STATEMENT OF G. NORMAN CHRISTENSEN, ASSISTANT DIRECTOR, CRIMINAL JUSTICE INFORMATION SERVICES DIVISION, FEDERAL BUREAU OF INVESTIGATION, ACCOMPANIED BY J. HARPER WILSON, SECTION CHIEF, UNIFORM CRIME REPORTING SECTION, FEDERAL BUREAU OF INVESTIGATION

Mr. CHRISTENSEN. Yes; I have, Senator, sitting at the table with me J. Harper Wilson, who is the Section Chief of the Uniform Crime Reporting Section in the FBI.

Senator SIMON. We welcome you, Mr. Wilson, too.

Mr. WILSON. Thank you, Senator.

Mr. CHRISTENSEN. I would like to request that my statement in its entirety be entered into the record.

Senator SIMON. I might add, all the statements will be entered in the record. We have a large number of witnesses. We would like, if possible, to have the oral statements limited to about 5 minutes.

Mr. CHRISTENSEN. Thank you. I will give a summary of my statement. Senator Simon, it is a pleasure to testify before your subcommittee this morning. This is an important matter to the FBI, to our communities, and to our law enforcement agencies and their professional challenge to understand and meet this challenge to collect this type of data.

You have already noted that the Hate Crimes Statistics Act was passed by Congress in 1990. In response to the passage of the act, the Attorney General instructed the FBI's Uniform Crime Reporting Program to develop a collection system. The FBI concluded that a practical approach was needed for the successful development and implementation of a national hate crimes statistics program, and we did want to implement a program that would unduly burden our law enforcement agencies in collecting additional data. Therefore, it was decided that the data collection would be an appendage to the established UCR collection process.

Hate crimes are not separate, distinct offenses, but traditional crimes motivated by the offender's bias. It was therefore not necessary to create a whole new crime category. To the contrary, hate crime data could be collected by merely capturing additional information about crimes already being reported to UCR.

Bias as motivation for a crime would be reported when the law enforcement investigation revealed sufficient objective facts to lead a reasonable and prudent person to conclude that the offender's actions were motivated by bias. With the cooperation and assistance of several local and State law enforcement agencies already experienced in the investigation and collection of hate crime information, and a broad coalition of 24 human interest groups, a comprehensive procedure for the collection of hate crime data was established.

The hate crimes statistics program has been endorsed by the International Association of Chiefs of Police, the National Sheriffs' Association, the UCR Data Providers Advisory Policy Board, the International Association of Directors of Law Enforcement Standards and Training, and the Association of State Uniform Crime Reporting Programs.

The UCR Program has conducted 16 regional training conferences nationwide for local law enforcement agencies. Representatives from each of the 50 States and the District of Columbia, constituting 367 separate governmental agencies, have participated in

the training conferences. The participants included members from all law enforcement agencies serving populations of over 100,000. These latter agencies serve approximately 77 percent of the U.S. population. Training for Federal law enforcement agencies was also completed. An ongoing training program is now in place and sponsored by the UCR within the FBI.

With respect to the 1991 hate crime data, the FBI has presently received submissions of 1991 hate crime data from 21 participating State UCR Programs, including the State of Illinois, and from 70 law enforcement agencies in States without a State-run UCR Program. Throughout the country, participating law enforcement agencies are being positively recognized, and rightly so, for their forthright addressing of this critical issue. I am providing to the subcommittee a status report on the progress of the hate crime program implementation on a State-by-State basis.

The majority of the nonparticipating law enforcement agencies in States have cited governmental budgetary restraints and/or lack of manpower as reasons for nonparticipation.

That concludes my summary of my statement, Senator. I would be happy to answer any questions.

Senator SIMON. Thank you very much. First, in reading your prepared statement, you say:

I am providing to the subcommittee a status report on the progress of the hate crime program implementation on a State-by-State basis. The report identifies the State-level agencies that serve as the UCR State program administrator in 42 States.

Do we have eight States where we don't have somebody reporting, or what is the situation?

Mr. CHRISTENSEN. The State program is where they have a central point within the State for the collection of the data from the various agencies within the States. We have 42 States that are organized in that fashion. The other remaining States are not organized in that fashion and the data comes directly to us from these contributing agencies.

Senator SIMON. So, in those eight States, you get it from the sheriff or the chief of police, or wherever?

Mr. CHRISTENSEN. That is correct, yes.

Senator SIMON. I didn't realize that we had States that were not collecting the data. I think it would be interesting for the record, also, if you could have those eight States designated, if you know them right offhand.

Mr. CHRISTENSEN. Yes, I do have that information. The States without the UCR Programs are Indiana, Nevada, New Mexico, Louisiana, Mississippi, Ohio, Tennessee, and Missouri.

Senator SIMON. All right, thank you. I am amazed that there are States that don't have a central collection point at this point, but that is not the issue of this hearing.

You are planning for the first time to have the national statistics in 1994. Do you believe that the statistics are so sketchy up until that time that there is no purpose served in providing them?

Mr. CHRISTENSEN. No; we plan on making a report in November of this year based on the 1991 data that we have which has been submitted to us.

Senator SIMON. Susan Kaplan of my staff tells me that her understanding is that we will not have national statistics until that point. There is a little confusion here. Can you clarify that?

Mr. CHRISTENSEN. Yes, I believe I can. If we are to review this report on a State-by-State basis, it is clear and evident that many States are at different stages of implementation. Some States have a few agencies, some States have no agencies that are contributing the data. So the national picture is building as our law enforcement agencies begin to collect the data. It is more appropriate to say, by 1994, we would have a much better national picture than we have right now. We have limited data at this point.

Senator SIMON. But we will have, in November, a report?

Mr. CHRISTENSEN. Yes; we intend to issue the first report in November based on the data that has been collected from 1991 submissions.

Senator SIMON. And on the basis of the information that you have gathered already, do you have any kind of feel for anything that is startling, anything that hits you as you look at the data?

Mr. CHRISTENSEN. Well, I think there are some interesting findings. I guess we need to express a cautionary statement here. These, again, are limited amounts of data that we have. We can't draw a national picture from these findings, but the data that we have collected so far would support these statements.

Two of every three hate crimes are motivated by racial bias. The most frequently occurring bias motivation is antiblack. One-half of the hate crimes occur at victims' residences or on the streets. Intimidation, vandalism, and simple assault comprise the majority of hate crimes. Most hate crimes are crimes against persons. Hate crimes generally involve a single victim, a single offender, and one offense per incident. That is a summary of the information we have to date.

Senator SIMON. I would be interested in getting a copy of that, if you have an extra copy, or I will get somebody to xerox that.

Mr. CHRISTENSEN. I will make this available.

Senator SIMON. I think that is significant. Now, as I understand it, you will be producing a resource book from the 11 States that had data collection. Is that the November report, or am I confusing things?

Mr. CHRISTENSEN. That is the November report, and we will also have some topical studies that will have been completed by that time.

Senator SIMON. You also mentioned that some local agencies say they are not providing the information because of a lack of manpower. Is your observation that collecting this information requires additional personnel at the local level?

Mr. CHRISTENSEN. Well, the process of collecting the data does not require lots of resources, but the training in order to prepare our law enforcement officers to evaluate a situation and determine whether or not there is a bias motivation is fairly comprehensive training, and so there are resources that need to go into the training, and then all the data collection systems have to be modified in order to incorporate this type data, and that is where the resources need to be applied.

Senator SIMON. Do we have any indication that at any level of government anywhere people are just being noncooperative?

Mr. CHRISTENSEN. We have not detected noncooperation, except with the qualification that they simply don't have the resources, they believe, to go through what the program requires at this point.

Senator SIMON. I am told that the training sessions that the FBI has held have been excellent. How many States have been involved in these? Are you planning to continue these? Where do we stand on these training sessions?

Mr. CHRISTENSEN. As of July 1992, 1,744 law enforcement personnel representing 551 agencies have been trained by the FBI. These agencies provide law enforcement services to almost 80 percent of the Nation's population. We do have plans for ongoing training. These would include the incorporation of a 1-hour hate crime overview into our routine training for summary UCR data, NIBRS training, and other training programs that we sponsor.

We are preparing a videotape which will be available for general use for those States that will be involved in a training program. We also respond to individual requests for training, and we have the capacity to sponsor training at the level of one or two sessions per month for 100 attendees.

Senator SIMON. And if you were to look at a map of the population, are there any major gaps in terms—you mentioned that you have reached 80 percent. Are there any areas where you see major omissions here?

Mr. CHRISTENSEN. Probably, some of our smaller cities and those particular law enforcement agencies in those smaller cities would be our major voids, I think.

Senator SIMON. One of the problems is obviously the problem of victims reporting crimes. Is that addressed in your training session at all, or how do we address that problem? In other words, let us just say a synagogue has a swastika painted on it. They may just paint over it and not report it to anyone. Is there anything being done to encourage people who have experienced difficulties to report the crimes?

Mr. CHRISTENSEN. Yes; we work consistently with a number of our human interest groups and we encourage them, as they work with their respective interest contingencies, to encourage disclosure of such behavior to law enforcement, and law enforcement is the avenue by which we need to collect this nationally. There is that encouragement through the human interest groups.

It is clearly part of our training program as we work with our law enforcement officers that they be able to recognize where possibly a hate crime has occurred, and then how to pursue that to confirm whether or not that is a hate crime. We also instruct our officers how to deal with the victims of such crimes.

Senator SIMON. When you say human interest groups, you mean like the National Association for the Advancement of Colored People or—

Mr. CHRISTENSEN. Yes; ADL.

Senator SIMON. Yes, OK.

Mr. CHRISTENSEN. Yes.

Senator SIMON. Do you have enough money allocated for the continuation of training? A question has been raised on that. We are in appropriation time around here.

Mr. CHRISTENSEN. Well, I think there is a fairly easy answer to that. No, we do not. In fact, we have never had any allocation of resources to this particular program, specifically allocated for the program. The FBI diverted some of its funding from other areas because we recognize the importance of this responsibility, but we have had no official funding for the program.

Senator SIMON. But in terms of a continuation of the training sessions you are talking about, you are not going to at some point soon be able to say, sorry, we are going to cut these off, we just don't have the funds?

Mr. CHRISTENSEN. No; we are committed to providing that level of training. We cannot expand beyond that level at this point.

Senator SIMON. Well, we appreciate what you are doing. We are eager to work with you. I have to say I am impressed by the fact that the FBI has grabbed the ball and is moving on this. I would like to have reports before 1994 in terms of national statistics, but I recognize the problems that you face.

Let me ask a very candid question. The reason for the November date—this will happen after the election, and are we simply trying to avoid getting meshed in the campaign or it just happens to fall that way?

Mr. CHRISTENSEN. No, sir, there is no political implication with our date. It is a matter of our gathering the data, processing the data, and having the report ready, and we believe the earliest possible date for that is November 1992.

Senator SIMON. OK. Well, we thank you very, very much. We are eager to work with you, and any way we can cooperate, let us know. We look forward to that November report.

Mr. CHRISTENSEN. Senator, I would like to share just one expression with you. Our working on this program has been a very positive experience for the FBI, and especially dealing with our law enforcement agencies around the country. Those who are successfully implementing a hate crime program realize the value of it to the community and to the ability of law enforcement agencies to do their professional work. Thank you.

[Mr. Christensen submitted the following:]

STATEMENT OF

G. NORMAN CHRISTENSEN
ASSISTANT DIRECTOR
CRIMINAL JUSTICE INFORMATION SERVICES DIVISION
FEDERAL BUREAU OF INVESTIGATION

Good morning Senator Simon and members of the Subcommittee. It is an honor to testify before you today with respect to the implementation and current status of the Hate Crime Statistics Act. It is also my intent to provide some insight relative to the future of hate crime data collection.

As you recall, the Hate Crime Statistics Act was passed by Congress in 1990. The Act mandated that the Attorney General acquire data concerning crimes that manifest evidence of prejudice based on race, religion, sexual orientation, or ethnicity, involving the crimes of murder, forcible rape, robbery, aggravated assault, simple assault, burglary, larceny-theft, motor vehicle theft, arson, intimidation, and destruction/damage/vandalism of property.

In response to the passage of the Act, the Attorney General instructed the FBI's Uniform Crime Reporting (UCR) Program to develop a data collection system for its 16,000 voluntary law enforcement agency participants. No additional funds were provided for the development and implementation of this program. Without other recourse, all expenditures had to be reprogrammed from the FBI's existing budget.

The FBI concluded that a practical approach was needed for the successful development and implementation of a national hate crime statistics program which would limit additional reporting responsibilities being placed upon the contributing law enforcement agencies. In order to address this issue, a number of decisions were made.

First, hate crime data collection would be an appendage to the established UCR collection process. Hate crimes are not separate, distinct offenses but traditional crimes motivated by

the offender's bias. For example, an offender may commit an assault because of his/her bias against the victim's religion, race, ethnicity, or sexual orientation. It was, therefore, not necessary to create a whole new crime category. To the contrary, hate crime data could be collected by merely capturing additional information about crimes already being reported to UCR.

Second, the types of bias motivation to be reported would be restricted to those specifically addressed by the enabling Act, i.e., prejudice against a race, religion, sexual orientation, or ethnic group. Because of the difficulty of ascertaining the offender's subjective motivation, bias would be reported when the law enforcement investigation revealed sufficient objective facts to lead a reasonable and prudent person to conclude that the offender's actions were motivated, in whole or in part, by bias.

With the cooperation and assistance of several local and state law enforcement agencies already experienced in the investigation and collection of hate crime information (Maryland State Police, Baltimore County, Maryland, Police Department, Boston Police Department, New York City Police Department, and Chicago Police Department) and a broad coalition of 24 human interest groups, a comprehensive procedure for the collection of hate crime data within these established parameters was developed. The collection includes information about the types of prejudice that motivated the designated offenses, where the hate crimes occurred, as well as data pertaining to the victims and offenders. Reporting law enforcement agencies are offered various means by which to report, either in conjunction with their regular UCR submissions or separately in quarterly hate crime reports.

The Hate Crime Statistics Program has been endorsed by the International Association of Chiefs of Police, the National Sheriffs' Association, the UCR Data Providers' Advisory Policy Board, the International Association of Directors of Law

Enforcement Standards and Training, and the Association of State Uniform Crime Reporting Programs. These endorsements were crucial to the successful implementation of the program, for without law enforcement's voluntary data collection and support any effort would be futile.

The UCR Program has conducted 16 regional training conferences nationwide for local law enforcement agencies relative to the investigation and reporting of hate crimes. Representatives from each of the 50 states and the District of Columbia, constituting 367 separate governmental agencies, have participated in the training conferences. The participants included members from all law enforcement agencies serving populations over 100,000. These latter agencies serve approximately 77% of the U.S. population. Training for Federal law enforcement agencies was also accomplished.

The FBI, the Bureau of Justice Statistics and the Association of State UCR Programs are jointly preparing a resource book containing available 1990 Hate Crime data from states and local agencies operating longstanding hate crime programs. This publication will also contain other useful information relative to state-specific hate crime legislation and strategies.

The FBI plans to publish annual reports focused solely on hate crime, along with topical studies highlighting unique aspects of hate crime occurrences.

Interest has been shown across the country as increasing numbers of law enforcement agencies and state UCR Programs become actively involved in the national hate crime data program. With respect to 1991 hate crime data, the FBI has presently received submissions of 1991 hate crime data from 21 participating state UCR Programs, including the state of Illinois, and from 70 law enforcement agencies in states without a state-run UCR program. Reports from these agencies, while not sufficient to allow valid national or even regional measures of

the volume and types of crimes motivated by hate, they do offer some perspectives on the general nature of hate crime occurrences.

National hate crime statistics will result in greater awareness and understanding of the true dimensions of the problem nationwide; and that, in turn will result in constructive improvement. Law enforcement will be better able to quantify their resource needs and perform a better job of allocating resources to the areas of most need. Historically, law enforcement has demonstrated progressive, professional competence in developing imaginative approaches to criminal problems. With their response to the hate crime legislation, participating law enforcement agencies are showing that same enthusiastic proactive attention to this criminal problem. Throughout the country, participating law enforcement agencies are being positively recognized, and rightly so, for their forthright addressing of this critical issue.

I am providing to the Subcommittee a status report on the progress of the Hate Crime Program implementation on a state-by-state basis. The report identifies the state-level agency that serves as the UCR state Program administrator in 42 states, the numbers of law enforcement agencies within each state, and the number of agencies known to be participating in the Hate Crime Program. The report specifically addresses the agencies within each state covering populations of 100,000 or more. In addition, the comments portion of the report gives a synopsis of each state's plans, commitment, time frame projections, etc. Overall, the FBI generally supports those states with defined, realistic plans calling for reporting by 1993. In states that designate a later implementation year or where no plan exists, the FBI will work directly with the law enforcement agencies in the state as we do in the eight states not having state UCR Programs. The majority of the non-participating law enforcement

agencies and states have cited governmental budgetary restraints and/or lack of manpower as reasons for non-participation.

It must be emphasized that start-up times are somewhat more lengthy for those states planning to incorporate Hate Crime data in their National Incident-Based Reporting Systems (NIBRS), than for those states submitting hard copy reports. The FBI believes that the tremendous amount of detailed and reliable data provided by NIBRS will compensate for any delay.

Thank you, I will be happy to respond to any of your questions.



Uniform Crime Reporting *Newsletter*

August, 1992

Hate Crime Data Collection

The recent United States Supreme Court decision (90-7675--R.A.V. vs. Minnesota) overturning a Saint Paul, Minnesota, hate crime ordinance, has received much publicity and has raised many questions in the law enforcement community about hate crime laws. The Court's ruling, however, has no impact upon the Federal Hate Crime Statistics Act (Public Law 101-275).

A hate crime is a criminal offense that is motivated by the offender's bias against the victim's race, religion, ethnicity, or sexual orientation. These offenses and their bias motivation are reportable to the FBI's Uniform Crime Reporting Program.

Determining the prevalence of hate crime is an important responsibility for the entire law enforcement community. Tremendous interest and support have been shown by the general public, law enforcement associations, legislative bodies, human interest groups, and others relative to the collection of hate crime data. Significantly, the information that is obtained, indeed, the mere fact that law enforcement is interested and that an emphasis is being placed on the data collection, could directly benefit your department in matters ranging from policy and planning decisions, budgetary matters, and community.

You are again urged to apply serious attention to this important data collection effort. Should you have questions or are in need of assistance, please feel free to call (202) 324-5038.



U.S. Department of Justice
Federal Bureau of Investigation

Washington, D.C. 20535

Among our preliminary findings from the data presently collected are:

- * Two of every three hate crimes are motivated by racial bias.
- * Over half of hate crimes occur at victims' residences or on streets.
- * Intimidation, vandalism, and simple assault comprise the majority of hate crimes.
- * Most hate crimes are "crimes against persons," whereas for crime overall, property offenses are far more voluminous.
- * In common with crime overall, however, hate crimes generally involve a single victim, a single offender, and one offense per incident.

As limited as these perspectives are, they show similarity to the data previously collected from states with established hate crime statistical programs.

U.S. Department of Justice
Federal Bureau of Investigation



Summary Reporting System

National Incident-Based Reporting System

Hate Crime

Data Collection

Guidelines

Uniform Crime Reporting

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HATE CRIME DATA COLLECTION GUIDELINES

Legislative Mandate to Report Hate Crimes

In response to a growing concern about hate crimes, Congress, on April 23, 1990, enacted the "Hate Crime Statistics Act of 1990" (hereafter "Act"). The Act requires the Attorney General to establish guidelines and collect, as part of the UCR Program, data "about crimes that manifest evidence of prejudice based on race, religion, sexual orientation, or ethnicity, including where appropriate the crimes of murder, non-negligent manslaughter; forcible rape; aggravated assault, simple assault, intimidation; arson; and destruction, damage or vandalism of property." The Attorney General is required to begin acquiring hate crime data in calendar year 1990. The Attorney General has delegated his responsibilities under the Act to the Director of the FBI. The FBI's Uniform Crime Reports (UCR) Section has been assigned the task of developing the procedures for, and managing the implementation of, the collection of hate crime data.

Developing a Collection Approach

The primary emphasis in developing an approach for collecting national hate crime statistics was to avoid placing major new reporting burdens on contributing law enforcement agencies. To accomplish this goal the following decisions were made:

1. The hate crime collection will be an adjunct to the UCR collection.-- Hate crimes are not separate, distinct crimes, but rather traditional offenses motivated by the offender's bias. For example, an offender may commit arson because of his/her racial bias. It is, therefore, unnecessary to create a whole new crime category. To the contrary, hate crime data can be collected by merely capturing additional information about offenses being reported to UCR.

2. The types of bias motivation to be reported are limited.-- There are, of course, many kinds of bias. Some of the more common kinds are those against race, religion, ethnicity/national origin, or sexual orientation. But, there are also biases against rich people, poor people, men who wear long hair and/or beards, people who dress oddly, smokers, drinkers, people with diseases such as AIDS, motorcycle gangs, "rock" musicians, etc. The types of bias to be reported to the FBI's UCR Section are limited to those mandated by the enabling Act, i.e., bias based on "race, religion, sexual orientation, or ethnicity." Because, in the UCR Program, "ethnicity" has been limited to whether a person is or is not Hispanic, the term "Ethnicity/National Origin" was adopted to denote a broader meaning (see the definition on Page 5).

Although there are no comprehensive statistics on the incidence of hate crimes, the limited statistics being gathered in existing state and local hate crime programs indicate that the number of hate crimes reported annually throughout the United States should not constitute a major reporting burden. Hate crime reporting should not, therefore, require large new commitments of personnel and other resources by Federal, state, and local UCR data contributors.

Bias Motivation

The object of the collection is to indicate whether the offender was motivated to commit the offense because of his/her bias against a racial, religious, ethnic/national origin, or sexual orientation group. Because of the difficulty of ascertaining the offender's subjective motivation, bias is to be reported only if investigation reveals sufficient objective facts to lead a reasonable and prudent person to conclude that the offender's actions were motivated, in whole or in part, by bias. The specific types of bias to be reported are:

Racial Bias:

Anti-White
Anti-Black
Anti-American Indian/Alaskan Native
Anti-Asian/Pacific Islander
Anti-Multi-Racial Group

Religious Bias:

Anti-Jewish
Anti-Catholic
Anti-Protestant
Anti-Islamic (Moslem)
Anti-Other Religion (Buddhism,
Hinduism, Shintoism, etc.)
Anti-Multi-Religious Group
Anti-Atheist/Agnostic/Etc.

Ethnicity/National Origin Bias:

Anti-Arab
Anti-Hispanic
Anti-Other Ethnicity/National Origin

Sexual Orientation Bias:

Anti-Male Homosexual (Gay)
Anti-Female Homosexual (Lesbian)
Anti-Homosexual (Gays and Lesbians)
Anti-Heterosexual
Anti-Bisexual

Objective Evidence that the Crime Was Motivated by Bias

An important distinction must be made. The mere fact that the offender is biased against the victim's racial, religious, ethnic/national origin, and/or sexual orientation group does not mean that a hate crime was involved. Rather, the offender's criminal act must have been motivated, in whole or in part, by his/her bias.

Because motivation is subjective, it is difficult to know with certainty whether a crime was the result of the offender's bias. Therefore, before an incident can be reported as a hate crime, sufficient objective facts must be present to lead a reasonable and prudent person to conclude that the offender's actions were motivated, in whole or in part, by bias. While no single fact may be conclusive, facts such as the following, particularly when combined, are supportive of a finding of bias:

(a) The offender and the victim were of different racial, religious, ethnic/national origin, or sexual orientation groups. For example, the victim was black and the offenders were white.

(b) Bias-related oral comments, written statements, or gestures were made by the offender which indicate his/her bias. For example, the offender shouted a racial epithet at the victim.

(c) Bias-related drawings, markings, symbols, or graffiti were left at the crime scene. For example, a swastika was painted on the door of a synagogue.

(d) Certain objects, items, or things which indicate bias were used (e.g., the offenders wore white sheets with hoods covering their faces) or left behind by the offender(s) (e.g., a burning cross was left in front of the victim's residence).

(e) The victim is a member of a racial, religious, ethnic/national origin, or sexual orientation group which is overwhelmingly outnumbered by members of another group in the neighborhood where the victim lives and the incident took place. This factor loses significance with the passage of time, i.e., it is most significant when the victim first moved into the neighborhood and becomes less and less significant as time passes without incident.

(f) The victim was visiting a neighborhood where previous hate crimes had been committed against other members of his/her racial, religious, ethnic/national origin, or sexual orientation group and where tensions remain high against his/her group.

(g) Several incidents have occurred in the same locality, at or about the same time, and the victims are all of the same racial, religious, ethnic/national origin, or sexual orientation group.

(h) A substantial portion of the community where the crime occurred perceives that the incident was motivated by bias.

(i) The victim was engaged in activities promoting his/her racial, religious, ethnic/national origin, or sexual orientation group. For example, the victim is a member of the NAACP, participated in gay rights demonstrations, etc.

(j) The incident coincided with a holiday relating to, or a date of particular significance to, a racial, religious, or ethnic/national origin group (e.g., Martin Luther King Day, Rosh Hashanah, etc.).

(k) The offender was previously involved in a similar hate crime or is a member of a hate group.

(l) There were indications that a hate group was involved. For example, a hate group claimed responsibility for the crime or was active in the neighborhood.

(m) A historically established animosity exists between the victim's group and the offender's group.

(n) The victim, although not a member of the targeted racial, religious, ethnic/national origin, or sexual orientation group, is a member of an advocacy group supporting the precepts of the victim group.

Cautions

1. Need for Case-by-Case Assessment of the Facts – The aforementioned factors are not all-inclusive of the types of objective facts which evidence biased motivation. Therefore, reporting agencies must examine each case for facts which clearly evidence that the offender's bias motivated him/her to commit the crime.

2. Misleading Facts – Agencies must be alert to misleading facts. For example, the offender used an epithet to refer to the victim's race, but the offender and victim were of the same race.

3. Feigned Facts – Agencies must be alert to evidence left by the offenders which is meant to give the false impression that the incident was motivated by bias. For example, students of a religious school vandalize their own school, leaving anti-religious statements and symbols on its walls, in the hope that they will be excused from attending class.

4. Offender's Mistaken Perception – Even if the offender was mistaken in his/her belief that the victim was a member of a racial, religious, ethnic/national origin, or sexual orientation group, the offense is still a hate crime as long as the offender was motivated by bias against that group. For example, a middle-aged, non-gay man walking by a bar frequented by gays was attacked by six teenagers who mistakenly believed the victim had left the bar and was gay. Although the offenders were wrong on both counts, the offense is a hate crime because it was motivated by the offenders' anti-gay bias.

5. Changes in Findings of Bias – If, after an initial incident report was submitted, a contrary finding regarding bias occurs, the national file must be updated with the new finding. For example, if an initial finding of no bias was later changed to racial bias or a finding of racial bias was later changed to religious bias, the change should be reported to the FBI's UCR Section.

Definitions

To ensure uniformity in reporting nationwide, the following definitions have been adopted for use in hate crime reporting:

Bias - A preformed negative opinion or attitude toward a group of persons based on their race, religion, ethnicity/national origin, or sexual orientation.

Bias Crime - A criminal offense committed against a person or property which is motivated, in whole or in part, by the offender's bias against a race, religion, ethnic/national origin group, or sexual orientation group. Also known as "Hate Crime."

[Note: Even if the offender was mistaken in his/her perception that the victim was a member of the group he or she was acting against, the offense is still a bias crime because the offender was motivated by bias against the group.]

Bisexual - [adjective] Of or relating to persons who experience sexual attraction toward, and responsiveness to, both males and females; [noun] a bisexual person.

Ethnicity/National Origin Bias - A preformed negative opinion or attitude toward a group of persons of the same race or national origin who share common or similar traits, languages, customs, and traditions (e.g., Arabs, Hispanics, etc.).

Gay - [adjective] Of or relating to males who experience a sexual attraction toward, and responsiveness to, other males; [noun] a homosexual male.

Hate Crime - Same as "Bias Crime."

Hate Group - An organization whose primary purpose is to promote animosity, hostility, and malice against persons belonging to a racial, religious, ethnic/national origin, or sexual orientation group which differs from that of the members of the organization (e.g., the Ku Klux Klan, American Nazi Party, etc.).

Heterosexual - [adjective] Of or relating to persons who experience a sexual attraction toward, and responsiveness to, members of the opposite sex; [noun] a heterosexual person.

Homosexual - [adjective] Of or relating to persons who experience a sexual attraction toward, and responsiveness to, members of their own sex; [noun] a homosexual person.

Lesbian - [adjective] Of or relating to females who experience a sexual attraction toward, and responsiveness to, other females; [noun] a homosexual female.

National Incident-Based Reporting System (NIBRS) - The new unit-record reporting system which is being implemented to replace the traditional UCR Summary Reporting System (SRS). NIBRS provides for expanded collection and reporting of offenses, arrests, and their circumstances.

Racial Bias - A preformed negative opinion or attitude toward a group of persons who possess common physical characteristics (e.g., color of skin, eyes and/or hair; facial features; etc.) genetically transmitted by descent and heredity which distinguish them as a distinct division of humankind (e.g., Asians, blacks, whites, etc.).

Religious Bias - A preformed negative opinion or attitude toward a group of persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being (e.g., Catholics, Jews, Protestants, atheists, etc.).

Sexual Orientation Bias - A preformed negative opinion or attitude toward a group of persons based on their sexual attraction toward, and responsiveness to, members of their own sex or members of the opposite sex (e.g., gays, lesbians, heterosexuals, etc.).

Summary Reporting System (SRS) - The traditional tally system which has been used since 1930 to collect UCR data.

Examples of Reporting Hate Crime Incidents

Example (1): While driving through a predominantly Mexican-American neighborhood, a black male stopped his car to repair a flat tire. A group of Mexican-Americans leaving a bar across the street accosted the driver and then attacked him with bottles and clubs. During the attack, the offenders called the victim by a well known and recognized epithet used against blacks and told him that blacks were not welcome in the neighborhood. This incident would be reported as Anti-Black because the victim and offenders are of different races, the offenders used a racial epithet, and the facts reveal no other reason for the attack than the stated one, i.e., to keep blacks out of the neighborhood.

Example (2): A white juvenile male snatched a Jewish woman's purse, and in doing so, knocked her down and called her by a well known and recognized epithet used against Jews. The offender's identity is not known. Although the offender used an epithet for Jews, it is not known whether he belongs to another religious group or whether his motive was anything more than robbery. Because the facts are ambiguous, agencies should not report this incident as bias motivated.

