Criminal Justice Information Services Division Uniform Crime Reporting Program

Hate Crime Data Collection Guidelines and Training Manual

Version 1.0
Document Date: 06/20/2012

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CHANGE DESCRIPTIONS

Revision	Change Description	Created/Changed By	Date	Approved By
1.0	Initial Release	Mark Bush/ Kristi Donahue	06/20/2012	Nancy Carnes

PREFACE

The passage of the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act (the Act) in 2009 greatly expanded the bias motivation definitions for hate crimes. The FBI's Uniform Crime Reporting (UCR) Program, which collects and publishes information about crimes motivated by bias, has modified its data collection accordingly by including new and revised definitions, along with corresponding examples.

This publication, a merger of two earlier publications (*Hate Crime Data Collection Guidelines* and the *Training Guide for Hate Crime Data Collection*), reflects the changes in the Act and is intended to assist law enforcement agencies in collecting and submitting hate crime data to the UCR Program, as well as establishing an updated hate crime training program for their personnel. In addition to providing suggested model reporting procedures and training aids for capturing the new bias motivations, the manual is written to raise law enforcement officers' awareness of the hate crime problem. The UCR Program is grateful to all who have assisted in preparing this publication.

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I.   INTRODUCTION

Purpose and Scope

This manual is intended to assist law enforcement agencies in reporting incidents of hate crime to the FBI's UCR Program. It addresses policy, the types of bias crime to be reported, how to identify a hate crime, and guidelines for reporting hate crime.

Since 1991, thousands of city, university and college, county, state, tribal, and federal law enforcement agencies have voluntarily participated in the hate crime data collection. It is the law enforcement officers within these agencies who investigate offenses, determine those motivated by bias, and report them as known hate crimes that have made crucial contributions to the success of the hate crime data collection. Without their continued support and participation in identifying bias-motivated crimes, the FBI would be unable to annually publish *Hate Crime Statistics*. This partnership and, ultimately, this publication serve as the cornerstone in raising the Nation's awareness about the occurrence of bias-motivated offenses.

The Nature of Hate Crime

In his work entitled, *Taking Rights Seriously,* Ronald Dworkin, Ph.D., stated that "justice as fairness rests on the assumption of a natural right of all men and women to equality of concern and respect, a right they possess not by virtue of birth or characteristics or merit or excellence, but simply as human beings." Dr. Dworkin's words reflect the Constitutional protections that are guaranteed to all Americans. And yet, there are those who are victimized, sometimes subtly and other times very overtly, for no reason other than the color of their skin, the religion they profess, the heritage of their parents, the disability they possess, their sexual orientation, their gender, or gender identity. Not only is the individual who is personally touched by these offenses victimized, but the entire class of individuals residing in the community is affected.

Background

A.   Legislative Mandate to Report Hate Crime

In response to a growing concern about hate crimes, on April 23, 1990, Congress passed the Hate Crime Statistics Act. This law required the Attorney General to collect data "about crimes that manifest evidence of prejudice based on race, religion, sexual orientation, or ethnicity." The Attorney General delegated the responsibilities of developing the procedures for implementing, collecting, and managing hate crime data to the Director of the FBI, who in turn assigned the tasks to the UCR Program. Under the direction of the Attorney General and with the cooperation and assistance of many local and state law enforcement agencies, the UCR

Program created a hate crime data collection system to comply with the congressional mandate. The UCR Program's first publication on the subject was *Hate Crime Statistics, 1990: A Resource Book,* which was a compilation of hate crime data reported by 11 states that had collected them under state authority in 1990 and were willing to offer their data as a prototype. The program continued to work with agencies familiar with investigating hate crimes and collecting related information so that it could develop and implement a more uniform method of data collection on a nationwide scale. *Hate Crime Statistics, 1992,* presented the first data reported by law enforcement agencies across the country that participated in the UCR hate crime data collection. Lawmakers then amended the Hate Crime Statistics Act to include bias against persons with disabilities by passing the Violent Crime and Law Enforcement Act of 1994 in September of that year. The FBI started gathering data for the additional bias type on January 1, 1997. Next, the Church Arson Prevention Act, which was signed into law in July 1996, removed the sunset clause from the original statute and mandated that the hate crime data collection become a permanent part of the UCR Program. Finally, in October 2009, the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act amended the Hate Crime Statistics Act under Division E of P.L. 111-84, the *National Defense Authorization Act for Fiscal Year 2010*. As a result, the FBI's UCR Program now captures statistics on hate crimes based on gender and gender identity prejudices, as well as hate crimes committed by/directed against juveniles. (Appendix I provides the referenced legislation as amended.)

B.   Developing a Collection Approach

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

1. The hate crime collection is an adjunct to the UCR collection. Hate crimes are not separate, distinct crimes, but rather traditional offenses motivated by the offender's bias. For example, an offender may commit arson because of his/her racial bias. It is, therefore, unnecessary to create a whole new crime category. To the contrary, hate crime data can be collected by merely capturing additional information about offenses already being reported to the UCR Program. Another reason for this approach is the fact that the FBI is in the process of upgrading the UCR Program from a tally system, known as the Summary Reporting System (SRS), to an incident-based system, known as the National Incident-Based Reporting System (NIBRS).

Law enforcement agencies reporting in the NIBRS use a data element within their reporting software that indicates the incident involved a bias motivation. These agencies can report considerably more information about the hate crime incident because the NIBRS is a

comprehensive data collection system. It enables law enforcement agencies to indicate whether any of the NIBRS offenses were bias motivated. (For a list of offenses collected via the NIBRS and reported in conjunction with the data element indicating whether bias motivated the offense, see Appendix II. For the definition of those offenses collected in the NIBRS, see Appendix III.)

Agencies not yet participating in the NIBRS submit their hate crime data via the Hate Crime Incident Report and the Quarterly Hate Crime Report. The incident report captures the following information about each hate crime incident: the offense type and its respective bias motivation, the location of the incident, the number and type of victims, the number of known offenders, and the known offender's race and ethnicity. (For a list of offense categories collected via the Hate Crime Incident Report in conjunction with the offender's bias motivation, see Appendix II. For the definitions of those offenses collected on the Hate Crime Incident Report, see Appendix III.) To provide for the reporting of hate crimes committed by and/or directed against juveniles, the FBI has provided for law enforcement to indicate on the Hate Crime Incident Report if the victim and/or offender were under 18 years of age and/or 18 years of age and over. Information collected on the Hate Crime Incident Report can be submitted in an electronic format. The hate crime data submission specifications are provided in *Hate Crime Electronic Submission Specifications for the Summary Reporting System*, which is available at www.fbi.gov/about-us/cjis/ucr/hate-crime.

2. The types of bias motivation to be reported are limited. There are many kinds of bias. Some of the more common kinds are those against race, religion, disability, sexual orientation, ethnicity, gender, or gender identity. But, there are also biases against rich people, poor people, the elderly, people who dress differently, smokers, drinkers, people who are overweight, etc. The types of bias to be reported to the FBI's UCR Program are limited to those mandated by the Hate Crime Statistics Act and its subsequent amendments, i.e., bias based on "race, religion, disability, sexual orientation, ethnicity, gender, or gender identity."

Conclusion

The enactment of the Hate Crime Statistics Act of 1990 and its subsequent amendments requiring the collection and publication of nationwide hate crime statistics underscores the emphasis placed on hate crime. National statistics have resulted in greater awareness and understanding of the true dimensions of the problem nationwide. Those charged with the enforcement of the law will be better able to quantify their resource needs and direct available resources to the areas where they will have the most effectiveness. Likewise, community service organizations and groups will be better able to respond to the needs of the victims.

As hate crime offenders are brought to justice and victims regain their sense of personal safety and respect, justice will be served because it can then be truly said that the rights

of individuals under the Constitution will be theirs "not by virtue of birth or characteristics or merit or excellence, but simply as human beings."

II.   CRITERIA OF HATE CRIME

A.   Bias Motivation

The FBI collects hate crime data regarding criminal offenses that are motivated, in whole or in part, by the offender's bias against a race, religion, disability, sexual orientation, ethnicity, gender, or gender identity. Because of the difficulty of ascertaining the offender's subjective motivation, bias is to be reported *only if* investigation reveals sufficient objective facts to lead a reasonable and prudent person to conclude that the offender's actions were motivated, in whole or in part, by bias. The specific types of bias to be reported, along with their UCR bias codes, are listed below. (More information about some types of biases is provided in Learning Module Two.)

Race:
- 11 = Anti-White
- 12 = Anti-Black or African American
- 13 = Anti-American Indian or Alaska Native
- 14 = Anti-Asian
- 15 = Anti-Multiple Races, Group[1]
- 16 = Anti-Native Hawaiian or Other Pacific Islander

Religion:
- 21 = Anti-Jewish
- 22 = Anti-Catholic
- 23 = Anti-Protestant
- 24 = Anti-Islamic (Muslim)
- 25 = Anti-Other Religion
- 26 = Anti-Multiple Religions, Group[1]
- 27 = Anti-Atheism/Agnosticism

Ethnicity:
- 32 = Anti-Hispanic or Latino
- 33 = Anti-Not Hispanic or Latino

Sexual Orientation:
- 41 = Anti-Gay (Male)
- 42 = Anti-Lesbian
- 43 = Anti-Lesbian, Gay, Bisexual, or Transgender (Mixed Group)[1]
- 44 = Anti-Heterosexual
- 45 = Anti-Bisexual

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[1]If within the race or religion category, one or more specific bias motivations occur, the multiple group type should be reported. Lesbian, Gay, Bisexual, or Transgender is referred to as LGBT.

Disability:
   51 = Anti-Physical Disability
   52 = Anti-Mental Disability

Gender:
   61 = Anti-Male
   62 = Anti-Female

Gender Identity:
   71 = Anti-Transgender
   72 = Anti-Gender Non-Conforming

B.   Objective Evidence That the Crime was Motivated by Bias

An important distinction must be made when reporting a hate crime. The mere fact that the offender is biased against the victim's race, religion, disability, sexual orientation, ethnicity, gender, and/or gender identity does not mean that a hate crime was involved. Rather, the offender's criminal act must have been motivated, in whole or in part, by his/her bias.

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

1. The offender and the victim were of a different race, religion, disability, sexual orientation, ethnicity, gender, and/or gender identity. For example, the victim was African American and the offender was white.

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

3. Bias-related drawings, markings, symbols, or graffiti were left at the crime scene. For example, a swastika was painted on the door of a synagogue, mosque, or LGBT Center.

4. Certain objects, items, or things which indicate bias were used. For example, the offenders wore white sheets with hoods covering their faces or a burning cross was left in front of the victim's residence.

5. The victim is a member of a specific group which is overwhelmingly outnumbered by other residents in the neighborhood where the victim lives and the incident took place.

6. The victim was visiting a neighborhood where previous hate crimes had been committed because of race, religion, disability, sexual orientation, ethnicity, gender, or gender identity and where tensions remained high against his/her group.

7. Several incidents occurred in the same locality, at or about the same time, and the victims were all of the same race, religion, disability, sexual orientation, ethnicity, gender, or gender identity.

8. A substantial portion of the community where the crime occurred perceived that the incident was motivated by bias.

9. The victim was engaged in activities related to his/her race, religion, disability, sexual orientation, ethnicity, gender, or gender identity. For example, the victim was a member of the National Association for the Advancement of Colored People (NAACP) or participated in a LGBT Pride celebration.

10. The incident coincided with a holiday or a date of particular significance relating to a race, religion, disability, sexual orientation, ethnicity, gender, or gender identity, e.g., Martin Luther King Day, Rosh Hashanah, or the Transgender Day of Remembrance (November 20).

11. The offender was previously involved in a similar hate crime or is a hate group member.

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

13. A historically-established animosity existed between the victim's and the offender's groups.

14. The victim, although not a member of the targeted racial, religious, disability, sexual orientation, ethnicity, gender, or gender identity group, was a member of an advocacy group supporting the victim group.

D.   Cautions

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

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

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

4. Offender's Mistaken Perception—Even if the offender was mistaken about the victim's race, religion, disability, sexual orientation, ethnicity, gender, or gender identity, the offense is still a hate crime as long as the offender was motivated, in whole or in part, by bias against that group. For example, a middle-aged, non-gay man walking by a bar frequented by gays was attacked by six teenagers who mistakenly believed the victim had left the bar and was gay. Although the offenders were wrong on both counts, the offense is a hate crime because it was motivated by the offenders' anti-gay bias.

5. Changes in Findings of Bias—If, after an initial incident report was submitted, a contrary finding regarding bias occurs, during the course of the investigation, the national UCR Program file must be updated with the new finding. For example, if an initial finding of no bias was later changed to racial bias or a finding of racial bias was later changed to religious bias, the change should be reported to the FBI's UCR Program. However, an agency should not update its report based on the findings of a court, coroner, or jury or the decision of a prosecutor.

III. DEFINITIONS FOR HATE CRIME DATA COLLECTION

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

Bias—A preformed negative opinion or attitude toward a group of persons based on their race, religion, disability, sexual orientation, ethnicity, gender, or gender identity.

Bias Crime—A committed criminal offense that is motivated, in whole or in part, by the offender's bias(es) against a race, religion, disability, sexual orientation, ethnicity, gender, or gender identity; also known as Hate Crime.

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

Bisexual—(adjective) Of or relating to people who are physically, romantically, and/or emotionally attracted to both men and women.

Disability Bias—A preformed negative opinion or attitude toward a group of persons based on their physical or mental impairments, whether such disability is temporary or permanent, congenital or acquired by heredity, accident, injury, advanced age, or illness.

Person with a Disability—(adjective) Of or relating to persons who have physical or mental impairments, whether temporary or permanent, due to conditions that are congenital or acquired by heredity, accident, injury, advanced age, or illness; (noun) person with a disability.

Ethnicity Bias—A preformed negative opinion or attitude toward a group of people whose members identify with each other, through a common heritage, often consisting of a common language, common culture (often including a shared religion) and/or ideology that stresses common ancestry. The concept of ethnicity differs from the closely related term *race* in that "race" refers to grouping based mostly upon biological criteria, while "ethnicity" also encompasses additional cultural factors.

