

FACT SHEET: Anti-Asian Prejudice March 2021

Center for the Study of Hate & Extremism

Anti-Asian Hate Crime Reported to Police in America's Largest Cities: 2019 & 2020

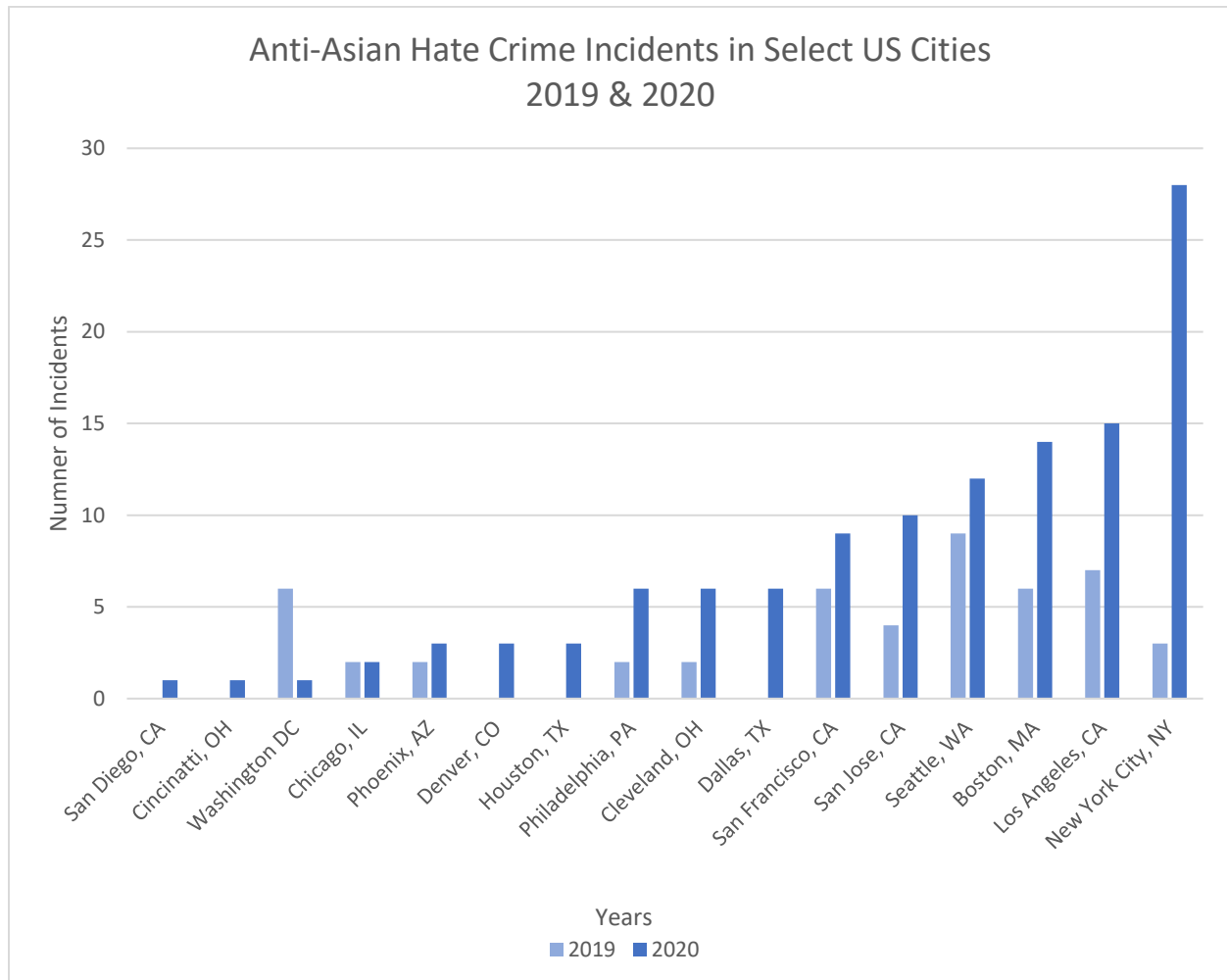
Anti-Asian Hate Crimes Surge 145%, while overall hate crime Drops 6% in 2020.

City Population	Total Hate Crimes 2019	Total Hate Crimes 2020	% of Change for Total Hate Crimes 2019-2020	% of Population - AAPI	Percent of Change Anti-Asian Hate Crimes	2019 Anti-Asian	2020 Anti-Asian
New York City, NY 8,336,817	428	265	-38%	14.5%	833%	3	28
Los Angeles, CA 3,979,537	326	355	9%	11.6%	114%	7	15
Chicago, IL 2,693,959	100	81	-19%	6.9%	0%	2	2
Houston, TX 2,316,797	25	47	88%	6.5%	-	0	3
Phoenix, AZ 1,680,988	156	204	31%	4.2%	50%	2	3
Philadelphia, PA 1,584,064	35	17	-51%	7.5%	200%	2	6
San Antonio, TX 1,508,083	9	38	322%	2.8%	0%	0	0
San Diego, CA 1,423,852	30	25	-17%	17.2%	-	0	1
Dallas, TX 1,343,565	31	62	100%	3.40%	-	0	6
San Jose, CA 1,021,786	34	89	162%	38.0%	150%	4	10
San Francisco, CA 881,549	64	52	-19%	35.0%	50%	6	9
Seattle, WA 753,655	114	126	11%	16.9%	33%	9	12
Denver, CO 727,211	88	71	-19%	3.7%	-	0	3
Washington, DC 705,749	203	132	-35%	4%	-83%	6	1
Boston, MA 694,295	170	146	-14%	9.7%	133%	6	14
Long Beach, CA 462,645	23	18	-22%	12.3%	-	NA	0
Cleveland, OH 380,989	116*	NA	-	2.4%	200%	2	6
Cincinnati, OH 303,954	41	45	10%	2.3%	-	0	1
TOTALS	1877	1773	-6%	N/A	145%	49	120

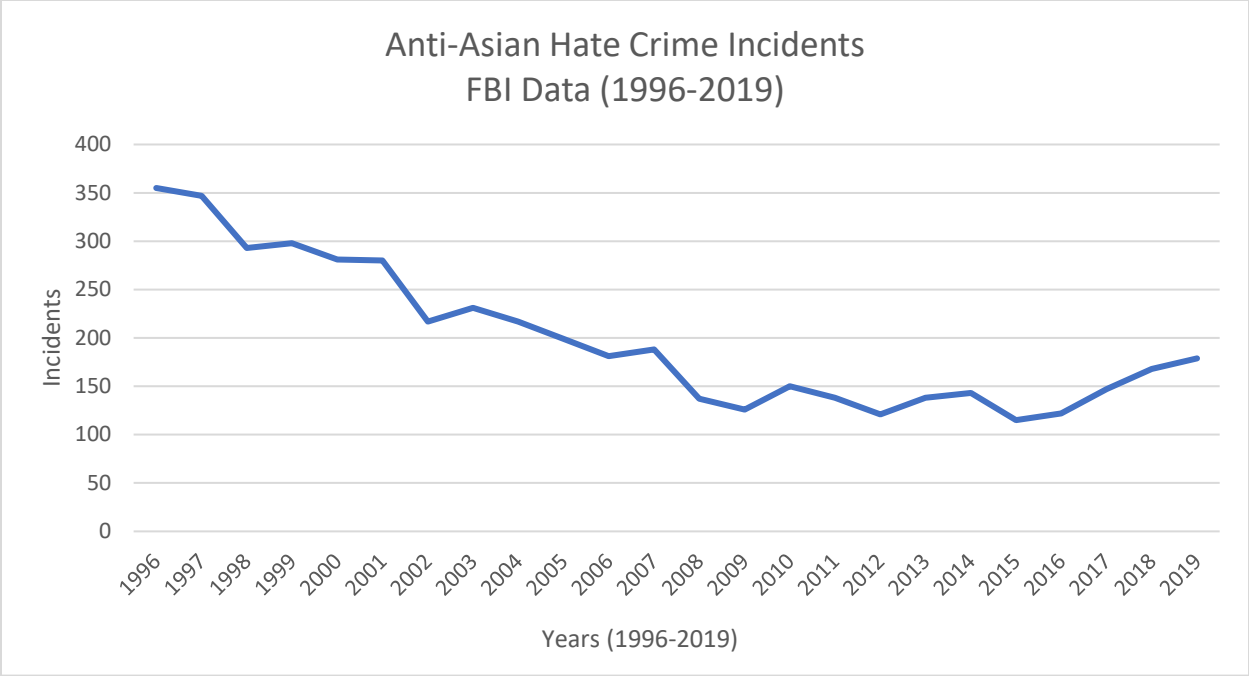
Note: Total Hate Crimes 2019 and Total Hate Crimes 2020 for Cleveland are not included in the Totals for Select Cities in those years. Cleveland is also not included in the percentage of change for Total Hate Crimes in 2019-2020. Source: Curated Database by CSHE, Drawn from data by policing agencies

Anti-Asian hate crime in 16 of America's largest cities increased 145% in 2020 according to an analysis of official preliminary police data by the Center for the Study of Hate & Extremism at California State University, San Bernardino, with the first spike occurring in March and April amidst a rise in COVID cases and negative stereotyping of Asians relating to the pandemic.

In a study to be released later this month entitled *Report to the Nation: Anti-Asian Prejudice & Hate Crime*, data further indicated that this rise occurred amidst an overall decline in hate crime likely caused by a lack of interaction at frequent gathering places liked transit, commercial businesses, schools, events, and houses of worship. In 18 of major U.S. cities, including the 16 largest ones, hate crimes overall declined by 6 percent. This is the first study of police data for 2020 across the U.S. Other charts from different datasets from the forthcoming report are presented herein. The FBI releases its 2020 national hate crime figures in November.



