

Prioritizing U.S. Leadership on Hate Crime Through Improved Data Collection and Reporting

Introduction

In the wake of a divisive campaign season and the election of President Trump, bias-motivated rhetoric and violence is gaining a prominent place in the public sphere. The campaign season featured toxic rhetoric demonizing immigrants, refugees, Latinos, and Muslims, among other groups, as well as initial policy proposals from the administration that many believe are rooted in racial, ethnic, religious, and other forms of bigotry.

Emboldened by Trump's victory, hate groups in the United States have been increasingly visible and vocal.¹ America has also witnessed an alarming wave of hate-inspired incidents since Trump's election. From November 9 to February 7, 2017, the Southern Poverty Law Center (SPLC) collected reports of 1,372 bias-related incidents.² Several of these troubling events directly referenced President Donald Trump, his campaign slogans, or other remarks he made during the election season.

While official hate crime data for 2016 will not be released until the fall of 2017, and not all incidents captured by the SPLC will meet the definition of a "hate crime,"³ the trend is nevertheless troubling and has led many Americans to express concern over rising intolerance and hate-motivated violence. A recent report from the Center for the Study of Hate & Extremism lends additional weight to a post-election spike in hate crime. In nine of the ten urban areas with available data, hate crime increased, by an average of 21.7 percent.⁴

In the first weeks of his administration President Trump failed to clearly condemn antisemitism and assuage the fears of affected communities in several press encounters. In his statement on Holocaust Remembrance Day the President failed to mention Jews or the role of antisemitism in the Holocaust.⁵ When asked by an Israeli reporter about his connection to rising antisemitism at a joint press conference with Israeli Prime Minister Benjamin Netanyahu on February 15, Trump responded by bragging about his election victory, and offered that he would "stop long simmering racism" and that there was going to be "a lot of love."⁶ When asked a similar question the following day, Trump lashed out at the reporter, called the question unfair, and told the reporter to sit down.⁷

It took the desecration of a Jewish cemetery in St. Louis and bomb threats targeting eleven Jewish Community Centers for Trump to finally respond.⁸ On February 21 he noted that "the anti-Semitic threats targeting our Jewish community and community centers are horrible, and are painful, and a very sad reminder of the work that still must be done to root out hate and prejudice and evil."⁹ While a vast improvement, this response contained no concrete promise of action.

What political leaders say—or don't say—matters. People who hold aggressive or prejudicial views use the words of their leaders to legitimize their intolerance, discrimination, and violence. The failure of the Trump Administration to clearly and unequivocally denounce hate contributes to the problem by emboldening these individuals and groups.¹⁰

The Antisemitism and Extremism program at Human Rights First has typically focused on how the United States can address hate crime, intolerance, and extremism overseas as a foreign policy priority. We have urged the U.S. government to lead internationally on these issues, and to work with its European counterparts to combat the problem.

The United States is most effective at promoting human rights when it leads by example. To maintain credibility abroad, we must live up to our ideals as a democratic and inclusive society. The hateful rhetoric of the election campaign season, political endorsement of intolerance, and the longstanding problem of institutional racism all correlate with the recent wave of hate crime. In addition to jeopardizing lives, livelihoods, and social cohesion at home, rising intolerance and acts of political violence threaten our leadership abroad on human rights.

The trends we have seen in the United States mirror trends those affecting Europe. In societies roiled by social change, globalization, and terrorism on both sides of the Atlantic, demagogic leaders and far-right movements are magnifying and leveraging hatred toward ethnic, racial, and religious minorities. In Germany, crimes against asylum shelters quintupled in 2015 as the far right used fear mongering and false narratives to gain political representation.¹¹ The United States and its European counterparts must work together to ensure that tolerance and human rights remain the foundation of their democracies.

This brief examines data collection efforts used to capture hate crime. Data collection is an essential tool for crafting effective policy responses, allowing experts and policy makers to understand trends in targeted groups, types of hate crime, and the geographic concentration of hate crime. Moreover, an established data collection system makes it more likely victims will report hate crimes, helps law enforcement agencies better interact with victims, and can provide an opportunity to connect the victim to support services.

Yet in the United States, as in many countries in Europe, data collection efforts fall far short of international best practices.