Example (3): Overnight, unknown persons broke into a synagogue and destroyed several religious objects. The perpetrators left a large swastika drawn on the door and wrote "Death to Jews" on a wall. Although valuable items were present, none was stolen. Report this incident as Anti-Jewish because the offenders destroyed religious objects, left anti-Semitic words and graffiti behind, and theft did not appear to be the motive for the burglary.

Example (4): A 29-year-old Chinese-American male was attacked by a 51-year-old white male wielding a tire iron. The victim suffered severe lacerations and a broken arm. The incident took place in a parking lot next to a bar. Investigation revealed that the offender and victim had previously exchanged racial insults in the bar, the offender having initiated the exchange by calling the victim by a well known and recognized epithet used against the Japanese and complaining that the Japanese were taking away jobs from Americans. An Anti-Asian/Pacific Islander offense would be reported based on the difference in race of the victim and offender, the exchange of racial insults, and the absence of other reasons for the attack.

Example (5): An adult white male was approached by four white teenagers who requested money for the bus. When he refused, one of the youths said to the others, "Let's teach this [epithet for a gay person] a lesson." The victim was punched in the face, knocked to the ground, kicked several times, and robbed of his wristwatch, ring, and wallet. When he reported the crime, the victim advised he did not know the offenders and that he was not gay. The facts are ambiguous. Although an epithet for a gay person was used by one of the offenders, the victim was not gay, such epithets are sometimes used as general insults regardless of the target person's sexual orientation, and in this case the offenders' motivation appeared to be limited to obtaining money from the victim. Therefore, the incident would not be designated bias motivated.

Example (6): A small neighborhood bar frequented by gays burned down after being closed for the night. Investigation revealed that the fire was deliberately set, but there were no witnesses or suspects. Although the fire was deliberately set, the fact that the bar was frequented by gays may have

been coincidental. Therefore, the incident is not reported as bias motivated. Two weeks later, three white adult males were arrested on a tip from an informant. They admitted burning down the bar, saying they did it to keep gays out of the neighborhood. As a result, this incident should now be reported as a bias crime.

Example (7): Six black men assaulted and seriously injured a white man and his Asian male friend as they were walking through a residential neighborhood. Witnesses said that the victims were attacked because they were trespassing in a "black" neighborhood. An Anti-Multi-Racial Group bias incident should be reported because the victims and offenders were of different races and witnesses reported that the victims were attacked because they were not black.

Example (8): Overnight, an auditorium, which was being used by representatives of several religious denominations to hold an ecumenical conference, was vandalized by unknown subjects. Extensive damage was caused and statements, such as "There is but one true religion" and "Down with the nonbelievers," were spray painted onto the walls. An Anti-Multi-Religious Group incident should be reported because the offenders clearly evidenced their hostility against a group representing more than one religion.

Procedures for Submitting Hate Crime Data to the FBI's UCR Section

The enabling Act requires the Attorney General to begin collecting hate crime data in calendar year 1990. Therefore, it is necessary to implement the reporting system as soon as possible. Accordingly, there will be two (2) formats for reporting hate crime data to the FBI's UCR Section -- one is by the Quarterly Hate Crime Report and the other is by the addition of a data element for NIBRS participants.

QUARTERLY HATE CRIME REPORT

1. Who will submit Quarterly Hate Crime Reports? – (a) Agencies participating in the SRS; and (b) Agencies participating in NIBRS which are not ready to include the new data element in their submissions.

2. How will the data be transmitted? – (a) Agencies may submit hardcopy forms; (b) State UCR Programs which transmit agencies' data may obtain magnetic tape specifications from the UCR Program in order to include Hate Crime data as part of their regular submissions, either summary or NIBRS, if the new data element has not yet been incorporated; or (c) Individual agencies or state UCR Programs using personal computers for the collection and storage of hate crime data may obtain floppy disk specifications from the FBI's UCR Section for the purpose of submitting data.

3. What does the Quarterly Report look like? – A sample of the form entitled "Quarterly Hate Crime Report" is attached as the "Appendix." It consists of a quarterly summary and an incident report for each bias incident.

4. Supplemental nature of Hate Crime collection – The new Quarterly Report is to be submitted in addition to other UCR Program requirements, i.e., the offenses which are reported using the form must also be reported in accordance with the requirements of the SRS or NIBRS, depending on which system is applicable.

5. What offenses are to be reported? – The form is to be used to report the following offense categories:

- Murder and Nonnegligent Manslaughter
- Forcible Rape
- Robbery
- Aggravated Assault
- Simple Assault
- Intimidation
- Burglary
- Larceny-Theft
- Motor Vehicle Theft
- Arson
- Damage, Destruction, or Vandalism of Property

6. Additional Instructions – The following additional instructions are applicable to agencies submitting Quarterly Reports:

a. "Simple Assault" and "Intimidation" – In the SRS, "Simple Assault" and "Intimidation" are not reported separately. Both are reported on the "Return A - Monthly Return of Offenses Known to the Police" form as "Other Assaults-Simple, Not Aggravated." For the purpose of

hate crime reporting, SRS agencies should report "Simple Assault" and "Intimidation" separately using the following definitions:

Simple Assault - An unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.

Intimidation - To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.

b. "Destruction, Damage, or Vandalism of Property" – In the SRS, "Destruction, Damage, and Vandalism of Property" are reported only when arrests occur. They are then reported on "Age, Sex, and Race of Persons Arrested" forms for persons "Under 18 Years of Age" and "18 Years of Age and Over." "Vandalism" is reported on the forms as "Vandalism," but "Destruction of Property" and "Damage to Property" may be reported as either "Vandalism" or "All Other Offenses," depending on the facts of the case. However, all three are to be reported on the new hate crime reporting form as "Destruction/Damage/Vandalism of Property" regardless of whether arrests have taken place. The offense is defined as follows:

Destruction/Damage/Vandalism of Property – To willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

[Note: This offense does not include destruction or damage to property caused by the crime of Arson.]

c. Nonapplicability of the Hierarchy Rule – In the SRS, under the Hierarchy Rule, only the most serious Part I offense in a multiple-offense incident is to be reported. However, for hate crime reporting purposes, all of the offenses listed above which were identified as bias motivated and occurred during the incident are to be reported on the new form.

d. Multiple Page Submission – Should it become necessary to submit multiple pages for one incident in order to list more than six (6) different offenses, the FBI's UCR Section will relate the pages by the common incident number and "Page of " designation.

e. UCR Offense and Code Segment – List the number of victims involved in each offense code where bias/hate motivation has been determined.

In the event of multiple offense codes and victims, list only those where bias/hate motivation exists. **Do not** list an offense code and its victims when the motivation is clearly not bias motivated or when the motivation is unknown.

For example, suppose a robbery occurs at a bar and its patrons were robbed by two offenders. During the robbery a female Asian patron was raped by one of the offenders. Subsequent investigation reveals that, while the motive for the robbery did not involve bias, the rape was bias motivated. Therefore, only the rape would be reported as a hate crime.

f. Updating – For updating purposes, a copy of the report should be retained by the agency. Corrections/updates should be accomplished by submitting a photocopy of the original form with changes shown and "adjustment" marked at the top or by sending a corrected Incident Report on either the disk or tape submission. Incidents can be deleted by simply identifying them on the Quarterly Summary Page.

NIBRS HATE CRIME REPORTING

1. Who will submit hate crime data in the NIBRS format? – Agencies participating in NIBRS which are able to include the new data element in their magnetic tape submissions.

2. How will the data be transmitted? – On magnetic tape as an integral part of the NIBRS submission. A new data element addressing "Bias Motivation" will be incorporated with the other NIBRS data. Quarterly Reports will not be necessary for NIBRS participants.

3. What is the new data element's number? – Data Element 8A

4. Where should the new data element be located on the magnetic tapes? – It should be entered at the end of the Offense Segment (Level 2).

5. To which offenses will the new hate crime data element apply? – Data Element 8A will apply to all Group "A" Offenses. They are listed below. [Note: The numbers in parentheses are UCR Offense Codes.]

Arson (200)

Assault Offenses:

Aggravated Assault (13A)

Simple Assault (13B)

Intimidation (13C)

Bribery (510)

Burglary/Breaking and Entering (220)

Counterfeiting/Forgery (250)

Destruction/Damage/Vandalism of Property (290)

Drug/Narcotic Offenses:

- Drug/Narcotic Violations (35A)
- Drug/Narcotic Equipment Violations (35B)

Embezzlement (270)

Extortion/Blackmail (210)

Fraud Offenses:

- False Pretenses/Swindle/Confidence Game (26A)
- Credit Card/Automated Teller Machine Fraud (26B)
- Impersonation (26C)
- Welfare Fraud (26D)
- Wire Fraud (26E)

Gambling Offenses:

- Betting/Wagering (39A)
- Operating/Promoting/Assisting Gambling (39B)
- Gambling Equipment Violations (39C)
- Sports Tampering (39D)

Homicide Offenses:

- Murder and Nonnegligent Manslaughter (09A)
- Negligent Manslaughter (09B)
- Justifiable Homicide (09C)

Kidnaping/Abduction (100)

Larceny/Theft Offenses:

- Pocket-picking (23A)
- Purse-snatching (23B)
- Shoplifting (23C)
- Theft From Building (23D)
- Theft From Coin-Operated Machine or Device (23E)
- Theft From Motor Vehicle (23F)
- Theft of Motor Vehicle Parts or Accessories (23G)
- All Other Larceny (23H)

Motor Vehicle Theft (240)

Pornography/Obscene Material (370)

Prostitution Offenses:

- Prostitution (40A)
- Assisting or Promoting Prostitution (40B)

Robbery (120)

Sex Offenses, Forcible:

- Forcible Rape (11A)
- Forcible Sodomy (11B)
- Sexual Assault With An Object (11C)
- Forcible Fondling (11D)

Sex Offenses, Nonforcible:

- Incest (36A)
- Statutory Rape (36B)

Stolen Property Offenses (280)

Weapon Law Violations (520)

The following "Mandatory" is to be added for each of the above-listed offenses in Section IV, "Mandatories," Volume 2: Data Submission Specifications:

8A = Bias Motivation

Data Element for "Bias Motivation"

The following data element is to be used to flag offenses which were motivated by the offender's bias. It is designated in NIBRS as "Data Element 8A."

Bias Motivation - 2 Characters (A): This data element is to be used to indicate whether the offender was motivated to commit the offense because of his/her bias against a racial, religious, ethnic/national origin, or sexual orientation group. Because of the difficulty of ascertaining the offender's subjective motivation, bias is to be reported only if investigation reveals sufficient objective facts to lead a reasonable and prudent person to conclude that the offender's actions were motivated, in whole or in part, by bias. The most appropriate of the following codes is to be entered into the data element:

Allowed entries: (enter only one)

Racial Bias

- 11 = Anti-White
- 12 = Anti-Black
- 13 = Anti-American Indian/Alaskan Native
- 14 = Anti-Asian/Pacific Islander
- 15 = Anti-Multi-Racial Group

Religious Bias

- 21 = Anti-Jewish
- 22 = Anti-Catholic
- 23 = Anti-Protestant
- 24 = Anti-Islamic (Moslem)
- 25 = Anti-Other Religion (Buddhism, Hinduism, Shintoism, etc.)
- 26 = Anti-Multi-Religious Group
- 27 = Anti-Atheist/Agnostic/Etc.

Ethnicity/National Origin Bias

- 31 = Anti-Arab
- 32 = Anti-Hispanic
- 33 = Anti-Other Ethnicity/National Origin

Sexual Orientation Bias

- 41 = Anti-Male Homosexual (Gay)
- 42 = Anti-Female Homosexual (Lesbian)
- 43 = Anti-Homosexual (Gays and Lesbians)
- 44 = Anti-Heterosexual
- 45 = Anti-Bisexual

None/Unknown [NIBRS Magnetic Tape Submissions Only]

- 88 = None (no bias)
- 99 = Unknown (offender's motivation not known)

[Note: In NIBRS, incidents which do not involve any facts indicating biased motivation on the part of the offender are to be coded in NIBRS as "88" = None, while incidents involving ambiguous facts (i.e., where some facts are present but are not conclusive) are to be coded "99" = Unknown. Agencies which do not report through NIBRS should not submit hardcopy reports for either type of incident.]

APPENDIX

QUARTERLY HATE CRIME REPORT
Offenses Known to Law Enforcement

Summary Page

Form Approved
OMB No.

This report is authorized by Title 28, Section 534, U.S. Code, and the Hate Crime Statistics Act of 1990. Your cooperation in using this form to report hate crimes known to your department will assist the FBI in compiling comprehensive and accurate data regarding incidence and prevalence of Hate Crime throughout the Nation. Please submit this report on a quarterly basis, by the 15th day after the close of the quarter, to Uniform Crime Reports, FBI, Washington, D.C. 20535.

City _____ County _____ State _____

Name of Agency _____ Agency Identifier (ORI) _____

Name of Preparer _____ Title _____

Quarter and Year of Report: January - March April - June
 July - September October - December

Year _____

Total number of incidents reported in this quarter _____

If there were no hate crimes in this quarter, check this box

Deletion of incident(s) previously reported [Applicable only for deletion of entire incident(s)].

Incident Number	Date of the Incident
<input type="text"/>	Month / Day / Year
<input type="text"/>	Month / Day / Year
<input type="text"/>	Month / Day / Year
<input type="text"/>	Month / Day / Year
<input type="text"/>	Month / Day / Year

INSTRUCTIONS FOR PREPARING QUARTERLY HATE CRIME AND HATE CRIME INCIDENT REPORT

GENERAL

This report is separate from and in addition to the routine Summary UCR submission and the Hierarchy Rule does not apply. Also, in the Summary UCR system, the offenses of Intimidation and Destruction/Damage/Vandalism of Property are reported only when arrests occur. On this form, all are to be reported when they have been determined to have occurred and are bias-motivated, regardless of whether arrests have taken place. Refer to the Hate Crime Reporting Guidelines for additional information, clarification, and explanation.

SUMMARY PAGE

1. At the end of each calendar quarter, a single Summary Page, along with an individual Incident Report for each hate-motivated incident identified during the quarter (if any), should be jointly submitted. If none occurred, submit only the Summary Page.
2. The Summary Page should be used to identify your agency, to state the number of hate-related incidents being reported for the calendar quarter, and to delete any incidents previously reported which were determined during the reporting period not to be hate related.

HATE CRIME INCIDENT REPORT

3. The Incident Report should be used to report initially a hate-related incident or to adjust information in a previously reported incident.
4. Provide an identifying incident number which preferably will be your "case" or "file" number.
5. Provide codes for all offenses within the incident determined to be hate related and the number of victims for each such offense. In multiple offense incidents, report only those offenses determined to be hate related. Should more than six offenses be involved in one incident, use additional Incident Reports and make appropriate entries in the "page of " portion of the form.
6. Provide the most appropriate location for each hate-related offense.
7. Provide the nature of the hate/bias motivation for each hate-related offense.
8. Provide the victim type for each offense identified within the hate-related incident.
9. Where the victim type is an "individual," indicate the total number of individual victims (persons) involved in the incident irrespective of the number of offenses in which they were involved.
10. Provide the number of offenders, if known, or report that such is unknown.
11. Provide the suspected offender's race, if known. If there was more than one offender, provide the race of the group as a whole.

STATE BY STATE
 HATE CRIME IMPLEMENTATION
 STATUS REPORT
 MARCH 1992

STATE AGENCIES	NUMBER OF AGENCIES	NUMBER REPORTING HATE CRIME	SUBMISSION MEDIUM	AGENCIES 100,000+ POPULATION	100,000+ POPULATION PARTICIPATING	COMMENTS
Mr. Larry Wright Director Alabama Criminal Justice Information Center Attention: Teresa Ford 838 South Court Montgomery, Alabama 36130	303	0	N	Birmingham Huntsville Mobile Montgomery Jefferson County Mobile County	No No No No No	Alabama has included the hate crimes capability into its state NIBRS Program and will include hate crimes reported outside the state in its NIBRS submission. Alabama is submitting NIBRS data to the FBI currently. Additional training and discussions with the law enforcement agencies are currently ongoing. At some point in the future, as well as some technicians and concerns on the part of law enforcement in participating in the Hate Crime Program. This will be addressed by the state Program and the FBI as time and resources permit.
Mr. Pete Davis UCR Program Director Uniform Crime Reporting Section Department of Public Safety Information System Attention: Nancy Milner 5700 East Tudor Road Anchorage, Alaska 99507	34	0	HCD	Anchorage State Police	No No	The Alaska state Program has failed to the FBI but they are finally unable to coordinate hate crime data collection at the state Program; therefore, the FBI will be dealing with individual law enforcement agencies and will be conducting training and follow up to their and resources permit.
Mr. M. E. Peters Project Administrator Uniform Crime Reporting Arizona Department of Public Safety Attention: Lynn Allman Post Office Box 6638 Phoenix, Arizona 85005	98	0	HC	Glendale Mesa Phoenix Scottsdale Tempe Tucson Maricopa County Pima County	No No No No No No	The state legislature passed hate crime legislation last year which requires data collection beginning 1/1/92. State-wide training has been conducted and generally reporting requirements established. Arizona is currently submitting hate crime reports to the state Program which will be forwarded to the FBI. Of the major agencies, Phoenix is currently collecting hate crimes, but as of the cut-off date 12/31/91, reports have not been received by the FBI.

** Code for "Submission Medium" is located at end of this document.

STATE AGENCIES	NUMBER OF AGENCIES	NUMBER REPORTING HATE CRIME	SUBMISSION MEDIUM	AGENCIES 100,000+ POPULATION	100,000+ POPULATION PARTICIPATING	COMMENTS
Mr. Gary Lopez Director Uniform Crime Reporting Program 294 Colony Street Meriden, Connecticut 06450	108	108	HC	Bridgport Hartford New Haven Stamford Waterbury Connecticut State Police	Yes Yes Yes Yes Yes Yes	Connecticut has passed Hate Crime Program vigorously and has established state-wide hate crime training.
Captain John W. Ford, Jr. Director State Bureau of Identification Attention: Connie Moore Post Office Box 430 Dover, Delaware 19901	56	56	N	New Castle P.D. New Castle State Police	Yes Yes	Delaware has provided training to all significant law enforcement agencies. Hate crime reporting criteria are set forth in the state manual which are forwarded to every police officer, and record for hate crime functions have been established.
Inspector David W. Bostrom Data Processing Division Metropolitan Police Department 300 Indiana Avenue, N.W. Washington, D.C. 20001	3	1	HC	Metropolitan Police Dept.	Yes	The Metropolitan Police Department has provided extensive attention to hate crime reporting procedures and is prepared to begin reporting effective 1/1/77. Hate Day will finally be used. Washington, D.C., also has local hate crime data collection centers. A new-hat level program is in effect within the Metropolitan P.D.

** Code for "Submission Medium" is located at end of this document.

STATE AGENCIES	NUMBER OF AGENCIES	NUMBER REPORTING HATE CRIME	SUBMISSION MEDIUM**	AGENCIES 100,000+ POPULATION	100,000+ POPULATION PARTICIPATING	COMMENTS
Mr. Alan Shimabukuro Administrator Uniform Crime Reporting Program Crime Prevention Department Department of the Attorney General Suite 703 222 South Vineyard Street Honolulu, Hawaii 96813	4	0	HCD	Honolulu	No	Hawaii has joined in UCR Program approximately 1 1/2 years ago. It is unable to report. At this time, the state program is unable to participate in hate crime data collection. The FBI will deal with the law enforcement agencies within the state already. The state program plans to enter the hate crime collection effort by 1991.
Mr. Lennie Gray Department of Law Enforcement Criminal Identification Bureau Attention: Dona Wood 6052 Corporate Lane Boise, Idaho 83704	98	98	HC	Boise	Yes	Idaho has provided an individual response to hate crime data collection effort.
Mr. James Bushnell Assistant Bureau Chief Bureau of Identification Illinois Department of State Police Attention: Karen Roderer 726 South College Street Springfield, Illinois 62704	708	708	N	Chicago Peoria Rockford Springfield Cook County DuPage County LaSalle County Will County	Yes Yes Yes Yes Yes Yes Yes Yes	Mandatory hate crime reporting among the Illinois police agencies became effective 1/1/92. Previously, hate crime data was submitted to the state crime program on a voluntary basis. It is expected that all police agencies will be reporting all hate crimes to NIBRS in early 1993. The Illinois Criminal History Tracking Unit has provided hate crime training to every police agency.
Indiana (No state program)	337	1	HCD	Evansville Fort Wayne Gary Indianapolis South Bend Allen County Marion County	No No No No No No No	The state of Indiana has no state program. The FBI will be dealing with law enforcement agencies directly and training will be conducted on case permits.
Mr. Carroll L. Bidler Director Iowa Department of Public Safety Attention: Pam Malley Wallace State Office Building Des Moines, Iowa 50319	225	157	N	Cedar Rapids Des Moines	No Yes	State mandated collection became effective 11-1-91 with all law enforcement agencies. However, NIBRS is possible for all 225 agencies. However, only 157 have been able to submit. The program is certified as not using the available on-line or paper submission programs. Reporting for 1992 is expected to be significantly higher than in 1991.

** Code for "Submission Medium" is located at end of this document.

STATE AGENCIES	NUMBER OF AGENCIES	NUMBER REPORTING HATE CRIME	SUBMISSION MEDIUM	AGENCIES 100,000 + POPULATION	100,000 + POPULATION PARTICIPATING	COMMENTS
Mr. James E. Mallon Director Kansas Bureau of Investigation Attention: Alban Haverkamp Criminal Justice System Administrator 1620 Southwest Tyler Street Topeka, Kansas 66612	357	2	HCD	Kansas City Overland Park Topeka Wichita	No No No No	The Kansas DCR Program has determined that they will not collect hate crime until the implementation of NIBBS at which time it will be included in the NIBBS format. However, NIBBS is not expected to be implemented until 1994. Since that delay is unacceptable, the FBI will work with local law enforcement in Kansas to initiate direct submissions.
Major Neal Britain Kentucky State Police Information Services Branch Attention: Captain Tommy Fields 1250 Louisville Road Frankfort, Kentucky 40601	488	1	HCD	Lexington Louisville Jefferson County	No No No	The Kentucky state Program has advised that state legislation requires hate crime reporting effective 7/1/92. The state Program is in the planning process. The FBI needs to provide assistance in implementing a state-level hate crime conviction effort.
Louisiana (No state Program)	175	8	HCD	Baton Rouge New Orleans Shreveport East Baton Rouge Parish Jefferson Parish St. Tammany Parish (None)	No No No No No No	Hate crime training for Louisiana scheduled for April 1992. Discussion with state representatives regarding formation of state Program will be conducted.
Mr. Stephen A. Bunker Supervisor Uniform Crime Reporting Division Station #42 36 Hospital Street Augusta, Maine 04033	178	0	HC	(None)		The state of Maine has enthusiastically developed plans to begin hate crime reporting effective January 1992. The Maine state Program has coordinated its efforts with law enforcement and human interest groups within the state. Initially, the data will be submitted more probably on hard copy and will be converted to NIBBS upon the final testing of coding procedures. Hate crime reporting projects 100 percent participation in the hate crime data collection effort by June 1992.

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STATE AGENCIES	NUMBER OF AGENCIES	NUMBER REPORTING HATE CRIME	SUBMISSION MEDIUM*	AGENCIES 100,000+ POPULATION	100,000+ POPULATION PARTICIPATING	COMMENTS
Mrs. Ida J. Williams Director Central Records Division Maryland State Police Department 1201 Risterstown Road Pikesville, Maryland 21208	131	131	HC	Baltimore Anne Arundel County Baltimore County Frederick County Harford County Howard County Montgomery County Prince Georges County	Yes Yes Yes Yes Yes Yes Yes	Maryland state Program has been a pioneer and national leader in hate crimes data collection.
Mr. Dan Bibel UCR Program Manager Criminal History Systems Board 1010 Commonwealth Avenue Boston, Massachusetts 02215	392	39	D	Boston Lowell Springfield Worcester	Yes No Yes No	Massachusetts, though having no mandatory reporting requirement, has been active in collecting hate crime data. Since January 1990, the state has provided stipendiated and routine hate crime training in conjunction with its UCR training programs. The two state reporting agencies (the state and Springfield) reported a total of 39 hate crimes which cover 40% of the crime volume of the state.
Ms. Julie Allen Uniform Crime Reporting Section Michigan State Police Attention: Debra McClung 7150 Harris Drive Lansing, Michigan 48913	676	0	N	Ann Arbor Detroit Flint Grand Rapids Lansing Livonia Sterling Heights Warren Kent County Oakland County Ottawa County Washtenaw County	No No No No No No No No No No No	Michigan has a mandatory reporting for hate crime effective 2/1/1992. Unlawfully hate crimes will be collected and reported through the NIBRS format; however, the Michigan state Program plans to begin submission in early 1992 in a submission medium yet to be determined. Michigan state Program has continuously pursued hate crime data collection efforts.
Mr. Ken Benfield Director Office of Information Systems Management 395 John Ireland Boulevard St. Paul, Minnesota 55155 Mississippi (No state Program)	291	291	HC	Minneapolis St. Paul Jackson	Yes Yes No	Minnesota has a state-wide collection effort and all agencies are participating. Efforts are being made to collect data from all agencies and to create a reporting system and FBI requirements. The FBI is assisting in this effort. Mississippi does not have a state program, and direct collection efforts are being made by the FBI. No formalized training has been conducted or planned as yet.

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Missouri (No state program)	301	13	HCD	Independence Kansas City St. Louis Springfield Jefferson County St. Louis County	No No Yes Yes No No	Missouri does not have a UCR state program, and the FBI is collecting directly from law enforcement agencies. The FBI has provided training for 110 police agencies and future training is planned for another 50 agencies.
Mr. Robert Liffing Statistical Analyst Montana Board of Crime Control 300 North Roberts Helena, Montana 59620	93	0	N	(None)		Montana plans to implement hate crime reporting requirements along with NIBRS which is predicted to be in early 1993. Until then, most likely the FBI will attempt to directly collect from Montana law enforcement agencies. The city of Great Falls has implemented the hate crimes effort already.
Mrs. Marilyn Kocian Uniform-Crime Reporting Section The Nebraska Commission on Law Enforcement and Criminal Justice Post Office Box 94946 Lincoln, Nebraska 68509	258	0	N	Lincoln Omaha	No No	The state UCR Program intends to begin hate crime submissions along with NIBRS submissions in June 1992.
Nevada (No state program)	33	1	HCD	Las Vegas Reno	Yes No	Nevada not having a state UCR Program will be tracked by the FBI during routine tracking activities and hate crime data added to the direct UCR collection format.
Ms. Karen Lamb Uniform Crime Report Supervisor Division of State Police 10 Hansen Drive Concord, New Hampshire 03305	130	0	N	(None)		The state UCR Program plans to include hate crime collection in NIBRS which is intended to commence in early 1993.

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STATE AGENCIES	NUMBER OF AGENCIES	NUMBER REPORTING HATE CRIME	SUBMISSION MEDIUM*	AGENCIES 100,000 + POPULATION	100,000+ POPULATION PARTICIPATING	COMMENTS
Sergeant Fred Madden Unit Head Uniform Crime Reporting Division of State Police Post Office Box 7068 West Trenton, New Jersey 08628	561	561	HC	Elizabeth Jersey City Newark Paterson	Yes Yes Yes Yes	New Jersey has seriously pursued hate crime collection efforts. They are unable at this time, however, to submit Zero reports which means that it is unknown at the FBI whether a city or county is participating and has no hate crime incidents to report or whether they are not participating. This issue is being addressed jointly between the New Jersey Program and the FBI. In view of statutory requirements, the state program believes all agencies are participating. Hate crime incidents have been provided to the FBI and the FBI has provided training. Prosecutors are also involved with hate crime training.
New Mexico (No state Program)	105	1	HCD	Albuquerque New Mexico State Police	No No	The FBI will incorporate hate crime training in its regular curriculum within the state of New Mexico and establish direct reporting from New Mexico law enforcement agencies.
Mr. Richard A. Rosen Chief Statistical Services New York State Division of Criminal Justice Services Executive Park Tower Supersass Plaza Albany, New York 12203	543	120	D	Albany Amherst Town Buffalo New York City Rochester Syracuse Yonkers Erie County Montroe County Nassau County Onondaga County Saratoga County Suffolk County	Yes Yes Yes Yes Yes Yes Yes Yes Yes Yes Yes Yes Yes	The New York state Program has made great efforts in soliciting voluntary agencies and law enforcement agencies. The state has provided law enforcement agencies across the majority of the state's population. Hate crime training has been provided to the police agencies from 1989 to the present. Agencies are submitting hate crime data to the state Program via hard copy. The state Program and the FBI are working out procedures for final transmission to the UCR Program.
Mr. William C. Corley Assistant Director SBI/DICI Attention: Doug Kappler 407 North Blouse Street Raleigh, North Carolina 27601	681	0	HC	Charlotte Durham Greensboro Raleigh Winston-Salem Buncombe County Cumberland County Forsythe County Onslow County Wake County	No No No No No No No No No No	FBI training has been given to the five largest police agencies. Presently, the North Carolina state Program is not collecting any data, but plans are being made for collection. The state Program is not certain whether they will be able to produce Zero reports. The state legislature approved a one-year grant for the development of a hate crime training program for police officers by the North Carolina Justice Academy. North Carolina will submit data via hard copy.

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Mr. Robert J. Helein Criminal Justice Training and Statistics Division Attorney General's Office Attention: Viola A. Rastler P. O. Box 1054 Bismarck, North Dakota 58502	93	0	NA	(None)		North Dakota is not collecting hate crime data due to a lack of resources. However, the upcoming Justice Research Advisory Committee will discuss the feasibility of collecting these data. The FBI will collect already available state data not be derived.
Ohio (No state program)	335	29	HCD	Akron Cincinnati Cleveland Columbus Dayton Toledo Hamilton County Montgomery County Stark County	No Yes No No No No Yes No No	There is no state program in Ohio. The FBI will be conducting hate crime training during the course of routine UCR training and facilitate direct collection from other agencies that are not yet participating.
Mr. Raymond Pasutti UCR Section Supervisor Oklahoma Bureau of Investigation Suite 300 6600 North Harvey Oklahoma City, Oklahoma 73116	281	7	HC	Oklahoma City Tulsa	Yes Yes	All hate crime schools have been conducted during 1991 by the state UCR Program. The program is currently in progress with hate crime data collection to early 1992.
Mr. Lloyd A. Smith Manager Law Enforcement Data System Oregon Executive Department Attention: Ray Spooner 155 Cottage Street, N.E. Salem, Oregon 97310	252	252	HC	Eugene Portland Salem Clatsop County Lane County Washington County	Yes Yes Yes Yes Yes Yes	Oregon developed a mandatory hate crime reporting program in October 1989. Hate crime training is provided by the Bureau of Public Safety Standards and Training. The state Program substantially enhanced the collection of these data.