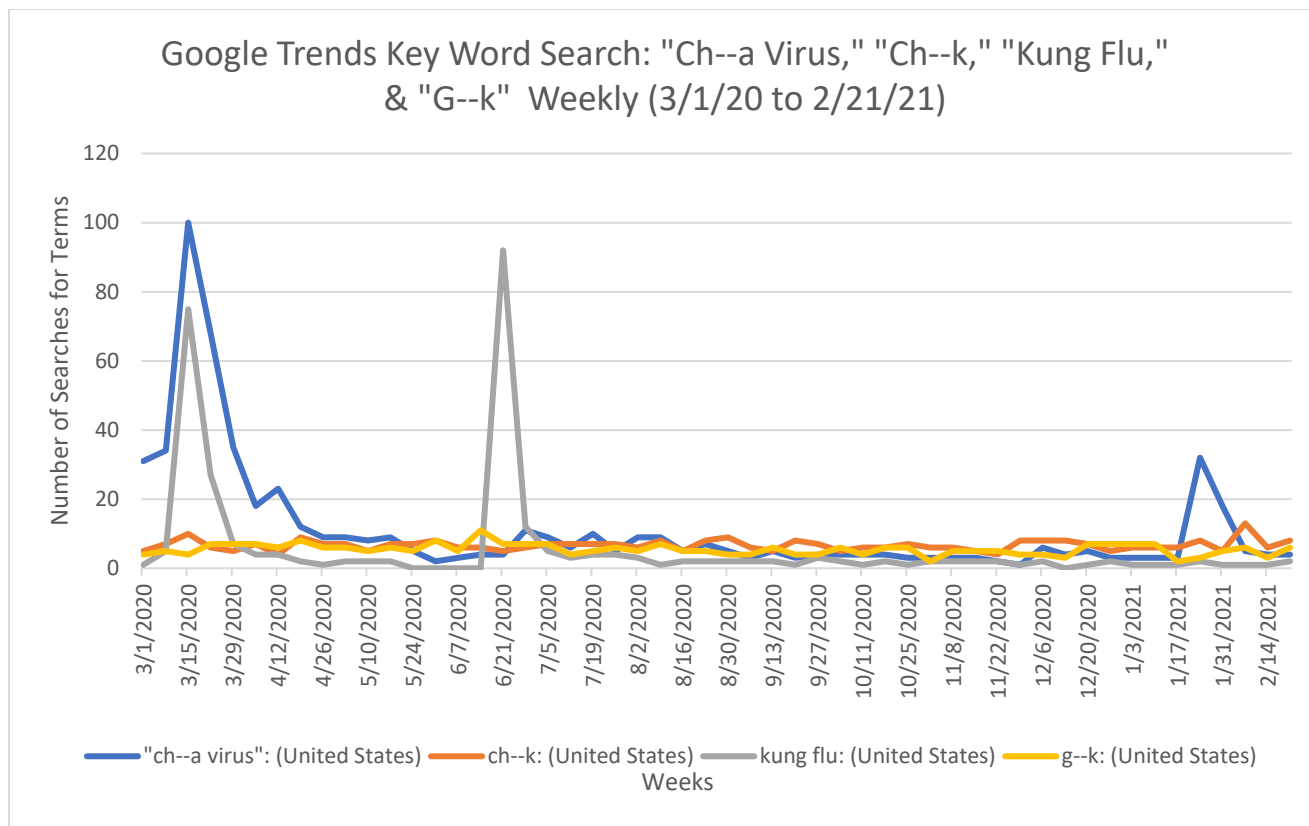
Source: CSHE



Source: FBI/UCR [From 2013-2019 Asian & Haw./Pac. Islander-Alaska Native Combined]
FBI Hate Crime: Multi-Year Trend by Group

Bias Category	Years Compared (1 yr/5 yr)	Number of Hate Crimes for Each Year	Change in Number	Percent Change
<i>All Hate Crime</i>	2019 to 2018	7,314 from 7,120	+194	+2.72%
	2019 to 2014	7,314 from 5,479	+1835	+33.49%
<i>Anti-White</i>	2019 to 2018	666 from 762	-96	-12.60%
	2019 to 2014	666 from 593	+73	+12.31%
<i>Anti-Black</i>	2019 to 2018	1,930 from 1,943	-13	-0.67%
	2019 to 2014	1,930 from 1,621	+309	+19.06%
<i>Anti-Arab</i>	2019 to 2018	95 from 82	+13	+15.85%
	2019 to 2014	N/A	N/A	N/A
<i>Anti-Latino/Hispanic</i>	2019 to 2018	527 from 485	+42	+8.66%
	2019 to 2014	527 from 299	+228	+76.25%
<i>Anti-Jewish</i>	2019 to 2018	953 from 835	+118	+14.13%
	2019 to 2014	953 from 609	+344	+56.49%
<i>Anti-Muslim</i>	2019 to 2018	176 from 188	-12	-6.38%
	2019 to 2014	176 from 154	+22	+14.29%
<i>Anti-Gay Male</i>	2019 to 2018	746 from 726	+20	+2.75%
	2019 to 2014	746 from 599	+147	+24.54%
<i>Anti-Disability</i>	2019 to 2018	157 from 159	-2	-1.26%
	2019 to 2014	157 from 84	+73	+86.90%
<i>Anti-Transgender</i>	2019 to 2018	151 from 142	+9	+6.34%
	2019 to 2014	151 from 58	+93	+160.34%
<i>Anti-Sikh</i>	2019 to 2018	49 from 60	-11	-18.33%
	2019 to 2014	N/A	N/A	N/A
<i>Anti-Asian</i>	2019 to 2018	158 from 148	+10	+6.76%
	2019 to 2014	158 from 140	+18	+12.86%

For above table Anti-Asian does NOT include Pac. Isl./Alaska Native.
Source: FBI



Source: CSHE/Google Trends Searchable Database (2021)

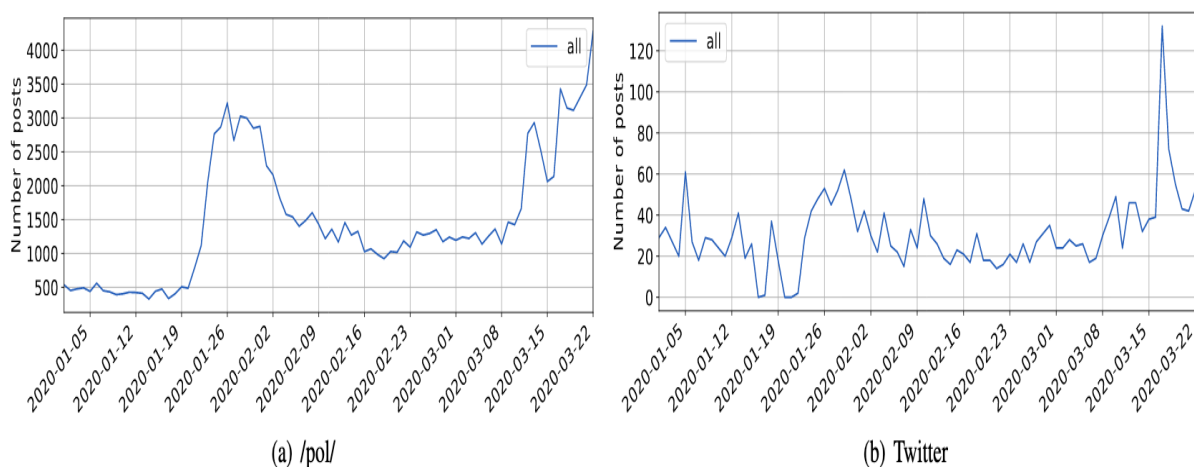
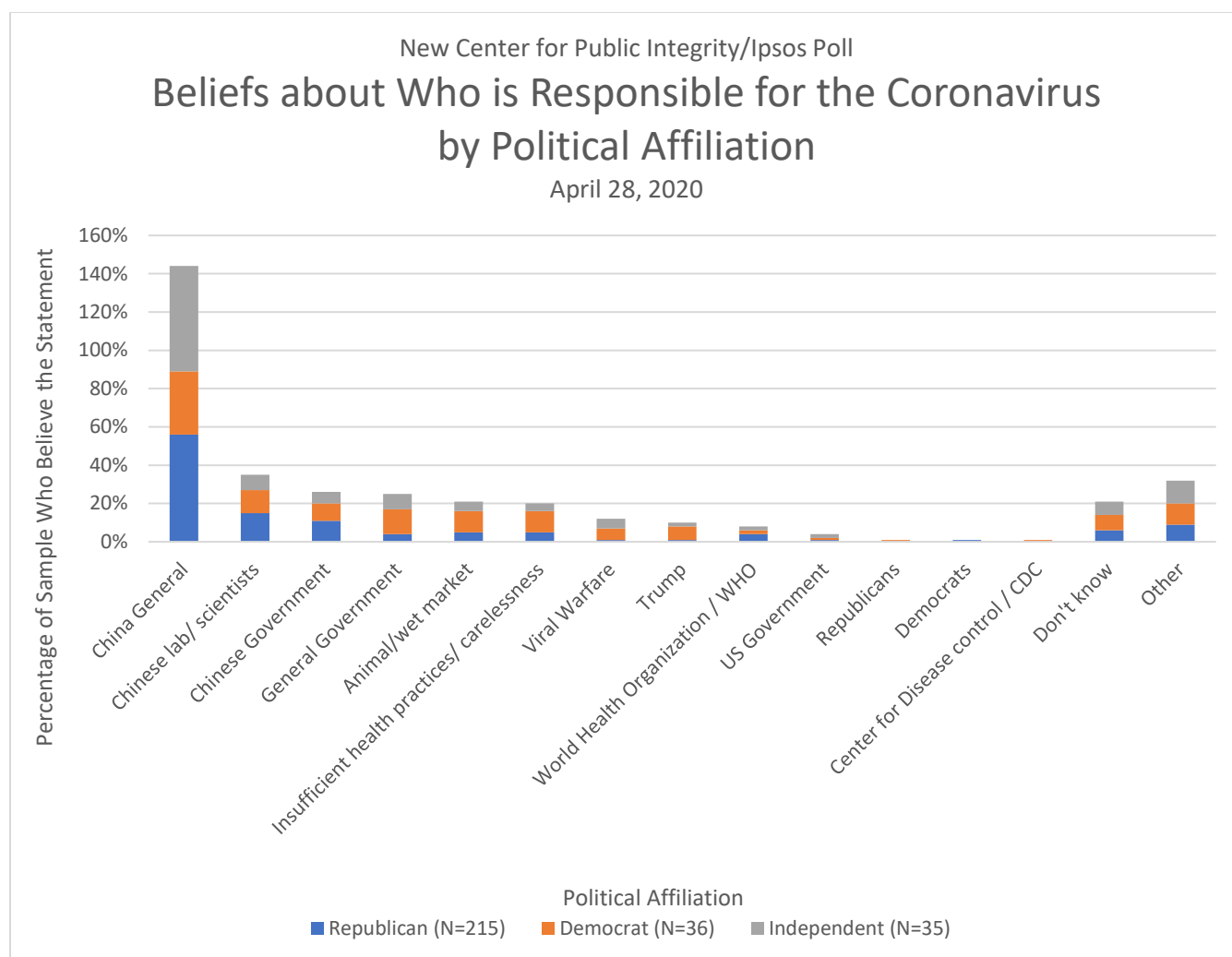


Figure 5: Mentions of *all* Sinophobic racial slurs on /pol/ and Twitter from January 1, 2020 and onwards.