Every year, participating States of the 57-member Organization for Security and Cooperation in Europe (OSCE) submit data on hate crimes to the body's Office for Democratic Institutions and Human Rights (ODIHR). In 2015 only 34 participating States submitted data on hate crimes and many provided incomplete or otherwise deficient data.¹² Data provided by the United States falls into the latter category, as U.S. figures are of limited utility because of widespread underreporting and a failure to submit information on prosecutions and sentencing.

Since 2010 Human Rights First and the Anti-Defamation League have issued a report analyzing participating States' compliance with data collection commitments and encouraging participating States to submit better data. By continuing to improve our own data collection efforts and sharing our results, the United States can not only improve its domestic efforts to reduce hate crime, but also signal to other OSCE participating States that responses to these crimes should be prioritized.

Hate Crime in the United States in 2015

In November 2016 the Federal Bureau of Investigation (FBI) released hate crime data for 2015 and reported a total of 5,850 hate incidents encompassing 6,837 offenses,¹³ up from 5,479 incidents and 6,418 offenses in 2014.¹⁴ This represents an increase of almost seven percent.

Hate incidents motivated by a racial or ethnic bias increased three percent and represented roughly 57 percent of all hate incidents in 2015.¹⁵ Anti-Black or anti-African American hate incidents increased almost eight percent, from 1621 incidents in 2014 to 1745 incidents in 2015. Anti-Black hate incidents represented roughly 53 percent of those motivated by a racial bias in 2015. This was the first year data

was disaggregated for anti-Arab bias, and 37 incidents were reported. Anti-Hispanic or anti-Latino incidents stayed the same, representing nine percent of incidents motivated by racial or ethnic bias in 2015.

Hate incidents motivated by a religious bias increased 23 percent and represented 21 percent of all hate incidents in 2015. Anti-Muslim hate crime increased 67 percent (from 154 to 257 incidents) and accounted for roughly 21 percent of hate incidents motivated by religious bias. Antisemitic hate incidents increased 9 percent (from 609 to 664 incidents) and accounted for roughly 53 percent of hate incidents motivated by religious bias.

Hate incidents motivated by a bias based on sexual orientation increased roughly four percent (from 1,017 incidents in 2014 to 1,053 incidents in 2015) and represented roughly 18 percent of all hate incidents in 2015. Hate incidents motivated by a bias based on gender identity increased roughly 16 percent (from 98 to 114) and accounted for 2 percent of all hate incidents in 2015.

However, the utility of this data is limited because of the scale of underreporting. In 2015, roughly 3,400 agencies did not report, and of the 14,997 agencies who participate in hate crime data collection, only 1,742 agencies, or 11.6 percent, reported bias-motivated incidents.¹⁶ The remaining 13,255 agencies, or 88.4 percent, reported zero hate crimes. While it is impossible to estimate rates of underreporting, widely divergent reporting rates across states likely indicate that reporting rates are likely more reflective of a state's capacity and willingness to report, rather than actual levels of hate crime.¹⁷

U.S. Hate Crime Data Collection Efforts

The Uniform Crime Report program (UCR) is a nationwide effort to collect data on crime across the United States. The UCR collects information on all crime (not just hate crime) reported to law enforcement agencies. It includes city, university and college, county, state, tribal, and federal law enforcement agencies. Participation in the UCR is voluntary. The FBI has served as the nationwide clearinghouse for this data since 1930.¹⁸

In 1990 Congress passed the Hate Crime Statistics Act, requiring the Attorney General to collect hate crime data from law enforcement agencies. The attorney general delegated this to the FBI, who incorporated it into the UCR.

“Hate Crime Statistics” has been an annual publication of the UCR since 1990. Subsequent changes were made to the program to expand the specific bias types covered.¹⁹ The Act, as amended, now requires data collection on “crimes that manifest evidence of prejudice based on race, gender and gender identity, religion, disability, sexual orientation, or ethnicity.”²⁰

The second common measure of crime in the United States is the National Crime Victimization Survey (NCVS), which is administered by the Bureau of Justice Statistics. The NCVS surveys a representative sample of the population to generalize the overall incidence of crime in the United States.²¹ Unlike the UCR, it does include incidents not reported to the police and the hate motivation is based on the victim's perspective.