Note: When the FBI's Hate Crime Statistics Program was initially implemented, ethnicity bias was reported as ethnicity/national origin bias. It was then modified by the Office of Management and Budget's *1997 Revision to the Standards for the Classification of Federal Data on Race and Ethnicity*.

Gay—(adjective) Of or relating to people who are physically, romantically, and/or emotionally attracted to people of the same sex.

Note: Generally this word is used to refer to gay men, but may also be used to describe women; the term "gay" is preferred over the term "homosexual. For UCR Program purposes, however, if reporting an anti-gay bias, the victim should be a male.

Gender—(noun) This term is used synonymously with sex to denote whether a newborn is male or female at birth, e.g., "it's a boy" or "it's a girl."

Gender Bias—(noun) A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender, e.g., male or female.

Gender Identity—(noun) A person's internal sense of being male, female, or a combination of both; that internal sense of a person's gender may be different from the person's gender as assigned at birth.

Note: A transgender person may express their gender identity through gender characteristics, such as clothing, hair, voice, mannerisms, or behaviors that do not conform to the gender-based expectations of society.

Gender Identity Bias—A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender identity, e.g., bias against transgender or gender non-conforming individuals.

Gender Non-Conforming—(adjective) Describes a person who does not conform to the gender-based expectations of society, e.g., a woman dressed in traditionally male clothing or a man wearing makeup.

Note: A gender non-conforming person may or may not be a lesbian, gay, bisexual, or transgender person but may be perceived as such. Additional information is provided in Section V.

Hate Crime—Bias Crime.

Hate Group—An organization whose primary purpose is to promote animosity, hostility, and malice against persons of or with a race, religion, disability, sexual orientation, ethnicity, gender, or gender identity which differs from that of the members or the organization, e.g., the Ku Klux Klan, American Nazi Party.

Heterosexual—(adjective) Of or relating to people who are physically, romantically, and/or emotionally attracted to people of the opposite sex.

Note: The term straight is a synonym.

Homosexual—(adjective) Of or relating to people who are physically, romantically, and/or emotionally attracted to people of the same sex.

Note: This is an outdated clinical term considered derogatory and offensive by many people; current journalistic standards restrict usage of the term; "lesbian" and/or "gay" accurately describes those who are attracted to people of the same sex.

Lesbian—(adjective) Of or relating to women who are physically, romantically, and/or emotionally attracted to other women.

Note: Some lesbian women prefer to be described as gay women; preferred over the term "homosexual;" may be used as a noun. For UCR Program purposes, however, if reporting an anti-gay bias, the victim should be a male.

LGBT—(noun) Common initialism for "lesbian, gay, bisexual, and transgender," used here to refer to community organizations or events that serve lesbian, gay, bisexual, transgender, and allied people.

National Incident–Based Reporting System—A reporting system implemented in the late 1980s to replace the traditional SRS. NIBRS provides for expanded collection and reporting of offenses and arrests and their circumstances.

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

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

Sexual Orientation—(noun) The term for a person's physical, romantic, and/or emotional attraction to members of the same and/or opposite sex, including lesbian, gay, bisexual, and heterosexual (straight) individual.

Note: Avoid the offensive terms "sexual preference" or "lifestyle."

Sexual-Orientation Bias—(noun) A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived sexual orientation.

Summary Reporting System—The traditional tally system which has been used since 1930 to collect UCR data.

Transgender—(adjective) Of or relating to a person who identifies as a different gender from their gender as assigned at birth.

Note: The person may also identify himself or herself as "transsexual." Additional information is provided in Section V.

Note: A transgender person may outwardly express his or her gender identity all of the time, part of the time, or none of the time; a transgender person may decide to change his or her body to medically conform to his or her gender identity.

Note: Avoid the following terms: "he-she," "she-male," "tranny," "it," "shim," "drag queen," "transvestite," and "cross-dresser."

IV.   SCENARIOS OF BIAS MOTIVATION

A.   A group home for persons with psychiatric disabilities who were in transition back into the community was the site of a reported arson. Investigation revealed that neighbors had expressed many concerns about the group home in town meetings and were angry that the house was located in their community. Shortly before the fire was reported, a witness heard a white male state, "I'll get rid of those 'crazies.' I'll burn them out." *An Anti-Mental Disability Bias should be reported with this incident because the suspect apparently committed the crime because of his bias against persons with psychiatric disabilities.*

B.   A transgender woman met a straight man through a social networking application. According to the man, when the two met, they spent nearly three days together, during which time they had a sexual encounter. After their sexual encounter, she admitted that she used to be a man. The man then began beating her, first with his fists and then with a fire extinguisher, until she was dead. The man felt justified in beating and killing the transgender woman because he said he was "fooled by her gender presentation." In the arrest affidavit, the man said he thought he had "killed it" before leaving in the victim's car with the murder weapon and other incriminating evidence. *An Anti-Transgender Bias should be reported with this incident because the perpetrator targeted the victim as a result of his discovery of her gender identity.*

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

D.   Three female hikers--a mother, her teenage daughter, and her daughter's friend--were murdered in a national park. The woman and her daughter's friend were strangled, dumped in their car trunk, and burned when the car was set on fire. After the murder of the two women, the second teenager was sexually assaulted for hours and then taken to another location where her throat was slit. The murders remained unsolved until a man confessed to them more than six months later. This same man also admitted to the murder of a female naturalist later that year. The naturalist's torso was found near her cabin and her head was found nearby. The murderer stated that he had "fantasized about killing all women" since he was a child. *An Anti-Female Bias should be reported with this incident as the offender made his fantasy about killing women become a reality.*

E.   A woman took a handgun into a fitness center, entered the men's locker room, and fired numerous shots. Two men were killed and one other man was injured in the shooting. The

killer's blog revealed that she had planned the attack for some time and harbored a deep "hatred for men" for rejecting her all of her life. *This incident should be reported with an Anti-Male Bias because the evidence indicated that the offender harbored a deep "hatred for men" for rejecting her all of her life.*

F.   Late in the night, a group of individuals broke in to a local Lesbian, Gay, Bisexual, and Transgender Center. The group painted "WE HATE FAGS" and "DIE DRAG QUEENS" on the walls and stole the gay pride rainbow flag that was flown above the front door of the center. *This incident should be reported with an Anti-Lesbian, Gay, Bisexual, or Transgender (Mixed Group) Bias based on the offender's intent; the property crime was clearly meant to intimidate those that work at and use the services of the center.*

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

H.   Overnight, unknown persons broke into a synagogue and destroyed several religious objects. The perpetrators drew a large swastika on the door and wrote "Death to Jews" on a wall. Although valuable items were present, none were stolen. *This incident should be reported with an Anti-Jewish Bias because the offenders destroyed religious objects and left anti-Semitic words and graffiti behind, and theft did not appear to be the motive for the burglary.*

I.   A transgender woman was walking down the street near her home, returning from the corner store. When she was just two houses away, three young men walking toward her said, "Hey, what's your problem? Huh?" She kept walking, trying to ignore them. However, as they got close, one yelled "Let's get it!" and a second one jumped her, knocking her to the ground. They kicked her and one yelled, "We don't allow no drag queen faggots in this neighborhood." *This incident should be reported with an Anti-Transgender Bias because the issue was the victim's gender identity even though an anti-gay slur was also used during the attack.*

J.   A female doctor at a small hospital found graffiti scratched into her car on three consecutive nights. The words were illegible. An investigation revealed that the scratches were deliberately made, but there were no witnesses or suspects. Although she was the only female doctor at the hospital, there were many female nurses who were not targeted, therefore, that fact alone was not sufficient to determine motive, and the incident would not be reported as bias motivated. However, a month later, two adult males were arrested after being caught on tape vandalizing the female doctor's car again. They admitted to all the incidents, saying women do

not belong in the medical profession. *In addition to the most recent incident being reported with an Anti-Female Bias, the previous incident should subsequently be reported with an Anti-Female Bias because the men's stereotypes about the appropriate gender roles for women prompted their criminal actions in both incidents.*

K. A small neighborhood bar frequented by gay men burned down after being closed for the night. Investigation revealed that the fire was deliberately set, but there were no witnesses or suspects. Although the fire was deliberately set, the fact that the bar was frequented by gay men may have been coincidental. *Therefore, the incident should not be reported as bias motivated.* Two weeks later, three white males were arrested on a tip from an informant. They admitted burning down the bar, saying they did it to keep gays out of the neighborhood. *As a result, this incident should subsequently be reported with an Anti-Gay (Male) Bias.*

L. A lesbian went to the local hardware store and as she was entering, heard someone yell, "Hey there lady, you wanna be a man?" toward her. She went into the store hoping not to stir up any trouble and heard him say, "you look like a man." She was wearing painting coveralls and had short hair. After making her purchase, she left the store only to see the same individual that had yelled at her slashing her tires. The man fled the scene after spotting her coming out of the store. *An Anti-Gender Non-Conforming Bias should be reported with this incident since the issue was her clothing and haircut; even though she was a lesbian, her sexual orientation didn't seem to be the reason she was targeted.*

M. Six black men assaulted and seriously injured a white man and his Asian male friend as they were walking through a residential neighborhood. Witnesses said that the victims were attacked because they were trespassing in a "black" neighborhood. *An Anti-Multiple Races, Group Bias should be reported with the incident because the victims and offenders were of different races, and witnesses reported that the victims were attacked because they were not Black or African American.*

N. A transgender male was outed to the community by a newspaper story after being arrested on a misdemeanor forged check charge. Wearing short hair and men's clothes, the victim had been living and presenting himself as a man to everyone in the community. Two male friends had become enraged after seeing the story, sought him out at a party, violently pulled his pants down while yelling to everyone at the party that he was a "girl," then took him outside and raped him. After raping him, they threatened to kill him if he went to the authorities. Five days later, the rapists found the victim in a farmhouse where he was staying with a friend. The perpetrators murdered the transgender male, his friend, and another individual. *This incident should be reported with an Anti-Transgender Bias because the victim was attacked as a result of identifying himself as a man despite having been born a female.*

O. Five gay, male friends, some of whom were wearing makeup and jewelry, were exiting a well-known gay bar when they were approached by a group of men who were unknown

to them. The men began to shout "faggot," "bitch," "girlie-man," and other slurs at the group. The assailants physically assaulted the victims, punching them in their faces and on their bodies. *This incident should be reported with an Anti-Gender Non-Conforming Bias because anti-gay and gender-related slurs were yelled at the group, showing that the perpetrators viewed some of the victims as inappropriately crossing gender lines.*

P. Overnight, an auditorium that was being used by representatives of several religious denominations to hold an ecumenical conference was vandalized by unknown subjects. Extensive damage was caused and statements, such as "There is but one true religion" and "Down with the nonbelievers," were spray painted onto the walls. *The incident should be reported with an Anti-Multiple Religions, Group Bias because the offenders clearly evidenced their hostility against a group representing more than one religion.*

Q. A transgender woman was waiting at a bus stop when she was approached by a man with a history of violent assaults and a previous hate crime conviction. The man punched the victim in the face several times, threw her to the ground, kicked her and then called her a "she-male" and used other slurs and told her that she "ought to die and go to hell." The police confirmed that the victim had been simply waiting at the bus stop and the assault was completely unprovoked. *An Anti-Transgender Bias should be reported with this incident because the victim was selected solely because of her gender identity and the assailant used an anti-transgender slur during the assault.*

R. A man entered a community college and shot a female in a corridor. He then entered a classroom with 10 women and 48 men, fired a shot into the ceiling and said, "I want the women. I hate feminists." He sent all of the men from the room, lined the women up against the wall and opened fire, killing 6 of the women and wounding the others. He continued through the school, shooting only at women--until he reached another classroom. As students attempted to take cover under desks, the killer leapt on the desks and shot the women hiding beneath. Shortly after, he killed himself. In total, 14 women were murdered. Motivated by a strong hatred of women, the killer's suicide note asserted that he needed to "kill the feminists." His note included reasons for killing the women as well as a list of notable women whom he would have killed if he had more time. *This incident should be reported with an Anti-Female Bias because the offender said "I want the women. I hate feminists." He also removed all of the men, shot only at women, and claimed he needed to "kill the feminists."*

S. An African-American man had just finished a midnight riverboat cruise with his fiancée and friends when he escorted his blind, male friend by the arm into a restroom while holding his girlfriends' purse. Inside the restroom, another man hurled anti-black and anti-gay insults at the men. The perpetrator followed them out of the restroom, continuing his verbal harassment. He then went to his car, retrieved a gun, returned to confront the men and said, "Now what you got to say?" The perpetrator fired the gun fatally injuring one of the men. *This incident should be reported with an Anti-Black African American Bias and Anti-Gay (Male) Bias*

because the perpetrator used exclusively anti-black and anti-gay slurs and also acted out on his mistaken perception that the victim was gay.