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Major Joseph Bleckburn Director Bureau of Research and Development Pennsylvania State Police Attention: Mr. Cary Robinson 1800 Elmerton Avenue Harrisburg, Pennsylvania 17120	1,157	1,157	HCD	Allentown Erie Philadelphia Pittsburgh Chester State Police Westmoreland State Police	Yes Yes Yes Yes Yes	Pennsylvania Hate Crime Program intends to include hate crime reporting in NIBBS submissions. In Pennsylvania, the Bureau of Community Services, within the State Police, collects and analyzes hate crimes for the state. It is the official state repository for hate crime statistics. These data are routinely provided to the Pennsylvania Human Relations Commission. The Bureau of Community Services does have a Training Coordinator on-board who has received training from the FBI. The State Police is in the process of providing hate crime training to police cadets. It is projected that in the future such training will be provided to all municipal police agencies, as well as the State Police, during its mandatory annual level of initial training and in-service training. The Pennsylvania State Police and Human Relations Commission provide routine statewide hate crime training.
Lieutenant Armond H. Biondese, Jr. Rhode Island State Police Post Office Box 185 North Scituate, Rhode Island 02857	45	45	HC	Providence	Yes	Rhode Island is developing a system to monitor offenses motivated by bias. The crime training is being conducted by the state Program on a request basis and future assistance is expected to be requested from the FBI. Hate crime submissions began 11/92.
Lieutenant Gerald W. Hamby South Carolina Law Enforcement Division Attention: Marshall Todd Post Office Box 21398 Columbia, South Carolina 29221	265	1	N	Anderson County Charleston County Greenville County Lexington County Richland County Spartanburg County	No No No No No No	South Carolina plans to include hate crime data in NIBBS submissions during 1992. State-wide hate crime training by the state Program will be conducted at the time submission medium software is near completion.
Mr. Donald G. Brekke Director South Dakota Statistical Analysis Center Attention: Anita Oshierberg c/o 550 East Clapnet Avenue Pierre, South Dakota 57501	103	0	N	Sioux Falls	No	The South Dakota Program is including hate crime information in the NIBBS format, has scheduled training during May 1992, and will initiate submissions in June 1992, retroactive to January 1, 1992.

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Tennessee (No state Program)	286	2	HCD	Chattanooga Knoxville Memphis Nashville Knox County Shelby County	No No No No Yes No	The FBI will be conducting state-wide training and will be collecting data directly from law enforcement agencies.
Mr. Ben L. Kyer Crime Records Division Uniform Crime Reporting Bureau Texas Department of Public Safety Attention: Charlene Cain Post Office Box 4143 Austin, Texas 78765	855	724	HC	Abilene Amarillo Arlington Austin Beaumont Corpus Christi Dallas El Paso Fort Worth Garland Houston Irving Lubbock Lubbock Mesquite Parksdale Piano San Antonio Waco Bexar County Fort Bend County Harris County Hidalgo County Montgomery County	No No Yes Yes Yes No Yes No Yes Yes Yes No No Yes Yes Yes No No No Yes Yes Yes	The Texas state Program began collecting hate crime data in January 1992. Extensive hate crime training has been conducted. The Texas hate crime reporting is included in the summary system. Also, Texas is currently preparing to publish a "Hate Crime Data Collection Guide" which includes modules for uniform to use in training peace officers. Response in Texas has been good, and the Program will continue to focus on training to ensure credibility of the data collected and published. The state of Texas has a mandatory hate crime reporting law.
Mr. Daryl Peterson UCR Specialist Uniform Crime Reporting Utah Department of Public Safety 4501 South 2700 West Salt Lake City, Utah 84119	114	0	N/H/C	Salt Lake City Salt Lake County	No No	The Utah legislature passed a hate crime bill in February 1992. Data collection is scheduled for July 1992. The state Program representatives plan to conduct their own training for all police agencies prior to the implementation date.

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Trooper S. G. Midkiff Uniform Crime Reporting Program 725 Jefferson Road South Charleston, West Virginia 25309	299	0	N	Kanawha County	No	West Virginia hate crime submissions will be a part of NIBRS, which is expected to commence in mid to late 1997. Full training state-wide will be conducted commensurate with NIBRS submissions. Currently, these perceptions are being included with other reports during system testing throughout the state by state Program and FBI personnel.
Mr. Jerome D. Leake Executive Director Office of Justice Assistance Attention: Tom Evenden 2nd Floor 222 State Street Madison, Wisconsin 53703	292	146	HC	Madison Milwaukee	No Yes	In Wisconsin approximately half of the police agencies collect hate crime data. About the same number of police agencies have received hate crime training in association with the regular citizen reports training program. Efforts are underway to increase hate crime training and data collection.
Mrs. Kathy Kirby Uniform Crime Reporting Representative Criminal Justice Information Section Division of Criminal Investigation 316 West 22nd Street Cheyenne, Wyoming 82002	69	0	N/HC	(None)		State Program plans will incorporate hate crime reporting in NIBRS which is anticipated to commence in August 1997. State regional hate crime training is also planned to commence in August 1997.

Key to Submission Medium

- HC = Hard Copy through State Program
- HCD = Hard Copy sent direct from reporting agencies
- NT = NIBRS tape trailer
- ST = Summary tape trailer
- N = Included in NIBRS format
- D = Floppy disk through state Program
- NA = Not applicable

Submission Column is current vehicle used for submissions. Any future plans to use a different submission medium may be noted in "Comments" column.

** Code for "Submission Medium" is located at end of this document.

Senator SIMON. Thank you for your comment.

Our next panel is Mr. Dan Bibel, president of the Association of State Uniform Crime Reporting Programs; Jack McDevitt, associate director, Center for Applied Social Research, Northeastern University; Dr. Tom Jurkanin, if I am pronouncing it correctly, executive director of the Illinois Local Government Law Enforcement Training Board.

Did I pronounce your name correctly?

Mr. JURKANIN. It is Jurkanin, Senator.

Senator SIMON. Jurkanin. Of all the people, I mispronounce someone from Illinois.

Mr. Bibel, we will hear from you first.

PANEL CONSISTING OF DANIEL BIBEL, PRESIDENT, ASSOCIATION OF STATE UNIFORM CRIME REPORTING PROGRAMS; JACK McDEVITT, ASSOCIATE DIRECTOR, CENTER FOR APPLIED SOCIAL RESEARCH, NORTHEASTERN UNIVERSITY; AND THOMAS J. JURKANIN, EXECUTIVE DIRECTOR, ILLINOIS LOCAL GOVERNMENT LAW ENFORCEMENT OFFICERS TRAINING BOARD

STATEMENT OF DANIEL BIBEL

Mr. BIBEL. Thank you, Senator. I appreciate the opportunity of speaking before you today. I am the program manager of the Crime Reporting Unit in the Commonwealth of Massachusetts. As you mentioned, I am the president of the Association of State Uniform Crime Reporting Programs, so I am speaking to you as the manager of a State program and also as a representative of the UCR programs throughout the Nation which collect hate crime data.

Our association does support the collection of hate crime data nationally. We have for a number of years been involved in this issue. We have discussed the issue at our conferences. We have had speakers at the conferences. We train local law enforcement in how to collect this information, and currently, with Jack McDevitt of Northeastern University, we are involved in the development of a hate crime resource book funded by the Bureau of Justice Statistics.

It seems to me that there are two issues that need to be discussed when we talk about the Federal Hate Crimes Statistics Act. First, will police and States participate and, second, will the data that is collected be of any value. I think, in answer to the first question, States will participate; local police agencies will participate perhaps because the FBI is involved and the FBI has a great deal of credibility. In answer to the second question, however, I am much more pessimistic as to the value of the data being collected.

I would like to talk about what our experience has been in Massachusetts. We have been collecting hate crime data since 1990. We had a statute passed in December 1991. We went to the chiefs of police association to get their advice and counsel on this issue. We met with police officers and members of advocacy groups to discuss the collection of the data to make sure the data would make sense and would be valuable.

We did a number of things, but I don't think that was enough. We also have the support of the Governor, Governor Weld. The at-

torney general has been behind this issue. The Governor has named a standing committee to look at this. In short, we have had a continuing effort to collect this hate crime data in Massachusetts and we know that we are not collecting hate crime data from every law enforcement agency. We know we are not getting a complete picture, for a number of reasons.

This process is going to take a long time before we can get reliable, comprehensive data on a State level. But we are working cooperatively; we are working with a number of different groups. We are working with the victims, we are working with the media, we are working with local law enforcement, and we are doing this on a continuing basis. I think the lesson that we have learned in Massachusetts perhaps can be seen as a lesson that perhaps we can learn nationally.

The FBI has done a good job in the work that they have done so far, but we can't give this burden solely to the FBI. This is not just a law enforcement issue. This is an issue which cuts across many different areas of government. It deals with the victims. We know many victims do not come forward, as you mentioned. We have got to do work to encourage victims to come forward, and I think what we have to do is to develop a cooperative spirit between the FBI, which has great contacts with local law enforcement; with the Bureau of Justice Statistics, which has wonderful analytical techniques; and also with members of my association because it is my members who have to go out to the local law enforcement agencies and translate the policies and the statutes which you pass and make that a reality at the local level.

I think if we can develop this cooperative spirit, I think then this program can succeed, and we stand ready to assist in any way that we can.

Thank you.

[Mr. Bibel submitted the following:]

Introduction

Mr Chairman, members of the Committee:

Thank you for the opportunity of speaking before you today. My name is Daniel Bibel. I am the program manager for the Crime Reporting Unit in the Commonwealth of Massachusetts. My office collects Uniform Crime Reporting statistics as well as Hate Crime data from local law enforcement agencies. I am also the president of the Association of State Uniform Crime Reporting Programs, an organization of the various crime reporting programs throughout the Nation. I would like to speak to you both from the perspective of a person running a state crime data collection effort, and also as a representative of the many state UCR programs across the nation.

Overview of Hate Crime

The Association of Uniform Crime Reporting Programs supports the collection of Hate Crime data nationally, and I want to go on record stating that. These crimes strike at the essence of the American ideals, and their impact is felt by the specific target of the criminal act, as well as by all members of that group. Any one of us can be the victim of a crime motivated by bias or bigotry. But more than that, all of us suffer and are outraged when a Hate Crime is committed in our community.

Our Association has taken on the burden of training local police, distributing forms, and collecting the data. We have had discussions concerning Hate Crime at our annual conference going back at least to 1988. We have invited speakers to discuss this issue with us. And currently, we have obtained a grant from the Bureau of Justice Statistics to develop a "Hate Crime Resource Book" dealing with Hate Crime data collected by various states in calendar 1990.

So I believe we have some knowledge and expertise in this area, and I believe we are qualified to speak to the issues concerning the federal Hate Crime Statistics Act. Of those issues, two must be of particular concern: will the states and local police agencies participate, and will the data collected be of any real value.

My view on the issue of participation in the program is that we will have a certain level of participation, simply because the FBI is involved in the data collection. If I send a letter to a police chief, it might be opened; and a letter with a return address of the Bureau of Justice Statistics might be read, but a letter with the seal of the FBI on it will surely be opened and read and probably responded to.

Will the data which is collected have any substantive value? I am much less optimistic about this. We should remember that the last major modification that was made in the UCR program, also at the hands of Congress in 1979, was inclusion of "Arson" as an Index offense. My understanding is that after 13 years of collection, this arson data is of such marginal quality that it is of almost no use. I do not know the legislative history behind the addition of arson as a crime in the UCR system, but I am sure its inclusion was seen as a valid response to a serious problem.

But the crime of arson was one that every person and law enforcement agency knew about. For many people and many police agencies, the concept of a Hate Crime is something new and unfamiliar. There must be a recognition that we need to do more - in training, education, publicity, outreach - to make sure that we can and will collect meaningful data.

The Massachusetts Experience

Massachusetts has been collecting Hate Crime and Hate Incident data since January, 1990; a state statute authorizing and defining Hate Crime data collection was passed in December, 1991. Our reporting system is a voluntary one, and we have had good, voluntary cooperation from the police departments throughout the Commonwealth. But we have worked hard to make this program a success - and we must continue to work hard at improving it.

Initially, I went before the Executive Board of the Massachusetts Chiefs of Police Association to describe what we wanted to do and to request their cooperation; they unanimously approved. When we developed a data collection instrument, we consulted with police officers and with members of advocacy groups - to insure that we would collect useful and meaningful data; and that we would collect it in with as little burden to the local police officer as possible. We provided training to police, in conjunction with the Anti-Defamation League.

All these steps were good and necessary, but in themselves they were not enough. We have been fortunate that the new Executive Branch leadership in the Commonwealth has made a strong commitment to this issue. Governor William Weld has made the problem of Hate Crime a priority. He has appointed a standing Governor's Committee, which meets monthly, to develop monitoring, training and reporting systems on Hate Crime. The Attorney General's office has taken a high profile stance on these crimes.

With all this, we are sure that not all police agencies report all Hate Crimes to us; we know that not all advocacy groups report Hate Incidents (non-criminal acts motivated by

bias or bigotry). We still have a lot of work to do before we can say that we have developed good baseline data, before we can say that we are beginning to understand the true dimensions of the problem.

The National Picture

The development of a new data collection series is a significant undertaking. It requires careful planning, the involvement of interested parties, training, monitoring, and feedback. In short, it requires a multi-faceted approach. Even with these factors it may not succeed, or may proceed more slowly than desired.

The collection of Hate Crime data on a national level is an idea that I believe is worthwhile - but my feelings are not shared by all the states. It is interesting to note that the states that currently collect Hate Crime data as a result of a state mandate are clustered mainly on the East Coast (with the notable exception of Oklahoma and Minnesota).

The implementation of the federal Hate Crime Statistics Act has been a burden to many UCR programs which did not operate under a state mandate to collect such data; and has caused concern and more work in the dozen or so state that were already collecting this type of data.

For states operating under a local mandate, there may have been statutory mandates regarding the type and amount of data collected, or specifying the data collection form. These states may have to do a major amount of recoding or recomputing data to satisfy the FBI's format. I can attest to the work I had to do to reformat the Massachusetts' data to fit the FBI's mold.

In addition, since the FBI is collecting such a different set of data elements, and on such a restricted set of offenses, the state Hate Crime totals will look significantly different than the FBI's national report. As an example, the Massachusetts Hate Crime/Hate Incident Report for 1991 counts 305 Hate Crimes occurring in the Commonwealth. But we were able to submit only 200 of these to the FBI, based on their more restricted set of offenses. This is not to say that one set of figures is more 'accurate' than another, but that this reported difference is sure to cause confusion on the part of the public or the media. I am certain that the other states' reports would be similar.

But only a dozen states were collecting Hate Crime data in 1990 based on local statute; how is the Hate Crime Statistics Act being implemented in the other 38 states? And how receptive are those states to this new program? I think it will be safe to say that Hate

Crime implementation will be a long and slow process in these jurisdictions. This is not to impute any evil intent on these states. However, if the impetus of data collection does not come from within, if this new program does not meet any felt need of the jurisdiction, there may not be any motivation to comply with the federal statute.

I believe that the FBI's UCR section did the best job that it could to implement the federal Hate Crime Statistics Act; but I also think that the job they did is inadequate to fulfill the spirit of the law. They developed a data collection form that selected some elements from state forms, but they omitted much that would fill out our picture of the Hate Crime incident and that could have been collected.

The FBI provided training to the state UCR program managers and to officers in the largest police departments. And then they sat back and waited for the data to come in. I am here to assure you that effort is not enough.

We must have a concerted and coordinated effort to get the message across that Hate Crime data is important and is a priority. That message must go out to the many thousands of police agencies, whom we expect to collect this data. But it must also go to the victims of Hate Crimes, who must be encouraged to go to their local police departments and report these crimes. We know through the National Crime Survey that many crimes go unreported to the police, especially crimes of violence. Hate Crimes in many cases are such crimes, and I am sure that many are not reported. Many victims of Hate Crimes may not be English speaking, or may be recent immigrants who come from countries where the police were not seen as protectors, but rather as agents of repression. Many of these victims will not come forward.

I suggest that we look to the lessons learned in the states on how to make this program work, so that we can collect good, quality data. In Massachusetts, we did not develop the data collection form, train the police, and walk away. We have the strong, public, and continuing commitment of the Governor, the Lieutenant Governor, and the Attorney General to the issue of Hate Crime. The Governor's Hate Crime Committee monitors and regulates the statute. This Committee has sponsored state-wide conferences on the issue. We have developed close working relationships with many advocacy groups, who can act as our eyes and ears in the community. In short, we have realized in Massachusetts that, just as the problem of Hate Crime cuts across all sectors of our society, so must our efforts to combat it bind together all sectors: the press, advocacy groups, police, media, politicians.

We should recognize on the national level that a natural partnership should develop between the FBI, which has excellent contacts with the law enforcement community, the

Bureau of Justice Statistics, which has fine analytical capabilities, and the Association of State Uniform Crime Reporting Programs, whose members actually do the work of translating federal policies and mandates into action. Without downgrading the fine work done in either FBI or BJS, it is the members of my Association who have to go to each of those 16,000 local police departments and make this program work.

In addition, we must keep up the work of agencies like the Community Relations Service; we must continue to involve the many advocacy groups whose members are the targets of these crimes of hatred. We must reach out to the victims in whatever ways we can to encourage them to come forward and report.

Conclusions

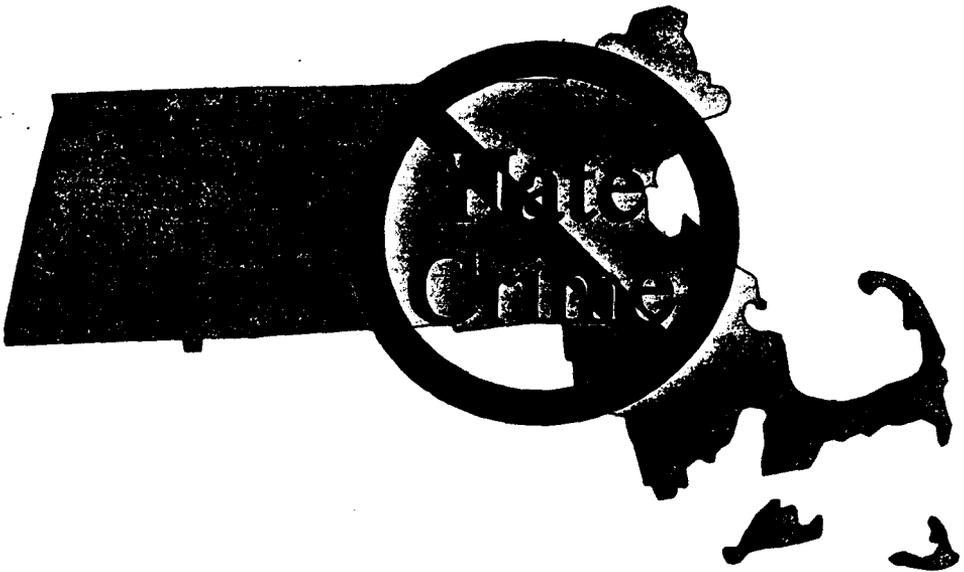
Finally, Mr. Chairman and members of the Committee, I would urge your continued oversight and monitoring of this data collection program. I believe that, working cooperatively as we should and must, Hate Crime data that is useful and valid can be collected. Without valid and reliable data, we cannot know the true extent of the problem, we will not know whether this problem is increasing, and we will not be able to allocate scarce resources wisely. The Association of State Uniform Crime Reporting Programs stands ready to assist you, the FBI and BJS in making this program work.

Thank you.

The following table summarizes the type of data collected in the various state programs that had Hate Crime statutes during 1990-1991. It lists various data items collected most frequently in those jurisdictions, and compares that to the data being collected by the FBI in response to the Hate Crime Statistics Act.

Accompanying this testimony, and to be considered an attachment to it, is a copy of the Massachusetts Hate Crime/Hate Incident Report for 1991.

Hate Crime/Hate Incidents In Massachusetts 1991 Annual Report



Executive Office of Public Safety
Criminal History Systems Board
Department of Public Safety
Crime Reporting Unit

May 7, 1992



WILLIAM F. WELD
GOVERNOR

MARGO PAUL CELLUCCI
LEUTENANT GOVERNOR

THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE DEPARTMENT
STATE HOUSE • BOSTON 02133

To Law Enforcement Officials and Members of Advocacy Groups,

Crimes motivated by hatred, bias or bigotry are cowardly acts that will not be tolerated in Massachusetts. The Hate Crime Reporting Act requires law enforcement and community groups to collect information in partnership regarding the occurrence of criminal acts and incidents.

This partnership is unique in that it recognizes that hate can unravel the social fabric of a community if it not responded to with certainty by law enforcement and monitored vigorously by advocacy groups.

The publication of the 1991 Hate Crime/Hate Incident Report begins the formal tracking of hate in Massachusetts. We begin our first year with reports from forty-one (41) police departments and six (6) advocacy groups.

This report is an important tool to increase public awareness about of the nature and characteristics of Hate Crimes/Hate Incidents. We need to spread the word on the importance of reporting and encourage cities and towns to report.

We have reached out to advocates, law enforcement and academics through our Task Force on Hate Crimes. We will continue to train, encourage reporting and monitor Hate Crimes/Hate Incidents in Massachusetts.

Together we will guard the rights of all citizens to be free from bigoted acts of violence and intimidation.

Cordially,

William F. Weld

William F. Weld

1991 Hate Crime/Hate Incident Annual Report Executive Summary

First year to report

1991 marked the first year of Hate Crime/Hate Incident data collection since the Massachusetts Hate Crime Reporting Act was implemented in December, 1990. The Act specifies the collection of information of hate crimes which are reported to police agencies and hate incidents which are reported to Human Rights and advocacy groups.

Definitions

A Hate Crime is a criminal act under the laws of the Commonwealth in which bias or bigotry was a motivating factor; a Hate Incident is an action which does not rise to the level of a criminal act, but which is motivated in part or whole by bias or bigotry.

1991 reports by local departments

Three hundred and four (304) Hate Crimes were reported: the majority (188 or 61.6%) were reported by the Boston Police Department. Other departments which reported Hate Crimes included Newton - 22 (7.2%), Springfield - 13 (4.3%), Cambridge - 9 (3.0%), Sharon - 8 (2.6%) and Boston University - 7 (2.3%).

Hate Crimes were reported by 42 police departments (39 city and town agencies, 3 campus police departments). These agencies represent about 11% of the 351 municipalities in the Commonwealth, but report approximately 50% of all crimes (as submitted through the Uniform Crime Reporting Program).

Categories of bias reported:

Crimes motivated by race/ethnicity/national origin constituted the largest category of Hate Crimes, with 217 offenses (71.4%). Religious bias was the second most frequent category, with 60 criminal incidents (19.8%); followed by crimes motivated by sexual orientation (26 or 8.6%) and Handicap status (1 or 0.3%).

Categories of crimes reported

Aggravated and Simple Assaults were the most frequent criminal offenses, occurring in 37.9% of all cases (115). Other crime categories which occurred frequently included Damage to Property (51 or 16.8%), Harassment (43 or 14.1%), and Threats (31 or 10.2%).

Target of hate crime

The most frequent target of Hate Crimes were persons, occurring in 178 (65.7%) of all such crimes. Private Property was the second most frequent target of Hate Crimes, with 60 cases (22.1%).

Victim and offender profile

The 'average' victim of a Hate Crime in 1991 had a mean age of 29, and a median age of 27'. The victim was White in 45% of all the cases in which data was

¹The 'mean' age is the arithmetic average of all values; the 'median' age is the age at which half the values are above or below it. For items like victim and offender ages, the median value may be more useful.

available, and in over 65% of such cases, the victim was male². The 'average' perpetrator of a Hate Crime had a mean age of 22.6 and a median age of 19. In 64% of all cases, this person was White. In over 92% of all cases in which a perpetrator was identified, this person was male. Perpetrators were arrested in 17.4% of all cases.

Hate Incidents

Hate incidents are defined as non-criminal acts which are motivated in part or whole by bias or bigotry. For example, the shouting of an anti-semitic or anti-gay slur may be frightening or hurtful to the victim, but that act - in itself - may be a protected expression of free speech. The Crime Reporting Unit actively seeks reports of Hate Incidents reported by Human Rights Commissions, advocacy groups, and other representative agencies. However, in 1991 the vast majority of Hate Incidents were reported by agencies which represent only two protected groups: religious and sexual orientation. Therefore, the statistics being reported should not be viewed as representative of all Hate Incidents which may have occurred in the Commonwealth.

Differences in reporting criteria

In addition, Hate Incidents were collected in a different manner than were Hate Crimes. A Hate Incident may have been reported by telephone through a 'crisis center' or other form of intervention. In some cases, these calls or reports may have been anonymous. This should be contrasted to Hate Crime reports, which (in order to be investigated and substantiated) must be reported by an identified victim. Due to the fact that some Hate Incidents are reported anonymously, it cannot be definitely stated that all reports are unique (that is, that the same incident was reported more than once or to more than one advocacy group). However, all incidents were reported by trained personnel who have the experience to screen out calls which are not acceptable.

1991 Hate Incidents reported

Two hundred forty eight (248) Hate Incidents were reported as occurring in 54 communities. The Fenway Community Health Center collected information on the majority (167 or 67.3%) of Hate Incidents, followed by the Anti-Defamation League - 44 (17.7%), and the Gay and Lesbian Advocates and Defenders - 20 (8.1%).

Target of Hate Incident

In 92.4% of all incidents, a person was the target of bias; and verbal harassment was the most frequent bias indicator (86%).

Victim and Offender profile

The 'average' victim of a Hate Incident was White (86.8%), male (73.7%), and with a median age of 27. The 'average' perpetrator of a Hate Incident was male (93.3%), White (75.9%), with a median age of 23.

²Race of victim is counted even if the person was victimized due to his/her religious affiliation or sexual orientation.

1991 Hate Crime Report

In the first year of data collection since the implementation of the Massachusetts Hate Crime Reporting law, 305 criminal offenses were reported by police departments in 39 cities and towns and by 3 campus police agencies. An additional 248 Hate Incidents were reported by 6 advocacy groups or police agencies; these incidents occurred in 54 communities.

Hate Crimes are defined as criminal acts which are motivated, in part or whole, by bias or bigotry directed at a victim due to that victim's race/ethnicity/national origin, religion, sexual orientation, or handicapped status.

Historical Background

In October of 1988, the Executive Board of the Massachusetts Chiefs of Police voted unanimously to support the voluntary collection of data concerning Hate Crimes. During this time, federal legislation dealing with Hate Crimes was pending (although the federal Hate Crime Statistics Act did not pass until April, 1990). Due to the support of the Chiefs, and with the cooperation of the Massachusetts Anti-Defamation League and the Greater Boston Civil Rights Coalition, a data collection form was designed, and data collection was begun in January, 1990. At that point, Massachusetts was one of only 11 states to collect statistical data on Hate Crimes.

In December, 1990, the Massachusetts Hate Crime Statistics Act was passed and signed into law (see appendix I for a copy of the statute). The statute had three major thrusts:

1. It called for the voluntary collection of Hate Crime and Hate Incident data.
2. It mandated the development of regulations concerning Hate Crimes
3. It called upon the Massachusetts Criminal Justice Training Council to develop training for police.

With the strong backing of Governor Weld, the Governor's Hate Crime Committee was formed to assist in the implementation of the statute. The data collection forms have been revised (see appendix II); detailed regulations have been implemented (see appendix III); training curricula and guidelines have been implemented.

Limitations of the Data

The publication of an official report may give the impression that an accurate picture of a phenomena is being presented. It is important to state that the data in this report is as accurate and complete as possible, but that it does have certain limitations. These limitations are a natural outgrowth of the characteristics of Hate Crimes/Hate Incidents. There are also limits to the completeness of data in a new data collection effort.

By its nature, Hate Crimes/Hate Incidents require their victims to be willing to impute motive to their perpetrators. A robbery victim only has to tell the police that he was robbed, but the victim of a Hate Crime must be willing and able to tell the police that he was victimized because of what he is. There may be an element of fear or of

denial in the decision to tell this to the police: the robbery victim can say "I was in the wrong part of town," and can decide to modify his behavior; but the victim of a Hate Crime cannot change his race or religion. In other cases, a gay or lesbian victim may not have publicly "come out" and may therefore be unwilling to officially state his/her sexual orientation was a motive for an attack.

It may be noted that not all police agencies are represented in this report. Since the collection of Hate Crime data is such a new program, it is difficult to determine with any confidence what the "true" incidence of the crime might be (that is, estimating what are the number of crimes unreported to the police). There are police agencies which are responding appropriately to Hate Crimes but do not report these offenses to the Crime Reporting Unit, since the data collection is voluntary. In addition, since Hate Crimes seem to occur fairly infrequently³, there may be many police agencies which are willing and able to report such crimes, but which had none to report. The Massachusetts program does not currently collect "zero reporting" forms (i.e., a form submitted by an agency which states that it had no Hate Crimes to report). Therefore, it is not possible to determine how many of the non-reporting agencies had no actual offenses to report.

An additional limitation should be noted. Hate Crime reporting is based on a "two phase" process: an initial report to the police that a Hate Crime may have occurred; and a second phase investigation which determines whether such a crime do in fact occur. Hate Incident reports are not collected in such a manner. Since there is no investigatory phase in the collection of Hate Incident data, these two type of data collections must be viewed independently; and in most cases not used for comparisons.

Finally, many of the tabulations in the following report may not add up to the total number of cases, since for many variables, data was missing or unavailable. Percentages are calculated on the number of non-missing data for each table.

It should be anticipated that, with the increase in knowledge and awareness of the Hate Crime reporting program, the numbers of reported Hate Crimes will increase. Due to the issues raised above, however, it will be very difficult to determine whether this increase in reported offenses reflects an actual rise in such crimes, or only a greater willingness on the part of victims to come forward, and a more comprehensive effort on the part of law enforcement to report.