Source: Schild, Leonard, et al. "Go eat a bat, Chang!": An Early Look on the Emergence of Sinophobic Behavior on Web Communities in the Face of COVID-19." CISPA Helmholtz Center for Information Security, Boston University, Binghamton University, Max Plank Institute for Informatics. pp 3-4. 8 April 2020/Sage Publications.

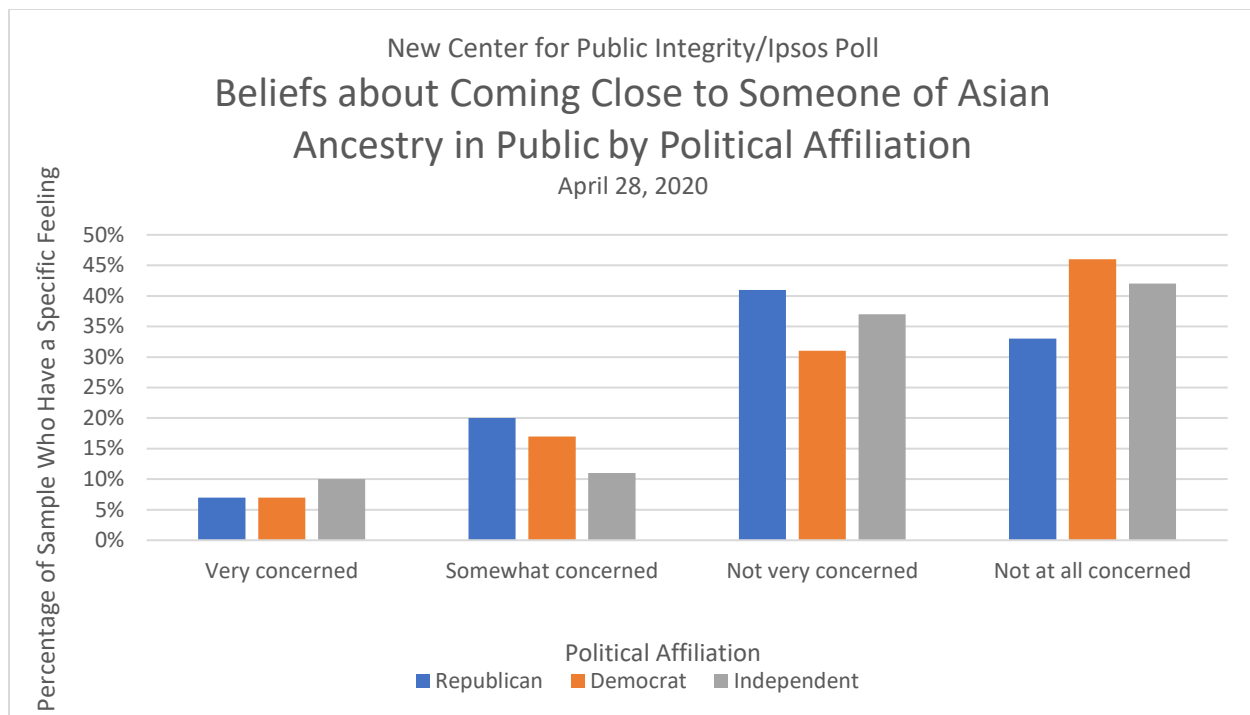


Source: New Center for Public Integrity/Ipsos Poll (April 28, 2020)

If you were out in public, how concerned would you be about coming close to someone who is of Asian ancestry?

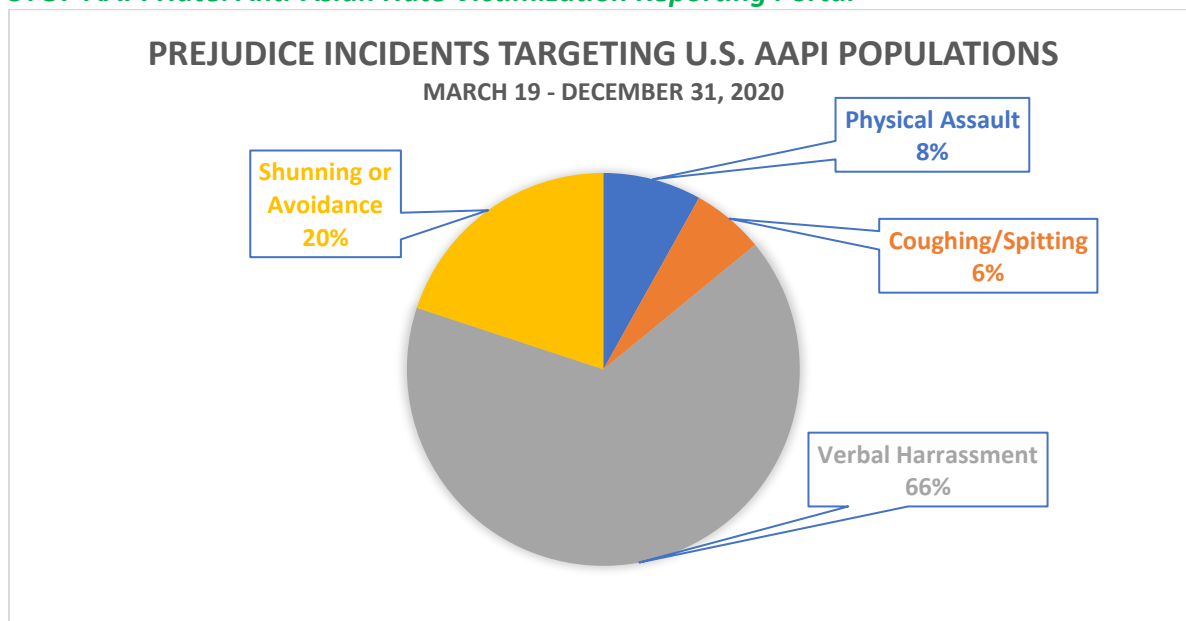
	Total	Republican	Democrat	Independent
Very concerned	7%	7%	7%	10%
Somewhat concerned	17%	20%	17%	11%
Not very concerned	35%	41%	31%	37%
Not at all concerned	41%	33%	46%	42%

Source: New Center for Public Integrity/Ipsos Poll (April 28, 2020)



Source: New Center for Public Integrity/Ipsos Poll (April 28, 2020)

STOP AAPI Hate: Anti-Asian Hate Victimization Reporting Portal



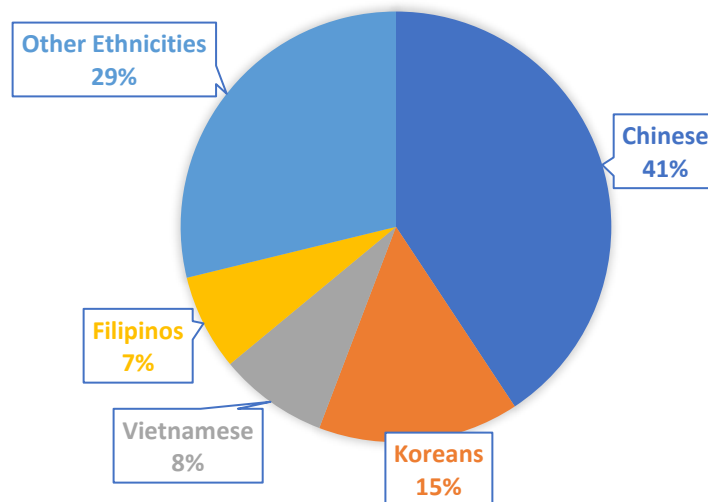
Note: It should be noted that spitting on someone is considered a type of assault.

Source: Stop AAPI Hate (February 9, 2021) Source: <https://stopaapihate.org>

The 14% of incidents from STOP AAPI hate that are from assaults and spitting are crimes totaling approx. 392. The most Anti-Asian hate crimes reported in one year was 355 in 1996. Verbal harassment can also be a hate crime when it is in the form of an actionable threat, as opposed to mere offensiveness.