T.   Early in the morning, two Latino immigrant brothers were attacked by two African-American men while walking down the street. The brothers were huddled together to stay warm. The attackers mistakenly believed that the two men were a gay couple because they were walking so closely together. Using a baseball bat and an empty bottle, the attackers beat the brothers while using anti-gay and anti-Latino slurs. *This incident should be reported with an Anti-Gay (Male) Bias and Anti-Hispanic or Latino Bias because the perpetrators were motivated by the perceived sexual orientation of the brothers and their race/ethnicity as evidenced by the use of both anti-gay and anti-Latino slurs.*

U.   At a house party, a transgender woman was ridiculed, called "tranny," "lesbo," and made to feel unwelcome. As she attempted to leave, she was hit in the head with a shovel and strangled with a rope by three men. According to a fourth man, the woman pleaded for her life, but her cries were ignored. *This incident should be reported with an Anti-Transgender Bias because the victim was targeted due to her gender identity.*

V.   Two white, gay men were walking through a neighborhood where a number of gay bars and businesses are located. While on a side street nearing the business district, four Latino men carrying baseball bats approached them and hit one of the gay men in the face, breaking his jaw, and rendering him unconscious. The assailants then hurled anti-gay slurs at the men and demanded their money and cell phones. After robbing the gay men, the assailants fled. One victim reported that the perpetrators seemed to be enjoying the assault. *An Anti-Gay Bias should be reported with this incident. The bias was evident in the attack, through the use of slurs, and in the selection of a gay area as the site of the attack, even though robbery was also a motive. Race should not be identified as the bias because there was no evidence of racial or ethnic animosity.*

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

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

*Note: If the facts are ambiguous, (i.e., where some facts are present but are not conclusive), it is only in the NIBRS that incidents involving ambiguous facts can be reported, (i.e., 99 = Unknown). The intent of bias motivation code 99 = Unknown is to allow a NIBRS agency to report a crime in which bias motivation is unknown or when the investigation has not been completed. When it is determined the presence of bias motivation is conclusive, the reported bias motivation code 99 = Unknown should be modified to indicate the results of the subsequent investigation. Law enforcement agencies should be diligent in modifying these types of situations as they become known. In addition, a law enforcement agency not reporting hate crime in the NIBRS would not submit a Hate Crime Incident Report until the investigation determined a bias crime did occur.

V. UNDERSTANDING HOW TO DISTINGUISH SEXUAL ORIENTATION, GENDER IDENTITY, ANTI-TRANSGENDER, AND ANTI-GENDER NON-CONFORMING CRIMES

A. Sexual Orientation vs. Gender Identity-Motivated Crimes

Transgender and gender non-conforming people may be of any sexual orientation (gay, lesbian, bisexual, or heterosexual). Knowing about a person's gender identity (as transgender or gender non-conforming) does not tell you anything about their sexual orientation. They are separate categories.

When crimes are committed against people based on sexual orientation or gender identity, epithets often reveal the motive for the attack. Typical gender identity-related epithets and terms include: "he-she," "she-male," "tranny," "it," and "transvestite." Also, the terms "cross dresser" and "drag queen" may be used in a hateful way, even though some individuals may self-identify with these terms. Often, the anti-transgender or anti-gender non-conforming motive for the attack develops right after the perpetrator finds out that the victim is transgender.

Confusion in classifying the motive of a crime can occur when a perpetrator is motivated solely because of the victim's gender identity; a perpetrator will sometimes use an anti-gay term as well. They do this because they are often more familiar with anti-gay terms like "faggot," "dyke," and "queer," not because they are actually motivated by bias toward the victim's sexual orientation. Therefore, a perpetrator may use anti-gay epithets, even though they have targeted a person entirely because the victim is transgender or gender non-conforming.

B. Anti-Transgender vs. Anti-Gender Non-Conforming Motivated Crimes

It may not always be obvious whether or not a crime should be classified as "anti-transgender" or "anti-gender non-conforming."

Anti-transgender is the category for crimes that are committed primarily because the person lives/presents as a gender different than their sex at birth; for example, crimes that involve someone who identifies as a woman but was born male, or vice versa. The person may identify themselves as "transgender" or "transsexual." Also, if this person is cross-dressing but has not changed to the gender they identify with, that is also an anti-transgender crime; for example, if a man wearing a dress is attacked after leaving a party, that would be an anti-transgender crime. A possible indication that the crime is anti-transgender is if the word(s) "transgender," "transsexual," "tranny," "transvestite," "drag king," or "drag queen," is used in the commission of a crime.

Anti-gender non-conforming crimes involve people whose appearance is only slightly gender non-conforming—they are not presenting 100 percent as the other gender. An example would be a male who wears men's clothes and identifies as a male, but wears eye-makeup; when he is attacked for that reason, this is a gender non-conforming crime. The opposite example is a woman who identifies as a woman, but wears a male item of clothing like

a tie, and is attacked for that reason. A possible indication that the incident was an anti-gender non-conforming bias is if the word(s) "sissy," "lady," "girlie man," or "tomboy" is used in the commission of a crime.

C.   Working With Transgender Victims/Witnesses

Transgender people should be addressed according to the gender they identify and live as now, regardless of the gender they were born as. If someone identifies as a woman (even if born male), she should be addressed as a woman, by using "she," "her," and "Ms." To refer to her, use her preferred name (even if she has not yet legally changed her name). If someone identifies as a man (even if born female), then he should be addressed as a man, with male pronouns, and his preferred name.

If you need to refer to someone's gender identity, the term transgender is the safest to use; be sure to not use words that may be considered offensive epithets. In addition, it is important to know that the term transgender is an adjective, and should not be changed to "transgendered" or "transgenders." If you do not know if someone should be referred to with female or male pronouns, it is acceptable to ask that person their preferred pronoun. Disrespectful attitudes toward the victim or witness of a crime can add to their sense of trauma. By showing respect, officers can avoid a potential conflict with a victim or witness over misuse of proper names and pronouns and focus everyone's attention on solving the crime that occurred.

D.   Reporting Victim Sex in the NIBRS if an Anti-Transgender Bias Occurs

The NIBRS collects more detailed data on the victims, offenders, and the circumstances of crime. For example, a NIBRS participating law enforcement agency should report within an incident the age, sex, race, and ethnicity of the victim for each crime against person offense. If the committed offense was bias motivated, or specifically involved an Anti-Transgender Bias, the agency should report the victim's sex as the gender identity expressed by the victim. Whereas on the Hate Crime Incident Report, if the victim type is Individual, only the total number of victims, total victims 18 years of age, and total victims under 18 years of age are collected.

VI.   LEARNING MODULES FOR DEFINING AND REPORTING HATE CRIMES

Use of the Enclosed Learning Modules

Three learning modules are included in this manual for use in the instruction of law enforcement personnel on hate crime matters. The modules are in no way exhaustive or exclusive of either what can be taught or the way the material should be taught. Rather, they are intended merely as a suggested approach to such instruction. In order to obtain the most benefit from the materials, an agency should tailor them to meet its unique needs. The reader may also be interested in the model training programs produced by the International Association of Chiefs of Police (IACP) and the National Organization of Black Law Enforcement Executives (NOBLE). This training information can be obtained by contacting the organizations directly.

Learning Module One

"Learning Module One: The Social Psychology of Prejudice" is directed at the very heart of bias-related criminal behavior, namely, motivation. As an introduction to the social psychology of prejudice, it directs the student officer to look at the relationship of bias to stereotypical beliefs, prejudicial attitudes, and discriminatory behavior. It encourages the student to examine some of the major psychological motivations underlying prejudice as well as various social contexts which encourage or impede particular behaviors. The purpose of this module is twofold. First, it gives the student some understanding of how and why prejudice develops. Second, it increases the sensitivity of the student to the impact of hate crimes on the victim and the community.

Learning Module Two

"Learning Module Two: Bias-Motivated Crimes—Definitions and Procedures" provides definitions of terms law enforcement officers need to know in dealing with hate crime. It includes a hate crime reporting model that can be adapted for use in large, medium, or small law enforcement agencies.

The most important aspect of the model concerns the two-tier reviewing process. The purpose of the two-tier procedure is to ensure that suspected bias-motivated incidents undergo two levels of review within the reporting agency. Under the model system, the officer who responds to the incident is responsible for determining whether there is any indication that the offender was motivated by bias. If so, the responding officer should designate the incident as a "Suspected Bias-Motivated Crime" and pass it on for review by a second officer (or unit) possessing greater expertise in hate crime matters. This latter officer or unit has the responsibility for making the final decision as to whether the incident constitutes a hate crime. It is only after the incident has undergone the second review and is determined to be a hate crime that it is ready to be reported as such to the FBI's UCR Program.

Learning Module Three

     "Learning Module Three: Case Study Exercises of Possible Bias-Related Crimes" gives the student officer the opportunity to apply his/her newly-gained knowledge of hate crime matters to hypothetical cases. The student is to read each case scenario and (1) classify the type of offense(s) involved in the incident, (2) classify the offense as either "Not a Bias-Motivated Crime" or a "Suspected Bias-Motivated Crime," and (3) provide reasons for his/her decisions.

LEARNING MODULE ONE:
The Social Psychology of Prejudice

MODULE DESCRIPTION:

      This module introduces the social dynamics of prejudice with an emphasis on its relationship to stereotypical beliefs, prejudicial attitudes, and discriminatory behavior.

COURSE OBJECTIVES:

1. **The student will be able to define and describe the following terms: prejudice, stereotype, discrimination, racism, sexism, in-group, out-group, conformity.**

2. **The student will be able to understand the distinction between institutional prejudice and personal prejudice.**

3. **The student will be able to understand and explain ways in which stereotypes can influence memory for and perceptions of events.**

4. **The student will be familiar with common stereotypes of specific minority groups and will be able to differentiate those stereotypes from accurate descriptions of the minority groups.**

5. **The student will be able to identify the principal psychological motivations underlying prejudice.**

PREJUDICE, DISLIKING OTHERS[1]

What is the Nature and Power of Prejudice?

Prejudice comes in many forms—for our own group and against some other group: "northern liberals" or "southern rednecks," against Arab "terrorists" or American "infidels," against people who are short or fat or homely. Consider some striking examples:

   Religion. After 9/11 and the Iraq war, 4 in 10 Americans admitted "some feelings of prejudice against Muslims" and about half of non-Muslims in western Europe perceived Muslims negatively and as "violent." Muslims reciprocated the negativity, with most in Jordan, Turkey, Egypt, and even Britain seeing Westerners as "greedy" and "immoral."

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[1]The author relied most heavily in Learning Module One on the material of Dr. David G. Myers as found in Chapter 9 of his work, *Social Psychology*, (10th edition), New York: McGraw-Hill, 2010. Examples, content material, and quotations are taken from this reference.

Obesity. When seeking love and employment, overweight people—especially White women—face slim prospects. In correlational studies, overweight people marry less often, gain entry to less-desirable jobs, and make less money. In experiments where some people are made to appear overweight, they are perceived as less attractive, intelligent, happy, self-disciplined, and successful. Weight discrimination, in fact, exceeds race or gender discrimination and occurs at every employment stage—hiring, placement, promotion, compensation, discipline, and discharge. Negative assumptions about and discrimination against overweight people help explain why overweight women and obese men seldom become CEOs of large corporations.

Sexual Orientation. Many gay youth—two–thirds of gay secondary school students in one national British survey—report experiencing homophobic bullying. And one in five British lesbian and gay adults report having been victimized by aggressive harassment, insults, or physical assaults. In a U.S. national survey, 20 percent of gay, lesbian, and bisexual persons reported having experienced a personal or property crime based on their sexual orientation, and half reported experiencing verbal harassment.

Age. People's perceptions of the elderly—as generally kind but frail, incompetent, and unproductive—predispose patronizing behavior, such as baby-talk speech that leads elderly people to feel less competent and act less capably.

Immigrants. A fast-growing research literature documents anti-immigrant prejudice among Germans towards Turks, the French toward North Africans, the British toward West Indians and Pakistanis, and Americans toward Latin American immigrants. As we will see, the same factors that feed racial and gender prejudice also feed dislike of immigrants.

Defining Prejudice

Prejudice, stereotyping, discrimination, racism, sexism—the terms often overlap. Let's clarify them. Each of the situations just described involved a negative evaluation of some group. And that is the essence of **prejudice:** a preconceived negative judgment of a group and its individual members. (Some prejudice definitions include *positive* judgments, but nearly all uses of "prejudice" refer to *negative* ones.)

Prejudice is an attitude. An attitude is a distinct combination of feelings, inclinations to act, and beliefs. It can be easily remembered as the ABCs of attitudes: *a*ffect (feelings), *b*ehavior tendency (inclination to act), *c*ognition (beliefs). A prejudiced person may *dislike* those different from self and *behave* in a discriminatory manner, *believing* them ignorant and dangerous. Like many attitudes, prejudice is complex. For example, it may include a component of patronizing affection that serves to keep the target disadvantaged.

The negative evaluations that mark prejudice often are supported by negative beliefs, called stereotypes. To stereotype is to generalize about a group of people and it may be

true, false, or overgeneralized from a kernel of truth. To simplify the world, we generalize: The British are reserved. Americans are outgoing. Professors are absent-minded. Stereotypes (beliefs) are not prejudices (attitudes), yet stereotypes may support prejudice. For example, during the 1980s, women who assumed the title of "Ms." were seen as more assertive and ambitious than those who called themselves "Miss" or "Mrs." Now that "Ms." is the standard female title, the stereotype has shifted. It's married women who keep their own surnames that are seen as assertive and ambitious.

Such generalizations can be more or less true (and are not always negative). The elderly *are* more frail. Southern countries in the Northern Hemisphere do have higher rates of violence. People living in the south in those countries do report being more expressive than those in the northern regions of their country. Teachers' stereotypes of achievement differences in students from different gender, ethnic, and class backgrounds tend to mirror reality. Stereotypes may be positive or negative, accurate or inaccurate. An accurate stereotype may even be desirable. We call it "sensitivity to diversity" or "cultural awareness in a multicultural world." To stereotype the British as more concerned about punctuality than Mexicans is to understand what to expect and how to get along with others in each culture.

The problem with stereotypes arises when they are *overgeneralized* or just plain wrong. For example, to presume that most American welfare clients are African American is to overgeneralize, because it just is not so. University students' stereotypes of members of particular fraternities (as preferring, say, foreign language to economics, or softball to tennis) contain a germ of truth but are overblown. Individuals within the stereotyped group vary more than expected.

Prejudice is a negative *attitude*; **discrimination** is a negative *behavior*. Discriminatory behavior often has its source in prejudicial attitudes. Such was evident when researchers analyzed the responses to 1,115 identically worded e-mails sent to Los Angeles area landlords regarding vacant apartments. Encouraging replies came back to 89 percent of notes signed "Patrick McDougall," to 66 percent from "Said Al-Rahman," and to 56 percent from "Tyrell Jackson."

