Recommendations for Enhanced Reporting and Collection of Hate Crimes Statistics

Federal Bureau of Investigation
Criminal Justice Information Services Division

December 14, 2012

Introduction

South Asian Americans Leading Together (SAALT) is grateful for the opportunity to present written recommendations to the Criminal Justice Information Services (CJIS) Division for consideration in the composition of topic papers regarding enhanced reporting and collection of hate crime statistics.

SAALT is a national, nonpartisan, non-profit organization that elevates the voices and perspectives of South Asian individuals and organizations to build a more just and inclusive society in the United States. SAALT works with a base of individual members and advocates and is the coordinating entity of the National Coalition of South Asian Organizations (NCSO), a network of 41 organizations across the country that provide direct services to, organize, and advocate on behalf of South Asians in the United States.

Since September 11th, Sikh, Muslim, Arab, and South Asian Americans have been the targets of numerous hate crimes, as well as employment discrimination, bullying, harassment, and profiling. In addition, places of worship have been vandalized and attacked. In fact, within just one week of September 11th, SAALT identified 645 reported incidents of bias in these communities.[1] Most recently, the tragic shooting at the Sikh gurdwara in Oak Creek, Wisconsin took the lives of six people and was followed by a wave of apparent hate crimes and hate incidents throughout the country.

According to the Federal Bureau of Investigation (FBI), over 6,600 hate crimes were reported in 2010 alone, the majority of which were motivated by race (approximately 47%) followed by religion (approximately 20%), sexual orientation (approximately 19%), and ethnicity or national origin (approximately 13%).[2] Additionally, the FBI reported a 1600% increase in anti-Muslim crimes, from 28 in 2000 to 481 in 2001,[3] presumably as a result of September 11th backlash. Just

---

[1] South Asian Americans Leading Together, *American Backlash: Terrorists Bring War Home in More Ways Than One* (2001) *available at* http://www.saalt.org/attachments/1/American%20Backlash%20report.pdf.

[2] Uniform Crime Report, Hate Crime Statistics, U.S. Department of Justice, Federal Bureau of Investigation (2010) *available at* http://www.fbi.gov/about-us/cjis/ucr/hate-crime/2010/narratives/hate-crime-2010-incidents-and-offenses.pdf.

[3] Richard A. Serrano, *Hate Crimes Against Muslims Soar, Report Says* (November 26, 2002) *available at* http://articles.latimes.com/2002/nov/26/nation/na-hate26. *See also,* Uniform Crime Report, Hate Crime Statistics, U.S. Department of Justice,

days ago, the FBI released similar data regarding hate crimes in 2011. Though the number of hate crimes dropped slightly, the percentage of hate crimes motivated by race, religion, and ethnicity remained roughly the same.[4] Additionally, the number of anti-Muslim crimes remained equally high in 2011 (dropping by a mere three incidents), despite their overwhelming 50% increase from 2009 to 2010.[5] Unfortunately, further detail regarding the perpetration of these crimes against Sikh, Hindu, Arab, and South Asian American communities is not available because these categories are not disaggregated.

SAALT condemns all hate crimes, including those motivated in part or whole by bias against actual or perceived race, religion, gender, gender identity, sexual orientation, national origin, ethnicity, or disability. Sadly, the occurrence of such crimes is much too high, yet it is not possible to thoroughly understand or address these issues without more specific data collection regarding categories of motivation. It is our hope that with the expansion and improvement of categorization, reporting and disaggregation methods as well as enhanced participation, training, and education of law enforcement, we can better protect all Americans from hate crimes and return towards the principles of inclusion, plurality, and diversity upon which the United States was founded.

Expand and Improve Categorization, Reporting, and Disaggregation Mechanisms

Based on the history of hate crimes against Sikh, Muslim, Arab, and South Asian Americans over the last decade, the FBI should expand and improve reporting and the documentation of hate crimes against affected communities not yet covered by developing new categories on the hate crimes incidents report forms (e.g. Form 1-699). Not only are these categories necessary to understanding the root of hate crimes and preventative measures, but they also serve to build relationships with specific communities and thereby, encourage reporting.