PREJUDICE INCIDENTS TARGETING U.S. AAPI POPULATIONS BY VICTIM ETHNICITY

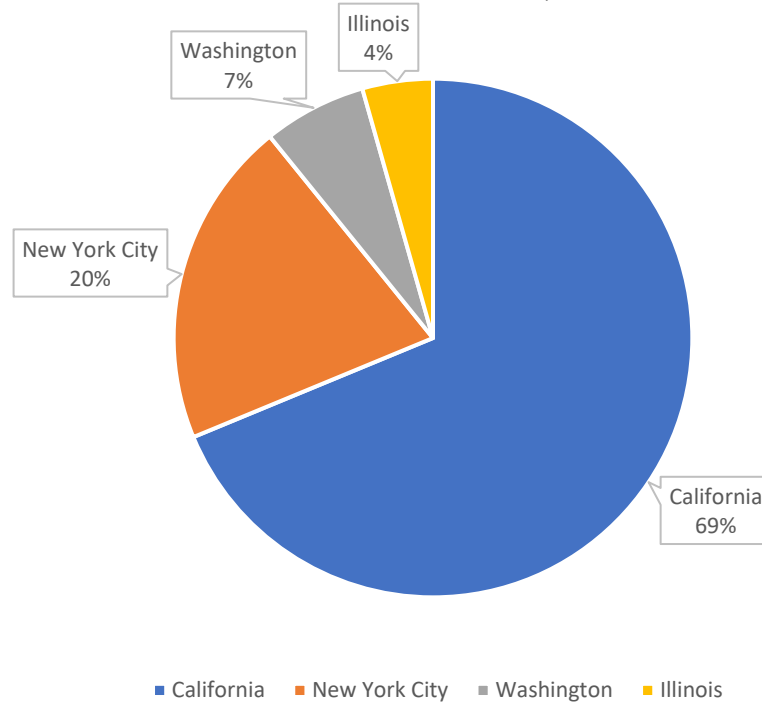
MARCH 19 - DECEMBER 31, 2020



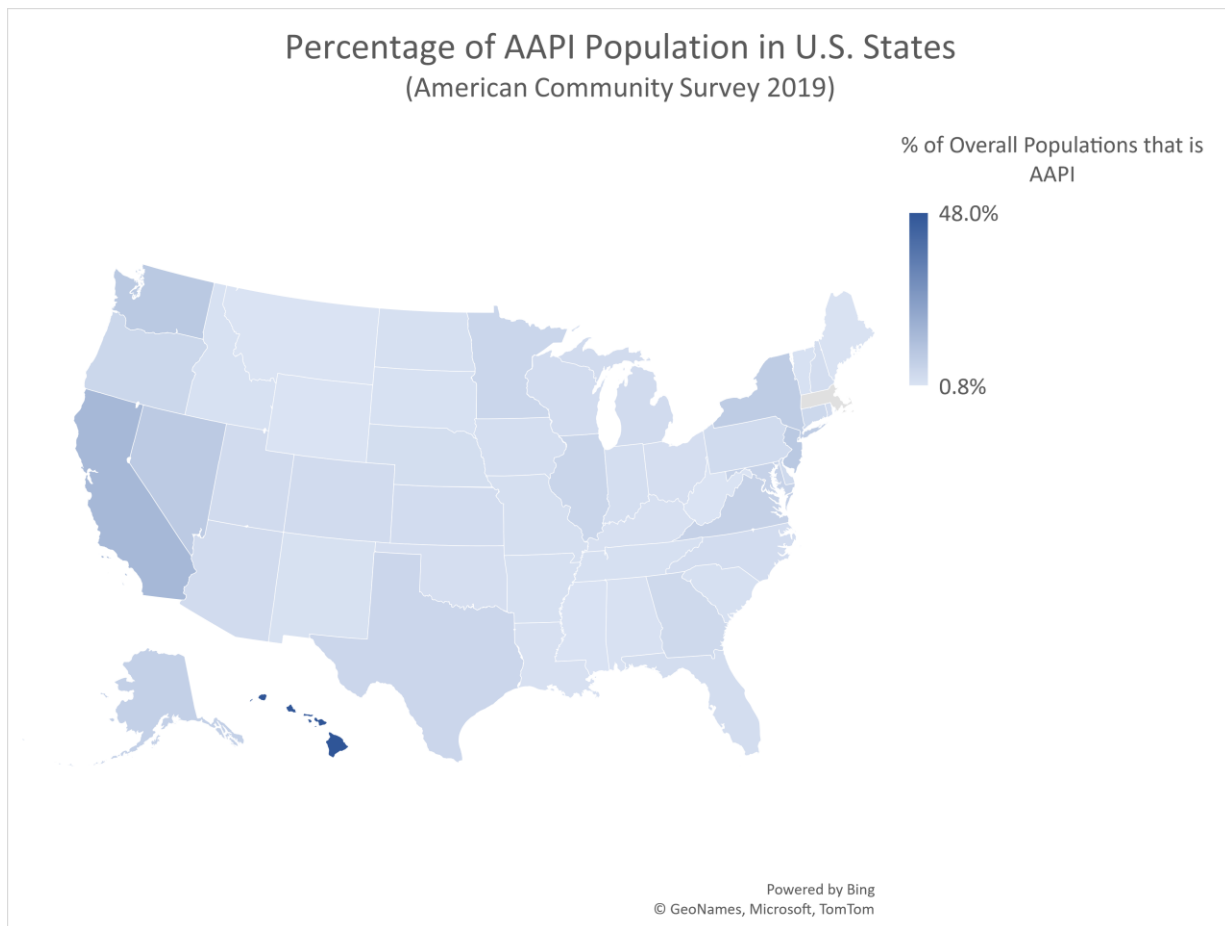
Source: Stop AAPI Hate (February 9, 2021) <https://stopaapihate.org>

Prejudice Incidents Targeting U.S. AAPI Populations, By Place

MARCH 19 - DECEMBER 31, 2020



Source: Stop AAPI Hate (February 9, 2021)



Source: American Community Survey 2019

Resources for More on AAPI Prejudice:

Asian Americans Advancing Justice - Atlanta — [Website](#), [Twitter](#)

Asian Americans Advancing Justice - Asian Law Caucus — [Website](#), [Twitter](#)

Center for Pan Asian Community Services — [Website](#), [Twitter](#)

National Asian Pacific American Women's Forum - Atlanta — [Website](#), [Twitter](#)

SOURCES AND COLLECTION INFORMATION FOR REPORT

The following is the data or links to the data that was collected by the Center for the Study of Hate and Extremism at California State University, San Bernardino and then reported in the “Fact Sheet: Anti-Asian Prejudice March 2021.” All hate crime data from the select cities under study in the report were collected from the policing agencies for those select cities. Data was either collected directly from data analyst who work for those policing agencies or was collected from the publicly available dashboard available online. See below for sourcing for each city’s data for 2020 and 2019.

For more information on the data collection, please contact Prof. Brian Levin (blevin8@aol.com), Director or Dr. Kevin Grisham (kgrisham@csusb.edu), Associate Director, of the Center for the Study of Hate and Extremism.

SAN DIEGO, CALIFORNIA

Data for 2020 and 2019 reporting was collected from the following link:

<https://data.sandiego.gov/datasets/police-hate-crimes/>

CINCINNATI, OHIO

Preliminary data for reporting in 2020 was provided by Alan Wedd, Social Science Research Specialist, Office of Criminal Justice Services in Ohio. Data for 2020 was sent as Excel spreadsheet and can be seen below:

description	Jan	Feb	Mar	Apr	May
Anti-American Indian or Alaskan Native	0	0	0	2	1
Anti-Asian	0	0	1	0	0
Anti-Black or African American	0	1	0	0	0
Anti-Female Homosexual (Lesbian)	0	1	0	0	0
Anti-Jewish	0	0	1	0	0
Anti-Other Race/Ethnicity/Ancestry	0	0	1	0	0

The data for 2019 was collected in the same manner and can be obtain from CSHE upon request. Due to space limitations, that data is not included in this source list.

CHICAGO, ILLINOIS

Data for reporting on 2020 was provided by H. Aden, Freedom of Information Act Officer, Chicago Police Department per a Freedom of Information Act (FOIA) request on December 31, 2020. Data was sent as an Excel spreadsheet and the excerpts of the Anti-Asian data can be seen below:



Phoenix Police Department
Uniform Crime Reporting (UCR) Bias Crimes
1/1/2019 through 12/31/2019

Count by Type of Motivation

	Qtr 1 Jan-Mar	Qtr 2 Apr-Jun	Qtr 3 Jul-Sep	Qtr 4 Oct-Dec	Total
Anti-Gay (Male)	2	5	3	6	16
Anti-Lesbian, Gay, Bisexual, or Transgender (Mixed Group)	0	3	2	0	5
Anti-Transgender	0	2	0	2	4
Anti-Black or African American	20	21	18	20	79
Anti-Hispanic or Latino	2	6	6	6	20
Anti-White	2	2	2	4	10
Anti-American Indian or Alaska Native	1	0	0	1	2
Anti-Asian	1	1	0	0	2
Anti-Multiple Races, Group	0	0	1	1	2
Anti-Jewish	3	5	1	3	12
Anti-Islamic (Muslim)	2	0	1	0	3
Anti-Other Religion	0	0	0	1	1
Total	33	45	34	44	156

(Any categories with 0 incidents for the selected time period will not appear in the table)

Count by Type of Incident

	Total
Aggravated Assault	13
Simple Assault	40
Intimidation	77
Destruction/Damage/Vandalism	26
Total	156

Count by Month

	Total
January	13
February	11
March	9
April	10
May	10
June	25
July	11
August	15
September	8
October	19
November	9
December	16
Total	156

DENVER, COLORADO

Data for reporting from 2010 to 2020 was provided by Mike Nichols, Senior Statistical Researcher, Denver Police Department. The data from 2010 to 2020 was sent as Excel spreadsheet and the excerpt for the Anti-Asian data for 2020 can be seen below (no data on Anti-Asian hate crime was reported in 2019):

2020357923	11-Jun-20	2020	6	1500	2	ACCEPTED BY DA - ARREST MADE OR CITATION ISSUED	1315	1315-0	AGGRAVATED ASSAULT	ANTI-ASIAN
2020500211	13-May-20	2020	5	1147	2	REFUSED BY DA - NO LIKELIHOOD OF CONVICTION	1316	1316-0	THREATS TO INJURE	ANTI-ASIAN
2020102745	16-Feb-20	2020	2	1730	1	INACTIVE	5309	5309-0	HARASSMENT	ANTI-ASIAN

HOUSTON, TEXAS

Data for 2020 and 2019 reporting was collected from the following link:

<https://txucr.nibrs.com/Report/HateCrime>


WASHINGTON, DISTRICT OF COLOMBIA

Data from 2012 to 2020 reporting was collected from an Excel spreadsheet at the following link:

https://mpdc.dc.gov/sites/default/files/dc/sites/mpdc/publication/attachments/Hate%20Crimes%20Open%20Data_4.xlsx

PHILADELPHIA, PENNSLYVANIA

Data for reporting in 2019 and 2020 was provided by Lieutenant Barry Jacobs, Open Records Officer, Open Records/Right-to-Know Section, Philadelphia Police Department. Data for reporting in 2020 was gathered by Masood Farivar, Writer, *Voice of America*, who collected it from the Boston Police Department. Screenshot of the 2020 and 2019 data is provided below:

 Philadelphia Police Department HONOR • SERVICE • INTEGRITY	
<i>Please find below the information requested from the Philadelphia Police Department Research and Analysis Unit</i>	
<u>Asian</u> <u>Hate Crimes by Month 2019</u> <u>Citywide</u>	
<i>Month</i>	<i># of Incidents</i>
<i>January</i>	<i>0</i>
<i>February</i>	<i>1</i>
<i>March</i>	<i>0</i>
<i>April</i>	<i>1</i>
<i>May</i>	<i>0</i>
<i>June</i>	<i>0</i>
<i>July</i>	<i>0</i>
<i>August</i>	<i>0</i>
<i>September</i>	<i>0</i>
<i>October</i>	<i>0</i>
<i>November</i>	<i>0</i>
<i>December</i>	<i>0</i>
<i>Total</i>	<i>2</i>
<small>Source: Detective Headquarters *Numbers are subject to change upon investigations* Requested by: Right to Know</small>	



Philadelphia Police Department

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*Please find below the information requested from the
Philadelphia Police Department Research and Analysis Unit*

Asian
Hate Crimes by Month 2020
Citywide

<i>Month</i>	<i># of Incidents</i>
<i>January</i>	<i>0</i>
<i>February</i>	<i>0</i>
<i>March</i>	<i>1</i>
<i>April</i>	<i>2</i>
<i>May</i>	<i>0</i>
<i>June</i>	<i>1</i>
<i>July</i>	<i>2</i>
<i>August</i>	<i>0</i>
<i>September</i>	<i>0</i>
<i>October</i>	<i>0</i>
<i>November</i>	<i>0</i>
<i>December</i>	<i>0</i>
<i>Total</i>	<i>6</i>