However, attitudes and behavior are often loosely linked. Prejudiced attitudes need not breed hostile acts, nor does all oppression spring from prejudice. **Racism** and **sexism** are institutional practices that discriminate, even when there is no prejudicial intent. If word-of-mouth hiring practices in an all-White business have the effect of excluding potential non-White employees, the practice could be called racist—even if an employee intended no discrimination.

Prejudice: Subtle and Overt

Prejudice provides one of the best examples of our *dual attitude* system. We can have different explicit (conscious) and implicit (automatic) attitudes toward the same target. Our

automatic *implicit* attitudes regarding someone or something often differ from our consciously controlled, *explicit* attitudes. We may retain from childhood a habitual, automatic fear or dislike of people for whom we now express respect and admiration. Although explicit attitudes may change dramatically with education, implicit attitudes may linger, changing only as we form new habits through practice.

A raft of experiments—by researchers at Ohio State University and the University of Wisconsin, Yale and Harvard universities, Indiana University, the University of Colorado, have confirmed that prejudiced and stereotypic evaluations can occur outside people's awareness. Keeping in mind the distinction between conscious, explicit prejudice and unconscious, implicit prejudice, let's examine two forms of prejudice: racial prejudice and gender prejudice.

Racial Prejudice

In the context of the world, every race is a minority. Non-Hispanic Whites, for example, are only one-fifth of the world's people and will be one-eighth within another half-century. Thanks to mobility and migration over the past two centuries, the world's races now intermingle, in relations that are sometimes hostile, sometimes amiable.

To a molecular biologist skin color is a trivial human characteristic, one controlled by a miniscule genetic difference. Moreover, nature doesn't cluster races in neatly defined categories. It is people, not nature, who label Barack Obama, the son of a White woman, as "Black," and who sometimes label Tiger Woods "African American" (his ancestry is 25 percent African) or "Asian American" (he is also 25 percent Thai and 25 percent Chinese)—or even as Native American or Dutch (he is one-eighth each).

Gender Prejudice

How pervasive is prejudice against women? Here we consider gender *stereotypes*—people's beliefs about how women and men *do* behave. Strong gender stereotypes exist, and, as often happens, members of the stereotyped group accept the stereotypes. Men and women agree that you *can* judge the book by its sexual cover. Gender stereotypes were much stronger than racial stereotypes. For example, only 22 percent of men thought the two sexes equally "emotional." Of the remaining 78 percent, those who believed females were more emotional outnumbered those who thought males were by 15 to 1. And what did the women believe? To within 1 percentage point, their responses were identical.

Remember that stereotypes are generalizations about a group of people and may be true, false, or overgeneralized from a kernel of truth. The average man and woman do differ somewhat in social connectedness, empathy, social power, aggressiveness, and sexual initiative (though not in intelligence). Do we then conclude that gender stereotypes are accurate?

Sometimes stereotypes exaggerate differences, but not always. For example, Pennsylvania State University students' stereotypes of men's and women's restlessness, nonverbal sensitivity, aggressiveness, and so forth were reasonable approximations of actual culture. Averaging data from 27 countries found that folks everywhere perceive women as more agreeable, men as more outgoing. The persistence and omnipresence of gender stereotypes leads some evolutionary psychologists to believe they reflect innate, stable reality.

What are the Social Sources of Prejudice?

Prejudice springs from several sources:
   • It may arise from differences in social status and people's desires to justify and maintain those differences.
   • It may also be learned from our parents as we are socialized about what differences matter between people.
   • Our social institutions, too, may function to maintain and support prejudice. Consider first how prejudice can function to defend self-esteem and social position.

Social Inequalities: Unequal Status and Prejudice

A principle to remember: *Unequal status breeds prejudice.* Masters view slaves as lazy, irresponsible, lacking ambition—as having just those traits that justify the slavery. Historians debate the forces that create unequal status. But once those inequalities exist, prejudice helps justify the economic and social superiority of those who have wealth and power.

Historical examples abound. Where slavery was practiced, prejudice ran strong. Nineteenth-century politicians justified imperial expansion by describing exploited colonized people as "inferior," "requiring protection," and a "burden" to be borne. Six decades ago, sociologist Helen Mayer Hacker noted how stereotypes of Blacks and women helped rationalize the inferior status of each: Many people thought both groups were mentally slow, emotional and primitive, and "contented" with their subordinate role. Blacks were "inferior"; women were "weak." Blacks were all right in their place; women's place was in the home.

Theresa Vescio and her colleagues (2005) tested that reasoning. They found that powerful men who stereotype their female subordinates give them plenty of praise, but fewer resources, thus undermining their performance. This sort of patronizing allows the men to maintain their positions of power. In the laboratory, too, patronizing benevolent sexism (statements implying that women, as the weaker sex, need support) has undermined women's cognitive performance by planting intrusive thoughts—self-doubts, preoccupations, and decreased self-esteem.

Peter Glick and Susan Fiske's distinction between "hostile" and "benevolent" sexism extends to other prejudices. We see other groups as competent or as likable, but often not

as both. These two culturally universal dimensions of social perception—likability (warmth) and competence—were illustrated by one European's comment that "Germans love Italians, but don't admire them. Italians admire Germans, but don't love them." We typically *respect* the competence of those high in status and *like* those who agreeably accept a lower status. In the United States, report Fiske and her colleagues, Asians, Jews, Germans, nontraditional women, and assertive African Americans, and gay men tend to be respected but not so well liked. Traditionally subordinate African Americans and Hispanics, traditional women, less masculine gay men, and people with disabilities tend to be seen as less competent but liked for emotional, spiritual, artistic, and athletic qualities.

Socialization

Prejudice springs from unequal status and from other social sources, including our acquired values and attitudes. The influence of family socialization appears in children's prejudices, which often mirror those perceived in their mothers. Even children's implicit racial attitudes reflect their parents' explicit prejudice. Our families and cultures pass on all kinds of information—how to find mates, drive cars, and divide the household labors, and whom to distrust and dislike.

Prejudice is maintained largely by inertia. If prejudice is socially accepted, many people will follow the path of least resistance and conform to the fashion. They will act not so much out of a need to hate as out of a need to be liked and accepted. Thus, people become more likely to favor (to oppose) discrimination after hearing someone else do so, and they are less supportive of women after hearing sexist humor.

Institutional Supports

Social institutions (schools, government, the media) may bolster prejudice through overt policies such as segregation, or by passively reinforcing the status quo. Until the 1970s many banks routinely denied mortgages to unmarried women and to minority applicants, with the result that most homeowners were White married couples. Similarly, political leaders may both reflect and reinforce prevailing attitudes. When Arkansas Governor Orville Faubus in 1957 barred the doors of Central High School in Little Rock to prevent integration, he was both representing his constituents and lending legitimacy to their views. Schools are one of the institutions most prone to reinforce dominant cultural attitudes. An analysis of stories in 134 children's readers written before 1970 found that male characters outnumbered female characters three to one with male characters being portrayed as showing initiative, bravery, and competitive more often than female characters.

`   Institutional supports for prejudice, like those readers, are often unintended and unnoticed. Not until the 1970s, when changing ideas about males and females brought new perceptions of such portrayals, was this blatant (to us) stereotyping widely noticed and changed.

What are the Motivational Sources of Prejudice?

Prejudice may be bred by social situations, but motivation underlies both the hostilities of prejudice and the desire to be unbiased. Frustration can feed prejudice, as can the desire to see one's group as superior. But **in** time, people are also motivated to avoid prejudice.

Frustration and Aggression: The Scapegoat Theory

Pain and frustration often evoke hostility. When the cause of our frustration is intimidating or unknown, we often redirect our hostility. This phenomenon of "*displaced aggression*" may have contributed to the lynchings of African Americans in the South after the Civil War. Between 1882 and 1930, more lynchings occurred in years when cotton prices were low and economic frustration was therefore presumably high. Hate crimes seem not to have fluctuated with unemployment in recent decades. However, when living standards are rising, societies tend to be more open to diversity and to the passage and enforcement of antidiscrimination laws. Ethnic peace is easier to maintain during prosperous times.

Competition is an important source of frustration that can fuel prejudice. When two groups compete for jobs, housing, or social prestige, one group's goal fulfillment can become the other group's frustration. **Thus, the realistic group conflict theory** suggests that prejudice arises when groups compete for scarce resources. A corresponding ecological principle, Gause's law, states that maximum competition will exist between species with identical needs.

Social Identity Theory: Feeling Superior to Others

Humans are a group-bound species. Our ancestral history prepares us to feed and protect ourselves—to live—in groups. Humans cheer for their groups, kill for their groups, die for their groups. Not surprisingly, we also define ourselves by our groups, note Australian social psychologists John Turner, Michael Hogg, and their colleagues. Self-concept—our sense of who we are—contains not just a *personal identity* our sense of our personal attributes and attitudes) but also a **social identity**. Fiona identifies herself as a woman, an Aussie, a Labourite, a University of New South Wales student, a member of the MacDonald family. We carry such social identities like playing cards, playing them when appropriate. Prime American students to think of themselves as "Americans" and they will display heightened anger and disrespect toward Muslims; prime their "student" identity and they will instead display heightened anger toward police.

Working with the late British social psychologist Henri Tajfel, a Polish native who lost family and friends in the Holocaust and then devoted much of his career to studying ethnic hatred, Turner proposed *social identity theory*. Turner and Tajfel observed the following:

• *We categorize:* We find it useful to put people, ourselves included, into categories. To label someone as a Hindu, a Scot, or a bus driver is a shorthand way of saying some other things about the person.

• *We identify:* We associate ourselves with certain groups (our **ingroups**), and gain self-esteem by doing so.

• *We compare:* We contrast our groups with other groups (**outgroups**), with a favorable bias toward our own group.

We evaluate ourselves partly by our group memberships. Having a sense of "we-ness" strengthens our self-concepts. It *feels* good. We seek not only *respect* for ourselves but also *pride* in our groups. Moreover, seeing our groups as superior helps us feel even better. It's as if we all think, "I am an X [name your group]. X is good. Therefore, I am good."

Because of our social identifications, we conform to our group norms. We sacrifice ourselves for team, family, nation. And the more important our social identity and the more strongly attached we feel to a group, the more we react prejudicially to threats from another group.

Motivation to Avoid Prejudice

Motivations not only lead people to be prejudiced but also lead people to avoid prejudice. Try as we might to suppress unwanted thoughts—thoughts about food, thoughts about romance with a friend's partner, judgmental thoughts about another group—they sometimes refuse to go away. This is especially so for older adults, and people under alcohol's influence who lose some of their ability to inhibit unwanted thoughts and therefore to suppress old stereotypes. Patricia Devine and her colleagues report that people low and high in prejudice sometimes have similar automatic prejudicial responses. The result: Unwanted (dissonant) thoughts and feelings often persist. Breaking the prejudice habit is not easy.

In real life, encountering a minority person may trigger a knee-jerk stereotype. Those with accepting and those with disappearing attitudes toward homosexuals may both feel uncomfortable sitting with a gay male on a bus seat. Encountering an unfamiliar Black male, people—even those who pride themselves on not being prejudiced—may respond warily. Seeking not to appear prejudiced, they may divert their attention away from the person.

What are the Cognitive Sources of Prejudice?

To understand stereotyping and prejudice, it also helps to remember how our minds work. How does the way we think about the world, and simplify it, influence our stereotypes? And how do our stereotypes affect our judgments? A newer look at prejudice, fueled by a surge in studies of stereotyping applies new research on social thinking. The basic point is this: Stereotyped beliefs and prejudiced attitudes exist not only because of social conditioning and

because they enable people to displace hostilities, but also as by-products of normal thinking processes. Many stereotypes spring less from malice of the heart than the machinery of the mind. Like perceptual illusions, which are by-products of our knack for interpreting the world, stereotypes can be by-products of how we simplify our complex worlds.

Categorization: Classifying People into Groups

One way we simplify our environment is to *categorize*—to organize the world by clustering objects into groups. A biologist classifies plants and animals. A human classifies people. Having done so, we think about them more easily. If persons in a group share some similarities—if most MENSA members are smart, most basketball players are tall—knowing their group memberships can provide useful information with minimal effort. Stereotypes sometimes offer "a beneficial ratio of information gained to effort expended." Stereotypes represent cognitive efficiency. They are energy-saving schemes for making speedy judgments and predicting how others will think and act.

Spontaneous Categorization

We find it especially easy and efficient to rely on stereotypes when we are—
   • pressed for time.
   • preoccupied.
   • tired.
   • emotionally.
   • aroused.
   • too young to appreciate diversity.

Ethnicity and sex are powerful ways of categorizing people. Imagine Tom, a 45-year-old African American Atlanta real estate agent. I suspect that your image of "Black male" predominates over the categories "middle-aged," "businessperson," and "American southerner."

Experiments expose our spontaneous categorization of people by race. Much as we organize what is actually a color continuum into what we perceive as distinct colors such as red, blue, and green, so we cannot resist categorizing people into group. We label people of widely varying ancestry as simply "Black" or "White," as if such categories were black and white. When individuals view different people making statements, they often forget who said what, yet they remember the race of the person who made each statement. By itself, such categorization is not prejudice, but it does provide a foundation for prejudice.

Distinctiveness: Perceiving People Who Stand Out

Other ways we perceive our worlds also breed stereotypes. Distinctive people and vivid or extreme occurrences often capture attention and distort judgments.

What are the Consequences of Prejudice?

Beyond causes of prejudice, it is important to examine its consequences. Stereotypes can be self-perpetuating—their existence can prevent their change. Stereotypes can also create their own reality. Even if they are initially untrue, their existence can make them become true. The negative allegations of prejudice can also undermine people's performance and affect how people interpret discrimination.

Self-Perpetuating Stereotypes

Prejudice is preconceived judgment. Prejudgments are inevitable: None of us is a dispassionate bookkeeper of social happenings, tallying evidence for and against our biases.

Prejudgments guide our attention and our memories. People who accept gender stereotypes often misrecall their own school grades in stereotype-consistent ways. For example, women often recall receiving worse math grades and better arts grades than were actually the case.