ODIHR has observed that victim surveys like the NCVS can be helpful tools to capture incidents not reported to police and helps understand the extent of underreporting among various communities.²²

While neither measure on its own is perfect, taken together they present an important picture of crime and hate crime in the United States. The most recent analysis of NCVS hate crime data, including a

comparison to UCR data, was released in 2014, covering data through 2012.²³

OSCE Data Collection Commitments

In 2009 the 57 OSCE participating States, including the United States, committed to “collect, maintain and make public, reliable data and statistics in sufficient detail on hate crimes and violent manifestations of intolerance, including the number of cases reported to law enforcement, the numbers prosecuted and the sentences imposed.”²⁴

Acknowledging the problem of underreporting, they also committed to “take appropriate measures to encourage victims to report hate crimes.”²⁵ As part of these commitments, the United States submits data to the OSCE for the annual ODIHR hate crime report.²⁶

Every year since ODIHR has collected data the United States has submitted the number of hate crimes reported to police and disaggregated this data by bias motivation and crime type. However, the United States has only submitted prosecution data once, in 2013.

Issues in Data Collection

Underreporting

Trends in hate crime data must be interpreted cautiously. Hate crime data often underrepresent the actual number of hate crimes. Here are three of the primary reasons why hate crime data in the UCR is an underestimation of the actual rate of hate crime.

1. Not all hate crimes are reported to the police.

The UCR relies on reports from law enforcement agencies, but not every hate crime is reported to the police. Victims don't report hate crimes for a variety of reasons, including: they dealt with it another way; they considered it a private or personal matter; they felt that it was not important enough; there was no insurance benefit in reporting; police could not or would not help; they were afraid of reprisal; they did not

want to get the offender in trouble; they were advised not to report; they felt that nothing would happen or change; they felt it was not worth it to report a crime because it happens all the time; they lacked trust in the police; they were concerned over not being believed or taken seriously; they were too emotionally upset; and they feared or experienced intimidation from the perpetrators.²⁷

Studies indicate that rates of underreporting are quite high. Using victimization surveys, researchers at the Bureau of Justice Statistics estimated that from 2003 to 2006, only 46 percent of hate crime victimizations were reported to officials by either the victim or someone else, and from 2007 to 2011, only 35 percent of hate crime victimizations were reported to officials.²⁸

2. **Not all hate crimes are recognized by the receiving law enforcement agency.** Hate crimes are only reported as such under the UCR if the receiving law enforcement agency recognizes the crime as a hate crime, but in some cases the bias motivation may be missed by the police. Factors that contribute to this include inadequate training, prejudice or biases of the officer, institutional discrimination in law enforcement, and lack of information at the time.
3. **Not all law enforcement agencies report on hate crimes, and some jurisdictions report zero hate crimes.** Participation in the UCR is voluntary. Not all law enforcement agencies submit information under the UCR program, and even among agencies that do report, a high proportion of agencies report that no hate crimes occurred in their jurisdiction. In 2014, 15,494 agencies covering a population of 297,926,030 participated in the UCR.²⁹ In 2015, participation dropped to 14,997 agencies covering a population of 283,884,034,³⁰ covering roughly 88 percent of the nation's population.³¹ Roughly 3,400 jurisdictions did not report any data on

hate crime, including 21 cities with populations over 100,000.³²

In 2015, of the 14,997 participating agencies, only 1,742 agencies, or 11.6 percent, reported bias-motivated incidents.³³ The remaining 13,255 agencies, or 88.4 percent, reported zero hate crimes.

The fact that so many law enforcement agencies don't report, report zero hate crimes, or report implausibly low numbers of hate crimes is a significant barrier to fulfilling OSCE data collection commitments and the spirit of the Hate Crimes Statistics Act. The extent of underreporting of hate crime indicates that either these crimes are not being reported to a law enforcement agency or the agency does not have the capacity or desire to report hate crime to the FBI. In any case, underlying deficiencies are inhibiting our understanding of hate crime.

Underreporting by Victims

Because underreporting undermines efforts to devise effective policies, law enforcement agencies should seek to understand why hate crimes are not being reported in their jurisdictions and what they can do to encourage reporting.