Source: Detective Headquarters

** Numbers are subject to change upon investigations**

Requested by: Right to Know

CLEVELAND, OHIO

Preliminary data for reporting in 2020 was provided by Alan Wedd, Social Science Research Specialist, Office of Criminal Justice Services in Ohio. Data for 2020 was sent as Excel spreadsheet and can be seen below:

bias	January	February	March	April	May	June	July	August	September	October	November	December
Anti-Asian	0	0	0	0	0	1	1	0	0	0	0	0
Anti-Asian (e.g. Chinese, Japanese, Korean, Vietnamese, etc.)	1	0	0	1	1	1	0	0	0	0	0	0
Anti-Black or African American	1	1	1	2	2	4	2	3	2	0	5	5
Anti-Catholic	0	0	0	0	0	0	0	0	1	0	0	1
Anti-Female Homosexual (Lesbian)	1	0	0	0	0	0	0	0	0	0	0	0
Anti-Gender Non-Conforming	0	0	1	0	0	0	0	1	0	0	0	0
Anti-Heterosexual	0	0	0	0	0	0	0	0	0	0	0	1
Anti-Hispanic or Latino	0	0	0	0	0	0	0	1	0	0	0	0
Anti-Homosexual (Gay and Lesbian), Bisexual, or Transgender (Mixed C	2	0	2	1	2	2	2	0	0	0	0	0
Anti-Islamic (Moslem)	0	0	0	0	0	0	0	0	1	0	0	0
Anti-Male	1	0	1	0	0	0	1	0	0	0	0	0
Anti-Male Homosexual (Gay)	1	0	1	0	0	0	1	0	0	0	0	0
Anti-Multiple Races, Group	0	0	1	0	0	0	1	0	0	0	0	0
Anti-Multiple Religions, Group	0	0	0	1	0	0	0	0	0	0	0	0
Anti-Other Race/Ethnicity/Ancestry	0	0	2	0	1	0	0	0	0	0	0	0
Anti-Other Religion	0	0	0	1	2	0	0	0	0	0	0	0
Anti-Physical Disability	1	1	0	0	0	0	0	1	1	1	1	0
Anti-Protestant	0	0	1	0	2	0	0	0	2	0	1	1
Anti-Sikh	0	0	0	0	0	0	1	0	0	0	0	0
Anti-Transgender	0	2	1	2	2	2	1	2	3	3	3	1
Anti-White	2	4	1	0	3	0	7	3	4	1	0	3
Other Bias Incident (e.g. Anti-AIDS victim)	14	13	10	17	19	13	14	11	20	10	20	12

The data for 2019 was collected in the same manner and can be obtain from CSHE upon request.

Note: Due to the high number of overall hate crimes categorized as “Other” and due to a history of Cleveland overall hate crime data being reclassified later that often changes the presentation of the data, CSHE has opted not to report the overall hate crime data as this time in this report. CSHE has decided to provide the Anti-Asian hate crime for this report as we believe it is less likely to be reclassified.

DALLAS, TEXAS

Data for 2020 and 2019 reporting was collected from the following link:

<https://txucr.nibrs.com/Report/HateCrime>

SAN FRANCISCO, CALIFORNIA

Data for reporting from 2019 to 2020 was provided by Lieutenant R. Andrew Cox, Office in Charge, Risk Management – Legal Division, San Francisco Police Department. The data from 2019 and 2020 was sent as Excel spreadsheet and the excerpt for the Anti-Asian data for 2019 and 2020 can be seen below:

200044650	1/18/2020 Anti-Asian
200164054	2/29/2020 Anti-Asian
200139132	3/1/2020 Anti-Asian
200187727	3/14/2020 Anti-Asian
200206139	3/23/2020 Anti-Asian
200442032	7/22/2020 Anti-Asian
200493091	8/16/2020 Anti-Asian
200657219	10/31/2020 Anti-Asian
200717857	11/28/2020 Anti-Asian

190197292	3/19/2019 Anti-Asian
190301653	5/16/2019 Anti-Asian
190396767	6/2/2019 Anti-Asian
190425435	6/13/2019 Anti-Asian
190635117	8/27/2019 Anti-Asian
190636018	8/27/2019 Anti-Asian

SAN JOSE, CALIFORNIA

Data for reporting in 2019 and 2020 was provided Monique Villarreal, Research and Development Unit, San Jose Police Department. Screenshot of the 2019 and 2020 data is provided below:

City of San Jose Reported Hate Crimes Race/Ethnicity/Ancestry Bias Motivation by Victim Race/Ethnicity/Ancestry 2020											
Victim Race	Anti-American Indian/ Alaska Native	Anti-Arab	Anti-Asian	Anti-Black or African American	Anti-Citizenship Status	Anti-Hispanic or Latino	Anti-Multiple Races (Group)	Anti-Native Hawaiian or Other Pacific Islander	Anti-Other Race/ Ethnicity/Ancestry	Anti-White	Total
American Indian	0	0	0	0	1	0	0	0	0	0	1
Asian Indian	0	0	1	0	0	0	0	3	0	0	4
Black	0	0	0	32	0	0	0	0	0	0	32
Cambodian	0	0	0	0	0	0	0	0	0	0	0
Chinese	0	0	2	0	0	0	0	0	0	1	3
Filipino	0	0	0	0	0	0	0	0	0	0	0
Guamanian	0	0	0	0	0	0	0	0	0	0	0
Hawaiian	0	0	0	0	0	0	0	0	0	0	0
Hispanic	0	0	1	1	0	21	0	2	0	0	25
Japanese	0	0	0	0	0	0	0	0	0	0	0
Korean	0	0	0	0	0	0	0	0	0	0	0
Laotian	0	0	0	0	0	0	0	0	0	0	0
Other	0	0	0	2	0	0	0	0	0	0	2
Other Asian	0	0	5	0	0	0	0	2	1	0	8
Pacific Islander	0	0	0	0	0	0	0	0	0	0	0
Samoan	0	0	0	0	0	0	0	0	0	0	0
Unknown	0	0	0	0	0	0	0	0	0	0	0
Vietnamese	0	0	1	0	0	0	0	0	0	0	1
White	0	0	0	0	0	0	0	0	4	0	4
Total:	0	0	10	35	1	21	0	0	7	6	80

City of San Jose

Reported Hate Crimes

January 1, 2019 - December 31, 2019

HATE CRIME BIAS	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	TOTAL
ANTI-WHITE	0	0	1	0	0	0	0	0	0	0	0	0	1
ANTI-BLACK OR AFRICAN AMERICAN	0	0	1	1	1	0	1	0	0	0	1	1	6
ANTI-ASIAN	0	0	0	0	0	0	1	0	1	0	1	1	4
ANTI-JEWISH	0	0	2	0	0	0	1	0	0	0	1	0	4
ANTI-OTHER RELIGION	0	0	0	0	0	1	0	0	0	1	0	1	3
ANTI-HISPANIC OR LATINO	0	1	1	0	0	0	0	1	0	0	0	0	3
ANTI-GAY (MALE)	0	0	1	2	1	1	0	2	0	0	1	0	8
ANTI-LESBIAN	0	0	0	0	0	0	0	0	0	1	1	0	2
ANTI-MENTAL DISABILITY	0	1	0	0	0	0	0	0	0	0	0	0	1
ANTI-TRANSGENDER	1	0	0	0	0	1	0	0	0	0	0	0	2
Grand Total	1	2	6	3	2	3	3	3	1	2	5	3	34

SEATTLE, WASHINGTON

Data for 2020 and 2019 reporting was collected from the following link:

<https://www.seattle.gov/police/information-and-data/bias-crime-unit/bias-crime-dashboard>

Note: Data presented in CSHE chart is from the category, "Malicious Harassment."

BOSTON, MASSACHUSETTS

Data for reporting in 2020 was provided by Masood Farivar, Writer, *Voice of America*, who collected it from the Boston Police Department. Data for 2020 was sent as Excel spreadsheet and can be seen below:

Victim Bias Category	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Asian	1	0	4	1	3	0	1	0	0	2	1	1
Black	3	2	2	1	6	6	11	12	6	7	3	5
East Indian	0	0	1	0	0	0	1	0	0	1	0	0
GLBT Asian Gay	0	0	0	0	0	1	0	0	0	0	0	0
GLBT Black Gay	4	1	4	0	0	0	1	0	0	0	0	0
GLBT Black Trans.	0	0	0	0	0	0	0	0	1	0	0	1
GLBT Hispanic Gay	0	0	0	0	0	0	1	0	0	0	0	0
GLBT Hispanic Trans.	0	0	0	0	0	1	1	0	0	1	1	0
GLBT White Gay	0	4	2	0	0	1	2	0	0	1	0	1
GLBT White Trans.	0	0	0	0	1	0	0	0	0	0	0	0
Hispanic	2	1	0	1	0	0	1	1	2	1	1	0
Religion Jewish	2	3	2	0	1	0	1	0	0	1	2	1
Religion Muslim	0	1	1	0	0	1	0	0	0	0	0	0
White	3	1	1	0	0	1	2	0	0	1	0	0

The data for 2019 was collected from the following link:

https://masscrime.chs.state.ma.us/tops/report/hate-crime_1/boston/2019

LOS ANGELES, CALIFORNIA

Data was collected from crime data set (2010 to 2019) from Los Angeles Police Department from the following link:

<https://data.lacity.org/Public-Safety/Crime-Data-from-2010-to-2019/63jg-8b9z>

Note: Detective Orlando Martinez, Hate Crime Coordinator, Robbery-Homicide Division, Los Angeles Police Department, assisted CSHE is accessing the dataset.

NEW YORK CITY, NEW YORK

Data was collected from crime data set (2019 to 2020) from New York City Police Department from the following link:

<https://app.powerbigov.us/view?r=eyJrJmYjoiYig1NWl3YigtYzkyOS00Nzc0LTkwMDAtNTgzM2I2M2JmYWE1IiwidCI6IjJiOWY1N2ViLTc4ZDEtNDZmYi1iZTgzLWEyYWZkZDdjNjA0MyJ9>

SAN ANTONIO, TEXAS

Data for 2020 and 2019 reporting was collected from the following link:

<https://txucr.nibrs.com/Report/HateCrime>

LONG BEACH, CALIFORNIA

Data for reporting in 2020 was provided by Crystal Niebla, Reporter, *Long Beach Post*, who collected it from the Long Beach Police Department.