Moreover, once we judge an item as belonging to a category such as a particular race or sex, our memory for it later shifts toward the features we associate with that category. Johanne Huart and his colleagues demonstrated this by showing Belgian university students a face that was a blend of 70 percent of the features of a typical male and 30 percent female (or vice versa). Later, those shown the 70 percent male face recalled seeing a male (as you might expect), but also misrecalled the face as being even more prototypically male.

Prejudgments are self-perpetuating. Whenever a member of a group behaves as expected, we duly note the fact; our prior belief is confirmed. When a member of a group behaves inconsistently with our expectations, we may interpret or explain away the behavior as due to special circumstances. The contrast to a stereotype can also make someone seem exceptional. Telling some people that "Maria played basketball" and others that "Mark played basketball" may make Maria seem more athletic than Mark. Stereotypes therefore influence how we construe someone's behavior. Prime White folks with negative media images of Black folks (for example, looting after Hurricane Katrina) and the activated stereotype may be poisonous. In one experiment, such images produced reduced empathy for other Black people in need.

Discrimination's Impact: The Self-Fulfilling Prophecy

Attitudes may coincide with the social hierarchy not only as a rationalization for it but also because discrimination affects its victims. "One's reputation," wrote Gordon Allport, "cannot be hammered, hammered, hammered into one's head without doing something to one's character." If we could snap our fingers and end all discrimination, it would be naïve for the White majority to say to Blacks, "The tough times are over, folks! You can now all be attaché-

carrying executives and professionals." When the oppression ends, its effects linger, like a societal hangover.

In *The Nature of Prejudice*, Allport catalogued 15 possible effects of victimization. Allport believed these reactions were reducible to two basic types—those that involve blaming oneself (withdrawal, self-hate, aggression against one's own group) and those that involve blaming external causes (fighting back, suspiciousness, increased group pride). If victimization takes a toll—say, higher rates of crime—people can use the result to justify the discrimination: "if we let those people in our nice neighborhood, property values will plummet."

Stereotype Threat

Just being sensitive to prejudice is enough to make us self-conscious when living as a numerical minority—perhaps as a Black person in a White community or as a White person in a Black community. And as with other circumstances that siphon off our mental energy and attention, the result can be diminished mental and physical stamina. Placed in a situation where others expect you to perform poorly, your anxiety may also cause you to confirm the belief. This self-confirming apprehension that one will be evaluated based on a negative stereotype is called stereotype threat.

Do Stereotypes Bias Judgments of Individuals

Yes, stereotypes bias judgments, but here is some good news: P*eople often evaluate individuals more positively than the groups they compose*. People may have strong stereotypes, yet ignore them when judging a particular individual.

What can we say in summing up?

Prejudice is a preconceived negative *attitude*. *Stereotypes* are beliefs that may be accurate, inaccurate, or overgeneralized but based on based on a kernel of truth. *Discrimination* is unjustified negative behavior. *Racism* and *sexism* may refer to individuals' prejudicial attitudes or discriminatory behaviors, or to oppressive institutional practices (even if not intentionally prejudicial).

Prejudice exists in subtle and unconscious guises as well as overt, conscious forms. Researchers have devised subtle survey questions and indirect methods for assessing people's attitudes and behavior to detect unconscious prejudice.

Racial prejudice against Blacks in the United States was widely accepted until the 1960s; since that time it has become far less prevalent, but it still exists.

Similarly, prejudice against women has lessened in recent decades. Nevertheless, strong gender stereotypes and a fair amount of gender bias are still found in the United States and, to a greater degree, around the world.

The social situation breeds and maintains prejudice in several ways. A group that enjoys social and economic superiority will often use prejudicial beliefs to justify its privileged position.

Children are also brought up in ways that foster or reduce prejudice. The family, religious communities, and the broader society can sustain or reduce prejudices.

Social institutions (government, schools, media) also support prejudice, sometimes through overt policies and sometimes through unintentional inertia.

People's motivations affect prejudice. Frustration breeds hostility, which people sometimes vent on scapegoats and sometimes express more directly against competing groups.

People also are motivated to view themselves and their groups as superior to other groups. Even trivial group memberships lead people to favor their group over others. A threat to self-image heightens such ingroup favoritism, as does the need to belong.

On a more positive note, if people are motivated to avoid prejudice, they can break the prejudice habit.

Recent research shows how the stereotyping that underlies prejudice is a by-product of our thinking—our ways of simplifying the world. Clustering people into categories exaggerates the uniformity within a group and the differences between groups.

A distinctive individual, such as a lone minority person, has a compelling quality that makes us aware of differences that would otherwise go unnoticed. The occurrence of two distinctive events (for example, a minority person committing an unusual crime) helps create an *illusory correlation* between people and behavior. Attributing others' behavior to their dispositions can lead to the *group-serving bias:* assigning outgroup members' negative behavior to their natural character while explaining away their positive behaviors.

Blaming the victim results from the common presumption that because this is a just world, people get what they deserve.

Prejudice and stereotyping have important consequences, especially when strongly held, when judging unknown individuals, and when deciding policies regarding whole groups.

Once formed, stereotypes tend to perpetuate themselves and resist change. They also create their own realities through self-fulfilling prophesies.

Prejudice can also undermine people's performance through stereotype threat, by making people apprehensive that others will view them stereotypically.

Stereotypes, especially when strong, can predispose how we perceive people and interpret events.

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LEARNING MODULE TWO:
Bias-Motivated Crimes—Definitions and Procedures

MODULE DESCRIPTION:

This module provides: (1) definitions of hate crime terminology, (2) a "model" approach to reporting hate crimes, and (3) criteria for determining whether a hate crime has occurred.

COURSE OBJECTIVES:

- The student will be able to define Bias/Hate Crime based on Race, Religion, Ethnicity, Sexual Orientation, Disability, Gender, and Gender Identity, as well as Responding Officer, and Second-Level Judgment Officer/Unit.

- The student will be able to explain the "two-tier" process for reporting hate crimes.

- The student will be able to list the types of criteria used to make a determination of whether a crime was bias motivated.

DEFINITIONS FOR HATE CRIME DATA COLLECTION:

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

Bias—A preformed negative opinion or attitude toward a group of persons based on their race, religion, disability, sexual orientation, ethnicity, gender, or gender identity.

Bias Crime—A committed criminal offense that is motivated, in whole or in part, by the offender's bias(es) against a race, religion, disability, sexual orientation, ethnicity, gender, or gender identity; also known as Hate Crime.

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

Bisexual—(adjective) Of or relating to people who are physically, romantically, and/or emotionally attracted to both men and women.

Disability Bias—A preformed negative opinion or attitude toward a group of persons based on their physical or mental impairments, whether such disability is temporary or permanent, congenital or acquired by heredity, accident, injury, advanced age, or illness.

Person with a Disability—(adjective) Of or relating to persons who have physical or mental impairments, whether temporary or permanent, due to conditions that are congenital or acquired by heredity, accident, injury, advanced age, or illness; (noun) person with a disability.

Ethnicity Bias—A preformed negative opinion or attitude toward a group of people whose members identify with each other, through a common heritage, often consisting of a common language, common culture (often including a shared religion) and/or ideology that stresses common ancestry. The concept of ethnicity differs from the closely related term *race* in that "race" refers to grouping based mostly upon biological criteria, while "ethnicity" also encompasses additional cultural factors.

Note: When the FBI's Hate Crime Statistics Program was initially implemented, ethnicity bias was reported as ethnicity/national origin bias. It was then modified by the Office of Management and Budget's *1997 Revision to the Standards for the Classification of Federal Data on Race and Ethnicity.*

Gay—(adjective) Of or relating to people who are physically, romantically, and/or emotionally attracted to people of the same sex.

Note: Generally this word is used to refer to gay men, but may also be used to describe women; the term "gay" is preferred over the term "homosexual. For UCR Program purposes, however, if reporting an anti-gay bias, the victim should be a male.

Gender—(noun) This term is used synonymously with sex to denote whether a newborn is male or female at birth, e.g., "it's a boy" or "it's a girl."

Gender Bias—(noun) A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender, e.g., male or female.

Gender Identity—(noun) A person's internal sense of being male, female, or a combination of both; that internal sense of a person's gender may be different from the person's gender as assigned at birth.

Note: A transgender person may express their gender identity through gender characteristics, such as clothing, hair, voice, mannerisms, or behaviors that do not conform to the gender-based expectations of society.

Gender Identity Bias—A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender identity, e.g., bias against transgender or gender non-conforming individuals.

Gender Non-Conforming—(adjective) Describes a person who does not conform to the gender-based expectations of society, e.g., a woman dressed in traditionally male clothing or a man wearing makeup.

Note: A gender non-conforming person may or may not be a lesbian, gay, bisexual, or transgender person but may be perceived as such. Additional information is provided in Section V.

Hate Crime—Bias Crime.

Hate Group—An organization whose primary purpose is to promote animosity, hostility, and malice against persons of or with a race, religion, disability, sexual orientation, ethnicity, gender, or gender identity which differs from that of the members or the organization, e.g., the Ku Klux Klan, American Nazi Party.

Heterosexual—(adjective) Of or relating to people who are physically, romantically, and/or emotionally attracted to people of the opposite sex.

Note: The term straight is a synonym.

Homosexual—(adjective) Of or relating to people who are physically, romantically, and/or emotionally attracted to people of the same sex.

Note: This is an outdated clinical term considered derogatory and offensive by many people; current journalistic standards restrict usage of the term; "lesbian" and/or "gay" accurately describes those who are attracted to people of the same sex.

Lesbian—(adjective) Of or relating to women who are physically, romantically, and/or emotionally attracted to other women.

Note: Some lesbian women prefer to be described as gay women; preferred over the term "homosexual;" may be used as a noun. For UCR Program purposes, however, if reporting an anti-gay bias, the victim should be a male.

LGBT—(noun) Common initialism for "lesbian, gay, bisexual, and transgender," used here to refer to community organizations or events that serve lesbian, gay, bisexual, transgender, and allied people.

National Incident–Based Reporting System—A reporting system implemented in the late 1980s to replace the traditional SRS. NIBRS provides for expanded collection and reporting of offenses and arrests and their circumstances.

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

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

Sexual Orientation—(noun) The term for a person's physical, romantic, and/or emotional attraction to members of the same and/or opposite sex, including lesbian, gay, bisexual, and heterosexual (straight) individual.

Note: Avoid the offensive terms "sexual preference" or "lifestyle."

Sexual-Orientation Bias—(noun) A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived sexual orientation.

Summary Reporting System—The traditional tally system which has been used since 1930 to collect UCR data.

Transgender—(adjective) Of or relating to a person who identifies as a different gender from their gender as assigned at birth.

Note: The person may also identify himself or herself as "transsexual." Additional information is provided in Section V.

Note: A transgender person may outwardly express his or her gender identity all of the time, part of the time, or none of the time; a transgender person may decide to change his or her body to medically conform to his or her gender identity.

Note: Avoid the following terms: "he-she," "she-male," "tranny," "it," "shim," "drag queen," "transvestite," and "cross-dresser."

PROCEDURES AND CRITERIA:

Two-Tier Decision-Making Process

The FBI's UCR Program surveyed state UCR Program managers on hate crime collection procedures in use at various law enforcement agencies within their states. It found that most law enforcement agencies that collect hate crime data employ a two-tier decision-making process. The first level is the law enforcement officer who initially responds to the alleged hate crime incident, i.e., the "Responding Officer" (or "First-Level Judgment Officer"). It is the responsibility of the Responding Officer to determine whether there is any indication that the offender was motivated by bias. If there is, he/she is to designate the incident as a "Suspected Bias-Motivated Crime" and forward the case file to a "Second-Level Judgment Officer/Unit." In smaller agencies this is usually a person specially trained in hate crime matters, while in larger agencies it may be a special unit.

It is the task of the Second-Level Judgment Officer/Unit to review carefully the facts of the incident and make the final determination of whether a hate crime has actually occurred. If so, the incident is to be reported to the FBI's UCR Program as a bias-motivated crime.

Responding Officer's Responsibilities

Law enforcement's response to an alleged hate crime begins no differently than to any other crime. The Responding Officer must quickly evaluate what has happened and take any necessary action to stabilize the situation. After that has been done, there are two unique areas of concern which should be recognized by an officer responding to an alleged hate crime: (1) sensitivity to the needs of the victim and (2) the elements of a bias crime.

First, the Responding Officer should be sensitive to the effects of a bias crime on the victim. A victim of any crime may feel isolated from others, fearful that the occurrence will happen again, and angry that he/she has become a victim. However, there is a deeper level of isolation, fear, and anger that the victim of hate crime feels. This individual has been chosen from the rest of the population to be victimized for no other reason than his/her race, religion, disability, ethnicity, sexual orientation, gender, or gender identity. There is nothing this person can do; indeed, there is nothing he/she ought to do to change his/her race, religion, disability, ethnicity, sexual orientation, gender, and gender identity. And yet, it is because of these very innate qualities that he/she was victimized. This type of personal experience can result, many times, in a feeling of loss of control over one's life. By recognizing these dynamics, the Responding Officer can address the special needs of the victim, thereby placing him/her at some ease and thereby making it easier to elicit from him/her necessary information concerning the alleged offense. Another task of the Responding Officer is to determine whether additional resources are needed on the scene, such as community affairs/relations representatives, mental/physical health professionals, and/or the clergy. At a minimum, the victim should be referred to appropriate social and legal services.

Second, the Responding Officer must be knowledgeable of the elements of a bias-related crime. As set forth in this document, a bias crime is a criminal offense committed against a person or property or society, if reported in the NIBRS, which is motivated by the offender's bias against the victim's race, religion, disability, ethnicity, sexual orientation, gender, or gender identity. At the level of the Responding Officer, if there is any indication that the offender was motivated by bias to commit the crime, the incident should be classified as a "Suspected Bias-Motivated Crime."

The types of factors to be considered by the Reporting Officer in making a determination of whether the incident is a "Suspected Bias-Motivated Crime" are:

- Is the motivation of the alleged offender known?