The NCVS provides some indication of the gap between the incidence of bias-motivated crime and how many were reported to law enforcement agencies and then reported as hate crimes by law enforcement agencies.³⁴ The survey also asks victims the primary reason they did not report the crime, providing crucial information to law enforcement agencies to develop initiatives to encourage reporting.

Institutional discrimination in law enforcement and other government institutions undermines trust and contributes to underreporting. A community's experience with law enforcement impacts their willingness to report, and many of the communities most vulnerable to hate crime are often the same most marginalized by law enforcement.

For instance, African Americans and people of color are disproportionately arrested and sentenced,³⁵ and most likely to be victims of police brutality.³⁶ Muslims and those perceived to be Muslim are profiled by law enforcement and other security officials.³⁷ Latino immigrants, and particularly those who are undocumented, may be reluctant to report crime for fear of deportation.³⁸ These tensions are exacerbated by policies rooted in bigotry—like the Muslim ban and hardline deportation policies. When a community feels targeted by law enforcement or even fears them, it is no wonder why they are reluctant to report crimes, including hate crimes. Focusing on issues like institutional discrimination will also enhance hate crime data collection efforts.

Underreporting by Law Enforcement Agencies

The second place underreporting occurs is between law enforcement agencies and the FBI, which is likely either the result of an inability or an unwillingness to report these crimes under the national framework. A crime is not reported as a hate crime through the UCR program if the responding agency does not identify it as a hate crime or if it lacks an established data collection mechanism. Identifying hate crimes can be a difficult task, in part because motivation can be difficult to prove. Training of law enforcement is essential,³⁹ as is establishing local data collection mechanisms to ensure the information gets passed up to the FBI.

In 2015 over 88 percent of jurisdictions affirmatively reported that zero hate crimes occurred in their area. While New York and Massachusetts reported 500 and 424 hate crimes respectively, Florida, Georgia, and Alabama reported only 72, 44, and 10 hate crimes respectively, and no participating agency in Mississippi reported a hate crime.⁴⁰

Jack Levin, a professor at Northeastern University in Boston, compared hate crime rates in Louisiana, Wyoming, and Arkansas in 2011 (reporting five, two, and eleven respectively) to rates in Massachusetts and New Jersey (reporting 367 and 508 respectively). Levin stated, "It is hard to imagine

such a huge divergence in rates arising out of anything but different reporting standards—and, perhaps different levels of enthusiasm for reporting hate crimes at all.”⁴¹

Lack of Prosecution and Sentencing Data

Prosecution and sentencing data, required under OSCE data collection commitments, provides an opportunity to assess the effectiveness of hate crime policies and responses. It also is an indicator of a victim’s access to justice, or the ability to seek and obtain a remedy through the justice system. Access to justice is a human right supported by the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, International Covenant on Economic, Social, and Cultural Rights,⁴² and the Convention on the Elimination of Racial Discrimination.⁴³

ODIHR recommends that prosecutors submit data on prosecutions and sentencing, and that the data collection mechanisms capture: the number of offenses referred by police for prosecution; the number of cases selected for prosecution; the number of successful prosecutions; and the final disposition of a case.⁴⁴

High quality data on prosecutions and sentences can complement high quality arrest data. Naturally, not all arrests or cases referred for prosecution will result in a conviction, or result in a conviction for a hate crime. Sometimes there is insufficient evidence, or there is evidence for the underlying crime, but not the bias element. But, this data allows a country to track the general progress of cases across the system, understand where there are gaps in responses, and provide transparency for affected communities and policy makers.⁴⁵

The United States generally does not submit prosecution and sentencing data on hate crimes to ODIHR, and the UCR does not include prosecution and sentencing data. The data provided in 2013 to ODIHR was submitted by the Department of Justice

and only covered prosecutions carried out under federal law.

The fact that the UCR does not collect prosecution and sentencing data is not surprising. The FBI is the nation’s primary law enforcement agency, and it does not prosecute crimes. State and federal district attorneys’ offices handle prosecutions. This data is in the purview of the criminal justice system, not law enforcement.