LONG BEACH POLICE DEPARTMENT Hate Crimes - Victim Statistics									
Date Range		1/1/2020 - 12/31/2020							
Incident Count		18							
DR No	Reported Date	Time	Location	Primary Offense	Description	Involvement	Sex	Race	Age
20000340	01/03/2020	09:55	700 Block Maine Av	245(A)(1)PC	Anti-White				
20000359	02/02/2020	12:16	1700 Block LBB	423(A)PC	Anti-Islamic Muslim	Suspect	Male	Mex/Lat/Hisp	20
200015166	03/18/2020	00:42	1700 Block Linden Av	245(A)(2)PC	Anti-Black	Suspect	Male	Mex/Lat/Hisp	
200019447	04/10/2020	09:57	1100 Block Harding St	459-APC	Anti-Black	Suspect	Unknown	Unknown	
200029894	06/21/2020	16:02	100 Block Marina Dr	594(A)(1)PC	Anti-White	Suspect	Unknown	Unknown	
200030020	06/22/2020	11:52	Atlantic Ave/E 3rd St	245(A)(1)PC	Anti-Female Homosexual	Arrestee	Male	Mex/Lat/Hisp	52
200034092	07/28/2020	14:50	Jupiter Ave/E 11th St	245(A)(2)PC	Anti-Hispanic	Suspect	Male	Black	26
200039398	08/16/2020	23:27	400 Block W PCH	245(A)(1)PC	Anti-Transgender	Arrestee	Male	Black	47
200045323	09/19/2020	23:58	MLK Ave/E 7th St	245(A)(2)PC	Anti-Black				
200050735	10/21/2020	21:27	1200 Block Walnut Av	212.5(C)PC	Anti-Black	Suspect	Male	Mex/Lat/Hisp	
200051477	10/26/2020	12:24	E 18th Block Linden Av	242PC	Anti-White	Suspect	Male	Black	
200052662	11/01/2020	07:36	3900 Block Bluewater Pl	594(A)(1)PC	Anti-White				
200052676	11/01/2020	07:33	6800 Block Monaco Rd	594(A)(2)PC	Anti-White	Suspect	Unknown	Unknown	
200052694	11/01/2020	08:51	3500 Block Knoxville Av	594(A)(1)PC	Anti-White				

DR No	Reported Date	Time	Location	Primary Offense	Description	Involvement	Sex	Race	Age
200052624	11/01/2020	16:02	6600 Block Keynote St	594(A)(1)PC	Anti-White	Suspect	Unknown	Unknown	
200052892	11/03/2020	10:35	7000 Block Parkcrest St	594(A)(1)PC	Anti-White	Suspect	Unknown	Unknown	
200056790	11/27/2020	06:28	8100 Block E Wardlow Rd	594(A)(1)PC	Anti-Black	Suspect	Male	White	35
200062171	12/31/2020	21:05	1200 Block E 3rd St	242PC	Anti-White	Arrestee	Male	White	34

Data Date/Time: 03/11/2021/Thu - 08:57:19

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Data Date/Time: 03/11/2021/Thu - 08:57:19

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No 2019 data was available.

HATE CRIME LAWS

Current Federal Hate Crime Protections	
Constitutional Protections	Relevant Text
U.S. Const. amend. XIII, § 1	"Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction."
U.S. Const. amend. XIV, § 1 U.S. Const. amend. XIV, § 5	Section 1. "All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws." Section 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.
U.S. Const. amend. XV, § 1	"The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any state on account of race, color, or previous condition of servitude."
Federal Statutes	Description
18 U.S.C. § 241 – Conspiracy against rights	Makes it unlawful for two or more persons to conspire to injure, oppress, threaten, or intimidate any person in the free enjoyment of a right or privilege secured to him or her by the Constitution or laws of the U.S.
18 U.S.C. § 242 – Deprivation of rights under color of law	Makes it unlawful to willfully deprive any person of the rights, privileges, or immunities secured to him or her by the Constitution or laws of the U.S., or to subject a person to different punishments, pains, or penalties because of that person's alien status, color, or race.
Violent Interference with Federally Protected Rights, 18 U.S.C. § 245 – Federally protected activities	Makes it unlawful to willfully injure, intimidate, or interfere with any person participating in any one of the following six federally protected activities, on account of his or her race, color, religion, or national origin: 1) enrolling in or attending a public school, 2) participating in or enjoying a service, program, facility or activity administered by any State or local government, 3) applying for or enjoying employment, 4) serving in a State court as a juror, 5) traveling in or using a facility of interstate commerce, or 6) enjoying the goods or services of certain public places of accommodation.
Damage to Religious Property, Church Arson Prevention Act, 18 U.S.C. § 247 – Damage to religious property; obstruction of persons in the free exercise of religious beliefs	Prohibits the intentional defacement, damage, or destruction of any religious real property because of the religious nature of that property, or because of the race, color, or ethnic characteristics of any individual associated with that religious property. Also criminalizes the intentional obstruction of a person's free exercise of religious beliefs by force or threat of force.
Criminal Interference with Right to Fair Housing, 42 U.S.C. § 3631 – Violations; penalties	Makes it unlawful to use or threaten to use force to interfere with an individual's housing rights on account of his or her race, color, religion, sex, handicap, familial status, or national origin.
The Matthew Shepard and James Byrd, Jr. Hate Crime Prevention Act of 2009, 18 U.S.C. 249 – Hate crime acts	The first statute to allow federal criminal prosecution of hate crimes motivated by the victim's perceived or actual sexual orientation or gender identity. Makes it unlawful to willfully cause bodily injury to a person on account of his or her actual or perceived race, color, religion, or national origin, or attempt to do so through use of a dangerous weapon.

Source: [U.S. Dept. of Justice](#)

Hate Crime Laws By State: 2020

State	Statute	Race, religion, ethnicity	Gender	Gender Identity	Age	Sexual Orientation	Disability	Political Affiliation	Homelessness	First Responder/Police	Interference with religious worship
Alabama	Ala. Code § 13A-5-13 Ala. Code § 13A-6-28 Ala. Code § 13A-11-12	YES	NO	NO	NO	Proposed legislation	YES	NO	NO	NO	NO
Alaska	Alaska Stat. § 12.55.155(c)(22) Alaska Stat. § 11.76.110	YES	YES	NO	NO	NO	YES	NO	NO	NO	NO
Arizona	Ariz. Rev. Stat. § 13-701 D.13 and D.15 Ariz. Rev. Stat. § 13-1707 Ariz. Rev. Stat. § 13-1708 Ariz. Rev. Stat. § 13-1604 A.1 Ariz. Rev. Stat. § 41-1750 A.3	YES	YES	NO	NO	YES	YES	NO	NO	NO	NO
Arkansas		NO	NO	NO	NO	NO	NO	NO	NO	NO	YES
California	Cal. Penal Code § 422.55 Cal. Penal Code § 422.6 Cal. Penal Code § 422.7 Cal. Penal Code § 422.75 Cal. Penal Code § 422.76 Cal. Penal Code § 11411 Cal. Penal Code § 11413(b)(2) Cal. Penal Code § 13023 Cal. Penal Code § 13519.6	YES	YES	YES	YES	YES	YES	YES	NO	NO	YES
Colorado	Colo. Rev. Stat. § 18-9-121 Colo. Rev. Stat. § 18-9-113	YES	NO	YES	NO	YES	YES	NO	NO	NO	NO
Connecticut	Conn. Gen. Stat. § 46a-58 Conn. Gen. Stat. § 53-37a Conn. Gen. Stat. § 53a-40a Conn. Gen. Stat. § 53a-181j Conn. Gen. Stat. § 53a-181k Conn. Gen. Stat. § 53a-181l Conn. Gen. Stat. § 29-7m Conn. Gen. Stat. § 7-294n	YES	YES	YES	NO	YES	YES	NO	NO	NO	NO
Delaware	11 Del. Code Ann. § 1304 11 Del. Code Ann. § 1301 11 Del. Code Ann. § 1331 11 Del. Code Ann. § 805	YES	YES	YES	NO	YES	YES	NO	NO	NO	NO
District of Columbia	D.C. Code § 22-3701 D.C. Code § 22-3703 D.C. Code § 22-3704 D.C. Code § 22-3312.03 D.C. Code § 22-3312.02 D.C. Code § 22-3702	YES	YES	YES	YES	YES	YES	YES	YES	NO	YES
Florida	Fla. Stat. Ann. § 775.085 Fla. Stat. Ann. § 775.0845 Fla. Stat. Ann. § 876.17 Fla. Stat. Ann. § 876.18 Fla. Stat. Ann. § 806.13 Fla. Stat. Ann. § 877.19	YES	NO	NO	YES	YES	YES	NO	YES	NO	YES
Georgia	Ga. Code Ann. § 17-10-17 Ga. Code Ann. § 16-11-37 Ga. Code Ann. § 16-7-26	YES	YES	NO	NO	YES	YES	NO	NO	NO	YES
Hawaii	Haw. Rev. Stat. Ann. § 706-662 Haw. Rev. Stat. Ann. § 846-51 Haw. Rev. Stat. Ann. § 711-1107 Haw. Rev. Stat. Ann. §§ 846-51, 846-52, 846-53, 846-54	YES	YES	YES	YES	YES	YES	NO	NO	NO	NO
Idaho	Idaho Code Ann. § 18-7901 Idaho Code Ann. § 18-7902 Idaho Code Ann. § 18-7903 Idaho Code Ann. § 67-2915	YES	NO	NO	NO	NO	NO	NO	NO	NO	YES
Illinois	720 Ill. Comp. Laws Ann. 5/12-7.1 730 Ill. Comp. Laws Ann. 5/5-5-3.2 720 Ill. Comp. Laws Ann. 5/12-7.6 720 Ill. Comp. Laws Ann. 5/21-1.2 20 Ill. Comp. Laws Ann. Act 4070 20 Ill. Comp. Laws Ann. 2605/2605-390	YES	YES	YES	NO	YES	YES	NO	NO	NO	NO
Indiana	Ind. Code Ann. § 10-13-3-1 Ind. Code Ann. § 35-43-1-2 Ind. Code Ann. § 10-13-3-38	YES	NO	NO	NO	YES	YES	NO ("Creed")	NO	NO	YES