- Was the incident known to have been motivated by racial, religious, disability, ethnic, sexual orientation, gender, or gender identity bias?

- Does the victim perceive the action of the offender to have been motivated by bias?

- Is there no clear other motivation for the incident?

- Were any racial, religious, disability, ethnic, sexual orientation, gender, or gender identity bias remarks made by the offender?

- Were there any offensive symbols, words, or acts which are known to represent a hate group or other evidence of bias against the victim's group?

- Did the incident occur on a holiday or other day of significance to the victim's or offender's group?

- What do the demographics of the area tell you about the incident?

If these or other factors indicate that the offender may have been motivated by bias to commit the crime, the incident should be classified as a "Suspected Bias-Motivated Crime" and sent on to the Second-Level Judgment Officer/Unit for review. While the mere utterance of a racial epithet by the offender does not provide sufficient basis to report a crime as a "Suspected Bias-Motivated Crime," it, combined with other factors indicating bias, could do so. For the purpose of first-level bias crime reporting, the old adage of "when in doubt, check it out" should be followed, i.e., questionable cases should be referred to the Second-Level Judgment Officer/Unit for resolution.

Second-Level Judgment Officer's/Unit's Responsibilities

The second tier in the decision-making process is where the final decision is made regarding whether an offense was bias motivated. Therefore, the people who make final decisions must be specially trained to the point of being "experts" on bias matters. The Responding Officer had merely to determine whether there was any indication that the offense was motivated by bias. On the other hand, the Second-Level Judgment Officer/Unit must carefully sift through the facts using more stringent criteria to determine whether the incident was, in fact, a hate crime.

The second level of review can be a specially-trained officer, investigator, supervisor, or specially-established hate crime unit. This does not mean that every agency must establish a "Special Hate Crime Unit." Given the fiscal constraints prevalent throughout most of the law enforcement community, such a proposition would be an unreasonable requirement. However, what is suggested is that somewhere in the agency's already established crime reporting review process, someone should be specifically tasked with the responsibility of reviewing "Suspected Bias-Motivated Crimes" and making the final decision as to the existence or nonexistence of bias motivation.

During the second review, the Second-Level Judgment Officer/Unit should have time to consider carefully the findings of the Responding Officer and perhaps even conduct interviews of the victims and witnesses if necessary. For an incident to be reported as a hate crime, sufficient objective facts must be present to lead a reasonable and prudent person to conclude that the offender's actions were motivated, in whole or in part, by bias. While no single fact may be conclusive, positive answers to the types of questions listed below are supportive of a finding of bias motivation. But an important distinction should be made. The mere fact that the offender is biased against the victim's race, religion, disability, ethnicity, sexual orientation, gender, and/or gender identity does not mean that a hate crime was involved. Rather, the offender's criminal act must have been motivated, in whole or in part, by his/her bias.

The Second-Level Judgment Officer/Unit should seek answers to the following types of questions before making the final determination of whether an incident was motivated by bias:

- Is the victim a member of a specific race, religion, disability, ethnicity, sexual orientation, gender, or gender identity?

- Was the offender of a different race, religion, ethnicity, sexual orientation, gender, or gender identity than the victim? For example, the victim was African American and the offender was white.

- Would the incident have taken place if the victim and offender were of the same race, religion, disability, ethnicity, sexual orientation, gender, or gender identity?

- Were biased oral comments, written statements, or gestures made by the offender which indicated his/her bias? For example, the offender shouted a racial or ethnic epithet at the victim.

- Were bias-related drawings, markings, symbols, or graffiti left at the crime scene? (e.g., a swastika was painted on the door of a synagogue, mosque, or LGBT Center.)

- Were certain objects, items, or things that indicate bias used, e.g., the offenders wore white sheets with hoods covering their faces, a burning cross was left in front of the victim's residence?

- Is the victim a member of a specific group which is overwhelmingly outnumbered by other residents in the neighborhood where the victim lives and the incident took place?

- Was the victim visiting a neighborhood where previous hate crimes had been committed because of race, religion, disability, ethnicity, sexual orientation, gender, or gender identity and where tensions remained high against his/her group?

- Have several incidents occurred in the same locality, at or about the same time, and were the victims all of the same race, religion, disability, ethnicity, sexual orientation, gender, or gender identity?

- Does a substantial portion of the community where the crime occurred perceive that the incident was motivated by bias?

- Was the victim engaged in activities related to his/her race, religion, disability, ethnicity, sexual orientation, gender, or gender identity? For example, the victim was a member of the National Association for the Advancement of Colored People (i.e., NAACP, participated in LGBT Pride celebration, etc.)?

- Did the incident coincide with a holiday or a date of particular significance relating to a race, religion, disability, ethnicity, sexual orientation, gender, or gender identity, e.g., Martin Luther King Day, Rosh Hashanah, or the Transgender Day of Remembrance (November 20)?

- Was the offender previously involved in a similar hate crime or is a hate group member?

- Were there indications that a hate group was involved? For example, a hate group claimed responsibility for the crime or was active in the neighborhood.

- Does a historically-established animosity exist between the victim's and offender's groups?

- Is this incident similar to other known and documented cases of bias, particularly in this area? Does it fit a similar modus operandi to these other incidents?

- Has this victim been previously involved in similar situations?

- Are there other explanations for the incident, such as a childish prank, unrelated vandalism, etc.?

- Did the offender have some understanding of the impact his/her actions would have on the victim?

The Second-Level Judgment Officer/Unit should respond to the scenes of large bias incidents, such as race riots, demonstrations, etc. When doing so, a determination should be made whether additional resources should be called to the scene, such as police tactical units,

community affairs/relations representatives, mental/physical health professionals, and/or faith leaders.

It is important to note that only after the Second-Level Judgment Officer/Unit has made a decision that the crime was bias motivated should it be reported to the FBI's UCR Program.

LEARNING MODULE THREE:
Case Study Exercises of Possible Bias-Related Crimes

MODULE DESCRIPTION:

This module provides the student officer with hypothetical case scenarios to practice his/her knowledge gained from Learning Modules One and Two.

COURSE OBJECTIVES:

The student will be able to evaluate a hypothetical case and (1) classify the offenses involved in the incident, (2) classify the incident as either "Not a Bias-Motivated Crime" or a "Suspected Bias-Motivated Crime," and (3) give the reasons for his/her decision.

RULES FOR THE EXERCISE SESSION:

The student officer is to read the hypothetical cases and (1) classify the offense(s) involved in each incident, (2) classify the fact situations as either 'Not a Bias-Motivated Crime" or a "Suspected Bias-Motivated Crime," and (3) give reasons for his/her bias classification decisions.

EXERCISE CASES:

Exercise (1): Deputy Sheriff Jackson received a radio call to go to an apartment and interview an individual complaining of threats made over the telephone. Upon arriving at the apartment, the complainant, a white female, informed Deputy Jackson that she is a lesbian and that over the last two weeks she has received repeated telephone calls from a person who stated that the complainant had been seen going into "gay bars," and therefore, she would have to be "punished."

Crime Classification: Intimidation

Bias Classification: Anti-Lesbian

Reasons: Threats were made to harm the victim physically because of her sexual orientation.

Note: In addition to collecting hate crimes based on gender and gender identity, the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act requires statistics to be captured on hate crimes committed by/directed against juveniles. In Exercise 1, however, it is not possible to report the age of the offender. Therefore, if an agency reports their hate crime incidents on the Hate Crime Incident Report, for this incident, one offender should be reported and the age breakdown should be entered as 00.

Exercise (2): On January 1, a woman was walking alone after leaving a party when she was tackled to the ground by a man. He began choking her and yelling "I hate you," "You bitch." Nearby, an-undercover officer heard the man's yelling. The officer was able to restrain the man but he continued screaming "I hate all of the bitches." The victim indicated she had never seen the man before. Later the man told the officer that he had been at a bar and had tried to talk to a woman. She had laughed at him and he said he was not going to take it anymore.

Crime Classification: Aggravated Assault

Bias Classification: Anti-Female

Reasons: The offender attacked the woman because of his bias against women. This is evidenced by his statements and also by what he told the officer.

Exercise (3): On February 2, at 3:30 a.m., as Detective Phipps was returning home at the end of his tour, he came across an abandoned vehicle. When he approached the vehicle, he found an unconscious male who had sustained several bruises to the head and was partially dressed. Written on the windshield of the vehicle were the words "Drag Queen," and on the passenger seat of the vehicle, he saw a woman's dress and wig.

Crime Classification: Aggravated Assault

Bias Classification: Anti-Transgender

Reasons: The incident should be reported with an Anti-Transgender Bias because the victim was targeted due to his gender identity.

Exercise (4): As Officer Sloan was walking her "beat," her attention was drawn to two individuals who were engaged in a shouting match. As the officer approached, she overheard the two men, one white and the other black, shouting obscenities at each other. The argument concerned a parking space to which each believed he was entitled. As the argument continued, a racial epithet was shouted by one of the men. At this point, Officer Sloan arrived at the scene and quieted the men. What appeared to have happened was that one of the drivers had gotten to the parking space first but did not use his turn signal to indicate he was waiting to pull into the parking space. The second driver, coming upon what appeared to be an unoccupied parking space, proceeded to maneuver his car around the first driver's car and into the space. The argument then began.

Crime Classification: None

Bias Classification: Unbiased Crime Incident

Reasons: The argument only involved the issue of which driver deserved to get the parking space. One of the questions one should ask in investigating alleged bias incidents is: "Would the incident have taken place if both the victim and offender were of the same race, religion, ethnicity, sexual orientation, gender, or gender identity? If the answer is 'Yes,' it is "Not a Bias-Motivated Crime."

Exercise (5): During the midnight tour, Deputy Sheriff Hennessey was patrolling her assigned watch area. Shining her cruiser light on various business establishments, she noticed one building had been spray painted. The graffiti included racial epithets used against Asians and threats against the owners of a Chinese restaurant which is located in the building. The deputy knows the Chinese owners are the only Asians in that business district. No other buildings were spray painted.

Crime Classification: Destruction/Damage/Vandalism of Property

Bias Classification: Anti-Asian

Reasons: The offenders apparently were motivated by their bias against Asians. This is evidenced by their use of Asian epithets and the fact that no other business in the area was spray painted.

Exercise (6): At 8:30 p.m., Officer Gregory responded to a report of an altercation at a bar/restaurant. Upon arriving at the scene, he found paramedics providing medical care to an African-American male. The victim informed him he was accosted by three white male patrons who repeatedly asked if he were gay. He politely told them he was not. Officer Gregory also spoke to the bartender who indicated he had noticed the odd behavior in the men, as they took turns leaving the restaurant to wait outside, then returning while another took their place. Upon leaving the restaurant, the victim was approached and racial and gay epithets were said and the male was struck forcefully in the head by one of the men. The blow knocked the victim to the pavement where he struck his head and was knocked unconscious.

Crime Classification: Aggravated Assault

Bias Classification: Anti-Black or African American and Anti-Gay (Male)

Reasons: The offenders apparently were motivated by their perception that the man was gay and their bias against African Americans.

Note: Up to five bias motivations per offense type can be reported.

Exercise (7): On July 9, at approximately 10:30 p.m., Officer Cassidy was dispatched to investigate a 911 call. Upon arriving at the location, she found a woman who had been beaten. The victim explained to the officer she had been walking home from an LGBT Center when she was accosted by two men. She stated the men beat her and were also verbally abusive and mocked her for her short hair style and for the clothes and shoes she was wearing.

Crime Classification: Aggravated Assault

Bias Classification: Anti-Gender Non-Conforming

Reasons: The perpetrators attacked the victim because she did not fit the image they associated as female.

Exercise (8): At 11 p.m. Officers Reid and Shandler responded to the scene of a reported house arson. The target of the arson was a group home for persons with psychiatric disabilities who were in transition back into the community. Investigation revealed that neighbors had expressed many concerns about the group home and were angry that the house was located in their community. Shortly before the fire was reported, a witness heard a male voice state, "I'll get rid of those 'crazies.' I'll burn them out."

Crime Classification: Arson

Bias Classification: Anti-Mental Disability

Reasons: The suspect committed the crime of arson primarily because of his bias against persons with psychiatric disabilities. The witness heard a statement that supports the bias motivation finding.

Exercise (9): While on patrol in his police car, Officer Lopez noticed an individual, who later identified himself as Mr. Chopra, attempting to scrub some painted words and markings off of his car, which was parked outside the apartment building where he lives. Officer Lopez asked Mr. Chopra what happened to his car. Mr. Chopra explained that he had moved into the neighborhood three weeks ago and unknown persons had repeatedly painted his car and the door of his apartment with Anti-Black or African American symbols and slogans. Mr. Chopra said he did not understand why this was happening to him because he is not African American and he had immigrated to the United States from India.

Crime Classification: Destruction/Damage/Vandalism of Property

Bias Classification: Anti-Black or African American

Reasons: Although Mr. Chopra is not African American, it is the perception of the offenders that he is a member of a minority against which they are biased. Even when offenders

erroneously target the victims, their offenses are still bias-motivated crimes because the offenders were motivated by bias.

Note: Additional scenarios of bias motivations are provided in Section IV.