³For example, the Boston Police Department which has a specialized unit to investigate such crimes, reported 188 Hate Crimes in 1991; in the same period of time, the department reported in excess of 60,000 other serious offenses.

1991 Hate Crime Statistics

Agency	Criminal Offense	Bias Motivation
Adams	Vandalism 1	Anti-Hispanic 1
Andover	Vandalism 1 Harassment 2 Threats 2	Anti-Black 2 Anti-White 1 Anti-other race/eth. 1 Anti-semitic 1
Ashfield	Simple assault 1	Anti-Asian 1
Boston	Vandalism 13 Damage relig. objects 1 Harassment 19 Threats 16 Damage to prop 33 Weapons offense 6 Sex offenses 1 Arson 1 Simple assault 49 Larceny/theft 1 Burglary 1 Aggravated aslt 40 Robbery 2 Gen. Civil Rights 5	Anti-Black 51 Anti-White 57 Anti-Hispanic 25 Anti-Asian 31 Anti-other race/eth. 1 Anti-semitic 3 Anti-gay (male) 16 Anti-Lesbian 3
Boston University	Vandalism 4 Harassment 1 Threats 2	Anti-Black 1 Anti-other race/eth. 1 Anti-semitic 4 Anti-gay (male) 1
Brookline	Threats 1	Anti-semitic 1
Cambridge	Harassment 3 Trespass 1 Damage to prop 1 Simple assault 2 Aggravated aslt 1 Gen. Civil Rights 1	Anti-Black 4 Anti-White 2 Anti-Hispanic 1 Anti-other race/eth. 1 Anti-gay (male) 1
Concord	Harassment 1	Anti-semitic 1
Dedham	Harassment 1	Anti-semitic 1
Dennis	Trespass 1 Aggravated aslt 1	Anti-Black 1 Anti-semitic 1
East Longmeadow	Damage to prop 1	Anti-Hispanic 1
Easton	Harassment 1	Anti-semitic 1
Fall River	Damage to prop 1 Aggravated aslt 1	Anti-Black 1 Anti-gay (male) 1
Framingham	Simple assault 1	Anti-Black 1
Freetown	Larceny/theft 1	Anti-Catholic 1
Gloucester	Damage relig. objects 1	Anti-semitic 1
Greenfield	Threats 1	Anti-semitic 1
Hull	Vandalism 1	Anti-gay (male) 1
Kingston	Threats 1	Anti-Black 1

Agency	Criminal Offense	Bias Motivation
Lexington	Threats 1	Anti-White 1
	Damage to prop 1	Anti-semitic 1
Lynnfield	Vandalism 1	Anti-White 1
	Harassment 1	Anti-semitic 1
Manchester	Harassment 1	Anti-White 1
	Aggravated aslt 1	Anti-semitic 1
Marblehead	Damage to prop 2	Anti-semitic 2
Methuen	Threats 1	Anti-White 1
Newton	Vandalism 7	Anti-White 1
	Harassment 3	Anti-Hispanic 1
	Threats 2	Anti-other race/eth. 1
	Damage to prop 7	Anti-semitic 18
	Simple assault 1	Anti-Catholic 1
	Aggravated aslt 2	
North Adams	Harassment 1	Anti-White 1
	Aggravated aslt 1	Anti-other race/eth. 1
Northeastern University	Harassment 2	Anti-semitic 1
	Simple assault 1	Anti-gay (male) 2
Norwood	Vandalism 1	Anti-semitic 1
Pittsfield	Vandalism 1	Anti-Black 1
	Simple assault 1	Anti-semitic 1
Quincy	Vandalism 1	Anti-Black 1
	Damage to prop 1	Anti-semitic 1
Rehoboth	Vandalism 1	Anti-semitic 2
	Damage to prop 1	
Sharon	Vandalism 3	Anti-Black 1
	Harassment 3	Anti-White 2
	Damage to prop 1	Anti-semitic 5
	Larceny/theft 1	
Springfield	Harassment 2	Anti-Black 2
	Threats 1	Anti-White 3
	Damage to prop 2	Anti-Hispanic 1
	Weapons offense 1	Anti-Asian 3
	Simple assault 3	Anti-semitic 2
	Burglary 1	Anti-Protestant 1
	Aggravated aslt 3	Anti-gay (male) 1
Sunderland	Simple assault 2	Anti-Black 1
		Anti-Hispanic 1
Swampscott	Aggravated aslt 1	Anti-other race/eth. 1
Templeton	Threats 1	Anti-Black 1
Waltham	Harassment 1	Anti-Hispanic 1
	Threats 2	Anti-semitic 4
	Aggravated aslt 2	
Westfield State College	Vandalism 2	Anti-Hispanic 1
	Weapons offense 1	Anti-semitic 2
	Aggravated aslt 1	Anti-mental handicap 1
Westwood	Vandalism 1	Anti-Black 1

Agency	Criminal Offense	Bias Motivation
Wrentham	Harassment 1	Anti-Black 1

Note: Data in "Criminal Offense" and "Bias Motivation" columns are not intended for comparison; but simply to present in a compact form data from each of the reporting agencies.

Information about the Offense: Jurisdiction, Bias Type, Crime Type

Agency	Reporting Hate Crime Frequency	Percent		Frequency	Percent
Adams	1	.3	Manchester	1	.3
Andover	5	1.6	Mansfield	1	.3
Ashfield	1	.3	Marblehead	2	.7
Boston	188	61.6	Methuen	1	.3
Boston U	7	2.3	Newton	22	7.2
Brookline	1	.3	North Adams	2	.7
Cambridge	9	3.0	Northeastern U	3	1.0
Concord	1	.3	Norwood	1	.3
Dedham	1	.3	Pittsfield	2	.7
Dennis	2	.7	Quincy	2	.7
East Longmeadow	1	.3	Rehoboth	2	.7
Easton	1	.3	Sharon	8	2.6
Fall River	2	.7	Springfield	13	4.3
Framingham	1	.3	Sunderland	2	.7
Freetown	1	.3	Swampscott	1	.3
Gloucester	1	.3	Templeton	1	.3
Greenfield	1	.3	Waltham	5	1.6
Hull	1	.3	Westfield S.C.	4	1.3
Kingston	1	.3	Westwood	1	.3
Lexington	2	.7	Wrentham	1	.3
Lynnfield	2	.7			

County in which Hate Crime Occurred			Frequency	Percent	
	Frequency	Percent			
Barnstable	2	.7	Middlesex	40	13.1
Berkshire	5	1.6	Norfolk	15	4.9
Bristol	7	2.3	Plymouth	2	.7
Essex	13	4.3	Suffolk	198	64.9
Franklin	4	1.3	Worcester	1	.3
Hampden	18	5.9			

Type of Hate Bias by County of Occurrence

Bias Type	Bern- stable	Berk- shire	Bris- tol	Essex	Frank- lin	Hamp- den	Middle- sex	Nor- folk	Ply- mouth	Suffik	Wor- cester	Row Total
Anti-Black	1 1.4 50.0	1 1.4 20.0	1 1.4 14.3	2 2.8 15.4	1 1.4 25.0	2 2.8 11.1	5 7.0 12.5	4 5.6 26.7	1 1.4 50.0	52 73.2 26.4	1 1.4 100.0	71 23.4
Anti-White		1 1.4 20.0	1 1.4 14.3	3 4.2 23.1		3 4.2 16.7	4 5.6 10.0	2 2.8 13.3		57 80.3 28.9		71 23.4
Anti-Hispanic		1 3.0 20.0			1 3.0 25.0	3 9.1 16.7	3 9.1 7.5			25 75.8 12.7		33 10.9
Anti-Asian					1 2.9 25.0	3 8.6 16.7				31 88.6 15.7		35 11.5
Anti-other race/		1 14.3 20.0		2 28.6 15.4			2 28.6 5.0			2 28.6 1.0		7 2.3
Anti-semitic	1 1.8 50.0	1 1.8 20.0	3 5.3 42.9	6 10.5 46.2	1 1.8 25.0	4 7.0 22.2	24 42.1 60.0	9 15.8 60.0		8 14.0 4.1		57 18.8
Anti-Catholic			1 50.0 14.3				1 50.0 2.5					2 .7
Anti-Protestant						1 100.0 5.6						1 .3
Anti-gay (male)			1 4.3 14.3			1 4.3 5.6	1 4.3 2.5		1 4.3 50.0	19 82.6 9.6		23 7.6
Anti-Lesbian										3 100.0 1.5		3 1.0
Anti-mental hand						1 100.0 5.6						1 .3
Column Total	2 .7	5 1.6	7 2.3	13 4.3	4 1.3	18 5.9	40 13.2	15 4.9	2 .7	197 64.8	1 .3	304 100.0

Key to Table	<table border="1" style="margin-left: auto; margin-right: auto;"> <tr> <td style="text-align: center;">6 10.5 46.2</td> </tr> </table>	6 10.5 46.2	<p>For example, this cell is for Anti-Semitic crimes in Essex County. It indicates that there were 6 such crimes, which were 10.5% of all Anti-Semitic crimes reported state-wide (6 of 52), and 46.2% of all Hate Crimes reported from Essex County (6 of 13).</p>
6 10.5 46.2			
1st figure in cell:	# of Occurances of this combination of Bias type and County location		
2nd figure in cell:	% of Bias Total		
3rd figure in cell:	% of County Total		

Characteristics of the Hate Crime

Criminal Act	Frequency	Percent
Vandalism	38	12.2
Damage relig. object	2	.7
Harassment	43	14.1
Trespass	2	.7
Threats	31	10.2
Damage to prop	51	16.8
Weapons offense	8	2.6
Sex offenses	1	.3
Arson	1	.3
Simple assault	61	20.1
Larceny/theft	3	1.0
Burglary	2	.7
Aggravated aslt	54	17.8
Robbery	2	.7
Gen. Civil Rights	6	2.0

Weapon Used during commission of hate crime

	Frequency	Percent
Gun	6	2.8
Knife/cutting	21	9.8
Sticks/clubs	13	6.1
Rocks/bricks	17	7.9
Hands/feet/fists	40	18.7
Other	29	13.6
None	88	41.1
Valid cases	214	
Missing cases		91

Type of Bias

	Frequency	Percent
Anti-Black	71	23.4
Anti-White	71	23.4
Anti-Hispanic	33	10.9
Anti-Asian	35	11.5
Anti-other race/eth.	7	2.3
Anti-semitic	57	18.8
Anti-Catholic	2	.7
Anti-Protestant	1	.3
Anti-gay (male)	23	7.6
Anti-Lesbian	3	1.0
Anti-mental handicap	1	.3
	1	Missing
Total	305	100.0

Bias Indicator	Frequency	Percent
Spray painted graffiti	43	15.6
Verbal harassment/slurs	146	53.1
Damage to prop	49	17.8
Threatening mail	7	2.5
Other	30	10.9
	19	Missing
	11	Missing
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Total	305	100.0
Valid cases	275	Missing cases
		30

Evidence of an Organized Hate Group	Frequency	Percent
Yes	4	1.6
No	243	98.4
Valid cases	247	Missing cases
		58

Prior Bias Incidents (to this victim or at this location)	Frequency	Percent
Yes	58	21.5
No	212	78.5
Valid cases	270	Missing cases
		35

If "Prior incidents", how many were there	# of Incidents	Frequency	Percent
1	13	4.3	
2	15	4.9	
3	3	1.0	
4	5	1.6	
6	1	.3	
10	1	.3	
numerous	1	.3	
ongoing	1	.3	
repeated	1	.3	
several	3	1.0	

Was perpetrator arrested?	Frequency	Percent
Yes	53	17.4
No	66	21.6
Unknown	186	61.0

Victim and Offender Characteristics**Victim's Average Age**

Mean	29.026	Median	27.000
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Victim's Race

	Frequency	Percent
Black	68	26.9
White	114	45.1
Hispanic	34	13.4
Asian	35	13.8
Other	2	.7

Victim's Sex

	Frequency	Percent
Female	85	34.7
Male	160	65.3
Unknown	60	Missing

Perpetrator's Age

Mean	22.632	Median	19.000
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Perpetrator's Race

	Frequency	Percent
Black	46	23.7
White	125	64.4
Hispanic	4	2.1
Asian	19	9.8

Perpetrator's Sex

	Frequency	Percent
Female	15	7.8
Male	178	92.2
Unknown	112	Missing

Target of Bias

	Frequency	Percent
Person	178	65.7
Private property	60	22.1
Public property	21	7.7
Religious Facility	8	3.0

Hate Incident Data

Agency Reporting

	Frequency	Percent
Anti Defamation League	44	17.7
Boston Police Department ⁴	15	6.0
Cambridge Human Rights Comm	1	.4
Fenway Community Health Ctr	167	67.3
Gay and Lesbian Advocates	20	8.1
Worcester Jewish Federation	1	.4
Total	248	100.0

Communities in which Hate Incident Occurred

	Frequency	Percent		Frequency	Percent
Massachusetts (not otherwise specified)	16	6.5	Hull	2	.8
Agawam	2	.8	Hyannis	3	1.2
UMass - Amherst	4	1.6	Lawrence	1	.4
Andover	1	.4	Longmeadow	2	.8
Ashland	1	.4	Lowell	4	1.6
Belmont	1	.4	Malden	1	.4
Beverly	1	.4	Marblehead	1	.4
Billerica	1	.4	Marshfield	3	1.2
Boston	27	10.9	Mashpee	1	.4
Bay Village	3	1.2	MBTA Boston	6	2.4
Back Bay	7	2.8	MBTA Cambridge	2	.8
Allston	1	.4	MBTA Red Line	1	.4
Brighton	3	1.2	MDC Boston	3	1.2
Chinatown	3	1.2	MDC Medford	1	.4
Dorchester	6	2.4	MDC Quincy	1	.4
East Boston	1	.4	MDC Stoneham	1	.4
Fenway	22	8.9	Medford	2	.8
Jamaica Plain	2	.8	North Andover	1	.4
North End	3	1.2	North Attleboro	2	.8
Roslindale	1	.4	Newton	9	3.6
Roxbury	1	.4	Norwood	1	.4
South Boston	3	1.2	Pembroke	1	.4
South End	18	7.3	Plymouth	1	.4
West Roxbury	3	1.2	Provincetown	16	6.5
Braintree	2	.8	Quincy	1	.4
Brockton	1	.4	Revere	1	.4
Brookline	2	.8	Royalston	1	.4
Cambridge	9	3.6	Somerville	5	2.0
Canton	1	.4	Springfield	2	.8
Chelsea	1	.4	Stoughton	1	.4
Dedham	2	.8	West Falmouth	1	.4
Easton	1	.4	Wakefield	3	1.2
Everett	1	.4	Wareham	1	.4
Fall River	1	.4	Watertown	3	1.2
Forestdale	1	.4	Winthrop	1	.4
Framingham	1	.4	Worcester	4	1.6
Hanover	1	.4			
Harvard U.	1	.4			
Hingham	1	.4			
Holbrook	1	.4			

⁴The Community Disorders Unit of the Boston Police Department typically reports Hate Crime data; however, their reports do indicate cases which, upon investigation, proved to be non-criminal. These cases are therefore included here

Target of Bias	Frequency	Percent
Person	218	92.4
Private property	13	5.5
Public property	2	.8
Religious prop	1	.4
	12	Missing

Bias Type	Frequency	Percent
Anti-Black	5	2.1
Anti-White	9	3.7
Anti-Asian	5	2.1
Anti-Hispanic	3	1.2
Anti-Arab	1	.4
Anti-other race	1	.4
Anti-semitic	43	17.7
Anti-gay (male)	136	56.0
Anti-Lesbian	36	14.8
Anti-other sexual	3	1.2
Anti-AIDS	1	.4

Bias Indicator	Frequency	Percent
Spray painted grafitti	6	2.5
Verbal harassment	207	85.9
Damage to property	6	2.5
Threatening mail	5	2.1
Other	17	7.1
	7	Missing

Evidence of Organized Hate Group	Frequency	Percent
Yes	4	1.9
No	210	98.1
	34	Missing

Prior Incidents to this victim	Frequency	Percent
Yes	30	14.5
No	177	85.5

Race of Victim	Frequency	Percent
Black	5	3.5
White	125	86.8
Asian	5	3.5
Hispanic	6	4.2
Arab	2	1.4

Sex of Victim	Frequency	Percent
Female	51	26.3
Male	143	73.7
	54	Missing

Age of Victim			
Mean	28.023	Median	27.000

Sex of Perpetrator			
	Frequency	Percent	
Female	12	6.7	
Male	167	93.3	

Race of Perpetrator			
	Frequency	Percent	
Black	25	21.6	
White	88	75.9	
Hispanic	3	2.6	

Age of Perpetrator			
Mean	24.747	Median	23.000

1990 Hate Crime Data

AGENCY

	Frequency	Percent		Frequency	Percent
Andover	4	1.1	Newton	11	3.2
Bellingh	3	.9	North Adams	1	.3
Boston	263	75.6	North Andover	2	.6
Boston College	1	.3	Northbridge	1	.3
Brookline	5	1.4	Northeastern U	1	.3
Cambridge	5	1.4	Quincy	17	4.9
Concord	1	.3	Randolph	1	.3
Dover	1	.3	Salem	2	.6
Fall River	2	.6	Salem SC	2	.6
Hampden	1	.3	Sharon	1	.3
Holliston	1	.3	Sherborn	1	.3
Hull	4	1.1	Springfield	10	2.9
Ipswich	2	.6	State Police	1	.3
Lexington	1	.3	Sunderland	1	.3
Marblehead	1	.3			
Maynard	1	.3			

Bias Motivation

	Frequency	Percent
Anti-Black	101	29.0
Anti-White	74	21.3
Anti-Hispanic	47	13.5
Anti-Asian	40	11.5
Anti-other race	7	2.0
Anti-semitic	38	10.9
Anti-other rel.	1	.3
Anti-gay (male)	33	9.5
Anti-Lesbian	1	.3
Anti-handicap	4	1.1
	2	.6

Criminal Act

	Frequency	Percent
Vandalism	43	12.4
Damage relig. object	1	.3
Harassment	40	11.5
Disorderly conduct	2	.6
Trespass	22	6.3
Threats	26	7.5
Damage to prop	42	12.1
Arson	6	1.7
Simple assault	54	15.5
Larceny/theft	4	1.1
Aggravated aslt	107	30.7

Target of Hate Crime

	Frequency	Percent
	44	12.6
Person	223	64.1
Private property	69	19.8
Public property	10	2.9

Was There Evidence of Organized Hate Group Involvement?

	Frequency	Percent
Yes	8	2.6
No	299	97.1

Appendix I: Hate Crime Legislation

SECTION 1. Chapter 6 of the General Laws is hereby amended by inserting after section 116A the following section:-

Section 116B. The criminal justice training council shall provide instruction for police officers in identifying, responding to and reporting all incidents of hate crime, as defined in section sixteen of chapter twenty-two. The criminal justice training council shall include such instruction in all curricula for recruits and in-service trainees and in all police academies operated or certified by said council.

SECTION 2. Chapter 22 of the General Laws is hereby amended by adding the following four sections:-

Section 16. For the purposes of sections 16 to 19, inclusive, the following words shall have the following meanings:-

"Crime reporting unit", a joint project of the department of public safety and the criminal history systems board charged with the responsibility of collecting incident reports submitted by state, local, and campus police departments and other law enforcement authorities and disseminating periodic reports analyzing and interpreting crime rates and trends in the commonwealth.

"Hate crime", any criminal act couple with overt actions motivated by bigotry and bias including, but not limited to, a threatened, attempted or completed overt act motivated at least in part, by racial, religious, ethnic, handicap, or sexual orientation prejudice, or which otherwise deprives another person of his constitutional rights by threats, intimidation or coercion, or which seeks to interfere with or disrupt a person's exercise of constitutional rights through harassment or intimidation. Hate crime shall also include, but not be limited to, acts that constitute violations of sections thirty-seven and thirty-nine of chapter two hundred and sixty-five, section one hundred and twenty-seven A of chapter two hundred and sixty-six and chapter two hundred and seventy-two.

"Hate crime data", information, incident reports, records and statistics relating to hate crimes, collected by the crime reporting unit.

"Incident report", an account of occurrence of a hate crime received or collected by the crime reporting unit.

Section 17. The commissioner of public safety shall promulgate regulations relating to the collection of hate crime data.

Said regulations shall include, but not be limited to, the following:

(1) Establishment of a central repository for the collection and analysis of hate crime data and, upon the establishment of such repository, the crime reporting unit shall be responsible for collecting, analyzing, classifying and reporting such data, and shall maintain this information in the central repository.

(2) Procedures necessary to ensure effective data-gathering and preservation and protection of confidential information, and the disclosures of information in accordance with section nineteen.

(3) Procedures for the solicitation and acceptance of reports regarding hate crime which are submitted to the crime reporting unit.

(4) Procedures for assessing the credibility and accuracy of reports of hate crime data from law enforcement agencies.

Section 18. The crime reporting unit shall summarize and analyze reports of hate crime data it receives. Said unit shall transmit copies of all such reports to the attorney general. The crime reporting unit shall also file an annual report regarding hate crime data with the governor, the attorney general, the joint committees on public safety, criminal justice and the judiciary, and the senate and house committees on ways and means. Such annual reports shall be public records.

Section 19. The crime reporting unit shall cause any hate crime data collected to be made available for use by any law enforcement agency and shall also be made available to any unit of local government, to any state agency and to the general public in a manner consistent with the requirements of section one hundred and sixty-seven and one hundred and sixty-eight of chapter six. Dissemination of such information shall be subject to all confidentiality requirements otherwise imposed by law.

Appendix II: Hate Crime/Hate Incident Reporting Forms

Massachusetts Hate Crime Reporting Form

Agency: _____ Agency Case #: _____

Revision of previously submitted report? No 2 [] Yes 1 [] If YES, Org. Case # _____

Date of report: _____ Date most recent incident: _____ Time: _____ (mil. format)

Target: Person(s) 1 [] Private Prop 2 [] Public Prop 3 [] Religious Facility 4 [] Other: 5 [] _____



Check all that apply	Race/Eth/Nat Origin		Religious		Sexual		Handicap			
		Check		Check		Check		Check		
11	Black		21	Jewish		41	Gay(male)		51	Mental
12	White		22	Catholic		42	Lesbian		52	Physical
13	Asian		23	Protestant		43	Other _____		53	AIDS
14	Hispanic		24	Islamic					54	Other _____
15	Arab		25	Other _____						
16	Other _____									

Bias Indicators: Spray Painted graffiti 1 [] Verbal harassment/slurs 2 [] Damage to prop 3 [] Threatening mail 4 [] Other 5 _____

Indication of Organized Hate Group Yes 1 [] No 2 [] (Describe in Narrative)

Prior bias incidents to this victim(s)/at this location? Yes 1 [] If yes, # _____ No 2 []

Weapons Used: Gun 1 [] Knife/cutting 2 [] Stick/club 3 [] Rocks/bricks 4 [] Hands/feet 5 [] Other 6 [] None 7 []

Victim	Age	Race	Sex	Inj	Perp	Age	Race	Sex	Arrest?	Ct Ord.
No #1					No #1					
No #2					No #2					
No #3					No #2					
If other victims, total # _____					If other preps, total # _____					

check all that apply	1	Vandalism	2	Damage Relig Obj.	3	Harassment	4	Disorderly Person	5	Trespass
	6	Threats	7	Property Damage	8	Weapons Offense	9	Sex Offenses	10	Arson
	11	Simple Assault	12	Larceny theft	13	Burglary	14	Aggravated Assault	15	Robbery
	16	Rape	17	Manlaughter	18	Murder	19	General Civil Rights		

Narrative (attach addition sheets as necessary)

Filled out by _____ Chief's signature _____

Massachusetts Hate Incident Reporting Form

Agency: _____

Agency Case #: _____

City/town of incident: _____

Date of report: _____ Date most recent incident: _____ Time: _____ (mil. format)



Revision of previous report: No Yes If Yes, Case # _____

Target of Incident: Person(s) Private Prop Public Prop Religious Facility Other:

check all that apply	Race/Eth/Nat Origin		Religious		Sexual		Handicap	
		Check		Check		Check		Check
	¹¹ Black		²¹ Jewish		³¹ Gay(male)		⁵¹ Mental	
	¹² White		²² Catholic		³² Lesbian		⁵² Physical	
	¹³ Asian		²³ Protestant		³³ Other _____		⁵³ AIDS	
	¹⁴ Hispanic		²⁴ Islamic				⁵⁴ Other _____	
¹⁵ Arab		²⁵ Other _____						
¹⁶ Other _____								

Bias Indicators: Spray Painted graffiti 1 Verbal harassment/slurs 2 Damage to prop 3
Threatening mail 4 Other 5 _____

Indication of Organized Hate Group Yes 1 No 2 (Describe in Narrative)

Prior bias incidents to this victim(s)/at this location? Yes 1 If yes, # _____ No 2

Was this incident reported to the police? Yes No If no, Why not _____

If yes, were any charges filed? Yes , Specify _____ No

In which court? _____

Victim	Age	Race/Eth	Sex	Perp	Age	Race/Eth	Sex
No #1				No #1			
No #2				No #2			
No #3				No #3			
If other victims, total number: _____				If other perpetrators, total number: _____			

Narrative (attach addition sheets as necessary)

Filled out by _____ Chief's signature _____

Appendix III: Hate Crime Regulations

520 CMR. DEPARTMENT OF PUBLIC SAFETY

520 CMR 13.00. HATE CRIMES

Section

- 13.01: Purpose and Authority
- 13.02: Definitions
- 13.03: Procedure for Reporting
- 13.04: Bias Indicators
- 13.05: Solicitation of Reports
- 13.06: Procedures to Ensure Accuracy of Reports
- 13.07: Dissemination of Hate Crimes Information
- 13.08: Confidentiality

13.01: Purpose and Authority

These regulations are promulgated pursuant to M.G.L. c. 22, s. 17 "the Hate Crimes Reporting Act", pertaining to the collection and periodic reporting of hate crimes data.

13.02: Definitions

The following phrases shall have the following meanings:

Advocacy Organization: Any non-profit or not-for-profit group which represents or serves constituencies targeted in hate crimes motivated by the forms of bias enumerated at 520 CMR 13.02(3); or gathers information relating to the incidence, circumstances, patterns, causes, or nature of hate crimes or incidents or any specific type(s) of hate crimes or incidents.

Bias Indicators: Objective facts, circumstances, or patterns attending a criminal act(s) which, standing alone or in conjunction with other facts or circumstances, suggest that the offender's actions were motivated, in whole or in part, by any form of bias enumerated at 520 CMR 13.02.

Bias Motive: Hatred, hostility, or negative attitudes towards, or prejudice against, any group or individual on account of race, religion, ethnicity, handicap, or sexual orientation, which is a contributing factor, in whole or in part, in the commission of a criminal act. A bias motive can be inferred from the presence of one or more bias indicators. The specific forms of bias covered by the Hate Crimes Reporting Act are:

- Racial/Ethnic/National Bias
 - Anti-Black
 - Anti-White
 - Anti-Asian
 - Anti-Hispanic
 - Anti-Arab
 - Anti-Other Racial/Ethnic/National Group
- Religious Bias
 - Anti-Jewish
 - Anti-Catholic
 - Anti-Protestant
 - Anti-Islamic (Moslem)
 - Anti-Other Religion
- Sexual Orientation Bias
 - Anti-Gay (Male)
 - Anti-Lesbian
 - Anti-Other Sexual Orientation
- Handicap Bias
 - Anti-Persons with AIDS
 - Anti-Physically Disabled
 - Anti-Mentally Disabled (i.e. Mental illness, mental retardation)

A bias motive may also consist of an intent to interfere with, disrupt, or deprive another person(s) of his/her constitutional rights by threats, intimidation, harassment, or coercion.

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13.02 continued

Hate Crime:

- (a) Any criminal act to which a bias motive is evident as a contributing factor, or
- (b) Any act which constitutes a violation of:
1. M.G.L. c. 265, ss. 37 or 39;
 2. M.G.L. c. 266, s. 127A;
 3. M.G.L. c. 272, s. 92A.

Hate Incident: Any act, whether consisting of conduct, speech, or expression, to which a bias motive is evident as a contributing factor, without regard for whether the act constitutes a crime.

Hate Group: An organization, formal or informal, which promotes bias, animosity, hostility, or malice against persons belonging to a racial, religious, ethnic/national origin, sexual orientation, or handicap group (e.g. the Ku Klux Klan, American Nazi Party, etc.).

Hate Crime Report: An account of a hate crime from a law enforcement source received or collected by the Crime Reporting Unit.

Hate Incident Report: An account of a hate incident from a civil rights agency or advocacy organization received or collected by the Crime Reporting Unit.

13.03 Procedure for Reporting

(1) Hate crimes should be reported by state, local, and campus police, and other law enforcement agencies to the Crime Reporting Unit of the Criminal History Systems Board and the Department of Public Safety. The Crime Reporting Unit is to serve as the repository of hate crimes reports, and shall bear responsibility for disseminating hate crimes data as required by M.G.L. c. 22, s. 17.

(2) Hate crimes are to be reported to the Crime Reporting Unit through the Massachusetts Hate Crime Reporting Form, a copy of which is annexed to these regulations as Exhibit A. Reports should include the information specified in the form: the date and time of a hate crime, all evident bias indicators or whether the crime was a per se hate crime, the type(s) of bias evident, the target of the hate crime, indications as to an organized hate group or pattern of criminal activity, identifying information regarding victim(s) and perpetrator(s), injuries suffered, and weapons used, and the other crimes committed in the course of the incident. The Crime Reporting Unit may revise and update the form from time to time, consistent with M.G.L. c. 22, s. 17 and 520 CMR 13.00.

(3) Police departments and law enforcement agencies should complete and submit a hate crime report for each criminal act that appears to be motivated by bias because of the presence of one or more bias indicators. The hate crime should be reported at whatever point a bias motive becomes evident to responding or investigating officers, or on a periodic basis at intervals not to exceed one year. In some cases, a bias motive may be immediately apparent (e.g., a synagogue defaced with anti-Semitic graffiti and swastikas); in other cases, bias indicators may not appear until an investigation is concluded. The report should be filed as soon as practicable, and should be filed even in cases in which no hate crime or civil rights charges are referred or prosecuted.

(4) If, after an initial hate crimes incident report was submitted, additional information regarding bias becomes available, an amended report or additional data or information should be submitted to the Crime Reporting Unit.