By tracking and categorizing certain types of hate crimes by race and religion, the government sends an important message to potential victims and offenders. Currently, anti-religion hate crimes are independently assessed only if they occur against Jews, Muslims, Catholics and Protestants, while other religions are grouped together with minimal distinction.[6] Given the recent tragedy in Oak Creek, Wisconsin, the importance of disaggregating hate crimes in the Sikh community cannot be underestimated in the current national climate.

SAALT urges that anti-Sikh, anti-Hindu, and anti-Arab American hate crimes be categorized and tracked, as this disaggregation is important to protecting the safety of all Americans. In addition, we encourage the FBI to disaggregate the hate crimes reported under the Asian/Pacific Islander

---

Federal Bureau of Investigation (2000), *available at* http://www.fbi.gov/about-us/cjis/ucr/hate-crime/2000; Uniform Crime Report, Hate Crime Statistics, U.S. Department of Justice, Federal Bureau of Investigation (2001) *available at* http://www.fbi.gov/about-us/cjis/ucr/hate-crime/2001.

[4] Uniform Crime Report, Hate Crime Statistics, U.S. Department of Justice, Federal Bureau of Investigation (2011), *available at*; http://www.fbi.gov/news/pressrel/press-releases/fbi-releases-2011-hate-crime-statistics.

[5] Uniform Crime Report, Hate Crime Statistics, U.S. Department of Justice, Federal Bureau of Investigation (2011), *available at*; http://www.fbi.gov/about-us/cjis/ucr/hate-crime/2011/tables/table-1.

[6] *See,* Uniform Crime Report, Hate Crime Statistics, U.S. Department of Justice, Federal Bureau of Investigation (2010) *available at* http://www.fbi.gov/about-us/cjis/ucr/hate-crime/2010/tables/table-1-incidents-offenses-victims-and-known-offenders-by-bias-motivation-2010.xls (disaggregating Jews, Catholics, Protestants, and Muslims and grouping all others into "other religion," "multiple religions, group" and "atheism/agnosticism/etc.").

category by specific Asian ethnic groups, as such information would be extremely helpful given the tremendous diversity within the Asian American, Native Hawaiian, and Pacific Islander communities. Finally, we recommend that once reported, these statistics be published in a report to Congress so that adequate measures may be taken to protect Americans.

Enhanced Participation, Training, and Education of Law Enforcement in Collecting Data

In order to allow the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act (HCPA) to have a substantial impact on hate crimes, the Department of Justice must rigorously enforce this legislation in an effective manner. Federal, state, and local law enforcement officials should participate in ongoing education, outreach, and training regarding: (1) the HCPA and its authority; (2) the importance of obtaining data regarding the victim's actual or perceived race, religion, gender, gender identity, sexual orientation, national origin, ethnicity, or disability; and, (3) cultural and religious competency and educational trainings regarding the experiences of Sikh, Muslim, Arab, and South Asian Americans since September 11th. In order for these communities to report alleged hate crimes, law enforcement must understand the challenges facing certain communities when reporting incidents and remain sensitive to their experiences. With this enhanced understanding and sensitivity, Sikh, Muslim, Arab, and South Asian Americans may be more willing to report hate crimes and reveal the necessary information to law enforcement in order to allow for more complete data collection which will in turn allow for effective prosecution of hate crimes under the HCPA. Furthermore, this collaborative effort between law enforcement and impacted communities will also help build community relationships and allow for a collective response to better protect all Americans.

Conclusion

SAALT is encouraged by the willingness of the FBI CJIS Advisory Policy Board to consider the inclusion of these categories at such a crucial time, given the severity of recent hate crimes. Additionally, we are grateful to the Department of Justice Civil Rights Division and Community Relations Service for their understanding of the importance of the disaggregating this data and advocacy efforts to that end. We are appreciative of the opportunity to submit these recommendations and urge the FBI CJIS Advisory Policy Board to:

- Expand and improve categorization, reporting, and disaggregation by the FBI including anti-Sikh, anti-Hindu, and anti-Arab hate crime categories as well as disaggregating the Asian/ Pacific Islander category with specific Asian ethnic groups

- Enhance participation, training, and education, including cultural and religious competency training, of federal, state, and local law enforcement in collecting data

We sincerely believe that these improvements to the collection of hate crimes will allow for more thorough reporting and analysis and in turn, enhance the safety of all Americans. For further information, please contact Manar Waheed, SAALT's Policy Director at manar@saalt.org or (301) 270-1855.