APPENDIX I

Hate Crime Statistics Act

As Amended, 28 U.S.C. § 534

§ "[Sec. 1.] (a) This Act may be cited as the 'Hate Crime Statistics Act'.
  "(b)

        (1) Under the authority of section 534 of title 28, United States Code, the Attorney General shall acquire data, for each calendar year, about crimes that manifest evidence of prejudice based on race, gender and gender identity, religion, disability, sexual orientation, or ethnicity, including where appropriate the crimes of murder, non-negligent manslaughter; forcible rape; aggravated assault, simple assault, intimidation; arson; and destruction, damage or vandalism of property.
        "(2) The Attorney General shall establish guidelines for the collection of such data including the necessary evidence and criteria that must be present for a finding of manifest prejudice and procedures for carrying out the purposes of this section.
        "(3) Nothing in this section creates a cause of action or a right to bring an action, including an action based on discrimination due to sexual orientation. As used in this section, the term 'sexual orientation' means consensual homosexuality or heterosexuality. This subsection does not limit any existing cause of action or right to bring an action, including any action under the Administrative Procedure Act or the All Writs Act [5 U.S.C.S. §§ 551 et seq. or 28 U.S.C.S. § 1651].
        "(4) Data acquired under this section shall be used only for research or statistical purposes and may not contain any information that may reveal the identity of an individual victim of a crime.
        "(5) The Attorney General shall publish an annual summary of the data acquired under this section, including data about crimes committed by, and crimes directed against, juveniles.
        "(c) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section through fiscal year 2002.
        "Sec. 2. (a) Congress finds that—
        "(1) the American family life is the foundation of American Society,
        "(2) Federal policy should encourage the well-being, financial security, and health of the American family,
        "(3) schools should not de-emphasize the critical value of American family life.
  "(b) Nothing in this Act shall be construed, nor shall any funds appropriated to carry out the purpose of the Act be used, to promote or encourage homosexuality."

CHRONOLOGY OF ACT AND AMENDMENTS

1990—Congress passed the Hate Crime Statistics Act to collect data "about crimes that manifest evidence of prejudice based on race, religion, sexual orientation, or ethnicity."

1994—The Violent Crime and Law Enforcement Act of 1994 amended The Act to include bias against persons with disabilities.

1996—The Church Arson Prevention Act removed the sunset clause from the original statute and mandated that hate crime data collection become a permanent part of the UCR Program.

2009—The Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act amended the FBI's collection to include statistics on hate crimes based on gender and gender identity prejudices, as well as hate crimes committed by/directed against juveniles.

APPENDIX II

SUBMITTING HATE CRIME DATA TO THE FBI's UCR PROGRAM

There are two methods for reporting hate crime data to the FBI's UCR Program: the hate crime data element in the NIBRS and the Hate Crime Incident Report and/or the Quarterly Hate Crime Report. The offenses that are reported must be reported in accordance with the requirements of the NIBRS or SRS, depending on which system is applicable.

A. NIBRS Hate Crime Reporting

1. Who submits hate crime data in the NIBRS format? Agencies participating in the NIBRS include the hate crime data element in their electronic data submissions.

2. How are the data transmitted? NIBRS participants use Data Element 8A, Bias Motivation, as a mandatory data element with the electronic submission of each Group A offense at the end of the Offense Segment (Level 2). The technical and coding requirements for reporting data in the NIBRS are provided in the *NIBRS Technical Specification,* which are available at www.fbi.gov/about-us/cjis/ucr/nibrs. The submission of the Hate Crime Incident Report and the Quarterly Hate Crime Report are not necessary for NIBRS participants.

3. To which offenses does the hate crime data element apply? The hate crime data element applies to all Group A offenses. They are listed below. (The numbers in parentheses are UCR Offense Codes for NIBRS.)

200 = Arson

Assault Offenses:
      13A = Aggravated Assault
      13B = Simple Assault
      13C = Intimidation

510 = Bribery

220 = Burglary/Breaking and Entering

250 = Counterfeiting/Forgery

290 = Destruction/Damage/Vandalism of Property

Drug/Narcotic Offenses:
      35A = Drug/Narcotic Violations
      35B = Drug/Equipment Violations

270 = Embezzlement

210 = Extortion/Blackmail

Fraud Offenses:
      26A = False Pretenses/Swindle/Confidence Game
      26B = Credit Card/Automated Teller Machine Fraud
      26C = Impersonation
      26D = Welfare Fraud
      26E = Wire Fraud

Gambling Offenses:
      39A = Betting/Wagering
      39B = Operating/Promoting/Assisting Gambling
      39C = Gambling Equipment Violations
      39D = Sports Tampering

Homicide Offenses:
      09A = Murder and Nonnegligent Manslaughter
      09B = Negligent Manslaughter

Human Trafficking Offenses:
      64A = Commercial Sex Acts
      64B = Involuntary Servitude

100 = Kidnapping/Abduction

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

240 = Motor Vehicle Theft

370 = Pornography/Obscene Material

Prostitution Offenses:
      40A = Prostitution
      40B = Assisting or Promoting Prostitution
      40C = Purchasing Prostitution

120 = Robbery

.   Sex Offenses:
        11A = Rape
        11B = Sodomy
        11C = Sexual Assault With An Object
        11D = Fondling
        36A = Incest
        36B = Statutory Rape

    280 = Stolen Property Offenses

    520 = Weapon Law Violations

The definitions of these offenses for reporting hate crime in the NIBRS can be found in Appendix III.

      4. How does NIBRS Data Element 8A, Bias Motivation, work? This data element indicates whether the offender was motivated, in whole or in part, to commit the offense because of his/her bias against a race, religion, disability, sexual orientation, ethnicity, gender, or gender identity. Because of the difficulty of ascertaining the offender's subjective motivation, bias is to be reported *only if* investigation reveals sufficient objective facts to lead a reasonable and prudent person to conclude that the offender's actions were motivated, in whole or in part, by bias. The most appropriate of the following codes is to be entered into the data element:

Race:
        11 = Anti-White
        12 = Anti-Black or African American
        13 = Anti-American Indian or Alaska Native
        14 = Anti-Asian
        15 = Anti-Multiple Races, Group[2]
        16 = Anti-Native Hawaiian or Other Pacific Islander

Religion:
        21 = Anti-Jewish
        22 = Anti-Catholic
        23 = Anti-Protestant
        24 = Anti-Islamic (Muslim)
        25 = Anti-Other Religion
        26 = Anti-Multiple Religions, Group[2]
        27 = Anti-Atheism/Agnosticism

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[2]If within the race or religion category, one or more specific bias motivations occur, the multiple group type should be reported.

Ethnicity:
      32 = Anti-Hispanic or Latino
      33 = Anti-Not Hispanic or Latino

Sexual Orientation:
      41 = Anti-Gay (Male)
      42 = Anti-Lesbian
      43 = Anti-Lesbian, Gay, Bisexual, or Transgender (Mixed Group)[3]
      44 = Anti-Heterosexual
      45 = Anti-Bisexual

Disability:
      51 = Anti-Physical Disability
      52 = Anti-Mental Disability

Gender:
      61 = Anti-Male
      62 = Anti-Female

Gender Identity:
      71 = Anti-Transgender
      72 = Anti-Gender Non-Conforming

None/Unknown: (NIBRS submissions only)
      88 = None (no bias)
      99 = Unknown (offender's motivation not known)

Note: In the NIBRS, incidents which do not involve any facts indicating bias motivation on the part of the offender are to be coded as 88 = None, while incidents involving ambiguous facts (i.e., where some facts are present but are not conclusive) should be coded as 99 = Unknown. The intent of bias motivation code 99 = Unknown is to allow an agency to report a crime in which bias motivation is unknown or when the investigation has not been completed. When it is determined the presence of bias motivation is conclusive, the reported bias motivation code 99 = Unknown should be modified to indicate the results of the subsequent investigation. Law enforcement agencies should be diligent in modifying these types of situations as they become known. A review of year-end hate crime data should have few, if any, hate crimes coded as 99 = Unknown.

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[3]Lesbian, Gay, Bisexual, or Transgender is referred to as LGBT.

B.   SRS Hate Crime Reporting

   1. Who submits the Hate Crime Incident Report and/or the Quarterly Hate Crime Report? Agencies that participate in the SRS submit the Hate Crime Incident Report and/or the Quarterly Hate Crime Report, along with the UCR Program requirements; i.e., the offenses which are reported using the incident report must also be reported in accordance with the requirements of the SRS.

   2. How are the data transmitted? (a) Agencies may submit the Hate Crime Incident Report and/or the Quarterly Hate Crime Report and (b) State UCR Programs which transmit their agencies' data in an electronic format may obtain electronic data submission specifications from the FBI's UCR program in order to include hate crime data as part of their regular SRS submissions. The hate crime data submission specifications are provided in *Hate Crime Electronic Submission Specifications for the Summary Reporting System*, which is available at www.fbi.gov/about-us/cjis/ucr/hate-crime.

   3. What does the Hate Crime Incident Report and/or the Quarterly Hate Crime Report look like? The Hate Crime Incident Report and the Quarterly Hate Crime Report are available at www.fbi.gov/about-us/cjis/ucr/reportingforms/quarterly-hate-crime-report.

   4. What offenses are to be reported? SRS agencies should use the Hate Crime Incident Report to report the following offense categories:

     01 = Murder and Nonnegligent Manslaughter
     02 = Rape
     03 = Robbery
     04 = Aggravated Assault
     05 = Burglary
     06 = Larceny-theft
     07 = Motor Vehicle Theft
     08 = Arson
     09 = Simple Assault
     10 = Intimidation
     11 = Destruction/Damage/Vandalism of Property

The definitions of these offenses for reporting hate crime on the Hate Crime Incident Report can be found in Appendix III.

   5. Additional instructions — The following additional instructions are applicable to law enforcement agencies submitting Hate Crime Incident Reports:

   a. Simple Assault and Intimidation — In the SRS, Simple Assault and Intimidation are not reported separately. Both are reported on the Return A—Monthly Return of

Offenses Known to the Police form as Other Assaults-Simple, Not Aggravated. For the purpose of hate crime reporting, SRS agencies should report Simple Assault and Intimidation separately using the definitions found in Appendix III.

b. Destruction/Damage/Vandalism of Property — In the SRS, Vandalism is reported on the Age, Sex, Race, and Ethnicity of Persons Arrested form only when arrests occur. Likewise, destruction and damage of property, which may be reported as either Vandalism or All Other Offenses depending on the facts of the case, are reported only when arrests occur. However, for the purpose of hate crime reporting, all three offenses fall into the category of Destruction/Damage/Vandalism of Property and should be reported regardless of whether arrests have taken place. The offense is defined in Appendix III.

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

d. UCR Offense and Code Segment — The number of victims involved in each offense for which bias/hate motivation has been determined should be listed. When Individual is reported as the Victim Type, the Total Number of Victims, Total Number of Victims 18 and over, and Total Number of Victims under 18 must also be reported. Similar information on the offender, if known, is collected.

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

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

e. Updating — For updating purposes, a copy of the report should be retained by the agency. Corrections/updates should be accomplished by sending a corrected Quarterly Hate Crime Report and/or Hate Crime Incident Report with changes made and "adjustment" indicated or by sending an adjusted record in an electronic submission. Incidents can be deleted by simply identifying them on the Quarterly Hate Crime Report Summary Page.

Note: In the hate crime data collection, more than one offense can be reported within each incident once it is determined the offense(s) was motivated by bias. Certain combinations of offenses, however, cannot occur to the same victim. Specifically, Mutually Exclusive offenses are offenses that cannot occur to the same victim according to UCR definitions. Lesser Included

offenses are offenses where one offense is an element of another offense and cannot be reported as having happened to the victim along with the other offense. If reporting a hate crime on the Hate Crime Incident Report, only the Lesser Included offenses are applicable:

Murder and Nonnegligent Manslaughter
Mutually Exclusive: Negligent Manslaughter
Lesser Included: Aggravated Assault, Simple Assault, and Intimidation

Negligent Manslaughter
Mutually Exclusive: Murder, Aggravated Assault, and Simple Assault, and Intimidation

Rape
Mutually Exclusive: Incest and Statutory Rape
Lesser Included: Aggravated Assault, Simple Assault, Intimidation, and Fondling

Sodomy
Mutually Exclusive: Incest and Statutory Rape
Lesser Included: Aggravated Assault, Simple Assault, Intimidation, and Fondling

Sexual Assault With an Object
Mutually Exclusive: Incest and Statutory Rape
Lesser Included: Aggravated Assault, Simple Assault, Intimidation, and Fondling

Fondling
Mutually Exclusive: Incest and Statutory Rape
Lesser Included: Simple Assault and Intimidation

Robbery
Lesser Included: Aggravated Assault, Simple Assault, Intimidation, Larceny-Theft Offenses, and Motor Vehicle Theft

Aggravated Assault
Lesser Included: Simple Assault and Intimidation

Simple Assault
Lesser Included: Intimidation

Incest
Mutually Exclusive: Rape, Sodomy, Sexual Assault With an Object, and Fondling

Statutory Rape
Mutually Exclusive: Rape, Sodomy, Sexual Assault With an Object, and Fondling

APPENDIX III

UCR OFFENSE DEFINITIONS

A.   Offenses and Definitions Collected in the NIBRS

Arson—To unlawfully and intentionally damage, or attempt to damage, any real or personal property by fire or incendiary device.

Assault Offenses—An unlawful attack by one person upon another.

    Aggravated Assault—An unlawful attack by one person upon another wherein the offender uses a weapon or displays it in a threatening manner, or the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness. This also includes assault with disease (as in cases when the offender is aware that he/she is infected with a deadly disease and deliberately attempts to inflict the disease by biting, spitting, etc.).

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

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

Bribery—(Except "Sports Bribery") The offering, giving, receiving, or soliciting of anything of value (i.e., a bribe, gratuity, or kickback) to sway the judgment or action of a person in a position of trust or influence.

Burglary/Breaking and Entering—The unlawful entry into a building or other structure with the intent to commit a felony or a theft.

Counterfeiting/Forgery—The altering, copying, or imitation of something, without authority or right, with the intent to deceive or defraud by passing the copy or thing altered or imitated as that which is original or genuine; or the selling, buying, or possession of an altered, copied, or imitated thing with the intent to deceive or defraud.

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

Drug/Narcotic Offenses—(Except "Driving Under the Influence") The violation of laws prohibiting the production, distribution, and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use.

Drug/Narcotic Violations—The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation, or importation of any controlled drug or narcotic substance.

Drug Equipment Violations—The unlawful manufacture, sale, purchase, possession, or transportation of equipment or devices utilized in preparing and/or using drugs or narcotics.

Embezzlement—The unlawful misappropriation by an offender to his/her own use or purpose of money, property, or some other thing of value entrusted to his/her care, custody, or control.