13.04 Bias Indicators

(1) The following criteria can assist law enforcement officers in determining whether a particular crime should be classified as a hate crime. These criteria are not all inclusive, and each case must be examined on its own facts and circumstances. Common sense judgment should also be applied in making the determination whether a crime should be classified as a hate crime.

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13.04. continued

- (a) The offender and the victim were of different racial, religious, ethnic/national origin, handicap, or sexual orientation groups. For example, the victim was black and the offenders were white.
 - (b) Bias-related oral comments, written statements, or gestures were made by the offender which indicate his/her bias. For example, the offender shouted a racial or anti-gay epithet at the victim.
 - (c) Bias-related drawings, markings, symbols, or graffiti were left at the crime scene. For example, a swastika was painted on the door of a synagogue.
 - (d) Certain objects, items, or things which indicate bias were used (e.g., the offenders wore white sheets and white hoods) or left behind by the offender(s) (e.g., a burning cross was left in front of the victim's residence).
 - (e) The victim is a member of a racial, religious, ethnic/national origin, handicap, or sexual orientation group which is overwhelmingly outnumbered by members of another group in the area where the victim lives and the incident took place.
 - (f) The victim was visiting a location where previous hate crimes had been committed against other members of his/her racial, religious, ethnic/national origin, handicap, or sexual orientation group and where tensions remain high against his/her group.
 - (g) Several incidents have occurred in the same locality, at or about the same time, and the victims are all of the same racial, religious, ethnic/national origin, handicap, or sexual orientation group.
 - (h) Victims or witnesses perceive that the incident was motivated by bias.
 - (i) The victim was engaged in activities promoting a racial, religious, ethnic/national origin, handicap, or sexual orientation group. For example, the victim is a member of the NAACP, participated in gay rights demonstrations, etc.
 - (j) The incident coincided with a holiday relating to or a date of particular significance to, a racial, religious, ethnic/national origin, handicap, or sexual orientation group (e.g., Martin Luther King Day, Rosh Hashanah, Gay/Lesbian Pride Day, etc.).
 - (k) The offender was previously involved in a similar hate crime or is a member of, or associates with, a hate group.
 - (l) There were indications that a hate group was involved. For example, a hate group claimed responsibility for the crime or was active in the neighborhood.
 - (m) A historically established animosity exists between the victim's group and the offender's group.
 - (n) The victim, although not a member of the targeted racial, religious, ethnic/national origin, handicap, or sexual orientation group, is a member of an advocacy group supporting the precepts of the victim group, or is friendly with members of a victim group.
 - (o) The victim was in or near an area or place commonly associated with or frequented by a particular racial, religious, ethnic/national origin, handicap, or sexual orientation group (e.g., a gay bar).
 - (p) There was no clear economic motive for an assault and battery.
 - (q) The victim was in the company of, or married to, a member of a targeted group.
 - (r) The victim has received harassing mail or phone calls or has been victim of verbal abuse based on his/her affiliation with a targeted group.
- (2) Bias indicators need not establish that the predominant purpose of a perpetrator's actions was motivated by hatred or bias. It is sufficient for classification of an incident as a hate crime that a perpetrator was acting out of hatred or bias, together with other motives; or that a bias motive was a contributing factor, in whole or in part, in the commission of a criminal act.
- (3) For a crime to be classifiable as a hate crime, it is sufficient that bias indicator(s) would, in the exercise of professional law enforcement judgment, directly or circumstantially support a finding of a bias motive. Bias indicators need not conclusively demonstrate that a criminal act was motivated by bias or bigotry. In some instances, one bias indicator may be sufficient to support an inference that a crime was motivated by bias or bigotry (e.g., bias-related epithets or markings). In other cases, more than one bias indicator may be

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13.04: continued

necessary to warrant such an inference. In each instance, a law enforcement judgment is necessary to assess whether a given crime was hate motivated.

(4) Facts or circumstances deemed sufficient to support an arrest or criminal charge under M.G.L. c. 265, ss. 37 and 39; c. 266, s. 127A, and c. 272, s. 92A are automatically sufficient for classification and reporting of an incident as a hate crime.

(5) Even if the offender was mistaken in his/her belief that the victim was a member of a racial, religious, ethnic/national origin, handicap, or sexual orientation group, the offense is still a hate crime as long as the offender was motivated by bias against that group. For example, a non-gay man walking by a bar frequented by gays was attacked by six teenagers mistakenly believing the victim to be gay. Although the offenders were mistaken, the offense is a hate crime because it was motivated by the offenders' anti-gay bias.

13.05: Solicitation of Reports

The Secretary of Public Safety shall solicit hate crimes reports from state, local, and campus police departments and other law enforcement agencies. This solicitation shall inform such departments and agencies of the need to report all incidents classifiable as hate crimes to the Crime Reporting Unit, together with all information requested by the Massachusetts Hate Crime Reporting Form. The solicitation shall occur at least once per year, prior to the close of reporting in preparation for publication of the Annual Report, and urge that all hate crimes for the reporting period be reported as soon as possible to be included in the Annual Report.

13.06: Procedures to Ensure Accuracy of Reports

(1) The Crime Reporting Unit shall solicit and receive reports of hate incidents from reliable sources other than police departments and law enforcement agencies (i.e., advocacy organizations and civil rights agencies) on a regular basis.

(2) The Crime Reporting Unit shall collect, tabulate, and report hate incident data from advocacy organizations and civil rights agencies, separately from hate crimes data from law enforcement sources. Hate incidents shall be reported through the Hate Incident Reporting Form, a copy of which is annexed to 520 CMR 13.00 as Exhibit B. Reports should include sufficient information to demonstrate that the incident is properly classifiable as a hate incident--the date and time of the incident, the type(s) of bias evident, all evident bias indicators, the target of the incident, indications as to an organized hate group or pattern of hate-motivated activity, identifying information regarding the victim(s) and the perpetrator(s), whether the incident was reported to the police, and a narrative description of the incident. The Crime Reporting Unit may revise the form at Exhibit B from time to time, consistent with M.G.L. c. 22, s. 17 and 520 CMR 13.00.

(3) Any incident, to be properly classifiable as a hate incident, must reflect through the presence of one or more bias indicators a type of bias motive enumerated at 520 CMR 13.02(3). The Crime Reporting Unit shall reject Hate Incident Reports which do not reflect a bias motive as enumerated at 520 CMR 13.02(3), or which do not supply sufficient information through which a bias motive can be ascertained.

(4) The Crime Reporting Unit shall regularly share its hate crimes and hate incident data with the Uniform Crime Reports Section of the FBI, and make these data available to police and law enforcement agencies on request.

(5) To be entitled to report hate incidents to the Crime Reporting Unit, advocacy organizations and civil rights agencies must have representative(s) participate in training in the proper classification of hate incidents. This training may be conducted by the Crime Reporting Unit itself, or may utilize curricula developed by the Criminal Justice Training Council with respect to classification of hate crimes.

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13.07: Dissemination of Hate Crimes Information

(1) The Crime Reporting Unit shall collect all hate crimes and hate incident data reported by police departments, law enforcement agencies, advocacy organizations, and civil rights agencies. The Crime Reporting Unit shall forward hate crimes reports to the Attorney General on a regular basis.

(2) The Crime Reporting Unit shall summarize and analyze hate crimes data, and its summaries and analyses of hate crimes data shall be organized on an annual basis into an Annual Report to be distributed in accordance with M.G.L. c. 22, s. 18.

(3) Summaries and analyses of hate crimes data prepared for the Annual Report shall reflect the following information:

- (a) overall incidence of hate crimes for the Commonwealth for the reporting period;
- (b) incidence of hate crimes by city and town, and by type of bias motivation indicated;
- (c) incidence of hate crimes by type of criminal act involved;
- (d) incidence of hate crimes by types of targets and injuries involved;
- (e) statistical analyses of types of victims by age, race/ethnicity, sex, and extent of injury;
- (f) statistical analyses of types of perpetrators by age, race/ethnicity, sex, and frequencies of arrests, and convictions;
- (g) incidence of hate crimes by weapons used;
- (h) trends in the frequency, locales, and types of hate crimes reported;
- (i) narrative, interpretive, and qualifying elaboration of the information presented at a-h, and the overall hate crimes data gathered for the reporting period.

(4) Hate incident data shall be summarized, analyzed, and reported in the Annual Reports to afford a basis for comparison with hate crimes data obtained through law enforcement sources. Summaries, analyses, and reports of hate incident data shall reflect the information specified at 520 CMR 13.07(3)(a)-(b), (d)-(f), (h)-(i), and in addition, the extent to which hate incidents are reported to the police.

13.08: Confidentiality

The Crime Reporting Unit, in conjunction with the Criminal History Systems Board, shall assure that no disclosure of Criminal Offenders Record Information subject to M.G.L. c. 6, ss. 167-178 is made otherwise than in accordance with the provisions of said statute. Names of victims and perpetrators of hate crimes should not be reported to the Crime Reporting Unit on the prescribed form, in the course of the hate crimes data reporting. Crimes shall be referenced and identified by the case number assigned by the reporting agency, the time and date of the incident, and other particularized information.

REGULATORY AUTHORITY

520 CMR 13.00: M.G.L. c. 22, s. 17.

Senator SIMON. We thank you.
Mr. McDevitt.

STATEMENT OF JACK McDEVITT

Mr. McDEVITT. I, too, thank the Senator for the opportunity to come here and talk. My name is Jack McDevitt and I am associate director of the Center for Applied Social Research at Northeastern University.

I have been doing research for the past 15 years. For the past 5 years, I have been doing research on hate crime. We started with a study of hate crime in Massachusetts and, as Dan mentioned, we have drafted a report, the first report to come out of the Hate Crimes Statistics Act, for the 1990 resource book. We brought that together and there may be some lessons that can be learned from the way we did that process.

In social science, we have a term that I think bears well on this act. It is "unintended consequences." Sometimes, public policies have some pretty surprising and beneficial unintended consequences, and I think the Hate Crimes Statistics Act is like that. It was passed so that we could understand more about hate crime, more about this crime which is truly different and is different to victims.

But one of the consequences of the way the FBI chose to implement the act, and I think they need to be applauded for that, is to go forward with strong training programs. You mentioned them before—the two gray books that they developed, the training programs they did for each State and for the major cities. Those training programs have had the unintended consequence of sensitizing the law enforcement community to the issues of hate crime.

First of all, the FBI has the credibility. They came down and said this is important and it is important for law enforcement to do. Second, they gave them some tools. They gave them some concepts in terms of how to identify these, and that is important because local law enforcement is dealing with a lot of different things. They are dealing with a lot of different problems, and this can get pushed to the side.

One fortunate thing about hate crime is it is not all that frequent. It is not going to be something that is going to overpower a local law enforcement agency. But when a local law enforcement agency starts to service these victims, starts to treat them seriously as victims of crime, then what we will see—and that is why I think that this has been the most significant piece of Federal legislation to assist victims of hate crimes across the country, because we now have law enforcement agencies all across the country who are saying, OK, we can look at gay-bashing, we can look at anti-Semitic crimes, we can look at attacks on women because they are women, and it starts to sensitize the law enforcement community.

I will say that that is a beginning. We have a long way to go, and I think the training is a key element in us getting there. A question you asked before, Senator, I think is important. The best thing we can do to assist victims of these kinds of crimes is to make the law enforcement agencies in their communities receptive to them as crime victims, and that is what this training starts to do.

If I am a victim, I have been attacked because I am black or because I am Latino. I can't always go to the Latino organization in my community. It may not be open, and they may not be able to give me the protection. The only place I can go that is 24 hours a day, open on weekends, and can protect me is my local police department. And until I feel they will protect me, I won't come forward.

We have evidence from across the country from different research studies that as police departments reach out to these victims and they start to say, we will help you, we will be there for you, victims come forward and we reduce that nonreporting that has been a problem throughout.

I just wanted to add one or two points to my written testimony, and that was one thing that I think would be really helpful is for this committee to recommend an extension of the Hate Crimes Statistics Act. Not that the FBI hasn't committed themselves—they have—to continue to make this a national part of the policy of the FBI, but it is nice to have that Federal mandate when you go out.

I have done training as part of the FBI and throughout the country to local law enforcement. To be able to say this is a national bill, this is something that is going to have national implications, is really helpful. And if there was an extension to the act, it would be important to include training as a key component of that extension because that is the part that is really helping victims.

I think we will get to a point where we have some data that can be used, but I think it is going to be a while before that piece of the puzzle comes in. But we are already helping victims by training police to be receptive to them and to be helpful in terms of what they want.

In terms of the lessons learned from the hate crimes resource book that we drafted, I think it is the small things that hold law enforcement agencies back from submitting. One of the things we have to be cognizant of is that there are different statuses for different protected groups and different protected rights in different States, and that will hold a whole community of law enforcement officers back. They are not sure how to do it.

If the Federal Government says, we are going to include victims who are attacked because of sexual orientation, but our State doesn't include it, what should we do? I think training needs to speak to those agencies and say, we want your data anyway; we will take it any way you can get it and we will massage it, we will put it into something that is helpful on a national level, but you don't have to do that. I think that the Federal agencies should come forward and try to offer that assistance.

I just continue to support the effort that this committee is making and I think it is very truly helping victims of hate crime across the country.

Thank you.

[The prepared statement of Mr. McDevitt follows:]



Center for Applied Social Research

**TESTIMONY
UNITED STATES JUDICIARY COMMITTEE**

**Jack McDevitt
Center For Applied Social Research
Northeastern University
Boston Mass**

I would like to thank you for the opportunity to testify before this subcommittee. My name is Jack McDevitt, I am presently Associate Director of The Center For Applied Social Research at Northeastern University in Boston, Massachusetts. The Center is an interdisciplinary social science research center under the direction of Dr. Glenn Pierce. Presently our major research focus include Hate Crime, The State of the American Family, and the use of information technology to improve public sector decision making, and the effectiveness on intermediate sanctions.

Background

We at the Center have been involved in hate crime research for the past five years. During this period we have conducted a study of 452 hate crimes investigated by the Boston Police Department, developed a hate crime investigation training curriculum for police participated in various law enforcement training programs across the country and presently with Northeastern University sociology professor Jack Levin, I am completing a book on hate crime entitled Hate Crimes: Prejudice and Violence in Society. In addition, and of more relevance to this subcommittee with Dan Bibbel of the Massachusetts Criminal History Systems Board, we have worked with the FBI and the Bureau of Justice Statistics to draft the 1990 Hate

Crime Resource Book, the first report published as a result of the 1990 Hate Crime Statistics Act.

Statement

I believe that the 1990 Hate Crime Statistics Act has been the most important national action to protect victims of hate motivated violence ever initiated. Although conceived as a statistical reporting statute the Hate Crime Statistics Act has far exceeded expectations in its ability to increase awareness, both nationally and particularly in the law enforcement community, of the need to treat these hate motivated acts of violence as serious crimes. As a result of the implementation of this Act tens of thousands of law enforcement personnel are now aware, many for the first time, that hate crimes are serious crimes and that they demand a serious response from law enforcement. As a consequence of this increased awareness large numbers of victims of this form of "domestic terrorism" are now receiving protection and support that they never before available.

This outcome of the Hate Crime Statistic Act has resulted from the actions of the Governmental Agencies empowered to implement the Act. The Uniform Crime Reporting Section of The FBI and The Bureau of Justice Statistics have provided a crucial leadership role in the implementation of the Act. The staff of The Uniform Crime Reporting Section under the direction of Robert McFall developed an implementation plan with training as a primary component. This component offered officials from state crime reporting agencies and local law enforcement officials training in the reporting requirements of the Act but also and more importantly, in the need to properly identify and investigate hate crimes. This training was provided to all State Crime Reporting Programs and most large law enforcement agencies (serving communities of over 100,000 population) and has resulted in a significant increase in the level

of awareness and support for hate crime legislation across this country.

The Hate Crime Statistics Act originally called for data collection on incidents of hate motivated violence to improve our understanding of hate violence. Although I believe the outreach and training discussed above has been the Acts' most significant outcome to date the development of a national data collection system on hate crimes will be an equally important future development. The development of this national data collection system has proven to be more difficult than anyone anticipated. Before this system can be fully useful a majority of the 16,000 police reporting agencies which presently report to the FBI will need to be on board and submitting data on a continuous basis. This will take some time.

The Hate Crime Statistics Act required that an annual report be produced each year for five years beginning in 1990. Since the Act was not passed until April of 1990 an alternative collection strategy was necessary for the first year report. Daniel Bibel president of the Association of State Uniform Crime Reporting Programs suggested a strategy which involved collecting data from those States which had hate crime reporting programs in place already. The Association approached Paul White of the Bureau of Justice Statistics regarding funding for such an effort. A successful partnership was developed between The Association, The Bureau of Justice Statistics, the FBI and Northeastern University to develop a 1990 hate crime report.

The 1990 report was designed as a resource book to assist states across the country in developing their own hate crime reporting systems. The 1990 Hate Crime Resource Book collected information on more than 4,600 hate crimes from 11 states. The

analysis of this data revealed that the most common type of hate crimes in these states were racially motivated crimes followed by anti-semitic crimes. The most common type of incident was an attack on a black victim by a group of white males at the victims residence.

This present research and prior research in Boston have identified some characteristics of hate motivated violence. These crimes are more serious than previously thought, in Boston one-half of the hate crimes that occurred in the City over a five year period were assaultive crimes. On average there were four offenders in Boston's hate crimes attacking a single victim, and those hate motivated attacks were significantly more likely to require hospitalization than national figures for assault. Lieutenant William Johnston Commander of the Hate Crime investigating unit for the Boston Police Department, and a national spokesperson on the issue, believes that if an offender can define an individual as different than then that offender will feel justified in escalating the violence against that victim.

These crimes are extrodinairily frightening to victims of hate violence. Hate crimes are more frightening because there is nothing the victim can do to reduce the probability of future victimization, s/he carries the cause of the victimization with him wherever s/he goes. For example, if a person is attacked because s/he is black or asian or perceived to be gay, when he goes to work the next day he is still black, when she travels back home on public transportation she is still asian and when he gets home, where we all should be able to feel safe, that is when the rocks may come through the windows.

Recommendations

The full implementation of the national hate crime data collection effort, like any national data collection effort, will

take time before the data is completely useful. Some of the impediments to full implementation of the hate crime data collection system include the need for voluntary participation. Local police agencies are presently being asked to submit forms (or computerized files) on each hate crime that occurs in their jurisdiction. Many local police officials fear that this reporting requirement will become an additional burden on them at a time of decreasing local revenues. This fear, although inaccurate (most police agencies will have few, if any, hate crimes in a given month) is real and must be continually dealt with if we expect law enforcement agencies to become fully participating agencies.

A second impediment to the national data collection effort is variation in state hate crime legislation. In our work with on the 1990 Hate Crime Resource Book we realized that presently across this country there is a wide variety of legislation regarding which groups are protected by hate crime legislation and which rights are protected. While there is near universal agreement that racially motivated or anti-semitic hate violence is covered by state legislation, many states do not include crimes motivated by a victims' sexual orientation. Even though the federal Hate Crime Reporting Form includes violence based on a victims sexual orientation, if a states' statute excludes these victims then a local police agency will seldom if ever be called upon to investigate and subsequently report such crimes as hate crimes. Similar variation is developing in the area of gender based hate crimes, a category not included in the federal reporting requirements but now included in 11 states. We agree with the FBI that states should be encouraged to submit whatever they can and adjustments made to the data once it is collected.

Again in developing the 1990 Resource Book we discovered that by asking for data from the States in any form that was convenient for them (for example on their own forms) and converting the data

to a national standard ourselves, we significantly increased participation. We believe that consideration should be given by the FBI to continuing this practice.

We believe that the partnership which has been formed between the FBI and BJS should be continued. This partnership has brought together the FBI's credibility with local law enforcement and data collection expertise with BJS statistical expertise and experience with crime victims to produce a document that is stronger than could have produced by either organization separately. This partnership should be encouraged and maintained.

Additional strategies for addressing specific hate crime issues should be considered in the short term while the national hate crime data collection effort develops. Targeted research projects should be encouraged to address some important issues which are at present outside the reach of the national effort. Some of these issues might include; what types of youth gets involved with hate violence, how are organized hate groups recruiting new members, how are hate crimes presently handled by courts across the country, and what are most effective programs for dealing with hate crime offenders.

We believe that this subcommittee should continue to monitor the progress of the implementation of the Hate Crime Statistics Act. And that you continue to support this implementation, because by doing so you will be providing essential assistance to victims of hate crimes across our country.

Senator SIMON. Thank you.
Dr. Jurkanin.

STATEMENT OF THOMAS J. JURKANIN

Mr. JURKANIN. Thank you, Senator Simon. I am pleased to testify this morning regarding the Illinois response to implementation of the Federal Hate Crimes Statistics Act. My testimony this morning will focus specifically on aspects related to the training of Illinois law enforcement officers, training that is designed to inform officers of the intent and purpose of the hate crime legislation and reporting requirements specified within the act.

Up front, let me assure you that Illinois has taken every step possible to ensure that law enforcement departments and officers within the State are properly trained to adequately identify instances of hate crimes and to follow up for purposes of ensuring accurate reporting, as well as involving themselves in proactive criminal investigation and arrest, where appropriate. The Illinois response can best be identified as a cooperative endeavor between multijurisdictional law enforcement agencies operating within the State.

I am the executive director of the Illinois Local Governmental Law Enforcement Officers Training Board. The board is an agency of the State of Illinois and legislatively is mandated to establish training standards and to oversee, direct, and fund the delivery of law enforcement training within the State. Law enforcement agencies look to the Illinois Police Training Board to provide direction so that, in the case of the Federal Hate Crimes Statistics Act, the board was the appropriate agency to take the lead.

The Illinois Police Training Board organized an initial statewide conference on April 17 and 18, 1991. The statewide conference pulled together numerous law enforcement agencies. The Federal Bureau of Investigation, Uniform Crime Reporting Section, provided staff and instructors to make presentations relative to the new legislation. As a result of the involvement of the Federal Bureau of Investigation, Illinois had adopted the Bureau's recommended standards and procedures of reporting.

Also involved in this training initiative were the Illinois State Police, the Chicago Police Department, and over 50 individual municipal and county law enforcement agencies from throughout the State. The statewide conference was designed to train the 70-plus participants in attendance as instructors on hate crime legislation and related issues. The concept of "train the trainers" is utilized frequently in Illinois so that timely information may be disseminated throughout the State in a manner that is efficient, allowing for the delivery model that provides quality training which is accessible on a statewide basis and is offered free of charge to participating agencies and their personnel.

I would like to point out that any change in legislation which calls for a law enforcement response necessarily involves a training component; that is, for any legislation, whether initiated at the Federal or State level, to be effective, law enforcement officers must be well informed so that they may incorporate such knowledge and procedures within the routine of their daily work activities.

In Illinois, we have a police population of 30,000 officers. Even though the Chicago Police Department comprises 13,000 officers, the majority of officers work for much smaller municipal and county agencies. Sixty percent of law enforcement agencies in the State of Illinois are policed by 10 officers or less.

Given that background, let me report to you on the successes which I believe Illinois has to share. Since the initial conference, those conference participants, in association with our 16 regional training units in the State and the Crime Analysis Section of the Illinois State Police, have conducted over 50 workshops, reaching every geographical area of the State.

Over 6,000 law enforcement officers have received training regarding the Hate Crimes Statistics Act. Additionally, the Illinois State Police has conducted 61 individual sessions for the Illinois State Police officers and clerical assistants. The Illinois State Police has trained an additional 2,500 of their own officers through this process.

Finally, a number of seminars have been held specifically for chief law enforcement administrators, including police chiefs and sheriffs. For instance, the Southwestern Illinois Law Enforcement Commission, which is funded by the police training board, sponsored an executive development seminar in the East St. Louis area in which Illinois and Missouri law enforcement administrators attended a joint session.

The executive seminar included instruction by the Anti-Defamation League, the Office of Training from New York City, and additionally called upon State law enforcement directors to share their thoughts and strategies for addressing the problem of hate crimes. Other such seminars have been conducted in the Chicago metropolitan area and have been repeated elsewhere within the State.

Thus far, I have addressed the training of incumbent police officers. In addition, we have implemented a special focus on hate crimes within the curriculum of the recruit law enforcement officer training program. The police training board is responsible for administering recruit law enforcement training throughout the State through six academies. On an annual basis, we train 2,000 new recruits.

It is the recruit officer whom we are able to indoctrinate up front in their careers for the purposes of impressing upon them the importance of being sensitive to bias-motivated incidents of crime and to inform them of the established reporting procedures. We have made great strides in this area.

Please be assured that the effort in Illinois is continuing and expanding. This fall, we are introducing a series of workshops focusing on police work with multicultural populations. The goal of such training will be to sensitize police officers, from the chief to patrol, regarding the diversity that exists in the population that we are sworn to protect.

Focus on population diversity related to race, ethnicity, national origin, religion, and sexual orientation will be emphasized, and a major portion of instruction will focus on bias-motivated incidents of crime. It is true that a number of bias-motivated crimes go unreported. If the police are sensitive to victims' needs and commu-

nicate such concerns, then it is likely that enhanced police-citizen relationships will yield a more accurate reporting of such incidents.

A second series of workshops will be devoted to instruction on crime analysis techniques, wherein we will focus on gathering intelligence information and sharing such information in a systematic fashion for purposes of identifying gangs and individuals associated with perpetrating bias-motivated or hate crimes.

Our effort in Illinois has and will continue to involve a networking of all law enforcement agencies, from Federal to State to local level, from departments of 13,000 officers to departments comprised of 1 or 2 officers. Our commitment to fully implement the Federal Hate Crimes Statistics Act and to additionally identify and investigate crimes which are hate- or bias-motivated, I believe, is illustrated by the testimony that I have given this morning.

I know that Illinois is not unique in our full-force effort to ensure compliance with the act. The International Association of Directors of Law Enforcement Standards and Training, of which I am a member, has encouraged all States to follow such an implementation strategy. I am aware that other States have been as aggressive as has Illinois.

In conclusion, I would like to compliment this subcommittee for their fine work. If law enforcement is to be effective in identifying, investigating, and arresting perpetrators of hate crimes, we must have a clear understanding of the definition of such crimes and be aware of both the pattern and prevalence of such crimes. Collection and analysis of hate crime data is made possible through the implementation of the Federal Hate Crimes Statistics Act.

I appreciate the opportunity to appear before the committee and to appear before Senator Simon this morning.

Thank you, Senator.

Senator SIMON. I thank you, and we thank you for the comprehensive nature of what is taking place. I might add, I received a note from the ADL saying that they appreciated your leadership specifically on this.

Mr. Christensen of the FBI is kind enough to remain here for at least your testimony. Do the three of you—this is your chance to say—is the FBI doing a good job or are they not doing a good job in this. I have heard no criticisms, let me add, of the FBI in your initial testimony.

Mr. Bibel.

Mr. BIBEL. Well, I think the FBI is doing the best job that they can, but I think if we give the burden of this act solely to the FBI, we are really making a mistake here. This is not just a law enforcement issue. I mean, the FBI has developed a data collection form which perhaps doesn't meet all our needs, but I think it is a good step. They have provided training, as Mr. Christensen mentioned, but that is not enough. That is not going to give you the data that you want to get, and it is not going to happen by 1994 either.

I think Jack McDevitt and I have collected data from 10 States which were collecting data in 1990. The States which were collecting hate crime data have, I believe, collected more data in those 10 States than have been collected nationally to this point in 1991.

I think we have got to do more work to get data from this act in a useful manner, and if we just point to the FBI or we just point

to local law enforcement, that is not going to happen. So, that is not a criticism of the FBI. They are doing the best job they can, but that is not the issue, I don't think.

Senator SIMON. I will get back to that.

Mr. McDevitt.

Mr. MCDEVITT. I agree with Dan. I think the FBI is doing an excellent job. I think that there are differences of opinion over how restrictive some of the data collection procedures should be. When we did the resource book, we asked for everybody's data and then we decided which ones fit the Federal mandate, in conjunction with the FBI. It made it simpler for the States to submit. That is why I think we got more data coming in.

Something like that might be helpful in that area, but I think to go back to the point I was making, the training that they have done—anything that we can do to expand that either through funding or through bringing different groups on board to help with the training—whatever it is, that is the part that has got the initial real assistance to victims of these if we can get the word out.

The training can also deal with the issue of whether or not this is going to be a burden. I know that in the training the FBI does they share that this is only going to be 20 cases, 40 cases a year, you know, but local law enforcement is afraid of that until they hear it, until they feel that that is true. That has got to be part of the training, the outreach to local law enforcement, to say this is not going to be as big a burden as you think.

When you are the police chief of Holliston, MA, you say, oh, my God, I have got to fill out another Federal form, I have got to submit this; this is going to take more time. And until you realize it is going to take the equivalent of 1 day a year to complete these forms and you are going to get this much benefit out of it, you are going to hold back. So, I think the training is the biggest thing and anything we can do to help the FBI to do that is important.

Senator SIMON. Dr. Jurkanin.

Mr. JURKANIN. Yes, Senator. In the case of Illinois, the FBI provided a tremendous amount of assistance. We relied on them to the point that they provided instruction so that we could train our own trainers, and then from that point on we moved to implement it throughout the State.

Again, the problem in implementing any legislation is getting it down to these—in the case of Illinois, 60 percent of the departments are policed by 10 officers or less. The FBI cannot go into all of those areas of the State. So, as a result, we like to train local officers, local chiefs and sheriffs, to provide that instruction based upon information given us by the Federal Bureau of Investigation and then follow through in that manner, because in that fashion we can reach more officers and then the legislation becomes more effective in terms of the reporting and the data.

Senator SIMON. Mr. Bibel, in your written comments you made, as well as your opening comments, you questioned the value of the data collected. Now, do you question the value in terms of its completeness, or what would you suggest we do?

Mr. BIBEL. I think there are two issues. First, we know, through the national crime survey, that many victims of crimes do not report those crimes to the police, and in many of those cases these

are crimes of violence. Property crimes usually get reported because you might be able to get insurance reimbursement.

Many of the hate crimes which we have collected data on are crimes of violence. Many of the victims of hate crimes are recent immigrants. They may be non-English-speaking. They may come from countries where the police are not seen as protectors, but as agents of repression. For many of those victims, I think the non-reporting levels are extremely high. We do have this issue of the nonreporting.

The other issue on the—

Senator SIMON. Before you get off of that, how do we deal with that problem?