Another wrinkle in data collection efforts is the system of federalism—the United States does not have one criminal justice system. Rather it has at least 52 different systems (50 states, the District of Columbia, and the federal system, among other specialized courts). Thus, collecting data requires significant coordination.

Some states have initiated their own hate crime data collection systems⁴⁶ and report annually on hate crime. Within its state system, California collects data on hate crimes referred to prosecutors, cases rejected or filed, cases filed as hate crimes or as non-bias motivated crimes, and the outcomes of these cases.⁴⁷ Despite the challenges in collecting this information, California has shown it can be done and can serve as a model for other states looking to strengthen their data collection mechanisms.

Recommendations

Prioritizing U.S. Leadership on Hate Crime

The United States cannot credibly promote tolerance abroad if we allow hate to go unchecked and uncounted at home. While improving data collection is just one of the steps the U.S. government should take to reclaim leadership on tolerance and human rights, it is the first step toward understanding the scope of the problem. The persecution of minorities is not a new phenomenon in the United States, but if the United States is to be a leader on human rights and democracy, we must show the world we have learned from our mistakes.

- **The most senior levels of the U.S. government and its senior officials must vocally and persuasively express their commitment to fighting antisemitism, anti-Muslim bigotry, xenophobia, racism, and all forms of intolerance.** The world increasingly questions the United States' commitment to diversity and tolerance. Our leaders must use their positions to strongly denounce hateful rhetoric and policies, and take concrete steps, such as those laid out below, to counter bias and effectively understand, prevent, and respond to hate crime.
- **As a country committed to an inclusive, tolerant vision of democracy, combating discrimination, intolerance, and hate crime should be prioritized in our foreign policy and engagement in multilateral institutions.** Festering intolerance and discrimination ultimately undermine the promotion of democracy and security at home and abroad. Human rights must remain a bedrock of American foreign policy, including the right to be free from discrimination on the basis of race, ethnicity, religion, sex, national origin, language, sexual orientation, gender identity, or other status. As the FBI, other law enforcement agencies, state and federal criminal justice systems, and civil society address issues of hate at home, the State Department should continue to work with partners and allies abroad to ensure that the divisions created by hate and intolerance do not undermine efforts to promote human rights and ensure that we live in a world that is safe and secure.

To do this, the administration should maintain the positions of, and provide sufficient resources to, the Special Envoy to Monitor and Combat Anti-Semitism and the Special Representative to Muslim Communities.⁴⁸ These positions signal to the world our commitment to tolerance and must be fully equipped to tackle today's most pressing issues. Past special envoys and representatives

have made significant progress promoting interfaith solidarity, establishing trainings within the State Department on antisemitism, making issues of tolerance part of the core practice of foreign policy, and championing these issues in bilateral and multilateral settings.

The administration should also continue to support and fund democracy and human rights programming and DOJ assistance to law enforcement agencies around the world, and these programs should incorporate efforts to address intolerance and hate crime.

- **The United States should work toward full compliance with its OSCE data collection commitments.**
 - **Congress should pass the National Opposition to Hate, Assault, and Threats to Equality Act of 2017 (“NO HATE Act”) to improve reporting of hate crimes.** The NO HATE Act responds to several of the challenges of underreporting. The bill provides grants to states to implement the National Incident-Based Reporting System, the latest crime reporting standard used to submit detailed crime information to the FBI. These grants will increase the capacity of state and local law enforcement agencies to report crimes, a contributor to underreporting. The NO HATE Act also provides grants to states to create hate crime hotlines. This will increase reporting by victims as the hotlines will redirect victims and witnesses to law enforcement.
 - **The Bureau of Justice Statistics should provide an updated analysis of the NCVS hate crime data and make this information public to understand the extent and causes of underreporting.** This will help inform policy responses to encourage reporting of hate crime. The Department of Justice should support state and local law enforcement efforts to improve

reporting, including programs to train police, increase support services for victims of hate crime, and to raise awareness on hate crime and the services available.

- **The UCR program should undertake a study to understand gaps in participation by law enforcement agencies on reporting hate crime**, including the high proportion of agencies reporting zero hate crimes. The FBI should strongly consider making participation in the UCR mandatory and build the capacity of state and local law enforcement agencies to provide the required data to the UCR.