State	Statute	Race, religion, ethnicity	Gender	Gender Identity	Age	Sexual Orientation	Disability	Political Affiliation	Homelessness	First Responder/ Police	Interference with religious worship
Iowa	Iowa Code § 729A.1 Iowa Code §§ 729A.2 Iowa Code § 729.5 Iowa Code § 716.6A Iowa Code § 692.15 Iowa Code § 80B.11 Iowa Code § 729A.4	YES	YES	NO	YES	YES	YES	YES	NO	NO	NO
Kansas	Kan. Stat. Ann. § 21-6815	YES	NO	NO	YES	YES	NO	NO	NO	NO	NO
Kentucky	Ky. Rev. Stat. Ann. § 532.031 Ky. Rev. Stat. Ann. § 525.110 Ky. Rev. Stat. Ann. § 525.113 Ky. Rev. Stat. Ann. § 17.1523	YES	NO	NO	NO	YES	NO	NO	NO	YES	NO
Louisiana	La. Rev. Stat. Ann. § 14:107.2 La. Rev. Stat. Ann. § 14:225 La. Rev. Stat. Ann. § 15:1204.4 La. Rev. Stat. Ann. § 40:2403 H.(1)	YES	YES	NO	YES	YES	YES	YES	NO	YES	NO
Maine	17 Me. Rev. Stat. §§ 2931, 2932 5 Me. Rev. Stat. § 4684-A 17-A Me. Rev. Stat. § 1151 17-A Me. Rev. Stat. § 507 25 Me. Rev. Stat. § 1544 25 Me. Rev. Stat. § 2803-B	YES	YES	NO	YES	YES	YES	NO	YES	NO	NO
Maryland	Md. Code Ann. Crim. Law § 10-301 Md. Code Ann. Crim. Law § 10-302 Md. Code Ann. Crim. Law § 10-303 Md. Code Ann. Crim. Law § 10-304 Md. Code Ann. Crim. Law § 10-305 Md. Code Ann. Crim. Law § 10-307 Md. Code Ann. Pub. Safety § 2-307	YES	YES	YES	NO	YES	YES	NO	YES	NO	YES
Massachusetts	Mass. Gen. Laws ch. 265 § 37 Mass. Gen. Laws ch. 265 § 39 Mass. Gen. Laws ch. 266 § 127A Mass. Gen. Laws ch. 22C § 33, 34, 35 Mass. Gen. Laws ch. 6 § 116B	YES	NO	YES	NO	YES	YES	NO	NO	NO	YES
Michigan	Mich. Comp. Laws, Serv. § 750.147b Mich. Comp. Laws, Serv. § 28.257a	YES	YES	NO	NO	NO	NO	NO	NO	NO	YES
Minnesota	Minn. Stat. § 609.2231 Minn. Stat. § 609.749 Minn. Stat. § 609.595 Minn. Stat. § 626.5531 Minn. Stat. § 626.8451	YES	YES	YES	YES	YES	YES	NO	NO	NO	YES
Mississippi	Miss. Code Ann. § 99-19-301 through 99-19-307 Miss. Code Ann. § 97-17-39	YES	YES	NO	NO	NO	NO	NO	NO	YES	YES
Missouri	Mo. Rev. Stat. § 557.035 Mo. Rev. Stat. § 574.085	YES	YES	YES	NO	YES	YES	NO	NO	NO	YES
Montana	Mont. Code Ann. § 45-5-221 Mont. Code Ann. § 45-5-222	YES	NO	NO	NO	NO	NO	NO	NO	NO	NO
Nebraska	Neb. Rev. Stat. Ann. § 28-110 Neb. Rev. Stat. Ann. § 28-111 Neb. Rev. Stat. Ann. § 28-114	YES	YES	NO	YES	YES	YES	NO	NO	NO	NO
Nevada	Nev. Rev. Stat. Ann. § 193.1675 Nev. Rev. Stat. Ann. § 207.185 Nev. Rev. Stat. Ann. § 206.125	YES	YES	YES	NO	YES	YES	NO	NO	NO	YES
New Hampshire	N.H. Rev. Stat. Ann. § 651:6(f)	YES	YES	NO	YES	YES	YES	NO	NO	NO	NO

State	Statute	Race, religion, ethnicity	Gender	Gender Identity	Age	Sexual Orientation	Disability	Political Affiliation	Homelessness	First Responder/ Police	Interference with religious worship
New Jersey	N.J. Rev. Stat. § 2C:16-1 [declared unconstitutional by <i>State v. Pomanek</i> , 221 N.J. 66 (2015)] N.J. Rev. Stat. § 2C:33-9 N.J. Rev. Stat. § 2C:33-11 N.J. Rev. Stat. § 52:9DD-9	YES	YES	YES	NO	YES	YES	NO	NO	NO	NO
New Mexico	N.M. Stat. Ann. § 31-18B-3 N.M. Stat. Ann. § 30-15-4 N.M. Stat. Ann. § 31-18B-4 N.M. Stat. Ann. § 31-18B-5	YES	YES	YES	YES	YES	YES	NO	NO	NO	YES
New York	N.Y. Penal Law § 485.05 N.Y. Penal Law § 485.10 N.Y. Penal Law § 240.31 N.Y. Penal Law § 240.70 N.Y. Penal Law § 240.71 N.Y. Exec. Law § 837(f)(4-c)	YES	YES	NO	YES	YES	YES	NO	NO	NO	YES
North Carolina	N.C. Gen. Stat. § 14-3 N.C. Gen. Stat. § 14-12.14 N.C. Gen. Stat. § 14-401.14 N.C. Gen. Stat. § 14-49(b1) N.C. Gen. Stat. § 14-62.2 N.C. Gen. Stat. § 14-144	YES	YES	NO	NO	NO	NO	NO	NO	NO	YES
North Dakota	N.D. Cent. Code § 12.1-14-04 N.D. Cent. Code § 12.1-21-01 N.D. Cent. Code § 12.1-21-02 N.D. Cent. Code § 12.1-21-08	YES	YES	NO	NO	NO	NO	NO	NO	NO	NO
Ohio	Ohio Rev. Stat. Ann. § 2927.12 Ohio Rev. Stat. Ann. § 2927	YES	NO	NO	NO	NO	NO	NO	NO	NO	NO
Oklahoma	Oklahoma Stat. tit. 21 § 850 Oklahoma Stat. tit. 21 § 1174 Oklahoma Stat. tit. 21 § 1765	YES	NO	NO	NO	NO	YES	NO	NO	NO	YES
Oregon	Or. Rev. Stat. § 166.155 Or. Rev. Stat. § 166.165 Or. Rev. Stat. § 166.075 Or. Rev. Stat. § 181A.225 Or. Rev. Stat. § 181A.470	YES	YES	YES	NO	YES	YES	NO	NO	NO	NO
Pennsylvania	18 Pa. Cons. Stat. § 2710 18 Pa. Cons. Stat. § 3307 18 Pa. Cons. Stat. § 5509 71 Pa. Cons. Stat. § 250(i)	YES	NO	NO	NO	NO	NO	NO	NO	NO	NO
Rhode Island	R.I. Gen. Laws § 12-19-38 R.I. Gen. Laws § 11-44-31 R.I. Gen. Laws § 42-28-46 R.I. Gen. Laws § 42-28-2.8.1	YES	YES	NO	NO	YES	YES	NO	YES	NO	YES
South Carolina	S.C. Code Ann. § 16-5-10 S.C. Code Ann. § 16-7-120 S.C. Code Ann. § 16-11-535 S.C. Code Ann. § 16-11-110	NO	NO	NO	NO	NO	NO	YES	NO	NO	YES
South Dakota	S.D. Codified Laws § 22-19B-1 S.D. Codified Laws § 22-19B-2	YES	NO	NO	NO	NO	NO	NO	NO	NO	YES
Tennessee	Tenn. Code Ann. § 40-35-114(17) Tenn. Code Ann. § 39-17-309 Tenn. Code Ann. § 39-17-311 Tenn. Code Ann. § 39-14-301	YES	YES	NO	YES	YES	YES	NO	NO	NO	YES
Texas	Tex. Code Crim. Proc. Ann. art. 42.014 Tex. Penal Code Ann. § 12.47 Tex. Penal Code Ann. § 28.04 Tex. Penal Code Ann. § 28.08 Tex. Gov. Code Ann. § 411.046	YES	YES	NO	YES	YES	YES	NO	NO	YES	NO

State	Statute	Race, religion, ethnicity	Gender	Gender Identity	Age	Sexual Orientation	Disability	Political Affiliation	Homelessness	First Responder/Police	Interference with religious worship
Utah	Utah Code Ann. § 76-3-203.3 Utah Code Ann. § 76-3-203.4 Utah Code Ann. § 76-6-103 Utah Code Ann. § 76-6-101 Utah Code Ann. § 53-10-202 Utah Code Ann. § 76-3-203.14	YES	YES	YES	YES	YES	YES	YES	YES	YES	NO
Vermont	13 Vt. Stat. Ann. § 1455 13 Vt. Stat. Ann. § 1456	YES	YES	YES	YES	YES	YES	NO	NO	NO	NO
Virginia	Va. Code Ann. § 18.2-57 Va. Code Ann. § 18.2-423 Va. Code Ann. § 18.2-423.01 Va. Code Ann. § 18.2-423.1 Va. Code Ann. § 18.2-423.2 Va. Code Ann. § 18.2.127 Va. Code Ann. § 18.2.138 Va. Code Ann. § 52-8.5	YES	NO	NO	NO	NO	NO	NO	NO	NO	YES
Washington	Wash. Rev. Code Ann. § 9A.36.078 *** CHANGE IN 2019 *** (SEE 1732-S.SL) *** Wash. Rev. Code Ann. § 9A.36.080 Wash. Rev. Code Ann. § 9.61.160 Wash. Rev. Code Ann. § 36.28A.030 Wash. Rev. Code Ann. § 43.101.290	YES	YES	YES	NO	YES	YES	NO	YES	NO	NO
West Virginia	W. Va. Code Ann. § 61-6-21	YES	YES	NO	NO	NO	NO	YES	NO	NO	YES
Wisconsin	Wis. Stat. § 939.645 Wis. Stat. § 943.012	YES	NO	NO	NO	YES	YES	NO	NO	NO	NO
Wyoming	Wyo. Stat. Ann. § 6-9-102	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO

Key Federal Hate Crime Cases

Barclay v. Florida, (1983), the United States Supreme Court upheld the death sentence of a black defendant given by a judge who invoked the defendant's racial motivation in committing random murder to foment a race war.