Mr. BIBEL. Well, I think there are a number of things. The Department of Justice Community Relations Service has techniques of going into communities, of dealing with victims. I think we have to work on the local level, as well as on the national level, with the advocacy groups like ADL and the NAACP. We have got to do a tremendous amount of outreach work to the victims of crimes, and I don't think that has been done in a comprehensive fashion. Certainly, it hasn't been done nationally.

I think there are a number of things which might be done—public service announcements that publicize this information not to the police, because we have done that already—the FBI has done that, and that is important—but getting out to the victim community.

On the issue of the completeness and the comprehensiveness of the data, I think what we saw from the 10 States where we got data collection forms, the States which had local mandates to collect this data, there was a lot of data being collected. The FBI made a decision that they wanted to get a form out there—I shouldn't speak for the FBI, but to get a form out there which collected as much data as they thought was reasonable to get in this paper form.

But I think a lot of the data elements which they didn't collect, a lot of the items which were being collected in the various States, would give us a more comprehensive picture of the hate crime incidents. I think we are missing that and I think we will be missing that on the Federal level. So I think there are two issues.

Senator SIMON. Give me an example of what you are talking about.

Mr. BIBEL. Well, for example, in a number of States injury to victim is a data element which is being collected that is not collected on the Federal level. In most States, information on the age, race, or sex of victims is being collected, and that is not being collected on the Federal level. There are a number of data items which the States have shown that they can collect, and the FBI made a decision not to try and collect that type of information.

Senator SIMON. I know Mr. Christensen is no longer on the stand, but if you wouldn't mind joining us, since you are here anyway. You have heard Mr. Bibel's comments. If somebody commits antiblack or anti-Asian or whatever crime, we do collect that data. That is correct, right?

Mr. CHRISTENSEN. Again, we collect information on the offense, the crime, the type of crime, and the motivation, and that was the purpose of the enabling statute, and that was to look at crimes that

were committed by bias. It is true we do not collect information on the age or race of the victim. We do not.

Senator SIMON. And you believe that would be helpful, Mr. Bibel?

Mr. BIBEL. Well, I think the more data that we can collect nationally, the better picture we are going to get of the hate crime situation. I know the National Incident-Based Reporting System which the FBI and the BJS are in the process of implementing will fill out many of these gaps in our knowledge, but I think that is still a fairly long way off before we will get nationally reliable data from the NIBRS data system.

This is not to slam the efforts that the FBI has done, but I guess the question is, as Mr. Christensen has mentioned, the FBI is collecting data as mandated in the statute, and I wonder if there is a difference between what the mandate of the statute is and what the spirit of the statute is. I think for people like yourself to say hate crime is a problem and we want to collect information so we can do something with that information, and not just to say let us put out a book so we can put it on the shelf—to understand the depths of the problem, to understand the circumstances of the situation, I think the more data we get in, the better off we are going to be, and I think we are probably all in agreement on that.

Senator SIMON. Mr. Christensen.

Mr. CHRISTENSEN. Of course, our position is clearly that the more we know about a crime, the better we are prepared to deal with those kinds of crimes, the better our law enforcement agencies can create a strategic plan, a better plan they can have for the allocation of resources. That is the impetus behind the implementation of NIBRS, the National Incident-Based Reporting System, where we are moving from the summary capture of the incidence of crime, which is very much like the Dow Jones average where we have certain crimes that we measure in order to get kind of a status report on the incidence of crime throughout the United States.

But we are moving toward this NIBRS, and that is being implemented in the States and we are expanding to cover 22 different categories of crime. We will be collecting much more data about the incidence of the crime, including the relationship between the victim and the offender, whether or not drugs or alcohol was part of the crime, or used by either the victim or the subject; whether or not a weapon was utilized. The hate data that would be part of the collection effort then is simply attached to this very detailed data that we will be collecting.

Now, the States are at stages of implementing NIBRS, and the intention that we have is that the hate crime data is simply an appendage to the collection of this very, very detailed data. Now, all the States are not there and we need to move for more complete implementation of NIBRS, and then we have attached to that the hate crimes statistics data.

Senator SIMON. If I may be very specific, if someone commits an anti-Semitic crime, let us say, under the system we have, do we keep track of whether that person is Arab by background or an African-American or white or Protestant, Catholic, and so forth?

Mr. CHRISTENSEN. For the interim collection of the data now, hate crimes specific data, we do not collect the data on the identity nor the racial background of the victim.

Senator SIMON. Not about the victim, but the person who perpetrated the crime. Of the victim, you do, don't you? In other words, at the end of this reporting in 1994 we will know that there are so many acts against blacks, against Arabs, against Jews, against Asians, against gays, and so forth, or will we not?

Mr. CHRISTENSEN. We are looking at the motivation of the crime.

Senator SIMON. Yes.

Mr. CHRISTENSEN. And that can be antiblack, anti-Semitic. That is what the data will support.

Senator SIMON. OK, what about the person who then perpetrated the crime? Are we looking at that at all? Do you follow my question?

Mr. CHRISTENSEN. Yes, I do. I am just looking at our data collection form. Race is captured, of the offender.

Senator SIMON. OK. Mr. McDevitt, you want to add something here.

Mr. MCDEVITT. Possibly, one way to resolve this is, as you know, any time you develop a data collection system, you develop it—and the FBI brought a group of experts to Alexandria, VA, and the group decided these are the best elements. There wasn't, you know, complete consensus, but the group voted and this was the element they came up with. Maybe they can be improved.

I agree with Dan. I think that there could be some additional data added, but we shouldn't fool ourselves into thinking that by adding in two or three more data elements we are going to address all the issues that we want to know about hate crime. Maybe what we want to do is what the FBI did with the Bureau of Justice Statistics for the resource book; in other words, have the FBI reach out to other law enforcement agencies who fund a specific topical research study to deal with who are the victims of these crimes, that would get more detailed information on that particular issue.

We will never get all the information from any national data collection to deal with, you know, the full research issues that are involved in any of this. It may be that we want to look to developing more partnerships, and it is done in a lot of social science areas, to have research studies going along with national data collection efforts to focus on specific areas of concern to us trying to deal with the problem.

Senator SIMON. We also have to be realistic. We don't want to get so oppressive in terms of what we demand of local law enforcement people that they start resenting what we are doing and it becomes counterproductive.

Yes?

Mr. CHRISTENSEN. I would like to make the point again, I guess, that the data is not the solution to our problems. The data is indicative of the problems and points us to areas that we need to address. I believe the experience of the Boston, MA, Police Department is certainly appropriate here. I consider their efforts a model in the sense that they have created a hate bias investigative unit. They have gone into the community. The community is beginning to build confidence that they do have a relationship with the police officer, that they can talk about hate-motivated crime.

They see an officer responding because a window was broken out—a very inexpensive crime dollar-wise, but a very important to

the community. The police officer responds and he is interested in how the minorities are being treated in this particular situation, and this begins to solve the problems that we are after.

So it is not simply the data that is important, I don't believe. It is where that data takes us and how we address our relationships in our communities, and especially from a law enforcement perspective.

Senator SIMON. And I would just add that what Mr. McDevitt called the unintended consequences, I think, are extremely important because there is an education process that is taking place in the law enforcement community that reaches out to a great many more people, and I think that is important.

The one item you mentioned, Mr. McDevitt, and that is the expiration—I don't hear anyone questioning the need to continue this beyond 1994. I don't think there is any question that the law will be extended.

We thank all of you. We thank you for testifying again, Mr. Christensen.

Mr. CHRISTENSEN. Thank you, Senator. Maybe I should leave now.

Senator SIMON. Our next panel is Sheriff Pat Sullivan of the Arapahoe County Sheriff's Department in Colorado, on behalf of the National Sheriffs' Association; Elsie Scott, deputy commissioner of training, New York City Police Department, on behalf of the National Association of Black Law Enforcement Executives; Donald L. Cahill, legislative chair of the Fraternal Order of Police.

We thank all of you for being here. At least two of you are veterans of having been here before.

Sheriff Sullivan, we will start with you.

PANEL CONSISTING OF PATRICK J. SULLIVAN, SHERIFF, ARAPAHOE COUNTY SHERIFF'S DEPARTMENT, LITTLETON, CO, ON BEHALF OF THE NATIONAL SHERIFFS' ASSOCIATION; ELSIE L. SCOTT, DEPUTY COMMISSIONER OF TRAINING, NEW YORK CITY POLICE DEPARTMENT, ON BEHALF OF THE NATIONAL ORGANIZATION OF BLACK LAW ENFORCEMENT EXECUTIVES; AND DONALD L. CAHILL, CHAIRMAN, NATIONAL LEGISLATIVE COMMITTEE, FRATERNAL ORDER OF POLICE

STATEMENT OF PATRICK J. SULLIVAN

Mr. SULLIVAN. Thank you, Mr. Chairman. My name is Pat Sullivan. I am the sheriff of Arapahoe County, CO, and I am a member of the board of directors of the National Sheriffs' Association. I chair the National Sheriffs' Association UCR, Uniform Crime Reporting Committee. In that capacity, I have had a chance to kind of serve in a similar position to you, in that of oversight of the FBI in preparing the enactment of the Hate Crimes Statistics Act—oversight from a law enforcement implementation standpoint.

I want to go back to Mr. Christensen's earlier testimony and some of the other testimony—not repeat it, but underscore the quality of the materials prepared by the FBI. The two documents, the two gray books, that I am sure the committee is well aware of, the training guide for the hate crime data collection are extremely

good documents. Those two documents can go to the field to even the smallest police departments and be put to use on an inservice training program. Mr. Harper Wilson, Bob McFall, Dr. Tony Penizata, all special agents of the FBI in the Uniform Crime Reporting Section, did an excellent job of grabbing this bill and preparing the training materials and getting them out.

Mr. Christensen mentioned the training that has gone on around the country. In Colorado, with the FBI and the Colorado Bureau of Investigation, our State reporting agency, we did training sessions in Grand Junction, CO, Pueblo, CO, and two in Denver, CO. One was a regional training session. They were very high-quality training sessions implementing the act with these documents, and also calling on other resources.

In the preparation of that material, they used resources outside the FBI. Their training and my training in the Arapahoe County Sheriff's Office and throughout Colorado involves the ADL tapes that I am sure the committee is familiar with. The ADL tape is an excellent inservice training program to help implement the act. It is a good-quality videotape and is available across the country through the various ADL offices and complements well the FBI's inservice training.

One of the key issues I want to stress in my testimony is the fact that it is a new law and it is taking some time to get implemented. The public education issue has been mentioned not only to make victims aware of it, but law enforcement agencies aware of it.

The National Sheriffs' Association is holding a training session each year at its convention about the Hate Crimes Statistics Act for sheriffs coming there. This training session is held by the FBI, as well as speakers from ADL and other groups. Again, we are trying to get it out to additional law enforcement CEO's that the training is needed, that the act is in existence, and that we need to get to work on implementing it.

If I could give you just one example in Colorado of how we are proceeding with a 3.5 million population of a small State, we do have our own book of crime in Colorado for 1991, and the hate crime index is on page 2. It is an up-front item of high priority in the State of Colorado.

For 1991, we had total victims of 161 for the year. In the first half of 1992, in the first two quarterly reports, we have 167 victims. I think that is indicative of the act taking hold and the agencies getting involved in making the reports, as well as educating the public and the public becoming aware of them to make the reports to the law enforcement agencies.

We have 232 agencies in Colorado that report to the Colorado Bureau of Investigation under the UCR Program; 195 are participating in the Hate Crimes Statistics Act reporting. That will increase and, we feel, probably by the end of 1992 will be very close to 100 percent of the agencies in the State of Colorado. I think that is indicative around the country.

Some States, as you have heard in previous testimony, are really rolling and other States are further behind. That might indicate probably your support of the FBI's further training in a number of States. I think the fiscal issue is a legitimate concern from your standpoint and the FBI's standpoint. They have had to divert man-

power and other resources from other programs to implement this act. I think it is a very important act, as prior testimony indicated, not only to collect the data to see what our hate crime situation in this country is, but it has the secondary or residual benefit of helping go back through law enforcement agencies and sensitize them to these issues and focus our attention from victims of rape and other violent crimes to victims of the hate crimes, and focusing what we have done in the 1980's largely in focusing the criminal justice system on the crime victim.

The act has had those spinoff things that I think need your support, the committee's support, and probably some fiscal support to the FBI to continue that training; support of the ADL in continuing their law enforcement training, as well as other groups around the country that are helping to implement the act.

The statement made that it is not strictly an FBI issue and it is not strictly a local law enforcement issue is very true. We can help educate the communities with these figures as to what is going on in their communities and put a higher priority on dealing with this crime and these victims.

Thank you, sir.

[Mr. Sullivan submitted the following:]



NATIONAL SHERIFFS' ASSOCIATION
MAJOR URBAN COUNTY SHERIFFS' GROUP

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Charles E. Meeks
Executive Director

RESOLUTION OF
DECEMBER 16, 1991
Denver, Colorado

The deterioration of the basic American family, the loss of respect for American values and the deteriorating economic condition of this nation are contributing significantly to serious social and economic disparity among many racial, religious and ethnic groups in America today. This disparity is manifesting itself in a rapid rise in violent crime (murder, rape, robbery and assault), the majority of which is involving alcohol and/or drug abuse, during a period in history when property crimes (burglary, theft, motor vehicle theft and arson) are decreasing.

This disparity generates tension in our society manifested by an increase in incidents of "Hate Crimes" where differences in skin color, religion, heritage or sexual orientation result in criminal victimization due to a real or perceived social or economic threat and is giving rise to the resurgence of hate groups and youth gang activity.

This surge in violent crime, most frequently heralded in the urban centers of this nation, has deep social roots not amendable to any single or easy solution. A much needed national emphasis on basic American values and an improvement in our nations economy will significantly reduce both the social and economic disparity and provide federal, state and local resources so lacking today. These resources should be used to address deeper social and economic needs not only evident in urban centers, but also present in small communities and rural America.

The Major Urban County Sheriffs' Group of the National Sheriffs' Association call upon the President of the United States, the United States Congress, Governors, Legislators, counties, cities, American industry and commerce and American Organized Labor to immediately implement coordinated economic programs that will quickly bring about a rapid increase in long term employment for Americans. Particular attention must be given to employment for young adults and teenagers who are currently disproportionately involved in violent crimes and the escalating random violation of basic human rights frequently identified as "Hate Crimes".

Participants in December 16, 1991, Denver, Colorado meeting.

<u>NAME</u>	<u>COUNTY/STATE</u>
Sheriff David W. Troutman	Summit County, Ohio
Sheriff Larry V. Erickson	Spokane County, Washington
Sheriff Charles Zacharias	Ramsey County, Minnesota
Sheriff Thomas F. Higgins	Erie County, New York
Sheriff Edward J. Camp	Adams County, Colorado
Sheriff Robert J. Prinslow	Marion County, Oregon
Sheriff Stanley Glanz	Tulsa County, Oklahoma
Sheriff James I. Scharf	Snohomish County, Washington
Sheriff Patrick J. Sullivan, Jr.	Arapahoe County, Colorado
Undersheriff Joseph Williamson	Bernalillo County, New Mexico
Undersheriff Eric S. Cooper	Clark County, Nevada
Deputy Chief Terry Baker	Dallas County, Texas
Colonel Charles J. Fisher	Hillsborough County, Florida
Captain Walter K. Vanatta	Laramie County, Wyoming
Captain Marshall Nelson	Caddo Parish, Louisiana

This Resolution will be presented to the National Sheriffs' Association Executive Committee and Board of Directors on February 14-15, 1992, in Washington, D.C. and to the 1992 Annual Meeting, June 20-24, 1992, in San Diego, California.



ARAPAHOE COUNTY SHERIFF'S DEPARTMENT
5686 S. Court Pl. • Littleton, Colorado 80120-1200

PATRICK J. SULLIVAN, JR., SHERIFF

(303) 795-4711

*DO DRUGS
DO TIME*

*DO GANGS
DO TIME*

- Bench Ads

May 2, 1992

There is no good news to report on youth gangs.

And there's little comfort in knowing the problem isn't as serious in most of Arapahoe County as in some parts of north Aurora and northeast Denver - because there's every reason to expect Arapahoe County's gang problem to grow worse.

That's because there's little prospect of federal, state, local and private investment in intervention and assistance programs needed to address the underlying causes of the gang problem. Those causes are complex. Dealing with them will be expensive. Failing to deal with them will be more expensive still.

The mention of gangs brings to mind drug dealing and violent crime. We in law enforcement believe that we ought not to combat gangs as if the battle were a "war on drugs" - we've learned some hard lessons from that strategy lately. The real problem is a breakdown of the family and lack of solid, moral values among the young men caught up in gang activity.

While several gang members may, despite their youth, be vicious criminals, many simply lack direction and purpose in their lives. They are drawn to gangs from a sense of belonging, and because there are few opportunities for constructive activities in their poverty-ridden neighborhoods.

Likewise, areas suffering the most from the presence of gangs suffer also for the absence of adult males who are positive role models. Filling that void, gangs present a distorted and dangerous view of what it means to be a man. Far too many fatherless boys are deceived by it.

For the most part, however, the problems created by gangs are invisible to most of the County. The sound of gunfire may have become commonplace in some public housing projects or as a lead on the TV news, but middle class neighborhoods are not affected. So no effective response is forthcoming.

Part of the answer must be expanded, effective law enforcement efforts on the streets, in these neighborhoods and housing complexes, to include removal of trespassers, swift eviction of illegal tenants and drug dealing tenants, to create a safe and drug free living environment. Our courts, probation supervision, and juvenile and adult jails and prisons must target drug abuse, drug dealing and gang activity. But crime fighting is not the whole answer. We should strive to deter youngsters from choosing the path of drugs, violence and racial strife in the first place. That's a county-wide challenge.

That means we must put our money where our mouth is in support of families. Mothers raising children on their own need affordable day care. Many need help in learning how to be good parents. When trouble arises, they need ready access to counseling and support.

Children at risk need guidance and help through intervention programs, beginning in their preschool years. Young men in homes headed by a woman need men who will be their friends and mentors. Many need tutors. They need healthy recreational opportunities. They need jobs. They need mentors to help them seek out available jobs and learn how to keep good jobs.

Also, they need hope. If the future seems to hold nothing for them, the easy buck and the macho image of the gang seem all the more attractive. Money is never the entire answer - and lately a tough part to come by - to any problem, but meeting the needs of our endangered youth will take money. Do we care enough about saving their lives and their futures to pay these up-front costs? Or will we look away and let the wound fester and pay much higher costs later?

The Arapahoe County Sheriff's Department bench ads are designed to address some of these issues. (Bench ads are paid for by funds seized from drug dealers.) First, as crime prevention and drug abuse prevention messages, and to discourage gang affiliation. And second, to serve as a reminder to all of Arapahoe County of the growing problem of drug and gang related violence and racial tension in our county, and the need for serious commitment to addressing these issues in our individual families, service clubs, schools, businesses, as well as local and state government forums. We must **reduce the demand for drugs** or we will never get a handle on the drug and violence epidemic among too many of our young adults.

What small steps may each of us take towards solving the **demand for drugs**, drug trafficking, **gang violence** and racial strife among too many of our youth? Individual, business and local government initiatives are vital considering the size of our federal deficit and the need for a balanced federal budget.

PREPARED BY: SHERIFF PATRICK J. SULLIVAN, JR.

Note: The bench ads will be installed about June 1, 1992 and run for six months. The same message may be seen on our patrol car bumper stickers.

Senator SIMON. We thank you, Sheriff.
Ms. Scott.

STATEMENT OF ELSIE L. SCOTT

Ms. SCOTT. Good morning, Senator. My name is Elsie Scott. I am deputy commissioner of training for the New York City Police Department, but I am appearing before the committee today on behalf of the National Organization of Black Law Enforcement Executives, better known as NOBLE. NOBLE is a membership organization made up of over 3,000 law enforcement officials who come primarily from command and executive positions, and our members include a number of chiefs of police from cities such as New York, Los Angeles, Atlanta, Baltimore, and Washington, DC. I am the former executive director of NOBLE.

NOBLE has been at the forefront of national efforts to improve law enforcement's response to hate violence. One of NOBLE's proudest achievements was the development of a model law enforcement policy that outlines procedures for identifying, reporting, and investigating hate crimes, and I was the project director of that effort.

This model policy is considered by many police agencies to be a very useful tool that has assisted them in the development of responses to hate crime incidents within their jurisdiction. I must say that at the time we developed that model we couldn't get a lot of support from law enforcement because they didn't consider this to be a major problem. So, the Hate Crimes Statistics Act has gone a long way toward sensitizing police agencies of the importance of this issue.

After NOBLE developed its model policy, we realized that a policy by itself is not very effective. We recognized the need for good training programs. A survey of law enforcement agencies highlighted the need for training materials—written materials, videotapes, curriculum design. In response to this identified need, NOBLE developed a training film and a 2-day training course for law enforcement agencies, and this training material has been distributed around the country.

NOBLE has also assisted in designing appropriate responses to hate violence on college campuses. We have conducted training seminars and conferences, as well as assisted in development of a training film for university security officers and administrators.

Prior to the passage of the Hate Crimes Statistics Act, we had approached the National Institute of Justice and asked them about the development of a model reporting system for law enforcement agencies. At that time, they didn't consider that to be important. We feel that if NIJ had accepted our proposal, law enforcement agencies would have been better prepared to implement the Hate Crimes Statistics Act after it passed.

NOBLE vigorously supported and applauded the passage of the Hate Crimes Statistics Act, but we knew that the legislation alone would not solve the problem. We recognized the need for strong enforcement and leadership from the top law enforcement official in the country, the Attorney General. We therefore offered our assistance to the Justice Department and the FBI in the implementation of the legislative mandate. The FBI reached out to NOBLE when

it became apparent that the act would become law, and we shared information on reporting systems and other relevant materials we had accumulated.

Literally interpreted, the Hate Crimes Statistics Act only requires the Attorney General to acquire and publish data about hate crimes. Nevertheless, NOBLE feels that the Attorney General and the Justice Department have a greater role than the mere collection and publication of data. We feel that the Attorney General should use the full power of the Justice Department to highlight the importance of a national coordinated attack on hate activity.

We do not feel that the responsibilities under this act should have been delegated to the Director of the FBI. We feel that the FBI Director has a crucial role to play, but the delegation from the Attorney General creates the perception to some that the Attorney General does not feel that this is a serious problem that demands his attention. In addition, other components of the Justice Department, such as the Civil Rights Division, should be playing major roles in carrying out the spirit of the act.

The act does not state that the police data should be the only data collected. The FBI Uniform Crime Division does not publish data on prosecutions, convictions, and sentencing. Yet, any comprehensive annual report on hate crimes in the United States should include information on these components of the criminal justice process. Merely reporting the number of reported incidents and the number of arrests does not give the public the full picture of the response to hate violence. Additionally, the FBI reports do not cover hate activity that may be reported to human relations commissions, racial and ethnic advocacy groups, and other nonlaw enforcement groups.

The FBI is to be commended for some of the efforts they have put forth in the past year. The data collection guidelines and the training guide developed by the FBI are very useful documents. The agencies that have had the opportunity to participate in the FBI training were grateful for the free training and training material.

The question now is: Where do we go from here? There is a continuing need for training programs and material, especially for smaller law enforcement agencies. Large agencies like my agency, the New York City Police Department, have full-time training divisions and staff that can afford to specialize.

For example, in New York City, in the training division alone, we have over 600 persons assigned to training-related duties. We offer lessons on bias crimes in our recruit training section. We offer a course on bias incidents for our captains through our executive development section. In addition, we have a special unit, a bias crime and investigation unit, totally devoted to investigating these types of crimes. But we are the exception, not the norm.

Small police agencies have to rely on regional, State, and Federal training programs for even their basic training, and in times of tight budgets they are less likely to send their personnel for specialized training if there is a cost involved. If they have not had recent reports of hate activities within their jurisdiction, hate crime training will not be a priority.

We feel that the role of the Justice Department and the FBI is to ensure that these agencies receive adequate hate crime training, and one of the best ways is through the FBI-sponsored training.

There is a need for ongoing training. The recent Supreme Court ruling in the St. Paul city ordinance has generated confusion concerning the definition of a hate crime and the ability of law enforcement to prosecute such crimes. Law enforcement officials need to be instructed that the decision only invalidated the St. Paul ordinance, not other State and local legislation. Another round of FBI training could help to reinforce the need for law enforcement to continue enforcing hate crimes legislation.

The Community Relations Service and the Federal Law Enforcement Training Center have teamed together to design curriculums for police trainers in recognizing and responding to hate crimes. The Justice Department needs to allocate funds so this training can be delivered.

Additional training should not be limited to training officers on reporting guidelines. There is also the need for training on victim assistance. Most recently, one of my administrative sergeants, who happened to be a black male, became a bias crime victim. Our department had trained him in how to respond to hate crimes and what are the proper procedures, but he didn't know how to respond as a victim. So, therefore, I feel like there is a need for much more training on how to respond to victims of crime. There is also a need to look at the causes of hate crimes activity. If we don't know what is causing these crimes, we can't address the solutions to them.

Let me just wrap up because I think my 5 minutes are up.

There is a need to provide outreach to community groups to involve them in prevention and to tap their human resource efforts and ideas. We commend the FBI for establishing a community outreach program. Perhaps that outreach program could become an antihate activity.

In closing, I would also like to say that community policing should be supported by the Justice Department because this may be one way of getting law enforcement agencies more involved in their communities so that they can try to prevent hate activity.

I would like to thank you, Senator Simon, for your continuing leadership on this issue, and we feel at NOBLE that the Federal response to hate crime must extend beyond just collecting statistics; that this country must at this point develop a comprehensive approach to rooting out the factors that motivate this activity, such as racism and bigotry.

Thank you, Senator Simon.

Senator SIMON. Thank you very much, Ms. Scott.

Mr. Cahill.

STATEMENT OF DONALD L. CAHILL

Mr. CAHILL. Mr. Chairman, the Fraternal Order of Police, which is the largest police organization in the United States, representing over 240,000 law enforcement officers throughout the country, is pleased to be here today. On behalf of our president, Dewey Stokes, who could not be here because of a prior commitment, allow me to express our appreciation to you, Senator, for having these oversight

hearings showing concern for the problem that our organization hopes will end in the future.

My testimony won't be lengthy, but it will be to the point. The Fraternal Order of Police is outraged by recent events both in the streets of America and in the courts. We have great concern that both the recent events and a recent court decision will send a message that is not entirely accurate.

Hate crimes are an ugly reality of our society. As a youth growing up in the inner city, and later in an urban atmosphere of an upper middle class neighborhood, and even later in life during a career of military service, it was very evident to me, but not taken seriously by a lot of others, that bigotry and hatred of our fellow human beings was a fact of life. As a police officer for more than 20 years, I have seen more than my share of this same bigotry and hatred around this country.

The Fraternal Order of Police took a position on this problem very early during the legislative process of the issues being discussed here today. It was all too easy to recognize that this was a major national problem and we wanted something done about it.

After consulting with several organizations involved in a fight against hate crimes, the FOP took a look around the law enforcement community, completed a very unscientific survey, and we didn't like what we saw. As a result, we got involved, reviewing training programs, giving input to organizations developing the programs to help enhance them and to make them more viable. In addition, the Fraternal Order of Police was an early leader in supporting the move for enhanced penalties for violations of hate crime laws.

A recent review of the training that has been available for the last year has found that still many police academies throughout the United States do not specifically include hate crime recognition in their recruit training curriculum. But at the same time, many of these same academies do instruction in the subject during their in-service training of veteran officers.

In reviewing some of the training programs offered, I inquired from some of the police trainers what they felt would be enough training in this area and was very surprised to learn that many thought that a simple rollcall training session of less than one-half to review what should be recognized as a classified hate crime would be sufficient. There was no mention from these training officers about how to get to the root of the problem.

The Fraternal Order of Police is not satisfied with this, but we don't throw the blame at the trainers. We blame all of us in law enforcement that have a claim to professionalism for not recognizing our failures and omissions. We have the need to try harder in this area and we have a responsibility to those we serve to improve in this area.

We suggest that in addition to the training that is currently offered that we look into a comprehensive program that would start with addressing the problem of our children, continuing through that child's life into adulthood, and coordinate these training programs with the sensitivity programs on the job. As with the drug program, law enforcement alone cannot clean up what has been lin-

gering for years. It will take a cooperative effort by corporate America, the education system, law enforcement, and individuals.

Mr. Chairman, I want to thank you for taking this time and attention to the matter, and certainly we stand always ready to assist.

Senator SIMON. I thank you, Mr. Cahill, and your final remarks show the interrelationship of this problem with education and everything, and let me add the interrelationship even with foreign affairs. You pick up the newspaper and read about Bosnia and people wanting ethnic purity, and you recognize we have a job to do here and in every other country just making sure that we reach out so that people understand the basic lesson that people are people, which is something hard for some to understand.

You say in your statement, Mr. Cahill, many police academies throughout the United States do not specifically include hate crime recognition in their recruit training curriculum. Do you think that is still the case?

Mr. CAHILL. Yes, sir, I do. As a matter of fact, right around metropolitan Washington, if we looked into several of the recruit curriculums we wouldn't find anything on hate crime recognition. A lot of us in law enforcement still have the attitude that a hate crime is still just a crime; it is just motivated by something other than opportunity. We are not looking seriously enough at the root of the problem.

The FBI does some tremendous training. There are two things I have always felt that the FBI does well, and that is training and keep statistics. The trouble is that they don't have enough funding to make enough training available. I personally would like to see them devote 75 percent of their budget to training, but the fact of the matter is that they can't because of other mandates.

We are putting additional burdens on them and they recognize the need to even devote resources from other areas. I think that the Congress should take a closer look at this and possibly dedicate funds for the FBI to enhance this training and be able to provide it to more State and local agencies so that they can train more trainers in this and to recognize the importance of it.

Senator SIMON. I asked Mr. Christensen before about this. This is an area where, if the FBI feels that additional funds are needed to follow through on what Mr. Cahill is talking about—and I think there seems to be uniform appreciation for the job the FBI has been doing in this area. I hope Judge Sessions or you or someone will let us know because I agree this is a really vital area.

How do we get word to the people who run police academies that this ought to be included? We don't need a piece of Federal legislation on that?

Mr. CAHILL. No, sir, but I think through the Department of Justice, they have house organs, they have other ways of getting information out to law enforcement academies, I think, through the Law Enforcement Trainers Association. They can develop some programs to get the word out, too. I know just my inquiries caused some review of curriculum in a local police academy here to a point that they are getting ready to add it to their curriculum. They never even thought about it.