- **The United States should enhance efforts to provide prosecution and sentencing data.**⁴⁹ This will complement OSCE efforts on tolerance and non-discrimination and encourage other participating States to do the same. State legislatures, attorneys general, and justice departments should work to provide this information within their state reporting systems, as California does. DOJ can promote the development of best practices by establishing a data collection mechanism for prosecution and sentencing data from federal prosecutors and providing technical assistance and capacity support to states.

As states and federal prosecutors develop mechanisms to collect this data, DOJ should coordinate efforts and share best practices. ODIHR is also available to provide technical assistance in establishing data collection mechanisms and has built up an arsenal of best practices through their engagement with the 57 OSCE participating States. ■

Endnotes

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- ³ Hate crimes are traditional offenses with an additional element of bias. The FBI defines a hate crime as a "criminal offense against a person or property motivated in whole or in part by an offender's bias against a race, religion, disability, sexual orientation, ethnicity, gender, or gender identity." Department of Justice, Federal Bureau of Investigation (FBI), *Hate Crimes*, <https://www.fbi.gov/investigate/civil-rights/hate-crimes>.
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- ¹⁰ Potok, "The Year in Hate and Extremism."
- ¹¹ Human Rights First, *Germany Conflicted: The Struggle Between Xenophobia and Tolerance* (February 2015), <http://www.humanrightsfirst.org/resource/germany-conflicted-struggle-between-xenophobia-and-tolerance>.
- ¹² Anti-Defamation League and Human Rights First, *Scorecard on Hate Crime Response in the OSCE Region: Gaps in Data Collection and Responses* (November 30, 2016), p. 2-3, http://www.humanrightsfirst.org/sites/default/files/ADL-HRF-HateCrimes-Scorecard-11.28.16.final_.pdf.
- ¹³ FBI, *Hate Crime Statistics, 2015* (November 2016), Table 1, <https://ucr.fbi.gov/hate-crime/2015/tables-and-data-declarations/1tabledatadec.pdf>.
- ¹⁴ FBI, *Hate Crime Statistics, 2014* (November 2015), Table 1, <https://ucr.fbi.gov/hate-crime/2014/tables/table-1>.
- ¹⁵ Note, in prior years, racial bias and ethnic bias were reported as two separate categories in the hate crime report, both disaggregated on more specific bases (i.e., anti-Black, anti-Asian, etc.). In 2015, race, ethnicity, and ancestry were reported as one category, with the data further disaggregated on the specific basis. The three percent increase was calculated by combining the appropriate categories from 2014. Unless otherwise stated, all percentages are based on incidents, not offenses.
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- ¹⁷ For instance, in 2015, California reported roughly 2.14 hate crimes per 100,000 residents, while Mississippi reported 0 incidents per 100,000 residents. Massachusetts reported 6.24 hate crimes per 100,000 residents and New York reported 2.53 hate crimes per 100,000 residents. Florida, Georgia, and Alabama all reported less than one hate crime per 100,000 residents (0.36, 0.43, and 0.2 respectively). These rates were calculated based on the hate crimes reported to the FBI and the state-wide population estimates in 2015. U.S. Census Bureau, Population Division, *Annual Estimates of the Resident Population: April 1, 2010 to July 1, 2015*, (December 2015), <https://www.fbi.gov/investigate/civil-rights/hate-crimes>.
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- ²⁵ *Ibid.*, ¶ 3. See also OSCE/ODIHR Hate Crime Reporting, *Our Mandate*, <http://hatecrime.osce.org/what-do-we-know/our-mandate>.
- ²⁶ OSCE/ODIHR Hate Crime Reporting, *2015 Hate Crime Data – Frequently Asked Questions* (November 15, 2016), <http://hatecrime.osce.org/infocus/2015-faq>.
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- ²⁸ Sandholtz, Langton, and Planty, *Hate Crime Victimization*, p. 5.
- ²⁹ FBI, *Hate Crime Statistics, 2014*, Participation Table, <https://ucr.fbi.gov/hate-crime/2014/tables/participation-table>.