Extortion/Blackmail—To unlawfully obtain money, property, or any other thing of value, either tangible or intangible, through the use or threat of force, misuse of authority, threat of criminal prosecution, threat of destruction of reputation or social standing, or through other coercive means.

Fraud Offenses—(Except "Counterfeiting/Forgery" and "Bad Checks") The intentional perversion of the truth for the purpose of inducing another person, or other entity, in reliance upon it to part with something of value or to surrender a legal right.

False Pretenses/Swindle/Confidence Game—The intentional misrepresentation of existing fact or condition, or the use of some other deceptive scheme or device, to obtain money, goods, or other things of value.

Credit Card/Automated Teller Machine Fraud—The unlawful use of a credit (or debit) card or automated teller machine for fraudulent purposes.

Impersonation—Falsely representing one's identity or position, and acting in the character or position thus unlawfully assumed, to deceive others and thereby gain a profit or advantage, enjoy some right or privilege, or subject another person or entity to an expense, charge, or liability which would not have otherwise been incurred.

Welfare Fraud—The use of deceitful statements, practices, or devices to unlawfully obtain welfare benefits.

Wire Fraud—The use of an electric or electronic communications facility to intentionally transmit a false and/or deceptive message in furtherance of a fraudulent activity.

Gambling Offenses—To unlawfully bet or wager money or something else of value; assist, promote, or operate a game of chance for money or some other stake; possess or transmit wagering information; manufacture, sell, purchase, possess, or transport gambling equipment, devices or goods; or tamper with the outcome of a sporting event or contest to gain a gambling advantage.

Betting/Wagering—To unlawfully stake money or something else of value on the happening of an uncertain event or on the ascertainment of a fact in dispute.

Operating/Promoting/Assisting Gambling—To unlawfully operate, promote, or assist in the operation of a game of chance, lottery, or other gambling activity.

Gambling Equipment Violations—To unlawfully manufacture, sell, buy, possess, or transport equipment, devices, and/or goods used for gambling purposes.

Sports Tampering—To unlawfully alter, meddle in, or otherwise interfere with a sporting contest or event for the purpose of gaining a gambling advantage.

Homicide Offenses—The killing of one human being by another.

Murder and Nonnegligent Manslaughter—The willful (nonnegligent) killing of one human being by another.

Negligent Manslaughter—The killing of another person through negligence.

Human Trafficking Offenses—The inducement of a person to perform a commercial sex act, or labor, or services, through force, fraud, or coercion. Human trafficking has also occurred if a person under 18 persons of age has been induced, or enticed, regardless of force, fraud, or coercion, to perform a commercial sex act.

Commercial Sex Acts—Inducing a person by force, fraud, or coercion to participate in commercial sex acts, or in which the person induced to perform such act(s) has not attained 18 years of age.

Involuntary Servitude—The obtaining of a person(s) through recruitment, harboring, transportation, or provision, and subjecting such persons by force, fraud, or coercion into voluntary servitude, peonage, debt bondage, or slavery (not to include commercial sex acts).

Kidnapping/Abduction—The unlawful seizure, transportation, and/or detention of a person against his/her will, or of a minor without the consent of his/her custodial parent(s) or legal guardian.

Larceny/Theft Offenses—The unlawful taking, carrying, leading, or riding away of property from the possession, or constructive possession, of another person.

Pocket-picking—The theft of articles from another person's physical possession by stealth where the victim usually does not become immediately aware of the theft.

Purse-snatching—The grabbing or snatching of a purse, handbag, etc., from the physical possession of another person.

Shoplifting—The theft, by someone other than an employee of the victim, of goods or merchandise exposed for sale.

Theft From Building—A theft from within a building which is either open to the general public or where the offender has legal access.

Theft From Coin-Operated Machine or Device—A theft from a machine or device which is operated or activated by the use of coins.

Theft From Motor Vehicle—(Except "Theft of Motor Vehicle Parts or Accessories") The theft of articles from a motor vehicle, whether locked or unlocked.

Theft of Motor Vehicle Parts or Accessories—The theft of any part or accessory affixed to the interior or exterior of a motor vehicle in a manner which would make the item an attachment of the vehicle, or necessary for its operation.

All Other Larceny—All thefts which do not fit any of the definitions of the specific subcategories of Larceny/Theft listed above.

Motor Vehicle Theft—The theft of a motor vehicle.

Pornography/Obscene Material—The violation of laws or ordinances prohibiting the manufacture, publishing, sale, purchase, or possession of sexually explicit material, e.g., literature, photographs, etc.

Prostitution Offenses—To unlawfully engage in or promote sexual activities for anything of value.

Prostitution—To engage in commercial sex acts for anything of value.

Assisting or Promoting Prostitution—To solicit customers or transport persons for prostitution purposes; to own, manage, or operate a dwelling or other establishment for the purpose of providing a place where prostitution is performed; or to otherwise assist or promote prostitution.

Purchasing Prostitution—To purchase or trade anything of value for commercial sex acts.

Robbery—The taking, or attempting to take, anything of value under confrontational circumstances from the control, custody, or care of another person by force or threat of force or violence and/or by putting the victim in fear of immediate harm.

Sex Offenses—Any sexual act directed against another person, without the consent of the victim including instances where the victim is incapable of giving consent.

Rape—(Except "Statutory Rape") The carnal knowledge of a person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

Sodomy—Oral or anal sexual intercourse with another person, without the consent of the victim including instances where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

Sexual Assault With An Object—To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, including instances where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

Fondling—The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

Sex Offenses, Nonforcible—(Except "Prostitution Offenses") Unlawful, nonforcible sexual intercourse.

Incest—Nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

Statutory Rape—Nonforcible sexual intercourse with a person who is under the statutory age of consent.

Stolen Property Offenses—Receiving, buying, selling, possessing, concealing, or transporting any property with the knowledge that it has been unlawfully taken, as by Burglary, Embezzlement, Fraud, Larceny, Robbery, etc.

Weapon Law Violations—The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices, or other deadly weapons.

B.   Offenses and Definitions Collected on the Hate Crime Incident Report

Murder and Nonnegligent Manslaughter—The willful (nonnegligent) killing of one human being by another. Deaths caused by negligence, attempts to kill, assaults to kill, suicides, accidental deaths, and justifiable homicides are excluded.

Rape—Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

Robbery—The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

Aggravated Assault—An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the

use of a weapon or by means likely to produce death or great bodily harm. Simple assaults are excluded.

Burglary (Breaking or Entering)—The unlawful entry of a structure to commit a felony or a theft. Attempted forcible entry is included.

Larceny-theft (Except Motor Vehicle Theft)—The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. Examples are thefts of bicycles or automobile accessories, shoplifting, pocket-picking, or the stealing of any property or article which is not taken by force and violence or by fraud. Attempted larcenies are included. Embezzlement, confidence games, forgery, worthless checks, etc., are excluded.

Motor Vehicle Theft—The theft or attempted theft of a motor vehicle. A motor vehicle is self–propelled and runs on the surface and not on rails. Specifically excluded from this category are motorboats, construction equipment, airplanes, and farming equipment.

Arson—Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.

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

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

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

APPENDIX IV

UCR HATE CRIME STATISTICS DATA

The FBI annually publishes *Hate Crime Statistics*. This publication includes data on criminal offenses that are motivated, in whole or in part, by the offender's bias against a race, religion, disability, sexual orientation, ethnicity, gender, or gender identity.

More detailed data (e.g., the subcategory breakdowns of bias motivations, the known offenders' races, and the victim types for each agency submitting hate crime data to the UCR Program) are furnished in the UCR Program's Hate Crime Master Files. For information on obtaining these data, please contact the FBI's Criminal Justice Information Services Division via e-mail at cjis_comm@leo.gov or by telephone at (304) 625-4995.

APPENDIX V

OMB RACE DEFINITIONS

The OMB is part of the Executive Office of the President. The OMB is comprised of four resource management offices, which were created by statute. The Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. Chapter 35) established the Office of Information and Regulatory Affairs within the OMB to develop and oversee the implementation of Government-wide policies, principles, standards, and guidelines concerning statistical collection procedures and methods. The PRA covers all aspects of Federal information resources management, including OMB review and approval of agency information collection. This oversight involves a triennial review and approval of all FBI UCR Program reporting forms. Therefore, compliance with the OMB's directives is imperative to the national UCR Program's operations.

In 1994, in response to the need to reflect the increasing diversity of the population of the United States, OMB began a comprehensive review of the racial and ethnic categories being used in collaboration with the Interagency Committee for the Review of the Racial and Ethnic Standards. The OMB accepted the recommendations of the Interagency Committee in 1997 and released standards for federal data on race. Because the FBI's UCR Program had been granted a temporary variance, the program held the changes in abeyance until its data submission methods were updated. In order to conform to the new guidelines, the FBI issued its own guidance on how law enforcement agencies should collect and maintain race and ethnicity data. These revised standards have two categories for data on ethnicity and five minimum categories for data on race. The new categories and their definitions are as follow:

Ethnic Categories (Hispanic or Latino and Not Hispanic or Latino)
Hispanic or Latino: A person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race. The term, "Spanish origin," can be used in addition to "Hispanic or Latino."

Racial Categories
American Indian or Alaska Native: A person having origins in any of the original peoples of North and South America (including Central America) and who maintains tribal affiliation or community attachment.

Asian: A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam.

Black or African American: A person having origins in any of the black racial groups of Africa.

Native Hawaiian or Other Pacific Islander: A person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.

White: A person having origins in any of the original peoples of Europe, the Middle East, or North Africa.

APPENDIX VI

ORGANIZATIONS OFFERING INFORMATION CONCERNING ANTI-BIAS EDUCATION

American Association of University Women
1111 Sixteenth Street, NW
Washington, DC 20036
www.aauw.org

Anti-Defamation League
605 Third Avenue
New York, New York 10158-3560
www.adl.org

Human Rights Campaign
1640 Rhode Island Avenue, NW
Washington, DC 20036
www.hrc.org

International Association of Chiefs of Police
515 North Washington Street
Alexandria, Virginia 22314
http://www.theiacp.org

The Leadership Conference on Civil and Human Rights
10th Floor
1629 K Street, NW
Washington, DC 20006
www.civilrights.org

National Center for Transgender Equality
Suite 700
1325 Massachusetts Avenue, NW
Washington, DC 20005
http://transequality.org

National Council of Jewish Women (NCJW)
Suite 1901
475 Riverside Drive
New York, New York 10115
http://www.ncjw.org

National Disability Rights Network
Suite 211
900 Second Street, NE
Washington, DC 20002
http://www.napas.org

National Gay and Lesbian Task Force
6th Floor
1325 Massachusetts Avenue, NW
Washington, DC 20005
www.theTaskForce.org

APPENDIX VII

DEPARTMENT OF JUSTICE, COMMUNITY RELATIONS SERVICE, REGIONAL OFFICES

The Community Relations Service (CRS) serves as *"America's Peacemaker"* for the U.S. Department of Justice, by responding to community conflicts that arise from differences of race, color, and national origin. CRS helps communities mediate disputes, provides conflict resolution training, and helps communities enhance their capacity to independently prevent and resolve future conflicts.

New England Regional Office (Region I—ME, VT, NH, MA, CT, RI)
Suite 222
408 Atlantic Avenue
Boston, Massachusetts 02110
Telephone: (617) 424-5715
Facsimile: (617) 424-5727

Northeast Regional Office (Region II—NY, NJ, VI, PR)
Suite 36-118
26 Federal Plaza
New York, New York 10278
Telephone: (212) 264-0700
Facsimile: (212) 264-2143

Mid-Atlantic Regional Office (Region III—DC, DE, MD, PA, VA, WV)
Suite 208
200 2nd & Chestnut Street
Philadelphia, Pennsylvania 19106
Telephone: (215) 597-2344
Facsimile: (215) 597-9148

Southeast Regional Office (Region IV—AL, FL, GA, KY, MS, NC, SC, TN)
Suite 900
75 Piedmont Avenue, NE
Atlanta, Georgia 30303
Telephone: (404) 331-6883
Facsimile: (404) 331-4471

Midwest Regional Office (Region V—IL, IN, MI, MN, OH, WI)
Room 2130
230 South Dearborn Street
Chicago, Illinois 60604
Telephone: (312) 353-4391
Facsimile: (312) 353-4390

Southwest Regional Office (Region VI—AR, LA, NM, OK, TX)
Suite 2050
1999 Bryan Street
Dallas, Texas 75201
Telephone: (214) 655-8175
Facsimile: (214) 655-8184

Central Regional Office (Region VII—IA, KS, MO, NE)
Suite 0802
601 E. 12th Street
Kansas City, Missouri 64106
Telephone: (816) 426-7434
Facsimile: (816) 426-7441

Rocky Mountain Regional Office (Region VIII—CO, MT, ND, SD, UT, WY)
Suite 650
1244 Speer Boulevard
Denver, Colorado 80204-3584
Telephone: (303) 844-2973
Facsimile: (303) 844-2907

Western Regional Office (Region IX—AZ, CA, GU, HI, NV)
Suite 1880
888 S. Figueroa Street
Los Angeles, California 90017
Telephone: (213) 894-2941
Facsimile: (213) 894-2880

Northwest Regional Office (Region X—AK, ID, OR, WA)
Suite 1808
915 Second Avenue
Seattle, Washington 98174
Telephone: (206) 220-6706
Facsimile: (206) 220-6706

Field Offices
Suite 624
51 S.W. First Avenue
Miami, Florida 33130
Telephone: (305) 536-5206
Facsimile: (305) 536-6778

Suite 1404
211 W. Fort Street
Detroit, Michigan 48226
Telephone: (313) 226-4010
Facsimile: (313) 226-2568

Suite 12605
515 Rusk Avenue
Houston, Texas 77002
Telephone: (713) 718-4861
Facsimile: (713) 718-4862

Suite 3-330
90 Seventh Street
San Francisco, California 94103
Telephone: (415) 744-6565
Facsimile: (415) 744-6590