Senator SIMON. Well, I assume Mr. Christensen or Mr. Wilson will make a note on your suggestion here so there can be some follow-through.

Ms. Scott, first of all, in your testimony when you say that the FBI reached out to NOBLE, frankly, that encourages me in terms of where the FBI is going and I want to say I appreciate that.

When you mention that hate crimes may be reported to human relations commissions rather than to law enforcement groups, how do we tie the two together? I guess I can ask any of the three of you this.

Ms. SCOTT. I think one of the best ways is right here in Montgomery County, MD, they signed a memorandum of understanding between the human relations commission and the police department that they would share information, and so other jurisdictions, I think, could look at that as a model where you would have the NAACP, the ADL, and other agencies sign a memorandum of understanding with the police departments that they would try to encourage people who come to them with reports to report it to the police.

But I think victims have to feel that the police are going to do something with their complaint, and that is something we have to do through training, sensitizing that initial officer to be more sensitive to the victim where the victim will feel comfortable in coming forth and reporting the crime to the police.

Senator SIMON. And is that kind of an understanding between the human relations commission and the police unusual or is that common? Sheriff, Ms. Scott, Mr. Cahill.

Mr. CAHILL. From personal experience that I have seen in a lot of police departments, it is a mandate from command that there be a working relationship between these agencies. But then again on the other side you have a lot of departments where there is absolutely none whatsoever, and I think that both sides have to reach out for each other to have a working relationship.

Senator SIMON. Sheriff.

Mr. SULLIVAN. Mr. Chairman, I think if we go back to the mid-1980's when we started looking at the victims of violent crime, the rape victims, and making the criminal justice system more focused on the victims instead of all the revenue and the attention going toward the suspects, we are probably in 1991 and 1992 where we were at with probably rape victims in many places across the country in the early 1980's, in that we have to refocus law enforcement and the rest of the criminal justice system to focus on hate crime victims and do a better job.

It is going to take training of the police officers, the investigators. Victim assistance units that are in existence to deal with violent crime victims need to be also trained now in dealing with hate crime victims. So, I think that is part of the residual benefits of the Hate Crimes Statistics Act. We as a nation are beginning to focus on that, but there is a lot of work yet to be done.

Senator SIMON. Talking about work to be done, you mentioned statistics—if you could go over them—about 1991 and then the first half of 1992, or maybe it was 1990 and 1991 for Colorado.

Mr. SULLIVAN. It was 1991 and 1992, the first half of 1992.

Senator SIMON. OK, and the question that I ask myself when I hear those statistics is does that mean that we have a rising problem?

Mr. SULLIVAN. I think we have a rising participation in the program in responding to the act. I think it is far more indicative of the act taking hold than it is on any increase in hate crime incidents, and that is reflected by the number of agencies reporting. Out of the 232 total agencies that should be reporting, we are now up to 195, and we were less than half of that in 1991. The additional numbers are a result of more agencies reporting things they were investigating and handling, but not reporting prior, through the Hate Crimes Statistics Act program of the FBI.

Senator SIMON. One of the things that hits me in this hearing is what the one witness described as the residual, I think was his—the unintended consequences of this, and that is the training and the sensitizing that has taken place that is clearly very constructive.

Let me ask just a personal opinion, subjective impression of each of you. Do we have a rising problem of hate crimes, no change, or a diminishing problem? Sheriff.

Mr. SULLIVAN. I think in the last 5 years we have had an increasing problem, particularly in the last 2 to 3 years, and I think our economy has had a major pressure on that where our fabric has started to come unwoven a bit. With unemployment, people are looking for scapegoats, and quite often minorities may well be looked at as people holding jobs, maybe, that other people have lost, and that has given rise to an increase, I feel, and the sheriffs have—it is one of the items I submitted from the urban county sheriffs group. We felt the economy had put pressure on society to where we did have an increase in hate crimes and it was very real.

Although Colorado numbers are, I think, more indicative of more agencies participating, we have had nationally, and in Colorado, an increase in some hate crime incidents as a result of pressure on society.

Senator SIMON. Ms. Scott.

Ms. SCOTT. I think it has been an increase. I started studying hate crimes about 10 years ago because I was concerned that there was an increase, and at that time nobody felt that way, I don't think. But I think as a result of the national administration that some people interpreted as supporting these types of incidents—the previous two administrations—I think people read certain things, certain messages that were coming from the Federal level. And, also, the economy—as the sheriff has mentioned, I think that that has played a factor in recent years in increasing the amount of hate activity.

It seems to be a lot of intolerance in society for people who are different from the perpetrators, and it seems to be increasing. I am very happy that the FBI is involved in this effort because I think part of the problem also has been law enforcement. You know, in my historical studies of law enforcement, law enforcement in the early days often were perpetrators, or they looked the other way and did not give support to the victims.

Now that we have law enforcement involved, perhaps we may see some dent in the problem. But unless we can arrest the economy

and turn the economy around, I think we will continue to see an increase.

Mr. CAHILL. Mr. Chairman, I think the extreme demographic changes in a lot of our cities and even our urban areas have contributed immensely to the increase in hate crimes. One of the problems that, as a law enforcement officer, I have observed over the last 10 years where I have specifically looked at it and taken a serious survey of it—we had a large influx after the Vietnam War of Asians. As a matter of fact, in the last 10 years we have probably had the largest influx of Asians since pre-World War II. We have a large influx of South Americans and Central Americans.

We are displacing people that are normally living in an urban area or even a suburban area—is now turning into inner city because of the displacement of these people, and that in itself is adding to it. On the downside, law enforcement is not paying attention to this. We are not, and have not been training our people in recognizing their problems, recognizing their needs. We have not made serious attempts at recruiting—we haven't made serious attempts at recruiting in the Asian community today yet.

If you look just in the metropolitan Washington area, the number of Asians we have in the metropolitan Washington area and the number of Asian-American officers that we have—I mean, it is nil. Now, how can anybody expect, say, somebody like myself to go and police an Asian community and gain their trust if I don't understand anything about their problems and their mores, which can be better done if we can somehow develop a program to go out and work with the community and have the community leaders work with the government in developing a bond or a trust and finding a way to be able to convince a lot of the younger people to get involved in community work and government work?

These are things that we have to look at, and until we take a serious look at that and combine it with collecting statistics and data and mesh it all together, it is going to be very hard to infiltrate the problem.

Senator SIMON. I thank all three of you for your very constructive testimony. Ms. Scott mentioned the community outreach program. I think one of the things—we can't expect the police to be doing everything, but I have seen in Chicago right after the Los Angeles riots in one community black and Korean leaders were brought together, and just the exchange is a very healthy thing and I think has to help law enforcement, even though it may not be specifically a law enforcement function. I think all of us have to work on these problems.

I thank all three of you for your excellent testimony.

Our final witnesses are Liz OuYang—and forgive me if I mispronounce your name, Ms. OuYang—staff attorney at the Asian American Legal Defense and Education Fund; and Hal Gershowitz—good to see you again, Hal—chairman of the Chicago Regional Board of the Anti-Defamation League.

Ms. OuYang, am I mispronouncing your name?

Ms. OUYANG. You are, it is OuYang.

Senator SIMON. OuYang?

Ms. OUYANG. OuYang.

Senator SIMON. All right, thank you.

PANEL CONSISTING OF ELIZABETH R. OUYANG, STAFF ATTORNEY, ASIAN AMERICAN LEGAL DEFENSE AND EDUCATION FUND, ON BEHALF OF THE NATIONAL NETWORK AGAINST ANTI-ASIAN VIOLENCE; AND HAROLD GERSHOWITZ, CHAIRMAN, CHICAGO REGIONAL BOARD, ANTI-DEFAMATION LEAGUE, ACCOMPANIED BY MICHAEL LIEBERMAN, ASSOCIATE DIRECTOR AND COUNSEL, WASHINGTON OFFICE, ANTI-DEFAMATION LEAGUE

STATEMENT OF ELIZABETH R. OUYANG

Ms. OUYANG. Thank you, Senator Simon, for calling these hearings today and for being an active supporter of the Hate Crimes Statistics Act.

Before I start, I did want to commend Mr. Cahill for his testimony. I arrived here late this morning, but I did hear his testimony in its entirety, and it was truly heartwarming to hear what he had to say. Too often, I sit on panels with law enforcement officials and I feel like we live in such different worlds, and I appreciate Mr. Cahill for putting the problem out there forthright, no window-dressing, and just stating it for what it is, and I really appreciate that.

Senator SIMON. Is Mr. Cahill still here? [No response.]

We will have to pass that word along to him. We thank you, Ms. OuYang.

Ms. OUYANG. I am testifying today on behalf of the National Network Against Anti-Asian Violence. I am a staff attorney at the Asian American Legal Defense and Education Fund, which represents victims of anti-Asian violence and is active in the area of voting rights, immigration, employment, and redress for Japanese Americans interned during World War II. AALDEF is a member organization of the National Network.

The National Network Against Anti-Asian Violence is a coalition which includes 15 national civil rights, legal, and community-based organizations, and several individuals located throughout the country who are active in combating anti-Asian violence. The Network provides regional updates on cases of anti-Asian violence, information on various Federal and State hate crimes legislation, and community education materials in various Asian-American languages. A list of the Network's member organizations is attached to my written testimony.

The National Network Against Anti-Asian Violence was founded in 1990 in response to the 1989 racial killing of Jim Loo in Raleigh, NC. Two Caucasian brothers, Robert and Lloyd Piche, mistook Mr. Loo, a Chinese-American man, for a Vietnamese-American man, taunted him with racial epithets, and blamed him for the Vietnam War. Robert Piche struck Jim Loo in the head with a pistol, causing Mr. Loo to fall forward and smash his face on the beer bottle. The bottle cracked Mr. Loo's eye socket, causing facial bones to be driven into his brain, killing him. The Network monitored the case and worked with the Department of Justice to prosecute the Piche brothers for Federal civil rights violations.

Today, I am addressing this committee in the tenth anniversary year of Vincent Chin's death. Vincent Chin died on June 23, 1982, in Detroit, MI, 4 days after being struck on the head several times

with a baseball bat. His assailants were two white automobile workers who mistook Vincent Chin, a Chinese man, for a Japanese man and killed him, blaming him for the decline of the automobile industry in Detroit. This case received national attention when the judge simply placed the assailants on probation and required them to pay only a \$3,000 fine each.

While many member organizations of the National Network actively supported the passage of the Hate Crimes Statistics Act, we are concerned about the underreporting and accuracy of the Justice Department's first soon-to-be-released report on the number of racially motivated criminal acts perpetrated against Asian Americans on the basis of their race and/or ethnicity.

The Network believes that the Justice Department's report will reflect a severe underreporting of racially motivated crimes against Asian Americans. While we recognize that the FBI has undertaken a formidable task in implementing the Hate Crimes Statistics Act, the anticipated underreporting stems from institutional barriers at the local level in accurately classifying incidents against Asian Americans as racially motivated. These barriers fuel the lack of trust amongst Asian-American victims of crime in reporting incidents to the police.

Unlike our colleagues, the Anti-Defamation League and the National Gay and Lesbian Task Force, the Asian-American community does not yet have a uniform reporting system within the community to serve as a check to the Justice Department statistics. Moreover, institutional barriers at the Federal level, mainly allocation of adequate resources, prevent accurate reporting of racially motivated incidents against Asian Americans. These cumulative barriers increase the likelihood that the Justice Department's report will reflect an underreporting of racially motivated incidents against Asian Americans.

The Justice Department, in collecting data under the Hate Crimes Statistics Act, must rely heavily on data provided to it from the local police departments. The cold reality is that many incidents of violence against Asian Americans are not reported by the police as racially motivated, and therefore are never investigated by the police department's race bias unit and never classified as racially motivated.

For instance, the February 1992 U.S. Commission on Civil Rights report on "Civil Rights Issues Facing Asian Americans in the 1990's" at page 48 cites a recent report evaluating Boston's hate crimes statistics. The report found that officers on the scene are unlikely to recognize incidents as hate crimes. In fact, "only 19 of the 452 hate incidents in the report's sample that were subsequently identified as hate crimes were initially characterized as civil rights violations by officers on the scene."

The U.S. Commission report goes further to state that the police's failure to identify crimes that are racially motivated appears to be a nationwide problem. It is usually when a racially motivated incident receives heightened publicity that the police department will classify it as racially motivated.

The failure of the police to classify an incident as racially motivated against Asian Americans in a reliable, systematic, and uniform way can be attributed to many important factors. First, the

lack of incentive and requisite attitude and leadership by police departments to take these incidents seriously and investigate them fully is a major impediment to accurately reporting an incident as racially motivated or not. Many local police departments and the FBI have written internal guidelines for classifying an incident as racially motivated, by the actual implementation of those guidelines is thwarted by the lack of leadership and meaningful cooperation from the police in enforcing these guidelines.

The importance of this issue to the police department is undermined by the limited cultural exposure of police to Asian Americans and preconceived attitudes and biases toward Asian Americans. Resentment toward Asian Americans is deeply embedded in mainstream society, including the police force. The often disparate treatment by the police toward Asian Americans, regardless of ethnicity, class, age, and English language proficiency, reflects these attitudes. Mere written guidelines and sporadic training are not enough to pierce personal attitudes that often form a police officer's perception in viewing and reporting an incident.

As the U.S. Commission on Civil Rights report documents, resentment toward Asian Americans has a long and shameful history in the United States. This history dates back to past and current discriminatory immigration laws against Asian Americans, the internment of Japanese Americans during World War II, and discriminatory employment and housing practices against Asian Americans.

Underlying this discriminatory treatment Asian Americans have suffered and continue to face is the refusal to recognize that Asian Americans born and living in the United States are Americans and not foreigners. Incidents of anti-Asian violence have risen as Asian immigrant groups steadily increase in visible numbers. Asian Americans are wrongfully perceived as a threat to the status quo and the cause for the loss of jobs and the downturn in the economy. Asian Americans are convenient scapegoats in the United States for the economic successes of Asian countries abroad. Further, the persistent failure of the city, State, and Federal Government to equitably distribute resources intensifies misplaced resentment between Asian-American groups and other competing groups.

The lack of accurate reporting by the police department is further hampered by the lack of bilingual police officers and Asian-American representation on the police force. Throughout this country, Asian Americans are woefully underrepresented in the police force. For instance, although 512,719 Asian Americans live in New York City, Asian Americans comprise less than 1 percent of the New York Police Department. In Los Angeles, Asian Americans comprise 10 percent of the population, but only 3 percent of the LAPD are Asian Americans.

The visible presence of Asian-American police officers and an adequate number of bilingual police officers would foster a greater understanding of cultural differences and decrease the number of misunderstandings arising from language barriers that often exist between the non-Asian-speaking police officer and a monolingual Asian-American victim. Oftentimes, the reporting and investigation of bias incidents are less than thorough because of the lack of bilingual interpreters.

Against this backdrop, many victims of anti-Asian violence do not report crimes to the police. As advocates in the trenches, we witness and hear victims' accounts of the lack of police response to their situations. Too often when the police come, they first speak to the assailant and not the Asian-American victim, even when it is the Asian-American victim who first contacted the police.

Too often, the police record the assailant's rendition of events and not the victim's account, and moreover omit or belittle the victim's account of facts showing racial animus by the assailant. Too often, the police arrest the Asian-American victim and not the assailant. Too often, the police cannot communicate with the Asian-American victim and don't followup with a thorough investigation into the victim's perception of the incident as racially motivated. Too often, the police intimidate the Asian-American victim from pressing charges against the assailant.

Compounding the situation further is the vast difference in the level of sophistication of police department bias units, State hate crime legislation, Asian-American demographics, and presence of community support groups for Asian-American victims throughout the country.

While the Department of Justice—

Senator SIMON. I wonder if you could kind of summarize the last pages of your testimony.

Ms. OUYANG. There should be a uniform police report that makes the police officer fill out whether or not they did ask the victim whether they felt it was racially motivated, et cetera. Because of the underreporting situation, we have stressed that the Justice Department needs to look to other sources to get accurate statistics, or more accurate statistics on the number of anti-Asian violence.

For instance, because Asian-American groups do not have a uniform system of checking the Justice Department statistics, it is a major problem. For instance, in 1990, the gay and lesbian anti-violence projects in six major U.S. cities documented a total of 1,588 incidents, and local police in those cities recorded only 265 episodes. The ADL, similarly, since 1979 has conducted an annual report on anti-Semitic incidents throughout the country. The ADL received 1,879 reports in 1990. So, we ask that you be aware of the other avenues of collecting information against Asian Americans, and to particularly be aware of those shortfalls.

In closing, just to urge this committee to be aware of the anticipated shortfalls in the Justice Department report with respect to the number of incidents reported against Asian Americans and to seek ways to achieve complete and accurate reporting of incidents of anti-Asian violence.

[The prepared statement of Ms. OuYang follows:]

TESTIMONY

SUBMITTED BY

ELIZABETH R. OUYANG, ESQ.
STAFF ATTORNEY, ASIAN AMERICAN LEGAL DEFENSE AND EDUCATION FUND

INTRODUCTION

Good morning. My name is Elizabeth R. OuYang and I am testifying on behalf of the National Network Against Anti-Asian Violence. I am a staff attorney at the Asian American Legal Defense and Education Fund (AALDEF) which represents victims of anti-Asian violence and is active in the area of voting rights, immigration, employment and redress for Japanese Americans interned during World War II. AALDEF is a member organization of the National Network.

The National Network Against Anti-Asian Violence is a coalition which includes fifteen national civil rights, legal and community-based organizations and several individuals located throughout the country who are active in combatting anti-Asian violence. The Network provides regional updates on cases of anti-Asian violence, information on various federal and state hate crimes legislation, and community education materials in various Asian American languages. A list of the Network's member organizations is attached to my written testimony.

The National Network Against Anti-Asian Violence was founded in 1990 in response to the 1989 racial killing of Jim Loo in Raleigh, North Carolina. Two Caucasian brothers, Robert and Lloyd Piche mistook Mr. Loo, a Chinese American man for a Vietnamese American man, taunted him with racial epithets and blamed him for the Vietnam War. Robert Piche struck Jim Loo in the head with a pistol causing Mr. Loo to fall forward and smash his face on a beer bottle. The bottle cracked Mr. Loo's eye socket causing facial bones to be driven into his brain killing him. The Network monitored the case and worked with the Department of Justice to prosecute the Piche brothers for federal civil rights violations.

Today, I am addressing this Committee in the 10th Anniversary year of Vincent Chin's death. Vincent Chin died on June 23, 1982 in Detroit, Michigan, four days after being struck on the head several times with a baseball bat. His assailants were two white automobile workers who mistook Vincent Chin, a Chinese man for a Japanese man and killed him blaming him for the decline of the automobile industry in Detroit. This case received national attention when the judge simply placed the assailants on probation and required them to pay only a \$3,000.00 fine each.

While many member organizations of the National Network actively supported the passage of the Hate Crimes Statistics Act, we are concerned about the underreporting and accuracy of the Justice Department's first soon to be released report on the number of racially motivated criminal acts perpetrated against Asian Americans on the basis of their race and/or ethnicity.

The Network believes that the Justice Department's report will reflect a severe underreporting of racially-motivated crimes against Asian Americans. While we recognize that the FBI has undertaken a formidable task in implementing the Hate Crimes Statistics Act, the anticipated underreporting stems from institutional barriers at the local levels in accurately classifying incidents against Asian Americans as racially-motivated. These barriers fuel the lack of trust amongst Asian American victims of crime in reporting incidents to the police. Unlike our colleagues, the Anti-Defamation League and the National Gay and Lesbian Task Force, the Asian American community does not yet have a uniform reporting system within the community to serve as a check to the Justice Department's statistics. Moreover, institutional barriers at the federal level, mainly allocation of adequate resources, prevent accurate reporting of racially-motivated incidents against Asian Americans. These cumulative barriers increase the likelihood that the Justice Department's report will reflect an underreporting of racially-motivated incidents against Asian Americans.

I. Institutional Barriers at the Local Level in Classifying Incidents as Racially-Motivated Against Asian Americans.

The Justice Department in collecting data under the Hate Crimes Statistics Act must rely heavily on data provided to it from the local police departments. The cold reality is that many incidents of violence against Asian Americans are not reported by the police as racially-motivated and therefore never investigated by the Police Department's Race Bias Unit and never classified as racially-motivated. For instance, the February, 1992 U.S. Commission on Civil Rights Report on Civil Rights Issues Facing Asian Americans in the 1990's at page 48 cites a recent report evaluating Boston's hate crime statistics. The Report found that officers on the scene are unlikely to recognize incidents as hate crimes, in fact "only 19 of the 452 hate incidents in the report's sample that were subsequently identified as hate crimes were initially categorized as civil rights violations by officers on the scene." The U.S. Commission's Report goes further to state that the police's failure to identify crimes that are racially-motivated appears to be a nationwide problem. Id.

It is usually when a racially motivated incident receives heightened publicity that the Police Department will classify it as racially-motivated. The failure of the police to classify an incident as racially-motivated against Asian Americans in a reliable, systematic and uniformed way can be attributed to many important factors.

First, the lack of incentive and requisite attitude and leadership by police departments to take these incidents seriously and investigate them fully is a major impediment to accurately reporting an incident as racially-motivated or not. Many local police departments and the F.B.I. have written internal guidelines for classifying an incident as racially-motivated, but the actual implementation of those guidelines is thwarted by the lack of

leadership and meaningful cooperation from the police in enforcing these guidelines.

The importance of this issue to the police department is undermined by the limited cultural exposure of police to Asian Americans and preconceived attitudes and biases toward Asian Americans. Resentment towards Asian Americans is deeply imbedded in mainstream society, including the police force. The often disparate treatment by the police towards Asian Americans regardless of ethnicity, class, age, and English language fluency, reflects these attitudes. Mere written guidelines and sporadic trainings are not enough to pierce personal attitudes that often form a police officer's perception in viewing and reporting an incident.

As the U.S. Commission on Civil Rights Report documents, resentment towards Asian Americans has a long and shameful history in the United States. This history dates back to past and current discriminatory immigration laws against Asian Americans, the internment of Japanese Americans during World War II, and discriminatory employment and housing practices against Asian Americans. Underlying the discriminatory treatment Asian Americans have suffered and continue to face is a refusal to recognize that Asian Americans are born and/or living in the United States are Americans, and not foreigners. Incidents of anti-Asian violence have risen as Asian immigrant groups steadily increase in visible numbers. Asian Americans are wrongfully perceived as a threat to the status quo and the cause for the loss of jobs and the downturn in the economy. Asian Americans are convenient scapegoats in the United States for the economic successes of Asian countries abroad. Further, the persistent failure of the city, state, and federal governments to equitably distribute resources intensifies misplaced resentment between Asian American groups and other competing groups.

The lack of accurate reporting by the police department is further hampered by the lack of bilingual police officers and Asian

American representation on the police force. Throughout this country, Asian Americans are woefully underrepresented in the police force. For instance, although 512,719 Asian Americans live in New York City, Asian Americans comprise less than 1% of the New York Police Department. In Los Angeles, Asian Americans comprise 10 percent of the population, but only 3 percent of the L.A.P.D. are Asian American. The visible presence of Asian American police officers and an adequate number of bilingual police officers would foster a greater understanding of cultural differences and decrease the number of misunderstandings arising from language barriers that often exist between a non-Asian speaking police officer and a monolingual Asian American victim. Often times, the reporting and investigation of bias incidents are less than thorough because of the lack of bilingual interpreters.

Against this backdrop, many victims of anti-Asian violence do not report crimes to the police. As advocates in the trenches, we witness and hear victims' accounts of the lack of police response to their situations. Too often, when the police come, they first speak to the assailant and not the Asian American victim even when it is the Asian American victim who first contacted the police. Too often the police record the assailant's rendition of events and not the victim's account and moreover, omit or belittle the victim's account of facts showing racial animus by the assailant. Too often the police arrest the Asian American victim, and not the assailant. Too often, the police can not communicate with the Asian American victim and don't follow up with a thorough investigation into the victim's perception of the incident as racially motivated. Too often, the police intimidate the Asian American victim from pressing charges against the assailant.

Compounding the situation further is the vast difference in the level of sophistication of police departments' bias units, state hate crime legislation, Asian American demographics, and presence of community support groups for Asian American victims throughout the country.

II. The Institutional Barriers at the Justice Department and the Lack of a Uniformed Reporting System by Asian American Groups will increase the Likelihood of Underreporting of Anti-Asian Violence.

While the Department of Justice through the FBI deserves credit in implementing the Hate Crimes Statistics Act, more resources must be allocated to ensure accuracy and reliability of its statistics. For instance, the Justice Department Hotline for reporting hate crimes should be staffed at all times with bilingual interpreters in varying languages, including major Asian American languages. Bilingual advertisements and announcements about the existence of the Hotline should be available. Calls received on the Hotline involving victims of anti-Asian violence should be referred to Asian American organizations for legal representation and support. F.B.I. trainings of police officers on the beat in implementing the Act should include full participation of all affected groups covered under the Act. The F.B.I. should require local police departments to use a uniform police report mandating a check-off box which would indicate if the victim was asked and the victim felt the crime was racially-motivated. etc.

While Asian Americans have participated in the F.B.I. trainings, they have not been able to participate at the level of involvement that some of our colleagues like the Anti-Defamation League (ADL) and the National Gay and Lesbian Task Force (NGLTF) have been able to because of lack of resources. The ADL and the NGLTF are more established and have a far more elaborate system for collecting hate crimes data affecting their particular constituencies than does the National Network Against Anti-Asian Violence which has been recently formed. Such a system serves as an important check to the Department of Justice statistics. For instance, in 1990, the Gay and Lesbian anti--violence projects in six major U.S. cities documented a total of 1,588 incidents and local police in those cities recorded only 265 episodes. The ADL has conducted an annual audit of anti-Semitic incidents throughout

the country since 1979. In 1990, the ADL received 1,879 reports of anti-Semitic incidents.

At present, the National Network Against Anti-Asian Violence does not yet have a uniform system of collecting data on hate crimes in place, although such a system is being devised. More resources must be allocated to Asian American groups to enable them to participate fully in the FBI's implementation of the Hate Crimes Statistics Act. Without full and equal participation of all affected groups in the Act's implementation process, there is likely to be underreporting of incidents involving underrepresented groups. The Justice Department must address this underreporting problem.

In addition to contacting legal and community groups active in addressing anti-Asian violence in the Asian American communities countrywide, there are written reports also available and in the process of being compiled. As previously mentioned, the U.S. Commission on Civil Rights recently released February 1992 report documents the growing number of racially motivated incidents against Asian Americans. A 1988 Philadelphia Human Relations Report, State of Intergroup Harmony, revealed that while Asians make up under four percent of Philadelphia's population, they were the victims in 20% of the city's hate crimes. According to a 1989 Study of the Implementation of the Massachusetts Civil Rights Act, by Jack McDevitt, out of the 452 incidents of racially-motivated violence from 1983-87, 104 involved Asian Americans. According to the 1991 L.A. County Human Relations Commission Report, 54 Asian Americans reported incidents of anti-Asian violence which comprised 15.1 percent of the overall incidents reported. In New York City, since 1987 subway crimes against Asian Americans increased by over 267%, which is three times the rate of attacks against non-Asians. The Committee Against Anti-Asian Violence which is a member of the National Network is preparing a five year report documenting incidents of anti-Asian violence countrywide which is expected to be released soon.

CONCLUSION

The Justice Department's report of incidents against Asian Americans will not be an accurate measure of racially motivated incidents against Asian Americans until the following reforms occur.

First, the institutional systems responsible for providing, collecting, and investigating race bias incidents against Asian Americans must place the requisite priority on investigating and documenting these incidents.

Secondly, the FBI must work closely with the Asian American community to encourage the community to report these incidents, and

Thirdly, there must be full and equal cooperation and participation of community based groups working to combat anti-Asian violence and the institutions responsible for implementing the Hate Crimes Statistics Act.

The Hate Crimes Statistics Act is a step in the right direction and its full implementation must be encouraged.

Given the lessons of Vincent Chin's death and the numerous incidents of racial violence since his death, the National Network Against Anti-Asian Violence urges this Committee to be aware of anticipated shortfalls in the Justice Department Report and to seek ways to achieve complete and accurate reporting of incidents of Anti-Asian violence.

NATIONAL NETWORK AGAINST ANTI-ASIAN VIOLENCE

ORGANIZATIONAL MEMBERS

1. American Citizens for Justice
17914 Maplehill
Northville, MI 48108
2. Asian American Legal Defense and Education Fund
99 Hudson Street, 12th Floor
New York, New York 10013

3. Asian American Bar Association
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Wendel, Rcse, et al.
1221 Broadway, #2000
Oakland, CA 94512
4. Asian American Bar Association of Greater Chicago
c/o Sandra Otaka
6306 North Magnolia
Chicago, IL 60660
5. Asian American Bar Association of Washington
c/o Dean Lum
Bradbury, Bliss & Riordan
5150 Columbia Center
701 Fifth Avenue
Seattle, WA 98104
6. Asian Law Caucus
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San Francisco, CA 94108
7. Asian Pacific American Legal Center of Southern California
1010 S. Flower Street, Room 302
Los Angeles, CA 90015
8. Break the Silence
2319 Grant Street, #7
Berkeley, CA 94703
9. Chinese for Affirmative Action
17 Walter Lum Place
San Francisco, CA 94108
10. Chinese American Citizens Alliance
1044 Stockton Street
San Francisco, CA 94108
11. Committee Against Anti-Asian Violence
191 E. 3rd Street
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12. Japanese American Citizens League
1765 Sutter Street
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13. National Asian Pacific American Bar Association
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2010 North First Street
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14. Northwest Regional Office
Center for Democratic Renewal
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15. Organization of Chinese Americans
1001 Connecticut Avenue, N.W., Suite 707
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Senator SIMON. Thank you very much.
Mr. Gershowitz.

STATEMENT OF HAROLD GERSHOWITZ

Mr. GERSHOWITZ. It is good to be here, Senator. Thank you. I believe we can make our formal remarks quite brief this morning. I am here in my capacity as a member of the Anti-Defamation League's National Executive Committee and as chairman of the Chicago Regional Board of the Anti-Defamation League, and I am accompanied this morning by Michael Lieberman, associate director and counsel in the league's Washington office.