- ³⁰ FBI, *Hate Crime Statistics, 2015*, Participation Table, <https://ucr.fbi.gov/hate-crime/2015/tables-and-data-declarations/participationtabledata.pdf>.
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- ³² Human Rights Campaign, *New Hate Crimes Report Shows Trans Community Targeted with Higher Levels of Violence & Harassment*, November 15, 2016, <https://www.hrc.org/blog/new-hate-crimes-report-shows-trans-community-targeted-with-high-levels-of-v>.
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- ³⁴ See Table 8: Hate crime victimizations recorded by the NCVS and UCR, 2004-2012 in Meagan Meuchel Wilson, *Hate Crime Victimization, 2004-2012 – Statistical Tables*, Bureau of Justice Statistics, (February 2014), p. 7, <https://www.bjs.gov/content/pub/pdf/hcv0412st.pdf>. This table compares victimizations recorded by the NCVS (both those reported and not reported to police) with victimizations recorded by the UCR. For instance, in 2012, the NCVS estimated 177,130 hate crime victimizations not reported to the police and 98,460 victimizations reported to the police. The UCR recorded 7,440 hate crime victimizations.
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- ³⁶ For more on this issue, see Mapping Police Violence, *Police Violence Map*, <https://mappingpoliceviolence.org/>.
- ³⁷ For more on this issue, see Muslim Advocates, *End Racial and Religious Profiling*, <https://www.muslimadvocates.org/racial-and-religious-profiling/>; Sikh American Legal Defense and Education Fund, *Hate Crimes*, <http://saldef.org/archive/legal-defense-advocacy/hate-crimes/#.WMhIKvnyu70>; South Asian Americans Leading Together, *Racial Justice*, <http://saalt.org/policy-change/racial-justice/>.
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- ³⁹ See e.g., Committee on the Elimination of Racial Discrimination, *Germany – Concluding Observations*, CERD/C/DEU/CO/19-22, June 30, 2015, ¶ 10.
- ⁴⁰ FBI, *Hate Crime Statistics, 2015*, Table 13: Hate Crime Incidents by State and Agency, https://ucr.fbi.gov/hate-crime/2015/tables-and-data-declarations/13tabledata.pdf/table_13_hate_crime_incidents_per_bias_motivation_and_quarter_by_state_and_agency_2015.xls/view
- ⁴¹ Southern Poverty Law Center, “DOJ Study: More Than 250,000 Hate Crimes a Year, Most Unreported,” news release, March 26, 2013, <https://www.splcenter.org/hatewatch/2013/03/26/doj-study-more-250000-hate-crimes-year-most-unreported>.
- ⁴² Universal Declaration of Human Rights, Articles 7 & 8; International Covenant on Civil and Political Rights, Articles 2, 7, 8, & 26; International Covenant on Economic, Social, and Cultural Rights, Article 2. For a general discussion, see Pamela R. Kovacs, *Access to Justice and the International Human Rights Framework*, Canadian Lawyers for International Human Rights, <http://clair.ca/2015/05/27/access-to-justice-and-the-international-human-rights-framework/>.
- ⁴³ International Convention on the Elimination of Racial Discrimination, Articles 5(a), 5(b) & 6.
- ⁴⁴ OSCE/ODIHR, *Hate Crime Data Collection and Monitoring: A Practical Guide*, (September 29, 2014), p. 28, <http://www.osce.org/odihr/datacollectionguide>; OSCE/ODIHR, *Prosecuting Hate Crimes: A Practical Guide*, (September 29, 2014), p. 82-83, <http://www.osce.org/odihr/prosecutorsguide>
- ⁴⁵ OSCE/ODIHR, *Hate Crime Data Collection and Monitoring*, p. 27.
- ⁴⁶ For a survey of state hate crime legislation, including states that mandate data collection, see Anti-Defamation League, *State Hate Crime Statutory Provisions* (updated April 2016), <http://www.adl.org/assets/pdf/combating-hate/ADL-2016-State-Hate-Crime-Statutes.pdf>.
- ⁴⁷ Office of the Attorney General, California Department of Justice, *Hate Crime in California, 2015*, p. 19, <https://oag.ca.gov/sites/all/files/agweb/pdfs/cjsc/publications/hatecrimes/hc15/hc15.pdf>.
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- ⁴⁹ OSCE, *Ministerial Council Decision No. 9/09*.