Dawson v. Delaware, (1992), the Supreme Court overturned a death sentence that was imposed for a murder by a prison escapee, because it was made in part on the basis of his membership in a white supremacist group. Because no connection existed between the defendant Dawson's racist beliefs and associations, and his opportunistic killing while on the run, the Court held that mere abstract racist ideology was an impermissible basis to impose criminal liability.

R.A.V. v. St. Paul, (1992), the Supreme Court unanimously invalidated a 1989 municipal "hate speech" ordinance used to prosecute a teenage skinhead for burning a cross in the yard of an African American family, although it split as to why. The invalidated law selectively punished the terroristic use of hate symbols, but only when the symbols expressed certain hatreds, but not others. The Court held it unconstitutional to punish the terroristic use of a symbol on the basis of which underlying prejudiced viewpoint it punishes.

Wisconsin v. Mitchell, (1993), the Supreme Court upheld the constitutionality of broadly applicable penalty enhancement laws for hate crime. Penalty enhancement laws increase the punishment for an underlying crime when an additional prohibited element is present, such as the use of a weapon or recidivism. Specifically, the enhancement law at issue in *Mitchell* punished an offender's discriminatory selection of a victim or property based on the status characteristics of another person, including race, religion, color, national origin, and ancestry. The Supreme Court cited three basic rationales for affirming the law. First, while the government may not punish abstract beliefs, it has wide latitude to sanction motive. Second, the Court also ruled that penalty enhancement laws, unlike the statute at issue in *R.A.V.*, were aimed at discriminatory conduct, and did not prevent or punish merely hateful expression. Third, the Court noted the severity of hate crimes' harms, stating that they are "thought to be more likely to provoke retaliatory crimes, inflict distinct emotional harm on their victims and incite community unrest" (*Wisconsin v. Mitchell*, p. 487-88, 1993).

Apprendi v. New Jersey, (2000), finding hate crime laws are specific intent statutes requiring proof of discriminatory motive in victim selection, the Supreme Court held prosecutors must establish the presence of a bias motive enhancement or any other enhancement beyond a reasonable doubt to obtain a conviction when its inclusion substantially impacts the defendant's sentence.

Virginia v. Black, (2003), the Supreme Court held that laws that criminalize burning a cross on someone's property to terrorize residents are constitutional, as long as the government does not differentiate which bigoted viewpoint the threat promotes, or automatically punish those consensually burned on private property.

U.S. v. Miller, (2014), in a split decision, the U.S. Court of Appeals for the Sixth Circuit threw out convictions under the Shepard-Byrd Act because the victim's religion was not established as a "but-for cause" of the attack—meaning that the victim's status as a member of a protected group was not *the* offender's only motivating factor in committing the crime— as opposed to just being *a* motivating factor. The *Miller* decision made prosecuting cases under federal hate crime law more difficult, as the victim's membership in a protected class must be the only motivating factor; if there are any other motivating factors, it is not a hate crime.

U.S. v. Hill, (2019), in a split decision, the U.S. Court of Appeals for the Fourth Circuit ruled the Shepard-Byrd Act properly covered a homophobic violent attack in the workplace because the law "easily falls under Congress's broad [constitutional] authority to regulate interstate commerce."

Recent Federal Laws

The Hate Crime Statistics Act (HCSA), 28 U.S.C. § 534, was signed into law by President Bush in April 1990. The HCSA initially required the Attorney General to collect data voluntarily submitted by the states on crimes motivated by race, religion, sexual orientation, and ethnicity, but was subsequently amended in the 1990s to include disability. Gender and gender identity were added in 2013, and other changes were made in 2017 that added various religious and ethnic subcategories.

The Hate Crime Sentencing Enhancement Act was enacted in 1994. The statute, a penalty enhancement law, increases the sentence for underlying federal offenses by about one third when the fact finder establishes beyond a reasonable doubt that the target is intentionally selected because of the race, color, religion, national origin, ethnicity, gender, disability, or sexual orientation of another. The law's practical limitation is that it is only applicable to a relatively small number of substantive underlying federal offenses (28 U.S.C. 994).

The Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act of 2009, became effective in 2010 after being signed by President Obama in October 2009. This new federal law, codified at 18 U.S.C. §249, improved the existing criminal civil rights statute by extending federal group protection to gender, gender identity, disability, and sexual orientation. Federal law previously covered only race, color, religion, and national origin. However, these new categories, like some earlier ones, are only protected in the new law when the bigoted crimes also affect interstate commerce because of federal jurisdictional requirements found in the Constitution's Commerce Clause. The Shepard Byrd Act punishes violence and attempts involving bodily injury through firearms, fire, explosives, and other dangerous devices. Second, the legislation also expands the mandate of the Hate Crimes Statistics Act to cover gender and gender identity.

The Protecting Religiously Affiliated Institutions Act of 2018, enacted in September 2018, expands existing law protecting houses of worship to include "real property owned or leased by a nonprofit, [or] religiously affiliated organization."

Recent Federal Proposals to Combat Hate

In July 2019, a group of bipartisan U.S. Senators announced their plan to introduce the "Never Again Education Act." If enacted, the Act would create a grant program at the U.S. Department of Education to enable teachers across the nation to access resources and training to teach their students about the Holocaust.

In July 2019, U.S. Senators Richard Blumenthal (D-CT) and Dick Durbin (D-IL) introduced the Khalid Jabara and Heather Heyer National Opposition to Hate, Assaults, and Threats to Equality (NO HATE) Act of 2019, and Representatives Don Beyer (D-VA) and Pete Olson (R-TX) introduced its companion bill in the House of Representatives under the name NO HATE Act. The bill is named after two hate crime victims whose murders were prosecuted as hate crimes but not reported in hate crime statistics. If passed, the bill would incentivize state and local jurisdiction to improve their hate crime reporting and data collection systems.

There have also been proposals among advocacy groups to close the so-called but-for loophole referenced above in *U.S. v. Miller*, which would change the motivation standard that prosecutors would have to prove under current federal hate crime law, from having to prove a victim's membership in a protected category as the sole cause of the offender's crime, to a significant motivating factor.

Recent State Reforms on Hate Crime – Legislative and Non-Legislative

UTAH

In April 2019 Utah governor Gary Herbert signed a new hate crime bill, SB 103, into law that expanded both the groups and criminal circumstances covered after a brutal anti-Latino assault was found not to be covered by a weaker previous law, SB 102, which prosecutors deemed ineffectual and did not address felony attacks.

NEW YORK

Starting with the introduction of a similar bill in 2014, New York's legislature has approved the passage of a bill that bans the use of the "panic" defense by suspects charged with crimes against gay and transsexual individuals. In support of the bill, Governor Andrew Cuomo tweeted that he would sign it into law once it reached his desk. However, some criminal defense organizations in the state have been outspoken against it, asserting that its passage will limit due process for suspects.

INDIANA

In Indiana, Senate Bill 198 was signed into law on April 3, 2019. The new law enhances penalties for crimes based on a person's actual or perceived characteristic, trait, belief, practice, association or other characteristics. The statute covers color, creed, disability, national origin, race, religion and sexual orientation, but excludes gender, gender identity, age or sex.

OREGON

Oregon's legislature passed Senate Bill 577, which expands the circumstances where the state's earlier 1981 intimidation statute, which focused on perpetrator group conduct, was deficient, by strengthening penalties and clarifying coverage. The legislation also expanded data collection to include non-criminal incidents.

GEORGIA

Georgia enacted a new hate crime law on June 26, 2020 that protects on the basis of race, sex, sexual orientation, color, religion, national origin, mental disability, or physical disability. In 2004, the state Supreme Court overturned the state's hate crime law.

SOUTH CAROLINA

H. 3063, which just passed in the Criminal Law Subcommittee of the South Carolina House of Representatives, would amend pre-existing law with an enhancement for crimes motivated by discrimination based on race, religion, color, sex, age national origin, sexual orientation or homelessness. So far, 28 state representatives have sponsored the bill. The bill has not yet passed.

NORTH CAROLINA

This year, a group of Democratic lawmakers tried to strengthen North Carolina's hate crime law. In March, State Senators Jay Chaudhuri of Wake County, Valerie Foushee of Orange County, and Mujtaba Mohammed of Mecklenburg County introduced the Hate Crimes Prevention Act to broaden the existing law to include sexual orientation, gender identity, and disability, and to create a hate crime category of "felonious assault" applicable to crimes of bias involving death, kidnapping, rape, or forcible sexual offenses. It would also require the creation of a hate crime database at the State Bureau of Investigation and mandate hate crime-related training for law enforcement and prosecutors.

NEVADA

Joining the ranks of other states, Nevada has succeeded in banning the use of "panic" defenses for suspects charged with crimes against gay and transsexual members of the community. The passage of the bill received a landslide victory in both the State Senate and House before the governor signed it into law.

MINNESOTA

Keith Ellison, the Attorney General for the state of Minnesota, has begun the process of creating a work group that will empower local law enforcement to more accurately document crimes of hate and bias. Additionally, a grant program that funds security initiatives for places of worship was extended by Minnesota state leadership.

NORTH DAKOTA

Recently, the North Dakota Advisory Committee held a public meeting focused on listening to concerns expressed by professionals and activists from within the state. However, some participants left the meeting early under the impression that the committee has not done enough to address issues of hate experienced by citizens of North Dakota.

MICHIGAN

The Michigan State Police has added a hate crimes category for attacks against people based on their gender identity, which brings the state in line with FBI tracking categories. The federal agency started tracking gender identity and sexual orientation hate crimes following the adoption of the Matthew Shepard and James Byrd, Jr., Hate Crimes Prevention Act of 2009.

CALIFORNIA

Assembly member Richard Bloom of Los Angeles is introducing a bill in January 2021 to create a permanent State of Hate Commission and other states are expected to follow his lead.

AB 1052 would require peace officers to undergo comprehensive training on hate crimes. It also requires all in-service peace officers to take a refresher course on hate crimes every three years that will be developed by the Commission on Peace Officer Standards and Training.

AB 300 would improve accuracy in reporting of hate crimes and incidents by requiring specific reports from law enforcement agencies in California to include a checkbox indicating whether the case is a hate crime or incident. It would also require law enforcement agencies to complete a supplemental report that specifies the type of bias motivation and other relevant information for each hate crime or incident.

In June 2019, AB 1985 was signed into law. The bill clarifies that a disability is protected under the law regardless of whether it is temporary, permanent, congenital, or acquired by heredity, accident, injury, advanced age, or illness. The bill also requires any local law enforcement agency that updates an existing hate crime policy or adopts a new hate crime policy to include, among other things, the Police Officer Standards and Training (POST) framework and information regarding bias motivation.