ADL is very pleased to testify today on behalf of a number of human relations and civil rights organizations, including the National Institute Against Prejudice and Violence, the Organization of Chinese Americans, the Japanese American Citizens League, the American Jewish Committee, the National Gay and Lesbian Task Force, and People for the American Way. We are here to give a combined status report, I suppose, on the implementation of the Hate Crimes Statistics Act.

We commend you, Senator Simon, for your very energetic efforts to promote passage of this important measure with Senator Hatch, and for your continuing leadership toward improving the Government's response to hate crimes.

We believe the Hate Crimes Statistics Act, fully implemented, will become a powerful mechanism to confront violent bigotry against individuals on the basis of their race, religion, sexual orientation, or ethnicity. As efforts to implement this act expand, we will learn more about the perpetrators of these hurtful crimes and how to prevent them.

Our support of this measure was not merely to learn the number of hate crimes committed each year. Our goal was not limited to learning with specificity the magnitude of a problem that we already knew existed. We believe the act would also spark improvements in the response of the criminal justice system to hate crimes, and to date considerable progress has made toward this goal.

We applaud the initial steps the FBI has taken to translate Congress' mandate into truly an action agenda. In many ways, the Bureau has treated its new data collection responsibilities as not just an administrative task, but as another important tool to confront violent bigotry. The Bureau has wisely shaped its outreach and educational efforts with substantial input from police departments and human relations groups with prior hate crime experience.

We are eagerly awaiting from the Justice Department its 1990 resource book, which includes information from States with pre-existing hate crime programs, as well as its 1991 Hate Crimes Statistics Act report. Our efforts to promote local participation in the act will be enhanced once the FBI data is published.

Though we haven't yet seen an FBI report, the impact of the Hate Crimes Statistics Act has already been quite significant. Passage of the act has increased public awareness of the problem. It has sparked the creation of new resources on the subject. It has enhanced cooperative efforts between community groups and law enforcement authorities. It has led to the development of prejudice awareness programs at some police training academies, and it has

prompted the development of new hate crime policies and procedures for many law enforcement agencies.

Expanded implementation of the Hate Crimes Statistics Act should have a significant impact on treatment of hate violence throughout the criminal justice system. Training for law enforcement officials in how to identify, report, and respond to hate violence is critical to the success of the Hate Crimes Statistics Act. Congress should act to ensure that the Bureau receives sufficient funding to enable it to continue to respond to requests for hate crime training, as well as continue its own outreach efforts on the issue.

Congress should also act to ensure that every agency within the Justice Department responds to hate crimes on the basis of race, religion, sexual orientation, and ethnicity. The FBI, the Office for Victims of Crime, and the Bureau of Justice Assistance have done this. The Community Relations Service, however, has not, and this has hurt the Department's overall implementation program.

In late June, the U.S. Supreme Court struck down a broad hate crime ordinance from St. Paul, MN. Unfortunately, the Court's decision may have the impact of raising doubt about the constitutionality of all hate crime statutes. It should be made clear that the Hate Crimes Statistics Act and other data collection initiatives are not affected in any way by the Supreme Court's holding, and we could not be more pleased that the FBI has taken steps to notify all of its participating agencies of this fact.

The groups we represent today know well that bigotry, prejudice, and anti-Semitism cannot be legislated, regulated, tabulated, or prosecuted out of existence. But effective response to this type of criminal activity by public officials and law enforcement authorities can play an essential role in deterring and preventing these crimes.

The District of Columbia and 46 States now have enacted statutes addressing hate violence. Yet, even the toughest laws are irrelevant, absent commitment by public officials and law enforcement authorities. These officials must demonstrate to victims and to would-be perpetrators that they take these crimes very seriously, that each and every hate crime is significant.

The success of the Hate Crimes Statistics Act will be determined at the local level and it will be measured by the response of civil leaders and public officials each time hate violence occurs.

We look forward to continued work with Congress, the FBI, public officials, and the law enforcement community to ensure effective implementation of this most important legislation. In conclusion, we would thank and recognize once again the role that you and Senator Hatch have taken in providing the Nation with this important new weapon to fight the incidents of bigotry, intolerance, and hate crime that occur throughout the Nation.

Thank you.

[The prepared statement of Mr. Gershowitz follows:]

PREPARED STATEMENT
OF HAROLD GERSHOWITZ
ON BEHALF OF THE ANTI-DEFAMATION LEAGUE

My name is Harold Gershowitz and I am a member of the Anti-Defamation League's National Executive Committee and Chairman of the Chicago ADL Regional Board. I am accompanied by Michael Lieberman, Associate Director and Counsel for the League's Washington Office.

The Anti-Defamation League is very pleased to testify today on behalf of other human relations and civil rights organizations which worked steadily to pass the Hate Crime Statistics Act (HCSA) and, since its enactment in April, 1990, have worked cooperatively with the FBI and state and local law enforcement officials to implement the Act. We commend you, Senator Simon, for your energetic efforts to promote passage of this important measure with Senator Hatch and for your continuing leadership towards improving the federal government's response to hate crimes.

We believe the HCSA can be a powerful mechanism to confront violent bigotry against individuals on the basis of their race, religion, sexual orientation, or ethnicity. The hate crime coalition that emerged to support passage of the HCSA was a broad, bipartisan group of more than 75 human relations agencies, civil rights groups, and law enforcement organizations which lobbied on behalf of the bill from its introduction in 1985.

The groups we represent today are not just interested parties with academic curiosity about how well the HCSA gets implemented. Hate crime data collection is much more than mere numbers for us.

All currently available public and private data indicates an increase in reported hate crimes -- and reveals that it is our

constituencies that are the most frequent targets of these crimes: we are the numbers.

But all Americans have a stake in effective response to violent bigotry. These crimes demand a priority response because of their special impact on the victim and the victim's community. Failure to address this unique type of crime could cause an isolated incident to explode into widespread community tension. The damage done by hate crimes cannot be measured solely in terms of physical injury or dollars and cents. Hate crimes may effectively intimidate other members of the victim's community, leaving them feeling isolated, vulnerable, and unprotected by the law. By making members of minority communities fearful, angry, and suspicious of other groups -- and of the power structure that is supposed to protect them -- these incidents can damage the fabric of our society and fragment communities.

For these reasons, the HCSA has received crucial support from a number of prominent law enforcement organizations -- including the International Association of Chiefs of Police (IACP), the Fraternal Order of Police, the National Sheriffs Association, the Police Foundation, the National Organization of Black Law Enforcement Executives (NOBLE), and the Police Executive Research Forum. Moreover, police agencies with a proven track record on outreach to minority groups and community organizations -- like the Boston Community Disorders Unit, the Neighborhood Relations Unit in Chicago, and the Baltimore County Police Department -- have offered compelling testimonies regarding the utility of the data -- and, importantly, the feasibility of collecting it.

As efforts to implement the HCSA continue and expand, we will learn more about the perpetrators of these especially hurtful crimes -- and how to prevent them. It was never merely the numbers of hate crimes committed annually that we hoped to obtain through enactment

of the HCSA. If we had wanted simply an end-of-the-year figure, we would have supported plans to incorporate this data collection effort as part of the Justice Department's National Crime Survey. The Survey would likely have given us the most accurate picture of the magnitude of the problem, but without any immediate impact on law enforcement's response to the problem.

It has always been our view that we did not need the data collected by the HCSA to tell us the nation had a hate violence problem. Our hope was not simply to learn, with specificity, the magnitude of the problem. We believed the Act would also spark improvements to the response of the criminal justice system to hate crimes. To date, considerable progress has been made towards that goal.

In enacting this measure, Congress recognized that both local and national responses to hate crimes have been severely hampered by the almost total lack of hard, comprehensive, and comparative data concerning the number, location, and types of hate crimes. The legislative history makes clear that the Act was intended to provide police officials and civic and community leaders with accurate information on the scope of the hate crime problem -- the geographical breakdown, frequency and type of crimes committed -- to enable those who confront hate crimes to do so in the most effective manner. Importantly, Congress recognized that effective and comprehensive implementation of the HCSA, however, would be an important step to demonstrate that treatment of these crimes is a priority.

At this first Senate oversight hearing on the HCSA, it is appropriate to compare what the sponsors and supporters hoped would be accomplished by the law with the achievements so far.

FBI EDUCATION AND OUTREACH EFFORTS

We applaud the initial steps the FBI has taken to translate Congress's statutory mandate into an action agenda. In many ways,

the Bureau has treated its new data collection responsibilities not just as an administrative responsibility, but as another important tool to confront violent bigotry against individuals on the basis of their race, religion, sexual orientation, or ethnicity. We welcomed the Bureau's statement before the House Judiciary Subcommittee on Crime and Criminal Justice in mid-May, indicating that it considers hate crime data collection a permanent addition to the UCR program, even though the Act's Congressional mandate expires in 1994.

The Bureau has wisely shaped its outreach and education efforts on the new Act with substantial input from law enforcement agencies and human relations organizations with prior experience in both collecting hate crime data and in responding to hate violence. To its credit, the FBI utilized existing resources in developing its excellent training manual and data collection guidelines. A number of groups, including ADL, People For the American Way, the National Gay and Lesbian Task Force, the American Jewish Committee, the Japanese American Citizens League, the Organization of Chinese Americans, and the National Institute Against Prejudice and Violence provided initial input for these documents -- and the quality of the finished products are testaments to the cooperative, inclusive spirit in which they were drafted.

These two resources have now been distributed to the over 16,000 law enforcement agencies nationwide that regularly voluntarily report crime data to the FBI. They form the basis for other training manuals and curriculum outlines for state and local law enforcement officials around the country. Recently, the FBI circulated an expanded appendix to the guidelines listing community groups which are sources of information on responding to hate violence.

Recognizing that the credibility and usefulness of this data will depend on the quality of the reports, the FBI arranged training seminars on how to identify, report, and respond to hate crime for state and local law enforcement authorities. These programs have featured presentations on the nature of prejudice, the utility of the data, and the impact of hate violence. ADL and other groups with expertise in analyzing and responding to hate crimes have participated in these sessions. The FBI has now provided training for officials from over 300 of the nation's largest cities.

We are disappointed that the Justice Department has not yet published either its 1990 Resource Book of available hate crime data from states and local agencies which collected this information prior to the enactment of the HCSA or its 1991 HCSA report. We well recognize that these and other initial FBI reports will likely not reflect the actual incidence of hate violence in the country -- in large part because of lack of state and local participation, but also because the public is not fully aware of this effort. It has been the ADL's experience that victims are more likely to report a hate crime when they know a special reporting system is in place. Other victim studies, by NOBLE in particular, also make this finding.

When the FBI makes public the hate crime data that has been reported to them, it will facilitate our efforts to promote local participation in the data collection initiative. In May, the FBI released a state-by-state hate crime implementation status report in conjunction with Rep. Schumer's Subcommittee hearings. This report indicated which jurisdictions with over 100,000 population had reported hate crime data to the FBI, but did not reveal the actual number of crimes reported. According to that report, only 38% of the states have begun to participate in the hate crime data collection efforts, 8% are partially participating, and 54% are not participating at all.

According to that FBI report, only 141 of the 316 jurisdictions with over 100,000 population have begun to participate in this effort. This would appear to mean that less than half of those jurisdictions that participated in FBI-sponsored training have reported hate crime data to the Bureau.

Though we have not yet seen a national workproduct in terms of a data collection report, the impact of the HCSA has already been quite significant. Passage of the Act has increased public awareness of the problem and sparked the development of a number of especially useful materials on the subject for the law enforcement community.

Initiatives and Resources

** Resolutions urging comprehensive implementation of the Act have been passed by the International Association of Chiefs of Police (IACP), the U.S. Conference of Mayors, the National Association of Attorneys General, the National Sheriffs Association, the Fraternal Order of Police (FOP), the Association of State Uniform Crime Reporting Programs (ASUCRP), and the International Association of Directors of Law Enforcement Standards and Training (IADLEST).

** Methods of implementing the Act have been discussed at many state law enforcement training academies and on the Law Enforcement Television Network.

** The IACP's National Policy Center published an excellent Model Policy on the subject, accompanied by a comprehensive Concepts and Issues Paper in August, 1991

** Next week, hate crime response experts from around the country -- including an ADL representative -- will meet to continue work on developing a model curriculum for use by the Federal Law Enforcement Training Centers (FLETC) for delivery to federal,

state, and local law enforcement officials through its National Center for State and Local Law Enforcement Training.

** Many of the groups we represent today have prepared background information for our own constituents about the Act, what this data collection initiative can achieve, and how to urge local officials to move forward with implementation.

** In June, the U.S. Conference of Mayors and the ADL jointly published a report entitled, "Addressing Racial and Ethnic Tensions: Combatting Hate Crimes in America's Cities." Included in this report were results from a survey sent to 1000 cities -- the most comprehensive national survey to date on issues relating to hate crimes. The results from the 157 responding cities were notable:

-- Police departments in 71 percent (109) of the survey cities have begun to report hate crime data to the FBI.

-- Police departments in 47 percent (73) of the cities reported that they have special written policies, procedures, or directives on reporting and responding to bias-motivated violence -- many of which were promulgated or updated after the passage of the HCSA.

-- Police departments in 31 percent (48) of the survey cities have a special unit or task force to handle bias-motivated criminal activity.

-- Law enforcement training centers have course work or training sessions on responding to hate crime in 64 percent (100) of the survey cities. In 76 percent (119) of the cities, sessions are offered on cultural diversity. In 71 percent (112) of the cities courses are included on prejudice awareness and discrimination. Again, a number of these courses were developed or updated after the passage of the HCSA.

-- The responding cities reported that between 1990 and 1991 reported incidents of hate violence increased in 36 percent (43)

of the cities and remained the same in 58 percent (69) of the cities. Only six percent (7) of the cities reported a decrease in hate violence.

Advancing Police-Community Relations

The violence on the streets of Los Angeles following the announcement of the jury's verdict in the Rodney King police brutality case riveted the nation's attention on race relations and raised concerns about our criminal justice system. The widely-viewed, graphic videotape of the beating of Rodney King has impacted on the reputation of good officers across the country and put police behavior in the spotlight. Citizens are now looking to law enforcement executives for assurances that what happened to Rodney King and what happened on the streets of Los Angeles after the jury verdict will not happen in their communities.

This increased public awareness and concern has certainly raised expectations for those government officials charged with confronting these tough problems -- and served to underline the critical importance of initiatives to promote enhanced police-community cooperation. The national spotlight, however, also presents exciting new opportunities for law enforcement agencies to enhance relationships with community groups. Importantly, this Act provides government and law enforcement officials with a tangible, practical tool to enhance police-community relations.

Implementation of the HCSA can be a timely demonstration for problem oriented outreach and communication between the police and local communities.

A Ripple Effect Throughout the Criminal Justice System

As previously mentioned, comprehensive implementation of the HCSA should have a significant impact on treatment of hate violence throughout the criminal justice system. This "trickle up" impact:

-- Begins with the responding officer to the crime. The first officer on the scene sets the tone for the incident and how that officer responds is critically important. He or she must be able to identify a hate crime, respond to it appropriately, and report it accurately. The internal police procedures continue with an investigator's verification of the incident and the department's follow up with the victims.

-- Prosecutors, especially in states with enhanced penalty provisions for hate crimes, should be expected to press hard for convictions in these frequently well-publicized cases. Human rights groups are increasingly recognizing that they can play an important role in encouraging victims to report hate crimes and then assist in the investigation and prosecution of the crime.

-- Judges should then be under scrutiny to provide substantial sentences after convictions.

Recommendations

Training for law enforcement officials in how to identify, report, and respond to hate violence is critical to the success of the HCSA. Without sufficient funds for the data collection itself and for training state and local officials, the Act will be relegated to just another good idea. The groups represented here are prepared to support efforts to secure funding for hate crime training at state police academies. We are prepared to work cooperatively with law enforcement agencies on hate crime training itself -- to provide perspectives on the impact of these crimes on victims. The objective should be to institutionalize this initiative as a part of the regular training curriculum.

** The FBI has done good work with their training and outreach efforts to date. We would encourage Congress to take steps to ensure that the Justice Department receives sufficient funding for

the FBI to continue to respond to requests for hate crime training from law enforcement agencies across the country, as well as funding to continue its own training and education outreach efforts on the issue. Such steps could include appropriating additional funds for this purpose or earmarking existing FBI funds towards this end.

** The FBI should also take steps to incorporate hate crime training for new agents and in-service training at its Quantico academy.

** Every agency within the Department of Justice that is involved in HCSA training, research, education, or community outreach should do so in accordance with the terms of the Act -- responding to crimes committed on the basis of race, religion, sexual orientation, and ethnicity. The FBI, the Office For Victims of Crime, and the Bureau of Justice Assistance have done this, but the Community Relations Service has not -- and this has hurt the Department's overall implementation program. CRS has unfortunately misconstrued its more limited statutory mandate for mediation and conciliation services to mean that its hate crime training, education, and research must not include those crimes targeted at victims because of their religion and sexual orientation.

** Congress should ensure that the Treasury Department receives sufficient funding for FLETC to complete its hate crime curriculum development initiative. The Treasury Department should provide funding for delivery of this program to federal, state, and local law enforcement officials through the structure of FLETC's National Center for State and Local Law Enforcement Training.

** Like other data collected by the FBI and published in Crime in the United States, national hate crime data should be made public on a jurisdiction-by-jurisdiction basis. Before that time, police

agencies would be well-served to establish an integrated hate crime response network, including liaisons to local prosecutors, city or county human rights commissions, and non-profit victim advocacy organizations.

** Ironically, the FBI has apparently been unable to collect hate crime data from some states and municipalities with existing hate crime data collection programs. This problem of conversion of existing state data into information compatible with the HCSA mandate must be resolved.

** To ensure that hate crime data is not collected in a vacuum, state-wide tracking and trend analysis centers, such as the Bias Crime and Community Relations Office in New Jersey and the Maryland Racial, Religious, and Ethnic Intimidation Advisory Committee, should be established across the country.

** Local civil rights and human relations groups, like ones we represent today, can be helpful in a number of ways -- including helping to analyze the data for both our own constituents and for the media. This context can be especially useful in the case of aggressive, diligent agencies who are called upon to explain why their hate crime numbers are higher than neighboring, less attentive departments. Community groups will know which agencies have made serious efforts to confront hate violence.

The Supreme Court's Recent Hate Crime Decision

In late June, the U.S. Supreme Court unanimously struck down a broad hate crime ordinance from St. Paul, Minnesota. The Court's decision in R.A.V. v. St. Paul unfortunately may have the impact of raising doubts about the constitutionality of all hate crime statutes. Yet, it should be clear that data collection initiatives, like the HCSA, are not affected in any way by the Supreme Court's holding. We are pleased that the FBI has taken steps to notify all its participating agencies of this fact.

As courts continue to wrestle with different types of hate crime statutes, renewed emphasis should be placed on ensuring that police officers understand and appreciate that bias-motivated crimes have an impact which transcends the individual victim and affects entire communities.

The groups we represent today know well that bigotry, prejudice, and anti-Semitism cannot be legislated, regulated, tabulated, or prosecuted out of existence. Even the best-trained officers will not eliminate criminal activity motivated by prejudice. The long-term solution is education and experience, leading to better understanding and appreciation of diversity in our society. But effective response to this type of criminal activity by public officials and law enforcement authorities can play an essential role in deterring and preventing these crimes. These numbers will not speak for themselves -- because behind the numbers is the pain and trauma of the victims.

Forty-six states and the District of Columbia have now enacted statutes addressing hate violence. Yet, even the toughest laws are irrelevant absent commitment by public officials and law enforcement authorities. Legislators must use the HCSA data to tailor federal and local response to hate crimes. Law enforcement officials should use the data to help allocate resources and to craft strategies to prevent these crimes. Victims need to know that the law enforcement community takes these crimes seriously: that each and every hate crime is considered significant.

The success of the HCSA will be determined at the local level -- and it will be measured by the response of these officials to each criminal act motivated by prejudice. We look forward to continued work with Congress, the FBI, with public officials, and with the law enforcement community to ensure effective implementation of this most important legislation.

Senator SIMON. We thank both of you, and we thank Mr. Lieberman for his work here, also.

Mr. Wilson, you are still here, with the FBI. If you don't mind coming up here, because a few of these questions that have been raised in the testimony are directed to you. For example, Mr. Gershowitz in his testimony says the FBI should also take steps to incorporate hate crime training for new agents and inservice training at its Quantico academy.

My impression is that is being done, or is that not being done? Do you know?

Mr. WILSON. Senator Simon, Director Sessions has, for a good, long period of time, had much interest in training our agents in diversity issues, and some of that is already being done. Much more is in the planning stages.

Senator SIMON. I do think the suggestion is a good one, and if you can pass that along to Judge Sessions, I would appreciate it. Mr. Gershowitz also says the FBI has apparently been unable to collect hate crime data from States and municipalities with existing hate crime data collection programs. Is that correct?

Mr. WILSON. Partly, yes. There has been some problem in transferring systems between those that were already established and the national program. However, those reconciliation projects are underway in almost all of the States that he alluded to. So we are hopeful that that will be accomplished fairly soon.

Senator SIMON. You indicated you are reaching about 80 percent; I think Mr. Christensen indicated you are reaching about 80 percent. Maybe we are talking about populations versus jurisdictions, but Mr. Gershowitz says, "According to the FBI report, only 141 of the 316 jurisdictions with over 100,000 population have begun to participate in this effort." Is there a contradiction between those statistics?

Mr. WILSON. I believe the 80 percent was the broad training coverage that has already been done. The 315 agencies that cover over 100,000 population, cities and counties throughout the country, represent about 77 percent of the entire country's population. So, with the additional training being done at the State level and other training throughout the country, I believe the 80-percent figure represented the broad coverage in training.

With regard to participation, one of the things, I believe, Senator, that may be of positive interest to you is this. The program that is being discussed today primarily is an interim program, a hard copy collection program that was devised to quickly allow us to educate and begin to collect data from the law enforcement community.

The ultimate vehicle is called the National Incident-Based Reporting System. This effort began in 1989 to renovate the entire 62-year-old UCR Program. That incident-based program contains far more detail and concrete information about hate crimes that are committed in conjunction with 46 specific types of offenses—white collar offenses and terrorism offenses, and on and on. That is the ultimate goal.

Fortunately, on a long-term basis, many States, about 37 States, including most of those 315 larger municipalities, are in the process now of implementing that incident-based system. We believed,

and still do, that it is better to wait a few months for that more meaningful implementation to occur than to try to pose an interim system to those agencies who are already expending resources. So we have chosen not to push some of those agencies.

Senator SIMON. Are you finding any States or municipalities or counties where they are dragging their feet and resisting cooperation?

Mr. WILSON. We are finding some areas of skepticism with regard to what the implementation of the Hate Crimes Statistics Act will mean to the local agency, some fear. That fear is quickly being dissipated once they see successful implementation in other departments, but there is some skepticism, yes, and they are pocketed within certain areas within certain States. I think you can see that the State leadership is crucial. Mr. Gershowitz said the success of the program is going to be measured at the local level. I couldn't agree more.

Senator SIMON. If you could make a note, I would be interested in getting a report from the FBI 6 months from now. Are those pockets of resistance still there, are people cooperating?

Then Mr. Gershowitz mentioned community relations, and Ms. Scott earlier in her testimony mentioned the community relations effort. Ms. OuYang didn't mention it specifically, but indirectly indicated that. I simply pass that along. I recognize that is not your immediate area of jurisdiction, Mr. Wilson, but clearly that comes through in the testimony here today that the community relations outreach program can be more helpful in all of this, if you can just pass that along. I don't know if we are going to have any more questions for you here.

Mr. Gershowitz, I cited the ADL statistics earlier, but beyond just the statistical information, what is your kind of visceral reaction of what is happening in this country in terms of is it getting better, is it getting worse? And, Ms. OuYang, I would like to get your response on that, too.

Mr. GERSHOWITZ. I think there is a diminution of civility that we are witnessing both in our own country and throughout much of the world today that should be, and I think is, troubling to thinking people everywhere. When we talk about the recent ADL survey, what is significant more than the raw numbers is that they were the worst figures in the 13 years that we have been doing the survey.

For the first time in the history of the survey, acts against individuals were greater than acts against property. Personal attacks were greater than vandalism for the first time in the history of the survey. For 5 consecutive years now, we have seen the data deteriorate in terms of increases in these incidents.

In the context of the point that you very aptly made earlier today about as a world listening to talk of ethnic cleansing, and so on, I think that we are in a very, very troubled time. The metaphor that I would draw, I think, is that the loss of civility to the body politic, to the Nation, is not unlike the loss of immunity within a population. When that happens, disease occurs. When there is a loss of civility in the country, I think another type of disease occurs, and it is hard to escape the conclusion that we are observing it today.

The only way we can track it and really assess what it means and plan to do something about it is to really fully implement an act like the Hate Crimes Statistics Act that will tell us on an ongoing basis what we are dealing with. We are dealing with something very serious in the land today.

Senator SIMON. You heard Sheriff Sullivan testify earlier where he showed increases in statistics in Colorado, but indicated he thought it was because of increased reporting. Is it possible that the ADL statistics are a reflection of that—and, Mr. Lieberman, if you wish to comment, feel free to—or do you believe that we have a mounting problem?

Mr. GERSHOWITZ. Well, I think unlike other areas in society, the ADL effort with respect to anti-Semitic incidents to collect and retrieve this data has been going on for a long time and its constituency is sensitive to that effort. So I think the reporting has been probably improving, but rather consistently at a high and sophisticated level. One could speculate that improvements in reporting skew the data, but I would suggest that prudence suggests that there is a growing problem in the country.

Senator SIMON. Ms. OuYang, your response, just your visceral reaction. Are we having an increasing problem or not?

Ms. OUYANG. Unequivocally, we have an increasing problem, Senator. I was purposefully hired at the Asian American Legal Defense Fund to start an anti-Asian violence project. AALDEF had been active in the area of anti-Asian violence, but there was a need to form a formalized project to address the increasing incidence of anti-Asian violence. Similarly, the National Network Against Anti-Asian Violence was formed in 1990, composing 15 different national civil rights groups, because of the increasing problem.

Also, the three major legal organizations that address Asian-American concerns—the Asian American Legal Defense Fund in New York City, the Asian Law Caucus in San Francisco, the Asian American Legal Action Center in L.A.—have formed a national consortium so that we can have a lobbyist group in the District of Columbia to also work on these issues. The combined effect, I think, is indicative of the increase.

Also, given the state of the economy, the increasing pressures of pitting groups between others, the Pearl Harbor celebration, et cetera, we have seen definitely an increase in Japan-bashing, and the number of anti-Asian violence has escalated, doubled, since then. Similarly, we have seen the development of organized hate groups against Asian Americans. In New York, for instance, we have a group called the Master Race, which is a white youth group against Asian Americans. In New Jersey, we have the Dot Buster group against Asian Indians, and so groups like that we have seen develop and grow.

Senator SIMON. Susan Kaplan from my staff has just reminded me that black and gay groups also report substantial increases in numbers of incidents.

You mentioned the underreporting in the Asian community. When the FBI met with various groups, did you also meet with those representing the Asian community? Do you know, Mr. Wilson?

Mr. WILSON. Senator, we met with approximately 24 human interest or human relations groups back in—soon after the law was passed in 1990. I believe our national conference was in August, law enforcement interests who had experience in this area and the 24 human interest groups who were instrumental in designing this program.

You know, the FBI today has received a lot of applause for what we have done, and really those quite welcome comments should apply to all 24 human interest groups, some of whom are represented here today, the ADL and others, and also to the law enforcement agencies that have pioneered this effort in several States.

Also, Senator, I would just really love to take this opportunity to thank you for allowing members of your staff, your very competent staff, including Susan Kaplan, to have walked this path with us. They were very helpful and provided the guidance that molded this effort the way it has come.

Senator SIMON. I thank you for that, and I do agree that I do have a good staff. They may ask for raises here now.

In response to my specific question, were Asian-American groups represented at that?

Mr. WILSON. Senator, the Asian Pacific American Legal Center was included in that. They are based in Southern California.

Senator SIMON. OK. You mentioned the whole problem, Ms. OuYang, of communicating with police. Now I recall, probably a couple of years ago, getting a complaint from Chinatown in Chicago saying they would like police assigned who were more sensitive. I talked to the superintendent of police and he said, we have a problem recruiting people from the Chinese community. I reported back to the Chinese leaders and they said, well, police aren't letting us know.

There is a little bit of action needed, I think, on both sides. The Asian community and the organizations you represent can encourage Asian young men and women—not simply just young men and women, but primarily young men and women, to consider law enforcement as they consider careers, as well as clearly we have to be encouraging the FBI and law enforcement officials to make a special effort in those communities.

Is there any effort being made along that line that you are aware of in the Asian community or by police departments?

Ms. OUYANG. Not that I am aware of. I agree with you that I think both sides have to work harder on it, but the recruitment effort has to be—in large part, I think the impetus has to come from the police departments. We don't see active recruitment in the communities. You know, we don't see a lot of bilingual advertisements or announcements about opportunities in the police department, et cetera.

Also, it is difficult, I think, to attract Asian Americans to the police force when this has been our experience, and I think that the police department has to restore credibility to the way in which they investigate and follow through on these incidents. The Hate Crimes Statistics Act, to your credit, and to the FBI and the Justice Department, is one step in that direction, but it has a long way

to go, I think, before the Asian-American community can trust law enforcement agencies.

Senator SIMON. Well, if we can be of help in that process in communicating either with Federal officials or State and local officials, I would be pleased to try and be of some assistance there. We are eager to be of help.

Finally, as you mentioned the problems of Japanese Americans, my wife and I saw "Fiddler on the Roof" again over the weekend, and at the end Tevia and his family are given 3 days' notice that they have to leave. It was 3 days' notice, at the most, that Japanese Americans got in February 1942 that they had to sell all their property, put everything they owned into one suitcase, and be taken off to camp. It is an illustration of why we have to reach out to one another.

One of the things that I appreciate and I applaud is the ADL and the Asian-American groups and all the other groups that have played a part in encouraging the passage of this legislation. I think the education that is coming with it is a very constructive thing and moves us in some incremental way we cannot gauge in the right direction. I applaud all of you. Thank you very much. Let me add my appreciation, also, to the FBI for what you are doing.

Mr. WILSON. Senator, at the fear of not recognizing two groups that I failed to list when you asked about Asian groups, let me include, if I may, please, the Committee Against Anti-Asian Violence and the Japanese American Citizens League to that first one that I named for you.

Senator SIMON. Good. Our hearing stands adjourned.

[Whereupon, at 12:15 p.m., the subcommittee adjourned.]

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